

M I N U T E S

IOWA LEGISLATIVE COUNCIL

September 29, 1970

The fourteenth meeting of the 1969-1971 Iowa Legislative Council was called to order by the Council Vice Chairman, Representative Ralph F. McCartney, at 10:15 a.m., Tuesday, September 29, 1970 in the Speaker's Room, State House, Des Moines. (This was the meeting originally scheduled for October 7, 1970.) Council members present for the meeting, in addition to Vice Chairman McCartney, were:

Senator James E. Briles
Senator Andrew G. Frommelt
Senator Eugene M. Hill
Senator Clifton C. Lamborn
Senator Arthur A. Neu
Senator Robert R. Rigler
Representative Dale M. Cochran
Representative William J. Gannon
Representative Charles P. Miller
Representative Leroy S. Miller
Representative Nathan F. Sorg
Representative Andrew P. Varley

Also present were Secretary of the Senate Carroll Lane, Mr. Charles Storey, Professor Jack Dawn of Iowa State University, Director Serge Garrison and Senior Research Analyst Phil Burks of the Legislative Service Bureau, and representatives of the news media.

Vice Chairman McCartney called for action on the minutes of the September 9 meeting. Senator Frommelt pointed out that his name was omitted from the list of Council members present appearing in the first paragraph of the September 9 minutes, although subsequent portions of the minutes indicate his participation at various points in the Council's discussions on that day. There being no further requests for correction, the minutes were declared approved as submitted to Council members, except for the notation that Senator Frommelt should have been shown as present for the September 9 meeting.

Vice Chairman McCartney recognized Mr. Lane for presentation of information regarding bids on furnishing and installation of new draperies for the legislative chambers. Mr. Lane explained that it had not been possible for Chief Clerk of the House William Kendrick to attend the morning session of the present meeting due to the necessity of further treatment for the ankle injury which Mr. Kendrick sustained in August.

Mr. Lane stated that the only bid on the draperies for the legislative chambers which had been submitted prior to the dead-

line of 4 p.m. Friday, September 25, had been received from the Storey-Kenworthy Company of Des Moines. Younker Brothers had requested specifications on the drapery contract, but had subsequently submitted a letter stating that the press of other business would not permit Younker Brothers to bid on the job. In answer to a question from Vice Chairman McCartney, Mr. Lane stated that the availability of the specifications for the draperies desired for the legislative chambers had been advertised, and that some four or five other firms in addition to Storey-Kenworthy and Younker Brothers had requested copies of the specifications but had not submitted bids by the September 25 deadline.

Mr. Lane then delivered the sealed bid of the Storey-Kenworthy Company to Vice Chairman McCartney, who opened the bid and read it to the Council. The amounts bid by Storey-Kenworthy Company are as follows:

- A. Exterior windows, overdrapes, and valances for both the House and Senate chambers: \$16,797.72
- B. Front and rear interior windows in chambers:
 - House total: \$1,669.25
 - Senate total: \$1,723.00
- C. Exterior windows, casement draperies for House and Senate chambers: \$4,526.89
- D. Doors and windows in galleries:
 - House total: \$1,060.75
 - Senate total: \$1,186.35

Grand total of items A, B, C, and D: \$26,964.04

The bid was accompanied by a certified check in the amount of \$2,000.00 payable to the State of Iowa.

After checking the figures contained in the bid, Vice Chairman McCartney pointed out that the total of the items specified in the Storey-Kenworthy Company's bid should be \$26,963.96, a difference of 8 cents from the total amount actually set forth in the bid as submitted.

Representative Sorg suggested that, as an alternative to the proposal contemplated by the bid of the Storey-Kenworthy Company, it would be possible to leave the walls at the front of the Senate Chamber, immediately behind the press benches, in their present condition, and give the corresponding area in the House Chamber a similar appearance by installing vinyl-covered wood panels over the existing clouded glass panels in that area. Representative Sorg expressed belief that the cost of placing such panels over the glass in the front of the House Chamber would not differ greatly from the

price of purchasing drapes for that area, and would create an improved appearance. He explained that the intent would be to stencil an attractive design on the vinyl covering the proposed plywood panels.

Representative Leroy Miller supported the alternative suggestion of using vinyl-covered panels in the front of the House Chamber. He said he believes covering the existing glass panels with drapes would be an excessive use of drapery which would detract from the overall appearance of the refurbished chamber.

Mr. Storey stated that the alternative procedure suggested by Representative Sorg would be an acceptable approach to improving the accoustics and appearance of the House Chamber. He added that if the Council should elect to adopt this alternative, the amounts specified in item B of the bid which had just been opened and read would be reduced to \$1,047.75 for the House Chamber and \$1,723.00 for the Senate Chamber.

There was an extensive discussion of the material required to be used for the main drapes on the large exterior windows of the House and Senate chambers, as stated in the specifications sent to prospective bidders. Mr. Storey stated that the material in question is a completely different fiber from that which was used in making the drapes installed in 1964 and removed when the present refurbishing was undertaken. He explained that the new drapes are to be of a man-made fiber which is inherently flameproof, and therefore requires no chemical flameproofing treatment. He added that providing chemical flameproofing treatment for the drapes installed in 1964 had caused those drapes to discolor during the period of time for which they were in place in the legislative chambers.

Representative Gannon asked whether the Storey-Kenworthy Company or the manufacturer would guarantee that no such deterioration in the new drapes would occur within a specified period of time. Mr. Storey stated that it would be reasonable to expect the new drapes to last ten years or more in good condition, and that large drapes made from the same material are presently giving excellent service in a Des Moines bank, but that no written guarantee is available.

After further discussion of the material from which the large drapes are to be made, Vice Chairman McCartney inquired who had prepared the specifications and the price estimates, and how the availability of the specifications to prospective bidders had been advertised. Mr. Lane replied that the specifications and cost estimates were originally prepared by Mr. Storey, and that the specifications were subsequently reviewed and revised by Mr. Kendrick, Professor Dawn, and himself, and were then advertised in The Des Moines Register, The Des Moines Tribune, and The Des Moines Sunday Register.

Senator Hill asked Professor Dawn for his opinion regarding the need for drapes in the front and rear of the Senate and House chambers, and in the galleries of the two chambers. Professor Dawn stated that the need for improvement in the accoustics of the legislative chambers was the most important reason for recommending draperies in these locations, although the decor of the chambers was also considered. He added that possibly most of the desired effect could be obtained without the installation of draperies in the galleries, if the Council should so desire. In response to a further question from Senator Hill, Professor Dawn specifically endorsed the types of fabrics proposed for use in making the new draperies. Senator Hill then expressed satisfaction with the proposal, and with the amounts bid by the Storey-Kenworthy Company.

Representative Cochran inquired what budgetary considerations are involved in the proposed drapery contract. Mr. Garrison replied that the refurbishing of the legislative chambers is being paid from the open-end general assembly funds, and that the Legislative Service Bureau budget is not affected. He added that the Comptroller had taken into account the anticipated cost of refurbishing the chambers in making his overall budget projections for the current biennium.

Vice Chairman McCartney suggested the possibility of eliminating the exterior window casement draperies from the proposed contract for new draperies in the legislative chambers, and reinstalling the venetian blinds which have been used on the exterior windows in the past. In the course of the subsequent discussion, it was pointed out that these venetian blinds had been taken down when the present maintenance work in the chambers was begun, and that they could be stored and kept available even if they are not reinstalled this year.

Senator Lamborn moved that the Council accept the bid of the Storey-Kenworthy Company for furnishing and installation of new draperies in the General Assembly Chambers, as submitted and without change, and that the venetian blinds formerly used on the large windows in the chambers not be reinstalled. The motion was seconded by Senator Neu.

Representative Sorg said that before a vote is taken on Senator Lamborn's motion he would like to point out that tentative arrangements have already been made for the installation of vinyl-covered plywood panels over the present glass area in the front of the House Chamber. This work would be done by the Keller Brothers Company which is doing some of the present maintenance work in the legislative chambers. Mr. Lane again explained that installation of such panels would bring the appearance of the House Chamber into general conformity with the present appearance of the Senate Chamber, and that the cost would not differ materially from the cost of draping the glass area in question.

In response to questions from Representative Cochran, Mr. Storey expressed belief that installation of vinyl-covered plywood panels over the glass area in the front of the House Chamber would be more attractive than draping this area, and would be equally effective accoustically. Professor Dawn expressed the view that draping the area in question as originally planned would be more attractive than the proposed vinyl-covered plywood panels. Professor Dawn added that he would advise against draping the areas immediately behind the presiding officers' rostrums in the two chambers. It was generally agreed that draping of these particular areas had never been considered and would not be desirable.

After further discussion, the Council recessed briefly to the legislative chambers to view the various areas which would be affected by the proposed drapery contract. Upon reconvening in the Speaker's Room, the Council members were informally polled by Vice Chairman McCartney, and it was determined that most Council members present favored draping the existing glass in the front of the House Chamber as opposed to installing vinyl-covered plywood panels over the existing glass.

At the suggestion of Vice Chairman McCartney, further discussion and action on Senator Lamborn's pending motion were deferred until after the noon recess.

Mr. Garrison distributed copies of a document entitled "Summary of Plans for Implementation of Data Processing to the Bill Drafting System for Iowa General Assembly Meeting in the Year 1971", and read the document to the Council. A copy of the document is attached to and by this reference made a part of these minutes.

Representative Varley inquired whether action has been taken to furnish the necessary material to Aspen Systems Corporation to permit them to update the electronic tape Code of Iowa. Mr. Garrison replied that the necessary material will be furnished to Aspen Systems Corporation as rapidly as possible, but that they will need copies of the actual printed pages prepared for the 1971 Code, and that it is likely to be near the end of this year before all of this material is available. Mr. Garrison added that from information obtained at the recent National Legislative Conference it would appear that the terms of Iowa's contract with Aspen Systems Corporation for updating of the electronic tape Code are very favorable to the state.

There was a discussion of the procedures and timetable for updating of the Code of Iowa in future years, after the planned computer bill drafting system has been entirely implemented. Representative Gannon asked whether complete implementation of this system will eliminate the need for the office of Code Editor. Mr. Garrison replied in the negative, pointing out that someone will always have to determine at what points new statutes are to be

inserted in the Code, and how necessary changes in numbering of various Code sections are to be made. However, he commented that it should be possible to greatly reduce the staff of proofreaders which the Code Editor must presently employ in years when a new Code is being published, since it will no longer be necessary to reset and proofread the entire Code each time a new edition is published.

Representative Gannon then inquired whether implementation of the planned computer bill drafting system will restrict the filing directly from the floor of amendments to legislation then under consideration. Mr. Tanner explained that amendments filed in advance will be entered in the computer system, and can be used to give the members of the General Assembly an opportunity to see how existing law or a bill under consideration would read if the proposed amendment were adopted. When an amendment is introduced at the time the bill proposed to be amended is actually under consideration, it will not be possible to get the new amendment on the computer rapidly enough to show how it would affect existing law or the bill under consideration on the same day that the amendment is filed, but the amendment would be entered in the computer as quickly as possible and should be available for retrieval from computer terminals within twenty-four hours.

Representative Cochran moved that the Iowa Legislative Council authorize the Legislative Service Bureau and the Comptroller's Data Processing Division to proceed in accordance with the "Summary of Plans. . ." which had just been presented to the Council. The motion was seconded by Representative Varley.

There was a brief discussion of the effect of implementation of the new bill drafting system on the Legislative Service Bureau's budget. Mr. Garrison explained that costs will probably increase somewhat because, although the computer terminals to be installed in the Bureau offices in order to implement the system are less expensive than the MT/ST typewriters on which most bills are now typed, it is anticipated that a larger number of terminals will be used. However, Mr. Garrison added that these terminals will be rented, and that after the deadline for introduction of individual bills has passed, and the bill drafting work load is reduced accordingly, one or two of the terminals can be taken out of service and the cost reduced accordingly. Mr. Garrison stated that the increased costs to the Legislative Service Bureau could be met by offsetting the normal costs of renting MT/ST typewriters and perhaps if funds were still not sufficient to meet all costs incurred, some rental costs can be paid from General Assembly funds. At this point the total costs have not been determined and methods for additional financing that may be required will have to be worked out in the future.

The question was called for on Representative Cochran's motion, and the motion was adopted unanimously.

The Council recessed for lunch at 11:55 a.m., and reconvened in the Speaker's Room at 1:30 p.m. All Council members who had been present for the morning session were again present except Representative Gannon. Chief Clerk of the House William Kendrick was also present during the afternoon session.

Mr. Garrison reported on Legislative Service Bureau plans for the forthcoming 1971 session of the General Assembly, with particular reference to the need for employment of additional personnel on a temporary basis to assist with the necessary work immediately prior to and during the session. He stated that it would be desirable to employ perhaps two additional part-time researchers, at least one of whom should have some background in graphics which would permit this person to assist with preparation of maps for use in consideration of reapportionment and redistricting matters. Mr. Garrison stated that in view of the collective experience of the present Bureau bill drafting staff, he is not recommending hiring any temporary bill drafters as has been done during past sessions. He noted that the bill drafting load will be heavy and cannot fully be implemented until all studies have been completed and a new Code is available to draft against. These facts will delay the time when the total staff will be used in the bill drafting function, a fact which is unfortunate during a legislative year when a great amount of bill drafting is required.

Mr. Garrison said it appears that 6 proofreaders, 3 or 4 typists, 2 researchers, 2 bill clerks, and 1 xerox operator will be needed for the next session. These persons will be hired as they are needed prior to and during the legislative session and will be released from employment as the work load of the Bureau declines during the session. Salary levels will be the rates paid employees of the General Assembly for equivalent positions. Employees hired prior to the session will be paid at the rates in effect during sessions of the Sixty-third General Assembly. If the Sixty-fourth General Assembly changes rates, salary rates for temporary employees of the Bureau should also be changed.

Representative Charles Miller moved that the Council authorize Mr. Garrison to employ the temporary personnel needed for the period immediately prior to and during the 1971 session, in accordance with the needs he had just presented. The motion was seconded by Representative Cochran and adopted unanimously.

The Council discussed the schedule for completion and procedure for consideration of reports of interim study committees. It was the general consensus of Council members that the Council should receive at least a general indication of the intent and effect of legislation to be recommended by study committees directly responsible to the Council at the earliest possible time, even though it is recognized that it may be necessary in some cases to describe the proposed recommendations in general terms rather than presenting completed draft bills.

Representative Varley moved that interim study committees responsible to the Iowa Legislative Council be directed to prepare at least preliminary reports by November 10, on which date the next meeting of the Iowa Legislative Council shall be held, and that all such committees be urged to complete their reports and recommendations by December 1 if at all possible; also that study committees directly responsible to the General Assembly be requested to complete their studies by December 1 if possible. During discussion of the motion, it was agreed that a second Legislative Council meeting could be held in late November, possibly on November 23, if necessary to review reports not available or not completed on November 10. Representative Varley's motion was unanimously adopted.

Mr. Garrison distributed to Council members copies of the Legislative Service Bureau's Recapitulation of Budget Request form for the 1971-73 biennium which have been submitted to the State Comptroller, and briefly reviewed the appropriation requested for the coming biennium. Senator Frommelt commented that he believes the Budget and Personnel committees of the Council should have been apprised of the amounts requested, and of the proposal to employ additional permanent staff members during the coming biennium before the requests were submitted to the Comptroller. Mr. Garrison explained that this would have been rather difficult since the requests were required to be submitted to the Comptroller on September 1, and Mr. Garrison had been out of the office from August 21 until after September 1.

Senator Hill suggested that meetings of the Budget Committee and perhaps the Personnel Committee be held prior to the November Council meetings, in order to fully review the 1971-73 budget askings for the Legislative Service Bureau. Vice Chairman McCartney commented that the requests submitted to the Comptroller for the Legislative Service Bureau are in a sense not as critical as requests of executive branch agencies because the Bureau is a creature of the General Assembly and legislators are therefore in a better position to know and evaluate the Bureau's needs.

The Council then resumed consideration of the Storey-Kenworthy Company's bid on the new draperies for the Senate and House chambers. Vice Chairman McCartney inquired if there had been any effort to utilize yellow pages of various Iowa telephone companies in order to solicit bids on the draperies from firms outside, Des Moines. Mr. Kendrick replied in the negative, explaining that the standard state form for notification of availability of specifications to prospective bidders had been used, and that the Secretary of the Executive Council had helped prepare this notice. Mr. Kendrick stated that the notice had appeared as a classified advertisement in the Saturday, September 12, issues of The Des Moines Register and The Des Moines Tribune, and in the September 13 edition of The Des Moines Sunday Register.

Vice Chairman McCartney expressed concern regarding the situation facing the Council, in which the sole bidder on the pro-

posed new draperies is the same party who prepared the specifications and cost estimates for the Council. He stressed that it is not Mr. Storey's fault that no other firm bid on this contract, but expressed doubt that enough interested persons would be likely to look for or find a classified advertisement of the type which had been used to give notice of availability of specifications to bidders. Mr. Kendrick commented that there are regular bidder's lists for items which the state buys on a continuing basis, and that all prospective bidders on these lists are regularly sent specifications of items which the state wishes to purchase, but that such an approach is not feasible in connection with a contract of the type in question.

In response to further questions, Mr. Kendrick stated that Younker Brothers had sent him a letter stating that they were not submitting a bid because the firm's work load would not permit it to meet the specified deadline. He added that essentially the same response had been received from a firm in Elkader, Iowa which had requested a set of specifications after the matter was called to their attention by Representative Dale Tieden of Clayton county.

Representative Sorg observed that two commercial drapery firms in Cedar Rapids had declined to bid on the job because it was beyond their capacity. Mr. Kendrick pointed out that when bidding on a job in Des Moines, a firm outside Des Moines necessarily has a higher overhead than a firm located in Des Moines because the outside firm must take into account the cost of transporting its personnel and equipment to Des Moines, and perhaps the cost of providing lodging for personnel in Des Moines during the course of an installation job.

In response to a question from Senator Rigler, Representative Sorg stated that as a member of the Council's Decorating Committee he had observed Mr. Kendrick, Mr. Lane, and Professor Dawn revise the original specifications prepared by Mr. Storey so as to insure that the drapery contract would be open to any firm which wished to enter a bid. He added that it is not the Council's fault that there were no other bidders on the contract.

Senator Briles commented that possibly one reason why there were so few bidders on the job is that few firms dealing in draperies have facilities large enough to permit them to handle twenty-one foot drapes, such as are necessary for the main exterior windows in the legislative chambers. He pointed out that it is most unlikely that there would be very much call for drapes of this size.

In response to a further question from Senator Rigler, Representative Sorg stated that as a member of the Decorating Committee he does recommend acceptance of the Storey-Kenworthy Company's bid. He pointed out that under the specifications adopted by the Decorating Committee and approved by the Council, the draperies to

be installed in the legislative chambers will use a greater amount of material of a more expensive type than the draperies which were installed in 1964. He added that the present proposal contemplates a more extensive use of draperies than in 1964, that material and labor costs have gone up since that time, and that the material to be used is of a better quality than was purchased in 1964.

Representative Varley expressed objection to awarding the contract to the Storey-Kenworthy Company without obtaining relevant information from a source other than Mr. Storey. Senator Neu pointed out that Professor Dawn had stated during the morning session that the Storey-Kenworthy Company's bid was a reasonable one. After further discussion, Senator Lamborn suggested checking the bid figures with one or more other firms which deal in similar materials.

It was agreed to defer action on the drapery contract and follow Senator Lamborn's suggestion.

Vice Chairman McCartney recognized Legislative Fiscal Director Gerry Rankin, who stated that he had requested an opportunity to appear before the Legislative Council regarding the office space presently assigned him. He stated that his present offices are ideally located for the purposes for which they are used, but that the space available is not adequate during legislative sessions. During the 1970 session, a room in the Law Library was assigned him for use by one of his employees, but in order to consult with this employee in the normal course of work, it was necessary either to use the telephone or for one of the parties to walk the full width of the building. Mr. Rankin pointed out that a room directly adjoining his present offices has been assigned for use by the news media, and added that he is aware that the news media needs some space in the State House, but asked that the present press room be reassigned as a part of the Fiscal Director's office. Mr. Rankin stated that he has no suggestions to offer on the location of a possible new press facility.

In the discussion which followed, Senator Frommelt suggested partitioning the large conference room in which Mr. Rankin's personal office is presently located, and which is used by the Appropriation Committees and their subcommittees on occasion, so as to make a number of smaller individual offices. As an alternative, Representative Varley suggested the possibility of "double-decking" the conference room in the same manner as has been done with the third-floor area, directly above the conference room, which is occupied by the Legislative Service Bureau. Representative Varley pointed out that in view of the present twenty-two foot ceiling in this room, it would be possible to create a new set of individual offices in the upper level of the existing room while retaining the large conference room on the present floor level. Mr. Rankin agreed that this would be an ideal solution, but stated that he has no idea what the cost involved would be.

After further discussion, Representative Charles Miller

moved that the Legislative Council's Procedures and Facilities Committee investigate the space needs of the Legislative Fiscal Director's office, and submit recommendations for improvement of the situation prior to the convening of the 1971 session. The motion was seconded by Senator Hill and unanimously adopted.

The Council resumed consideration of the proposed contract for furnishing and installation of new draperies in the legislative chambers. Representative Sorg reported briefly on a telephone contact with one Cedar Rapids firm which deals in draperies of a kind similar to those proposed for use in the Senate and House chambers. Vice Chairman McCartney suggested that additional contacts be made within the next day or two, and that Council members be polled by telephone to determine their final decision on the drapery contract.

Senator Lamborn then requested and received unanimous consent to further defer his pending motion for award of the drapery contract to the Storey-Kenworthy Company, with the understanding that a roll call vote on the motion will be taken by telephone at a later date, after further information is obtained from other firms which deal in draperies of the type proposed for use in the legislative chambers.

Mr. Lane stated that Professor Dawn had suggested that the main entrances to the Senate and House chambers not be draped, in the interest of maintaining their traditional appearance. He stated that if there was no objection, the draperies for these particular areas would be dropped from the proposed contract by negotiation, if the contract is awarded as proposed. There was no objection by Council members to Mr. Lane's suggestion.

Mr. Storey then entered the room and requested and received recognition by Vice Chairman McCartney. Mr. Storey stated that it is necessary to plan work involving large draperies considerably in advance, and that he would therefore like to have permission to withdraw his bid on the contract for furnishing and installation of draperies in the legislative chambers if there were to be any appreciable delay in awarding the contract, since any such delay might make it virtually impossible to complete the job before the stated deadline. Vice Chairman McCartney expressed belief that the delay in award of the contract would probably be not more than two or three days.

After a brief discussion, the Council reaffirmed its earlier informal decision to use draperies, rather than installing vinyl-covered plywood panels, to cover the existing glass at the front of the House Chamber.

The meeting was adjourned at 3:10 p.m.

Respectfully submitted,

PHILIP E. BURKS, Senior Research Analyst
SERGE H. GARRISON, Director

NOTE: Subsequent to the meeting information was obtained which indicated that the monetary amount of the bid received appeared to be quite reasonable, that the material specified in the bid specifications is available to contractors who have sound credit ratings and who are capable of performing jobs similar in nature to draping of the legislative chambers, that the material to be used retails at a price which indicates that the bid is competitive, and that the material is used quite extensively throughout the country.

A telephone poll of the members of the Legislative Council by the Director of the Legislative Service Bureau and the Secretary of the Senate, revealed that all persons polled favored acceptance of the bid except Vice Chairman Ralph McCartney. The final vote was 14 for acceptance and 1 against acceptance.

When a majority vote was received, written notification was given to Mr. Charles Storey, representing Storey-Kenworthy Company, that he could proceed immediately to complete the terms of the contract. This notification was dated October 1, 1970, and copies were mailed to all Council members.