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M I N U T E S

IOWA LEGISLATIVE COUNCIL

November 14, 1973

The sixth meeting of the 1973-74 Iowa Legislative Council was called to order by the Council Chairman at 9:40 a.m., Wednesday, November 14, 1973 in the Speaker's Room of the State House. Council members who attended the morning session were:

Senator Clifton C. Lamborn, Chairman
Representative Edgar H. Holden, Vice Chairman
Lieutenant Governor Arthur A. Neu
Speaker of the House Andrew Varley
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator Karl Nolin
Senator James F. Schaben
Senator Roger J. Shaff
Senator Earl M. Willits
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
Representative Delwyn Stromer

Senator Ralph Potter also attended the meeting. Legislative staff personnel included Director Serge H. Garrison, Senior Research Analyst Phil Burks, Research Analyst Diane Bolender, and Legal Counsel Leroy Zeman of the Legislative Service Bureau, Legislative Fiscal Director Gerry Rankin, Secretary of the Senate Ralph Brown, and Legislative Aide Tom Thoren. A number of representatives of the news media and other interested persons also attended the meeting.

Senator Shaff moved that the minutes of the Council's October 10, 1973 meeting, as submitted to Council members, be approved. The motion was seconded by Senator Willits and unanimously adopted.

Chairman Lamborn announced that proposals for acquisition and installation of a voting machine for the Senate would be presented at this time, pursuant to the Council's action at its previous meeting. (See minutes of October 10, 1973, paragraph beginning at bottom of page 5 and continuing at top of page 6.)

Chairman Lamborn recognized Mr. James H. Thurston, Administrative Assistant, International Roll-Call Corporation, Richmond, Virginia, who outlined his firm's proposal for

installation of a voting system in the Iowa Senate. Copies of the International Roll-Call proposal are available through the offices of the Secretary of the Senate and the Legislative Service Bureau.

In response to questions from Senator Hill and Representative Stromer, Mr. Thurston stated that International Roll-Call presently has voting machine rental and maintenance contracts with 31 state legislative bodies, and also has "service on call" arrangements with 2 other state legislative bodies. If Iowa were to enter into a rental and maintenance contract for installation of an International Roll-Call voting system in the Senate, the charge for necessary maintenance after the installation was completed would be equivalent to the hourly rate for the employee involved plus 35% plus documented expenses for travel and lodging of the employee. International Roll-Call would undertake to provide twenty-four hour response to any call for maintenance service, although this could not be absolutely guaranteed in every instance.

In response to questions from Senator Briles and Representatives Lipsky and Cochran, Mr. Thurston indicated that to his knowledge most states do not offer legislators the option of voting "present" as contemplated by the specifications prepared for use by firms proposing to furnish a voting machine for installation and use in the Iowa Senate. The "blind voting" (i.e., capability to withhold indication of the votes of individuals until system is closed to further voting) is unusual but could be installed in such a way as to make use of this procedure optional rather than mandatory.

Senators Hill and Briles suggested the possibility of adding to the proposed system a third main display board which would be readily visible from the south Senate gallery and the press benches. Mr. Thurston said that he could not give a precise figure for the added cost of a third display board, but estimated that it might be in the neighborhood of \$5,000. Senator Hill suggested that, as an alternative, consideration be given to having only a single display board mounted somewhere on the south (rear) wall of the Senate chamber.

In answer to an inquiry by Lieutenant Governor Neu, Mr. Brown said that he did not believe that installation of a voting machine in the Senate chamber would necessarily seriously affect the present decor of the Chamber. Senator Shaff inquired about the contemplated size of the proposed main display boards, and was told that the specifications prepared by the Secretary of the Senate included a limitation of 55 inches high by 93 inches wide for these display boards. Mr. Brown explained that these measurements are based upon the space available for installation of the display boards along the south gallery rails.

Senator Hill inquired whether International Roll-Call had any additional features to suggest for the contemplated Senate voting system. Mr. Thurston replied that he felt that the specifications prepared by Mr. Brown had suggested all features which were likely to be useful to the Senate.

There was some discussion regarding the extent to which the Chair should accept the votes of senators which are signaled from positions other than the voting senator's own seat. Senator Hill expressed the view that there has perhaps been too much latitude in this regard in recent sessions of the Senate and suggested that the Senate might even consider imposing a rule which would require senators to vote only from their own seats. Several senators indicated disagreement with Senator Hill on this point.

There being no further questions at that time for Mr. Thurston, Chairman Lamborn recognized Mr. Aelred J. Kurtenback, President of Daktronics of Brookings, South Dakota. Mr. Kurtenback used an electronic demonstration unit in presenting his firm's proposal for installation of a voting system in the Iowa Senate, copies of which are available through the offices of the Secretary of the Senate and the Legislative Service Bureau.

In response to questions from Council members, Mr. Kurtenback stated that most state legislative bodies which have acquired Daktronics voting systems have purchased them and then have contracted with the firm for maintenance of the systems. He stated that the Daktronics maintenance contract with the State of South Dakota for example is at a fee of \$1,750 for two years, and that this fee covers both parts and services of Dakatronics personnel necessary to repair a serious breakdown. The original purchase contract includes spare parts for routine maintenance, etc.

Senator Nolin noted that there is no reference to conduit in the Daktronics proposal as there is in the International Roll-Call proposal. Mr. Kurtenback stated that he sees no reason why conduit should be required for the Daktronics system, which employs solid state circuitry. Senator Nolin expressed concern about the possibility that installation without the use of conduit might expose the cables beneath the Senate floor to some risk of damage at times when adjacent plumbing or other wiring is being repaired. Mr. Kurtenback said that only one cable would be necessary at each voting station and that these could follow the course of the present public address system cables, which he stated are not enclosed in conduit.

In response to inquiries from Senator Hill, Mr. Thurston explained that the proposed International Roll-Call system employs electro-mechanical rather than solid state components, and that some conduit would be required. The cost of the necessary conduit is not included in the price appearing in the International Roll-Call proposal because the firm would expect the Senate to acquire the conduit separately and have it installed by local craftsmen. Chairman Lamborn stated that Mr. Brown is attempting to ascertain the cost of acquiring and installing the necessary conduit.

Questions were addressed to both Mr. Kurtenback and Mr. Thurston as to the necessary lead time for installation of the prospective voting systems after a contract is signed. Mr. Kurtenback stated that his firm normally expects to complete delivery and installation of a system six months after it is ordered, but that in the context of the present economic and supply situation he would prefer to have nine months lead time available. Mr. Thurston stated that International Roll-Call would like to have an order or contract by July, 1974 if the system is to be installed for use beginning in January, 1975.

Chairman Lamborn expressed appreciation to Mr. Thurston and Mr. Kurtenback for the information they had presented. They then left the meeting.

Chairman Lamborn recognized Senator Potter for presentation of the final report of the Pari-Mutuel Racing Study Committee, copies of which are available from the Legislative Service Bureau. Senator Potter called attention to the bibliography of 69 items attached to the report, and stated that each of these items is also on file with the Legislative Service Bureau and may be obtained by legislators interested in additional study of the general subject of pari-mutuel wagering. Senator Potter noted that unlike most legislative study committees, the Pari-Mutuel Racing Study Committee had been specifically prohibited from reporting recommendations or proposing legislation.

Senator Potter then briefly summarized the content of the final report. Upon completion of his summary he stated that he would undertake to answer any questions which Council members might care to ask.

Senator Hill inquired about the cost of security arrangements employed by the Nebraska State Racing Commission, which are discussed in the final report. Senator Potter stated that the Study Committee obtained information on the number of employees at state licensed racetracks in Nebraska, and said he was sure that the number of employees engaged in security operations could quickly be determined and a cost estimate prepared. In response to a further question from Senator Hill, Senator Potter stated that the security people at the Nebraska racetracks do have the status of peace officers.

Senator Hill stated that in the past he has read reports which indicate that the legalization of pari-mutuel betting in a particular area has a noticeable effect upon welfare costs in that area and inquired whether the Pari-Mutuel Racing Study Committee had gone into this matter. Senator Potter replied that there appears to be little effect upon the welfare costs in Woodbury and Pottawattamie Counties when racetracks in adjacent cities in Nebraska are operating and added that while persons in the credit

field say that there is some tendency for payments to be delayed when racetracks are operating in these areas, the magnitude of this effect is not particularly significant.

Senator Hill next inquired about the provisions of Nebraska law relative to pari-mutuel wagering by persons under the age of 21. Senator Potter stated that minors may not place pari-mutuel wagers in Nebraska. Senator Hill acknowledged that is the case, but pointed out that persons between the ages of 18 and 21 are not minors in Iowa, and asked whether Nebraska has any specific provisions for persons in this age group. Senator Potter said that he is not aware of any such special provisions.

Senator Hill then referred to what he termed a "controversary over racing" in Illinois, stating that it is his understanding that there have been numerous allegations of unethical or questionable practices in connection with regulation of pari-mutuel wagering and horse racing in that state in recent years, and asked whether the Study Committee had looked into that situation. Senator Potter expressed the view that Nebraska's system for regulating horse racing and pari-mutuel wagering is superior to that of Illinois.

Senator Hill referred to the possibility of significant food shortages occurring in the years ahead, and inquired whether the Study Committee had considered the possibility that legalization of pari-mutuel wagering on horse racing and the intended encouragement of breeding and feeding more horses, would be counterproductive in terms of the overall food situation. Senator Potter made no comment, however Senator Schaben pointed out that the proportion of racing horses to the overall number of pleasure horses is very small, and expressed the opinion that Senator Hill's concern would be justified only in the context of some kind of general controls on the number of pleasure horses which are raised and fed in this country.

Representative Doyle inquired about differences among the states in regard to handling of breakage (i.e., the odd cents left over after winning pari-mutuel tickets are paid to the nearest even dime or nickel below the full amount calculated by the totalisator) and unclaimed winnings. Senator Potter stated that complete data on these points is included in the information on file with the Legislative Service Bureau.

Representative Lipsky inquired whether the Study Committee had reviewed the possibility of pari-mutuel wagering on dog racing or other forms of racing. Senator Potter replied that the Study Committee had decided to confine itself to consideration to various forms of horse racing.

Senator Hill observed that the figures listed on page 6 of the Study Committee's report, relative to tax paid to the State of Nebraska during the 1973 racing season, appeared to be substantially higher than comparable figures reported by Iowa news media in the past. Senator Potter replied that Nebraska had increased the rate of the pari-mutuel tax effective in 1973.

There was some discussion of the financial failure of a new racetrack located in East Moline, Illinois, discussed in the last paragraph of the Study Committee's report. Senator Schaben described this situation as a "classic case" in which the investors and managers of the racetrack in question lacked adequate knowledge of how a racetrack should be constructed and equipped.

On motion of Senator Briles, seconded by Senator Nolin, the Council accepted the Final Report of the Pari-Mutuel Racing Study Committee.

Chairman Lamborn recognized Representative Grassley for the report of the Legislative Fiscal Committee pursuant to the Committee's meeting of November 13, 1973. A copy of the report is attached to and by this reference made a part of these minutes.

Several Council members raised questions about "the competition between the two hospital-schools" referred to in the third paragraph of the Fiscal Committee's report. Senator DeKoster indicated that some degree of unhealthy competition had historically existed between the two facilities, each claiming to carry out its assigned role in a fashion superior to the other, but that efforts have been underway for some time to eliminate this type of unhealthy competitive attitude.

There was some discussion regarding possible uses of the available state surplus for various types of non-recurring expenditures. One possibility mentioned by several Council members is conversion, or reconversion, of heating plants at state facilities to enable them to burn coal.

At the request of Senator Hill, Legislative Fiscal Director Gerry D. Rankin briefly reported on the status of cost center accounting by state agencies, as a potential tool for performance budgeting. (See minutes of Council's September 12, 1973 meeting, page 6, second full paragraph.) Mr. Rankin stated that all state departments and agencies have been notified that the state's data processing system provides capability for this type of accounting, and have responded to this notification.

On motion of Representative Stromer, seconded by Senator Briles, the report of the Fiscal Committee was accepted by a unanimous voice vote.

Chairman Lamborn asked Mr. Garrison to discuss establishment of schedules for final reports for all interim committees to be presented to the Council. Pursuant to Mr. Garrison's suggestions and the ensuing discussion, it was agreed that the Council will meet on December 12 and again on December 19 to receive final reports. The chairmen of all interim study committees will be requested to submit final reports or, if that is not possible, progress reports to the Council on one of those two dates, the specific dates for each committee report to be assigned by Mr. Garrison in consultation with the various committee chairmen. It was further agreed that chairmen of joint interim subcommittees of standing committees would not be asked to submit a final report or progress report to the Council, nor to appear and present it in person as has been done in past years, but will be reminded that reports to the respective standing committees will be due upon convening of the 1974 session.

Representative Stromer moved that the Penal and Correctional Systems Study Committee be authorized to pay Mr. C. H. Haugh, former warden of the Anamosa Reformatory, expenses for attending all remaining Study Committee meetings. The motion was seconded by Representative Cochran, and unanimously adopted.

Representative Middleswart moved that Senator Warren Curtis, Chairman of the Pension and Retirement Programs Study Committee, be authorized to attend the Public Employees Fringe Benefit Conference in Miami Beach in December. The motion was seconded by Senator Nolin. There was a brief discussion in the course it was pointed out that Representative John Connors, a member of the Study Committee, will be present at the Conference in another capacity. The motion was then unanimously approved.

Representative Stromer moved that the appointment of Representative Russell Wyckoff to succeed Representative Robert Krause on the Local Funding and Budgeting Study Committee be approved, retroactive to the time when Representative Krause's service on the Study Committee was interrupted by the necessity for him to fulfill a military commitment. The motion was seconded by Senator Hansen and unanimously adopted.

Senator Schaben moved that the Subcommittee on Problems of the Elderly and Handicapped of the Standing Senate and House Human Resources Committees, be authorized one additional meeting in order to complete action on all its recommendations. The motion was seconded by Representative Lipsky and unanimously adopted.

Representative Stanley moved that the Senate Ethics Committee and the Senate Rules Committee each be authorized one additional compensated meeting during the present interim. The motion was seconded by Senator DeKoster and, after some discussion regarding the purposes of these meetings, unanimously adopted.

The meeting was recessed for lunch at 12:10 p.m., and reconvened in the Speaker's Room at 1:40 p.m.

Mr. Garrison reported briefly on the status of the Legislative Service Bureau's remodeling project. A copy of a letter from architect Franklin N. Bunker to Mr. Garrison and of an accompanying letter from Mr. Bunker to King Bole, Inc., each referring to the remodeling project, are attached to and by this reference made a part of these minutes.

Mr. Garrison presented a proposed revision of the Legislative Service Bureau's statement of policy, and a draft Affirmative Action Plan for the Legislative Service Bureau pursuant to the Equal Opportunity Program. On motion of Senator DeKoster, seconded by Senator Willits, each of these documents was approved by the Council. A copy of each document is attached to and by this reference made a part of these minutes.

Copies of a letter to Chairman Lamborn from Special Consultant to the President Charles J. DiBona, written in reply to the letter of September 17, 1973 sent over Chairman Lamborn's signature pursuant to action of the Council at its September meeting, were distributed to Council members. A copy of the letter is attached to and by this reference made a part of these minutes.

Copies of the federal Mandatory Propane Allocation Program, dated October 2, 1973, and Mandatory Middle Distillate Fuel Allocation Program, dated October 12, 1973, were also distributed to Council members. Copies of these documents are available from the Legislative Service Bureau.

Representative Stanley moved that the Council send Mr. DiBona a letter expressing (1) approval of the federal action allowing states to have some control of fuel oil allocations, and (2) the need for greater state control in the area of propane allocations. The motion was seconded by Representative Stromer.

Chairman Lamborn proposed that the letter also include a statement favoring an adjustment of air pollution standards in view of the current energy crisis. Senator Willits expressed concern about such a statement, and Representative Stanley suggested that this matter be handled in a separate motion. Representative Stanley's motion was then adopted by a unanimous voice vote.

Senator Willits asked for clarification of the intent of Chairman Lamborn's suggestion. Chairman Lamborn replied that the question is one of priority; are regulations to be enforced which prevent use of coal as a substitute for critically short petroleum fuel. Senator DeKoster stated that in his view the important question is how to keep the pressure on for research and development both of new fuels and of ways to use existing fuels so

that less pollution is created, in the context of temporarily relaxed anti-pollution standards. Representative Lipsky said that the Council's statement should express the idea that each time there is a relaxation of air pollution standards, there should be an increased commitment of resources to research and development in the area of energy sources.

Senator Hill suggested that the letter to be written pursuant to Representative Stanley's motion support the idea of immediate review of environmental standards and adjustments of these standards to meet current emergency needs, particularly where use of coal is involved, while at the same time giving high priority to research on reducing pollutants and developing new sources of energy. There was general agreement to this suggestion.

Consulting Engineer Frank Pulley appeared to report on progress of the installation of the air conditioning system for the Senate and House chambers. He stated that there has been good progress to date, but that this progress had now been threatened by inability of the contractor to obtain certain supplies at times at which delivery of these items had previously been verbally promised. Mr. Pulley introduced Mr. Jerry Shearer of Waldinger Corporation, the contractor, who stated that the problems pertain specifically to supporting steel I-beams, support steel for the cooling tower, and the chiller to be provided by the Westinghouse corporation. He stated that it then appeared that these items could not be obtained prior to late December, which would mean that the contractor would still be working in the areas above the legislative chambers when the 1974 session convenes. (See Addendum to these minutes.)

At the conclusion of the discussion that followed, the Council generally agreed that the contractor should complete as much of the project as possible by January 14, and then if the noise involved is too bothersome, work will have to be suspended until after the 1974 session. Mr. Pulley and Mr. Shearer assured the Council that work within the legislative chambers themselves definitely will be completed by early January, and that they will continue making every effort to solve the supply problems which threaten to delay the remainder of the project.

Vice Chairman Holden assumed the chair at 2:25 p.m.

Speaker Varley suggested scheduling a meeting in January during the week before session to provide an opportunity for state department and agency heads to meet with members of the General Assembly. He added that the format should be similar to that of the 1973 orientation conference for new legislators, and that all legislators desiring to attend should be allowed their travel expenses and one night's lodging. He noted that the legislators would already be receiving legislative salary for the 1974 session

at that time. Speaker Varley suggested that an evening dinner be arranged in connection with the conference, and that Mr. Larry Margolis of the Citizens Conference on State Legislatures, who had agreed to address the 1973 orientation conference dinner but was prevented from reaching Des Moines at that time by bad weather, be invited to speak at the dinner.

Speaker Varley formally moved that his suggestion be adopted. The motion was seconded by Representative Stromer and unanimously approved.

Representative Small reported that at its most recent meeting the Confidential Records Council had voted 3 to 2 in favor of a moratorium on sale of computer tapes containing lists of persons who hold drivers licenses, or whose names are otherwise on file with various state departments and agencies. He explained that as a minimum of four affirmative votes are required in order for the Confidential Records Council to take any action, and some members of that Council were absent from the meeting, the 3 to 2 vote did not constitute an official action by the Council.

Representative Small expressed the view that if the state is going to be taken out of what he termed "the junk mail business" it will have to be accomplished by means of a requirement that purchasers of computerized lists of names be charged the actual cost of preparing these lists. He emphasized the distinction between permitting persons or firms which wish to copy names from lists of licensed drivers, etc., access to such lists (there being some question about whether the state can legally do otherwise) and delivering to these persons or firms lists of such names made up on magnetic tape for the price of three cents per hundred names. In response to questions, Representative Small asserted that such magnetic tapes can be utilized with little or no further processing to prepare address labels and that the cost of preparing the tapes is substantially more than three cents per hundred names.

In response to a question from Representative Lipsky, Representative Small said he believes the Confidential Records Council, as presently constituted, will meet its responsibilities. However, he said it is "feeling its way along" at present.

After further discussion, Representative Stromer moved that the Council accept the report by Representative Small on proceedings of the Confidential Records Council. The motion was seconded by Senator Briles, and unanimously adopted.

The meeting was adjourned at 2:50 p.m.

ADDENDUM

On Friday, November 16, 1973, the Legislative Service Bureau was contacted by Superintendent of Buildings and Grounds John Drummond, who relayed from Mr. Pulley the following information relative to the installation of air conditioning for the Senate and House Chambers: The contractor has been able to obtain the needed supporting steel I-beams at an increase in price of \$200 total over the amount contemplated when he entered his bid on the project, and is willing to absorb this \$200 increase; the support steel for the cooling tower, which was to have been shop fabricated but cannot be obtained on that basis for approximately four weeks, can be purchased immediately as a stock item from a large out-of-state supplier but will cost \$700 more than anticipated when the project was bid. As the contractor feels unable to absorb that increase, he had asked whether the Legislative Council would agree to a change order increasing the price of this item by \$700, which would permit the contractor to proceed with this work at once.

At the direction of Chairman Lamborn, members of the Council were polled individually, either by telephone or at meetings of various legislative committees. The change order was approved by a voted of 11 to 7. Those voting yes were Chairman Lamborn, Vice Chairman Holden, Senators Briles, DeKoster, Hill, Nolin, Schaben, Shaff and Willits and Representatives Cochran and Stanley; those voting no were Speaker Varley, Senator Hansen and Representatives Doyle, Grassley, Lipsky, Small and Stromer. Representative Middleswart could not be contacted.

Respectfully submitted,

SERGE H. GARRISON
Director

PHILIP E. BURKS
Senior Research Analyst