

# M I N U T E S

## IOWA LEGISLATIVE COUNCIL

August 5, 1970

The twelfth meeting of the 1969-1971 Legislative Council was called to order by the Council Chairman, Senator Elmer F. Lange, at 10:30 a.m., Wednesday, August 5, 1970 in the Speaker's Room, State House, Des Moines, with the following members present:

Lieutenant Governor Roger Jepsen  
Speaker of the House William H. Harbor  
Senator James E. Briles  
Senator Andrew G. Frommelt  
Senator Clifton C. Lamborn  
Senator Arthur A. Neu  
Senator George E. O'Malley  
Senator Robert R. Rigler  
Representative Dale M. Cochran  
Representative Leroy S. Miller  
Representative Nathan F. Sorg  
Representative Andrew P. Varley

Also present were Chief Clerk of the House William R. Kendrick, Director Serge H. Garrison and Phil Burks of the Legislative Service Bureau, several representatives of the news media, and other interested persons.

Chairman Lange reported that the Decorating Committee had met earlier on the present date. He formally submitted the Committee's report and recommendations regarding the bids submitted on the new carpeting for the legislative chambers. The bids submitted are as follows:

### Storey-Kenworthy Company:

Senate--642 yards at \$20.86 per yard --\$13,393.12  
House --801 yards at \$20.86 per yard --\$16,708.86  
Total--1443 yards at \$20.86 per yard --\$30,100.98

Storey-Kenworthy Company noted in a separate letter that exact yardage cannot be guaranteed, that there may be an overrun of 3 to 5%, and that if so there will be a charge of \$17.80 per yard for all overrun, based on the fact that the overrun will not extend to carpet padding.

### Younkers:

Senate--693 yards at \$20.97 per yard --\$14,332.21  
House --862 yards at \$20.97 per yard --\$18,076.14  
Total--1555 yards at \$20.97 per yard --\$32,408.35

### Bryngelson Corporation (Marshalltown):

Senate--643.9 yards at \$26.25 per yard --\$16,902.38

House --879.6 yards at \$26.25 per yard --\$23,089.50  
Total--1523.5 yards at \$26.25 per yard --\$39,991.88

Senator Rigler inquired whether any bids had been received other than the three reported by the Decorating Committee. Chairman Lange replied in the negative, stating that a number of other prospective bidders had earlier indicated some interest in the legislative chamber project but did not submit formal bids.

Chairman Lange reported that the Decorating Committee's computations indicated that, even including the maximum 5% overrun mentioned in the letter from the Storey-Kenworthy Company, that firm's bid contemplates using less carpet, and offers a lower price per square yard, than does either of the other bids received. In response to a question, Chairman Lange stated that it would be his interpretation that the letter from the Storey-Kenworthy Company is in effect a commitment not to charge for overrun exceeding 5% of the square yardage mentioned in the basic bid. He added that it was on that basis that the Decorating Committee had agreed to recommend to the Legislative Council the acceptance of the Storey-Kenworthy company's bid.

Senator Briles moved that the Council award the contract for purchase and installation of new carpeting in the chambers of the Senate and House of Representatives to Storey-Kenworthy Company on the basis of the bid submitted by them, with the understanding that payment for overrun in excess of the yardage specified in the basic bid be limited to a maximum of 5%. The motion was seconded by Senator Lamborn.

With the consent of Senators Briles and Lamborn, Representative Leroy Miller amended the motion to require that a carpet sample showing design, color, and quality of material to be used in the actual installation be submitted prior to the installation, and that the Council reserve the right to reject the sample and require changes in design or color to the extent and in the manner described by Mr. Charles Storey in his reply to Representative Varley's question at the special Council meeting of July 2, 1970, as reflected by the fourth paragraph of page 3 of the minutes of that meeting.

The amended motion was unanimously adopted.

Senator Frommelt noted that at the previous meeting the Legislative Council had directed Chairman Lange to write a letter to the Executive Council suggesting that the Executive Council proceed immediately with rewiring of the Capitol building. Senator Frommelt inquired what reply had been received from the Executive Council. Mr. Garrison stated that he had received a copy of a letter of reply addressed to Senator Lange and signed by W. C. Wellman as secretary of the Executive Council. A copy of Mr. Wellman's letter to Chairman Lange is attached to and by this reference made a part of these minutes. Council members requested that Mr. Wellman be asked to come to the present meeting to further discuss the matter.

Mr. Kendrick reported that the rewiring of the legislative chambers was to begin during the following week. In reply to a question from Speaker Harbor, Mr. Kendrick stated that entirely new wiring would be installed in both the House and Senate chambers, and that this is necessary because the present wiring is some forty years old. Mr. Kendrick added that the installation will be made by a different method, which will permit repairs and routine maintenance to be carried out in the future without the necessity of removing the carpet. Mr. Kendrick also reported briefly on other aspects of the redecoration of the legislative chambers.

There was a discussion of budgetary matters, with particular reference to the budget for the Legislative Service Bureau for the following biennium. Mr. Garrison stated that he would like to have two Council members, preferably a senator and a representative serving on the respective Appropriation Committees, designated to thoroughly review the Legislative Service Bureau budget and the reasons for all of the requests embodied therein.

Mr. Garrison pointed out that under present law, there are two basic methods of financing operations of interim study committees which are not subcommittees of standing committees. One method is to have per diem and expenses of study committee members paid directly from unappropriated money in the state general fund which is available to the General Assembly, while the other method is to pay per diem and expenses from money appropriated specifically to the Legislative Service Bureau. The latter method requires an attempt to estimate the number of study committees to be authorized in each of the next two interims, the number of committee members, and the number of meetings each such study committee will hold, and such an estimate is necessarily quite speculative. Mr. Garrison therefore requested the Council's guidance as to whether or not he should include an allowance for study committee expenses in the Legislative Service Bureau's budget for the 1971-73 biennium. Council members expressed general agreement that some attempt should be made to reflect anticipated expenditures for study committee member's per diem and travel during the coming biennium, despite the fact that any such estimate must be quite arbitrary, since the estimate helps to give the General Assembly a better idea of what it will actually cost to operate the Legislative Service Bureau and related bodies during the biennium.

Mr. Wellman arrived at the meeting at 11:05 a.m. He briefly reviewed the contents of the letter which he had addressed to Senator Lange. In reply to a question from Senator Rigler, Mr. Wellman expressed belief that the Executive Council could undertake the rewiring of the Capitol building pursuant to section 19.18 of the Code if it chose to do so. In reply to a further question from Senator Rigler, Mr. Wellman stated that he does not believe that the members of the Executive Council understood that such a procedure was what the Legislative Council had in mind when the Legislative Council's suggestion for immediate rewiring of the Capitol building was considered by the Executive Council.

In reply to a question by Representative Varley, Mr. Wellman stated that the "immediate improvements" suggested by the Brown Engineering Company pursuant to its July 1969 study of the wiring in the Capitol building had been made. (See attached letter from Mr. Wellman to Senator Lange, and incorporated letter from Superintendent of Buildings and Grounds William Gall. The more extensive suggested "major improvements", which it was then estimated would cost approximately \$75,000, were deferred by the Executive Council. In summary, Mr. Wellman added, efforts were made to correct critical and dangerous situations, but a general upgrading of the wiring in the Capitol building has not been undertaken nor contracted for to date.

There was further discussion of the Executive Council's power to undertake needed repairs of state buildings at the seat of government without the necessity of specific legislative appropriations for the purpose. At the conclusion of this discussion, it was agreed to try to arrange a meeting with any members of the Executive Council who were available during the afternoon session of the Legislative Council's present meeting.

Mr. Burks reported on progress in preparations for the 1971 legislative reapportionment and congressional redistricting. He also stated that some interest is being expressed by a few other states in the possibility of obtaining use of the package of computer programs being developed in Iowa for reapportionment and redistricting. Mr. Burks pointed out that these programs have been under development by the University of Iowa for the past several years, and that this is the first year that the General Assembly has invested directly in the development of the programs, as opposed to paying for the application of the programs to particular problems. It has been tentatively agreed to make these computer programs available to other states, with the understanding by all parties concerned, that arrangements will be such that work to be done for the Iowa General Assembly is not impeded and that the Iowa General Assembly is not placed in the position of subsidizing reapportionment or redistricting work in any other state.

In answer to questions, Mr. Burks stated that the work presently being done at Iowa City in connection with legislative reapportionment and congressional redistricting falls into two basic categories; further development of the necessary computer programs, and preparation of Iowa's specific data base. The Iowa data base would be of no value to any other state but the computer programs could be applied to comparable data developed by other states for their own use. Since the Iowa General Assembly has invested in further development of these programs this year, any proceeds realized by sale of the programs to other states will be shared with the General Assembly. This would be done by giving the General Assembly credit against computer work to be done in connection with reapportionment and redistricting after January 1, 1971.

In answer to further questions, Mr. Burks stated that it

does not appear that city block population statistics will be available in time for use in legislative reapportionment in Iowa in 1971, since the 1971 session must complete the reapportionment in order to satisfy the requirements of the state constitution and the city block population statistics are not expected to be available until late winter or early spring of 1971. The smallest population units which will be available for use in reapportionment are enumeration districts and block groups, which are intended to average around 800 population. In complying with Senate File 1111 of the Sixty-third General Assembly, which requires city precincts to be revised following the census, it is hoped that cities will draw their precinct boundaries along enumeration district and block group boundaries, so that these population statistics may be used directly in determining the population of the new precincts. In effect, counties will be the smallest population units which may be used in congressional re-districting since the state constitution still requires congressional districts to be drawn along county lines.

There was discussion of the request by Senator James Griffin and Representative Harold Fischer that the Council authorize further study of the proposed Uniform Commercial Credit Code during the interim prior to the 1971 session, which had been deferred by the Council at its previous meeting. Chairman Lange stated that it would be his recommendation that the Council allow the 1971 session to decide whether or not it wishes to study this matter further. Mr. Garrison commented that Oklahoma has recently adopted the UCCC, and has thereby obtained a waiver of certain provisions of the federal "truth-in-lending" law, and that it might be well for Iowa to observe Oklahoma's experience with this law for a year or so.

Senator Rigler expressed the view that the UCCC has merit, but said that he questions the need for another interim study of it. He pointed out that the special interim subcommittee headed by Representative Stanley Shepherd had studied the matter rather thoroughly during the 1969 interim, and had presented a report to the Council last December.

Chairman Lange stated he had just been informed that State Treasurer Maurice Baringer is the only member of the Executive Council who will be able to meet with the Legislative Council today. Governor Robert Ray had unexpectedly been hospitalized for surgery earlier in the day, Secretary of State Melvin Synhorst is out of the city, and Secretary of Agriculture L. B. Liddy and State Auditor Lloyd Smith have prior commitments.

The meeting was recessed at 11:50 a.m., and reconvened at 1:45 p.m. in the Speaker's Room, with all Council members present who had been present during the morning session except Senator O'Malley. Also present was consulting engineer Frank L. Pulley, who had presented his report on the feasibility of air conditioning the Senate and House chambers at the previous Council meeting.

Senator Neu stated that he had been informed during the

noon hour that the \$75,000 estimate for rewiring of the Capitol building, by the Brown Engineering Company in 1969, included approximately \$5,000 worth of work which is also included in Mr. Pulley's estimate of the cost of air conditioning the legislative chambers. Mr. Pulley stated that this is substantially correct, pointing out that he had included the cost of an oversize transformer and other equipment necessary to insure that sufficient power would be available to operate the air conditioning machinery.

Chairman Lange directed a number of questions to Mr. Pulley regarding the details of the proposed air conditioning installation. In particular, Chairman Lange expressed skepticism regarding the desirability of locating the air conditioning machinery in the attic of the Capitol building, however Mr. Pulley stated that this location appears most desirable on the basis of both practical and esthetic considerations.

State Treasurer Baringer and Mr. A. B. Claus of the Comptroller's office arrived at the meeting at 2 p.m. Mr. Baringer briefly reviewed the information regarding the condition of the wiring in the Capitol building which had been presented by Mr. Leonard Ryan at the Council's previous meeting (see minutes of July 8, pages 8 and 9) and the information covered in Mr. Wellman's letter to Chairman Lange attached to these minutes.

Mr. Claus stated that of the \$200,000 appropriated to the Superintendent of Buildings and Grounds by the First Session of the Sixty-third General Assembly in 1969 (chapter 23, 1969 Acts), some \$151,000 remains unspent at this time. Mr. Baringer explained that the question now is whether it is more important to replace the standby boiler, which provides heat to the Capitol complex when for any reasons natural gas becomes unavailable, or to rewire the Capitol building. Estimated cost of a new boiler is \$110,000 while the estimated cost of rewiring the Capitol is \$75,000; obviously the remainder of the 1969 appropriation of \$200,000 is not sufficient to do both.

In answer to questions Mr. Baringer stated that at certain times, particularly during prolonged periods of extremely cold weather, it is not possible for the local utility firm to provide enough natural gas to supply the heating demands of all its customers. At such times certain large consumers, including the Capitol complex, are asked to stop using gas and rely on standby equipment of other types for heating purposes. The standby boiler which is used for this purpose is in poor condition, and the state boiler inspector has recommended its replacement. Mr. Baringer added that he personally has some reservations about the immediacy of the need to replace this standby boiler. Several Council members expressed the view that if the standby boiler actually does fail during a period of extremely cold weather, it is unlikely that the utility company would be unwilling or unable to provide the state at least enough gas to heat the Capitol complex to the point necessary to prevent freezing and consequent damage to plumbing and other equipment. Mr. Baringer

stated he is inclined to agree with this point of view.

There was considerable discussion of the proper interpretation of section 19.18 and related provisions of the Code, the conditions under which a "contingency" may properly be considered to exist within the meaning of the law, and the extent of the Executive Council's discretion to undertake major maintenance and repair work not specifically authorized by the General Assembly. Mr. Baringer expressed the view that a contingency may not properly be said to exist in a situation where the General Assembly has considered a particular matter and refused to appropriate for it, or has not appropriated as much as was requested. In answer to a question, he stated that the threat of failure of a piece of equipment such as a standby boiler is not generally considered a contingency; the equipment must actually fail before a contingency will be considered to exist.

Senator Frommelt pointed out that the General Assembly chambers are to be rewired this year, and asked if the power entrance wiring for the building is sufficient to handle the new wiring. Mr. Baringer replied that he is unable to answer this question, but that the entrance was not considered adequate for new wiring in the General Assembly chambers when they were redecorated in 1964, and that for this reason rewiring was not undertaken at that time. In answer to a further question, he stated that it would be his position that no contingency presently exists with respect to the rewiring of the Capitol building.

After further discussion, Senator Neu moved that the Legislative Council request the Executive Council to proceed to rewire the Capitol building with funds from the appropriation made by chapter 23 of the Acts of the Sixty-third General Assembly, First Session, and replace the standby boiler in the Capitol heating system on a contingency basis if and when this actually becomes necessary. The motion was seconded by Representative Sorg and unanimously adopted. Mr. Baringer agreed to present the Legislative Council's thinking on the matter to the other members of the Executive Council.

Lieutenant Governor Jepsen pointed out that the walls of the legislative chambers are being washed by a commercial firm in connection with the present refurbishing, and inquired why this work is not being done by the regular staff of the Department of Buildings and Grounds. Treasurer Barringer replied that the Buildings and Grounds Department is short staffed, but he also stated that the Buildings and Grounds people do not ordinarily perform such work in locations which require the use of high scaffolding, such as the upper walls and ceilings of the legislative chambers.

Mr. Baringer stated that he would like to take this opportunity to discuss with the Legislative Council the long-term space problems in the Capitol complex. He briefly reviewed the occupancy of the various buildings which have been acquired in connection with the recent Capitol grounds expansion, and suggested that there will be a need for another new state office building within ten

years at most, and quite possibly sooner. One reason for this is the likelihood that the General Assembly will want additional office space in the present Capitol building within the next few years.

Senator Lamborn asked Mr. Baringer for his views regarding the feasibility of underground office space. Treasurer Baringer stated he believes it is quite possible to develop either parking facilities or office space, or both, below ground level in and around the present Capitol complex, and to landscape above such facilities so that the overall effect will be quite pleasing esthetically.

Chairman Lange expressed appreciation to Mr. Baringer and Mr. Claus for the information they had presented. They then left the meeting.

Chairman Lange stated that it had been hoped that Secretary of the Senate Carroll Lane could be present at this meeting to report on the progress of remodeling of the Senate Chamber, however weather had prevented him from flying to Des Moines as he had planned. A brief summary of his report had therefore been prepared by Mr. Lane's staff. Copies of the summary were distributed to Council members. A copy is attached to and by this reference made a part of these minutes.

With respect to the washing of the walls of the legislative chambers, Mr. Kendrick stated that the cost for the House Chamber would be somewhat greater than the \$2500 estimated for the Senate Chamber because some ceiling repair is necessary in the House Chamber. Noting that item 5 of the summary progress report on the Senate Chamber indicates that Mr. Lane had intended to make a decision on the present date regarding washing of the Senate walls, Lieutenant Governor Jepsen suggested that the Keller paint firm, which is now at work in the House Chamber, be directed to undertake the washing of the walls in the Senate Chamber and to perform any maintenance necessary on the art work on the ceiling of the Senate Chamber.

Mr. Kendrick presented the proposed new seating chart for the House of Representatives. He also briefly described the intended new seating arrangement in the Senate.

Chairman Lange announced that the full membership of the four new interim committees authorized by the Council at its previous meeting will be as follows:

Building Code Study Committee:

Senator James W. Griffin, Sr.  
Senator James F. Schaben  
Senator Dean Arbuckle  
Representative John Camp  
Representative Murray C. Lawson  
Representative D. Vincent Mayberry

Employment Practices Study Committee:

Senator Floyd Gilley



Senator Francis L. Messerly  
Senator William D. Palmer  
Representative C. Raymond Fisher  
Representative Edgar J. Koch  
Representative John E. Tapscott

Medicaid Study Committee:

Senator Earl G. Bass  
Senator Clifton C. Lamborn  
Senator George E. O'Malley  
Representative A. June Franklin  
Representative Joan Lipsky  
Representative Clair Strand

Metropolitan Planning Study Committee:

Senator Lucas J. DeKoster  
Senator W. R. Rabedeaux  
Senator Gene W. Glenn  
Representative Leonard C. Andersen  
Representative Michael K. Kennedy  
Representative George F. Milligan

It was agreed that the next meeting of the Legislative Council will be held at 10 a.m. Wednesday, September 9. Speaker Harbor stated that a meeting of the Council's Procedures and Facilities Committee will be held on Tuesday, September 8.

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

PHILIP E. BURKS  
Senior Research Analyst