

M I N U T E S

ADMINISTRATION COMMITTEE
OF THE
LEGISLATIVE COUNCIL

December 18, 1975
Speaker's Room

The meeting of the Administration Committee was called to order by the Chairman, Speaker of the House Dale Cochran, at 2:15 p.m. Members present in addition to Speaker Cochran were Senators Clifton Lamborn, George Kinley, and Eugene Hill; Representatives Donald Doyle and Andrew Varley. Other persons present were Chief Justice C. Edwin Moore, Justice W. W. Reynoldson, Justice Mark McCormick, Supreme Court Administrator William J. O'Brien, and Director of the Legislative Service Bureau, Serge H. Garrison.

Chairman Cochran called upon Chief Justice Moore to discuss the needs for additional space of the Supreme Court. He noted that Chief Justice Moore had written the Governor in regard to the needs of the court for additional space and had sent a copy to the Speaker. Copies of the letter were distributed to all persons present and a copy is attached to these minutes.

Chief Justice Moore noted that the authority for the assignment of space was contained in sections 18.8, 2.12, and 2.43 of the Code. In addition he noted that the three departments of government, the judicial department, the executive department, and the legislative department, are equal according to the Constitution and all must have sufficient space in which to function. Chief Justice Moore discussed the staff and functions of the court and stressed the need for space, particularly the need for office space for judges and staff.

Senator Hill explained the background of the various space studies that have been undertaken and asked the judges about their viewpoints in regard to using the space presently occupied by the Secretary of State's office.

Judge Moore stated that the court has been looking primarily at the space occupied by the Department of Agriculture rather than the space occupied by the Secretary of State. He stated the judges are aware that the space presently occupied by the Department of Agriculture will become available earlier than other space and since the court's needs are urgent, the court has looked more closely at that space.

Mr. Stanley McCausland, Director of the Department of General Services, who arrived at the meeting late, stated that the Department of Agriculture may be able to occupy the Wallace Building in March of 1977. If the Secretary of State would be moved from the State Capitol Building, it might be best to move that office to the Wallace Building also. This means that the space occupied by the Secretary of State's office would also then be available in the Spring of 1977. Mr.

McCausland stated that the Secretary of State presently occupies 1,000 to 1,500 square feet and that the Department of Agriculture occupies approximately 4,500 square feet.

Representative Varley commented that Chief Justice Moore's letter noted that the court wishes to occupy space in the north wing of the Capitol. Chief Justice Moore stated that what was intended was that space presently occupied by the Department of Agriculture.

Representative Varley asked what records are needed on a daily basis. Chief Justice Moore replied that it is difficult to say, but normally only the records which pertain to pending cases. Representative Varley asked the judges what their reaction would be to having a separate building. Chief Justice Moore stated that in some states the courts have determined where they will sit in spite of the desires of other branches of the government. The problem in getting space is too urgent to wait for the construction of another building.

Justice Reynoldson stated that if another building were to be constructed, or if the court were to be moved from the Capitol Building, the law library would have to be duplicated as well as other facilities. He stated the court now needs more clerks and there should be a removal of the statutory limit on salaries of supreme court clerks. Supreme court clerks' salaries should be set within the limit of legislative appropriations by the judges in the same manner as salaries are set by other nonmerit agencies. He stated that it is difficult at this time to specify which space the court might best use or prefer. However, he noted that the court will cooperate with the legislative branch in determining and studying space needs.

Mr. McCausland stated that the Secretary of State already has a division of his office in the Grimes Building and thus the precedent has been established for this office to function outside the Capitol Building.

Speaker Cochran explained that there have been no final determinations in regard to the allocation of space; the Administration Committee having only discussed the many possibilities and the great need of the legislative branch of government for additional space.

Representative Varley stated that the assignment of space should to a large extent be based upon the type of use that will be required, and the type of space that is available. In many cases high, ornate ceilings and the large rooms do not lend themselves to good use as individual offices. If the court's need is for individual offices, perhaps the Department of Agriculture will not offer the best usable space. On the other hand, the general assembly's needs are for both hearing rooms and office space and these needs and the type of space available should be considered.

Representative Doyle asked Chief Justice Moore his viewpoints in regard to making the Code editing function a legislative function, and he stated that a number of legislators feel that this is the proper

branch of government for this function to be placed. Chief Justice Moore replied that presently the law states that the judicial branch of government does the Code editing function and that is why the court does it.

Justice Reynoldson commented that the court could use some more justices in the state house in order to accomplish more work. Justice McCormick commented that Representative Varley's comment regarding the type of use and the type of rooms that are available must be seriously considered.

Chairman Cochran summarized the various viewpoints and he stated that he believes that study and sound thinking in cooperation with the judicial branch of government will result in just decisions. Chief Justice Moore stated that he agrees with Speaker Cochran's comments.

Mr. McCausland discussed preliminary plans that he is presently drawing, noting that without definite assignments of space he must develop plans based upon a number of assumptions.

Senator Lamborn stated that in his viewpoint the greatest need of the legislature at the present time is for a very adequate hearing room with good seating capacity and acoustics.

Mr. McCausland stated that the large area presently occupied in the Treasurer of State's office might be the most appropriate. He noted that decisions by the general assembly in regard to parking and the construction of an underground cafeteria will be most important since the legislative dining room would be released if such areas were constructed. He also stated that it is possible to construct areas underground on the east side of the Capitol for office space for legislators. This could be done without changing the present landscaping, and it would not be possible to visualize from the outside what had been constructed.

It was suggested that an ultimate plan should be drawn, space available should then be examined, and if necessary the plans should be modified to affect that which is possible. The priority needs of the two branches of government were discussed and Speaker Cochran stated that it appears necessary for the Administration Committee to meet periodically during the session to review the plans developed by Mr. McCausland, discuss priorities, and provide a forum for both the court and the legislature.

Speaker Cochran thanked the judges for meeting with the Committee and stated that he looks forward to further discussions of the space problems of the court. The judges then left the meeting.

The next item of discussion was the revised report relating to appeals by aggrieved legislative employees under the Council's jurisdiction. Mr. Garrison submitted a revised report and a bill draft designed to carry out the actions of the Administration Committee and the Council taken at their last meeting. Senator Kinley stated that

it was his understanding that the last paragraph of the report should specify that the committee recommends that employees of the House and Senate be subject to similar procedures as determined by the Rules and Administration Committees, not that the Legislative Council have any jurisdiction over such employees. It was agreed that the report would be amended to reflect such fact. With the agreement to this amendment, the members present agreed on the final form of the report and the bill submitted.

The next item for discussion was the travel policy for legislators and legislative staff. Mr. Garrison distributed a revised proposal incorporating a statement of policy in regard to travel. He noted that since the last meeting of the Council the staff travel policy had been inserted into the statement, and that revisions had been made to reflect the discussion that had taken place at the meeting of the Legislative Council in November. Mr. Garrison stated that in his viewpoint he, as chief administrator of the Legislative Service Bureau, should have the necessary authority to determine where and when staff should travel within the limitations of funds provided or allocated by the Legislative Council. He stated that he feels he is in a better position than the Council to determine if a particular meeting will be beneficial to his staff and if the staff, because of assignments and work load, should attend a particular meeting. Senator Hill and Senator Kinley conceded that they agreed with this type of policy, however they are of the opinion that even though records are available in regard to staff travel, members of the Council often do not have the time to review them. Senator Hill, Senator Kinley, and Representative Varley agreed that a review of travel by the Council of the agencies under the Council should be made at some point in time. It was suggested that the best possible time would probably be at the first meeting following the adjournment of each legislative session because that is the time that funds appropriated to the legislative agencies are normally allocated, including funds for travel. It was suggested that past legislative staff travel could be reviewed and anticipated travel should also be reviewed. It was moved by Senator Kinley, seconded by Senator Hill, and carried that the directors of the legislative staff agencies under the Council review travel by members of their agencies at the meeting following the adjournment of the legislative session and also provide information in regard to travel anticipated in the forthcoming fiscal year. Mr. Garrison stated that he felt that this is a reasonable policy and should be beneficial.

Speaker Cochran stated that in his viewpoint travel, particularly to a large meeting such as the annual meeting of the National Conference of State Legislators, should be coordinated between legislative agencies. He noted that no one was aware of which persons, and how many from each legislative agency would attend the Conference. The House was not aware of how many Senators would attend, and the Senate was not aware of how many House members would attend. He stated there should be some coordination and determination as to who would benefit most from such travel.

Representative Varley suggested that establishment of schedules for travel should be determined as early in the interim as possible. Several members stated that more attention should be given to seminars which are presented rather than sending a number of persons to the National Conference which is not always of substantial benefit because of lack of substantive subject matter. It was agreed that legislators and staff should be informed of that which is being done on the national and other state levels, and should attend meetings which will be beneficial to this end. It was also agreed that whereas the Council may have been the body designated to send representatives to certain functions in the past, it might be better to select people who have a greater responsibility in a given subject area or who might be able to benefit the general assembly to a greater extent, than automatically selecting members of the Council or another legislative body.

It was moved by Senator Kinley, seconded by Senator Hill, and carried that the Administration Committee recommend for consideration of the Legislative Council the attached statement of policy, as amended.

Chairman Cochran stated that the next item on the agenda would be a continuation of the discussion undertaken at previous meetings concerning the manner of controlling the flow of legislative proposals and bills and making copies of such proposals available to other legislators and the public. Chairman Cochran explained the problems that Iowa has encountered to Mr. Larry Margolis, Executive Director of the Citizens' Conference on State Legislatures, an organization which has studied legislative procedures in all of the states and which has made a number of recommendations in regard to them. Mr. Margolis noted that in regard to bringing proposals before the legislators and the public, most legislatures do require some type of introduction before consideration. Most of them require some type of review of a legislative proposal before any formal action is taken on it. Thus if a state department gives a copy of a proposed draft to a chairman, some type of staff review is made before it is considered by a committee. This often eliminates the problem of improperly drafted bills being voted out by a committee and also brings the subject matter before the leadership and the public.

Representative Varley stated that in his viewpoint there should be two steps within the committee when it initiates a bill. The first step would be to vote to have the bill drafted, and the next step would be to vote the bill out of the committee. The possibility that such a bill might be sent to the presiding officer before its being voted out of committee might also be present. Representative Varley stated that he strongly believes in the process whereby a committee initiates a bill.

Mr. Margolis stated that one procedure that is often used is to

submit a bill with the reports of any interim committees. It was noted that is a procedure used in Iowa most of the time. Mr. Margolis stated that in some states a bill must be properly before a committee, and is not considered properly before a committee unless it has been reviewed and redrafted by the legislative drafting agency.

Speaker Cochran suggested a procedure which might be adopted would call for the numbering of all proposals which have not been drafted by nonlegislative agencies as study bills. The bills would be numbered and the fact that they were being considered would be noted in the journal. Such bills could then be voted upon for drafting by the Legislative Service Bureau for discussion by the Committee, and then when drafted would be labeled as an LSB bill with an appropriate LSB number. Copies could then be available for the members of the committee, the presiding officers and leaders, all members of the General Assembly, and a sufficient number of copies might be available for the public. The final step would be to vote the bill out of committee for introduction, at which time it would become either a House or Senate File and be subject to the normal publicity, recording and printing.

Various proposals, some similar to those suggested by Chairman Cochran, were discussed at length.

Representative Krause, Chairman of the Committee on Transportation of the House, was present at the meeting and noted that he receives many departmental proposals drafted by the Department of Transportation. In the past he had subcommittees and the full committee act on these proposals but felt that he learned a better procedure is to have the bills reviewed by the Legislative Service Bureau before final action is taken. He suggested that if a subcommittee acts on such a bill, it be reviewed and redrafted by the Legislative Service Bureau before it is submitted to the full committee.

Senator Hill suggested that all bills being submitted for committee consideration be routed through the Speaker and the President of the Senate, or the majority floor leader as the case may be, as well as to the chairpersons of the standing committees. All bills would have LSB numbers and would first be drafted by the Legislative Service Bureau. It was noted that many proposals of the departments and individuals which are drafted outside of the Bureau do not receive serious consideration, and such procedure might place an undue drafting burden on the Bureau which would then be drafting many proposals which are not of great interest to legislators.

There was general agreement by members of the committee that the full membership of a standing committee should not take up a bill that has not had an LSB number placed upon it. After a bill receives an LSB number, it could be referred to the presiding officers, or the appropriate officer of the majority party, to the committee members one day before it is to be considered by the committee, and then additional copies could be made for study by other interested persons.

It was moved by Senator Hill, seconded by Senator Kinley, that the Administration Committee recommend the following procedure in regard to the consideration of bills to the Legislative Council and to the Rules Committees of the two houses:

1. Study bills of study committees created by the Council be referred to the presiding officers of the two houses for referral to the proper standing committee.
2. Every bill which is being considered by a standing committee must have an LSB number.
3. All LSB bills should be returned to the appropriate standing committee which requests such bills. Sufficient copies should be available to the presiding officers and the floor leaders and all committee members.

Senator Hill's motion was discussed at length. The question being called on Senator Hill's motion indicated that there were two ayes in favor of the recommendation and it failed for lack of the proper number of votes.

The members present indicated that no agreement could be reached on each and every procedure suggested, but agreed that the discussions of the committee, and the alternatives offered, should be brought to the attention of the respective Rules Committees of the two houses for their consideration.

It was noted that Mr. David Wray, Chief Clerk of the House, had submitted a prepared statement to the members of the Administration Committee of the Legislative Council in regard to legislative space needs. This statement is attached to these minutes.

There being no further business to come before the Committee, the meeting was adjourned at 4:50 p.m.

Respectfully submitted,

SERGE H. GARRISON