

M I N U T E S

IOWA LEGISLATIVE COUNCIL

October 9, 1974

The sixteenth meeting of the 1973-74 Iowa Legislative Council was called to order at 10:30 a.m., Wednesday, October 9, 1974 in the Speaker's Room of the State House. Council members present were:

Representative Edgar H. Holden, Vice Chairman
Lieutenant Governor Arthur A. Neu
Speaker Andrew Varley
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator John S. Murray
Senator Karl Nolin
Senator Earl M. Willits
Representative Dale M. Cochran
Representative Donald V. Doyle
Representative Joan Lipsky
Representative James I. Middleswart
Representative Arthur A. Small, Jr.
Representative Delwyn D. Stromer

Other legislators attending the meeting were Senator James V. Gallagher and Representatives Glen Brockett, Gregory Cusack, Elmer Den Herder and Brice Oakley. Legislative staff personnel attending the meeting included Director Serge Garrison, Senior Research Analyst Phil Burks and Senior Legal Counsel Burnette Koebernick of the Legislative Service Bureau, Legislative Fiscal Director Gerry D. Rankin, Secretary of the Senate Ralph Brown, Assistant Chief Clerk of the House David Wray, House Legal Counsel Dan Dudley and Ralph Kauffman, Administrative Assistant to the Senate Majority Leader. A number of representatives of the news media and other interested persons also attended the meeting.

Vice Chairman Holden recognized Representative Brockett for a report from the Capitol Planning Commission. Representative Brockett stated that programming for occupancy of the Agriculture Building which is to be constructed northwest of the State House has now been completed, in accordance with the changed plans for utilization of the Agriculture Building and the other new state office building as previously approved by the Legislative Council. (See minutes of Council's July 10, 1974 meeting, pages 2-3.) Representative Brockett also described the final plans for construction of the building, using a small model to illustrate the anticipated appearance of the Agriculture Building's exterior. He noted that the architects and the Capitol Planning Commission are seriously considering extensive use of gold tinted reflective

Thermopane glass, which he stated has a heat exchange coefficient very nearly equivalent to that of a brick wall.

Representative Brockett also reported on the current status of design of the other new state office building which is presently being planned. He circulated a set of drawings of the anticipated exterior appearance of the building and of the floor plan which it is expected will be used.

Representative Brockett next reported that the Capitol Planning Commission has conducted a thorough study of alternative fuels available for use in the Capitol complex, to replace natural gas which the state has been advised will be increasingly scarce in the next five years and will probably not be available to the state for use in the Capitol complex after 1980. Representative Brockett cited the following probable costs of a one-year supply of each of the alternative fuels considered:

Iowa Coal--\$118,000 per year
Natural gas with fuel oil standby (assuming availability)--\$173,000
Fuel oil--\$223,000
Electricity--\$393,000

Representative Brockett stated that the advantage of Iowa coal in terms of purchase price of the fuel itself is more than offset by the high cost which would be incurred in converting the present heating and cooling equipment to burn coal, as well as by the irreducible degree of pollution which would be present, given existing states of technology. He continued that, all factors considered, the Capitol Planning Commission believes it is not unrealistic to plan for use of No. 2, or perhaps No. 3 or No. 5, fuel oil as the primary fuel for the Capitol complex in 1980 and afterwards. He stated that the engineering firm of Brooks-Borg-Skiles concurs in this conclusion. Representative Brockett also added that the cost of conversion of heating and cooling equipment from natural gas to electricity, should that become absolutely necessary, is relatively low.

Representative Brockett reported to the Council that construction of the two new state office buildings now being planned will raise the maximum steam load demand of the Capitol complex to 50,000 pounds per hour, and that while existing boilers in the complex could meet this demand by being used at full capacity at all times there would be no standby capacity to cover maintenance, breakdowns, etc. He added that such a policy would not be feasible. Two of the alternatives available are inclusion of additional small boilers in each of the new office buildings, or installation of another larger boiler in the present power plant located across Grand Avenue north of the State House. The latter alternative, however, presents problems in terms of fuel storage capacity. The Capitol Planning Commission is therefore recommending that a new central power plant for the Capitol complex be constructed at the southeast corner of the complex, below the lip of the natural slope in that area.

Representative Brockett continued that it is the recommendation of the Capitol Planning Commission that a new 45,000 pound per hour boiler be purchased and installed in the proposed new central power plant. He commented that a large boiler is relatively more economical to run at full capacity, and that the pressure generated can be stepped down to feed existing low pressure steam systems in present capitol complex buildings. The Capitol Planning Commission further recommends that a 300,000 gallon fuel oil tank be installed adjacent to the proposed new central power plant. This would permit storage of a year's supply of fuel oil, and permit the state to buy large quantities of fuel oil during seasons when demand is relatively low and the price may therefore be more favorable. Representative Brockett stated that, in summary, these recommendations would provide the Capitol complex with a heating system adequate for all present and projected buildings, including the State House mall if one is constructed, and would also provide some standby capacity.

Turning to the matter of cooling capacity for Capitol complex buildings, Representative Brockett stated that the Capitol Planning Commission recommends the looping of existing cooling systems in the State House and other office buildings, and the installation of one new chiller in the proposed central power plant. He stated that the equipment thus provided could be used at full capacity and would therefore operate more efficiently, and that a saving of some \$410,000 could be effected over the cost of separate new chilling equipment in the two new state office buildings. Also, a savings of some \$89,000 per year is projected in reduced operating costs if a centralized cooling system is established as opposed to continuing to install separate cooling systems in each building on the complex.

In summary, Representative Brockett stated that the cost of the proposed centralized power plant as he had described it would be \$1,932,000 on today's market, and that this would include the costs of moving existing boilers from the present Grand Avenue power plant and of razing that building. He added that the new centralized power plant as projected would be adequate for all foreseeable needs for the next twenty years, and that the facility would be designed so as to be readily expandable when the occasion arises. He described additional economies which it is believed could be effected through centralized operation of the heating and cooling systems for the Capitol complex and, ultimately, a computerized control system.

Speaker Varley inquired whether it is necessary to make a decision on the type of fuel which the Capitol complex will eventually utilize, as a prerequisite to a decision on design and eventual construction of the proposed power plant. Representative Brockett replied in the negative.

In response to Senator Murray, Representative Brockett stated that because the proposed 300,000 gallon fuel oil tank would be located below the top of the hill at the southeast corner of the Capitol grounds, it would not be visible from any other point on the grounds. However, he conceded that it would be visible to persons traveling along Southeast Fourteenth Street. He added that one of the reasons for considering placing the tank above ground rather than below, in addition to the cost saving involved, is that some consideration has been given to possible use of the fuel oil stored in the tank as a medium for storage of solar energy.

After further discussion, Speaker Varley moved that the Legislative Council request the Capitol Planning Commission to proceed on the assumption that construction of the new centralized power plant described by Representative Brockett will be authorized. The motion was seconded by Representative Lipsky, and adopted by a unanimous voice vote.

Representative Brockett noted that the Capitol Planning Commission has also studied the possibility of using solid waste as a fuel, and has found that the City of Des Moines generates enough solid waste to supply the Capitol complex's fuel needs the year around. However, after describing two alternative systems of using solid waste as fuel, Representative Brockett concluded that neither of them is economically feasible.

Representative Brockett provided Council members with copies of a document entitled "A Preliminary Feasibility Study of the Use of Solar Energy for Heating, Cooling and Generating Electric Power for the Iowa State Capitol Complex", submitted by Environmental Consulting Services, Inc. of Boulder, Colorado to Brooks, Borg, & Skiles of Des Moines, a firm retained by the Capitol Planning Commission. Representative Brockett stated that the consultant's report is quite encouraging, possibly unduly so, with respect to use of a solar energy system for heating, cooling and generation of electricity for the Capitol complex. He called particular attention to paragraph two of part B of the Summary of the Consultant's Report:

"A site for the collector bank is available adjacent to the State Capitol Complex on a south-facing hill. The area available for solar collector installation is approximately 400,000 square feet. This hillside slopes at an angle of about 34 degrees, quite close to the suggested collector angle of 40 degrees. Collector construction costs are lowered significantly by this fortuitous situation."

Representative Brockett indicated that he does not feel there is actually 400,000 square feet of space available on the hillside for the purpose suggested by the consultants. However, he stated that the Capitol Planning Commission would suggest the possibility of a 50,000 square foot demonstration unit on the hill, which would convert solar energy to steam that could be introduced into the regular steam system. He added that, since the more commonly-used "flat plate" solar energy system is not capable of

generating steam, such a demonstration unit would have to use the alternative "little umbrella" units, which focus the sun's rays on small boiler units. As each of these units must move with the sun in order to keep the boiler at the proper focus point, a possibly significant mechanical engineering problem is introduced into the project. However, Representative Brockett added that installation of such a demonstration solar energy unit could occur at any time after the proposed new centralized power plant is in place, and would not have to be made concurrently with the construction of the plant itself.

Representative Cochran noted the availability of federal matching funds for use in constructing demonstration solar energy units.

Senator Hill commended Representative Brockett for his service as Chairman of the Capitol Planning Commission.

Vice Chairman Holden expressed appreciation to Representative Brockett for his presentation. He suggested that the Capitol Planning Commission include in its budget request to the Governor a suggestion that he seek an appropriation for construction of the proposed new central power plant.

Representative Stromer moved that the Council approve the minutes of its two most recent meetings, as submitted to Council members. There being no objection, it was so ordered.

Vice Chairman Holden recognized Citizens' Aide Tom Mayer who presented the proposed budget for his office for the 1975-77 biennium. Senator Hill expressed concern about what he viewed as a very large increase in the budget request for the Citizens' Aide office. He explained that his basic concern is the establishment of programs which are initially funded with federal money, but which become more expensive while the federal funds available for those programs are reduced or entirely removed.

In response, Mr. Mayer briefly reviewed the history of his office. He pointed out that the appropriation for the first year of its operation was actually only enough to cover three-fourths of that fiscal year, since the federal grant under which the office had initially been set up did not expire until the end of the first quarter of that year. He stated that the present grant of federal LEAA funds obtained from the Iowa Crime Commission will expire on April 15, 1975, and that for purposes of the budget for the coming biennium it was deemed prudent to assume that no further funding would be available from that source. He expressed regret that he had been unable to obtain a firm answer from the Crime Commission as to whether or not the grant would be renewed, but assured Council members that if a further grant were forthcoming a proportionate amount of the requested state appropriation would be reverted to the state general fund.

Representative Stromer expressed the opinion that the Legislative Council had largely committed itself to the level of expenditures proposed by Mr. Mayer by the action taken at its June meeting. (See Minutes of the Legislative Council's June 12, 1974 meeting, pages 4-5.) He added that the increase for the coming biennium is less than he would have anticipated, in view of the prevailing rate of inflation.

Senator Hansen agreed, observing that the budget for the Citizens' Aide office is largely dictated by the demands of people for its services.

Senator Willits inquired about the relatively large amount budgeted for telephone costs. Mr. Mayer replied that this is largely because his office accepts collect long-distance telephone calls from any citizen of the state, explaining that such calls are limited to a duration of three minutes and that if further conversation is necessary the staff person involved returns the call on a state WATS line. In response to a further question from Senator Willits, Mr. Mayer said he would not object to accepting calls from citizens on the state's incoming WATS lines provided information about how to place such calls is made available to the general public.

Representative Lipsky moved that the Legislative Council approve the proposed budget of the Citizens' Aide office for presentation to the Governor during the regular agency budget hearings. The motion was seconded by Representative Cochran and adopted by a unanimous voice vote.

Mr. Mayer requested permission from the Council to send Mr. Raymond Cornell, Deputy Citizens' Aide for Corrections, to the Volunteers in Probation National Forum to be held in Tampa, Florida during the week of October 28, 1974. He explained that his initial reaction had been that this conference did not seem relevant to Mr. Cornell's responsibilities, however Representative Doyle had advised Mr. Mayer that the Tampa program would be beneficial for Mr. Cornell to attend. Representative Doyle pointed out that the Council, at its previous meeting, had authorized both himself and one Legislative Service Bureau staff person to attend the Tampa conference, but that it now appeared that no Bureau staffer would be available for that purpose. He therefore, supported the request that Mr. Cornell be authorized to attend. Mr. Garrison pointed out that the intent was that Mr. Cornell's expenses be paid from the budget of the Citizens' Aide office. Mr. Mayer agreed, adding that he hopes to obtain funds from the Crime Commission for this purpose.

Representative Doyle moved that the Council authorize Mr. Cornell to attend the Tampa conference. The motion was seconded by Senator Willits, and adopted by a unanimous voice vote.

Mr. Mayer also requested that the Council authorize himself and his three deputies to attend a Midwestern Ombudsman conference to be held in Kansas City, Missouri on November 8-9,

1974. On motion of Senator Briles, seconded by Senator Murray, the request was approved by a unanimous voice vote.

Mr. Mayer also requested permission to travel to Boston, Massachusetts, where he has been invited to participate on a panel describing state ombudsmen programs and experiences. His expenses are to be paid by the Massachusetts Civic League, the organizers of the meeting. On motion of Senator Willits, seconded by Representative Lipsky, the request was approved by a unanimous voice vote.

Vice Chairman Holden recognized Energy Policy Council Director John Millhone, who distributed to Council members individual folders containing copies of a memorandum to the Legislative Council from the Energy Policy Council dated October 9, 1974, and the first three of a series of brief Energy Plan Reports covering activities of the Energy Policy Council and its staff. Mr. Millhone indicated that a series of additional reports would be forthcoming from time to time in the future.

Mr. Millhone called particular attention to the October 9 memorandum, a copy of which is attached to and by this reference made a part of these minutes. He commented briefly on the memorandum which proposes a study of various aspects of the possible use of nuclear energy to generate electricity, within the context of total energy needs of the state of Iowa. Mr. Millhone then introduced Senator Gallagher, Representatives Cusack and Oakley, Harriette Lindberg, Dr. Ed Stanek and Dr. Sam Tuthill, members of the Energy Policy Council.

Representative Lipsky inquired about the relationship between items 1 and 4 on the list of elements of the proposed study plan appearing in the second paragraph of the memorandum, inquiring whether the activity proposed between preparation of a preliminary state energy plan and completion of a final energy report are primarily of a public relations nature. Mr. Millhone replied that it is expected that various interested persons who review the preliminary state energy plan will be in a position to point out shortcomings, which will lead to meaningful changes before the final report is made.

Representative Lipsky then inquired how this program will contribute to additional knowledge evaluated by experts who have credentials in the field. Mr. Millhone replied that the role of the Energy Policy Council is to serve as a meeting ground and that it is hoped that it will be possible to develop readable but competent material to assist the general public in arriving at decisions about the future utilization of nuclear energy in Iowa.

Representative Cusack offered comments on the questions posed by Representative Lipsky, noting that the attitude which has developed in recent weeks and months on the part of many persons that the world-wide energy shortage is not really a serious problem is quite unwarranted. He stated there is a need for meaningful

planning regarding the state's future demands for and supply of energy. Dr. Tuthill also offered comments on this general subject.

After further discussion, Representative Lipsky suggested that two additional items be added to the list of issues to be considered by the proposed study. These would be:

7. Other sources of energy available.
8. Other issues raised by those who review the preliminary state energy plan.

With respect to the proposal that the cost of the energy study be divided evenly between the Energy Policy Council and the Legislative Council, Mr. Garrison noted that a decision to take the Legislative Council's \$17,500 share out of the Council-Legislative Service Bureau budget would be tantamount to predicting a \$17,500 surplus in that budget for the current fiscal year. Mr. Garrison indicated that he does not believe it is possible at this time to project such a surplus.

Speaker Varley then moved that the Legislative Council accept in substance the Energy Policy Council proposal, as expressed in the October 9 memorandum, and request the President of the Senate and Speaker of the House to make the necessary funds to pay the Legislative Council's share of the project available pursuant to section 2.12 of the Code. The motion was seconded by Representative Stromer.

Senator Hill inquired whether it is intended to look for experts from throughout the nation to review the proposed study. Mr. Millhone replied in the affirmative, adding that it is the Energy Policy Council's intent to identify the best resource in each area under study, and try to tap that resource. Dr. Tuthill noted that part of the effort is to place knowledge in the context of Iowa's particular energy situation.

Senator Hill then commented that Iowa may find itself in the position of challenging policies of the federal Atomic Energy Commission. Dr. Tuthill replied that if the state is convinced that it is right in any such matter, this should be done. Senator Hill stated that any such challenge would require the preparation of very convincing evidence to support Iowa's position.

After further discussion, Speaker Varley's motion was approved by a unanimous voice vote.

Senator Willits raised questions about interpretation of data regarding availability of natural gas to meet Iowa demands in future years, appearing in Energy Plan Report #2 which had earlier been distributed to Council members. Mr. Millhone and Dr. Tuthill added some detail regarding these figures, and commented that the Energy Policy Council at this point has identified a problem to which solutions will have to be sought.

Representative Small then asked additional questions about the prospective availability of natural gas in the future, and the effect upon this situation of the proposal by President Ford to deregulate the price of natural gas. In response, Dr. Tuthill identified both physical and economic constraints on the supply of natural gas in the years ahead. He expressed the opinion that deregulation as proposed by the President amounts to opting for a policy that those who can pay will get the available supplies of natural gas and others will do without. He added that he is not convinced that deregulation and consequent dependence upon the profit motive to control the distribution of natural gas will solve the problem.

The Legislative Council recessed at 12:15 p.m. and reconvened in the Speaker's Room at 1:40 p.m. All Council members who had been present for the morning session also attended the afternoon session.

Vice Chairman Holden recognized Representative Den Herder to present the report requested by the Legislative Council at its August meeting relative to the reported injury of a patient at the Glenwood State Hospital-School. (See minutes of Council's August 7 meeting, page 5.) Representative Den Herder distributed copies of written material relative to the matter, with a covering letter to him signed by Commissioner of Social Services Kevin J. Burns.

Representative Den Herder noted that the patient in question, Thomas Corley, is a severe seizure patient and that no amount of supervision can guarantee that he will not suffer unexpected seizures, fall, and be bruised or otherwise injured. Representative Den Herder added that he does not doubt that the mother of this individual was quite sincere in her statement, in a letter written May 7, 1974, that there is "a crisis at the Glenwood State Hospital-School due to a severe staff shortage". While acknowledging that there is always room for improvement in any institution or agency, Representative Den Herder expressed satisfaction that appropriations to the Glenwood Hospital-School have been generally adequate and that the institution is, on the whole, being satisfactorily administered.

Representative Lipsky noted that there is some staff shortage at Glenwood at this time, due to a combination of factors. One of these factors is an increase in the patient population of the institution, which is at least partly due to implementation of the state's newer and more stringent rules and regulations relative to nursing and custodial homes. Another factor is a calculating error during the preparation of the appropriation for Glenwood for the present biennium, which Representative Lipsky stated occurred during processing of the appropriation bill by the Comptroller's staff and had the effect of lowering the amount available to the Glenwood Hospital-School to employ staff.

Several Council members inquired about the progress of the Glenwood institution toward accreditation by the Joint Commission on Accreditation of Hospitals, and about staffing patterns at the institution. Representatives Den Herder and Lipsky responded to these questions on the basis of their observations as members of the Fiscal Committee's Human Resources Visitation Committee.

Vice Chairman Holden reported on plans of the Mental Health and Juvenile Institutions Study Committee to initiate in the near future a follow-up study of persons who have received in-patient services from various mental health facilities in Iowa, pursuant to House File 784 and the Council's authorization of December 19, 1973. The general objective of the study is to determine what happens to discharged or released patients of these facilities, whether it appears they were helped significantly by their contact with these facilities, and what kind of aftercare, if any, they receive.

Vice Chairman Holden continued that the Study Committee has reached an agreement with Dr. James V. Lowry, former director of the California Department of Mental Hygiene, to serve as part-time consultant for the follow-up study. The Study Committee accepted his suggestion that the first step in preparing for the study should be the formation of an advisory board representing various agencies and groups whose cooperation can be of great value in achieving the objectives of the study. Letters have been sent to these agencies and groups inviting them to designate representatives to serve on the advisory board.

Mr. Garrison distributed to Council members a copy of a letter from architect Frank Bunker and accompanying "punch lists" of remaining items of work left to be completed on the contract for remodeling and air conditioning of legislative offices and meeting rooms. Mr. Garrison and Mr. Brown both indicated that they do not feel the amounts recommended by the architect and the consulting engineer to be held back pending completion of the punch list items are sufficient.

After a brief discussion, Senator Nolin moved that no further action be taken with respect to the final disposition of the contract for remodeling and air conditioning legislative offices and meeting rooms until all work, including any subsequently discovered items, is satisfactorily completed. The motion was seconded by Speaker Varley and adopted by a unanimous voice vote.

Vice Chairman Holden recognized Senator DeKoster for the report of the Legislative Fiscal Committee. A copy of the report is attached to and by this reference made a part of these minutes.

Commenting on the final two paragraphs of the report, Senator Willits requested that when the Fiscal Committee visits the Highway Commission, questions be raised regarding the Commission's spending priorities on roads and plans for roads which, in Senator

Willits' view, are being located or projected to be located contrary to the wishes of residents of the area. Senator DeKoster suggested that the news media occasionally tend to report only the objections to locations of particular highways or proposed highways, and not the support which may exist for those locations in those communities affected.

In regard to the Natural Resources Visitation Committee's report, Representative Small expressed concern that it will not be possible to develop a meaningful state land use plan until the state water plan has been completed. There was some discussion of the rather prolonged delay in completion of a state water plan since the law was originally passed which mandated that such a plan be prepared. Senator DeKoster commented that the matter is basically an administrative problem.

In response to a question by Representative Small, Senator DeKoster explained that the sixth sentence of the Education Visitation Committee's report relative to its visit to Dordt College in Sioux Center, should read "grants are awarded by the college out of its own funds to students who are members of a church contributing support to the college". I.e., the reference to "grants" has nothing to do with state or federally funded tuition grants.

On motion of Senator Willits, seconded by Representative Middleswart, the Council accepted the Fiscal Committee's report by a unanimous voice vote.

Representative Stromer noted that at its August meeting the Council had accepted a study proposal relating to county officer compensation and responsibilities in accordance with guidelines distributed at that meeting, copies of which are attached to the minutes of the Council's August 7 meeting. Pursuant to that approval, the Local Services Study Committee had requested bids from eight major accounting firms on the study proposal. Three had responded, Ernst & Ernst, Touche, Ross, and Company, and Hay Associates.

Representative Stromer continued that after reviewing the three bids received, it was concluded that the Ernst & Ernst bid was most favorable. The Touche-Ross bid was premised on the utilization of Legislative Service Bureau clerical staff, a condition which was unacceptable to the Study Committee, and was received after the Study Committee's deadline for submission of proposals.

Representative Stromer stated that at the meeting of the Local Services Study Committee at which it was contemplated that the Study Committee would recommend acceptance of the Ernst & Ernst bid, a question was raised about the fact that the managing partner of the Des Moines office of Ernst & Ernst, Mr. Jerry Perpich, is the Republican State Finance Chairman. Representative Stromer explained that some members of the Study Committee perceived this

situation as constituting a conflict of interest, although the Attorney General unofficially informed Representative Stromer that this was not the case. A motion was made in the Study Committee meeting to recommend to the Legislative Council acceptance of the Ernst & Ernst proposal, and this motion received six affirmative votes and only two negative votes, however, under the Study Committee rules seven affirmative votes are required to adopt any substantive motion, and as other Study Committee members were absent that day the motion lost.

Representative Stromer then moved that the Legislative Council accept the bid of Ernst & Ernst on the contract to conduct the county officer compensation study. The motion was seconded by Senator DeKoster.

An extended discussion of the matter followed. Both the question of conflict of interest, and some questions as to the scope of the proposed study were considered during the discussion.

It was noted that, since it is proposed to finance the contemplated study under section 2.12 of the Code, the Lieutenant Governor and Speaker of the House should perhaps make the decision. Speaker Varley disagreed, stating that he and Lieutenant Governor Neu would not act without Council approval and indicating that in his view their role in approving funds for this study should be essentially ministerial in nature. Speaker Varley continued that while the Council may not be able to entirely escape criticism regardless of the action it takes on the matter, it should be recognized that any decision to bar Ernst & Ernst from bidding on or executing this particular contract because of Mr. Perpich's role with respect to a political party in the state would set a most unfortunate precedent.

Several Council members pointed out that it is difficult to construe the matter as a potential conflict of interest, because Ernst & Ernst submitted the low bid on the study contract, and Mr. Perpich is not in a position to participate in the decision on the awarding of the contract. However, Senator Hill argued that awarding the contract to Ernst & Ernst might appear to the public to be a conflict of interest, and that even the appearance of wrongdoing should be avoided.

Senator Murray pointed out that the Council is not in a position to overrule the Study Committee in regard to selection of a contractor for the proposed study. If the Ernst & Ernst bid is not accepted, the only alternative will be to seek new bids. Senator DeKoster agreed, and added that the information being sought is needed in order to permit decisions to be made about compensation of county officers, and that the time for completion before the 1975 legislative session is growing short.

Representative Small said that he would agree that it would be unfortunate to reject the Ernst & Ernst bid simply because one of its officers is engaged in political party work. However,

he and Representative Lipsky asserted that the bidding procedure used by the Study Committee was somewhat irregular. Representative Stromer said he feels that the entire matter does serve to indicate that there is a need for a specific bidding procedure to be followed in such cases.

Representative Small moved, as a substitute for Representative Stromer's earlier motion, that the Legislative Council direct the Study Committee to reject all bids and resubmit the specifications on the proposed study for new bids.

After further discussion, the question was called for on the substitute motion by Representative Small and a roll call vote was requested. The motion was defeated by a vote of five ayes to ten nays. Those voting aye were Senator Hill and Representatives Cochran, Doyle, Middleswart and Small; those voting nay were Vice Chairman Holden, Speaker Varley, Senators Briles, DeKoster, Hansen, Murray, Nolin and Willits, and Representatives Lipsky and Stromer.

A roll call vote was then taken on Representative Stromer's original motion. The vote was nine ayes to six nays. Those voting aye were Vice Chairman Holden, Speaker Varley, Senators Briles, DeKoster, Hansen, Murray and Nolin, and Representatives Lipsky and Stromer; those voting nay were Senators Hill and Willits and Representatives Cochran, Doyle, Middleswart and Small. As the rules of the Council require eleven affirmative votes for passage of any substantive motion, Vice Chairman Holden ruled the motion had lost.

After further discussion, Senator Nolin moved to reconsider the vote by which Representative Stromer's motion was lost. The motion to reconsider was seconded by Senator Hansen. Senator Hill raised the point of order that neither Senator Nolin nor Senator Hansen were entitled to move to reconsider the Stromer motion, since neither had voted on the prevailing side when that motion was lost. Vice Chairman Holden ruled that the majority had not prevailed in the voting on the Stromer motion and that therefore any motion to reconsider would have to be made by one of the Council members who voted in the negative.

Representatives Small and Lipsky both offered comments to the effect that the study contemplated by the Local Services Study Committee should be broader than the question of how much county officers are to be paid. They suggested that matters such as alternative forms of county government and county home rule should be considered. It was noted by several Council members that the Council has indicated an intent to limit the cost of the proposed study to \$50,000, and that it is doubtful that this additional information can also be acquired within that price limitation.

After additional discussion, Representative Cochran moved that the Legislative Council directly seek new bids on the study as proposed in the guidelines submitted to Council members at the August meeting with the addition, as an alternative item to be bid

separately, of study of alternative forms of county government and county home rule. The motion was seconded by Representative Middleswart, and adopted by a voice vote, Senators DeKoster and Hill voting no.

It was agreed that the next meeting of the Legislative Council will be held on Wednesday, November 13, and that new bids on the proposed study will be considered at that time.

Copies of a list of persons whom the Land Use Policies Study Committee members desire to have appointed or reappointed as nonlegislative advisory members of the Study Committee, were distributed to Council members. A copy is attached to and by this reference made a part of these minutes. In addition, Vice Chairman Holden noted that the Mental Health and Juvenile Institutions Study Committee is requesting that all of the persons who served as nonlegislative members during the 1973 interim be reappointed for the 1974 interim with the exception of Dr. Hormoz Rassekh of Council Bluffs. He has been succeeded as President of the Iowa Psychiatric Society by Dr. Richard Preston of Des Moines, whom the Study Committee wishes to have appointed as an advisory member succeeding Dr. Rassekh. On motion of Senator Briles, seconded by Senator Nolin, both sets of appointments were approved by the Council by a unanimous voice vote.

Mr. Garrison requested that he be delegated authority to negotiate a new contract with ASPEN systems corporation, for updating of the magnetic tape Code of Iowa. He briefly explained that while the taped Code has been sufficiently accurate for use as a research tool, it must be more carefully reviewed and proofread in order to be used satisfactorily in bill drafting operations. On motion of Senator Briles, seconded by Representative Lipsky the Council approved Mr. Garrison's request.

Consideration of the proposed budgets of the Legislative Fiscal Bureau and Legislative Service Bureau was deferred until the November 13 meeting.

The meeting was adjourned at 4:15 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

PHILIP E. BURKS
Senior Research Analyst