

M I N U T E S

IOWA LEGISLATIVE COUNCIL

July 23, 1975

The third meeting of the 1975-76 Iowa Legislative Council was called to order by the Council Chairman, Speaker Dale M. Cochran, at 2:15 p.m., Wednesday, July 23, 1975 in the Speaker's Room of the State House in Des Moines. Members attending the meeting in addition to Chairman Cochran were:

Senator Minnette F. Doderer, Vice Chairman
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator George R. Kinley
Senator Clifton C. Lamborn
Senator William D. Palmer
Senator Steve Sovern
Senator Bass Van Gilst
Representative Elmer H. Den Herder
Representative Donald V. Doyle
Representative Keith Dunton
Representative Jerome Fitzgerald
Representative William J. Hargrave
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn Stromer
Representative Andrew Varley

Also present were:

Representative Glenn Brockett
Representative Carroll Perkins
Mr. David Wray, Chief Clerk of the House
Mr. Bob Davies, Assistant Chief Clerk of the House
Mr. Dan Dudley, House Legal Counsel
Mr. Clark Rasmussen, Secretary of the Senate
Mr. Dave Charles, Assistant Secretary of the Senate
Mr. Steve Cross, Senate Legal Counsel
Mr. Tom Mayer, Citizens' Aide
Mr. Gerry Rankin, Director, Legislative Fiscal Bureau
Mr. Serge Garrison, Director, Legislative Service Bureau
Mr. Phil Burks, Senior Research Analyst, Legislative Service Bureau
Mr. Thane Johnson, Senior Research Analyst, Legislative Service Bureau
Mrs. Jeanne Doggett, Research Analyst, Legislative Service Bureau

A number of representatives of the news media and various other interested persons also attended the meeting.

On motion of Senator Palmer, seconded by Representative Fitzgerald, the minutes of the July 7 Legislative Council meeting were approved as previously submitted to Council members.

Chairman Cochran noted that the Studies Committee of the Council had completed its deliberations a few minutes earlier, with most of the other members of the Council present. A copy of the minutes of the Studies Committee's meeting is attached to and by this reference made a part of these minutes.

Representative Hargrave moved to accept the report of the Studies Committee, including appointment of legislators to interim legislative study committees which will function during the 1975 interim. The motion was seconded by Senator Kinley and, after a brief discussion, adopted by a voice vote.

Chairman Cochran recognized Representative Brockett, who was present as Chairman of the Capitol Planning Commission. Representative Brockett stated that, pursuant to a presentation by Chief Clerk Wray and Architect James Lynch, who was also present at the Council meeting, the Capitol Planning Commission had approved the proposed remodeling of the office area behind the House chamber on the second floor, from the standpoint of its effect upon the aesthetics of the Capitol building. Representative Brockett also noted that the additional space which the General Assembly hopes to utilize in the Capitol building after the agencies to be housed in the two new state office buildings have moved out of the Capitol will probably not become available to the General Assembly for another two to three years.

Representative Brockett continued that he also wished to report to the Council that he has been reelected as Chairman of the Capitol Planning Commission and that Senator Karl Nolin, Representative John Brunow and former Representative Harold McCormick have been seated as members of the Commission, succeeding Senator William Plymat, former Representative Norman Roorda and Architect William Wagner.

Chairman Cochran then recognized Chief Clerk Wray for further discussion of the proposed double-decking of the areas behind the House chamber, including Room 1 and the offices located between Room 1 and the central staircase. Representative Millen stated that he favors acquiring additional office space in the House area, but that he had been quite disturbed when he learned that the anticipated cost of the proposed double-decking will approach \$160,000. Mr. Wray explained the cost in terms of quality of construction, maintaining the aesthetics of the Capitol building and sound-proofing the affected area. He asserted there are no frills involved in the planned construction.

In further comment on Representative Millen's inquiry, Architect James Lynch, who was present for the discussion, stated that two of the more costly items involved are an elevator and the noncombustible type of construction being used. Chairman Cochran

stated that the elevator is required in order to comply with state law relative to accessibility of public buildings to handicapped persons. He added that the noncombustible construction is somewhat different than that which has been used in other areas of the Capitol building which has been double-decked.

Senator Hansen inquired about the additional space which will be made available by the project and the cost of this space. Mr. Lynch replied that a total of 3,360 square feet is affected, and that on this basis the cost is \$46 per square foot, however only half of this space, 1,620 square feet is actually new space and on that basis the cost of the additional space to be made available by completion of the project would be \$92 per square foot.

In answer to another question by Senator Hansen, Mr. Wray stated that he would anticipate adding two more persons to the House staff after the additional office space becomes available. He added that the project will also make it possible to assign additional space to the Legislative Fiscal Bureau in the east central area of the second floor of the Capitol building.

Senator Sovern inquired whether it would be possible as an alternative to the proposed double-decking, to immediately relocate temporarily the state agencies now housed in the Capitol building which will eventually be housed in the two new state office buildings. Mr. Wray pointed out that the space in question in the Capitol building is not well located for use as offices for House staff personnel. He added that it is likely that a more appropriate use for this area would be the construction of additional committee rooms.

Representative Varley stated that while Mr. Wray's comments have some validity, he questions the need for the additional House staff personnel who will be assigned offices in the new area. He then asked whether it would be possible to lower the cost of construction by using a different method of construction. Mr. Lynch agreed that this would be possible, although he pointed out that the proposed construction is not the most expensive kind which might have been used.

Senator DeKoster inquired about the potential saving if the same type of material for lower walls were used as has been used elsewhere in the Capitol building in double-decking projects, as opposed to inseting steel support members into the existing walls as is proposed in double-decking the House office areas. Mr. Lynch replied that no money could be saved in this fashion unless a change were also made from steel to wood construction.

Senator Hansen inquired whether consideration had been given to double-decking only the two office areas west of House Committee Room 1, as he had requested at the July 7 Council meeting. Mr. Lynch responded that since these rooms are somewhat limited in size, and an additional staircase would have to be

constructed to serve the new second floor area if only the two offices were involved, the total gain in usable office space would be must less relative to the cost of the project than is proposed under the plans presented to the Council.

Senator Hill inquired whether there is a possibility that bids submitted might be lower than the projected cost of the project. Mr. Wray agreed that this is a possibility.

Representative Fitzgerald moved that the Council accept the architect's proposal for double-decking of Room 1 and the adjacent House office areas, and put the project out for bids. The motion was seconded by Representative Dunton, and Chairman Cochran called for discussion.

Representative Hargrave inquired whether the Council would still have the right to reject all bids submitted, if Representative Fitzgerald's motion is adopted. Chairman Cochran replied in the affirmative. Mr. Wray commented that in order to obtain responsible bids, the bidders must be assured that the Council is serious about carrying out the project.

Representative Fitzgerald's motion was then adopted by a voice vote.

Chairman Cochran recognized Mr. Cross and Mr. Dudley for presentation of a memorandum which they had drawn up in response to the motion adopted by the Council at its previous meeting, directing them to determine whether the suit filed by the Attorney General against the Governor and Comptroller would affect legitimate interests of the General Assembly in such a way as to require any action to identify or protect those interests. A copy of the memorandum prepared by Mr. Cross and Mr. Dudley is attached to and by this reference made a part of these minutes.

Upon completion of the review of the memorandum by Mr. Cross and Mr. Dudley, Representative Varley commented that he would be strongly opposed to shifting the burden of initiating litigation from the claimant to the comptroller in cases where the comptroller refuses to issue a warrant in response to a particular claim. He explained that in his view to do so would leave the General Assembly with much less protection than it now has against misuse of appropriated funds for purposes other than that for which they were intended. He also stated that in his view it is quite clear that the General Assembly turn down the Attorney General's request for funds to purchase an airplane.

Representative Varley moved that the Council accept the recommendation that it not intervene in the suit by the Attorney General against the Governor and Comptroller, and that it make no change in the present burden of initiating court action where a dispute arises over the Comptroller's refusal to issue a warrant in response to a submitted claim. The motion was seconded by Representative Fitzgerald.

Senator DeKoster moved, as a substitute for Representative Varley's motion, that the Legislative Council (1) accept the report of the Senate and House legal counsels, (2) that the Legislative Council not intervene in the Attorney General's suit against the Governor and Comptroller, (3) that no steps be taken toward changing the burden of responsibility for going to court in cases involving refusal by the Comptroller to issue a warrant in response to a claim, (4) that any substantive change in existing appropriations and pre-auditing procedures be considered by the Legislative Fiscal Committee. The substitute motion was seconded by Senator Hansen.

Senator Hill moved to amend the substitute motion to require the Senate and House legal counsels to monitor the Attorney General's suit against the Governor and Comptroller and report to the Council and also to make the last item in Senator DeKoster's motion a direction rather than a discretionary authorization to the Legislative Fiscal Committee. The motion was seconded by Senator Sovern.

Senator DeKoster requested division of Senator Hill's amendment to his substitute motion, the directive to the legal counsels to be Division A and the matter of study by the Legislative Fiscal Committee to be Division B.

In response to a question by Senator Hansen, Senator Hill stated that by "monitoring" he simply meant that the legal counsels should provide to the Legislative Council more complete and detailed information than is likely to be reported by the news media. Division A was then adopted by a voice vote.

In discussion on Division B of the Hill amendment, Senator DeKoster expressed opposition to directing rather than authorizing the Legislative Fiscal Committee to study the matters in question. He said the Council should leave this matter to the Fiscal Committee's judgment. Representative Fitzgerald agreed. Senator Hill then withdrew Division B, with the consent of Senator Sovern.

Senator DeKoster's substitute motion, as amended, was adopted by a unanimous voice vote.

Chairman Cochran recognized Representative Dunton for a report from the Legislative Fiscal Committee. Representative Dunton stated that the Fiscal Committee has sent notices to all members of the visitation committees requesting that they meet at 9:00 a.m. on Tuesday, August 19 to submit their plans for visits during the interim. Representative Dunton added that these plans would be considered by the Legislative Fiscal Committee at 1:00 p.m. on that day and a report would be submitted to the Legislative Council on the following day.

Chairman Cochran recognized House public information officer Sharon Robinson who presented a proposal for a special

Young Peoples' Bicentennial Mock Session to be held in the House of Representatives on Monday, February 16, 1976 (President Day). She stated that Council approval was being sought at the present meeting because the project details must be in final form no later than August 22 in order to have necessary materials in Iowa schools in September and October. She added that participation would be open to public and private high schools and that the special bicentennial mock session is not intended to conflict with nor duplicate programs such as the model United Nations, Boys' State, Girls' State, or the YMCA model legislature.

Ms. Robinson noted that the proposal is for a House session only, although there is no reason that the Senate could not plan a similar event either on the same date or another date. Senator Doderer stated that she is working on plans for the Iowa Senate to observe the bicentennial by holding a session at the Old Capitol in Iowa City on February 16, 1976. She noted that there is not sufficient room in the Old Capitol for the Iowa House to hold a similar session there.

On motion of Senator Doderer, seconded by Representative Stromer, the Council unanimously approved the proposal presented by Ms. Robinson.

Chairman Cochran recognized Mr. Garrison, who reported on the status of the contract with Aspen Systems Corporation for updating of the electronic tape Code of Iowa. Mr. Garrison noted that the contract with Aspen provides for notification to him if the cost appears to exceed \$30,000. This notification was received and an additional \$5,000 has been encumbered for payment for the contract subject to the Council's approval. If the update is not complete it will not be useful for searches and bill drafting. Thus funds available for payment of the contract are the \$30,000 appropriated and \$5,000 from 1974-1975 Bureau funds.

Representative Millen moved that the Council approve execution of the contract with Aspen Systems Corporation at a cost not to exceed \$35,000. The motion was seconded by Representative Stromer and unanimously adopted.

Chairman Cochran recognized Senator Doderer for the report of the Legislative Service Committee. Senator Doderer reported that the Service Committee had devoted most of the morning and early afternoon to hearing and reviewing the budget and salary presentations of the Legislative Service Bureau, Legislative Fiscal Bureau, and Citizens' Aide office. She added that the Service Committee would like to have additional time to review the proposal, and to consult with other parties, possibly including the Merit Employment Department regarding them. The Service Committee proposes to do this on August 19, and report to the Legislative Council on the following day.

Senator Hill moved that the Council approve the extension of time for submission of a report by the Service Committee on the

budget and salary proposal of the three agencies. The motion was seconded by Representative Dunton and adopted by a voice vote.

Senator Doderer then moved that the Legislative Council approve travel by Citizens' Aide Thomas Mayer to the National Ombudsman Conference in St. Louis on September 12, 13, 14, where he has been invited to serve as a group leader for a regional seminar. The motion was seconded by Senator DeKoster and unanimously adopted.

Senator Doderer moved that the Legislative Council approve the employment of Mr. Frank Thomas in a position designated Legal Analyst, replacing the position designated Second Deputy in the Citizens' Aide office. The motion was seconded by Senator Briles and unanimously adopted. Senator Doderer moved that the Legislative Council authorize Mr. Mayer to initiate the process for adoption under the Administrative Procedure Act of the proposed rules of the Citizens' Aide office, without change. The motion was seconded by Senator Briles and unanimously adopted.

Mr. Garrison noted that there is a need for the Council to approve the proposed budget allocations of the three agencies at the present meeting even though it has chosen not to act upon the budget and salary proposals, because these allocations were supposed to have been reported to the Comptroller by July 1. Senator Palmer noted that the Council had deferred action on the budget and salary proposals upon the recommendation of its Service Committee and expressed the view that it would be contrary to the Committee system for the Council to now approve the budget allocation as requested by Mr. Garrison.

In response to questions by Senator Hill, Mr. Garrison clarified that the approval of the budget allocations would not imply any limitation upon the Council's right to act at future meetings in any manner it desires on budget and salary proposals of any or all of the three agencies which are responsible to it. He noted that allocation of funds for salaries will not be authorization to expend the total amount since the Council must approve specific salary rates. Senator Doderer then moved that the Council approve agencies' budget allocations except for the salary line, and that it allow the agencies to pay the salaries presently being paid until the August 20 Council meeting. The motion was seconded by Representative Middleswart, and unanimously adopted.

Senator Doderer concluded her report by stating that the Service Committee intends to explore the possibility of combining the positions of legal analyst and deputy for Indian Affairs in the Citizens' Aide office.

Chairman Cochran recognized Mr. Rasmussen, who made a further report on the matter of final payment to the Daktronics firm for the new electronic voting systems in the Senate and House of Representatives which he had discussed with the Council at its July 7 meeting. (See minutes of July 7 meeting pages 9-10.) Mr.

Rasmussen stated that an agreement had been worked out with Daktronics under which, the State of Iowa would waive the requirement for the actual computer tie in from the actual voting system in the Senate, and Daktronics would waive the final \$500 for the Senate voting system. He added that Daktronics would assume full responsibility for system maintenance during the warranty period terminating April 1, 1977, and that the State would have the option of requesting Daktronics to complete the computer tie for the price of \$500 at any time prior to that date.

Mr. Rasmussen added that while the specific agreement was between the Senate and Daktronics firm, it is his understanding that essentially the same situation obtains with respect to the House voting system. On motion of Senator DeKoster, seconded by Representative Stromer, the Legislative Council unanimously approved the settlement recommended by Mr. Rasmussen.

Representative Stromer moved to suspend the rules of the Council for further consideration of that portion of the report of the Studies Committee relating to composition of the LEAP Study Committee. The motion was seconded by Representative Millen, and discussion was called for.

In response to a question by Representative Fitzgerald, Representative Stromer noted that the Council had, by approving the report of the Studies Committee, added an additional member of the majority party from the House to the LEAP Study Committee. Representative Stromer added that he would propose to add Representatives Lester Menke and Horace Daggett to this study committee. In response to a question from Senator Kinley, Representative Stromer said that he would be willing to accept removal of one or two majority members from the Study Committee to the alternative to appointment additional minority party members.

The question was called for by Senator Palmer who requested a roll call vote. Representative Stromer's motion was defeated by a vote of six yes to eleven no. Those voting yes were Senators Briles, DeKoster, and Hansen and Representatives Den Herder, Millen, and Stromer; those voting no were Chairman Cochran, Vice Chairman Doderer, Senators Hill, Kinley, Palmer, and Sovern and Representatives Doyle, Fitzgerald, Hargrave and Middleswart. Senators Lamborn, Van Gilst and Representative Varley were not present when the vote was taken.

Representative Stromer declared that the action taken by the Council at the present meeting raises the question of the Council's future policy in regard to majority and minority party membership on legislative study committees. He asserted that the type of action just taken is unprecedented during his tenure on the Legislative Council.

Senator Doderer moved that any member of the Legislative Council not previously so authorized be authorized to attend the Midwestern Regional Conference of the Council of State Governments

at Lake Okoboji August 3-6. The motion was seconded by Senator Kinley and unanimously adopted.

Senator Briles stated that, despite a policy clearly stated in Senate File 572 passed by the recent session of the General Assembly, he is receiving complaints that the Commission on Aging is attempting to force merger of certain area commissions on aging in the state contrary to the wishes serving on these area agencies. Senator Briles added that during the floor discussion of SF 572 he had inquired of Senator William Gluba, Chairman of the Human Resources Committee whether or not the Commission on Aging could force area commissions to merge under the bill, and that Senator Gluba had assured him that the State Commission on the Aging would not have the power to force such mergers against the wishes of the area agencies. He stated that the Governor's office had subsequently made the same statement to him.

In further discussion, Senator Doderer stated that if Senate File 572 is one of the bills which the Governor did not sign until after July 1, it would not go into effect until August 15 and in that case it may be that the State Commission on the Aging is attempting to bring out forced mergers before that date. Representative Hargrave charged that the State Commission on Aging began putting pressure on area commissions even before the bill actually passed when the state commission learned that such legislation was under consideration. Representative Fitzgerald suggested that the State Commission be asked to inform the Legislative Council what their policy currently is, in light of the provisions of Senate File 572.

After further discussion, Senator Doderer moved that the Legislative Council designate Senator Briles as a committee of one to contact the Commission on Aging and determine their intent in this matter, and that he be authorized to contact the Council Chairman in regard to holding a special meeting of the Council prior to the scheduled August 20 meeting if he feels it appropriate in view of the response to his inquiry. The motion was seconded by Representative Fitzgerald and unanimously adopted.

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

PHILIP E. BURKS
Senior Research Analyst