

M I N U T E S
STUDIES COMMITTEE
OF THE
LEGISLATIVE COUNCIL

July 13, 1976

The meeting of the Studies Committee was called to order at 10:30 a.m. by the Co-chairperson, Senator George R. Kinley in the Speaker's Room, State House, Des Moines, Iowa, on July 13, 1976. Members present in addition to Co-chairperson Kinley were:

Representative Jerome Fitzgerald, Co-chairperson
Senator Eugene M. Hill
Senator Bass Van Gilst
Speaker Dale Cochran
Representative William J. Hargrave
Representative Floyd H. Millen
Representative Andrew Varley

Also attending the meeting were Mr. Serge H. Garrison, Director, Legislative Service Bureau, Mr. Burnette E. Koebernick, Senior Legal Counsel, Legislative Service Bureau, representatives of the news media and other interested persons.

Co-chairperson Kinley noted that the members of the Committee have had an opportunity to review the proposed studies between this meeting and the meeting of the Studies Committee on June 9. He suggested that the Committee review the resolutions and determine whether or not a particular study should be assigned to a special interim study committee or whether a particular study might be suggested to the chairpersons of particular standing committees. Senator Hill inquired as to whether it is the position of the Committee that the studies recommended under items 1 through 5 are mandated. Co-chairperson Kinley responded in the affirmative. Speaker Cochran noted that the study proposed by item 3 regarding a local government task force has already been created and is functioning. He also noted that the study mandated by item 4 pursuant to Senate File 1124 on Title XIX is in progress and that the study mandated by House File 1539 noted as item 5 will require the appointment of two nonlegislative members by the Legislative Council.

Senator Hill moved that the five studies mandated under items 1 through 5 of the summary of requests for interim studies which have passed both houses be included and recommended by the Studies Committee. Co-chairperson Fitzgerald suggested that the motion may not be in order at this time and that the Studies Committee should review each of the five studies recommended. Senator Hill agreed and asked that his motion be deferred at this time.

Representative Varley noted that House File 1539 creates an Advisory Commission on Corrections Relief to study the adequacy of both state and community based correctional facilities and to examine the need for establishment of a new minimum security institution. He noted that the law provides for the appointment of two members to the Commission by the Legislative Council, two members by the governor, and two members by the chief justice of the Iowa Supreme Court. Representative Varley inquired as to whether the Legislative Council would be further involved with this study and perhaps create a separate study committee to work in conjunction with the statutory commission. Mr. Garrison responded that the law presently provides that the Legislative Service Bureau will provide the staff assistance which is necessary and he also noted that the Advisory Commission on Corrections Relief is required by law to work with the Human Resources Joint Subcommittee of the Standing Committees on Appropriations.

Co-chairperson Fitzgerald suggested that the Committee first review all of those resolutions which have been designated "A" and determine whether or not a study committee should be established for the purpose of conducting that study. Co-chairperson Kinley noted that after the first five resolutions, S.C.R. 109 designated as item 8 was given an "A" designation at its last meeting. S.C.R. 109 requests a study to look at certain questions and ambiguities arising under the public employees' collective bargaining law and the administration of that law.

Senator Hill suggested that a study conducted under S.C.R. 109 should be expanded to review present rules of the Merit Employment Commission and the role of the Merit Employment Commission once collective bargaining has become a reality. He suggested that much of the responsibility of the Merit Employment Commission after public employee collective bargaining has commenced will be primarily as a state personnel office. Senator Hill moved that the S.C.R. 109 study include a study of the role of the Merit Employment Commission under collective bargaining. Representative Hargrave suggested that the study requested under S.C.R. 115 relating to the feasibility of developing a program to allow public employees to transfer to other employment either with the same or a different public employer be included. Senator Hill indicated that this study might also be included. Representative Hargrave moved to amend the Hill motion to include S.C.R. 115. The amendment by Representative Hargrave was adopted. Senator Hill moved that his motion as amended be adopted. Representative Varley suggested that if another study might also fit in this area, the Committee might reconsider its action. Co-chairperson Kinley agreed with Representative Varley's statement and indicated that a final action on the Hill motion at this time would be subject to reconsideration. The motion made by Senator Hill and as amended by the Hargrave motion was adopted by voice vote.

Representative Varley moved that H.C.R. 119 providing for a study of liability and damage insurance for cities and counties be referred to the study committee considering S.J.R. 1009. Co-

chairperson Kinley suggested that S.J.R. 1009 might be too comprehensive with the present study requested in the resolution. Senator Hill asked the staff whether H.C.R. 119 could be included with the S.J.R. 1009 study. Mr. Koebernick responded that H.C.R. 119 and S.C.R. 110 basically include the same or similar subject matter as indicated in S.J.R. 1009.

Co-chairperson Kinley noted that the next study resolution designated "A" is H.C.R. 145 requesting a review of the funding structure and programs offered by area education agencies. Speaker Cochran noted that this study is needed and moved that a study committee be appointed to study the subject matter covered by H.C.R. 145. Senator Van Gilst suggested that the subject matter included in H.C.R. 142 which provides for a review of the current secondary and post-secondary vocational and career educational programs, services and activities might be similar subject matter and therefore included within the study. Representative Varley suggested that the study under H.C.R. 145 is necessary to determine the costs versus the benefit derived from the program which is available. It was also agreed that H.C.R. 142 might be referred to a separate subcommittee since the subject matters are not that closely related. The Committee by voice vote approved a study committee to conduct the study requested in H.C.R. 145.

Co-chairperson Kinley noted that H.C.R. 155 is the next resolution with an "A" designation and it provides for a study of the state corporation tax laws. Senator Hill suggested that a study is needed to develop facts relative to the revenue gain or loss by the implementation of the three-factor formula as well as a review of the throw-back provisions which are not included in Iowa's corporation law. By voice vote, the study was approved.

Co-chairperson Kinley noted that Secretary of the Senate Steven Cross had directed a letter to the Studies Committee noting that a study was provided for in H.C.R. 104 which is the resolution providing for the pay for legislative employees. Senator Hill suggested that the Service Committee may be the appropriate committee to conduct this study. Co-chairperson Kinley suggested that the House Administration Committee and the Senate Standing Committee on Rules and Administration have usually performed these tasks. Senator Hill responded that this Committee normally looked outside for its recommendations and that the Service Committee could develop some recommendations. It was the general consensus of the membership of the Studies Committee that this resolution be referred to a joint subcommittee of the Senate Standing Committee on Rules and Administration and the House Administration Committee.

Co-chairperson Kinley noted that an oral request had been submitted to the Studies Committee at its last meeting to study the gas tax issue. Representative Varley suggested that this study might be conducted by a standing committee subcommittee. Co-chairperson Kinley responded that the subcommittee should be composed of members of the respective Standing Committees on

Transportation, the Standing Committees on Ways and Means, and the Transportation Subcommittee of the Standing Committees on Appropriations. Co-chairperson Fitzgerald suggested that the membership should include persons from each of these respective committees. Senator Hill suggested that the subcommittee also review the allocation of road funds. After some discussion it was agreed that the study should encompass a study of road financing in a general sense. The motion to establish the study committee was approved by a voice vote.

Co-chairperson Kinley noted that an "A" rating had been given to the Redmond proposal to study the rights of minority shareholders. Co-chairperson Fitzgerald moved that a study of the statutes and the need for statutes regulating the sale of corporate control and governing mergers and protecting minority shareholders during these transactions be recommended. Representative Varley noted that this whole area is very complex and that it is going to have to be done by persons who are very knowledgeable with this intricate subject matter. It was the consensus of the members of the Studies Committee that this subject would be reviewed by a subcommittee composed of members of the respective standing committees on Judiciary.

Co-chairperson Kinley noted that a letter from Senator DeKoster had been distributed to the members of the Studies Committee suggesting that it is necessary that some work be done during the interim on financing unemployment compensation. After a brief discussion, the matter was deferred and no action taken relative to the subject matter. A copy of the DeKoster letter is attached and by this reference made a part of these minutes.

Co-chairperson Kinley noted that S.C.R. 111 received a "B" designation and provides for a joint subcommittee of the Standing Committees on Energy to review the operations and accomplishments of the Iowa coal research project and to study the need for additional funds for the project. Representative Varley noted that several energy resolutions were all designated as "B" and that they could be combined. Representative Hargrave suggested that this might be appropriate except that a separate study should be designated under S.C.R. 118 which provides for a study of electrical power and natural gas rate structures. Senator Van Gilst suggested that the coal research project has to be analyzed because of the amount of funds involved. Representative Hargrave reemphasized his position that the study requested under S.C.R. 118 be a separate study.

Representative Varley moved that items 10, 11, 14, 16, 21, 28, and 45 be referred to a special study committee on energy. Co-chairperson Fitzgerald made a substitute motion that those items be referred to an energy study committee but that the item 16 which provides for a study of electric power and natural gas rate structures be referred to a separate study by a joint commerce committee subcommittee.

Co-chairperson Kinley noted that S.C.R. 119 relating to the delivery and administration of mental health services was given a "B" designation. Representative Hargrave suggested that S.C.R. 119 be referred to the joint Subcommittee on Human Resources of the Standing Committees on Appropriations. Co-chairperson Fitzgerald suggested that the matter be deferred until after lunch.

Co-chairperson Kinley noted that H.C.R. 140 which provides for a study of the federal fund replacement and allocation policies received a "B" designation. Senator Hill suggested that a problem occurs when it is not known what federal funds will be withdrawn and from which programs and the general assembly must appropriate funds before the facts are known. Representative Varley suggested that this subject matter is appropriate to be referred to the Fiscal Committee. Co-chairperson Kinley suggested that Senator Van Gilst bring this matter to the attention of the Fiscal Committee during its afternoon meeting and report back to the Studies Committee.

Co-chairperson Kinley noted that H.C.R. 142 had received a "B" designation and it provides for an examination of the current secondary and post-secondary vocational and career education programs, services and activities including the adequacy of statutory provisions for the funding and allocation of resources for such programs. Senator Van Gilst noted that vocational education has become a real problem and that a study should be implemented during this interim. Co-chairperson Fitzgerald suggested that this matter also be deferred until after lunch. Co-chairperson Kinley noted that H.C.R. 158 was given a "B" designation which provides for a study of the severity and prevalence of animal disease in Iowa. Representative Varley noted that these programs have been erroneously undertaken in the past. He suggested that a general program which works on a continuing basis should be implemented which has the ability to work in many areas simultaneously. He noted that the General Assembly has previously appropriated funds for a year or a biennium but that when detailed research is involved, time is needed to conduct the research and evaluate the results of those research projects. Representative Varley suggested that the Education Subcommittee of the Standing Committee on Appropriations should analyse the whole problem of research on animal diseases.

Co-chairperson Kinley noted that H.C.R. 162 providing for a review of the Sunset law was given a "B" designation. Speaker Cochran suggested that a Legislative Oversight Capabilities Study Committee should be established to review the Sunset law and the issue of performance audits. The motion was approved by voice vote.

The Studies Committee recessed for lunch as 12:00 noon and reconvened at 1:30 p.m.

Co-chairperson Kinley noted that the Studies Committee should review all of the studies designated "C" and noted that H.C.R. 109 and S.C.R. 114 had been deferred before lunch. Co-chairperson Kinley noted that those items designated as "C" are items 7, 15, 20, 23, 26, 27, 30, 32, 33, 36, 37, 38, 39, 40, 42, and 47. Speaker Cochran suggested that item 37 providing for a review of the TRACIS system in this state could be done by the Transportation Subcommittee of the Standing Committees on Appropriations.

Co-chairperson Kinley suggested that the Studies Committee look at S.C.R. 119 which relates to mental health services. Representative Varley suggested that Mr. Garrison be permitted to comment on the staff capabilities during the interim. Mr. Garrison responded that normally ten major studies and ten minor studies can be properly staffed by the Studies Committee. He noted that as the number of major and minor studies are increased, the staff lacks adequate time to do the necessary research and background work on the necessary subject matter. Speaker Cochran moved that S.C.R. 119 be referred to the Human Resources Subcommittee except that the portion of the resolution requesting a further study of Title XIX be referred to the Joint Subcommittees on Human Resources of the Standing Committees on Appropriations which are presently working on a Title XIX study.

The members discussed H.C.R. 142 which provides for a vocational and career education study and agreed that this area could be studied by the Joint Subcommittee of the Standing Committees on Education.

Co-chairperson Kinley noted that H.C.R. 136, H.C.R. 141, and H.C.R. 147, could be combined for a review by a particular subcommittee.

Representative Doyle appeared before the Studies Committee to review possible studies of the penal and correctional institutions. He noted that the task force which has been created by law is not in a position to conduct the work that a penal and correctional study committee has done in the past because of a lack of experienced persons serving on the task force. Co-chairperson Kinley inquired as to whether a subcommittee could be appointed to do this work. Representative Doyle responded in the negative and suggested that a separate study committee might be appointed but reduce the membership from ten members to six members. Speaker Cochran inquired as to whether this function might be performed by a Standing Committees on Human Resources Joint Subcommittee. Representative Doyle responded that it is necessary to retain persons on the Committee who have had experience with previous studies by the Penal and Corrections Study Committee.

Representative Millen asked Representative Doyle to respond regarding the resolution requesting a study of the Missouri River problem. Representative Doyle responded that the waterflow down the Missouri River has been increased substantially by the

United States Corp of Engineers and as a result there has been a scouring of the river which has reduced the water level and created problems for power plants located along the river in obtaining water. This has affected the total underground water supply in western Iowa, it has had an impact on the wildlife habitat and has created innumerable problems all along the Missouri River. Representative Millen inquired as to whether there would be any recommendations for some actions on this matter. Representative Avenson, who also appeared, suggested that the Missouri River problem is a serious problem which needs consideration and noted that the changing of the course of the Missouri River has created problems relating to the ownership of particular property. Speaker Cochran inquired as to whether these problems have been related to the Iowa congressional delegation. Representative Avenson noted that the congressional delegation members are aware of the problem and have expressed deep concern for resolving some of the problems which have arisen. Co-chairperson Kinley asked if there were any objections to having the Natural Resources Visitation Committee devote one meeting to this particular subject matter. There were no objections.

Co-chairperson Kinley suggested that no action has been taken to resolve the problem as to whether or not a penal and corrections study committee might be created and suggested that the Human Resources Standing Committee chairpersons might make a request to the Studies Committee to conduct the study and that the Studies Committee would defer action on this matter at this time with the alternative to allow a standing committee subcommittee to progress with the work, or to create a study committee at a later date.

Senator Van Gilst noted that he had discussed with the Fiscal Committee the problem of looking at policies relating to the reduction in federal funds and indicated that the Fiscal Committee will consider this problem and also look at the reasons why Iowa is receiving a reduced amount of federal funds in comparison to the contributions made by the Iowa populous to the federal government.

The Studies Committee considered the number of members which should be appointed to each of the study committees and the recommendations for membership were included in the Report of the Studies Committee to the Legislative Council of July 14, 1976. A copy of the first two pages of this report is attached and by this reference made a part of these minutes.

There being no further business, the Studies Committee meeting was adjourned at 3:45 p.m.

Respectfully submitted,

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Senior Legal Counsel