

A-G-R-E-E-M-E-N-T

WHEREAS, certain offices, rooms and space in the State Capitol Building within the State Capitol Complex have or will become vacant; and

WHEREAS, the Legislative Council has determined that certain of these offices, rooms, and space are needed by the General Assembly to enable it to properly discharge its Legislative function under the Constitution of the State of Iowa; and

WHEREAS, the Supreme Court of Iowa has determined that the Iowa Court of Appeals needs some of these same offices, rooms, and space in order for the Judiciary to properly discharge its Judiciary function under the Constitution of the State of Iowa; and

WHEREAS, the Director of General Services would like to accomodate both branches of government; and

WHEREAS, the Treasurer of State has agreed to participate herein in order to achieve an amicable solution to this problem:

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Iowa Court of Appeals shall be quartered in and the Judicial Branch of Government shall have control of the offices, rooms, and space vacated by the Iowa Department of Agriculture upon the ground and first floor of the Capitol Building except that the Legislature shall have the use of the two large rooms at the Northeast corner of the first floor, as committee meeting rooms, until such time as comparable space is vacated upon the first and ground floor, control given thereof to the General Assembly, and made ready for use as committee meeting rooms. The use of the two rooms or space by the Legislature at the Northeast corner of the Capitol Building shall conform to the following:

a. The Legislature shall have first choice of use of these rooms or space during the 1978 Legislative session and until comparable space is available.

b. The Legislative Council shall approve a schedule of committee meetings for these rooms or space and provide a copy thereof to the Administrator of the Supreme Court. The Legislature shall, as far as practical, adhere to this schedule. If a change is made, the Administrator of the Supreme Court shall be notified as soon as such change is known.

c. After a Legislative session has adjourned and interim committees begin, the Legislature may still utilize these rooms or space for committee meetings as long as such use does not conflict with the use of the Iowa Court of Appeals. The Administrator of the Supreme Court shall notify the Legislative Council of the use to be made of these rooms by the Court and the days in which these rooms may be used for interim committee meetings by the Legislature.

d. The Court, during this time shall be permitted to commence to refurbish and furnish these quarters for its ultimate use by placing book shelves and books therein, other items of furniture, and redecorating that does not conflict with the Legislative use.

e. It is recognized that Court sessions will be held in the general area of these rooms or space for, at least, two weeks out of each month. Therefore, when these rooms are being used by the Legislature, the Legislators should move to and from these rooms as quickly and quietly as possible. No lobbying shall be permitted in the halls adjacent to these rooms.

2. Comparable space within the meaning of paragraph one (1) is the offices, rooms, and space presently occupied by the Attorney General's staff on the South side of the East entrance to the State Capitol Building, the present personal

office of the State Treasurer adjacent thereto, and the space described in paragraph three (3). It is recognized that the Treasurer has indicated a willingness to vacate this office of his own free will and accord to the General Assembly upon certain express representations and warranties made to him by the Legislative Council as to the use to be made of his personal office. These express representations and warranties are: (1) that his office will be added to the adjacent space presently being utilized by the Attorney General's staff to create a large legislative meeting room that will be utilized by large legislative committees meeting individually or jointly with the public; (2) this space will be maintained and used as a legislative committee room and it will not be utilized to accomodate staff of the General Assembly for offices; (3) it will be restored to its original condition of (circa) 1900 and so maintained to include high ceilings, wall decor, and in all other ways similar to its 1900 condition except for seats, tables, etc, needed for its use as a Legislative (public) committee room; and (4) when it is not being so utilized by the General Assembly, it may be used for meetings by other agencies of state government. The Legislative Council does hereby make these express representations and warranties to the State Treasurer.

3. In addition to the space in paragraph two (2), the space presently occupied by the Attorney General and some staff of the Attorney General on the North side of the East entrance to the State Capitol Building shall be under the control of and utilized by the General Assembly as it becomes available with the ultimate goal that it also be utilized for Legislative Committee purposes with the individual offices utilized to accomodate appropriate staff members of the General Assembly. It is recognized that the Attorney General may not desire to vacate all or any part of this North side space. If these offices and space are not vacated by the Attorney General during the calendar year 1978, the Director of General Services

shall make available a temporary Legislative Committee Meeting Room sufficient to accommodate a committee of twenty to twenty-five individuals out of the space being vacated by the Secretary of State on the North side of the West entrance to the Ground floor. If and when the space presently being utilized by the Attorney General on the North side of the East entrance is vacated and control thereof passes to the Legislature, the Legislature will cease the use of this temporary committee meeting room on the Ground floor. When this committee room is not being utilized by the General Assembly, it may be used by other agencies of state government for meeting purposes.

4. It is expressly understood that the Legislative Council recognizes that the Attorney General has taken the position that neither the Legislative or Executive Branch of government can force him, against his will, to vacate his present office space on the North side of the East entrance on the First floor that he presently has in the State Capitol Building. The Legislative Council, by paragraph three (3), does not imply that it is attempting to force or coerce the Attorney General in any manner or way. It is simply a recognition that if and when this space is vacated by him, it is to be utilized for Legislative purposes.

5. At the time the criteria in paragraphs two (2) and three (3) are met, the Legislature will cease its temporary use of the space of the Iowa Court of Appeals as stated in paragraph one (1) and the same shall, at that time, be under the full control of the Judicial Branch of Government.

6. The Legislative Council does decline, when vacated, the use of rooms, offices and space presently occupied by the Corporation Section of the Secretary of State's Office, except as noted in paragraph three (3), and the same may be utilized by the Supreme Court and Director of General Services to alleviate other space problems within the State Capitol Building.

7. When the Treasurer of State vacates his personal office to the Legislature, he may need additional space for the accommodation of one of the divisions or units of his office. The office and space on the ground floor directly under the present Treasurer's

office (now denoted as Room 16) shall be the preferred replacement space, if and when it becomes available. Until this occurs, the Director of General Services shall do everything possible to accommodate the State Treasurer and find for the Treasurer's use the necessary space.

8. To the extent that the Supreme Court has and is participating in this matter, it is recognized that such participation is not to be and cannot be construed to be any opinion or decision of that Court upon any legal or constitutional questions affecting the right or power of the Legislative Branch, Judicial Branch, or Executive Branch to accomplish what has been done here.

9. Adequate space within the State Capitol Building within the State Capitol Complex and utilization of that space while preserving the historical value of that building remains a problem. The agencies of the separate branches of government presently within the State Capitol Building will continue to need more space in the future in order to discharge their governmental responsibilities. Therefore, the appropriate committees of both Houses of the General Assembly in conjunction with the Capitol Planning Commission and Director of General Services are urged to plan for this needed expansion by an underground addition or additions to the State Capitol Building in such a manner that the Capitol's architectural beauty and appearance is not diminished and this heritage of all Iowans is preserved.

10. The Legislative Council is, by this agreement, discharging what it has determined to be its responsibilities in the best interests of the General Assembly. It has made no commitments to the other branches of government except those herein contained. Any appropriation needed as a consequence of this resolution is expressly reserved for the judgment of the General Assembly.

IN WITNESS THEREOF THIS AGREEMENT IS APPROVED BY:

A. RESOLUTION OF THE LEGISLATIVE COUNCIL passed on the _____ day of _____ 1978, a copy thereof is attached hereto and by this reference incorporated herein.

B. ORDER OF THE SUPREME COURT entered on the _____ day of _____ 1978, a copy thereof is attached hereto and by this reference incorporated herein.

C. MEMORANDUM OF ASSIGNMENT ISSUED BY THE DIRECTOR OF GENERAL SERVICES issued on the _____ day of _____ 1978, a copy thereof is attached hereto and by this reference incorporated herein.

D. APPROVAL OF THE TREASURER OF STATE entered on this _____ day of _____ 1978.

MAURICE BARINGER, Treasurer