

M I N U T E S

SPACE COMMITTEE OF THE LEGISLATIVE COUNCIL

August 10, 1977

The meeting of the Space Committee of the Legislative Council was called to order by the Chairperson, Senator Gene Glenn at 11:00 a.m. on Wednesday, August 10, 1977 in Committee Room 22 of the State House, Des Moines. Members present in addition to the Chairperson were:

Senator Fred Nolting
Speaker Dale Cochran
Representative Andrew Varley

Also present were:

Representative Glen Brockett, Chairperson,
Capitol Planning Commission
Chief Justice C. Edwin Moore
Justice M. L. Mason
Justice Warren J. Rees
Justice W. Ward Reynoldson
Justice Mark McCormick
Robert G. Allbee, Judge of Court
of Appeals
Allen L. Donielson, Judge of Court
of Appeals
Bruce M. Snell, Judge of Court
of Appeals
James H. Carter, Judge of Court
of Appeals
Carl Meyer, Consulting Architect
Bill O'Brien, Court Administrator
Stan McCausland, Director of
Department of General Services
Diane Bolender, Legislative Service
Bureau

Chairperson Glenn stated that the members of the Legislative Council had received copies of communications from the representatives of the judicial branch concerning the recommendations of the consulting architects for use of space which will be available in the Capitol Building. He asked for comments from Chief Justice Moore.

Chief Justice Moore commented that the position of the judicial branch has been stated in correspondence to the Legislative Council and the members of the court generally agree with the statements made in the correspondence. He referred to a Legislative Council resolution of August 4, 1976 in which the Council recognizes space needs for both the General Assembly and the Supreme Court. He

commented that the Court has never questioned the premise that the General Assembly has recognized that the Court will need additional space. He expressed the belief that the judicial branch also recognizes that the General Assembly needs additional space. He noted that space soon to be available in the Capitol Building includes the area presently occupied on the ground floor level by the Secretary of State, the Department of General Services, and a portion of the Office of the Comptroller in addition to space vacated by the Department of Agriculture and located on the first floor. He stated that if the Courts were allowed to use the space on the first floor, it would not be double decked nor would the historical significance of the rooms be altered. He stated that there will be sufficient space in the ground floor level for meeting rooms for the General Assembly.

Chief Judge Allbee described the poor working conditions in which the judges of the Court of Appeals are forced to work in an office on a main highway with inadequate library facilities and insufficient secretarial assistance. He noted that since the law requires the Court of Appeals to use the same Court Administrator, courtrooms, and clerk, it would be most convenient for the Court of Appeals to be located on the first floor where the Department of Agriculture is presently located.

Chairperson Glenn asked when the ground floor offices will be available. Mr. McCausland responded that the Department of Agriculture will begin moving its personnel in the middle of October. Judge Allbee continued that 3,600 square feet is currently leased for the Court of Appeals and the amount of space is inadequate. Chairperson Glenn acknowledged that the Court of Appeals has done well under adverse circumstances.

Justice Rees commented that when he became a Supreme Court Justice in 1969, during the first six months of his term he had no office at all, but with the remodeling of facilities was provided an office. He added that the law clerks of the justices who work at the Capitol use the offices of the justices who work elsewhere until the justices come to Des Moines, whereupon they must move to the law library.

Chairperson Glenn inquired about the uses of the second conference room which the Supreme Court presently has. Justice McCormick responded that the room has no ventilation, is less than 150 square feet in area, and is used for the Commission on Judicial Qualifications, Continuing Legal Education Committee, Bar Examiner meetings, and various members of the court meet together there. Justice Reynoldson added that it is also used for hearing interlocutory matters, screening purposes, and for studying applications for further appeals. He expressed concern about confidentiality when law clerks leave offices with briefs and other papers and use the public areas of the Law Library for their work. Justice Reynoldson added that the consulting architects had informed them that if areas on the first floor are used as legislative

committee rooms, they would only be used approximately 45 days per year.

Chairperson Glenn asked about office space on the ground floor. The response was made that additional space over and above that in the Department of Agriculture will be required.

Mr. Meyer, a consulting architect, commented that the plan provided for a Consultation Room for the Court of Appeals.

Representative Varley expressed recognition for the needs of the Court for additional space, but stated that the question is the suitability of the space for the function. He stressed that the first floor area of the Department of Agriculture is appropriate for conference rooms and the two large rooms are especially suited for meeting rooms. He suggested that the rooms are not suitable for private offices for the Court of Appeals. Justice Reynoldson pointed out that the plans developed by the consulting architects which contemplate the first floor space being utilized by the General Assembly have specified a portion of that space to be used for office space. He suggested that the concept developed was that office space would be on the basement level. Judge Allbee interjected that the square footage of the ground floor area is only 3,100 and presently the Court of Appeals offices contain 3,600 square feet and that amount is inadequate. Judge Allbee suggested that without destroying the historical integrity of the area the first floor, with architectural assistance, could be used as a Ceremonial Office for the Chief Judge, a library, an area for legal assistance and secretarial staff, and a conference room.

Chairperson Glenn asked whether members of the Court acknowledged that ground floor space should be used for offices. Justice Moore agreed, but added that the Chief Judge's office must be on the first floor. Chairperson Glenn asked whether it is an important facet that the law clerks and secretaries be located on the first floor. Justice Moore responded that the law clerks and secretaries must be located near their judge. He added that during the legislative session, committees often meet in the courtroom on the first floor, and the judicial branch is always willing to share the use of that room when it is not being used for judicial purposes. Representative Varley noted that the Budget Subcommittee on Transportation met there regularly. He expressed the belief that use of any rooms on the first floor as committee rooms would exceed 45 days per year, and would be used every day during the legislative session and nearly every day during an interim. Judge Donielson expressed concern about the amount of space allocated by the consulting architects for the Court of Appeals and its employees. Chairperson Glenn responded that the members of the General Assembly have similar space problems.

Speaker Cochran stated that the space controversy has been an intriguing situation for over a year. He expressed agreement with some of the comments of the justices and stated that the General Assembly recognizes the needs of the Courts and attempts to help them to perform their task in a most efficient manner. He

added that it is not only the Courts that have a space problem, but stated that it is necessary to look at the needs of both branches and to determine how satisfaction can be given to both. He noted that that was one of the reasons that a consulting architectural firm had been employed. Speaker Cochran noted that a new means of conducting interim studies has been established by the Legislative Council and will result in some 50 separate studies being conducted by subcommittees of standing committees; these additional studies will require additional meeting rooms. Speaker Cochran expressed the belief that the Department of Agriculture's space on the first floor is adaptable for committee rooms and the General Assembly needs committee rooms very much.

Chairperson Glenn asked whether the ground floor area allocated to the Legislative Dining Room is unoccupied during the legislative interim. Mr. McCausland responded in the affirmative. Senator Glenn then asked about utilizing that space for other purposes. Mr. McCausland noted that there are some small office size rooms within the Legislative Dining Room area, and these are currently being used by Legis 50, but the remainder is unused except during the legislative session.

Mr. Meyer commented that the consulting architects had attempted to accommodate all branches in the best possible way. Mr. Meyer urged that some compromise between the branches is necessary. He stated that the consulting architects were cautioned to respect the historical significance of the building, and members of the judicial branch emphasized privacy needed for the Courts. He stated that those factors were considered in the final recommendations made by the consulting architects.

Chairperson Glenn inquired about the necessity for a consultation room for the Court of Appeals. He asked whether the existing consultation room is insufficient to be used by both the Court of Appeals and the Supreme Court. Justice Moore stated that an additional consultation room is needed because the Supreme Court uses a consultation room as a library, study, and for various other purposes.

Discussion followed relating to the possible uses of the Legislative Dining Room as either conference rooms or committee rooms.

Chief Justice Moore commented that the consulting architects had recommended moving the Clerk of Court's office to the ground floor level. In response to questions about the recommendation, Mr. Meyer explained that the Clerk's office was moved so it would be located on the same level with as many of the functions of the Courts as possible. Judge Allbee interjected that as a lawyer, he believes the Clerk's office needs to be located on the first floor where it is presently located.

Mr. McCausland commented that the agencies will begin moving into the Hoover Building during the late spring of 1978 and

Mr. Synhorst has indicated that he has no objection to moving to the Hoover Building if appropriate space is available. He added that Mr. Turner has made the same comments, except for his own office which would remain in the Capitol building.

Chairperson Glenn summarized that it appears that only certain uses should be made of the high ceilinged quarters and he indicated that it is the Space Committee's belief that the Clerk's office should remain where it is.

In response to questions from Chairperson Glenn, Mr. McCausland indicated that the Department of Agriculture area on the first floor contains two large rooms and two other rooms which might be suitable for offices. He added that all four rooms are high ceilinged rooms. Speaker Cochran interjected that the area currently being used as the Legislative Dining Room might be adapted to office space for the Courts. Mr. Meyer commented the Legislative Dining Room contains 2,180 square feet. Members of the Court indicated that the Legislative Dining Room space would not be suitable for their consultation rooms. Chairperson Glenn suggested that if the Legislative Dining Room were closed, it would be possible to work out arrangements with the Capitol cafeteria staff for adequately serving the legislative members and their staff.

Chairperson Glenn suggested that the Space Committee members present and members of the Court discuss the alternatives raised at the meeting. He indicated that the legislative members present were cognizant of the needs of the Courts, but the question is how to accommodate the needs of the Court with the needs of the General Assembly.

The parties present at the meeting agreed to reconvene after the Legislative Council meeting to continue discussion.

The meeting was adjourned at 12:30 p.m.

The second meeting of the Space Study Committee of the Legislative Council was called to order by Senator Gene W. Glenn, Chairperson, at 3:55 p.m., Wednesday, August 10, 1977 in Room 22, State House, Des Moines, Iowa. Legislative members present in addition to Chairperson Glenn were:

Speaker of the House Dale Cochran
Senator Fred W. Nolting
Representative Andrew Varley

Justices of the State Supreme Court present were:

Chief Justice C. Edwin Moore
Justice M. L. Mason
Justice Warren J. Rees
Justice Harvey Uhlenhopp
Justice W. Ward Reynoldson
Justice Mark McCormick

Judges of the State Court of Appeals present were:

Chief Judge Robert G. Allbee
Judge Allen L. Donielson
Judge Bruce M. Snell
Judge James H. Carter
Judge Leo Oxberger

Also present were:

Mr. William J. O'Brien, Court Administrator
Mr. Carl Meyer, Hanson, Lind and Meyer, Architects
Mr. Doug Barker, Hanson, Lind and Meyer, Architects
Members of the Press and interested persons
Thane R. Johnson, Senior Research Analyst,
Legislative Service Bureau

Senator Glenn asked if any members of the Committee or members of the Court had any suggestions toward the resolution of the space allocation.

Chief Justice Moore stated that he would like to clarify some of the comments made during the first meeting of the Committee. He stated that after talking with Mr. Stanley McCausland, the Department of General Services may be moved to the Hoover Building when it is complete and that the southeastern office of the State Comptroller will be vacated if suitable space is made available in the Hoover Building. He stated that these vacated areas would make suitable space for legislative committee rooms or offices as necessary. Chief Justice Moore also stated that it appears that Attorney General Richard Turner is willing to vacate the office space on the south side of the main hall and that Treasurer of State Baringer has expressed interest in vacating his Ceremonial Office space if additional space in the Legislative Dining Room area is made available for his office. He also stated that he has walked through the Legislative Dining Room area and believes that it would be suitable for three legislative committee rooms without extensive remodeling. Chief Justice Moore also stated that Secretary of State Synhorst has expressed willingness to vacate the area now provided for the Corporate Division of his office and this area would also be suitable for legislative use. Chief Justice Moore stated that he has itemized these various areas in the Capitol Building to show that the Court does not feel that all of the vacated space is to be assigned to the Supreme Court and the Court of Appeals while the General Assembly receives none. Senator Glenn commented that he agrees there will be considerable space available, but the disagreement centers on who should receive which space. Speaker Cochran commented that the space now occupied by the Corporate Division of the Secretary of State and the Legislative Dining Room would be appropriate for offices, but it would not be suitable for legislative committee meetings. He added that the General Assembly is not interested in additional office space at this time but rather additional space suitable for legislative committee meetings.

Chief Justice Moore commented that the proposed allocation plan prepared by the architects provides for considerable office space for legislators. Mr. Carl Meyer stated that the allocation plan does not specifically provide that particular areas should be designated for office space only. Justice Reynoldson objected to Mr. Meyer's comments concerning allocated office space and referred him to the allocation study. Chairperson Glenn commented that the Committee and the Court should not feel bound by the architects specific proposals.

Senator Glenn suggested that the first floor area to be vacated by the Department of Agriculture could be divided between the General Assembly and the Court of Appeals by using the Secretary's Ceremonial Office as a consultation or conference room for the Court of Appeals and library area and the Chief Judge of the Court of Appeals could be officed in the private office now being used by the Secretary. He added that the remaining space on the first floor on the northeast wing would be suitable as a legislative committee or hearing room.

Chief Justice Moore commented that this proposal would not leave adequate space for a consultation room or working library for the Court of Appeals and that the Secretary of Agriculture's Ceremonial Office would be too cramped for a consultation room or working library.

In reply to a question by Senator Glenn, Mr. Meyer stated that dividing the Secretary of Agriculture's private office into rooms for the Chief Judge and a secretary and clerk would probably not be workable because the area is too small.

Chief Justice Moore stated that additional room will be needed for a secretary to the Chief Judge and Deputy Clerk of the Supreme Court who will act as a Clerk of the Court of Appeals. He added that these staff members must have space in close proximity to the Chief Judge in order to properly coordinate and carry out their respective duties.

Representative Varley commented that the proposed area where the Corporate Division of the Secretary of State's office is located could offer appropriate space for the use of the Clerk of the Court of Appeals. Chief Judge Allbee commented that this arrangement would not be very efficient and would make difficult the coordination of the Court's work. Chairperson Glenn commented that perhaps an elevator could be installed between the ground floor and first floor to facilitate communication between offices.

Justice Uhlenhopp commented that if the area to be vacated by the Attorney General's staff and the removal of partitions in that area and in the area which now includes the Treasurer of State's private office, this new area would make a very large legislative committee room and would appear to be more ideal than the Secretary of Agriculture's vacated area. Chief Judge Allbee

commented that the Court is proposing the use of the entire area to be vacated by the Department of Agriculture because of actual needs of space today as well as future needs without causing rearrangement and remodeling in the future. He stated that the Court's proposal would provide a compact and efficient working area for the Court of Appeals.

Representative Varley stated that the General Assembly realizes the space needs of the Court, however the Court's proposal does not appear to be the most efficient use of the type of space that will be available. He added that Justice Uhlenhopp's suggestion concerning the Treasurer of State's and Attorney General's office area would be excellent as a Senate committee room, but the House of Representatives also needs a committee room which would be ideally located in the northeast area of the Department of Agriculture's vacated space.

In reply to a question by Senator Glenn, Chief Judge Allbee stated that the Court would probably use northeast room on the first floor to provide office space for the clerks of the Court of Appeals.

In reply to a question by Speaker Cochran concerning the final decision on the space, Chief Justice Moore suggested that the four member committee including Mr. McCausland, Mr. Baringer, and Senator Kinley and himself would probably be the appropriate body to agree on the final decision. He further stated that any final decision which he agreed to would have to be approved by the remainder of the Court.

There being no further comments, Chairperson Glenn adjourned the meeting at 4:55 p.m.

Respectfully submitted,

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Senior Research Analyst

DIANE BOLENDER
Research Analyst