

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

August 3-4, 1976

The meeting of the Studies Committee was called to order at 10:55 a.m. by Co-chairperson Senator George R. Kinley in the Speaker's Room of the State House, Des Moines, Iowa on August 3, 1976. Members present in addition to Co-chairperson Kinley were:

Representative Jerome Fitzgerald, Co-chairperson
Senator Willard R. Hansen
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:

Senator Minnette Doderer
Mr. Serge H. Garrison, Director, Legislative Service Bureau
Ms. Debbie Dahab, Research Analyst, Legislative Service Bureau

At the direction of Co-chairperson Kinley, the Committee began discussion of the requests received from standing committee chairpersons for interim subcommittees, copies of which had been previously distributed to Committee members. A summary of subcommittee requests was also distributed to Committee members and is attached to and by this reference made a part of these minutes. Co-chairperson Fitzgerald pointed out that he had received a letter from Representative Emil Husack requesting a subcommittee of the Standing Committees on Agriculture to study the corporate farm law. He noted that this request was not included in the summary which was distributed to Committee members.

Senator Hill questioned the need for a joint Subcommittee on Grain Grading. He noted that the Grain Grading Subcommittee which met during the 1975 interim did produce a bill draft and while this legislation was never enacted, its failure to become law was not due to a lack of information on the subject. Speaker Cochran commented that there are many other aspects to the grain grading problem which were not covered by the draft recommended by the 1975 interim Subcommittee and that a new subcommittee could broaden the scope of its efforts. Senator Hill disagreed, noting that if a Grain Grading Subcommittee were established, its responsibilities should be limited to review of the present law and the changes recommended by the 1975 Subcommittee.

Representative Varley requested that the Legislative Service Bureau summarize the activities of the 1975 Grain Grading Subcommittee and the legislation recommended so that Committee members might ascertain whether further study is necessary. Mr. Garrison responded that a staff person would be in attendance during the afternoon session to present the requested information and answer any questions.

Co-chairperson Kinley suggested that the Committee rank the requests for interim subcommittees either "A", "B", or "C" in order of priority with "A" being the top priority. Co-chairperson Kinley recommended that the request for a Subcommittee on Restaurant Inspection be given an "A" rating. Discussion ensued during which it was pointed out that the Duplicatory Inspection Requirements Study Committee which met during the 1975 interim had included in its final report the recommendation that the responsibility for restaurant inspections be transferred from the Department of Agriculture to the Department of Health, but that the legislation enabling this transfer was never enacted. Representative Varley questioned whether the Restaurant Inspection Subcommittee should be a subcommittee of the Standing Committees on Agriculture given the recommendation for the transfer of inspection duties to the Department of Health. Co-chairperson Kinley responded that perhaps a subcommittee of the Standing Committees on State Government could be established to study restaurant inspections rather than a subcommittee of the Standing Committees on Agriculture. Senator Hill suggested that the Restaurant Inspection Subcommittee be composed of members of both the State Government and Agriculture Standing Committees.

Senator Doderer pointed out that the Standing Committees on Cities would be ultimately responsible for administering the inspection program, to which Co-chairperson Kinley replied that members of the Restaurant Inspection Subcommittee could be drawn from the Cities Committee as well as the State Government and Agriculture Standing Committees. After some discussion of the scope of proposed Restaurant Inspection Subcommittee study, Senator Hill suggested that the Committee review the recommendations of the Duplicatory Inspection Requirements Study Committee before reaching any decision. Mr. Garrison indicated that the Legislative Service Bureau would be prepared to present a summary of that Study Committee's recommendations during the afternoon session.

Continuing through the compilation of subcommittee requests, Co-chairperson Kinley noted that the chairpersons of the House and Senate County Government Standing Committees requested an additional day for a joint full Committee meeting to hear legislative proposals from both Committee members and representatives of county interest groups. There being no objections, the request from the County Government chairpersons was assigned an "A" rating.

Co-chairperson Kinley noted that both the House and Senate chairpersons of the Standing Committees on Education had requested

a subcommittee to examine current secondary and post-secondary vocational and career educational programs, services and activities. At the suggestion of Representative Varley, the Vocational-Technical Education Subcommittee was given an "A" rating.

In response to a question from Co-chairperson Kinley concerning the three subcommittees requested by the chairpersons of the Standing Committees on Human Resources, Mr. Garrison noted that it was his understanding that the subcommittees would be staffed by personnel provided through the Legis-50 contract. Co-chairperson Kinley then inquired concerning whether the Human Resources Standing Committee was meeting periodically during the interim to oversee the Title XIX study. Representative Hargrave explained that the Appropriations Subcommittee on Human Resources is meeting during the interim in this capacity. Speaker Cochran asked how the proposed Subcommittee on Title XIX Policy Decisions relates to the oversight activities of the Appropriations Subcommittee on Human Resources. Representative Hargrave responded that the proposed Human Resources Subcommittee would make policy decisions based on the information generated by the consultants study on Title XIX authorized pursuant to Senate File 1124. He added that the Appropriations Subcommittee on Human Resources cannot make policy decisions.

Senator Hill suggested that the Committee authorize one subcommittee to examine certificate of need, mental health institutional programs, and Title XIX policy decisions. He proposed that the subcommittee be composed of five persons from each House and should be authorized three meetings to enable the discussion of one topic at each meeting. Co-chairperson Fitzgerald suggested that there be one subcommittee to examine certificate of need and one subcommittee to investigate mental health institutions and Title XIX policy decisions. Representative Varley agreed, but suggested that perhaps the mental health institutions and Title XIX policy decisions topics could be handled by a joint meeting of the full Standing Committees on Human Resources. Representative Hargrave then suggested that the Standing Committees be authorized two full committee meetings during the interim so that they might discuss one topic at each meeting. The Committee expressed general agreement with this proposal.

At the suggestion of Co-chairperson Kinley, the Committee agreed to establish a joint subcommittee of the Standing Committees on Labor and Industrial Relations to investigate the funding of the unemployment compensation program. Co-chairperson Kinley noted that Senator DeKoster had requested a subcommittee in this area in a letter presented to the Committee at its July 13, 1976 meeting. He further explained that a need exists to gather further information and figures concerning the unemployment compensation program because efforts of the Standing Committee on Labor and Industrial Relations last session in this area proved unsatisfactory.

Representative Varley suggested that the request from the Standing Committees on Judiciary for a Subcommittee on Electronic Surveillance be assigned a "B" rating. Representative Millen opined that further study of this subject is not necessary as all that remains is reaching a decision on specific legislative proposals. He also questioned the need for further study of the problems associated with the use and termination of life support equipment. Senator Hill noted that legal questions surrounding the latter topic seemed to be under the jurisdiction of the courts. Representative Varley commented that if the General Assembly intends to take some legislative action on the controversial and extremely complex subject of life support systems a study in this area would be justified. Co-chairperson Kinley stated that he had no objections to giving the request for a Subcommittee on Life Support Systems an "A" rating. The Committee expressed general agreement with this suggestion.

Co-chairperson Kinley questioned whether a subcommittee or a full study committee should be established to study juvenile justice. Representative Varley advised that a study committee be established, noting that it would be advantageous to have persons representing diverse standing committees to study this subject. Senator Hill disagreed. Co-chairperson Fitzgerald pointed out that a study committee composed of legislators representing various standing committees who might ultimately handle the legislation would both broaden legislators' understanding of the subject and the scope of any legislation recommended. Senator Doderer explained that the original intention was to have the study committee which met during the 1975 interim prepare legislation relating to court processes and an interim Study Committee in 1976 handle the services aspect of juvenile justice. However, she continued, since the legislation revising the court processes was not enacted during the 1976 Session, any interim study committee meeting during 1976 must consider both issues.

Representative Hargrave indicated that he would prefer a study committee on juvenile justice, pointing out that many legislators who are not members of the Judiciary Committee are interested in juvenile justice and have worked in this area. Co-chairperson Kinley asserted that a study committee on juvenile justice should be established which would be representative of both Judiciary and Human Resources Committee members and suggested that this be assigned an "A" priority. The Committee expressed general agreement with Co-chairperson Kinley's suggestion.

After a brief discussion of the proposal from Senator Heying for a Subcommittee on Conservation and Land Preservation practices for youth, the Committee assigned this suggestion a "C" rating. Discussion then moved to the suggestions from the Transportation Committees for subcommittees, during which Senator Hill suggested that questions concerning federal railroad assistance could be put on the agenda for the September meeting between legislators and congressional representatives to be held in Washington D.C. Representative Varley indicated that a

subcommittee might be necessary to investigate whether there are problems with the drafting of Iowa laws which may prevent or hamper the receipt of federal railroad assistance. Senator Hill suggested that this potential problem could be investigated without establishing a subcommittee and requested that the Legislative Service Bureau contact the Department of Transportation to ascertain whether such statutory problems exist. At the suggestion of Co-chairperson Kinley, a final decision concerning the request for a Subcommittee on Federal Railroad Assistance was delayed until the afternoon session pending a report from the Legislative Service Bureau.

After discussion of the remaining two requests for subcommittees of the Standing Committees on Transportation, the Committee decided to assign both regulation of trucks and other intrastate commercial vehicles and the airport authority law "C" ratings.

Co-chairperson Kinley reminded the members of the Committee that they had never reached a final decision on whether to establish a Penal and Correctional Study Committee or Subcommittee during the 1976 interim and invited discussion on this question. Speaker Cochran pointed out that if a subcommittee were established it would probably be a subcommittee of the Judiciary Committee and Representative Doyle who had worked in this area in the past would be ineligible to serve. He opined that in the past a full committee has produced results and expressed agreement with the proposal to establish a study committee. After a brief discussion it was decided that an "A" rating should be assigned to the proposal for a Penal and Correctional Study Committee.

In response to a question from Co-chairperson Kinley, Mr. Garrison indicated that the 1975 interim Penal and Correctional Study Committee was composed of nine members. The Committee decided that the Penal and Correctional Study Committee should be composed of ten members. After it was pointed out that the 1975 interim Juvenile Justice Study Committee had ten members, it was decided that the 1976 Juvenile Justice Study Committee should be composed of ten members, with Co-chairperson Kinley emphasizing that the membership on this Study Committee should be drawn from legislators serving on both the Judiciary and Human Resources Standing Committees.

The Committee was recessed at 11:40 a.m. and reconvened at 2:10 p.m. All members who were present during the morning session were in attendance with the exception of Senator Van Gilst and Representative Hargrave. At that time the decision made by the Committee during the morning session to establish a Penal and Correctional Study Committee and a Juvenile Justice Study Committee was approved by unanimous consent.

The Committee then proceeded to review the ratings they had assigned to proposals for subcommittees during the morning session. Co-chairperson Kinley told members that after in-

Investigating the recommendations of the 1975 interim Study Committee on Duplicatory Inspection Requirements he has concluded that a subcommittee is needed to ascertain how states and local government units can work together for food control. He added that when responsibilities are shifted between governmental departments and units the Standing Committee on State Government is involved and suggested that a subcommittee on restaurant inspection be composed of three members from the State Government Committees in each House. Seeing no objections, a Restaurant Inspection Subcommittee was established.

Moving on to the request for a Corporate Farm Subcommittee which had received an "A" rating, Co-chairperson Fitzgerald indicated that this subcommittee would need at least two meetings with the option of holding a third. Seeing no objections a Corporate Farm Subcommittee composed of three members from the Agriculture Committees of each house was established.

The Committee then began discussion of the proposal for a Grain Grading Subcommittee which had been deferred during the morning session. Mr. Larry Burch from the Legislative Service Bureau explained that the Grain Grading Subcommittee established during the 1975 interim had discovered that the federal law is fairly comprehensive in this area, making it difficult for the state to exercise statutory control. Mr. Burch further explained that at the request of the 1975 interim Subcommittee legislation was drafted which was designed to inform the farmer of grain grading procedures and remedies but the legislation died in the Senate during the 1976 legislative session. After a brief discussion of the request for a Grain Grading Subcommittee and the information presented by Mr. Burch, the Committee assigned the request a "C" rating.

Representative Hargrave moved that the Committee authorize a second one-day meeting of the Standing Committees on County Government, in addition to the one meeting provided by law, as per the request of the chairpersons. At the suggestion of Representative Varley, the Committee decided that unless otherwise specified, all subcommittees authorized for the 1976 interim would be allowed three members from each House and three meetings. The Varley motion was adopted. The Committee then approved the request from the Standing Committees on Education for a Vocational-Technical Education Subcommittee, the request from the Standing Committees on Human Resources for a Certificate of Need Subcommittee, the request from the Standing Committees on Judiciary for a Life Support System Subcommittee and the request from the Standing Committees on Labor and Industrial Relations for an Unemployment Compensation Funding Subcommittee. The Committee also authorized a one-day joint meeting of the Standing Committees on Human Resources, in addition to the one day allowed by law, to discuss mental health institutional programs and Title XIX policy decisions.

Co-chairperson Kinley then called on Mr. Timothy Braunschweig from the Legislative Service Bureau to answer questions which had been raised by Committee members during the morning session concerning whether Iowa laws meet federal requirements for the receipt of railroad assistance. Mr. Braunschweig reported that he had discussed this question with representatives from the State Department of Transportation and was informed that Iowa law is in complete agreement with the federal requirements for the receipt of funds. Senator Hill reiterated his suggestion that this item should be included on the agenda for the meetings between Iowa legislators and Congressional representatives. Representative Millen expressed agreement with this suggestion. Seeing no objections, it was so ordered.

Co-chairperson Fitzgerald indicated that the Subcommittee on Mergers and Rights of Minority Shareholders may not be able to complete its work in three meetings. Senator Hansen pointed out that the chairperson can always request that the Legislative Council authorize additional meetings. Co-chairperson Kinley and Representative Millen then announced the list of Senate majority and minority and House minority appointees to the 12 study committees. Representative Millen commented that while he was aware that the Committee had agreed to try not to appoint retiring legislators to study committees, he had taken exception to this rule in several instances. Speaker Cochran commented that while he felt the rule was a good one, it should not always be followed at the expense of expertise. He added that he had no objections to Representative Millen's appointees. The Committee recessed at 3:00 p.m.

The Committee reconvened at 9:00 a.m., August 4, 1976 in the Speaker's Room of the State House, Des Moines, Iowa. All members present on August 3 were in attendance with the exception of Senator Van Gilst and Speaker Cochran. Representative Millen announced several changes in the House minority appointees to study committees. Co-chairperson Fitzgerald requested that the size of the Corporate Farm Subcommittee be expanded from three to five members from each House. He also requested that the Legislative Oversight Study Committee be expanded from six to ten members and that one member from each house be added to the Road Financing Study Committee. Representative Varley suggested that two members from each House be added to the Road Financing Study Committee to preserve partisan balance. Co-chairperson Kinley reported no objections to this suggestion. Senator Hill noted that a committee size of 16 might facilitate division into subcommittees. Representative Millen indicated that 18 members would be appropriate. At the motion of Representative Varley, the total membership of the Road Financing Study Committee was changed from 14 to 18.

The Committee also approved the increase in the membership of the Corporate Farm Subcommittee and the Legislative Oversight Study Committee. Co-chairperson Fitzgerald then announced the House majority appointees to the 12 study committees. A final list

of study committee appointments is attached to and by this reference made a part of these minutes.

After considerable discussion concerning whether to appoint a single temporary chairperson or temporary co-chairpersons for each of the study committees the Committee decided that a single temporary chairperson should be designated. The temporary chairperson appointments were announced by Co-chairpersons Kinley and Fitzgerald and are indicated on the attached list of study committee appointments by an asterisk. There being further business, the meeting were adjourned at 9:55 a.m.

Respectfully submitted,

DEBBIE DAHAB
Research Analyst