

# M I N U T E S

## IOWA LEGISLATIVE COUNCIL

September 10, 1969

The fourth meeting of the 1969-71 Legislative Council was called to order by the Council Chairman, Senator Elmer F. Lange, at 9:50 a.m., Wednesday, September 10, 1969, in the Speaker's Room, State House, Des Moines, with the following members present:

Representative Ralph F. McCartney, Vice Chairman  
Lt. Governor Roger W. Jepsen  
Speaker of the House William H. Harbor  
Senator James E. Briles  
Senator Andrew G. Frommelt  
Senator Eugene M. Hill  
Senator Arthur A. Neu  
Senator George E. O'Malley  
Senator Robert R. Rigler  
Senator David M. Stanley  
Representative Dale M. Cochran  
Representative William J. Gannon  
Representative Charles P. Miller  
Representative Leroy S. Miller  
Representative Nathan F. Sorg  
Representative Andrew P. Varley

Also present were State Senator Ernest Kosek, State Representatives John Camp and Edgar Holden, Director Serge Garrison and Phil Burks of the Legislative Service Bureau staff, and several representatives of the news media, and other interested persons.

Pursuant to roll call, the Chairman noted the presence of a quorum. Representative Sorg moved that the minutes of the August 13 Council Meeting as submitted to Council members, be approved. The motion was seconded by Representative Leroy Miller and unanimously adopted.

Chairman Lange welcomed Senator Rigler, who had been appointed to the Council to fill the vacancy created by the resignation of former Senator Seeley Lodwick from the General Assembly. The Chairman announced the appointment of Senator Rigler to the Budget Committee of the Council, and to the Federal Highway Programs Study Committee, established pursuant to House Concurrent Resolution 27.

Senator Kosek and Representative Holden, Chairmen of the Senate and House Social Services Committees, respectively, and Representative John Camp, Chairman of the House Appropriations Committee, were at the meeting to present additional information regarding the proposals of their respective standing committees for interim work prior to the convening of the 1970 session of the Sixty-third General Assembly. Copies of the interim work proposals received by the Council earlier in the interim from each of these standing committees are attached to and by this reference made a part of these minutes.

The Chair recognized Representative Holden, who presented a statement in further explanation of the portion of the joint Social Services Committees' proposal to establish a subcommittee to study housing for the chronically ill, persons of low income, and the elderly. A copy of Representative Holden's statement is attached to and by this reference made a part of these minutes. Representative Holden added that the Departmental Rules Review Committee, on the previous day, had for the second time deferred action on the proposed rules of the Department of Health, which would require the phasing out of pre-1957 nursing homes which do not meet current nursing home standards if and when such nursing homes change ownership. Chairman Lange noted that the Iowa Nursing Home Association expressed willingness to phase out or upgrade the so-called "pre-1957" nursing homes by the end of 1977.

Representative Holden stated that he and Senator Kosek had determined that they would hold a minimum of meetings of the full joint Social Services Committees because of the size of these committees, and had instead requested the appointment of the two joint subcommittees as noted in the interim work proposal submitted to the Council. Only six members are proposed for each of these subcommittees.

Senator Kosek was recognized to comment on the second portion of the joint Social Services Committees' interim work proposal. He made reference to the four items listed under paragraph 2 on the second page of the proposal submitted to the Council, and stated that it is hoped that the subcommittee can be in a position to make recommendations relevant to these matters to the full joint Social Services Committees at a meeting tentatively scheduled for December 5. Senator Kosek pointed out that the Department of Social Services accounts for approximately two-fifths of the total state budget, and expressed belief that careful scrutiny should be given to the programs of this Department with a view to reducing possible duplication or lack of coordination among the various programs.

In response to questions from Senator Rigler, Mr. Garrison stated that there are presently approximately fifty legislative committees and subcommittees conducting various types of studies,

and that the Legislative Service Bureau has a total of eight staff people to work with these committees. In reply to a further question from Senator Neu, Mr. Garrison stated that the Service Bureau has, to date, been able to operate within the budget established for it.

Representative Varley inquired whether any portion of the proposed Social Services subcommittee study of housing for the chronically ill, elderly, and low income persons would duplicate work being done by the Medicaid Study Committee. Senator O'Malley and Mr. Burks replied in the negative.

There was an extensive discussion of the necessity of the studies proposed by the joint Social Services Committees, what staff resources are available to assist with these studies, and the probable costs of and benefits to be derived from the studies. At the conclusion of the discussion, Representative Varley requested that the two numbered items on page two of the Social Services Committees' proposal be divided and voted upon separately.

Representative Gannon moved that the portion of the request relating to housing for the chronically ill, elderly, and low income persons be amended to provide for a subcommittee composed of six rather than three members of each house. The motion was seconded and a roll call was requested. The motion was defeated.

At the direction of the Chair, a roll call vote was taken on each of the two major items in the Social Services Committees' proposals and items one and two were both approved.

Representative Camp reviewed the interim work proposal submitted to the Council by the joint Appropriations Committees, a copy of which is attached to and by this reference made a part of these minutes. Representative Camp pointed out that the Appropriations Committees differ from other standing committees of the General Assembly in that the Appropriations Committees each have six standing subcommittees, and it is members of some of these standing subcommittees which would undertake the various interim activities contemplated in the proposal presented to the Council. It is not anticipated that an interim meeting of the full joint Appropriations Committees will be held, due to the size of these respective standing committees.

Representative Camp stated that the proposed study of Department of Agriculture funds would focus primarily on the present situation relative to the Department's various commodity group trust funds. He pointed out that the first session of the Sixty-third General Assembly did not act upon any of the Highway Commission's capital appropriations requests for buildings other than at

the Ames headquarters, and it is believed that the Commission's stated need for some new maintenance buildings in other parts of the state should be evaluated prior to the 1970 session. Representative Camp added that since the joint Appropriations Committees' interim work proposal was drawn up, the Highway Commission has presented to the Executive Council a request for a transfer of several million dollars from the unallocated portion of the Road Use Tax Fund for use in meeting the Commission's administrative costs. It is believed that both this specific transfer request, and the statute under which the request was submitted (section 313.5 of the Code), should be reviewed by the subcommittee which considers the Highway Commission's capital appropriations requests.

Chairman Lange inquired whether consideration of the Highway Commission's request for an emergency reallocation of funds would duplicate some of the work being done by the Highway Commission Study Committee, established pursuant to Senate Joint Resolution 25. Senator Hill and Representative Leroy Miller replied in the negative, stating that a subcommittee of the joint Appropriations Committees would be the proper body to look into this matter. Senator Hill reiterated the view he had expressed at the August 8 meeting of the Highway Commission Study Committee's General Operations Subcommittee regarding the Highway Commission's emergency fund reallocation request. (See Minutes of General Operations Subcommittee meeting of August 8, pages 2 and 5.)

There was some discussion of what is likely to be accomplished by interim meetings of Appropriations Committees subcommittees which could not be as well accomplished by the same subcommittees meeting during the 1970 session. Senator Hill commented that approval of the proposal might save a significant amount of time during the session. Representative Gannon stated that in his view, so long as the Appropriations Committees play their present role in the legislative procedure in Iowa, the Council should certainly support the request for authority for the Appropriations subcommittees to function during the interim.

Representative Cochran pointed out that the interim work proposal submitted by the joint Appropriations Committees requests authority for six subcommittees to hold two meetings each, but that the item headed "proposed study areas" lists only four specific areas in which subcommittees are to function. Representative Camp stated that at the time the interim work proposal was drawn up the Education and State Departments subcommittees did not indicate a desire to do any interim work. It is not anticipated that any of the subcommittees would hold a meeting without a particular purpose, but Representative Camp and Senator Francis Messerly, Chairman of the Senate Appropriations Committee, believe there should be standby authority for any of the Appropriations subcommittees to meet in

case matters arise which merit the attention of one of the subcommittees. Representative Cochran expressed concern about the wisdom of giving any legislative committee or subcommittee standby authority to meet at its own discretion.

Representative Cochran moved to amend the joint Appropriations Committees' interim work proposal so as to limit the number of subcommittees which would be authorized to function during the interim to four, in accordance with item seven of the interim work proposal. Senator Stanley expressed opposition to the motion, stating that he agrees with Representative Camp that the Appropriations Committees play a special role in the legislative process, and adding that he is confident the Council can rely on the discretion of the chairmen of these committees. Representative Leroy Miller pointed out that the two Appropriations Committees are rather sizable and that they apparently will save the state a considerable sum of money by not utilizing the one meeting of the whole membership of each committee to which they are entitled by law. Representative Cochran's motion was defeated on a voice vote.

Representative Cochran then moved that the proposed review of the Conservation Commission's maintenance budget, by one of the Appropriations Committees' subcommittees, be expanded to include a review of the Conservation Commission's capital appropriations requests which were not acted upon during the 1969 session. The motion was seconded by Representative Gannon, and adopted unanimously.

Senator Stanley moved to amend the joint Appropriations Committees' interim work proposal so as to state specifically that the respective subcommittees shall meet only with the approval of the chairmen of the full Appropriations Committees. The motion was seconded, and passed unanimously.

Representative Sorg moved that the joint Appropriations Committees' interim work proposal, as amended, be approved by the Council. The motion was seconded by Representative McCartney, and a roll call vote was requested. The motion was adopted.

Mr. Garrison presented a supplementary proposal submitted by Representative Charles Grassley, Chairman of the House Schools Committee. Mr. Garrison explained that the Council had approved the House Schools Committee's primary work proposal at its July meeting, but the Committee has jurisdiction over area community colleges and vocational schools, while in the Senate matters relating to these schools are under the jurisdiction of the Higher Education Committee. The Chairman of the Senate Higher Education Committee had suggested to Representative Grassley a joint meeting of the full membership of the two committees to consider matters relative to area schools, but the House and Senate Schools Committees

had already agreed to hold a meeting of their full joint membership, and Representative Grassley did not believe it desirable to request a second meeting of the full membership of the House Schools Committee. He had therefore submitted to the Council a supplement to his previous work proposal, requesting authority for not more than five members of his committee to meet with the Senate Higher Education Committee relative to area school matters. A copy of the supplementary House Schools Committee's interim work proposal is attached to and by this reference made a part of these minutes.

Senator Neu moved that the House Schools Committee's supplementary interim work proposal be approved. Senator O'Malley seconded the motion, which was adopted unanimously.

Mr. Garrison distributed to Council members copies of a document prepared by the Legislative Service Bureau and the Office for Planning and Programming listing each of the interim study committees authorized by the Sixty-third General Assembly, the areas of study authorized for standing committees and their subcommittees during the current interim, and study committees established in the executive branch of state government. This document had been prepared pursuant to the request of Council members at the August 13 Council meeting. A copy of the document is attached to and by this reference made a part of these minutes.

A discussion of the present status of each of the special legislative interim study committees established pursuant to action of the General Assembly followed. Mr. Garrison reviewed the progress to date of the Collective Bargaining, Criminal Code Review, and Federal Highway Programs Study Committees. Reports were given on the Eminent Domain Study Committee by Representative Gannon, the Environmental Preservation Study Committee by Representative Cochran, the General Operations Subcommittee of the Highway Commission Study Committee by Representative Leroy Miller, and the Employment Policies Subcommittee of the Highway Commission Study Committee by Speaker Harbor.

Representative Gannon raised a question regarding the executive session held by the Employment Policies Subcommittee on the morning of Thursday, September 4. Speaker Harbor stated that it had been felt that if this meeting had been open to the news media and the administrative officials of the Highway Commission, the Commission's employees who had been invited to attend the meeting might be reluctant to state fully and frankly their views regarding the Commission's employment policies. Speaker Harbor added that the Highway Commission employees who attended the meeting did state afterward that they would have spoken as freely in an open meeting as they did in the executive session, and that if members of the Subcommittee had been aware of this at the time that the meeting began they would not have held the morning portion of the meeting in executive session.

Representative Charles Miller reported on the first meetings of the Medicaid Study Committee, and answered a number of questions by Council members regarding the scope, goals, and progress of this study. Representative Sorg reviewed the progress to date of the Municipal Laws Study Committee.

Senator Briles reported that the joint Senate and House County Government Committees had held a meeting on the two days immediately previous to the present meeting, receiving the suggestions and recommendations of county officers on various matters during the first day of the meeting, and reviewing and considering the suggestions and recommendations on the second day. Pursuant to that meeting, Senator Briles had been requested to present to the Council on behalf of the joint County Government Committees a request for approval of two joint subcommittees to function during the balance of the present interim.

One of these subcommittees would evaluate a number of suggestions received for increases in the maximum limits on various specific county mill levies, and would also study proposals advanced by several different groups of county officers for changes in the "tax freeze" on homesteads of low income individuals over 65 years of age, enacted by the Sixty-second General Assembly in 1967. The second subcommittee would consider possible methods of deriving revenue from mobile homes to more adequately compensate communities where such homes are located for providing fire and police protection, sewer and water services, and other municipal services to mobile homes.

Senator Briles explained that due to the time element involved, it had not been possible to prepare these interim work proposals in written form. After a brief discussion, it was agreed to defer the proposals pending consultation with the chairmen of the Senate and House Ways and Means Committees, since both of the proposed interim subcommittees would be functioning in areas which are related to the jurisdiction of the Ways and Means Committees.

Chairman Lange informed Council members that he had been contacted by the Conservation Commission, which is requesting a complete recodification of all state statutes which govern the Conservation Commission or are enforced by it. Senator O'Malley stated that such a recodification would be a two-year project at least, and that two studies are already in progress with the goal of revising or recodifying substantial portions of the existing statutes. He therefore moved that consideration of the Conservation Commission's request be deferred. The motion was seconded by Senator Neu, and unanimously adopted.

Council members were given copies of a letter to Senator Lange from Stephen C. Robinson, Secretary of the Executive Council, requesting use of "various legislative rooms, including the House and Senate," for the YMCA "Youth in Government" program on October 25 and December 5 and 6. A copy of the letter is attached to and by this reference made a part of these minutes. Senator O'Malley moved that the request be approved. The motion was seconded by Representative Sorg and unanimously adopted. Mr. Garrison was directed to notify Mr. Robinson of the Legislative Council's action on the matter.

The Council recessed at 12:00 noon, and reconvened at 1:20 p.m. in the Speaker's Room. All Council members who had been present for the morning session were again present except Lieutenant Governor Jepsen.

Mr. Garrison continued with presentation of the document identifying various study committees functioning during the present interim. He briefly reviewed the work being done by various subcommittees of standing Senate and House committees which have been authorized by the Council to function during the interim. Several Council members commented on the progress to date of various subcommittees of which they are members.

Mr. Garrison pointed out that the document under discussion also includes a list of ten executive branch studies, most of which involve committees of varying sizes. This list had been prepared by Mr. Ed Long of the Office for Planning and Programming staff.

Speaker Harbor presented a list of six recommendations of the Council's Legislative Procedures and Facilities Committee, which had met on the previous afternoon. The list of recommendations, as presented to the full Council, is attached to and by this reference made a part of these minutes. After a summary of each of the recommendations by Speaker Harbor, Chairman Lange opened the meeting for discussion of the recommendations in the order presented.

It was pointed out that only minimal repairs seemed indicated to the public address systems in the Senate and House at this time, in view of the pending reduction in the membership of each house. It is assumed that a more extensive renovation of the public address systems should be undertaken as a part of the necessary rearrangement of facilities in the chambers prior to the 1971 session. Council members generally expressed agreement with this proposition, although several members commented that there have been suggestions that the entire State House is in rather immediate need of extensive rewiring in view of the great increase in use of various types of electrical equipment, and that if safety is a consideration there should be no delay in beginning the necessary work.



Senator Frommelt and Senator O'Malley said it is their understanding that extensive studies have been conducted by the Capitol Planning Commission, or possibly by the Buildings and Grounds office, regarding the possibility of installing a central air conditioning system for the entire State House. They suggested that efforts be made to determine exactly what recommendations were made and what, if anything, is being done toward implementing these recommendations.

Chairman Lange stated that the Procedures and Facilities Committee believes the installation of rotary bins in the bill rooms will permit more efficient use of the space in these rooms, which have rather limited floor space but very high ceilings. He added that the present practice of using long ladders to reach the upper shelves in the bill rooms is a potential safety hazard to bill room employees.

On motion of Speaker Harbor, seconded by Representative McCartney, the Council adopted Legislative Procedures and Facilities Committee recommendation number one.

Several Council members expressed concern about the implication of recommendation number two. In reply to a question from Representative Leroy Miller, members of the Procedures and Facilities Committee stated that they had no particular standing committee or committees in mind in recommending that a reduction in the number of standing committees be considered. Several Council members commented that parallel standing committees in both houses are desirable, even though this may require the Senate to maintain more standing committees than it would otherwise need.

Representative Varley moved to amend the Procedures and Facilities Committee recommendation number two by striking from line five the word "discontinued" and inserting in lieu thereof the word "minimized". The motion was seconded and passed unanimously.

After further discussion, Senator Stanley suggested that recommendation number two merits more extensive consideration than time would permit at the present meeting. It was therefore agreed that discussion of this recommendation will be made one of the items on the agenda for the next Council meeting.

Representative Charles Miller moved that Procedures and Facilities Committee recommendation number three be amended by striking from line two and from line four the word "reimbursed" and inserting in lieu thereof, in each case, the word "paid". He explained that, technically, the word "reimbursed" could be construed to mean that the individual involved would receive payment only for actual out-of-pocket expenses incurred in attending the meeting in question. The motion was seconded and passed unanimously.

Senator Hill expressed support for the recommendation that minutes of meetings of standing committees and subcommittees of standing committees be taken by the regular clerk of the committee or subcommittee chairman, but inquired whether it would not be better to make this policy effective October 1 rather than November 1. Mr. Garrison replied that he does not anticipate that the taking of minutes of standing committee and subcommittee meetings during the month of October will impose an undue burden on the Legislative Service Bureau staff, but that keeping the minutes of such meetings after November 1 would be likely to become difficult for the Service Bureau staff which will presumably then be involved in bill drafting and preparation of reports to be submitted to the 1970 session.

Representative Gannon moved that recommendation number three be amended by inserting in line one after the word "chairmen" the words "and ranking minority members". It was pointed out that both Representative Gannon and Senator Frommelt had designated ranking minority members of each of the House and Senate standing committees early in the 1969 session, and that the names of the designated ranking minority members of each of the House standing committees had been printed in the House Journal, although this was not done in the Senate. Several Council members objected to Representative Gannon's motion on the grounds that the designation of ranking minority members has not traditionally been recognized in the Iowa General Assembly, and that in any case these individuals have no responsibility for the performance of the respective standing committees' responsibilities, as is the case with the committee chairmen. Representative Gannon's motion was lost on a voice vote.

Representative Charles Miller inquired whether the Legislative Service Bureau will continue to maintain a file of minutes of interim meetings of standing committee subcommittees. After some discussion, Representative Charles Miller moved that recommendation number three be amended by striking the period at the end of the second sentence, and inserting in lieu thereof the words ", which minutes shall be a matter of public record." The motion was seconded and adopted unanimously.

Senator Rigler expressed concern about recommendation number three. He expressed belief that standing committee chairmen should not be paid for attending meetings of subcommittees of which they themselves are not members, unless they have specifically requested authorization to be paid for attending meetings of the subcommittee involved and the Council has approved the request. Senator Rigler moved that recommendation number three be amended by striking from line four the word "standing". The motion was adopted unanimously.

Senator Frommelt suggested that a distinction should be clearly drawn between interim subcommittees of standing committees which are functioning with the approval of the Legislative Council, and subcommittees of standing committees appointed by standing committee chairmen during the regular sessions of the General Assembly to consider particular bills applying to the standing committee. Senator Frommelt added that he objects to recommendation number three because, in his view, it fails to make this distinction. He therefore moved to table recommendation number three. The motion was lost on a voice vote.

Senator Frommelt requested a roll call vote on adoption of recommendation number three. The recommendation was adopted by a vote of 9 to 5.

There was a brief discussion of Procedures and Facilities Committee recommendation number four. Concern was expressed that the news media on occasion give undue emphasis to trivial matters, at the expense of more significant issues which are the primary concern of members of the General Assembly. Representative Charles Miller moved that recommendation number four be placed on the agenda for the next Council meeting. The motion was seconded by Senator Neu and adopted unanimously.

In connection with recommendation number five, copies of the proposed contract with ASPEN Corporation for updating and revision of the magnetic tape Code of Iowa were distributed to Council members, and the proposed contract was briefly reviewed by Mr. Garrison. A copy of the proposed contract is attached to and by this reference made a part of these minutes.

Interest was expressed in the eventual development of a broad range of services based upon the availability of the magnetic tape code. Speaker Harbor stated that Mr. Verne Tanner, Director of the Data Processing Division of the Comptroller's office, had met with the Procedures and Facilities Committee on the previous day. Mr. Tanner had indicated that achievement of the ability to provide all of the services potentially available on the basis of the magnetic tape code would require several years, but had assured the Committee of his agency's full cooperation. There was a discussion of possible use of the magnetic tape code to provide copy from which to print future editions of the Code of Iowa, and what format might be most suitable if the Code is to be printed in this manner.

Representative Gannon inquired whether the Procedures and Facilities Committee has given any thought to transferring the code revision functions from the judicial to the legislative branch of

government in Iowa. Speaker Harbor replied that this particular matter had not been considered. Representative Gannon expressed the view that such a transfer could result in a saving of time and effort, and inquired whether it is correct that the code revision function has been placed within the legislative branch in a number of other states. Mr. Garrison replied in the affirmative, commenting that in many states code revision had originally become a responsibility of the judicial branch of government largely because the legislative branch traditionally had no permanent staff to discharge such responsibilities.

Several Council members expressed concern about the effect of the first sentence of the last paragraph in the proposed contract with ASPEN. Senator O'Malley and Senator Frommelt stated that it had always been their understanding that the General Assembly would retain full control over the magnetic tape code, but that the proposed contract would appear to give ASPEN the right to sell copies of the magnetic tape code to any law firm or other agency or individual which might wish to obtain one. Mr. Garrison commented that ASPEN would probably be more interested in selling searches of the magnetic tape code than in selling copies of the tape itself.

After further discussion, Senator Rigler moved to defer action on Procedures and Facilities Committee recommendation number five until the next Council meeting, and to direct Mr. Garrison to contact ASPEN to determine exactly what interpretation it would place on the first sentence of the last paragraph of the proposed contract and whether ASPEN is willing to consider modifying this particular clause. The motion was seconded by Senator Frommelt and adopted unanimously.

It was agreed to defer action on recommendation number six, and place this matter on the agenda for a later meeting of the Council.

Representative Gannon stated that certain agencies and employees of the executive branch of government are using some of the legislative committee rooms, and asked whether the Council had ever formally approved such use. After a brief discussion, Senator Rigler moved that the Council approve the use of any vacant legislative space by executive agencies at any time such use does not interfere with activities of legislative bodies. The motion was seconded by Representative Leroy Miller and adopted unanimously.

Mr. Garrison distributed to Council members for their information copies of a report on the status of the Legislative Council and Legislative Service Bureau budget as of the present date.

Iowa Legislative Council  
Minutes - September 10, 1969  
Page 13

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

It was agreed that the next meeting of the Council will be held at 9:30 a.m., Wednesday, October 15, in the Speaker's Room. No further business appearing, the meeting was adjourned at 2:55 p.m.

Respectfully submitted,

PHIL BURKS  
Acting Secretary

SERGE H. GARRISON  
Director