

M I N U T E S

LEGISLATIVE COUNCIL MEETING

September 17, 1975

The fifth meeting of the 1975-1976 Iowa Legislative Council was called to order by the Council Chairperson, Speaker Dale M. Cochran, at 10:15 a.m., Wednesday, September 17, 1975, in the Speaker's Room of the State House, Des Moines, Iowa. Members attending the meeting in addition to Speaker Cochran were:

Senator Minnette F. Doderer, Vice Chairperson
Lieutenant Governor Arthur A. Neu
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator George R. Kinley
Senator Clifton C. Lamborn
Senator Steve Sovern
Senator Bass Van Gilst
Representative Elmer H. Den Herder
Representative Donald V. Doyle
Representative Keith Dunton
Representative Jerome Fitzgerald
Representative William J. Hargrave
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn Stromer
Representative Andrew Varley

Also present for the meeting was Representative Greg Cusack. In addition, a number of legislative staff personnel, representatives of the news media and various other interested persons were also present.

On motion of Senator Doderer, seconded by Senator Sovern, the minutes of the August 20 Legislative Council meeting were approved as previously submitted to Council members.

Representative Millen inquired what had transpired since the Council's August meeting in regard to the request of General Services Director Stanley McCausland to have someone or some legislative committee or subcommittee designated to work with him on space requirements of the General Assembly within the State House, referred to on page 2 of the minutes of that meeting. Chairperson Cochran replied that he had heard nothing further from Mr. McCausland on this matter. Representative Millen then inquired about the statement on page 9 of the minutes of that meeting to the effect that a completed list of interim subcommittee appointments would be mailed to Council members "within the next few days". Legislative Service Bureau Director Serge Garrison stated that this

list had in fact been mailed only a day or two earlier, and was not actually completed when mailed.

Senator Kinley initiated a discussion of what legislators are authorized to go, and actually plan to go, to the meeting being arranged for Legislative Council members with members of the Iowa Congressional delegation in Washington, D.C. on September 29 and to the annual meeting of the National Conference of State Legislatures (NCSL) in Philadelphia in early October. He explained that Senator Roger Shaff would apparently be entitled to attend the NCSL since he is an assistant minority floor leader, but had not been included in the planning for the Washington meeting because he does not presently serve on the Legislative Council. However, Senator Shaff has indicated that he feels the Washington meeting would be of more benefit to him, and has therefore asked for the opportunity to attend that meeting rather than the NCSL meeting. Lieutenant Governor Neu commented that Senator James V. Gallagher has asked to be included in the Iowa delegation to the NCSL annual meeting.

In connection with this discussion, Mr. Garrison distributed copies of information in regard to plans for the Council's meeting with the Iowa Congressional delegation in Washington, and briefly reviewed the material.

In the course of the discussion, Senator Hill asserted that attendance at such out-of-state legislative meetings should be limited to Council members, and other legislators authorized to attend by a majority vote of the Council. Senator Briles said he believes it is too late for the Council to seek to change, with respect to meetings to be held during the balance of 1975, policies which have been followed in previous years by past Councils.

Senator Doderer expressed agreement with Senator Briles, and moved that the Council Chairperson designate a committee of the Council to recommend a policy on attendance by legislators at out-of-state meetings next year. The motion was seconded by Representative Middleswart.

Senator Hill noted that the NCSL now has a number of committees and task forces on which legislators from various states serve. He moved to amend Senator Doderer's motion to instruct the Council committee which is designated to study the matter to also consider a requirement that any Iowa legislator who accepts appointment to such a committee or task force must first obtain approval of the Legislative Council unless the legislator is willing to serve on the committee or task force without receiving per diem or reimbursement of expenses. Senator Hill's motion to amend was seconded by Senator Kinley.

Chairperson Cochran noted that he had received from NCSL in February a list of Iowa House members who had received and accepted invitations to serve on NCSL committees and task forces. He added that he had expressed concern to NCSL staff heads about this situation, and has subsequently been assured that he will in

the future be notified in advance when it is proposed to invite Iowa House members to serve on NCSL committees and task forces, and also that no more than one Iowa House member will be asked to serve on any one committee or task force.

Senator Lamborn raised the question whether it is not the presiding officers of the Senate and House, rather than the Legislative Council, who have authority to approve out-of-state travel by legislators. There was a brief discussion, Mr. Garrison stating that the Legislative Council's statutory authority is actually limited to controlling its own activities and those of study committees, interim subcommittees, etc. It was noted, however, that presiding officers have in the past at times sought Council guidance on approval or disapproval of out-of-state travel requests by individual legislators.

Senator Kinley stated that, with respect to the forthcoming Washington meeting between members of the Legislative Council and the Iowa Congressional delegation, it did not appear to him to be necessary or desirable for all members of the Council to attend. He then moved as a substitute for Senator Doderer's earlier motion that the Council defer the entire matter until the afternoon session of the present meeting. The motion was seconded by Representative Hargrave.

Senator Doderer stated that while she would not object to Senator Kinley's motion too defer, before final disposition she would like to reconsider the date of the Washington meeting. She and Senator Hill expressed the view that the meeting should have been scheduled for Monday, October 6, so that Council members who attended could continue directly to the NCSL annual meeting in Philadelphia rather than making two round trips to the East coast. Senator Briles objected that it was much too late to try to change the date of the Washington meeting. Chairperson Cochran commented that the October 6 date had earlier been considered, for the reasons suggested by Senator Doderer and Senator Hill, but that the Washington Congressional staff who were involved in arranging the meeting did not feel that the October 6 date was a desirable one. He added, however, that the Legislative Service Bureau would check the possibility of changing the meeting date during the noon recess.

There being no objections to the motion to defer the matter until the afternoon session, it was so ordered.

Mr. Garrison reviewed progress to date of interim study committees and joint interim subcommittees. He expressed concern regarding the rate of progress, and the prospect of having sufficient Legislative Service Bureau staff time for work on individual bill drafting requests prior to the 1976 session.

Senator Kinley moved that the Council request that all study committees and interim subcommittees be prepared to report to the Council on November 19-20. The motion was seconded by Representative Stromer.

There was a brief discussion, in the course of which it was noted that if it is impossible for an interim study committee or joint interim subcommittee to complete its work and report by the November 19-20 date, the Council may be asked for an extension of time for the particular study involved. However, Chairperson Cochran expressed hope that not many such requests for extension would be received. Senator Kinley's motion was then adopted by a unanimous voice vote.

Copies of a letter sent to the Council on behalf of Senator William Gluba and Representative Tom Higgins, Chairpersons of the Senate and House Standing Committees on Human Resources, were distributed to Council members for their consideration. A copy of the letter is attached to and by this reference made a part of these minutes.

With respect to the first of the three requests enumerated in the attached letter, Representative Cusack stated that the Governor has agreed to appoint a task force to aid any interim study committee or subcommittee established by the Legislature. He also asserted that the Speaker and Majority Leader of the House had felt that the Social Services and Human Resources Study Committee established pursuant to SJR 13 would have as a part of its responsibility consideration of the future status of the Drug Abuse Authority and the Commission on Alcoholism. However, it appears that neither the Council nor the Study Committee is interpreting SJR 13 in that manner. He added that the work of a special task force which he had named to explore this problem during the 1975 session of the General Assembly will provide valuable input for the proposed legislative study.

Representative Cusack continued that while he personally would prefer to see the establishment of a new joint interim subcommittee to consider the future status of the Drug Abuse Authority and the Commission on Alcoholism, he can appreciate the Council's reluctance to create more study committees or joint interim subcommittees. He therefore suggested that, as an alternative, the Social Services and Mental Health Study Committee be specifically instructed to include this matter within the scope of its work.

Senator DeKoster suggested that the Council simply approve per diem and expenses for a limited number of legislators who would be appointed to help study this matter, and request that the Governor name those legislators to his prospective task force. Representative Cusack replied that the Governor is reluctant to place legislators on his task forces.

After further discussion, Representative Hargrave suggested the possibility of assigning the subject of future status of the Commission on Alcoholism and the Drug Abuse Authority to the Social Services and Mental Health Study Committee, with the provision that the Study Committee could ask additional legislators

who have expertise in this area but are not members of the Study Committee to participate with it at those meetings where that subject is under consideration, and could pay these legislators per diem and expenses from the \$50,000 appropriation provided by SJR 13. Senator Kinley expressed approval of Representative Hargrave's proposal, but questioned whether it could legally be put into effect.

It was then agreed to defer further consideration of item #1 of the attached letter until the afternoon session. Senator Sovern moved that the Council request that the Human Resources Visitation Committee accept responsibility for the subject matter of item #2 and also for the matter discussed in the final paragraph of the attached letter. The motion was seconded by Senator DeKoster and unanimously adopted.

The meeting was recessed for lunch at 12:10 p.m. and reconvened by Chairperson Cochran in the Speaker's Room at 1:55 p.m.

There was further discussion of the proposal made by Representative Hargrave with respect to item #1 of the attached letter. Representative Hargrave said that the Study Committee could make use of the authority he has suggested to supplement its expertise in various other areas in which it might have subcommittees working during the balance of the 1975 interim.

Senator Hill expressed a preference for making any additional members who are to be involved in the work of the Social Services and Mental Health Study Committee full members of that Study Committee. He therefore moved that each of the Co-chairpersons of the Study Committee be authorized to nominate two additional members, to be confirmed by the Legislative Council. The motion was seconded by Senator Kinley.

Representative Stromer moved, as a substitute for Senator Hill's motion, that Representative Hargrave's proposal be accepted with the stipulation that there be no more than three meetings of any one subcommittee which would involve additional legislators serving as resource persons for that subcommittee. He noted that the Council had earlier asked all study committees to complete their work by mid-November, and that if Senator Hill's motion were adopted the additional members of the Study Committee could not begin attending until after mid-October.

Senator Kinley expressed a preference for Senator Hill's motion rather than Representative Stromer's substitute. He explained that if the subcommittees rely on the expertise of legislators who are not members of the full Study Committee, they will be at a disadvantage in explaining their proposals to other members of the Study Committee.

Representative Stromer's substitute motion failed on a voice vote.

Senator Van Gilst moved to amend Senator Hill's motion to the effect that each of the Co-chairpersons of the Social Services and Mental Health Study Committee be authorized to name two additional members who would begin serving immediately, but would be subject to confirmation by the Legislative Council at its October meeting. After several Council members expressed objection to delegating the Council's authority to appoint members of Study Committees, Senator Van Gilst withdrew his proposal to amend Senator Hill's motion.

Senator Doderer then moved to amend Senator Hill's motion to the effect that Representative Hargrave as Co-chairperson of the Social Services and Mental Health Study Committee contact Senator Charles Miller, the other Co-chairperson, agree on the legislators who should be added to the Study Committee and report back to the Council before the adjournment of the present meeting. After some additional discussion, Senator Doderer's amendment was adopted, after which Senator Hill's motion as thus amended was also adopted, both by voice votes.

Senator Hill moved that the third request embodied in the letter sent to the Council on behalf of Senator Gluba and Representative Higgins be approved. The motion was seconded by Senator Doderer. In the discussion which followed, Representative Millen said he would oppose paying Senator Gluba and Representative Higgins per diem for attending meetings of the "certificate of need" task force unless the members appointed by the Governor are also being paid for their work on this task force, and several other Council members expressed agreement on this point. Senator Hill and others argued that Senator Gluba and Representative Higgins would be engaged in legitimate legislative business, and should be paid.

The motion to approve the third recommendation was lost on a roll call vote of 10 aye to 8 nay, 11 votes being required for approval. Those voting aye were Chairperson Cochran, Vice Chairperson Doderer, Senators Hill, Kinley, Sovern and Van Gilst and Representatives Doyle, Dunton, Fitzgerald and Middleswart; those voting nay were Senators Briles, DeKoster, Hansen and Lamborn and Representatives Den Herder, Millen, Stromer and Varley; Representative Hargrave was not in the room when the vote was taken.

Senator Lamborn moved that Senator Gluba and Representative Higgins be authorized only reimbursement of expenses incurred by them in attending the meeting of the "certificate of need" task force. The motion was seconded by Senator DeKoster. Senator Kinley moved that the motion be deferred. Senator Kinley's motion to defer was carried by a voice vote.

Copies of a letter sent to the Council on behalf of Senator C. Joseph Coleman and Representative John B. Brunow, Co-chairpersons of the Transportation Finance Study Committee, were

distributed to Council members for their consideration. A copy of the letter is attached to and by this reference made a part of these minutes.

Representative Stromer moved that the request embodied in the letter be approved. The motion was seconded by Representative Middleswart and adopted by a voice vote, Senator Hill voting no.

Chairperson Cochran recognized House Chief Clerk David Wray, who stated that the House Administration Committee is interested in remodeling the Legislative Copy Center and Legislative Post Office enclosures in the second floor rotunda area. He suggested the possibility that this would permit increasing space within the Copy Center enclosure, and adding some type of public information facility to the Post Office complex. He noted that the Capitol Planning Commission is also interested in this project, and invited suggestions from Council members and other legislators.

Senator Doderer to presented the report of the Council's Service Committee. A copy of the report is attached to and by this reference made a part of these minutes.

Senator Doderer moved that the Council approve employment of Mary Richards by the Legislative Service Bureau as Legal Counsel I, as recommended by the Service Committee. The motion was seconded by Senator Briles and unanimously adopted.

Senator Doderer moved that the Council approve addition of a specialist in juvenile matters to the staff of the Citizens' Aide office, as recommended by the Service Committee. The motion was seconded by Representative Stromer.

In the course of the discussion which followed, Representative Varley and Senators Lamborn and Hill expressed concern about the growth of the staff of the Citizens' Aide office. Senator Van Gilst responded that his experience to date on the Juvenile Justice Study Committee convinces him that the position should be authorized.

Mr. Dave White of the Crime Commission was recognized, and stressed that the Commission is really concerned with all youth in the state although primary emphasis is being placed on those who are residents of the state's institutions or are otherwise wards of the state. He added that the funds the Crime Commission had agreed to make available to help fund the juvenile specialist's position in the Citizens' Aide office are primarily juvenile justice funds, and as such the individual whose salary these funds help to pay could not be utilized for other purposes by the Citizens' Aide. Mr. White concluded that what the Crime Commission is seeking is a one-year trial, to learn whether the juvenile specialist's position can be justified.

Senator Doderer's motion to approve addition of the juvenile specialist to the staff of the Citizens' Aide office was adopted by a divided voice vote.

Representative Stromer moved that the Legislative Council establish a committee or subcommittee to consider the possibility of the General Assembly reconvening itself in special session for not to exceed two days to consider (1) SF343/HF611, the consolidation of county funds and limitation of county budget expenditures bill recommended by a study committee at the close of the 1974 interim, and (2) an increase in the state school foundation aid level from 73% to 77%. The motion was seconded by Senator Hansen.

Representative Stromer explained that the objective of his motion was to enable the legislature to take actions which would limit or offset the most serious consequences of the recently announced increase in the taxable valuation of property throughout the state. He stated that this increase will permit cities and counties which choose to do so to substantially increase their budgets within existing levy limitations, and asserted that the increased values will also have the effect of returning to real property the burden of \$55 million in school costs that the Legislature had intended should be paid by the state in the form of foundation aid.

Senator Kinley pointed out that the Property Tax Study Committee is meeting during the present interim and will presumably formulate appropriate recommendations which can be considered early in the 1976 session. He added that it would be more appropriate for Representative Stromer to appear before that Study Committee and present his ideas there. Representative Stromer replied that county budgets have to be certified to the State Comptroller by March 15 and that therefore action after the convening of the 1976 session will be too late.

Senators Lamborn and Hansen and Representative Varley expressed agreement with Representative Stromer's comments. Representative Fitzgerald said it would be a mistake to call a special session unless there is very firm prior agreement on what needs to be done. Otherwise, he added, there would be extended debate and much maneuvering on the floor, and the special session would certainly last considerably longer than two days.

These comments were followed by an extended discussion of state tax policy, and past legislative actions and possible future actions in the area of taxation.

Senator Doderer moved to amend Representative Stromer's motion to instruct the proposed Legislative Council committee or subcommittee to also consider the need to make up the recently recognized shortfall in funds available to begin new human services programs under Title XX of the Federal Social Security Act.

Senator Sovern moved, as a substitute for Representative Stromer's motion, that the concerns expressed by Representative Stromer be referred to the Property Tax Study Committee for review and recommendations, if appropriate. The motion was seconded by Representative Fitzgerald and, after further discussion, adopted by a divided voice vote.

Senator Hansen asked that pertinent information be sent to the School Finance Research Project (LEAP) Subcommittee as well as to the Property Tax Study Committee. Senator Van Gilst stated that any Council member or anyone else who is interested is welcome to attend meetings of the Property Tax Study Committee.

Representative Hargrave moved, pursuant to the action taken earlier in the present Council meeting, that Representatives Ingwer Hansen and W. R. Monroe, Jr. and Senators Steve Sovern and John Murray be added to the Social Services and Mental Health Study Committee. The motion was seconded by Senator Kinley and unanimously adopted.

Representative Dunton presented the report of the Legislative Fiscal Committee pursuant to its meeting of the previous day, a copy of which is attached to and by this reference made a party of these minutes. Senator Briles noted disagreement with the inference of the Human Resources Visitation Committee's comments regarding the future of the Clarinda Mental Health Institute.

Representative Dunton commented that the final paragraph of the Fiscal Committee's report is in response to the concern expressed by Representative Hargrave at the previous Council meeting. (See minutes of the Legislative Council's August 20, 1975, meeting, page 4.) Representative Hargrave said that the comment is not really responsive to his concern, which is that the Department of Public Safety failed to assign any duties to an employee during a period of 13 months while that employee remained on the Department's payroll and was willing to perform appropriate duties.

Representative Dunton moved that the Council authorize the respective chairmen of the standing Appropriations Committees to attend meetings of all of the visitation committees at their discretion. The motion was seconded by Senator Van Gilst, and unanimously adopted.

Representative Dunton then moved that the Council authorize members of the Legislative Fiscal Committee who are not members of the Council to attend the NCSL annual meeting in Philadelphia on October 6-10, 1975. He stated that the Fiscal Committee members in question are Representative Norman Jesse (who is already authorized to attend the NCSL meeting by reason of his position as Speaker pro tem), Representative Richard W. Welden, and Senators John N. Nystrom and Earl M. Willits. The motion was seconded by Senator Van Gilst. Senator Kinley expressed opposition to the motion on the ground that the Council should be seeking to

limit the number of Iowa legislators attending the NCSL annual meeting, rather than increasing it. The motion was adopted by a divided voice vote.

Chairperson Cochran presented the report of the Council's Administration Committee, pursuant to its meeting of the previous day. A copy of the report is attached to and by this reference made a part of these minutes.

Chairperson Cochran referred to a recent ruling by Revenue Director Gerald Bair that individuals who bought a state gambling permit at the former \$10 fee prior to the August 15 effective date of the gambling law revision passed by the 1975 session must now purchase another permit at the new \$25 annual fee and are not entitled to either a refund of the \$10 fee previously paid or application of it toward the \$25 fee. Senator Briles suggested that the Council contact Mr. Bair, ask him to explain the legal basis for his action and suggest a change in the ruling. He added that if the response is not satisfactory, an Attorney's General opinion should be requested. There was no objection, and it was agreed to proceed in this manner.

The Council resumed discussion of Senator Doderer's motion, deferred during the morning session, that the Council Chairperson appoint a special committee of the Council to recommend a policy for travel by legislators out-of-state meetings next year. It was noted that Senator Hill's amendment, to the effect that legislators who accept appointment to NCSL or similar committees and task forces must first obtain approval of the Council if they are to receive per diem and expenses for such service, was also pending.

Senator Doderer stated she would prefer to delay consideration of the directive proposed by Senator Hill until it can be determined whether the new NCSL appointment procedure described earlier in the meeting by Chairperson Cochran will solve the problem. Senator Hill agreed to withdraw his amendment to Senator Doderer's motion.

Senator Kinley then moved to amend Senator Doderer's motion so as to direct that whatever Council committee is delegated responsibility for consideration of an out-of-state travel policy for legislators shall make a report on the subject at the Council's November 19-20, 1975 meeting. The motion was seconded by Representative Dunton, and unanimously adopted.

Senator Doderer's motion, as amended, was then unanimously adopted. Chairperson Cochran indicated that the matter would be referred to the Council's Administration Committee.

It was noted that Senator Lamborn's motion to approve payment of expenses, but not per diem, to the Chairpersons of the Senate and House standing Committees on Human Resources for attending meetings of the "certificate of need" task force, had

earlier been deferred but had not been finally disposed of. The question was called for and the motion was adopted by a voice vote.

The meeting was adjourned at 4:25 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

PHILIP E. BURKS
Senior Research Analyst