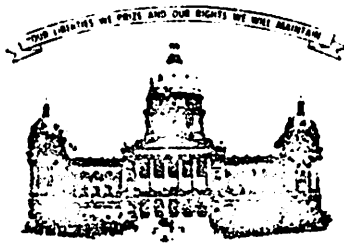


JOHN E. PATCHETT
STATE REPRESENTATIVE
Twenty-Fifth District

HOME ADDRESS
Box 190
NORTH LIBERTY, IOWA 52317
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House of Representatives

STATE OF IOWA
Sixty-Sixth General Assembly
STATE HOUSE
Des Moines, Iowa 50319

COMMITTEES

EDUCATION, *Chairman*
STATE GOVERNMENT
APPROPRIATIONS
JOINT INTERN, *Chairman*

TO: Members of the Legislative Council
FROM: Joint Legislative Intern Committee
RE: Proposed Legislative Intern Program, 1976 Session

In accordance with the motion adopted at your last meeting, the Joint Intern Committee met and revised its program for the 1976 Session. The Committee attempted to proceed in a manner so as to specifically address itself to a number of concerns expressed by Council members. We on the Committee hope we have developed a proposal that will meet with your approval at this time.

Forty-five student applications have been received by the Intern Committee thus far this year for participation in the intern program during the 1976 Session. Only fifteen of those represent truly full-time interns - that is, interns who will be working in and around the State House forty hours per week. Of the remaining thirty, four of those will participate in the program only from January 5 through January 30 and have tentatively been assigned to the House and Senate staffs.

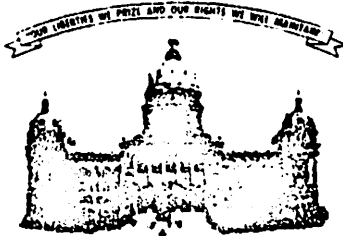
The Joint Legislative Intern Committee requests that the Legislative Council authorize the reimbursement of mileage incurred by interns returning to their campuses during the session up to an amount of \$3000. Each full-time intern, as defined by the Committee, would be allowed one round trip for each month he/she serves in the Legislature, up to a total of four trips for the Session. Interns must return periodically to their campuses for conferences with

supervising faculty and other advisors. This is the only financial request submitted by the Committee.

Intern Committee members - legislators, staff, and faculty alike - feel very strongly that access to the floor is an integral part of the intern program. If limited unreasonably, a large portion of the experience associated with the program will be denied interns. The Committee has again gone on record as favoring continued intern access to the floor of each house. The Committee does recognize that there are logistical problems with respect to floor access, however we do not feel allowing continued floor access to interns will contribute significantly to these problems. First of all, due to the low number of full-time interns, and the corresponding high number of part-time interns in the program this year, at the most an average of only three or four interns would likely be on the floors of both houses combined at any one time. Therefore, the Committee feels that such a number would not really contribute to the congestion problem. By its very nature, most of the interns' work will take place off the floors of the houses. The Committee will suggest to legislators supervising interns and the interns themselves that lengthy conversations between them take place off the House and Senate floors. If problems of congestion do occur, the Committee would recommend that legislators consider an amendment to the rules, limiting the number of people at each member's desk at any one time.

Speaking for the members of the Joint Legislative Intern Committee, I hope that this program will meet with your approval. We believe it is a good, well balanced program that will provide substantial benefits to the Iowa General Assembly as well as to those students fortunate enough to be a part of it.

David Frost
~~XXXXXXXXXXXX~~
Senate Legal Counsel



TELEPHONE
(515) 281-5543

The Senate

STATE OF IOWA

State House

Des Moines, Iowa 50319

December 18, 1975

M E M O R A N D U M

TO: Members of the Legislative Council

FROM: House and Senate Legal Counsel

RE: Report on District Court Judgment in
Turner v. Ray and Selden

On July 22, 1975, the House and Senate Legal Counsel submitted to the Legislative Council a memorandum concerning the case of Turner v. Ray and Selden. Disputed in this case were the desire of the Attorney General to purchase an airplane for his department and the refusal of the Governor and the Comptroller to issue a warrant for \$58,627.00, the sum necessary for such a purchase. The Attorney General intended that the airplane purchase would be made from unspent appropriations allocated to the Department of Justice by the General Assembly. Accordingly, the Attorney General, acting on his own behalf, asked the Polk County District Court to compel the Governor and the Comptroller to issue the aforementioned warrant and to declare that Governor Ray and Comptroller Selden acted improperly by withholding the issuance of the warrant.

In their memorandum, Counsel raised three substantive issues determined to be germane to the suit. Those are:

1. Whether the Comptroller possesses the power to control the use of an appropriation to a department by the mere refusal to issue requested warrants.

2. How broad of a use may a department make of an appropriation made by the General Assembly.

3. Whether a department may refuse to expend an appropriation made by the General Assembly.

Respectively, the Court found that:

1. The Governor and Comptroller, "under the record in this case have lawfully exercised their discretion in refusing to issue the warrant for the purchase" of the airplane, p. 12.

2. The Attorney General may not make a purchase of capital equipment, i.e., an airplane, with funds from an unspent appropriation when the Legislature has expressed its intent to the contrary, pp. 5-7.

3. (This issue was not raised by the disputants nor was it dealt with by the Court.)

In their oral presentation to the Council it was indicated that the procedural issue of whether the Attorney General could sue the Governor might be raised in the suit. The Court found that the Attorney General did not have the requisite legal 'standing' necessary to sue the Governor and the Comptroller. Specifically, the Court found that the Attorney General did "not have either statutory or common-law powers to maintain this suit under the facts of this case and that the petition of the Plaintiff should be dismissed." p. 12

Hence, the District Court decided this case against the Attorney General, both procedurally and substantively. Procedurally, the Attorney General could not sue the Governor and the Comptroller. Substantively, the Attorney General could not spend an unspent appropriation in the manner intended and the Defendants acted lawfully by refusing to issue a warrant for the airplane purchase.

If members of the Legislative Council wish to discuss this case further, Counsel will take it up with them at their convenience. Copies of the Court's opinion are available should any member of the Council desire to review it.

David B. Frost
Senate Legal Counsel

Dan Dudley
House Legal Counsel



UNIVERSITY OF NORTHERN IOWA · Cedar Falls, Iowa 50613

Department of School Administration
and Personnel Services
AREA 319 273-2605

Education Center 530
November 12, 1975

Legislative Service Bureau
State Capitol Building
Des Moines, Iowa 50319

Dear Sir:

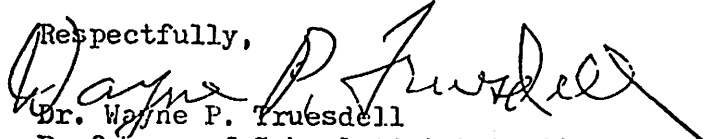
On October 20 I appeared before the Property Tax Study Committee. Previous to my appearance I received a letter asking that I appear to present the research I had been doing on assessment changes. This I interpreted as a request for professional services.

There is no way that I can be compensated for such services through the University, or by any organization. I represent no organization as a lobbyist. Any work I have done, any materials I have prepared, and travel involved, has always been a personal expense.

Therefore, I am submitting the following statement of services and expenses for the October 20 appearance.

Professional Consulting Services	\$75.00
Travel to Des Moines-- 216 miles @ 15¢	32.40
Materials handed out to the Committee 18 sets @ \$4.00	72.00
TOTAL	\$ 179.40

I have given much thought in presenting this statement. I have spent many hours, and prepared much material for the Legislature. It included much work on the 1971 law without compensation. I have appeared before Legislative Committees every year and handed out material prepared at my expense. I now see the School Finance Committee of the Legislature completely ignoring those of us in Iowa who have the data, and paying some \$70,000(?) to get outsiders to come in and go out and try to gather the information that several of us already have.

Respectfully,

Dr. Wayne P. Truesdell
Professor of School Administration