

BUDGET TWO OFFICE BUILDINGS

	<u>Office Bldg.</u>	<u>Wallace Bldg.</u>
General Contract	\$ 6,641,550.00	\$ 6,505,000.00
Mechanical Contract	1,133,700.00	1,702,200.00
Electrical Contract	<u>1,263,730.00</u>	<u>593,316.00</u>
	8,858,980.00	8,800,516.00
Building Automation	491,000.00	456,000.00
Landscaping	100,000.00	75,000.00
Emergency Generator	500,000.00	
E.O.C. Well	12,000.00	
Fees	509,347.00	500,000.00
Lab Case Work		300,000.00
Screens	180,000.00	120,000.00
Art Work	65,000.00	65,000.00
Contingency 2%	<u>209,726.00</u>	<u>200,000.00</u>
	<u>\$ 10,926,053.00</u>	<u>\$ 10,516,516.00</u>
Appropriation	23,300,000.00	
Budget	<u>(21,442,569.00)</u>	
	<u>\$ 1,857,431.00</u>	
Sprinkle 5 Floors	220,000.00	
Additional Floor	1,500,000.00	
Additional Fees (Arch)	<u>75,000.00</u>	
	1,795,000.00	
Est. Federal Funds for Civil Defense E.O.C.	<u>250,000.00</u>	
	<u>1,545,000.00</u>	
	\$ 1,857,431.00	
	<u>(1,545,000.00)</u>	
	<u>\$ 312,431.00</u>	

Report of the Administration Committee of the Legislative Council
submitted to the Legislative Council meeting on October 15, 1975.

The Administration Committee met on October 14, 1975 in Gallery West. It considered the question of air conditioning of the legislative lounges, space needs of the legislative branch, the distribution of documents for the Legislative Service Bureau and other legislative agencies, and the establishment of appeal procedures for discharged legislative employees. The Administration Committee is submitting a policy statement for the distribution of legislative documents which is attached to this report. It will make a report pertaining to appeal procedures for discharged legislative employees at the next meeting of the Legislative Council. In regard to air conditioning of the legislative lounges and the allocation of space for the General Assembly, the Administration Committee makes the following recommendations:

1. That the Legislative Council request Mr. Stanley McCausland, director of the Department of General Services, to develop plans for a complete air conditioning of the capitol building including all present and future legislative areas, such plans to be paid from funds available to the Division of Buildings and Grounds, the Department of General Services, or if such funds are insufficient, the legislative branch of Government for those areas which are or will be legislative space.
2. That a plan should be developed by the fall of 1976 which will determine what action should be taken in regard to the vacating of the capitol building by agencies which may be affected.
3. That the Legislative Council consider the question of the establishment of a fifth floor on the proposed new state office building.
4. That at the time of completion of the new state office building all space that becomes available, except that occupied and dedicated for the use of the Governor's office and the Supreme Court, be dedicated to

the legislative branch of government.

5. That, subject to review of statutory authority, when the Legislative Council is not organized an executive committee composed of the persons who serve on the Council by virtue of their legislative positions be authorized to act in lieu of the Council. This recommendation is made in order to establish a procedure which might be used in regard to an appeal of discharged legislative employees or which might be used for the consideration of policy questions affecting legislative agencies under the jurisdiction of the Council. It is recognized that early organization of the Legislative Council during the legislative session held in the odd-numbered year is a worthy goal but sometimes impractical. This recommendation may be subject to review at the next meeting of the Administration Committee depending upon the results of research in regard to the question of appeals of employees subject to the Collective Bargaining Act.

Respectfully submitted,

Speaker of the House Dale Cochran
Chairman

STATEMENT OF POLICY

Dissemination of Printed Material

In order to enhance understanding and knowledge about the Iowa General Assembly and the legislative process in Iowa, the Legislative Service Bureau, Legislative Fiscal Bureau, and the staffs of the House and Senate should make available printed material for use and study by the public. However, in making such printed material available the prime function of these agencies, that of providing legislative services to Iowa legislators, should not be inhibited. Thus during peak periods of legislative activity the mailing, reproducing, and dissemination of printed material such as notices of meetings, minutes, research reports, bill drafts, summaries, and similar material may have to be delayed or limited in order to meet priority legislative business. In lieu of disseminating minutes and other material which may be voluminous, summaries of proceedings may first be made available.

In regard to limiting the dissemination of printed material, consideration should be given to staff time involved, cost, present work load, and similar factors. In no way should the availability of printed material be terminated.

R E P O R T

of the

SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL

October 15, 1975

The Service Committee met on this date, immediately prior to the meeting of the Legislative Council.

The proposed revision of the Legislative Council's statement of policy for the Service Bureau was reviewed. Two very minor corrective revisions were requested. When these have been made, a copy of the proposed statement will be mailed to each member of the Council for review prior to the November meeting, at which time the Service Committee proposes that the Council take action on the matter.

Citizens' Aide Tom Mayer appeared in regard to employment of an individual to fill the position of Specialist for Indian Affairs, previously authorized by the Council. A recommendation was made by Mr. Mayer, and the Service Committee does not oppose the recommendation. However, it is believed that the selection is one of particular importance since the failure of the initial appointee to relate well to Indians living in Iowa would make it quite difficult for any successor to achieve the kind of rapport necessary to carry out the intent of the authorizing legislation. For this reason, the Service Committee has asked Mr. Mayer to obtain additional information regarding the applicants.

Respectfully submitted,

MINNETTE F. DODERER

Chairperson

REPORT OF
LEGISLATIVE FISCAL COMMITTEE
TO
LEGISLATIVE COUNCIL
OCTOBER 15, 1975

The Legislative Fiscal Committee met in the Legislative Fiscal Bureau Conference Room on Tuesday, October 14, 1975, at 1:15 p.m. All members were present except Senators Nystrom and Van Gilst.

Reports were received from the Visitation Committees as follows:

EDUCATION

The committee has visited four private colleges; Drake, Loras, Clarke, and the University of Dubuque. Three main topics of concern to the private college sector are:

1. The grants to part-time or half-time students. The possibility of a separate appropriation for this group of students was discussed at the schools.
2. The need for early appropriations so that the students may be notified of their acceptance.
3. An early date for enrollment cutoff, possibly January 18, or the middle of June for the second cutoff date.

Two A.E.A.'s were visited, Area XIII and Area IX. The \$8.00 limit placed on media services poses problems, especially in replacing and the purchase of new media materials. Special education services are currently being provided.

At the meeting at the Iowa School for the Deaf, the committee toured the food service operation of the school which comprises four floors of the administration building. They also noted that pieces of stone had fallen from the roof area of the administration building.

The committee, on their visit to the Area IX Community College, noted a lack of space as a major problem.

HUMAN RESOURCES

A Public Meeting was held by the committee on September 19, 1975, on Title XX. The minutes of this meeting are on file in the Legislative Fiscal Director's Office. Representative Cusack, cochairman of the visitation committee, mentioned that the Department of Social Services has adjusted their accounting procedures, and the committee has been appointed to oversee the development of the second year of the Title XX Plan. At a meeting on September 24, 1975, the committee met to receive the report on the Aid to Dependent Children Standard of Need Report. The committee recommended acceptance of the contract proposal for the second phase of the study.

After discussion of various aspects of the study, Senator Willits moved that the Fiscal Committee recommend to the Legislative Council for its approval the contract for Comprehensive Development of a Standard of Need for Iowa ADC Recipients, costing \$64,898, to be completed in November, 1976 by Iowa State University. Senator De Koster seconded the motion which passed unanimously.

STATE DEPARTMENTS

The committee visited Montauk, Historical Governor Larrabee Home, in Clermont, Iowa. This home may be given to the state as an historical site. The property has been well maintained, and is furnished with the original furnishings.

NATURAL RESOURCES

On October 1, 1975, the committee meet at Lake Rathbun where they toured the water station, fish hatchery, and Honey Creek State Park. That evening a public meeting was held in Mt. Pleasant concerning the operation of the Corps of Engineer projects at Coralville and Red Rock. The minutes of this meeting are on file in the office of the Legislative Fiscal Director.

On October 2, 1975, the committee visited the town of Wapello. Located on the Iowa River, the town has experienced, through the years, the erosion of the river bank into the town proper. The town, wanting to bring its problem to the attention of the state, was most appreciative of the committee's visit.

Senator Junkins, cochairman of the committee, appeared to request an extra day of visitation time. This would be used in the visitation to southwest Iowa. The request was granted.

TRANSPORTATION AND LAW ENFORCEMENT

The committee, with visiting five modes of transportation in mind, met in Cedar Rapids and Dubuque, October 6, 7, and 8. Air transportation was visited in Cedar Rapids and Iowa City. Mass transit--Cedar Rapids and Cambus in Iowa City. Rail transportation--switch yard, branch line improvement and abandonment in Cedar Rapids. River transportation--Lock No. 11 in Dubuque. Road projects--county, primary, interstate and city, both cities. The Thru-Put terminal facility, which brings together rail, river and road transportation, was toured. There was also an inspection of the commercial dock facilities and a visit to the proposed City Island Bridge location.

M E M O R A N D U M

Re: Reply of Director of Revenue Gerald Bair to letter of inquiry relating to authority to charge a new fee (\$25.00) for gambling in addition to the old fee (\$10.00) without refund or credit (see attached).

Based upon the advice of the attorney general issued in an administrative opinion, the department concluded that the new gambling legislation provides for a new fee and provides for new or different authority. It should be noted that if the governor had signed this bill prior to July 1 there would have only been the \$25 fee, since the \$10 fee would have been repealed. However, since the governor did not sign the bill until after July 1, the \$10 fee was in effect until August 15.

The department of revenue noted that no provision was made in the law for a refund. This is true and resulted because the legislature anticipated that the law would be in effect on July 1. The department of revenue also states that it is legislatively permissible to impose a fee in addition to another fee. This is also true, although probably not the intent because the legislature was relying on a July 1 effective date.

The department of revenue also notes that the general savings clause in section 4.13 of the Code is probably not applicable because of the changes made by the legislature. This point appears to be meritorius.

The department of revenue is of the opinion that the interpretation of the gambling law is not a rule and thus not subject to chapter 17A. This point is argumentative since the rule is of general applicability to all persons who purchased a \$10 gambling license between July 1 and August 15. The time problem that is raised by the department could have been overcome by issuing an emergency rule. If this had been done the Administrative Rules Committee would have been aware of the rule and could have requested the department to appear before it. Thus legislative in-put would have been available.

In summary it appears the department of revenue did base its decisions upon a review of law and the interpretation of law prior to making its decision. It did rely on advice of the attorney general. While there may be some disagreement with the interpretation of the department as to whether such a decision is a rule within the Administrative Procedures Act, the action taken by the department does not appear to be arbitrary.

Legislative Service Bureau



STATE OF IOWA
DEPARTMENT OF REVENUE

GERALD D. BAIR
Director

LUCAS STATE OFFICE BUILDING
DES MOINES, IOWA 50319

October 9, 1975

Mr. Serge H. Garrison
Director
Iowa Legislative Service Bureau
State House
Des Moines, Iowa
L O C A L

Dear Mr. Garrison:

This is in response to your letter dated October 1, 1975. The Department of Revenue feels it is justified in collecting \$15 or \$25 as the statute requires for all gambling permits issued after August 15, 1975 and in not issuing refunds for permits in effect but granted prior to August 15, 1975. We were so advised by the Attorney General's office in an administrative opinion. The Department's position is that of close adherence to the dictates of the legislature. The new gambling law requires that the Department collect a new fee and makes no provision for refunds of the previous \$10 fee. Therefore, the Department has no authority to order the Comptroller to issue warrants to refund state moneys. If the legislature had intended that refunds be made, we feel safe in assuming it would have so provided by law. The general rule of law has been stated as follows:

"A franchise tax may be amended by the legislature; and the fact that the franchise tax under the prior statute had already been paid does not preclude the state from collecting an additional franchise tax under the amended statute; nor does the fact that the amendment increasing the tax was enacted after the tax under the prior statutes had been paid for that year render such amendment retroactive or an expostfacto law." 84 C.J.S. "Statutes", §134, pages 262-263.

Therefore, the Department's position is supported by the foregoing general rule of law as well as by statutory mandate of the legislature and the advice of the Attorney General's office.

Mr. Serge H. Garrison

Page Two

October 9, 1975

Your letter makes reference to §4.13, Code of Iowa, 1975. If §4.13 were read literally, there would be virtually no new legislation; all amendments would be ineffective in changing prior laws. The business of gambling is not a right or a privilege; it is a legislative monitored activity permitted by the state in the exercise of its police power. Thus, §4.13 does not preserve any of the provisions of the old gambling law relating to the effectiveness of the previous \$10 permit. A reasonable interpretation of §4.13 is that it applies in the absence of express legislative provisions. In our case the legislature was quite explicit in repealing the old law and designing a new scheme of gambling legislation. There is nothing left for the savings statute to save.

In your letter you state:

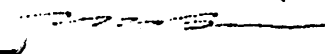
"Thus it is the viewpoint of some persons that if a license had been purchased prior to the effective date of the new statute, that license should be valid for the purpose for which issued until it expired."

If this were correct, then it logically follows that the holders of the previous \$10 permits can conduct gambling as provided under the old law. (Such a situation would present utter chaos to the state's enforcement officers.) The new gambling law has different provisions for gambling than existed under the old law. Therefore, a new license is required. This would be in line with the constitutional intent of all legislation to treat everyone equal.

You suggest that some legislators were of the opinion that our decisions should have been submitted to the Administrative Rules Committee. First, there is no requirement that a proposed rule be submitted to the Administrative Rules Committee. Second, the new Iowa Administrative Procedure Act (and the Administrative Rules Committee created thereunder) did not become effective until July 1, 1975. If a new rule were promulgated on this question as simply as possible, it would have taken a minimum of seventy days, §§17A.4 (1) (a) and 17A.5 (2). The rule would not have become effective until about September 10, 1975, whereas the new gambling law became effective August 15, 1975. Third, and more importantly, the Department feels that any rules it makes should be of general applicability and future effect. Our decision related to only one event - the transition from the old to the new gambling law. This is a "one-shot deal" and not the kind of situations for which rules were intended.

I hope the foregoing discussion of the Department's position satisfactorily responds to your questions.

Sincerely,


G. D. Bair, Director
Iowa Department of Revenue

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October 1, 1975

Mr. Gerald D. Bair
Director
Revenue Department
LUCAS BUILDING

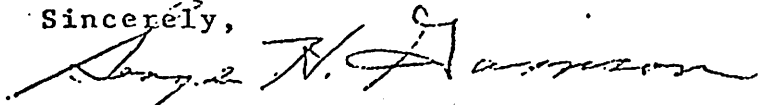
Dear Mr. Bair:

The Legislative Council at its meeting of September 17, 1975 asked that I direct a letter of inquiry to you concerning the fee being charged for gambling permits. Specifically, the Council would like to know on what legal basis it has been determined by the Department of Revenue that persons who had acquired a gambling license for the \$10.00 fee prior to the effective date of the new legislation which raised the fee to \$25.00, would be required to pay the additional \$25.00 making a total of \$35.00 for a current gambling license. The Council noted that section 4.13 of the Code of Iowa provides that the amendment of the statute does not affect any right previously acquired thereunder. Thus it is the viewpoint of some persons that if a license had been purchased prior to the effective date of the new statute, that license should be valid for the purposes for which issued until it expired.

In addition it was noted that no refund or credit had been made in regard to the \$10.00 fee. Furthermore some legislators were of the opinion that the decision to charge the \$25.00 in addition to the \$10.00, should have been submitted to the Administrative Rules Committee.

The Council will be meeting on October 15, 1975 and your reply to this inquiry by that time would be appreciated.

Sincerely,



SERGE H. GARRISON
Director

SHG:MA

cc: Speaker Dale M. Cochran