

M I N U T E S

IOWA LEGISLATIVE COUNCIL

August 11, 1971

The third meeting of the 1971-73 Iowa Legislative Council was called to order by the Council Chairman Representative Andrew P. Varley, at 10:15 a.m., Wednesday, August 11, 1971, in the Speaker's Room, State House, Des Moines. Members present for the meeting in addition to Chairman Varley were:

Senator Clifton C. Lamborn, Vice Chairman
Lt. Governor Roger W. Jepsen
Speaker William H. Harbor
Senator James E. Briles
Senator S. J. Brownlee
Senator Lee H. Gaudineer, Jr.
Senator Eugene M. Hill
Senator Vernon H. Kyhl
Senator William D. Palmer
Representative Michael T. Blouin
Representative Dale M. Cochran
Representative Dennis L. Freeman
Representative Ed Skinner
Representative Nathan F. Sorg
Representative Delwyn Stromer

Also present were Director Serge H. Garrison and Phil Burks of the Legislative Service Bureau staff, and a number of representatives of the news media and other interested persons.

On motion of Representative Stromer, the minutes of the July 26 Council meeting were approved as submitted to Council members.

The Council took up for consideration the report of the Studies Committee, submitted pursuant to its meeting on the previous day. Copies of the items headed Membership on Interim Study Committees, Report of the Studies Committee Relating to Proposed Standing Committee Itineraries, and the compilation of Proposed Standing Committee Itinerary documents submitted by chairmen of respective standing committees were distributed to Council minutes. (All of the foregoing documents are attachments to the minutes of August 10 Studies Committee meeting, which are in turn attached to and made a part of these minutes.) The Council first considered the Studies Committee's recommendations regarding membership on special interim study committees.

On motion of Senator Brownlee, seconded by Representative Sorg, the proposed membership of the Mental Health and Juvenile Institutions Study Committee was approved.

On motion of Representative Stromer, seconded by Senator

Kyhl, the proposed membership of the Department of Transportation Study Committee was approved. (NOTE: See later action relative to Penal and Correctional Systems Study Committee.)

On motion of Senator Brownlee, seconded by Representative Sorg, the proposed membership of the School Systems and Standards Study Committee was approved.

On motion of Representative Sorg, seconded by Senator Kyhl, the proposed membership of the Higher Education Study Committee was approved.

Representative Sorg moved that the Penal and Correctional Systems Study Committee include as advisory members, in addition to an inmate on work-release from the Ft. Madison State Penitentiary and an inmate on work-release from the Anamosa Men's Reformatory, as previously approved by the Council, one inmate on work-release from the Rockwell City Women's Reformatory. The motion was seconded by Senator Gaudineer and unanimously adopted.

Representative Stromer stated that he had been informed by Representative Barton L. Schweiger that Representative Schweiger has a particular interest in the area of penal and correctional systems, and is most anxious to serve on this study committee if possible. After a brief discussion, Speaker Harbor moved that Representative Schweiger replace Representative Ivor W. Stanley on the proposed membership of the Penal and Correctional Systems Study Committee, and that Representative Stanley serve on the Department of Transportation Study Committee rather than Representative Schweiger. The motion was seconded by Representative Sorg, and unanimously adopted. On motion of Representative Sorg, seconded by Representative Skinner, the proposed membership of the Penal and Correctional Systems Study Committee, as revised, was approved.

On motion of Representative Blouin, seconded by Representative Stromer, the proposed membership of the Land Use Policies Study Committee was approved.

On motion of Speaker Harbor, seconded by Senator Lamborn, the proposed membership of the Bank Holding Companies Study Committee was approved.

On motion of Senator Kyhl, seconded by Senator Hill, the proposed membership of the Assistance Grant Programs Study Committee was approved.

Chairman Varley noted that Senator Gaudineer had suggested at the previous Council meeting that a review of needed changes in Iowa's voter residence and registration laws be undertaken during the present interim. Senator Gaudineer suggested that the study be made by a subcommittee of the joint standing

State Government Committees, possibly composed of two members from each house and authorized not to exceed two meetings. Chairman Varley commented that he would prefer to have three members from each house on the subcommittee. After a brief further discussion, the matter was deferred temporarily.

The Council then took up the Report of the Studies Committee relating to Proposed Standing Committee Itineraries. On motion of Representative Cochran, seconded by Senator Kyhl, the Studies Committee's recommendation #1, relating to the standing Social Services Committee, was approved.

Senator Kyhl moved that the Council delete the request submitted by Senator W. Charlene Conklin as Chairman of the Senate Committee on Schools, noting that the Studies Committee had indicated the areas of concern identified by Senator Conklin will be covered by the special interim Schools Systems and Standards Study Committee. The motion was seconded by Representative Stromer and unanimously adopted.

With respect to the standing Committees on Environmental Preservation, Representative Blouin pointed out that the chairman of the House committee, Representative Luvern Kehe, had appointed a subcommittee on noise pollution late in the 1971 session, and suggested that possibly this subcommittee should begin work during the present interim since the area involved is likely to prove a rather complex one. There was no action on this suggestion. On motion of Representative Stromer, seconded by Representative Cochran, the recommendation of the Studies Committee with respect to the Environmental Preservation Standing Committee was approved.

With respect to the Standing Committees on Higher Education, Representative Freeman inquired whether these committees would have jurisdiction of consideration of the possible sale of station WOI-TV. Chairman Varley replied that the matter probably would fall within the jurisdiction of the Higher Education Committee, but that it was not included in their request for authorization for interim activity. Representative Freeman suggested that the respective chairmen of the Higher Education standing committees be asked to consider the matter. There was some discussion of the suggestion, but no action was taken.

Senator Brownlee moved that the Legislative Council approve the request of Senator Arthur A. Neu, Chairman of the Senate Higher Education Committee, for authority to establish a subcommittee to determine why educational television is not being used to a greater extent as a teaching aid in secondary and elementary schools. The motion was seconded by Representative Freeman. In the ensuing discussion, several Council members objected to approval of the request because elementary and secondary education is not within the jurisdiction of the Higher

Education standing committees. Representative Sorg then offered a substitute motion to confirm the Studies Committee's recommendation with respect to the standing Higher Education Committees. The motion was seconded by Representative Skinner and adopted by a show of hands.

The Council took no action on item #5 of the Report of the Studies Committee relating to Proposed Standing Committee Itineraries, which notes that Senator Marvin Smith recommended no interim subcommittees of the Senate Committee on Constitutional Amendments and Reapportionment be established at this time.

On motion of Representative Skinner, seconded by Representative Cochran, the Council approved item #6 of the Report, relating to the standing Committees on Cities and Towns.

Senator Briles expressed objection to the Studies Committee's recommendations with respect to the request of the standing County Government Committees for authorization to hold a two-day meeting of the full joint committee membership. He explained that this procedure had been followed in both 1969 and 1970 in order to allow the committees to hold hearings at which representatives of county officers' organizations, individual county officers, and other interested parties could appear, and also to permit committee members adequate time to evaluate the information and suggestions presented by the persons appearing at the hearing. Senator Briles added that due to the number of groups and individuals who wished to appear before the committee at its hearings in both 1969 and 1970, it was necessary to devote an entire day to the hearings themselves, and therefore a second day was necessary to permit the joint committees to have an opportunity to evaluate and discuss the information presented. In the discussion which followed, several Council members commented that the procedure described by Senator Briles is a step in the direction of the kinds of standing committee activity during legislative interim periods which had been discussed earlier by the Council's Legislative Procedures and Facilities Committee, and that it should be permitted. Senator Briles moved to amend the report of the Studies Committee so as to grant authority for the requested two-day meeting of the joint County Government Committees. The motion was seconded by Senator Hill, and adopted on a show of hands. Senator Lamborn suggested that any bills reported out by the County Government Committees be distributed to all legislators prior to the convening of the 1972 session. Chairman Varley stated that the Procedures and Facilities Committee would look into this possibility and report to the Council at a later date.

With respect to item #8 of the Report of the Studies Committee Relating to Proposed Standing Committee Itineraries, Senator Hill moved that the Studies Committee's recommendations be amended so as to require that any Appropriations Committee

subcommittees formed during the present interim be joint subcommittees of both the Senate and House Appropriations Committees. The motion was seconded by Representative Cochran, and unanimously adopted. On motion of Representative Sorg, seconded by Speaker Harbor, amended item #8 was approved by the Council.

Representative Cochran made reference to the phrase "methods of financial assistance to joint governmental agencies for providing urban services on a need basis if feasible", appearing in item #9 of the Studies Committee's report, and stated it was his impression that the Studies Committee had intended to delete the word "urban" from this phrase. There was a brief discussion, in the course of which it was generally agreed that the word "urban" should be changed to "area". On motion of Senator Gaudineer, seconded by Representative Skinner, item #9 was approved with the noted change.

No action was taken on item #10 of the Studies Committee's report.

On motion of Representative Stromer, seconded by Representative Sorg, item #11 of the Studies Committee's report was approved.

On motion of Representative Sorg, seconded by Senator Kyhl, item #12 of the Studies Committee's report was approved.

There was some discussion of item #13 of the Studies Committee's report, relating to the proposal of the joint Ways and Means Committees, that a subcommittee be established to study property tax exemption and determine whether present exemptions should be continued. Representative Freeman expressed belief that there is much misunderstanding of present laws in this area, and suggested that the first step that should be taken is a survey of all assessors in the state to determine present practices in this area. After further discussion, Representative Blouin moved that the Studies Committee's recommendation be amended so that the proposed subcommittee be initially authorized only three meetings, with authority to request up to three additional meetings if this is considered necessary. The motion was seconded by Representative Freeman and adopted on a roll call vote of ten to five. Those voting aye were Chairman Varley, Speaker Harbor, Senators Briles, Gaudineer, Hill, Kyhl and Palmer, and Representatives Blouin, Freeman and Sorg. Those voting nay were Vice Chairman Lamborn, Senator Brownlee, and Representatives Cochran, Skinner and Stromer. On motion of Representative Freeman, seconded by Senator Gaudineer, item #13 of the Studies Committee's report was adopted as amended.

No action was taken on item #14 of the Studies Committee's report.

The Council then resumed consideration of the establishment of a joint subcommittee of the standing State Government Committees to consider needed changes in the state's voter registration and residency requirements. After a brief discussion, Representative Skinner moved that a six-member subcommittee, composed of Representative Richard Drake as Chairman, Representatives C. Raymond Fisher and Earl Willits, and Senators James A. Potgeter, John Rhodes and John Tapscott, be formed for this purpose and authorized two meetings during the present interim. Motion was seconded by Representative Cochran and was unanimously adopted.

Senator Gaudineer suggested that the Council consider the possible need for a subcommittee of the joint Transportation Committees to look into what legislation is needed to comply with the federal government's requirements regarding highway beautification, so as to assure that the state will not lose any of its federal highway funds due to lack of compliance with regulations regarding control of billboards and screening of junkyards from the view of the motoring public. Senator Kyhl commented that Senator John Walsh is a member of the Transportation Committee of the Midwestern Regional Conference of the Council of State Governments, and will probably acquire considerable information about what other states in the upper midwest are doing in this area, as well as what the federal government will require of Iowa. Chairman Varley expressed resentment at what he termed federal blackmail in matters such as highway billboard control, adding that he considers it a waste of money to control billboards within a designated area on either side of the highway only to have them replaced by larger billboards farther away from the highway. He stated that if an interim subcommittee is to be authorized to work in this area, it should be instructed to determine whether or not it is desirable for Iowa to attempt to comply with regulations of this kind. It was then agreed to defer the matter until the Council's next meeting.

Chairman Varley noted that the report of the Studies Committee which had been distributed to Council members failed to include a recommendation agreed upon by the Studies Committee that the Building Code Subcommittee of the joint standing State Government Committees which had been established during the previous interim be authorized two additional meetings during the present interim, and that Representative C. Raymond Fisher and Senator W. R. Rabedaux be added to this subcommittee. On motion of Senator Kyhl, seconded by Representative Sorg, the recommendation was approved.

The Council recessed for lunch at 12:00 noon, and reconvened at 1:30 p.m. in the Speaker's Room. All Council members who had been present for the morning session were again present.

Speaker Harbor reviewed the meeting of the Procedures and

Facilities Committee which had been held prior to the morning session of the Council meeting. The minutes of the Procedures and Facilities Committee's meeting are attached to and by this reference made a part of these minutes.

Speaker Harbor moved that the Procedures and Facilities Committee's recommendation regarding purchase and distribution of copies of the book The Sometimes Government be adopted. The motion was seconded by Representative Sorg. Senator Gaudineer said that in his opinion it should be adequate to obtain a few library copies and advise legislators of their availability. Speaker Harbor's motion was adopted on a voice vote, Senator Gaudineer voting no.

There was considerable discussion of various ideas which had been raised in the Procedures and Facilities Committee meeting earlier in the day. Senator Lamborn stressed the importance of finding methods for shortening legislative sessions, mentioning as possibilities reduction in the number and size of standing committees, limitation on the number of standing committees on which any one legislator may serve, and purchase and installation of an electrical voting machine in the Senate. Senator Kyhl stated that more adequate women's restroom facilities should be provided on the second floor of the Capitol Building, for the convenience of the legislative clerks as well as the increasing number of women legislators.

Senator Gaudineer proposed the consideration of a three-week program to prepare a legislative agenda for the 1972 session. He stated that during the first week, all members of the General Assembly should be summoned to Des Moines, and paid per diem for their service in order to permit a full schedule of standing committee meetings and consultation among legislators serving on various committees, as well as with constituents, in order to identify and hopefully to make progress toward perfecting the most important legislation which should be considered at the 1972 session. During the second of the three weeks, committee chairmen should remain in Des Moines in order to complete preparation of formal reports on bills identified by their respective committees as priority items for the 1972 session. During the final week, legislative leaders would work to prepare a calendar of priorities for floor consideration of the bills reported out by the committees, so that floor action could begin promptly upon convening of the 1972 session. Senator Gaudineer stated that while the total cost of such a three-week effort might be in the neighborhood of \$70,000, it is likely that the 1972 session would thereby be shortened enough to save more than this amount.

Lieutenant Governor Jepsen stated that he agrees with the thrust of what Senator Gaudineer had just said, but does not feel that it should be necessary to summon all members of the legislature to Des Moines in order to accomplish this result. He

suggested that committee chairmen be asked to summarize all bills presently assigned to their respective committees, and send each committee member a set of the summaries by mail with a form on which the committee member may indicate which bills he considers should be regarded as priority items. A deadline should be set for returning these forms, and the committee chairmen could then process them and turn them over to the leadership to be used as a basis for establishing a calendar of priorities for the session.

Senator Gaudineer moved that the Legislative Procedures and Facilities Committee be instructed to consider in depth the proposals which he had earlier offered. The motion was seconded by Representative Blouin, and unanimously adopted.

Senator Lamborn suggested development of a more effective set of progressive deadlines regarding the kinds of matters which may be considered on the floor of either house after certain dates in the legislative session. Senator Gaudineer agreed, adding that it should be made impossible to suspend such rules without a two-thirds affirmative vote in both houses.

Speaker Harbor suggested that members of the Council who attend the National Legislative Conference should visit the Minnesota State Capitol and view the facilities which have been provided for the legislature there.

There was further discussion of Senator Lamborn's earlier suggestion that an electric voting machine be obtained for the Senate, several comments being made to the effect that such a step should save considerable legislative time. Senator Briles suggested that a less expensive means of partially achieving the same results would be to make it strictly the sponsor's prerogative to determine whether or not a roll call will be taken on any amendment. Senator Hill and Representative Blouin expressed opposition to such a proposal.

Representative Skinner moved that the Procedures and Facilities Committee be instructed to study and recommend positive steps toward purchase and installation of a voting machine in the Senate. The motion was seconded by Senator Hill. Senator Gaudineer urged that the Council use caution in any such step, commenting that any appearance of pressure by a joint legislative group on the Senate to change its procedures could cause considerable resentment on the part of some senators. Senator Brownlee made a substitute motion that the Procedures and Facilities Committee be instructed to investigate and provide the Senate with information regarding purchase and installation of a voting machine. Representative Skinner moved to table Senator Brownlee's substitute motion. Representative Skinner's motion to table was seconded by Senator Palmer, and adopted.

Senator Hill stated that before ending the discussion of legislative procedures and facilities, he would like to urge that in the future the Legislative Council organize immediately after the convening of the first session of each General Assembly, and function during the session as well as during the interims. Senator Gaudineer raised the question of whether such procedure would in any way conflict with the role the majority caucus has traditionally played during sessions of the General Assembly. Representative Cochran asked Speaker Harbor to comment on Senator Hill's suggestion, and Speaker Harbor stated that presiding officers might have more difficulty in determining who should be appointed to the Council at the beginning of a new General Assembly, particularly in the case of freshman legislators who might develop considerably during the first session. However, he added that this would not be an insurmountable obstacle if it were determined that the Council should be organized and function during legislative sessions.

Representative Freeman stated he had been advised by House Commerce Committee Chairman Representative Harold O. Fischer that he and Senate Commerce Committee Chairman Senator John Mowry wish to request authorization for a joint subcommittee of eight members to hold not more than four meetings during the present interim for the purpose of studying the concept and feasibility of "no-fault" automobile insurance in Iowa. Representative Freeman moved that the request be approved. Senator Gaudineer stated that the concept of no-fault insurance has important implications for court procedures as well as for insurance companies, and therefore made a substitute motion that the study requested by Representative Fischer and Senator Mowry be conducted by a twelve-member subcommittee composed of three members of the Commerce Committee and three members of the Judiciary Committee from each house. The substitute motion was seconded by Representative Skinner. After some discussion the substitute motion was approved. In response to a question, Chairman Varley stated that the appointments to the joint subcommittee would be made by the chairmen of the four standing committees involved, and that one minority member from each of the four standing committees should be appointed.

Chairman Varley called upon Senator Palmer for a report on the progress of the Commerce Commission study. Senator Palmer reported that the subcommittee has thus far held its organizational meeting and one additional meeting at which information was received regarding the jurisdiction and procedures of the Commerce Commission. He added that another meeting of the subcommittee was scheduled for the following day. Senator Palmer stated that while it is much too early to arrive at definite conclusions, it appears on the basis of information which the subcommittee has received to date that the Commerce Commission is severely understaffed, and that the Commerce Commissioners and the General Assembly perhaps bear a joint responsibility for this situation. Senator Palmer

explained that in his view the Commerce Commissioners have not done enough in the past to make their problems known to the General Assembly, but that when they have attempted to do so the General Assembly has not adequately responded. Senator Palmer's report was followed by a general discussion in the course of which Senator Palmer answered a number of questions from Council members.

It was agreed that the next meeting of the Legislative Council will be held at 10:00 a.m. on Wednesday, September 8, in the Speaker's Room. The Council's Legislative Procedures and Facilities Committee will meet in the Speaker's Room on the previous afternoon.

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

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SERGE H. GARRISON
Director