

M I N U T E S

LEGISLATIVE COUNCIL

September 13, 1978

The twelfth meeting of the 1977-78 Legislative Council was called to order at 10:20 a.m., Wednesday, September 13, 1978 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Senator George R. Kinley, Chairperson
Speaker of the House Dale M. Cochran, Vice Chairperson
Senator C. Joseph Coleman
Senator Lucas J. DeKoster
Senator Gene W. Glenn
Senator Eugene M. Hill
Senator Philip B. Hill
Senator Calvin O. Hultman
Senator Fred W. Nolting
Representative Gregory D. Cusack
Representative Donald V. Doyle
Representative Jerome Fitzgerald
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn D. Stromer
Representative Andrew P. Varley
Representative Richard W. Welden

Other persons present for the meeting included Representative W. R. Monroe, Jr.; Director Serge Garrison, Phil Burks and Bernie Koebernick of the Legislative Service Bureau; Legislative Fiscal Director Gerry D. Rankin; Citizens' Aide Bill Angrick; Chairperson Ervin J. J. Koos, Vice Chairperson Thomas A. Tully, Jr., Executive Committee member Charles Augustine, Executive Secretary Alvin Clair Russie and staff member Wayne Saur of the Temporary State Land Preservation Policy Commission; and Chief Clerk David Wray and Legal Counsel Dan Dudley of the House of Representatives. Several additional legislative staff persons, representatives of the news media and other interested persons also attended the meeting.

On motion of Senator Nolting, the minutes of the Council's August 9, 1978 meeting were approved as submitted to Council members.

There was distributed to Council members present a compilation of reports of educational leave received by the Legislative Service Bureau for submission to the Council, during the period since the previous Council meeting. On motion of Senator Nolting, this report was received.

Mr. Garrison noted that under Senate File 2247, enacted by the 1978 Session, the Governor is directed to set up a temporary program under which a state employee who does not use any sick leave during a particular month may convert the unused sick leave to not more than one-half day of vacation time. The Governor has issued an executive order to implement this legislation, and Mr. Garrison stated that he and the directors of the other agencies responsible to the Legislative Council have adopted the same sick leave policy which has been established for executive branch employees under the Governor's order subject to the Council's approval.

Senator Philip Hill moved that the Council approve establishment of sick leave policy for employees of these legislative agencies on the same basis as prescribed by the Governor's executive order. The motion was adopted by a unanimous voice vote.

Mr. Garrison then briefly reviewed the proposed rules for prefiling of legislative bills for the 1979 General Assembly, copies of which had been mailed to Council members. He described the manner in which these rules would be implemented, noting the distinction between prefiled and predrafted bills.

On motion of Senator Nolting, the Council accepted the proposed prefiling rules by a unanimous voice vote.

Mr. Garrison noted that a proposed revision of the Legislative Service Bureau statement of policy, most recently previously revised in 1975, had been distributed to Council members. He noted that the changes primarily reflect the increased emphasis on bill drafting activities, vis-a-vis research, and the greater reliance upon joint interim subcommittees rather than special study committees to conduct legislative studies under the Council's supervision in recent interims. He called attention to the addition of a statement of relative priority of various categories of bill drafting and research requests, appearing at the end of the proposed statement of policy, describing it as particularly significant.

Senator Eugene Hill noted that he has occasionally observed what seemed to be a very high number of interruptions of Legislative Service Bureau staff members while working in their offices during legislative sessions, by telephone calls and personal visits from legislators and other persons interested in pending legislation or bill drafts. He suggested that some effort be made to minimize such interruptions by such steps as having secretarial staff intercept telephone calls and send word to the professional staff persons to return the calls at a later, more convenient time. Mr. Garrison agreed that the problem referred to by Senator Eugene Hill does exist, adding that he advises Service Bureau staff members to minimize it by working on shorter and less complex bill drafts during the regular office hours and taking up the more complex bill drafts during evening and weekend hours when interruptions are less likely.

Senator Nolting moved that the Council accept the proposed revised Legislative Service Bureau statement of policy. The motion was adopted by a unanimous voice vote.

Chairperson Kinley recognized Representative Cusack for the report of the Legislative Fiscal Committee, pursuant to that Committee's meeting on the preceding day. A copy of the report is attached to and by this reference made a part of these minutes.

After briefly reviewing the report, Representative Cusack moved its adoption by the Council. The motion was adopted by a unanimous voice vote.

Chairperson Kinley recognized Mr. Koos and Mr. Russie for a progress report from the Temporary State Land Preservation Policy Commission. There was distributed to each Council member present a packet of material including the text of 1977 House File 210, which established the Commission; a summary overview of the Commission's activities through August 15, 1978; a list of the full Commission membership; and a work program outline and schedule prepared by the Commission.

Mr. Russie presented Mr. Koos, who made introductory remarks briefly reviewing some key provisions of H.F. 210, and introduced the other members of the Commission's executive committee. Mr. Koos then asked Mr. Russie to summarize the commission's work program. Mr. Russie did so, making use of two alternative work program schedule diagrams, copies of which were also distributed to Council members present.

Mr. Russie explained in some detail the differences between the two alternative work schedules, which he identified as the "short schedule" and the "extended schedule." The latter would be followed, he explained, if the General Assembly sees fit to extend the deadline for completion of the Temporary Commission's work as authorized by H.F. 210.

Speaker Cochran assumed the chair at 10:55 a.m.

Upon completion of Mr. Russie's summary, Mr. Koos indicated that the Commission has concluded that this extension of time is advisable, and would permit the Commission to complete its work in a more satisfactory manner. Speaker Cochran noted that under H.F. 210 the extension can be granted only by a concurrent resolution, and thus the Council could not do more than make a recommendation to the General Assembly on this point.

Representative Varley commended the Commission for what it has achieved to date, and noted some of the reasons why an early deadline for completion of its work was established. He suggested that more time could be allocated to what are identified as tasks 3 and 4 within the framework of the short schedule by counting on help from other legislative staff to place the

Commission's recommendations in bill form when these recommendations are agreed upon. Representative Varley noted that if it proves impossible to complete this work by the deadline originally set in H.F. 210, it would be possible to ask for an extension in January, 1979.

Representative Middleswart agreed, noting that in view of the usual organizational procedures and related activities during January of the first session of a General Assembly, it is unlikely that a resolution extending the deadline for completion of the Commission's work would be passed before February 1, 1979 in any case.

In response to a question by Senator Eugene Hill, Mr. Russie stated that attendance by members of the Commission at its meetings has been excellent. He added that one Commission member has been troubled by health problems, but that even this individual has participated as much as possible.

On motion of Senator Glenn, seconded by Senator Nolting, the Council received the report of the Temporary State Land Preservation Policy Commission by a unanimous voice vote. Speaker Cochran expressed appreciation to Mr. Koos and Mr. Russie for the report, and suggested they will have to assume for the time being that the early deadline specified in H.F. 210 will apply, pending possible action by the Sixty-eighth General Assembly.

At the request of Speaker Cochran, Mr. Garrison briefly noted several miscellaneous items which will have to come before the Council at some time in the future. He pointed out that by law the Council is required to adopt a grievance procedure for employees of the agencies responsible to the Council, and indicated that he will present a proposed draft for such a procedure to the Council's Service Committee as its next meeting.

Mr. Garrison noted with regret the resignation of Carol Ann Nix as a Legislative Service Bureau legal council. He stated it is his intention to recommend to the Service Committee at its next meeting the permanent employment of Mrs. Jo Ann Brown, presently temporarily employed in place of Research Analyst Diane Bolender, who has been on prolonged sick leave. He stressed, however, that he intends to use Mrs. Brown in a newly-created position and not as the replacement for Ms. Nix.

Finally, Mr. Garrison noted that he and Mr. Burks have begun long-range planning toward the activities which will be necessary in preparation for and in support of the legislative redistricting required in 1981.

Chairperson Kinley resumed the chair at 11:20 a.m., and recognized Executive Director Glenn R. Bowles of the Commission on the Aging who had arrived at the meeting a short time earlier.

Mr. Bowles noted that in a letter to the Legislative Council, dated August 31, 1978, the Commission on the Aging had requested that the Council allocate \$8,500 to support the Older Iowans Legislature scheduled for the State House on November 15-17. He added that he had subsequently been advised by legislative staff personnel that there are no funds available to the Council which can properly be used in this manner. He therefore requested that the Council direct that its staff and facilities be used to assist and support the Older Iowans Legislature in ways including, but not limited to:

1. Use of House or Senate chambers.
2. Production of a bill book.
3. Publication of a session journal.
4. Legislative Service Bureau.
5. Legislative Budget and Research staff.
6. Clerical support.
7. Elevator operation.
8. Security force.
9. Medical support.
10. Food services, to include legislative dining space, for lunch periods.
11. Reserved parking in east parking lot.

Senator Eugene Hill inquired what has normally been done by the legislative staff for various youth groups which periodically hold model legislative sessions. Chief Clerk Wray indicated that some advance and short-term clerical and administrative support, including preparation of a bill book and a brief journal, have been performed for the youth model legislature organized by the Department of Public Instruction. He added that assistance to Boys' State has been largely limited to allowing them use of the Senate and House chambers. In response to a question from Senator Philip Hill, Mr. Wray indicated that these activities have been carried out pursuant to section 2.12 of the Code with approval of the Speaker.

Senator Philip Hill then asked Mr. Bowles for additional details, inquiring in particular whether it was the intent of the Commission on Aging to use the \$8,500 originally requested of the Council to purchase the kinds of services he is now asking the Council to help provide. Mr. Bowles replied in the negative, adding that it had been intended to use the \$8,500 for per diem, travel and meals, but that persons participating in the Older

Iowans Legislature would now be expected to pay for their own meals. He continued that the Commission on Aging would like to obtain bill drafting services in preparation for the Older Iowans Legislature, and that each Area Council on Aging has been limited to two requests for bills to be presented at this session and has been told that these requests must be submitted by September 29. He said that it is the Commission's intent to ask the Legislative Fiscal Bureau to provide any information which may be needed in connection with bills involving budget and fiscal matters.

Senator Philip Hill indicated that he considers a number of the requests by the Commission on Aging excessive or inappropriate, in view of the regular work load of the various legislative agencies involved. Representative Varley said he believes the Older Iowans Legislature in a very worthwhile project, but that there appears to have been insufficient advance planning.

Representative Varley then moved that the House chamber be made available for use by the Older Iowans Legislature if the renovation work presently under way there is completed in time, and that otherwise the Senate chamber be made available; also that the House staff provide support for the Older Iowans Legislature in generally the same manner that it has for the Youth model legislatures in the past. Although not a part of his motion, Representative Varley informally suggested to Mr. Bowles that the Commission on Aging find other means of having bills drafted for the Older Iowans Legislature, noting that the Service Bureau and Fiscal Bureau will be fully occupied otherwise in the coming weeks.

There was some discussion, in the course of which it was noted that the renovation of the House chamber possibly may be completed in time for the Older Iowans Legislature, but that this is not likely. Representative Varley's motion was then adopted by a unanimous voice vote.

Chairperson Kinley thanked Mr. Bowles for attending the Council meeting. He then recognized Director of General Services, Stanley McCausland, who had been asked to meet with the Council in regard to the possible air conditioning of the southeast quadrant of the first floor of the State House and also in regard to the prospective cost overruns for construction of the addition to the vocational rehabilitation division building on which work is now underway on the capitol complex.

Mr. McCausland noted that pursuant to the agreement which had earlier been worked out with the Executive and Judicial branches, the General Assembly would be using some space in the southeast quadrant on the first floor. He added that it appears advisable to air condition the entire southeast quadrant of the first floor as a unit, rather than individually air conditioning various offices, and that the probable cost of doing so would be \$170,000-\$180,000. He suggested that this work be approached as a joint executive-legislative project.

Mr. McCausland then turned to the matter of the Vocational Rehabilitation Division building. He noted that the existing building had been constructed in two stages, and that the Division had for some time wanted to undertake a further addition to the building. Accordingly, the Department of Public Instruction (of which the Division of Vocational Rehabilitation is a part) had retained the same architect who had designed the first extension of the building to prepare simple inexpensive drawings for the projected second addition, at a fee of \$1,000.

Mr. McCausland continued that on the basis of these preliminary drawings, a request was made to the 1977 Session for an appropriation for the building. He said he had been concerned about what he termed the lack of advance planning by DPI prior to the request for the appropriation, but that he did support a request for money for detailed planning. However, Mr. McCausland added, that appropriation was not forthcoming in 1977 despite his vigorous efforts in support of it.

In the summer of that year, it was learned that some of the federal funds which were then being released in an attempt to stimulate the economy could be obtained to pay the cost of constructing the proposed addition to the Vocational Rehabilitation Building, and DPI proposed to do so. Mr. McCausland at that time took the position that if there was to be a new building, the Department of General Services should build it rather than DPI.

Mr. McCausland stated that the Governor ultimately supported his position on this point, and therefore a request was submitted to the federal government for a grant for construction of the Vocational Rehabilitation addition at a cost of \$2.4 million although planning at that point was minimal and had not been carried out by the Department of General Services.

When the grant was approved by federal authorities, the State of Iowa was given 90 days to break ground on the project. Mr. McCausland pointed out that this meant the State had to obtain detailed plans and specifications, seek bids, let a contract and have the contractor on site and working within 90 days after approval of the grant. At this point, complications began to develop; the Capitol Planning Commission, which had not earlier been contacted, indicated that the

addition must conform to certain criteria relative to long-range plans for development of the Capitol Complex and the position and appearance of adjacent buildings on the Complex.

Mr. McCausland said that he had eased this time crunch by splitting the contract for demolition of the old Power House (which occupied a part of the site for the Vocational Rehabilitation addition), excavation, and some tunnel work on the site from the rest of the project. When bids were taken on the rest of the project, the lowest bid was \$2.6 million. Thus, taking all the factors into account, at that point the State was confronted by an overrun of \$600,000-\$800,000 for the total project, relative to the federal grant which had been approved for the project.

Mr. McCausland said that he discussed the matter with the State Comptroller, and together they identified several options for obtaining the money necessary to cover the overrun, which at that point was unavoidable. Mr. McCausland stated that he did not come to the 1978 Session of the General Assembly for additional funds with which to cover the overrun for the following reasons:

1. There was not enough lead time to properly prepare such a request.
2. It was considered unlikely that the General Assembly would act upon such a request in the late days of the session.
3. Efforts were underway in cooperation with the State Comptroller to cover the overrun administratively, by one or more of the options previously described.
4. Mr. McCausland was not in a position to make an intelligent statement of the amount of the overrun by the time the 1978 Session adjourned, and he added that as of the date of the present Council meeting he still could not do so.

Representative Cusack stated that as Chairperson of the House Budget Committee he has a number of serious concerns about the events and attitudes described by Mr. McCausland. He suggested the Executive branch had made an unwarranted unilateral decision that the General Assembly could not or would not act upon this matter during the time remaining in the 1978 Session after the fact of the overrun became apparent. He added that while he approves what he termed reasonable executive flexibility, he finds a cost overrun of this magnitude disturbing, especially in the context of a decision not to consult the General Assembly. Finally, he said he finds it particularly disturbing that

the Governor did not and apparently still does not think there was anything wrong with proceeding in this manner.

After some discussion with Representative Cusack, Mr. McCausland summarized his position by stating it was his decision to accept whatever criticism might be forthcoming regarding his method of procedure, rather than lose the \$2.4 million federal grant and the Vocational Rehabilitation addition. Representative Cusack responded that he does not agree that those were the only alternatives available to Mr. McCausland and the Executive branch.

Senator Glenn questioned the propriety of entering into contracts for projects the cost of which will exceed the funds available. Mr. McCausland indicated he did not consider that he had done so, in view of assurances from the Comptroller that funds could be transferred to cover the prospective overrun. Senator Glenn then inquired whether in fact the Comptroller had assured Mr. McCausland that such transfers would be legal. Mr. McCausland replied that the Comptroller definitely did make such a statement, adding that he (Mr. McCausland) would not have signed the contract if he had not first received such an assurance.

Senator Eugene Hill noted his continuing concern about such executive branch fund transfers, and expressed the view that the authority to make them should be curtailed.

Representative Fitzgerald commended Mr. McCausland for always seeking to get the greatest value for each state dollar spent. He then asked Mr. McCausland to cite the specific legal authority for the Comptroller to make the transfers to which he had referred in answering Senator Glenn's question. Mr. McCausland replied to the effect that he was unable to cite such authority, and that he had relied on the Comptroller's assurances that the transfers would be legal.

Representative Fitzgerald then drew an analogy between the situation described by Mr. McCausland with respect to the cost overrun which developed in the course of planning and constructing the Vocational Rehabilitation building addition, and the situation in which the General Assembly and Legislative Council found themselves two years ago when the Comptroller refused to pay costs incurred in contracting with the Coopers-Lybrand firm for development and installation of the interactive budgeting and monitoring system for use by the General Assembly. He asserted the Comptroller's handling of the two situations had not been consistent.

Senator Philip Hill expressed disagreement with Representative Fitzgerald's analogy between the two series of events.

Representative Fitzgerald asked that Mr. McCausland provide the Legislative Council with written information relative to the legality of the transfers which the Comptroller has made or proposes to make in order to cover the cost overrun on construction of the Vocational Rehabilitation building addition.

Mr. McCausland stated that before leaving the meeting he would like to inform Council members of one other pertinent matter. He noted that the 1978 Session appropriated \$25,000 to investigate the feasibility of underground parking east of the State House, and stated that the same architects who drew up the plans for the proposed Capitol Mall project have been retained to undertake this study. He reported that the architects have also been asked to look at the possibility of incorporating additional office space, some or all of which could be made available to the General Assembly, in the same underground complex with the parking facilities. Mr. McCausland said that this is not specifically authorized by the appropriation, and that if the Council believes he should not proceed in this manner he will stop that part of the study. No Council member present objected to the study described by Mr. McCausland.

Chairperson Kinley expressed appreciation to Mr. McCausland for meeting with the Council. He noted that the final item on the agenda for the present Council meeting was action on various matters pertaining to current interim studies.

Mr. Garrison reported that the designated co-chairpersons of all of the interim subcommittees authorized by the Council have been notified by the Legislative Service Bureau, and that all of them have either held meetings or have scheduled or are in the process of planning their first meetings except the joint interim subcommittees on Urban Revitalization, Juvenile Services and Impact of the Juvenile Justice Law, Judicial Apportionment Formula and Income Tax Study. He also noted that the Council had approved formation of a joint subcommittee to study funding of area community colleges and vocational schools, as proposed by Senate Concurrent Resolution 132 and requested as a part of the work plan of the Legislative Fiscal Committee. House Budget Education Subcommittee Chairperson Wally Horn has named himself, Representative John Pelton and Representative Myron Oxley to this Subcommittee, but to date no appointments of senators to this Subcommittee have been submitted.

Mr. Garrison next reported the following changes in membership of joint interim subcommittees:

-- Senator James Briles has replaced Senator Berl Priebe on the Nuclear Power Plant Operations Subcommittee.

-- Representative James Wells has replaced Representative Kenneth Miller on the Income Tax Study Subcommittee.

--Representative Donald Binneboese has replaced Representative Lyle Stephens on the Partition Fence Laws Subcommittee.

Chairperson Kinley recognized Representative Doyle, as Chairperson of the Penal and Correctional Institutions and County Jails Study Subcommittee. Representative Doyle reported that the Subcommittee had held its first meeting of the current interim during the previous week, and that the meeting had been a rather lengthy one and had covered a number of significant topics. After summarizing some of the information received, and indicating generally the areas in which Subcommittee members hoped to work during the current interim, Representative Doyle requested that the Council authorize the Penal and Correctional Institutions and County Jails Study Subcommittee four additional meeting days during the 1978 interim. He indicated that two of these days would be used for visitation, and the other two days would be used to study draft bills at the State House.

Senator Philip Hill acknowledged that this Subcommittee has been one of the more productive ones in recent interims, but said he questions the need for four additional meeting days during the current interim.

Speaker Cochran moved that the Council approve the request submitted by Representative Doyle. After discussion, the motion was defeated on a roll call vote of 7-8. Those voting yes were Speaker Cochran, Senators Glenn, Eugene Hill and Nolting and Representatives Doyle, Fitzgerald and Middleswart; those voting no were Chairperson Kinley, Senators DeKoster, Philip Hill and Hultman and Representatives Millen, Stromer, Varley and Welden; Senator Coleman and Representative Cusack were not present when the vote was taken.

Senator DeKoster then moved that the Council authorize the Penal and Correctional Institutions and County Jails Study Subcommittee two additional meeting days during the current interim. Representative Doyle remarked that if Senator's DeKoster's motion is approved, the Subcommittee will use the two days to work on bill drafts at the State House, rather than for visitation. Senator DeKoster's motion was then adopted by a unanimous voice vote.

Chairperson Kinley recognized Mr. Burks, who presented a request for authority for additional interim activity on behalf of Senator Tom Slater and Representative Joyce Lonergan, Co-chairpersons of the New State Mental Health Agency Structure Subcommittee of the Standing Committees on Human Resources. The Subcommittee requested authority for two additional meeting days during the current interim, and also requested approval of reimbursement to Senator Slater and Representative Lonergan for attending meetings of the Mental Health Coalition being organized by the Iowa State Association of Counties. Mr. Burks noted that the Subcommittee had held its organizational meeting on August 29, and had scheduled five public hearings at various locations in the state during four days in mid-September and early October. These meetings would exhaust the Subcommittee's present meeting authority for the interim.

There was some discussion, in the course of which Senators Philip Hill and Hultman expressed skepticism that the Mental Health Coalition will be able to accomplish anything meaningful during the current interim. Senator Glenn commented that it may or may not have been prudent for the Mental Health Agency Subcommittee to schedule a series of hearings which will use all of its remaining meeting authority, but stated that the Subcommittee has done so and that it is unrealistic to believe anything can be accomplished unless the Subcommittee is permitted to meet and review information received at the hearings after the hearings have been completed.

Senator Glenn moved that the Mental Health Agency Subcommittee be authorized two additional meeting days during the current interim. Senator Philip Hill said he could see no reason why the Subcommittee should require more than one meeting day to evaluate the information received at the scheduled hearings, and moved to amend Senator Glenn's motion so as to authorize the Subcommittee only one additional meeting day.

After discussion, Senator Philip Hill's amendment was defeated by a roll call vote of 7-8. Those voting yes were Senators DeKoster, Philip Hill and Hultman and Representatives Millen, Stromer, Varley and Welden; those voting no were Chairperson Kinley, Speaker Cochran, Senators Glenn, Eugene Hill and Nolting and Representatives Doyle, Fitzgerald and Middleswart; Senator Coleman and Representative Cusack were not present when the vote was taken.

A roll call vote was then taken on Senator Glenn's original motion, eight Council members voting yes and seven no. Those voting yes were Chairperson Kinley, Speaker Cochran, Senators Glenn, Eugene Hill and Nolting and Representatives Doyle, Fitzgerald and Middleswart; those voting no were Senators DeKoster, Philip Hill and Hultman and Representatives Millen, Stromer, Varley and Welden; Senator Coleman and Representative Cusack were not present when the vote was taken. Chairperson Kinley declared the motion lost for lack of a majority of the full Council membership.

Chairperson Kinley then recognized Representative Monroe, Chairperson of the Special House National Guard Study Committee. Representative Monroe stated that he had been asked by Speaker Cochran to report on the Committee's meeting held on the previous day.

Representative Monroe stated that the Committee had voted to propose a budget of \$40,000 for the study, which must be completed by the convening of the Sixty-eighth General Assembly on January 8, 1979. The Committee had also voted to retain former Iowa Attorney General and U.S. District Attorney Evan Hultman of Waterloo as its counsel and to employ two investigators. The first priority for

the investigators will be to review findings of previous investigations into various aspects of National Guard operations in Iowa. Representative Monroe added that when this has been done, the House Committee anticipates meeting again to determine its specific goals.

Senator Hultman (who stated that it should be understood by all parties interested that Mr. Evan Hultman is not related to him) asked how many concurrent investigations of the Iowa National Guard are presently underway. Representative Monroe replied that he cannot say exactly but that the House Committee has offered to cooperate with other entities which are conducting such investigations. He noted that there is and should be no role for the House Committee in any criminal investigation; what the House Committee is concerned with are matters of public policy. He said that although the Iowa National Guard is a United States military reserve arm, it is also the state militia and has a vital role to play as such.

In the course of further discussion with Council members, Representative Monroe noted that Mr. Evan Hultman only recently left the office of United States District Attorney and therefore has valuable contacts which will assist the House Committee in avoiding duplication and conflict in connection with other investigations of the Iowa National Guard.

Representative Varley, who serves on the House Committee, said he supports that Committee's proposal as presented to the Council, although he does have some misgivings. He stated that he has high regard for Mr. Evan Hultman, noting that besides his services as U.S. District Attorney he is a brigadier general in the United States Army Reserve, and is therefore knowledgeable about the military.

Representative Varley continued by criticizing the House Committee's action in seeking to delay promotions of Iowa National Guard officers until the completion of the Iowa House investigation. Representative Varley asserted this action is obviously aimed at Iowa Adjutant General Junior Burkhead.

Senator Glenn posed a series of questions to Representative Monroe relative to Mr. Evan Hultman's proposed fee, his status as a reserve military officer and the potential conflict of interest which Senator Glenn asserted is inherent in that status, the level of pay proposed for Mr. Hultman, the investigators retained by the Committee and the Committee's secretary and how these levels were arrived at, and whether specific expenditures will be subject to the approval of the Speaker of the House if the overall \$40,000 budget proposed by the House Committee is approved.

Representative Monroe stated that individual expenditures will be subject to the Speaker's approval. He stated that the Committee has agreed to pay Mr. Evan Hultman \$75 per hour for his work and has allocated a maximum of \$10,000 for legal counsel. He added that the Committee has allocated \$8,000 each for the two investigators for a period of three months.

Senator Philip Hill then directed a number of questions to Representative Monroe, in particular relating to the question of the relative authority of the House and the Speaker of the House and that of the Legislative Council with respect to the investigation of the Iowa National Guard being conducted by the House Committee. This engendered considerable discussion by a number of Council members.

After the discussion had continued for some time, Speaker Cochran summarized the sequence of events which has led to the present situation, and explained the reasons the House of Representatives felt it advisable to proceed even though the Senate did not care to participate in this particular investigation. He moved that the Council approve the request brought to it by Representative Monroe on behalf of the House National Guard Study Committee.

Senator Glenn stated that he appreciates the extent of the House's concern about this matter, but that if Council approval is to be sought then the investigation should have been conducted by a joint committee, not a House committee. He therefore expressed his intention to vote against Speaker Cochran's motion.

Chairperson Kinley then questioned the necessity for Council approval of the matter presented by Representative Monroe. Speaker Cochran replied that he felt it necessary to bring the matter before the Legislative Council in order to respect the directive of the House, embodied in House Resolution 147.

In response to a question from Chairperson Kinley, Speaker Cochran said that while he would want to obtain legal advice about the matter, he is inclined to think that a negative vote by the Council on the request presented by Representative Monroe would in effect negate the House study. Chairperson Kinley then inquired if Speaker Cochran would like to obtain legal advice on the matter before the Council votes on the Speaker's pending motion. Speaker Cochran replied to the effect that this matter has already been considered carefully, and that it had been concluded that the appropriate course of action was to bring the matter before the Legislative Council.

After further discussion centering about the relative powers of the Legislative Council and Speaker of the House, and the probable effect of a negative vote by the Council on Speaker Cochran's pending motion, Senator Eugene Hill raised the point of order that the Speaker's motion was out of order because the subject matter is not a proper one for the Council to determine. Chairperson Kinley stated that he would take the point of order under advisement and would rule on it at a later time.

There being no further business to come before the Council, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,

PHIL E. BURKS
Senior Research Analyst

SERGE H. GARRISON
Director