

M I N U T E S

LEGISLATIVE COUNCIL

July 10, 1974

The thirteenth meeting of the 1973-74 Iowa Legislative Council was called to order at 10:05 a.m., Wednesday, July 10, 1974 in the Speaker's Room of the State House. Council members present were:

Senator Clifton C. Lamborn, Chairman
Representative Edgar H. Holden, Vice Chairman
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene Hill
Senator Karl Nolin
Senator Roger J. Shaff
Senator Earl M. Willits
Representative Dale M. Cochran
Representative Donald V. Doyle
Representative James I. Middleswart
Representative Arthur A. Small, Jr.
Representative Delwyn Stromer

Legislative staff personnel present included Senior Research Analyst Phil Burks and Senior Legal Counsel Burnette Koebernick of the Legislative Service Bureau, Legislative Fiscal Director Gerry D. Rankin, Secretary of the Senate Ralph Brown, Chief Clerk of the House William Harbor, Assistant Chief Clerk David Wray, Senate Legal Counsel William Trent, Ralph Kauffman of the Senate staff, and Citizens' Aide Tom Mayer. A number of representatives of the news media and other interested persons also attended the meeting.

On motion of Senator Shaff, seconded by Senator Briles, the minutes of the Council's June 12, 1974 meeting were approved as distributed to Council members.

Chairman Lamborn recognized Representative Glenn F. Brockett, Chairman of the Capitol Planning Commission, for a progress report from that body. He stated that a report to the Capitol Planning Commission from the architect on plans for the building generally referred to as the "Agriculture" building is due at the Commission's next meeting on July 22. Also at that time, the drawings of the exterior of the other new state office building which is to be constructed will be presented. Site planning for that building is already underway.

Representative Brockett also reported that, on the basis of the same architect selection process which it has previously used, the Commission has awarded the basic contract for architectural work on the Capitol Mall project to the firm of Hansen-Lind-Meyer of Cedar Rapids which will in turn subcontract landscape architecture to a Philadelphia, Pennsylvania firm which specializes in such work.

Representative Brockett stated that the Commission has awarded a contract to the Des Moines architectural firm Brooks, Borg and Skiles to study and make recommendations regarding the power supply, heating and cooling arrangements in the Capitol complex. He noted that Iowa Power and Northern Natural Gas have indicated that natural gas will be unavailable for a fuel in the Capitol complex after 1980 and that frequent and fairly serious interruptions in supply may be expected after 1975. At present, the Capitol complex's standby system relies on fuel oil, but this is not feasible as a long-range permanent arrangement. That leaves the options of using coal or electricity as the basic fuel for the Capitol complex, and it will be the responsibility of the Brooks, Borg and Skiles firm to recommend which of these fuels should be relied upon and how the necessary physical arrangements should be planned and carried out.

Representative Brockett noted that three types of cooling systems are now in use in the Capitol complex and stated that in the long run these should be standardized and interconnected, thereby effecting savings in both Capitol outlay and energy consumption. He stated that there is not enough capacity in the existing cooling systems to handle the two new state office buildings which are to be constructed even by looping the existing systems, so the question arises whether a start should be made now toward centralizing the cooling systems in the complex. With respect to heating, Representative Brockett noted that by looping all existing heating plants in the complex it would be possible to heat the two new buildings without adding any additional equipment, but there would be no reserve capacity left. Since it is unwise to place the complex in this situation, there will be a need for a new boiler plant somewhere and the decision must therefore be made at a fairly early date whether the basic fuel is to be coal or electricity.

In summary, Representative Brockett stated that the Capitol Planning Commission is presently facing a number of major decisions about the course of future development of the Capitol complex.

Chairman Lamborn next recognized Director of General Services Stanley McCausland, who presented to the Legislative Council the matter of a possible change in the planned location of the Department of Public Safety. The department would, under that plan, be moved to the "Agriculture" building from the other new state office building to be constructed. Mr. McCausland had discussed this matter in some detail with the Council's Legislative Administration Committee on June 27. (See Minutes of Administration Committee's June 27, 1974 meeting, pages 1-2.) Mr. McCausland noted that the contemplated change in plans for utilization of the two new buildings would require a transfer of some of the funds appropriated for the new general office building

to the "Agriculture" building. He added that he is aware that only the General Assembly itself can make this transfer, but that the necessary plans must be made now. He therefore requested an indication of support or opposition to this change in plans for the two new buildings from members of the Legislative Council.

In the discussion which followed, no Council member expressed opposition to the change in plans, although there was some comment to the effect that it might appear inappropriate to house the Department of Public Safety in a building identified as the "Agriculture" building. Senator Nolin expressed the view that it would be preferable to refer to both of the new buildings simply as office buildings, and do away with any designation which suggests that they were built for the use of a particular state department or group of departments. Representative Holden and Mr. McCausland agreed, Mr. McCausland adding that he hopes the tradition of naming such buildings for prominent Iowans can be continued and perhaps it would be appropriate to name the building in which the Department of Agriculture is to be located for an Iowan who has achieved prominence in the field of agriculture.

In response to a question from Senator Willits, Mr. McCausland stated that the State House is presently being kept open on Saturdays, but not on Sundays. He added that there are no present plans to open the building on Sundays or holidays, although he has no strong feelings pro or con on this particular matter.

Representative Small urged that the firm doing the study on future development of the Capitol complex power supply, cooling and heating arrangements be directed to give serious consideration to utilization of solar energy in the two new buildings which are to be constructed. He asserted that the feasibility of utilizing solar energy has been established for some time. However, Representative Brockett stated that utilization of solar energy must still be considered experimental in that no single large installations of the type contemplated by Representative Small have been constructed so far as the Capitol Planning Commission is aware, while the Commission must commit itself on planning for the two new buildings within the next year. Representative Brockett added that the necessary components for solar energy utilization are not available on a commercial basis at present. Mr. McCausland commented that another alternative fuel possibility which should be studied in terms of future application is use of processed garbage as a fuel.

In response to a question from Representative Middleswart, Representative Brockett stated that no cost estimates on development of a loop system for cooling and heating of buildings in the Capitol complex is yet available. However, he added that it would be reasonable to assume that full development of such a system over a period of time would entail a total cost of several million dollars.

Chairman Lamborn recognized Mr. Mayer, who referred to the action taken by the Council at its June meeting in regard to salaries of certain members of the Citizens' Aide staff. (See Minutes of the Legislative Council's June 12, 1974 meeting, pages 4-5.) The Council had at that time adopted a report of its Legislative Service Committee including a recommendation "that the first deputy and the second deputy be given retroactive salary increases from January 1, 1974 to June 30, 1974 of \$500 & \$750, respectively". Mr. Mayer noted that the Comptroller had subsequently objected to these salary increases on the ground that they constitute "extra compensation" which is permissible only by a two-thirds vote of both houses of the General Assembly under Article III, section 31, Constitution of the State of Iowa.

Mr. Mayer pointed out that salary increases for these two individuals had first been proposed to the Legislative Council at its October 10, 1973 meeting. At that time, due to a computation error which occurred in preparing the figures used by the Council and its Administration Committee at that meeting, it appeared questionable whether there was sufficient money in the Citizens' Aide budget to pay the increased salaries for the balance of the fiscal year. Therefore, the Council had deferred the matter until after figures for the second quarter of the fiscal year were available. Mr. Mayer stated that he had been prepared to demonstrate to the Council in January, 1974 that sufficient funds were available to pay the proposed salary increases, but that he did not in fact have the opportunity to take up this matter with the Council until its meeting on June 12. He added that since the Council did act on that date, the Comptroller has no objection to paying the increased salaries for the pay period ending June 15, but does object to doing so for the months January through May, 1974.

Senator DeKoster suggested that if Mr. Mayer's interpretation of the sequence of events since October, 1973 is correct, that the money involved is delayed payment of salary which was in effect previously agreed upon by the Legislative Council, rather than a retroactive salary increase. If that is the case, he added, there should be no constitutional objection. After a brief discussion, it was agreed that the minutes of the Council's October 10, 1973 meeting should be reviewed during the luncheon recess and that the Council would make a determination on the matter during the afternoon session of the present meeting.

The meeting was recessed for lunch at 12:00 noon, and reconvened in the Speaker's Room at 1:30 p.m. with all Council members who had attended the morning session again present except Representative Small.

Representative Holden presented the report of the Council's Legislative Administration Committee. A copy of the report is attached to and by this reference made a part of these minutes.

After a brief discussion of item 4 of the report, relating to certain aspects of legislative printing, Senator Hill moved that the Legislative Council endorse the proposal that the Executive Council take the necessary action to permit the state printer to acquire certain additional printing equipment, by means of which substantial savings may be effected on the cost of printing for the next General Assembly. The motion was seconded by Representative Stromer and unanimously adopted.

In response to an inquiry by Senator Willits, Representative Holden stated that no agreement has been reached between the Senate and House of Representatives regarding discontinuation of the printing of a corrected journal. He added that it appears that each of the two houses will go its own way in this matter. Senator Willits said he would like to see examples of errata sheets which are printed in place of a corrected journal in some other states.

There was an extended discussion of the need for additional State House space which can be utilized by the General Assembly. In answer to a question by Senator Willits, Representative Holden stated that the Administration Committee has established no timetable for making a specific determination of these needs, but does intend to pursue this matter.

A portion of the discussion dealt with possible changes in the legislative appropriation process, and the effect these changes might be expected to have upon physical space requirements in the State House during legislative sessions. Senator Hill restated the proposal he has advanced in the past for abolition of the Appropriations Committees as such, and assignment of their function to other standing committees of the General Assembly. Several other members of the Council expressed skepticism about or opposition to such a change. However, Chairman Lamborn added that he does favor involving more members of the General Assembly in the formulation of appropriations, possibly by enlarging the Appropriation Committees so that all or nearly all members of the General Assembly serve upon one of the Appropriation Subcommittees and then permitting these Subcommittees to bring appropriation bills directly to the floor. He noted that in order to make such a procedure fully effective, additional committee rooms would probably be necessary in order that these subcommittees could meet simultaneously during the early part of a legislative session.

Representative Cochran expressed the view that the amount of additional space in the State House which can be acquired by the General Assembly as a direct result of the construction of the two new state office buildings for which funds have been provided is

likely to prove rather limited. He therefore suggested that plans also be made for the transfer of the offices of the Secretary of State, the Treasurer of State and the Auditor of State out of the State House, and the reassignment of the space now occupied by their offices to the General Assembly.

Representatives Cochran and Holden also observed that it had earlier been thought that additional State House space might be acquired for the legislature by transferring the Supreme Court elsewhere. However, they commented that the extent and expense of recent remodeling of the Supreme Court's State House chambers and offices probably precludes such a move within the foreseeable future. Representative Holden also commented that the funds for the refurbishing of the Supreme Court's area were apparently obtained through the Executive Council without specific action by the General Assembly.

Senator Nolin remarked that there is some logic in keeping the heads of the three coordinate branches of the state government in the State House. However, he agreed that some of the Executive Council's officers other than the Governor might be moved elsewhere. He added that the General Assembly must make its space needs known, or it will not obtain any significant amount of additional space in the building.

Mr. McCausland noted that the Governor might conceivably wish to leave the State House if other members of the Executive Council are moved elsewhere. He suggested the possibility of programming the offices of Executive Council members into one of the planned new state office buildings. Chairman Lamborn said he is skeptical that other Executive Council members need to be in the same building as the Governor, but he said there does appear to be good reason to keep the offices of the Comptroller immediately adjacent to those of the Governor.

Senator Hansen noted the need for a central resource library for the General Assembly. Representative Stromer said he believes each major legislative committee should have a large committee room which incorporates or has adjacent to it offices for the chairman and ranking majority and minority members, as well as possibly some office space for assigned staff. Representative Holden pointed out there are several places in the State House where a large room, which probably should not be permanently divided for aesthetic reasons, is flanked by smaller ones, and added that these facilities could well be used in the manner suggested by Representative Stromer.

Representative Cochran inquired whether there has been serious consideration of the proposal which has been advanced in the past for a ground-level westward extension of the State House, which would be designed in such a way that the exterior appearance

of the State House and grounds to the west of it would not be significantly altered. Mr. McCausland replied that this proposal has not been ignored and it is feasible. He added that if it should be decided to proceed in that manner, the State should plan a major extension in terms of floor space. He estimated that 150,000 to 200,000 square feet is well within the bounds of reason, considering the topography of the area involved.

Mr. McCausland suggested that another possibility would be to combine a limited amount of office space for Executive Council members and their staff in a small complex which would adjoin the below ground cafeteria and parking facilities proposed as a part of the Capitol Mall project.

Senator Hill suggested that the Council go on record to the effect that any space in the State House vacated by transfer of existing offices to either of the new buildings which are to be constructed should be reserved for the General Assembly unless specifically released by it.

After further discussion, Representative Cochran moved that Mr. McCausland be requested by the Council to develop plans, in consultation with the Council's Administration Committee, for assignment of additional space for use by the General Assembly either within or directly attached to the State House. The motion was seconded by Senator Hansen. In discussion on the motion, Senator DeKoster stated that there is a need for more detailed study of the actual space needs of the General Assembly before specific plans are made, and several Council members expressed agreement. The motion was then adopted by a unanimous voice vote.

The Council resumed consideration of the matter of the salary increases for the deputies in the office of the Citizens' Aide. Copies of pages 10 and 11, excerpted from the minutes of the Legislative Council's October 10, 1973 meeting, were distributed to Council members. After the Council had reviewed the excerpts, Senator Hill moved that the Council advise the Comptroller to allow payment of salaries to the staff of the Citizens' Aide office in accordance with the Council's agreement at its October 10, 1973 meeting. The motion was seconded by Senator DeKoster, and adopted by a unanimous voice vote.

Senator DeKoster presented the report of the Legislative Fiscal Committee. A copy of the report is attached to and by this reference made a part of these minutes.

In response to an inquiry from Senator Willits, Senator DeKoster confirmed that the Fiscal Director's office and the Comptroller's office are seeking to improve availability of current information on appropriation matters to legislators during the next General Assembly. Senator Willits asked if the Fiscal Committee

has investigated a new system being used by Congress for providing members with current budget information. Senator DeKoster said that the Fiscal Committee has not specifically reviewed that system, but he and Chairman Lamborn both said they are committed to making it possible for individual legislators to be fully informed about current budget and appropriation matters on a day-to-day basis during the legislative session. They added that they hope this goal can be more nearly achieved during the next General Assembly than has been the case in the last few years.

Senator Willits expressed the view that the General Assembly should require every agency to which it appropriates to provide legislators with full information on the agency's total budget, including federal funds and other funds not appropriated by the General Assembly. Senator Hill said that this information was available during the last session, but acknowledged that it was difficult to locate and that many legislators were therefore not aware of its availability.

Senator DeKoster moved that the Council accept the report of the Legislative Fiscal Committee. The motion was seconded by Senator Shaff and adopted by a unanimous voice vote.

Senator Hansen presented the report of the Council's Studies Committee. A copy of the report is attached to and by this reference made a part of these minutes.

There was some discussion of the Departmental Rules Review Committee's request that the Council authorize a study of new rules regarding reimbursement of expenses incurred by state employees while traveling on state business, the discussion centering primarily on that part of the new rules which eliminates the long-standing practice of paying certain state employees a daily lunch allowance. Several Council members expressed particular irritation over the fact that the notices given to state employees regarding this rule change had made reference to the change being approved by the Departmental Rules Review Committee in such a way that many of the employees received the impression that the legislature was responsible for the rules change, when in fact most legislators did not know about it until they learned of it through the news media.

Senator Shaff objected to the Studies Committee's recommendation that this matter be referred to the Council's Administration Committee. Chairman Lamborn said he saw no reason for any committee or subcommittee to make a study of the matter; he urged that the Council take immediate action to go on record to as being opposed to the new rule, at least until the General Assembly has had a chance to review the entire matter and make appropriate adjustments.

After further discussion, Senator Hansen moved that the Council accept the report of the Studies Committee with the exception of the two concluding paragraphs of the report. The motion was seconded by Representative Middleswart and adopted by a unanimous voice vote.

It was decided to request State Comptroller Marvin Selden to come to the meeting for further discussion of the new rule regarding lunch expense reimbursement. Further discussion of the matter was deferred until Comptroller Selden's arrival.

Chairman Lamborn noted that the Council should appoint a legislative member to the Records Management Commission at the present meeting. Senator DeKoster moved that Senator Warren Curtis be appointed to the Commission. The motion was seconded by Senator Willits and unanimously adopted.

Senator Briles requested permission for the two-day meeting of the joint Senate and House Committees on County Government, which has become customary since adoption of annual sessions. Senator Shaff moved that the request be approved. The motion was seconded by Senator Nolin and unanimously adopted.

Representative Tom Higgins appeared before the Council to express concern regarding lack of progress on development of community-based correction centers. He suggested that the degree of cooperation between the Department of Social Services and the Crime Commission in this matter has been unsatisfactory, and that the Legislative Council ought to invite the Commissioner of Social Services and the Chairman of the Crime Commission to the next Council meeting to discuss the problem. Chairman Lamborn noted that Lieutenant Governor Neu is presently working on this matter, but added that he would request the Commissioner and the Chairman to meet with the Council at a later date if that should appear appropriate.

Comptroller Selden and Assistant State Accountant Eldon Sperry arrived at the meeting at 3:20 p.m. Mr. Selden briefly outlined the changes in rules relating to reimbursement of state employees for costs incurred while traveling on state business. A copy of an excerpt from the minutes of the Departmental Rules Review Committee meeting of June 11, 1974, at which the new rules were approved, is attached to and by this reference made a part of these minutes.

Mr. Selden asserted that all state department heads were advised of the intent to change the reimbursement rules on June 3, and that the heads of the known state employee groups were also advised of the intent to make this change. He added that only one individual attended the June 11 Departmental Rules Review Committee

hearing to oppose the rules change, but that after the change became effective extensive opposition arose.

In response to questions, Mr. Selden pointed out that appropriations to the various state departments were not increased to cover the added cost which will be incurred by raising the state mileage allowance from 10 cents to 15 cents per mile, nor to offset the increase from \$15 to \$18 of the maximum daily allowance for lodging and meals while traveling on state business within Iowa. Therefore, it does not appear that elimination of reimbursement for lunch expenses will result in any department having any significant "extra" money in its appropriation.

Senator Hill inquired why it was considered necessary to put the new rules into effect on July 1, 1974, when the Internal Revenue Service will not begin treating reimbursements for lunches as taxable income until January 1, 1975. Mr. Selden replied that this particular matter was not the only consideration involved in changing the reimbursement rules.

Several legislators expressed concern that the effect of the rules change, with respect to reimbursement for daily lunch expense, will be to offset a substantial portion of the pay increase approved by the recent session of the General Assembly for all state employees. Comptroller Selden argued that this is an invalid comparison, because the 7.5% pay increase for all state employees will cost some \$8 million while the most that can be expected to be saved by ending reimbursement for lunches is \$250,000. Senator Briles said that while those figures may be correct, the fact remains that an employee who has received the lunch allowance on a daily basis in the past will have more than \$40 per month less cash coming in as a result in the rules change, and for this particular employee that may well offset a substantial part of his salary increase.

Representative Cochran moved that the Legislative Council strongly recommend to the State Comptroller that the rules regarding reimbursement of expenses of state employees who travel on state business, which were rescinded and replaced by new rules as shown by the minutes of the Departmental Rules Review Committee at its June 11, 1974 meeting, be reinstated and that no further action to change these rules be taken until February 1, 1975. The motion was seconded by Senator Briles, and unanimously adopted.

The meeting was adjourned at 3:45 p.m.

Respectfully submitted,

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BURNETTE E. KOEBERNICK
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