

M I N U T E S

IOWA LEGISLATIVE COUNCIL

August 15, 1973

The third meeting of the Iowa Legislative Council was called to order at 11:00 a.m. on August 15, 1973 by the Chairman, Senator Clifton C. Lamborn, in the Speaker's Room of the State House. The following members of the Council were present:

Senator Clifton C. Lamborn, Chairman
Representative Edgar H. Holden, Vice Chairman
Lieutenant Governor Arthur A. Neu
Speaker Andrew Varley
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Karl Nolin
Senator James F. Schaben
Senator Roger J. Shaff
Representative Dale M. Cochran
Representative Donald V. Doyle
Representative Charles E. Grassley
Representative Joan Lipsky
Representative James I. Middleswart
Representative Arthur A. Small, Jr.
Representative David M. Stanley

Also present at the meeting were:

Mr. Frank Bunker, Consulting Architect
Mr. Frank Pulley, Consulting Engineer
Mr. Roland Gallagher, Director, Beer and Liquor Control
Department
Mr. Gerry Rankin, Legislative Fiscal Director
Mr. Serge Garrison, Director, Legislative Service Bureau
Mr. Burnette Koebernick, Legal Counsel, Legislative
Service Bureau
Mrs. Diane Bolender, Research Analyst, Legislative
Service Bureau

Following roll call, the minutes were approved as mailed to Committee members.

Chairman Lamborn announced that with the Council's approval, he will appoint four subcommittees of the Legislative Council to meet with the Iowa Congressional Delegation in Washington, D. C. to discuss action that might be taken to alleviate specific problems in Iowa. The subjects to be discussed are:

1. Agriculture, with possible action on movement of grain this fall and other food problems.
2. Transportation, regarding federal funds for highway purposes.
3. Energy crisis, concerning the availability of fuel for

drying grain, the availability of gasoline, and the use of high sulfur coal.

4. Occupational Safety and Health Act (OSHA), the requirements needed to meet the OSHA standards.

Chairman Lamborn also requested that Mr. Garrison be given the authority to accompany the Legislative Council as its Executive Secretary.

Senator Shaff moved that Chairman Lamborn be given the authority to appoint the subcommittees and to schedule a meeting with the Iowa Congressional delegation in Washington, D.C. Senator Stanley seconded the motion and discussion followed. Senator Shaff expressed support for Senator Lamborn's proposal and mentioned that at a meeting concerning the energy crisis at the recent National Legislative Conference held in Chicago, federal government officials indicated that they have no plans formulated for transporting additional fuel for grain drying. He noted that it appears necessary that members of the Iowa Legislature travel to Washington, D.C. to communicate the need for additional fuel for grain drying. Representative Cochran expressed support for the trip. The motion carried and Mr. Garrison was directed to make arrangements for travel and accommodations in Washington, D.C.

Chairman Lamborn called upon Mr. Gallagher to discuss the plans of the Beer and Liquor Control Department for closing seven liquor stores in small Iowa communities. Mr. Gallagher explained that it appears necessary to close seven liquor stores because the funds for operation of the liquor stores were not appropriated to the Beer and Liquor Control Department by the General Assembly. He indicated that the necessary amounts needed to operate the seven liquor stores were not appropriated and were not in the Governor's budget which was submitted to the General Assembly because it was anticipated that a bill authorizing special distributorships for liquor would be enacted by the General Assembly. Mr. Gallagher indicated that it will cost approximately \$7,000 per month to continue the seven stores after the first of October when the first of eight new stores will be opened. In response to a question from Representative Cochran concerning profits of the stores, Mr. Gallagher indicated that all seven stores are presently operating at a profit.

Senator Schaben asked whether Mr. Gallagher anticipates closing additional small liquor stores if the special distributorships bill is enacted. Mr. Gallagher responded that the Beer and Liquor Control Department has not formulated an overall long-term plan, but is attempting to provide the best service possible. Senator Schaben asked whether the Governor was aware that his budget proposal would mean the closing of seven liquor stores. Mr. Gallagher responded in the affirmative, and Lieutenant Governor Neu added that when the appropriation bill passed the Senate, the seven stores which would be closed were named on the floor.

Chairman Lamborn asked the Legislative Council for a solution to the problem. Mr. Gallagher noted that it does not appear possible that funds from the contingency fund of the Executive Council can be used, since the situation is not a contingency. Representative Holden moved that Mr. Gallagher continue the operation of the seven stores which have been slated to be closed even though funds were not appropriated to the Beer and Liquor Control Department to operate and maintain the stores. It was noted that this procedure may mean that Mr. Gallagher will exceed his budget for the first year of the biennium and if funds are not appropriated by the General Assembly in 1974 to pay for the operation of the seven liquor stores, Mr. Gallagher will be justified in closing additional stores, the number of which could be as many as fourteen, in order to be within funds appropriated to his department for the biennium. Senator Schaben seconded the motion, and it was carried by a unanimous affirmative vote of those persons present.

Senator Shaff asked Mr. Gallagher about the interpretation of the Attorney General regarding Sunday liquor sales, which interpretation indicates that retailers can sell only liquor on Sunday, even though the Act requires that 50% of their business be in goods and services other than liquor. Mr. Gallagher responded that the Beer and Liquor Control Department is drawing up rules which will require that retailers provide figures for sales of goods and services and liquor for a 90-day period of time in order to determine the 50% level. He indicated that the rules must be approved by both the Attorney General and the Departmental Rules Review Committee. Both Chairman Lamborn and Senator Shaff commented that the intent of the General Assembly when the bill was passed was to allow restaurants to serve liquor on Sunday.

Chairman Lamborn directed Mr. Gallagher to prepare prior to the convening of the 1974 legislative session, a report of the service available and quantity of wines available throughout the state and whether warehouses located in points other than Des Moines would improve service. Mr. Gallagher answered that if warehouses were provided in eastern and western Iowa, service would be improved but there would be duplications of administrative personnel and records, and it would be difficult to balance the inventories in more than one location. Representative Holden asked whether developing a different accounting system will lead to differentiation in retail prices throughout the state. Mr. Gallagher responded in the negative.

Representative Stanley described complaints he has received from persons throughout Iowa of limited stocks of wines and improper storage of wines. He joined in the Chairman's request that Mr. Gallagher submit a plan for improved service, especially in the distribution of table wines.

Chairman Lamborn called for the report of the Legislative Fiscal Committee by Representative Grassley. A copy of the report is attached and by this reference made a part of these minutes.

With regard to the visitations proposed by visitation committees of the Legislative Fiscal Committee, Representative Grassley indicated that the staff of the Legislative Fiscal Bureau will prepare prior to any visitations specific information to provide a sense of direction and purpose to each visitation. Representative Grassley also informed the Council that Mr. Rankin has employed a Budget Analyst to work in the education area. His name is Ethan Allan Tone and he was employed at a beginning salary of \$16,000 per year. Representative Grassley listed the following requests of the Legislative Fiscal Committee:

1. A meeting on September 11.
2. Approval of the visitation committees' visitations.
3. Sending three staff members of the Legislative Fiscal Bureau to a seminar on budget preparation.
4. Sending Mr. Rankin to a seminar on fiscal post-audit.
5. Sending six of the ten Legislative Fiscal Committee members to either of the two seminars.
6. The employment of the new budget analyst.
7. The proposed agenda for the September 11 meeting.

Representative Grassley moved that the Report of the Legislative Fiscal Committee be accepted and the requests be approved. Senator Briles seconded the motion and it carried.

Chairman Lamborn announced the membership of the four subcommittees of the Legislative Council to meet with the Iowa Congressional Delegation. The members on the subcommittees should become familiar with problems in their assigned area in order to discuss these subject matters with the Iowa Congressional Delegation in Washington, D.C. The subcommittees are:

Agriculture

Speaker Varley, Chairman
Senator Nolin
Senator Schaben
Representative Cochran
Representative Stromer

Transportation

Senator DeKoster, Chairman
Senator Hansen
Senator Hill
Representative Doyle
Representative Lipsky

Energy Crisis

Senator Shaff, Chairman
Representative Grassley
Representative Middleswart
Representative Small
Representative Stanley

OSHA

Representative Holden, Chairman
Senator Briles
Senator Kyhl
Senator Lamborn
Senator Willits

Representative Stanley moved that the Legislative Council express deepest sympathy to the family of Representative Delwyn Stromer, whose son was killed in an accident during the previous week. He suggested that a letter be prepared for signature by the members of the Legislative Council. Representative Stanley added that a fund has been begun for a memorial for Randy Stromer and he indicated that members of the Legislative Council may wish to contribute.

The Legislative Council recessed for lunch at 12:05 p.m. and reconvened at 1:35 p.m. with Senator Hill present in addition to the members who had been present during the morning session.

Chairman Lamborn called for a report of the Administration Committee which had met at 2:00 p.m. on Tuesday, August 14, 1973 to open the bids for air conditioning the legislative chambers. A copy of the report of the Administration Committee is attached and by this reference made a part of these minutes. Speaker Varley, Chairman of the Legislative Administration Committee, asked Mr. Frank Pulley to explain the alternates upon which bids were based. Mr. Pulley explained that the first alternate would have involved air conditioning the Supreme Court area. The second alternate will provide extra capacity for general use of the air conditioning system, and the third alternate involves air conditioning of the Law Library. Mr. Pulley expressed the belief that the first alternate should not be accepted because work has already been commenced by the Supreme Court for air conditioning its chambers.

Senator Shaff asked if the Council recommends air conditioning the Law Library, whether approval will be required by the Executive Council. Chairman Lamborn responded in the affirmative.

Mr. Pulley noted that the Waldinger Corporation had submitted the lowest bid of \$257,650 as a base bid. He explained that his tentative cost analysis of \$195,000 was low because he had not anticipated the high cost of general construction work. Speaker Varley explained that he had asked Mr. Pulley to review the cost figures of the Waldinger Corporation with the corporation and determine areas in which costs could be cut. Mr. Pulley responded that he has determined that approximately \$21,880 can be trimmed from the base bid. Mr. Pulley listed the following costs and areas which can be eliminated in order to reduce the cost of the base bid:

1. \$3,380 for changing the style of the pumps and pump converters.

2. \$450 by eliminating an automatic electric pump to chemically treat the water in the air cooled system.
3. \$1,000 for providing electricity for arc welding, which the state could provide.
4. \$1,500 for a requirement that pipes placed in the attic be painted.
5. \$1,400 for special rollamatic filters.
6. \$4,062 for transfer of dampers.
7. \$1,200 for deleting of dampers on the cooling tower.
8. \$2,294 for sales taxes, which will eventually return to the state.
9. \$1,865 for bond.

Mr. Pulley added that under alternate one, approximately \$3,480 can be saved as follows:

1. \$900, changing the style of the pumps.
2. \$380 for eliminating the chemical tower feeder.
3. \$2,200 for changing the type of cooling tower.

The savings under alternate one would also be possible under alternate two. Mr. Pulley added that \$750 can be deducted from the price of alternate two, by subtracting \$400 for changing the style of the pump and \$350 for not utilizing the special rollamatic filters.

Speaker Varley moved that the base bid of Waldinger Corporation be approved plus alternatives two and three with no deductions, contingent upon the approval of the Executive Council for air conditioning of the Law Library. Representative Holden seconded the motion, and discussion followed.

Representative Stanley noted that the Legislative Service Committee had discussed air conditioning of the legislative areas at its meeting on the preceding day and had gone on record as favoring air conditioning of the legislative areas as an entire package. Speaker Varley agreed that such a procedure would provide a long-term investment with little maintenance.

Mr. Pulley commented that on the preceding day, members of the Legislative Service Committee had reviewed plans for air conditioning Senate Room 22 and House Room 1 and the surrounding areas. Chairman Lamborn asked whether the Legislative Council should provide for taking bids for air conditioning Rooms 22 and 1. Mr. Pulley responded in the affirmative.

In response to a question from Senator Hill concerning the various air conditioning and remodeling projects, Mr. Bunker explained that the remodeling of the Legislative Service Bureau area is one separate project, but the Legislative Council had requested Mr. Pulley and Mr. Bunker to consider air conditioning of Rooms 1 and 22. Mr. Pulley noted that on studying the construction of the Capitol Building, it appears that there are areas adjacent to Rooms 22 and 1 and areas on a third level or the Gallery level

on both sides of the legislative areas which could be air conditioned at relatively little cost after the basic equipment is provided for air conditioning Rooms 22 and 1. He added that it will cost approximately \$20,000 to air condition the two rooms, with an additional \$10,000 to \$12,000 to air condition the adjacent areas. Mr. Bunker commented that if the rooms on the other sides of the Capitol Building, which include the Speaker's Room and Room 24 are air conditioned in the same manner, equipment presently used in these areas will be freed to be used in other areas of the Capitol Building.

Senator DeKoster moved that Speaker Varley's motion be amended to utilize three of the deductions which Mr. Pulley outlined: changing the style of the pumps, painting of the pipes, and the power to be needed for the arc welding. Senator DeKoster's amendment carried and, Speaker Varley's motion, as amended, carried, with Representatives Grassley and Small voting in the negative.

Senator Shaff expressed the belief that in order to make any decisions concerning air conditioning of Rooms 1 and 22, more complete cost estimates will be needed. Mr. Pulley suggested that the Legislative Council ask himself and Mr. Bunker to prepare preliminary designs and cost estimates for the next meeting of the Legislative Council. Representative Holden moved that Mr. Pulley and Mr. Bunker be instructed to prepare plans and cost estimates for complete air conditioning of the southeast and northeast quadrants of the Capitol Building, and as a separate project plans and cost estimates for complete air conditioning of the southwest and northwest quadrants of the Capitol Building. Senator DeKoster seconded the motion, and it carried with Representative Grassley voting in the negative.

Speaker Varley noted that the Report of the Administration Committee also contains a policy which the Committee formulated concerning travel for legislators for out-of-state business. Speaker Varley moved that the Legislative Council adopt the Report with the limitations on out-of-state travel which allows a legislator to collect per diem for one travel day for attending out-of-state meetings in addition to the per diem he receives for the meeting days and that following the general election, legislators who will not be returning as members of the succeeding General Assembly not be authorized out-of-state travel except as noted in the report. The motion carried.

Chairman Lamborn called upon Senator Briles for a report of the Legislative Service Committee. A copy of the report is attached and by this reference made a part of these minutes. Senator Briles indicated that the eight semi-finalists for the position of Citizens' Aide will be interviewed on August 22, 1973 and the Legislative Service Committee will select not less than two of the semi-finalists for consideration by the Legislative Council. Senator Briles moved the adoption of the report of the Legislative Service Committee. The motion carried.

Chairman Lamborn called upon Senator Hansen for a report of the Studies Committee. Senator Hansen indicated that requests had been received for studies by subcommittees of standing committees and the Studies Committee had rejected studies on revenue bonding for highways, vessel registration, and procedures for hearings for utility company rate increases. He moved that the Legislative Council approve the formation of four additional subcommittees together with approval of subcommittees which the Legislative Council had requested be conducted. The four additional subcommittees will include studies of the Uniform State Administrative Procedures Act, the Uniform Alcoholism and Intoxication Treatment Act, No-Fault Insurance, and Collective Bargaining to be conducted by the House Committee on Human and Industrial Relations only. Chairman Hansen asked for approval of the number of members and number of meetings for each of the subcommittees as provided in the Report of the Studies Committee, a copy of which is attached and by this reference made a part of these minutes. The motion carried.

Chairman Hansen indicated that Committee chairmen will be provided with a listing of the members of the General Assembly and their interim committee assignments. He asked for unanimous consent to name Representative Stanley to serve as temporary chairman of the Uniform Commercial Code Study Committee, to remove Representative George Knoke from the Committee, and for Representative Alvin Miller to replace Representative Jay Mennega on the Uniform Commercial Code Study Committee. Representative Stanley asked that the name of the subcommittee of the Committees on Ways and Means be changed to the Tax Study Subcommittee. Senator Hansen moved that the Report of the Studies Committee be adopted by the Legislative Council. Senator Shaff seconded the motion, and it carried.

Chairman Lamborn called upon Mr. Ralph Brown, Secretary of the Senate, for a report on purchasing electric typewriters for the House and Senate. Mr. Brown responded that he and Mr. Harbor, Chief Clerk of the House, consulted with the Department of General Services and they are obtaining ten IBM selectric typewriters for each house and the typewriters will be on the state service contract.

Mr. Garrison introduced the two new Legal Counsels of the Legislative Service Bureau, Mr. Robert Egge and Mr. Larry Burch.

It was announced that the next meeting of the Legislative Council will be held on September 12, even though this date is the last day of the Midwest Regional Conference in Rapid City, South Dakota.

Representative Small presented a report on the selling of lists of names by the State of Iowa. He concluded that either the Confidential Records Council should study this problem as a special assignment or a special committee should be appointed to review the policy questions raised by the selling of lists. Senator DeKoster

moved that Representative Small's Report be accepted as a report of a member of the Confidential Records Council and that Representative Small should ask the Confidential Records Council for its recommendations concerning a study of the problem of selling lists of names. Representative Stanley seconded the motion, and it carried. Several Council members expressed opposition to some of the statements made by Representative Small.

The meeting was adjourned at 3:15 p.m. and the subcommittees appointed by Chairman Lamborn met to discuss issues to be discussed with the Iowa Congressional Delegation. Chairman Lamborn also announced that he had discussed the forthcoming trip with the Governor's office.

Respectfully submitted,

DIANE BOLENDER
Research Analyst