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SENATE FILE 2273

By COMMITTEE ON RULES AND
ADMINISTRATION

Passed Senate, Date 7-15-78 (p. 1726) Passed House, Date _____
Vote: Ayes 34 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the payment of expenses of office and
2 per diem payments to members of the general assembly
3 during a recess or adjournment and making certain pro-
4 visions retroactive.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two point ten (2.10), Code 1977, as
2 amended by Acts of the Sixty-seventh General Assembly, 1977
3 Session, chapter three (3), section three (3), as amended
4 by adding the following new subsection:

5 NEW SUBSECTION. Notwithstanding subsection one (i) of
6 this section, the general assembly may provide by concur-
7 rent resolution that expenses of office shall not be paid
8 during a recess or adjournment of the general assembly. Dur-
9 ing such recess or adjournment when the general assembly is
10 not transacting business or actually in session at the seat
11 of government, per diem, travel, and expenses may be paid
12 in the manner provided by law.

13 Sec. 2. This Act is retroactive to May 20, 1977.

14 Sec. 3. This Act, being deemed of immediate importance,
15 shall take effect and be in force from and after its publica-
16 tion in The Cedar Rapids Gazette, a newspaper published in
17 Cedar Rapids, Iowa, and in The Council Bluffs Nonpareil, a
18 newspaper published in Council Bluffs, Iowa.

19 EXPLANATION

20 This bill provides that the general assembly may provide
21 by concurrent resolution that expenses of office provided
22 for in subsection 1 of section 2.10 of the Code shall not
23 be paid during a legislative recess or adjournment. It is
24 retroactive to May 20, 1977 the day the Senate adjourned and
25 provided in a concurrent resolution that such expenses were
26 not to be paid. The House adjourned on May 21, 1977 and
27 therefore is embraced within the retroactive application.
28 The bill would apply to the recess which commenced May 13,
29 1978 and to subsequent adjournments if a resolution is approved
30 restricting the payment of expenses of office.

31 The bill provides that per diem, travel, and expenses may
32 be paid during such a recess or adjournment when the law
33 provides for such payments during the time the general assembly
34 is not in session. The bill does not attempt to amend any
35 present provisions of law, but it does attempt to clarify

1 what is meant by the words "in session" as used in subsection
2 6 of section 2.10 of the Code and similar language found in
3 section 2.44 of the Code, and section 693.8 of the Criminal
4 Code Supplement.

5 The effect of the bill would be to disallow a claim for
6 the payment of the \$20 per day expenses during the 1977
7 adjournment which commenced May 21, which in fact were not
8 paid, and to have the same effect during the 1978 recess which
9 commenced May 13, 1978. In addition the expense of office
10 payment, which will total \$30 per day starting in 1979, could
11 be denied in the future during a recess or adjournment through
12 the passage of a concurrent resolution. In both events the
13 payment of per diem, travel, and expenses authorized by law
14 would be allowed during such an adjournment or recess for
15 legislative activities since such periods of time would be
16 considered as not during a legislative session for the purposes
17 of legislative expense and per diem.

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