

M I N U T E S

ADMINISTRATION COMMITTEE

November 29, 1976

The meeting of the Administration Committee of the Legislative Council was called to order by the Chairperson, Speaker Dale Cochran, at 1:45 p.m., Monday, November 29, 1976 in the Speaker's Conference Room of the State House, Des Moines, Iowa. Members present in addition to Speaker Cochran were:

Senator George Kinley  
Senator Eugene Hill  
Representative Donald Doyle

Also present were:

Chief Justice C. Edwin Moore  
Secretary of State Melvin Synhorst  
Treasurer of State Maurice Baringer  
Attorney General Richard Turner  
Auditor of State Lloyd Smith  
Mr. Stanley McCausland, Director, Department of General Services  
Mr. Serge H. Garrison, Director, Legislative Service Bureau  
Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau

In his opening remarks, Speaker Cochran stated that the purpose of the meeting is to discuss the allocation of office space within the State Capitol Building to meet the space needs of the three branches of state government. He noted that in 1975, the General Assembly approved the construction of an additional floor on the Herbert Hoover Office Building for the purpose of creating additional executive office space to be used by certain executive offices now located in the State Capitol Building. He added that it was the intent of the General Assembly that the vacated executive office space within the State Capitol Building be used to meet the critical needs of the General Assembly. He stated that discussion of the space needs of the General Assembly and the Supreme Court has been continuing for approximately 15 months with little progress toward agreement. As a result, he added, the Legislative Council at its meeting of November 10, 1976 adopted the following motion:

"That efforts to negotiate the issue of space allocation within the Capitol Building with members of the Executive Council, the Attorney General and the Supreme Court be continued, but that if no resolution of the issue has been achieved by December 1, 1976, the Legislative Council then exercise its prerogative to assign the space needed by the General Assembly, and also to consider the space needs of the

Supreme Court and the Court of Appeals within the Capitol Building."

Upon concluding his remarks, Speaker Cochran recognized Mr. McCausland for his comments on the space allocation discussion. Mr. McCausland stated that he believes the space allocation question can be resolved if the interested parties are willing to compromise. He recommended that an architect and engineer consultant be employed to study the space to be vacated in the Capitol Building from a space utilization and mechanical standpoint. He added that the report and recommendations of the consultant could be used as the basis for resolving the space allocation issue.

Senator Hill commented that the only concrete proposal which he has heard has been made by the Secretary of State who agrees to vacate the office area currently utilized by the Corporation Division if adequate space is allocated in one of the two buildings under construction. Mr. McCausland stated that a proposal has been made to vacate the office space of the Code Editor. Chief Justice Moore commented that the Code Editor's space is a relatively small area and that he has received strong objections from some legislators who do not want the Code Editor moved to the Lucas State Office Building.

In reply to a question from Treasurer of State Baringer, Speaker Cochran stated that the General Assembly has both short-range and long-range plans concerning its space needs, but the plans have not been developed to the degree of identifying square footage needed. He added that the General Assembly proposes to create approximately eight appropriations subcommittees, some with as many as 24 members. He added that finding adequate space for these committees is very critical to the legislative process. He stated that the construction of a mall east of the Capitol Building may be a long range possibility, but this possibility will not solve the current space needs of the General Assembly. In reply to another question by Treasurer of State Baringer, Speaker Cochran stated that the first priority for the General Assembly is obtaining space for committee rooms.

Secretary of State Synhorst stated that he agrees with Mr. McCausland's recommendation that an independent space utilization study is needed so that future space allocation discussions can deal with specifics rather than generalities. Senator Hill commented that the need for an independent space study has been discussed before, but he sees no need for additional engineering or architectural studies. He stated that the General Assembly could effectively use all of the space currently occupied by executive offices in the Capitol Building. He added that he has no desire to move executive offices from the Capitol Complex but rather to designate adequate space in the buildings under construction which will be as suitable, if not more suitable, for their purposes than the space currently occupied within the Capitol Building.

Speaker Cochran next recognized Attorney General Turner. Mr. Turner stated that if the General Assembly is considering the eviction of constitutional officers from the Capitol Building, the attempt would raise serious constitutional questions. He stated that he has received correspondence from the states of West Virginia, Connecticut, and Alaska where attempts to evict constitutional officers have failed. He stated that he believes neither the legislative branch nor the executive branch have the legal authority to evict the other. In reply to a question by Speaker Cochran, Mr. Turner stated that he might consider vacating his office space within the Capitol Building if he were allocated adequate space in the Herbert Hoover Building, if his legal staff were given private offices with floor to ceiling walls suitable for confidential communications, and if a suitable ceremonial or working office is retained within the Capitol Building. He added that he does not approve of the space allocation plan originally proposed by Mr. McCausland because it does not provide for suitable individual offices and does not allow for expansion of his staff which is likely to occur. Mr. McCausland commented that he has not finalized the allocation plans for the Herbert Hoover Building and he suggested that perhaps more office space is needed than originally estimated for the Attorney General's office. He stated that additional study and review of the original space allocation proposals is needed. Mr. Turner further stated that each constitutional officer who agrees to move from the Capitol Building should be allowed to retain some office space in the Capitol Building. In conclusion, Mr. Turner stated that he would consider vacating most of his office space in the Capitol Building if he is allocated adequate space in the office building under construction, both in terms of size and design. In reply to another question by Speaker Cochran, Mr. Turner stated that he suggests that the vacated space within the Capitol Building be divided among the General Assembly, the Supreme Court, and the Court of Appeals.

Chief Justice Moore stated that he does not believe the Supreme Court and the Court of Appeals need compromise on the space that the Courts need. He noted that several district courts have exercised their prerogative to order the county boards of supervisors to provide the court facilities needed. He added that he does not believe that the question of space allocation should require legal action because some agreement should be worked out without the use of formal legal procedures.

Speaker Cochran next recognized Auditor of State Lloyd Smith. Mr. Smith stated that he does not favor moving part of his staff to another office building because of the loss of supervisory control if his staff is separated and the additional problem of keeping audit equipment and information confidential.

Treasurer of State Maurice Baringer stated that he opposes moving his office to another state office building because he has daily contact with the State Comptroller, the Attorney General, and the Auditor of State with regard to financial affairs of the state. He further stated that he does not believe the design of

his office space is appropriate for committee rooms and that the offices should not be vacated by a constitutional officer to provide office space for appointed legislative staff. He recommended that the General Assembly adopt definite short-range and long-range plans concerning its space needs.

Senator Kinley stated that he has attended several meetings during the past 60-90 days discussing the space allocation problem, but there appears to be no progress at all. He suggested that the Legislative Council proceed on the premise that the Attorney General, the Auditor of State, the Treasurer of State, and the Secretary of State will be moved to other state office buildings, but each officer will retain a working office in the Capitol Building.

Attorney General Turner stated that he sees advantages of centralizing his staff in one of the state office buildings under construction, but he still needs assurances that the space he is assigned will be adequate.

Treasurer of State Baringer stated that he realizes the General Assembly as well as executive agencies do need space for additional staff, but he emphasized that the space problems cannot be resolved without long-range planning.

Chief Justice Moore stated that the needs of the Supreme Court have been thoroughly studied by consultants from New York University and that their report stated that the Supreme Court needs the entire space to be vacated by the Department of Agriculture to meet its needs. He added that this report was completed before the Court of Appeals was even created. Therefore, he added, the need for this space is even more necessary today than when the report was made.

In reply to a question by Treasurer of State Baringer, Chief Justice Moore stated that the Courts plan to use the space to be vacated by the Department of Agriculture to office approximately 30 judicial personnel and to establish a library and conference room for the Court of Appeals. He added that the Court of Appeals would allow the use of its conference room by the General Assembly when the conference room is not needed by the Court.

In reply to a question by Speaker Cochran, Chief Justice Moore stated that he does not believe that the space currently occupied by the Corporation Division of the Secretary of State is suitable for use by the Court because of existing physical barriers.

Mr. McCausland stated that he believes that remodeling could make the Corporation Division area suitable for the Court but this determination should await the results of a consultant study.

Chief Justice Moore stated that he has no objection to a consultant study, in fact he has urged Mr. McCausland to employ an

architect to prepare plans for remodeling the Department of Agriculture space long ago.

After further discussion, Attorney General Turner and Secretary of State Synhorst agreed to meet with Mr. McCausland to study and determine if adequate space could be provided for their agencies in the Hoover Building presently being constructed if the proposal also includes the retention of a working office within the Capitol Building.

The executive, legislative, and judicial officers then agreed to appoint three persons, one representing each branch of government, to meet with Mr. McCausland for the purpose of employing an architect and engineering consultant who would study the space needs of the General Assembly and the Courts and determine and make recommendations for the best use of space currently occupied in the Capitol Building by the Department of Agriculture, Secretary of State, Treasurer of State, Auditor of State, and the Attorney General in order to meet the needs of the General Assembly and the Courts. The parties also agreed that the results and recommendations of the study will be subject to the approval of the respective parties.

There being no further discussion, Speaker Cochran adjourned the meeting at 3:55 p.m.

Respectfully submitted,

THANE R. JOHNSON  
Senior Research Analyst