

M I N U T E S

LEGISLATIVE COUNCIL MEETING

September 8, 1976

The seventeenth meeting of the 1975-76 Legislative Council was called to order at 10:10 a.m. Wednesday September 8, 1976 in the Speaker's Conference Room of the State House in Des Moines. Members attending the meeting were:

Speaker of the House Dale M. Cochran, Chairperson
Senate President Pro Tem Minnette F. Doderer, Vice
Chairperson
Senator James E. Briles
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator George R. Kinley
Senator Clifton C. Lamborn
Senator William D. Palmer
Senator C. Joseph Coleman
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 a number of legislative staff personnel, representatives of the news media and other interested persons.

On motion of Representative Stromer, seconded by Representative Den Herder, the minutes of the Council's August 4 meeting were approved as distributed to Council members.

It was noted that the Juvenile Justice Study Committee, at its first meeting on August 24, had directed the Legislative Service Bureau to request authorization to pay expenses actually incurred by Professor Josephine Gittler in the course of her service to the Study Committee as a research consultant. Chairperson Cochran recognized Senator Doderer, Chairperson of the Juvenile Justice Study Committee, who explained that Professor Gittler is a member of the faculty of the University of Iowa College of Law, is a nationally recognized authority in the area of juvenile justice, and is author of the bill draft which the Study Committee is working from during the current interim. Senator Doderer added that Professor Gittler's continuing assistance in the final stages of preparation of a revision of the juvenile code will be invaluable to the Study Committee. Representative Varley expressed agreement.

Legislative Service Bureau Director Serge Garrison noted that during the previous legislative interim Professor Gittler had paid from her own funds for certain expenses incurred in the course of her work with the Juvenile Justice Study Committee. He said that the Service Bureau would be most happy to assist with typing and other preparation of material developed by Professor Gittler for use by the Study Committee, at any time.

Representative Stromer moved that the Council authorize the Juvenile Justice Study Committee to pay expenses actually incurred by Professor Gittler, as requested by the Study Committee. The motion was seconded by Representative Varley and unanimously adopted.

Chairperson Cochran noted that the Council's Administration Committee would be meeting with the Governor in his office at 10:30 a.m. on the present date, to discuss the question of space allocation in the State House which had been considered by the Administration Committee in the course of its meeting on the previous day. He added that, accordingly, the meeting of the Legislative Council would be recessed at that time, probably for the balance of the morning.

Representative Doyle, Chairperson of the Adult Penal and Correctional Systems Study Committee, noted that Representative M. Peter Middleton has withdrawn as a candidate for reelection to the House of Representatives. Accordingly, Representative Doyle moved that Representative Middleton be replaced on that Study Committee by Representative Lyle Scheelhaase. The motion was seconded by Representative Dunton, and unanimously adopted.

Chairperson Cochran recognized Senate Secretary Steve Cross, who was present to report on disposition of the contract for modification of the audio systems in the Senate and House chambers, pursuant to the Council's earlier authorization. (See minutes of Council's July 14, 1976 meeting, page 15.) Mr. Cross reported that two bids were received on installation of the modifications to the main audio system which had been designed by Spectra Electronics, the Council's contracted consultants on the project. The bids received were as follows:

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| 1. Audio Com, Des Moines | |
| Total system upgrade | \$33,250 |
| Switching relays | 3,100 |
| 2. Communications Engineering Company, Cedar Rapids | |
| Total system upgrade | \$80,300 |
| Switching relays | 3,100 |

Mr. Cross reported that pursuant to thorough analysis by both Spectra Electronics and the Communications Division of the Department of General Services, he and Chief Clerk of the House David Wray had recommended that Audio Com's bid be accepted. They had further recommended acceptance of a quoted price of \$7,200 from

Daktronics, Inc. of Brookings, South Dakota for modification of the Senate voting system to accommodate the new audio switching. (Mr. Cross noted that no other bids were solicited on the voting system modification because it was determined that only the original manufacturer should be permitted to modify that system.) Mr. Cross added that the Daktronics firm had made a bid of \$5,800 on the switching relays, but that he and Mr. Wray had recommended that the respective presiding officers, the Chief Clerk and the Secretary be authorized to accept either the Daktronics or the Audio Com bid on the switching relays because of the possibility that Daktronics might be willing to provide custom made switching relays, which would be preferable to factory models, at a lower price than their initial bid. Finally, it had been recommended that the presiding officers, Chief Clerk and Secretary be authorized to issue change orders on the new audio system at a cost up to 10% of the total contract price without further consultation with the Legislative Council.

Mr. Cross noted that in accordance with the procedures previously agreed to by the Council, he and Mr. Wray had notified the Council members from their respective bodies of the bids received and of their recommendations. He added that a majority of the Council members had approved the recommendations, and none had refused to approve them. Therefore, the Audio Com firm was notified that their bid would be accepted and actual issuance of the contract is awaiting receipt of the performance bonds as of the date of the present meeting. Mr. Cross further stated that no contract had, as yet, been issued for the switching relays pending receipt of further information from Daktronics.

In response to a question from Senator Lamborn regarding the great variation in the two bids received on the audio system modifications, Mr. Cross stated that it was the conclusion of Spectra Electronics and the Communications Division that the higher bid reflected the fact that the firm involved had not made a thorough study of the proposed modifications nor attended the bidders conference held at the time bids were requested. In effect, the successful bidder had submitted a much more informed proposal than the other firm.

In answer to a question from Chairperson Cochran, Mr. Cross stated that the contract awarded does not cover supervision by Spectra Electronics of the installation of the audio system modifications which the firm had designed. However, Mr. Cross added that he and Mr. Wray have been informally discussing with members of their respective houses the possibility of retaining the Spectra firm for this purpose on an hourly basis. He estimated that the cost of doing so would be in the range \$2,000 to \$3,000.

Senator Van Gilst asked if it is correct that the authorization for change orders on approval of the presiding officers, the Senate Secretary and the Chief Clerk of House could result in the total cost of the contract for audio system upgrade being as high as \$36,000. Mr. Cross replied in the affirmative,

but added that this is a fairly routine kind of standby authority for minor changes, the need for which may become apparent prior to or during the actual installation work.

On motion from Representative Doyle, seconded by Senator Briles, the Council accepted the report presented by Mr. Cross by a unanimous vote of the members present.

Senator Hansen stated that, before the recess for the purpose of the Administration Committee meeting with the Governor and the Chief Justice, he wished to raise the question of why the motion adopted by the Legislative Council in connection with the Council's vote favoring addition of a fifth floor to the new Hoover State Office Building, is not controlling with respect to the question of space allocation in the State House. Chairperson Cochran stated that the primary purpose of the meeting which was about to be held was to insure good communications among the various parties involved, and try to avoid a confrontation over the question of space allocation. In response to a further question from Senator Hansen, Chairperson Cochran agreed that Senator Hansen's interpretation of the motion passed by the Legislative Council at its October 15, 1975 meeting (see page 7 of minutes of that meeting) is correct.

The Council meeting was recessed at 10:30 a.m., and reconvened in the Speaker's Conference Room at 1:30 p.m.

Chairperson Cochran recognized Service Bureau Senior Legal Counsel Bernie Koebernick, who reported briefly on the present status of the various study committees established and joint interim subcommittees of standing committees authorized by the Legislative Council for the current interim.

Chairperson Cochran next recognized Service Bureau Legal Counsel Tim Braunschweig who distributed to Council members copies of proposed rules approved by the Peace Officers Retirement Systems Study Committee to govern the public bidding procedure for actuarial services to be furnished the Study Committee. Mr. Braunschweig noted that pursuant to S. F. 1251 of the Sixty-sixth General Assembly, 1976 Session, the Study Committee is required to purchase such services by a public bidding procedure. Mr. Braunschweig briefly summarized the proposed bidding rules approved by the Study Committee, copies of which are on file with the Legislative Service Bureau.

Representative Stromer inquired whether the Peace Officers Retirement Systems Study Committee, or any other appropriate group, is looking seriously at the possibility of consolidating the various public employee retirement programs presently in operation in the state of Iowa. Mr. Braunschweig replied in the negative, adding that South Dakota has recently gone to what he termed a consolidated two-tier public employees retirement system. Representative Stromer expressed hope that serious consideration will be given to consolidation of public employee retirement systems in Iowa in the near future.

Senator Coleman said it is his understanding that only one firm has on file all of the data needed to provide the Study Committee the actuarial services it is seeking, and expressed concern that this firm would have an undue advantage in bidding on the services to be purchased by the Study Committee. Mr. Braunschweig said he had discussed this matter with Job Services of Iowa, and that that agency had indicated that since the data in question was developed with state funds it is thereby available to any firm which might be awarded the contract for these services.

Senator Coleman then moved that the Council approve the bidding rules proposed by the Peace Officers Retirement Systems Study Committee. The motion was seconded by Representative Fitzgerald and unanimously adopted.

There was a brief discussion regarding the opening of the bids on the furnishing of actuarial services to the Study Committee. At Chairperson Cochran's suggestion, it was agreed to schedule the opening of the bids in such a manner that the contract may be awarded by the Legislative Council at its next regular meeting.

It having been necessary for Senator Palmer to leave the meeting, Chairperson Cochran asked Representative Dunton to present the report of the Legislative Fiscal Committee pursuant to its meeting on the previous day. A copy of the Fiscal Committee's report is attached to and by this reference made a part of these minutes.

There was a short discussion of the Fiscal Committee's report, in the course of which Representative Fitzgerald inquired about the computer listing of federal aid received in Iowa which is referred to in the report. Legislative Fiscal Director Gerry Rankin explained that this listing covers political subdivisions as well as state agencies in Iowa, and that it lists unsuccessful grant applications as well as federal grants which were actually awarded.

On motion of Representative Dunton, seconded by Senator Van Gilst, the report of the Fiscal Committee was accepted by the Council.

There was a brief discussion of arrangements for Legislative Council members to meet with members of the Iowa Congressional delegation in Washington, D. C. on September 13-14. It was indicated that eleven Council members plan to make the trip. Mr. Garrison reported on the agenda which had been prepared for the meeting with the Congressional delegation.

Chairperson Cochran recognized Senator Doderer, Chairperson of the Council's Service Committee, for the report of that Committee pursuant to a meeting which it had held earlier in the day. Senator Doderer stated the Service Committee had voted to

recommend Council approval of the employment of Ms. Donna M. Van Haalem by the Legislative Fiscal Bureau in the capacity of Assistant Legislative Fiscal Analyst, and the part-time employment of Mr. William Pearce by the Legislative Service Bureau as a Legal Researcher. Senator Doderer noted that Mr. Pearce is an attorney and is sightless; he is being paid at a rate which is equivalent on an hourly basis to the starting pay for a legal counsel in the Service Bureau, but Mr. Pearce is using a portion of this pay to hire a sighted reader to assist him. On motion of Senator Doderer, seconded by Senator Briles, the report of the Service Committee was adopted.

Chairperson Cochran reported on the meetings of the Council's Administration Committee which had been held on the previous day, and during the morning recess on the present day. Copies of the reports of the Administration Committee pertaining to these meetings are attached to and by this reference made a part of these minutes.

After completing his summary of the current situation relative to allocation of space which becomes available in the State House, Chairperson Cochran recognized Director Stanley McCausland of the Department of General Services. Mr. McCausland presented to Council members present the proposal for changes and improvements in the Capitol complex parking lot system which he had discussed with the Administration Committee on the previous day, as reflected on page 2 of the attached Administration Committee report.

After some discussion of the proposed parking lot changes presented by Mr. McCausland, Senator Kinley moved that the Council approve the Administration Committee's recommendation that the funds be expended pursuant to Code section 2.12 to carry out the installation of parking lot control gates and related work proposed to the Administration Committee by Mr. McCausland. The motion was seconded by Representative Varley.

In response to a question from Senator Hansen, Mr. McCausland stated that the Wallace Building which is now under construction includes a parking ramp with a capacity of approximately 90 vehicles. In addition, it is proposed to install control devices in the parking areas on either side of Locust Street, down the hill west of the State House, and assign these parking spaces to employees who will be located in the Wallace Building.

Senator Van Gilst asked about parking arrangements in the Capitol complex for handicapped individuals. Mr. McCausland noted that the Wallace Building parking ramp includes several parking spaces set aside for handicapped individuals. With respect to the State House itself, Mr. McCausland stated that the relatively few physically handicapped employees can be accommodated within the parking lot east of the building which is primarily reserved for legislators and legislative staff during the session but that parking facilities for handicapped members of the general public

who are visiting the building are a more difficult problem at the present time.

Senator Doderer noted the opinion which had been issued earlier on the present day by Attorney General Turner to Comptroller Selden, holding that the Legislative Council had exceeded its authority by voting to purchase and install an interactive budget and monitoring system under the authority of Code section 2.12. She questioned whether, in view of this opinion, the Council should undertake parking lot improvements on the basis of section 2.12. Mr. McCausland commented that there are not sufficient funds in the budget of the Department of General Services for the current fiscal year to permit it to carry out the proposed parking lot work with its own funds. However, he stated that the Department could proceed with this work using its own funds if the Council would provide positive assurance that the General Assembly would replace these funds through a supplemental appropriation early in the 1977 session.

After further discussion, Senator Kinley's motion was adopted by a voice vote.

Senator Kinley then moved that the Council accept the Administration Committee's report. The motion was seconded by Representative Doyle.

Senator Doderer stated that she had been an observer at the meeting of the Administration Committee with the Governor during the Council's morning recess. She was quite critical of the Governor's attitude towards the space needs of the General Assembly.

Senator Hansen inquired on what grounds the Governor opposes removal of state elected officers, other than the Governor, from the State House. Chairperson Cochran replied that one rationale cited by the Governor is that location of all elected state officials in a single building facilitates access to these officers by the public. Chairperson Cochran added that the Governor had also expressed some concern over inconvenience which might result from the location of the offices of the Secretary of State outside the State House, in view of the large number of documents which must be passed from the Governor's office to the Secretary of State and vice versa. Both Senator Hansen and Chairperson Cochran indicated that they do not find either of these arguments persuasive.

After further discussion, Senator Kinley's motion to accept the Administration Committee's report was adopted by a unanimous voice vote.

Chairperson Cochran recognized House Public Information Officer Sharon Robinson, who suggested that the Council arrange with Iowa Market Research Service, the commercial research division of the Des Moines Register and Tribune Corporation, to survey

attitudes of Iowans toward the Iowa General Assembly. She explained that the survey would be carried out in connection with the Register's "Iowa Poll". The field dates for this survey would be September 29-October 2, 1976, with tabulation of results to be completed by October 29. The closing date for formulation of questions to be included in that particular survey would be September 16. Ms. Robinson stated that the cost of including three open-ended questions in this survey would total \$1,250. This would cover consultation on question design, administration of the survey in the field, coding and tabulation of results, and delivery of the final report.

Senator Van Gilst moved that the Council accept the recommendation presented by Ms. Robinson. The motion was seconded by Senator Briles. Considerable discussion followed, relative to the basic objectives of engaging in such a survey, the kinds of questions to be asked, and the basis of the fees quoted to Ms. Robinson by Iowa Market Research Service.

There was also some discussion of the possibility that the results of such a survey might in some manner be used for political purposes. Ms. Robinson assured the Council that no questions of a political nature would be formulated. She added that if the Council so desires, arrangements can be made for Iowa Market Research Service to hold the results of any survey taken for the General Assembly confidential until the day after the forthcoming general election.

Following discussion of the latter point, Senator Lamborn moved to amend Senator Van Gilst's earlier motion to provide that the results of the survey be released immediately upon completion of the tabulation. The amendment was seconded by Senator Hill, but was defeated on a voice vote.

Senator Van Gilst's original motion was then adopted by a roll call vote of eleven to three, with one abstention. Those voting yes were Chairperson Cochran, Senators Briles, Kinley, Coleman and Van Gilst and Representatives Dunton, Fitzgerald, Hargrave, Middleswart, Stromer and Varley; those voting no were Senators Hansen, Hill and Lamborn; Representative Doyle abstained.

The meeting was recessed at 3:05 p.m. and reconvened in the Speaker's Conference Room at 3:30 p.m. Upon reconvening, Chairperson Cochran noted that the opinion issued earlier in the day by the Attorney General to the Comptroller, holding that the Legislative Council had exceeded its authority under Code section 2.12 in voting to purchase and install an interactive budgeting and monitoring system, is of course potentially very significant for the plans of the Legislative Council in this regard. He therefore referred the matter to the Council Administration Committee for research and review.

The meeting was adjourned at 3:32 p.m.

Respectfully submitted,
SERGE GARRISON
Director

PHIL BURKS
Senior Research Analyst