

M I N U T E S

ADMINISTRATION COMMITTEE  
OF THE  
LEGISLATIVE COUNCIL

December 7, 1977

The Administration Committee of the Legislative Council was called to order by Speaker Dale Cochran, Chairperson, at 4:10 p.m., Wednesday, December 7, 1977 in the Speaker's Office, State House, Des Moines, Iowa. Members present in addition to Chairperson Cochran were:

Senator Eugene Hill  
Senator George Kinley  
Representative James Middleswart  
Representative Andrew Varley

Also present were

Mr. David Wray, Chief Clerk of the House  
Mr. Robert Davies, Administrative Assistant to the Speaker  
Mr. Lee H. Gaudineer, Jr.  
Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau

Chairperson Cochran stated that the purpose of the meeting is to discuss retaining legal counsel to advise the General Assembly upon, and represent it, in any litigation arising from the State House space allocation issue and to determine a method of procedure to resolve the issue.

Chairperson Cochran also stated that Senator DeKoster has been notified of the Administration Committee meeting but he has declined to serve as a member of the Administration Committee because of his membership on the Fiscal Committee.

Concerning the employment of a legal counsel, Chairperson Cochran stated that he invited Mr. Gaudineer to attend this meeting to provide legal advice to the Committee and that he recommends that Mr. Gaudineer be retained as legal counsel for the Legislative Council.

Senator Hill moved that the Administration Committee recommend that Mr. Lee H. Gaudineer, Jr. be retained as legal counsel for the Legislative Council and the General Assembly on matters relating to the resolution of the State House space allocation issue. The motion was seconded by Representative Middleswart and adopted.

Senator Kinley stated that the Committee should address the potential problems of paying for the services of the legal counsel. Chairperson Cochran commented that in light of the State

Comptroller's refusal to pay for consultant services, the question of payment was discussed with Mr. Gaudineer prior to the meeting. He added that Mr. Gaudineer has agreed not to request or accept payment for his services for providing temporary assistance to the Legislative Council if he is appointed.

Concerning the method of procedure to resolve the space allocation issue, Mr. Gaudineer advised that the Legislative Council not pursue legal action in the district court at this time. He added that there appeared to be no substantial federal question involved at this time and, therefore, advised against legal action in the federal district court. Mr. Gaudineer added that the General Assembly should consider its authority and control over finance and the appropriations process.

Senator Hill commented that perhaps the Executive Council will pursue the remodeling of the space in question through its "performance of duty" authority.

Mr. Gaudineer commented the use of the authority could be challenged because of its questionable legality.

The Committee then proceeded to review the various space allocation plans which had been proposed by the Legislative Council, the Courts and the Department of General Services.

After further discussion the Administration Committee agreed to recommend that the following plan be used to resolve the space allocation dispute:

1. Confer with the members of the Supreme Court and the Court of Appeal to reach a voluntary agreement using variations of previously submitted plans or an additional alternative that the use of all first floor space to be vacated by the Department of Agriculture be shared by the General Assembly and the Courts, subject to first call priority by the General Assembly.

2. Negotiate agreement with the Courts to submit the space allocation issue to arbitration by a disinterested third party, such as the Federal Mediation and Conciliation Service if voluntary agreement is unsuccessful.

3. Plan for litigation of the issue if step 2 is unsuccessful.

Chairperson Cochran set the next meeting of the Administration Committee for 9:00 a.m., Monday, December 19, 1977 in the Speaker's Office. Chairperson Cochran asked Mr. Gaudineer to report to the Committee at that time concerning any results of negotiations which might occur prior to the meeting.

There being no further business the meeting was adjourned  
at 5:15 p.m.

Respectfully submitted,

THANE R. JOHNSON  
Senior Research Analyst