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IOWA LEGISLATIVE SERVICE BUREAU

STATE HOUSE
DES MOINES, IOWA 50319
TELEPHONE 515/281-3566
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October 14, 1977

Mr. Stanley L. McCausland
Director
Department of General Services
I O C A L

Dear Mr. McCausland:

I write in reference to the discussions which have been held between Chief Justice C. Edwin Moore, Treasurer of State Maurice Baringer, you and myself in regard to the future allocation of the space in the Capitol Building which is to be vacated by the Department of Agriculture. I note with interest the report in this morning's edition of The Des Moines Register that indicates you have stated you intend to use your statutory authority to resolve the matter.

I presume, if the Register article accurately reports your views, that you intend to proceed under section 18.8, unnumbered paragraph 5, Code of Iowa (1977), which states:

"The director shall assign office space in the capitol building, other state buildings, except the buildings and grounds referred to in section 601B.6, subsection 9, and elsewhere in the city of Des Moines, for all executive and judicial state agencies. Assignments may be changed at any time. The various officers to whom rooms have been so assigned may control the same while the assignment to them is in force. Official apartments shall be used only for the purpose of conducting the business of the state. The term "capitol" or "capitol building" as used in the Code shall be descriptive of all buildings upon the capitol grounds. The assignment and use of physical facilities for the general assembly shall be pursuant to section 2.43." (emphasis added)

I call your particular attention to the last sentence of the foregoing paragraph, and to the first and second unnumbered paragraphs of section 2.43 of the Code which read:

"The legislative council in co-operation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council may

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r. Stanley L. McCausland

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assign areas in the state capitol or other state buildings, in consultation with the director of the department of general services and the capitol planning commission, for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government.

In carrying out its duties under this section, the legislative council shall consult with the director of the department of general services and the capitol planning commission, but shall not be bound by any decision of the director in respect to the responsibilities and duties provided for in this section. The legislative council may direct the director of the department of general services or other state employees to carry out its directives in regard to the physical facilities of the general assembly, or may employ other personnel to carry out such functions." (emphasis added)

From these statutes it is our conclusion that you do not have authority to assign space in the Capitol Building to executive and judicial agencies in contravention of decisions of the Legislative Council regarding space needs of the General Assembly.

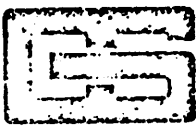
As you know, the Legislative Council has consulted with you and with the Capitol Planning Commission as required by section 2.43. We have discussed various alternatives which would take into consideration the undoubted needs of both the Courts and the General Assembly for additional space, as well as the concerns of the Capitol Planning Commission regarding preservation of the historic character of the Capitol Building. We remain willing to accept a reasonable compromise arrangement which would give both the Courts and the General Assembly some, although of course not all, of the additional space each of these branches feels it needs. We do not, however, believe that you have the power under law to make a final decision in the matter without the concurrence of the Legislative Council.

Sincerely,

GEORGE R. KINLEY
Chairman
Iowa Legislative Council

GRK/PB/cw

cc: Members of Legislative Council
Chief Justice C. Edwin Moore
Governor Robert D. Ray



DEPARTMENT OF GENERAL SERVICES □ DES MOINES, IOWA 50319

OFFICE OF THE DIRECTOR

HON ROBERT D. RAY
GOVERNORSTANLEY L. McCAUSLAND
DIRECTORJERRY D. GAMBLE
FISCAL OFFICER

October 27, 1977

The Honorable George Kinley
Iowa State Senator

The Honorable Maurice Baringer
Treasurer of State

The Honorable C. Edwin Moore
Chief Justice, Iowa Supreme Court

Dear Sirs:

We have been meeting together for the past year sharing ideas and proposals in order to solve some space problems in the Capitol. Both the Judicial and Legislative Branches have submitted written proposals to our committee. The following represents my conclusions on this subject.

For approximately ninety (90) years, space in the Capitol Building has been shared by the three branches of government. It is now well established that each branch as adapted their own space as best as possible and that no branch has usurped other space in the building.

The Legislative Branch has traditionally occupied space on the second and upper floors, while the Executive and Judicial Branches have shared space on the ground and first floors.

Over the years the Executive Branch has accommodated the growing needs of the Judicial Branch by periodically, voluntarily, reassigning Executive space to the Judiciary.

Soon the Department of Agriculture will be moving to new quarters in the Wallace Building and thus space presently occupied by the Executive Branch will be available for either occupancy by other Executive Offices or reassigned.

The creation of the Court of Appeals with the Legislative mandates to use the Supreme Court Room as well as the Supreme Court Clerk's Office and services of the Court Administrator's office and the need to have ready access to the Law Library, has been recognized as creating the necessity for some reallocation of space in the Capitol to accommodate the Court.

The Legislative Branch by remodeling some existing meeting rooms on the upper levels to create office space for the Legislative leaders has created a need for meeting rooms elsewhere in the Building.

The Executive Branch too has problems in adapting to its traditional space in the Capitol. The Executive Branch is willing, however, to once again reassess its own needs and allocate some of its space to the other two branches.

We have been trying to reach an agreement between the Judicial and Legislative Branches as to how some Executive space could be reassigned and be most beneficially utilized by all. Unfortunately, there still exists a difference of opinion between these two branches.

To resolve the issue the Executive Branch now reassigns:

- 1) To the Legislative Branch all the space now occupied by the Secretary of State on the ground floor with the exception of the small room Number 7, the entrance into the microfilm section. This allocation is contingent upon the availability of suitable space in the Hoover Building in the summer of 1978.
- 2) The room directly north of the present ground floor quarters of the Secretary of State now occupied by the Judicial Branch, to a large meeting room for use by the Legislature and other groups when not needed for legislative purposes. This meeting room, approximately the same size as the Supreme Court Chamber directly above it on the first floor, would be created by removing the present existing temporary wall that now separates this space.
- 3) To the Judicial Branch, all the Executive Space now occupied on the ground and first floors to which direct or indirect access is furnished by the north corridors.
- 4) Allocate appropriate space to accommodate the Code Editor.

The above allocations are contingent upon the Judicial Branch promptly waiving any objections to the allocation of Judicial space made in numbered paragraph 2.

These reallocations permit:

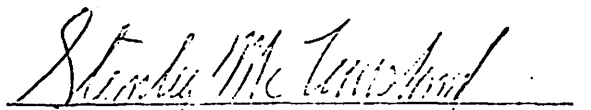
- 1) An efficient consolidation of space for the Judicial Branch.
- 2) For the Legislative Branch the largest meeting room possible in the building.
- 3) Other space to the Legislative Branch for either creating additional meeting rooms, or enable Legislative Officers to be transferred down and reconversion to meeting rooms on the upper levels.
- 4) Adequate space for the Code Editor.
- 5) A mailroom much closer to the loading area.

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Due to the fact that some delay in use of the space will be caused by remodeling, it is essential that the necessary moves be made as soon as possible. There are two large rooms on the first floor, northeast section, assigned to the Judicial Branch that would not require remodeling except for possible mechanical support. It is recommended that the Legislative Branch be allowed temporary use of these two rooms when necessary for meetings and hearings during the 1978 Session. The remodeling of the ground floor space for the Legislature should be done in time for use during the 1979 Session.

The space needs as defined by the Legislative and Judicial Branches in the Space Study taken last year, clearly indicate that long range solutions can only come from building additional space to the Capitol.


Stanley L. McCausland
Director, Dept. of General Services

R E P O R T
LEGISLATIVE SERVICE COMMITTEE
to the
IOWA LEGISLATIVE COUNCIL

November 9, 1977

The Legislative Service Committee of the Legislative Council met on Monday, October 31, 1977 at the State House. All six members of the Service Committee were present for the meeting.

The Service Committee makes the following recommendations:

1. Mr. A. Clare Russie be appointed as Executive Secretary of the Temporary Land Preservation Policy Commission. The Service Committee recommends that the Executive Secretary receive a salary of \$27,000 annually and that he start his duties not later than January 1, 1978.
2. That the Legislative Council approve the employment of Ms. Marsha Szymczuk as a legal counsel for the Legislative Service Bureau. She would be employed as an Attorney I at grade 29, step 2. She would commence her employment on December 1, 1977.
3. That the step level for Jean Wyer, Senior Terminal Operator, be changed from step 5, which was established at the August meeting of the Legislative Council, to step 6. The Director of the Service Bureau, after reviewing all grades and steps of Service Bureau employees and allowing employees to comment upon the recommendations, recommends that this action be taken in order that the Senior Terminal Operator will be treated the same as other employees based upon her duties, responsibilities, employment with the Bureau, and performance.

The Service Committee has extended the date for application for the position of Citizens' Aide until November 10, 1977. Applications received on or before November 10, 1977 will be considered by the Service Committee at its meeting on November 23, 1977.

Respectfully submitted,
Senator William Palmer,
Chairperson

REPORT OF THE
LEGISLATIVE FISCAL COMMITTEE
TO THE
LEGISLATIVE COUNCIL

November 9, 1977

The Legislative Fiscal Committee met in the Legislative Fiscal Bureau Conference Room, November 9, 1977. All members were present except Senator Palmer and Representative Welden.

Chairman Gregory Cusack reviewed the current funds status and the outlook for the 1978 budgeting session. It is hoped that by the first part of December all recommendations may be received from the subcommittees.

Representative Dunton moved that the Fiscal Committee recommend to the Legislative Council that they fund the expense of subcommittee budget hearings to be held prior to the 1978 legislative session. Representative Hargrave seconded the motion, and the motion was approved unanimously.

Chairman Gregory Cusack explained that the thinking is, at present, a period of six days has been requested by the Education and Social Services Budget Subcommittees, three days has been requested by the Transportation and Law Enforcement Budget Subcommittee, and four days each by Human Resources, Natural Resources, Regulatory and Finance, and State Government Budget Subcommittees.