MINUTES

IOWA LEGISLATIVE COUNCIL

October 10, 1973

The fifth meeting of the 1973-1974 Iowa Legislative Council was called to order by the Council Chairman at 10:10 a.m., Wednesday, October 10, 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 Charles E. Grassley Representative Joan Lipsky Representative James I. Middleswart Representative Arthur A. Small, Jr. Representative David M. Stanley Representative Delwyn Stromer

Legislative staff personnel present included Director Serge H. Garrison and Phil Burks of the Legislative Service Bureau, Legislative Fiscal Director Gerry Rankin, and members of the Senate and House staffs. A number of representatives of the news media and other interested persons also attended the meeting.

Speaker Varley moved that the minutes of the Council's September 12, 1973 meeting, as submitted to Council members, be approved. The motion was seconded by Senator DeKoster and unanimously adopted.

Mr. Garrison informed the Council that Mr. Burks had just been named Vice Chairman of the National Legislative Conference Reapportionment Committee, and that in that capacity he had been requested to present testimony on the following day to the Subcommittee on Census and Statistics of the U.S. House and Post Office Civil Service Committee, relative to a bill proposing to make certain changes in the federal census law. Mr. Burks briefly explained that the primary purpose of the Reapportionment Committee is to work with the U.S. Bureau of the Census to improve the usefulness of 1980 census data for legislative reapportionment purposes, relative to that which was available in 1970. He also summarized the provisions of the bill, H.R. 9290, which would be the subject of the hearing in Washington, D.C. on the following day. Speaker Varley proposed that the Council approve Mr. Burks' trip to Washington for this purpose. There being no objection, Chairman Lamborn so ordered.

Mr. Garrison noted that the workload of the Service Bureau secretarial staff during the current interim has been somewhat heavier than anticipated, and requested approval for the permanent employment as a Bureau secretary of Mrs. Donna Greenwood, an annual salary equivalent to the daily rate of pay which she at received during the 1973 session as a temporary employee working in the Bureau office and paid from the General Assembly payroll. Mr. Garrison noted that Mrs. Greenwood had also worked in the Bureau is ⁽ office under a similar arrangement during the 1972 session, and therefore thoroughly familiar with the Bureau's work and office procedures. On motion of Senator Willits, seconded by Senator Briles, the employment of Mrs. Greenwood pursuant to Mr. Garrison's request was unanimously approved. *

Chairman Lamborn recognized Representative Glenn Brockett, Chairman of the Capitol Planning Commission, to present a report to the Council. Representative Brockett stated that it is his intention to report to the Council periodically on the activities and plans of the Capitol Planning Commission.

Representative Brockett stated that the Capitol Planning Commission has hired the firm of Barton-Aschman Associates, Inc., at a fee of \$7,500 paid from the Commission's funds, to advise the Commission on future development of the Capitol complex with particular respect to building sites, parking, food service and power supply. Representative Brockett noted that as used in his report, the term "power supply" refers to steam power used for heating and in some cases for air conditioning of buildings, not to electrical power supply.

Representative Brockett continued that Barton-Aschman has returned to the Commission with a number of possible alternative approaches to future planning of the Capitol complex, from which the Commission has made a selection of a single plan to be further developed by the firm. Representative Brockett then displayed on the wall a large map of a proposed State Capitol complex master plan having as its central feature an east-west mall running from the foot of the hill west of the State House to the present Grimes Office Building. Representative Brockett described features of the plan at some length, identifying proposed alternative building sites.

Representative Brockett also stated that the Capitol Commission has contracted with Brooks-Borg-Skiles of Des Planning Moines for architectural services on the new office building, for funds are appropriated by H.F. 770 of the construction of which Sixty-fifth General Assembly, First Session, (1973). He stated that this contract does not include site selection, landscaping or what he termed "programming", which he explained refers to the determination of what agencies are to be housed in the new building how much space is to be allocated. and He added that the Commission does have a separate contract with Brooks-Borg-Skiles for programming the new building which is to be constructed pursuant to H.F. 770.

Representative Brockett read a tentative list of agencies which are to go into the new office building. He added that it is hoped to move the Attorney General's office into the new building and thereby free some space in the State House for additional legislative offices. He also noted that it appears that moving the state data processing division to the new building will be more expensive than had originally been anticipated, due to the associated requirements for security and special air conditioning provisions.

Representative Brockett further reported that the Capitol Planning Commission has entered into a contract with the firm of Durrant, Deininger, Donner, Kramer & Gordon of Dubuque for exterior drawings, a scale model, and programming of the proposed Agriculture Building, for the planning of which an additional \$100,000 was appropriated by H.F. 770. He stated the total amount payable to the firm under this contract is \$35,000, but that all but \$5,000 of this amount would apply on the cost of actually designing the proposed Agriculture Building if the same firm eventually receives the architectural contract for the building.

In concluding his report, Representative Brockett stated that the Capitol Planning Commission intends to do further specialized studies, including studies of the possibility of a centralized cafeteria facility to serve the Capitol complex, and parking for state employees working in the Capitol complex area. He also stated that of the \$3,650 appropriated to the Commission for the fiscal year by H.F. 763, about \$1,300 remains. current This will be sufficient to last until the 1974 legislative session, but it is anticipated that the Commission will then have to ask for а supplemental appropriation for the balance of the current fiscal year.

Senator Hill said he feels that the Capitol Planning Commission is not putting enough emphasis on aesthetic improvement of food service facilities in the State House. He urged the passage of legislation to effect what he termed temporary as well as permanent improvements in this situation. Representative Brockett expressed complete agreement with Senator Hill on the need for such improvements.

Representative Lipsky explored the Capitol Planning Comphilosophy in regard to the provision of parking mission's facilities for the Capitol complex. She urged that the Commission not automatically assume that it has the obligation to provide a parking place for every employee in the complex. Representative Brockett replied that the Commission feels it must accept this responsibility because there · appears to be no realistic alternative. He added that the master plan which he had earlier presented is intended to run to about 1995, and that Barton-Aschman has recommended that the state buy any land north of Des Moines Street which might at any time become available, with the ultimate objective of extending the Capitol complex land to the MacVicar Freeway.

Representative Lipsky also inquired about the capability of the Brooks-Borg-Skiles firm to do programming for the new state office building. Representative Brockett stated that the firm has a division which does only this type of work.

Cochran Representative Representative commended Brockett's report and the Capitol Planning Commission's work toward establishing a long-range plan for development of the Capitol complex, as well as Representative Brockett's expressed intention r to continue to report periodically to the Legislative Council. Representative Cochran also expressed agreement with Senator Hill's earlier comments regarding the desirability of improving State asked Representative Brockett House cafeteria facilities. He whether the Commission has obtained cost estimates on possible of underground office's immediately west of construction and integrated with the existing State House, as possible space for additional legislative offices. Representative Brockett replied that this has not yet been done, but that the Commission would like to do so next year.

Representative Stanley expressed agreement with Representative Cochran's laudatory comments, and inquired what parking arrangements for legislators are envisioned by the Capitol Planning Commission in connection with the development of a mall in place of existing above ground parking facilities, as envisioned by the master plan prepared by Barton-Aschman. Representative Brockett explained that it is anticipated that legislators, as well as other elective state officials, would use the two hundred car underground garage proposed to be located southeast of the present State House.

Representative Stanley then asked about the progress of short-range planning toward provision of more adequate legislative office space in the State House. Representative Brockett replied that this necessarily depends on other factors such as the disposition of existing cafeteria facilities. Representative Stanley urged that the Commission prepare a specific plan to provide at least a small private office for every legislator at the earliest possible time.

Senator Willits asked whether the Capitol Planning Commission's long-range plans for design and construction of additional state office facilities contemplate the complete emptying of the existing state offices in the Valley Bank Building, adding that it is his understanding that this was the General Assembly's mandate. Representative Brockett replied that in view of the extensive exterior renovation work which is now being completed on the Valley Bank Building, the General Assembly might wish to reconsider its intent to discontinue use of that facility by the state.

In response to a question from .Representative Grassley, Representative Brockett expressed the opinion that the proposed new Agriculture Building will probably cost in the neighborhood of \$7,000,000 rather than the generally contemplated \$5,000,000, due largely to the expense of the laboratories which will have to be

included in the building. Representative Grassley urged that the Commission present plans for the Agriculture Building to the General Assembly in a flexible form, with meaningful cost-saving alternatives for consideration.

Representative Stromer expressed concern about extensive storage of books and other printed or written materials on the second floor of the Capitol complex power house north of Grand Avenue. Representative Brockett agreed that this is a problem, adding that the Capitol Planning Commission and the Department of General Services are gradually working toward a solution. He stated that he personally favors eventual use of the existing Harvester Building as an archives area, a use for which he believes it is particularly well suited.

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Representative Grassley commented that the Legislative Fiscal Committee is concerned about the general problem of retention of records and related material, because it believes that this is a major aspect of the increasing need for state office space and is therefore a fiscal problem. Representative Lipsky and Senator DeKoster noted that a subcommittee of the Fiscal Committee is presently doing a study in this area, and that one of its initial considerations is a basic determination of which records need to be retained at all, beyond a relatively short period of time.

Chairman Lamborn expressed appreciation for the report and information submitted on behalf of the Capitol Planning Commission. Representative Brockett and other Commission members present then left the meeting.

Chairman Lamborn recognized Speaker Varley for the report of the Council's Administration Committee pursuant to its meeting of the previous day, the minutes of which are attached to and by this reference made a part of these minutes. A brief summary report of the Committee's meeting, identifying the four major matters considered by the Committee at the meeting, was distributed to Council members.

Council members expressed general agreement with the Committee that serious consideration should be . conclusion of the given to revising the system by which legislators are now compensated for expenses and paid per diem for various legislative service. Representative Grassley said that ultimate centralization of this function in a single office is desirable, but urged that as an immediate measure efforts be made to at least implement central mailing of warrants for reimbursement and compensation of legislators. He stated that the present practice of mailing such checks several different offices not only results from in unnecessary expenditures for postage but adds to the difficulty legislators experience in trying to keep track of which claims for reimbursement and compensation have been paid and which have not.

With respect to item #2 of the Administration Committee's report, Lieutenant Governor Neu suggested that proposals for purchase and installation of a voting machine for the Senate be avail-

able for consideration by the Council at its November meeting. Senator Hansen moved that the Council authorize Secretary of the Senate Ralph Brown to solicit proposals from the two firms presently engaged in the manufacture of such equipment, on the basis of a general statement of what features are desired with the firms having the option to suggest alternative features and note the price of each such feature. Senator Hill seconded the motion, however he urged that the Council allow the Senate itself to make the final decision on whether or not a voting machine should be obtained. After a brief discussion, Senator Hansen's motion was unanimously adopted.

The two remaining items listed on the report of the Administration Committee were deferred for consideration at the afternoon session of the Council meeting.

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

In presenting the report, Representative Grassley called particular attention to the actions of the Fiscal Committee in tentatively authorizing a meeting of its State Departments Visitation Committee on October 15 for the purpose of visiting the Department of History and Archives, and a meeting of the Education Visitation Committee for the purpose of visiting, during a single day, the Area X Community College at Cedar Rapids and the Area XI Community College at Ankeny, which meeting would be in addition to the three previously scheduled meetings for the purpose of visiting the respective state universities. Representative Grassley also noted that the Fiscal Committee had granted permission for the staff of the Legislative Fiscal Bureau to attend an Operational Performance-Management and Program Auditing Seminar in Des Moines on October 29-30.

Mr. Rankin asked Council members to take note of an error in the first paragraph on page 2 of the Fiscal Committee's report. The reference there to Backbone state park should be to the site of the proposed Volga River state park.

There was some discussion by Council members of the question of whether the entire membership of appropriate subcommittees of the standing Committees on Appropriations should be authorized to accompany visitation committees of the Legislative Fiscal Committee at times when circumstances indicate this would be desirable. No consensus was reached on the point.

On motion of Representative Grassley, seconded by Senator DeKoster, the report of the Legislative Fiscal Committee was accepted by the Council.

Mr. Garrison distributed to Council members an updated list of legislative membership on interim study committees approved

by the Legislative Council, and on special subcommittees of standing committees authorized by the Council. The list also includes the membership of the Legislative Staff and Salaries Committee, the Police Communications Review Committee, and the Confidential Records Council, as well as listing current assignments of individual legislative staff personnel. It was noted that the membership of the Special Liquor Distributorship Subcommittee of the Senate Committee on State Government, appearing on page 11 of the list, should be corrected by replacing Senator Hansen's name with that of Senator William P. Winkelman.

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Garrison also reported briefly on the progress and Mr. respective interim study committees status of the and special subcommittees. There was a brief discussion of the interim schedule which should be followed in submitting final reports of study committees and special interim subcommittees to the Council. Mr. Garrison pointed out that the 1974 Session of the General Assembly will convene January 14, and stated that he would very much like to have the reports of interim study committees and subcommittees completed prior to Christmas so that the Service Bureau staff could devote its attention exclusively to preparation for the 1974 session between Christmas and January 14. of bills Representative Stromer remarked that he believes the Local Funding and Budgeting Study Committee could be ready to submit its final report at the Council's November meeting.

Representative Holden observed that a separate set of minutes of the Legislative Council's September 5, 1973 meeting with the Iowa Congressional Delegation had been prepared and distributed to Council members and other interested parties, but that no action had yet been taken on this set of minutes. He called attention to the third sentence of the last paragraph on page 12 of the September 5 minutes, which reads "He (i.e., Representative Holden) indicated that his main concern is the failure of the state law to provide for first-inspection penalties and the federal government is not willing to accept this provision." Representative Holden stated that this is a misinterpretation of the comments he had made on that occasion, and asked that the sentence be changed to read "He indicated that his main concern is the federal government's unwillingness to accept the fact that Iowa law provides for no first-inspection penalties." Representative Holden moved that, when so corrected, the minutes of the September 5 meeting be approved. The motion was seconded Ъу Senator Briles and unanimously adopted.

Mr. Garrison said that a previously undetected error had been discovered on pages 12 and 13 of the minutes of the Legislative Council's July 10-11 meeting. He noted that the figure "\$1,320" appears in the second paragraph on page 12 of the minutes of that meeting, but that the same figure is stated as "\$1,300" both on the first line of the fourth paragraph on page 12 and also on the sixth line of the continuation that same paragraph on page 13. He asked unanimous consent to change the latter two references to read "\$1,320". There being no objection, Chairman Lamborn so ordered.

The meeting was recessed for lunch at 12:00 noon and reconvened in the Speaker's Room at 1:30 p.m.

The Council resumed consideration of the report of the Administration Committee, specifically item #3 relating to award of the contract for the Legislative Service Bureau mezzanine construction and remodeling and the associated work covered by the alternatives previously approved by the Council. A report and recommendation relative to the bids on the project which had been opened on the previous day was received by the Council from Architect Frank Bunker. A copy of Mr. Bunker's report and recommendations is attached to and by this reference made a part of these minutes.

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Speaker Varley moved that the Council award a contract for the amount of the base bid plus alternatives #1 and #2 to King-Bole, Inc. The motion was seconded by Senator Briles. There was a brief discussion in the course of which Mr. Bunker stated that King-Bole is a reputable firm which has been in business for some time and with which he has previously worked satisfactorily. The motion by Speaker Varley was then adopted by a unanimous voice vote.

Mr. Bunker then called to the Council's attention the letter received by him from the AudioCom firm of Des Moines, dated September 25, 1973, which he had discussed with the Administration Committee on the previous day. There was a brief discussion on the exact intent of the letter from AudioCom, pursuant to which Mr. Bunker telephoned the firm and reported back that it was the intent of the offer that AudioCom would take possession of the fifty watt amplifiers presently in place in the Senate and House chambers as a part of the compensation for the one hundred watt amplifiers proposed to be installed. On this basis, Senator Willits moved that the Council accept the proposal. The motion was seconded by Senator Briles and adopted by a voice vote.

Mr. Garrison distributed to Council members copies of a letter received from Mr. John A. Love, Assistant to the President, addressed to Chairman Lamborn, in response to the letter sent over his signature by direction of the Council at its September 12 meeting. (See minutes of the Council's September 12, 1973 meeting, page 10, third full paragraph.) A copy of Mr. Love's letter is attached to and by this reference made a part of these minutes.

It being necessary for Chairman Lamborn to leave the meeting at 2:00 p.m., he relinquished the chair to Vice Chairman Holden, who recognized Senator Hansen for presentation to the Council of business relating to interim committees.

At Senator Hansen's request, Mr. Garrison briefly summarized the explanation by Representative George Knoke of his request for authority for two additional meetings of the Criminal Code Revision Subcommittee. On motion of Senator Hansen, seconded by Representative Lipsky, the request was unanimously approved.

Mr. Burks explained that the Federal Highway Standards Subcommittee has requested authority for one additional meeting, which is tentatively scheduled for December 14, primarily for the purpose of considering a revised draft of an ambulance standards that the Subcommittee had requested that the bill. He added Legislative Service Bureau revise the bill pursuant to discussion at the Subcommittee's most recent meeting, adding that two other minor pieces of legislation had also been requested and would also be considered at the extra meeting if it is approved. There was discussion, in the course of which several Council members some expressed concern about the provisions of the proposed ambulance standards legislation. Observing that discussion of the merits of the proposed legislation is really not pertinent to approval of the Subcommittee's request for authorization of an additional meeting, Senator Shaff moved that the request be approved. The motion was seconded by Senator Willits and unanimously adopted.

There was also some discussion of the work of the Uniform State Administrative Procedures Act Subcommittee, which had requested authority for three additional meetings. On motion of Senator DeKoster, seconded by Senator Willits, the request was unanimously approved.

Senator Shaff orally requested approval for a fourth meeting of the Tax Study Subcommittee of the Committees on Ways and Means, noting that the Subcommittee had been previously authorized three meetings and has thus far held two. On motion of Senator Nolin, seconded by Representative Middleswart, the request was unanimously approved.

Senator DeKoster asked that the Council approve a fourth meeting of the Criminal Justice Subcommittee of the Senate Committee on Judiciary and the House Committee on Judiciary and Law Enforcement, noting that it also was originally authorized three meetings and thus far has held two. On motion of Senator Hill, seconded by Senator Shaff, the request was unanimously approved.

Senator Hansen moved that the Council approve the appointments of Senator Leonard Anderson to replace Senator George Milligan on the Land Use Policies Study Committee, Senator Minnette Doderer to replace Senator Gene V. Kennedy on the Penal and Correctional Systems Study Committee retroactive to September 24, and Senator Calvin Hultman to replace Senator Ralph McCartney on the Civil Rights Commission and Minority Groups Study Committee. The motion was seconded by Representative Stromer.

Senator Willits expressed concern about the replacement of Senator McCartney by Senator Hultman on the Study Committee concerned with the Civil Rights Commission. He pointed out that the General Assembly had appropriated to the Commission for only one year of the current biennium, pending completion of this study, and that the proposed change would mean that no member of the Appropriations Committee subcommittee which has jurisdiction over the Civil Rights Commission would be serving on this Study Commit-

tee. After a brief discussion, the notion by Senator Hansen was adopted by a voice vote.

Senator Hansen yielded to Speaker Varley, who explained the particular qualifications of Mr. Sherry Fisher, Dr. Burl Parks and Mrs. Juanita Vetter, proposed appointees as citizen members of the Land Use Policies Study Committee. On motion of Speaker Varley, seconded by Representative Cochran, the three appointments were approved by a voice vote.

Citizens' Aide Thomas Mayer having arrived at the meeting, the Council next considered the fourth and final item included in the report of the Administration Committee, the projected budget of the Office of the Citizens' Aide. Council members received copies of the relevant material distributed to members of the Administration Committee on the previous day, copies of which are attached to the minutes of that Committee meeting. I,

There was an extended discussion of the projected budget Office of the Citizens' Aide, in the course of which Mr. for the Mayer stated his opinion that the 1973-74 estimated budget figures prepared with the assistance of the Legislative Service Bureau project expenditures for travel, general office supplies and telephone expenses which are considerably higher than the amounts past experience would indicate will actually be expended for these purposes. Therefore, Mr. Mayer added, he feels that it will be possible to increase the salaries of his staff in accordance with the proposals presented to the Administration Committee on the preceding day. Senator Hill and Representative Lipsky expressed the view that it would be preferable to wait until after completion the present quarter, and then evaluate the rate of expenditure of for travel, office supplies and telephone service before making decision on salary increases.

In response to concerns expressed and questions asked by Speaker Varley and Representative Cochran, Mr. Mayer stated that if the expenditures by his office were to run at the rate of approximately \$20,000 per quarter as anticipated by the 1973-74 estimated budget prepared with the assistance of the Legislative Service Bureau, then the Office of the Citizens' Aide would be faced with a deficit on the order of \$8,000 in the second year of the current biennium. Mr. Mayer reiterated that he does not anticipate that the expenditures of his office will in fact be at or near the figures projected by the estimated budget.

In response to questions by Senators DeKoster and Hill regarding status of the Crime Commission's grant to the Office of the Citizens' Aide for the position of Deputy for Corrections, Mr. Mayer stated that the grant totals \$9,800 and covers travel and in addition to salary of the Deputy for Corrections. expenses Mr. Mayer stated there is no guarantee the grant will continue beyond the six-month period for which it has presently been approved, but that he anticipates that his agency can obtain Crime Commission funds this purpose for up to a total of two years. He said for that if Senate File 73, which has passed the Senate and which would

in effect create the position of Deputy for Corrections by statute, is passed by the House in 1974, funds would be available for use in matching the Crime Commission grant. In answer to a further question, Mr. Mayer indicated that the Deputy for Corrections program will terminate at the end of the present six-month grant period if Senate File 73 does not pass the House in 1974, because it is not going to be possible to squeeze any additional funds out of the existing appropriation to the Office of Citizens' Aide for use as state match for the Crime Commission grant.

Representative Stromer inquired about the experience and present duties of Mrs. Ruth L. Mosher, who presently holds the position of Second Deputy Citizens' Aide. Mr. Mayer replied that Mrs. Mosher has previously been employed as the agency's confidential secretary, and is therefore familiar with its work, and added that he has full confidence in her ability to perform the duties of a Citizens' Aide. He stated that she is not presently handling any of the duties of the confidential secretary.

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After further discussion of the proposed salaries for staff personnel of the Office of the Citizens' Aide, Representative Lipsky moved that the salary for the Deputy Citizens' Aide be fixed at \$12,500 rather than \$13,500, and that the salary for the Second Deputy Citizens' Aide be fixed at \$10,500 rather than \$11,500, and that when so revised the proposed salary levels submitted to the Administration Committee on the previous day be approved by the Legislative Council effective October 1, 1973; further, that the Citizens' Aide report back to the Council on expenditures by his office and his recommendations for staff salaries after completion of the second quarter of the current fiscal year. The motion was seconded by Representative Holden and unanimously adopted.

Senator Briles moved that the Council approve the appointment of Mr. Ray Cornell to the position of Deputy for Corrections in the Office of the Citizens' Aide, subject to actual receipt of Crime Commission matching funds to be used to pay a portion of the salary and expenses of the Deputy for Corrections. The motion was seconded by Senator Willits and unanimously adopted.

Senator DeKoster moved that the Council approve the proposal for the Deputy for Corrections to travel to St. Paul, Minnesota to meet with the Minnesota Ombudsman for Corrections, with the Crime Commission to make the necessary funds available if possible. The motion was seconded by Senator Briles and unanimously adopted.

Senator Nolin moved that the Council approve Mr. Mayer's proposed trip to Lincoln, Nebraska to meet with the Nebraska Ombudsman. The motion was seconded by Senator Briles and unanimously adopted.

Vice Chairman Holden stated that he was ready to recognize Representative Small for his report relative to actions of the Confidential Records Council, however Representative Small stated that he would prefer to defer the report in view of the lateness of

the hour. He requested that this report be placed on the agenda for the next Council meeting and the Vice Chairman so directed.

It was agreed that the next meeting of the Council will be held on Wednesday, November 14, 1973, and that the Council will convene at 9:30 a.m., one-half hour earlier than has been usual in the past on that date.

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

Respectfully submitted,

SERGE H. GARRISON Director

PHILIP E. BURKS Senior Research Analyst