

LEGISLATIVE PROCEDURES STUDY COMMITTEE

**REPORT TO THE LEGISLATIVE COUNCIL
AND THE MEMBERS OF THE
FIRST SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY**

**STATE OF IOWA
1977**

FINAL REPORT

LEGISLATIVE PROCEDURES STUDY COMMITTEE

Introduction

Establishment of the Legislative Procedures Study Committee by the Legislative Council in the summer of 1976 reflected growing concern about the demands being made upon the time of individuals who are elected to serve in the Iowa General Assembly. It is apparent that Iowa legislators often experience difficulty in finding adequate time to do both what is expected of them as public officers and what is required in their respective business, professional or employment roles, to say nothing of the time they desire to spend with their families.

While committee meetings and other activity between sessions does represent a significant factor in the overall workload of Iowa legislators, the time devoted to the annual sessions of the General Assembly is in most cases both the greatest and the least flexible aspect of that burden. During the sessions, most legislators who represent districts outside the Des Moines-central Iowa area find it necessary to remain in Des Moines through the week. By contrast, most interim activity takes the form of one or two-day committee meetings at intervals of several weeks for each committee; moreover the individual legislator is usually able to exercise somewhat more choice as to the extent of his or her involvement in interim committee activity than is true of the regular sessions.

Accordingly, the number of days the General Assembly is in session is a matter of some concern to many legislators. Lengthy sessions are attributed by many legislators, and other observers of the legislative process, to the General Assembly's efforts to deal responsibly with complex issues and to become more independent of the executive branch.¹ The Iowa General Assembly was rated the sixth best legislature in the United States--and the best among the smaller states--by the Citizens Conference on State Legislatures (now Legis 50) in 1970, and more recently received another award from the same body for outstanding achievements in legislative improvement. Unfortunately, none of this lessens the individual legislator's difficulty in finding time to meet all of his or her various responsibilities.

¹Data prepared by the office of the Chief Clerk of the House shows that since the advent of regular annual sessions in 1969, successive General Assemblies have spent, respectively, 226, 235, 279 and 298 calendar days in session during their two-year terms of office. This contrasts with 144 days in 1965 and 175 days in 1967, the last two years in which single biennial regular sessions occurred. (Note that in each case, "calendar days" include Saturdays, Sundays and holidays when the Legislature was not actually in session for business purposes.)

The Legislative Procedures Study has therefore been primarily an effort to identify ways in which the Iowa General Assembly may make more effective use of time during its sessions without sacrificing the deliberative quality of the legislative process in Iowa or depriving individual legislators of the opportunity for meaningful participation in that process. The recommendations made by the Study Committee include some of considerable significance, but they can in most cases be implemented by the General Assembly, if it chooses to do so, through changes in its own rules and procedures which do not require amendment of existing laws.

The Legislative Procedures Study Committee named as its Co-chairpersons Representative Donald Avenson and Senator Lowell Junkins. Other legislators appointed to the Study Committee were Speaker of the House Dale Cochran, Senators Calvin Hultman, George Kinley, John Murray, William Palmer, Forrest Schwengels and Bass Van Gilst, and Representatives Robert Anderson, Norman Jesse, Brice Oakley, Semor Tofte and Richard Welden. The Study Committee designated as ex officio nonvoting members Secretary of the Senate Steven Cross and Assistant Secretary David Charles, Chief Clerk of the House David Wray and Assistant Chief Clerk Robert Davies, Legislative Fiscal Director Gerry Rankin and Legislative Service Bureau Director Serge Garrison, as well as representatives of majority and minority partisan staff from each house. The latter positions were filled by Ralph Kauffman, Administrative Assistant to the Senate minority leader, Joe O'Hern, Administrative Assistant to the House majority caucus, and Maryjo Welch, Research Assistant to the House minority leader. The ex officio position allotted to Senate majority caucus staff was not filled.

In addition to assistance from the various agencies and persons represented by the ex officio members, the Study Committee has benefitted from the attendance and participation of Carl Tubbesing, Assistant Director of State Services for the National Conference of State Legislatures.

The Study Committee held a total of five meetings during the 1976 interim, three of which extended over two-day periods. At its last meeting, on December 15, the Study Committee gave final approval to the following recommendations.

Recommendations

Probably no other area offers greater potential for making more productive use of time during session than greater and more effective use of the legislative committee system. Information obtained from other states indicates that in general Iowa legislation is perfected technically, and that in some instances policy alternatives are formulated, on the floor of the two houses to a greater degree than is the case elsewhere. Obviously, several committees meeting simultaneously can each make progress in

perfecting a different bill whereas only one bill can be handled at a time on the floor.

It should be made clear that the Legislative Procedures Study Committee does not advocate adoption of a system under which floor action tends to become a formality, merely endorsing what a committee has decided. Ideally, the objective of committee action should be to bring to the floor a bill (1) which requires no corrective or technical amendments except those the committee itself may find it necessary to draft and propose as part of its report, and (2) with respect to which--if the bill is controversial--major policy alternatives have been identified and placed in form to permit the full body to proceed expeditiously toward the necessary decisions.

Many of the Study Committee's recommendations deal either directly or indirectly with the General Assembly's standing committee system. In this report, the recommendations are presented under four major headings intended to group the more closely related ideas. The sequence in which the recommendations appear in the report bears no particular relationship to their relative importance.

I. - The Iowa Legislative Committee System

1. Additional space should be made available in the State House for use by the General Assembly as committee rooms.

It may be left to historians to try to decide whether the apparent tendency of the Iowa General Assembly to do a higher proportion of its total work on the floor than do most states is a case of function following form. The fact is that the Iowa State House has not offered an adequate number of committee rooms; furthermore those that are available are not of sufficient size to accomodate all necessary or interested persons at many committee meetings. This situation cannot be changed significantly in the short time left before the 1977 session, but progress toward a more effective committee system would appear to require more committee rooms. It is vital that this fact be recognized by legislators, other state officials, and the general public.

2. The first six weeks of each regular session of the General Assembly should be utilized according to the following general guidelines:
 - a. The first week of the first regular session should be devoted to organization and such ceremonial functions as are necessary.
 - b. The balance of the first six weeks of the first session, and a comparable period of time during the second regular session, should be devoted primarily to meetings of the appropriations committees (see recommendation 7), and of other standing committees.

One day of each of these weeks should be available for whatever floor action the leadership concludes is necessary or appropriate.

3. Leadership in both houses should agree upon the same number of standing committees in each house, and the corresponding standing committees of each house should have the same jurisdiction.
4. Leadership in each house should encourage standing committee chairpersons to adopt rules requiring publication of agendas by standing committees in advance of their meetings.
5. There should be printed in the journal of each house an abbreviated report of each standing committee meeting held during session. The report should include the following information:
 - a. Time the meeting convened.
 - b. Members present at the time the meeting convened.
 - c. A summary of dispositive action taken on bills.
 - d. Votes cast on each bill reported out.
 - e. Time the meeting adjourned.
6. Immediately upon convening of each session, a steering or calendar-arranging mechanism should be initiated to organize a calendar and select bills for floor action. (Development of such a mechanism would make present deadlines for reporting bills from House committees unnecessary.)

Recommendation 2 would facilitate the work of standing committees in the early weeks of each session by doing away with the daily formality of convening, recessing, reconvening and adjourning each house on days when no substantive floor action is planned. This arrangement will have to be mutually agreed to by a concurrent resolution or other formal action of the Senate and House, since Article III, section 14 of the Constitution of the State of Iowa permits neither house to adjourn for more than three days without the consent of the other. The Study Committee has made no recommendation regarding allocation of session time after the initial weeks devoted primarily to committee time. The leadership will have to determine how much time is required to allow committees in each house to consider bills originating in the other house, and perform other necessary functions, during the middle and later stages of each session.

There is some concern that the public tends to equate meaningful legislative work with floor action; recommendations 4 and 5 are meant to help counter this impression by making information on meetings and actions of standing committees readily and continuously available. Recommendation 6 offers the opportunity to establish priorities and plan systematically for

future floor action as the standing committees report bills during the "committee weeks".

II. - The Appropriations Process

Considerable effort has been made during the 1976 legislative interim to plan for revisions in the Iowa legislative appropriations process. While the Legislative Procedures Study Committee was not directly involved in these efforts initially, it has reviewed the proposals which had been developed as of late November, and has formulated a recommendation based on these proposals. It is recognized that the Study Committee recommendation is fairly general, and does not necessarily address all aspects of the proposals to revise the appropriations process.

7. The existing Committees on Appropriations should be replaced by a Budget Committee and a number of appropriation committees, each having its own jurisdiction.² Most members of the Legislature should have an opportunity to serve on one of these committees. The committees should be structured and should function generally as follows:

- a. The Budget Committee should consist basically of:

	<u>Senate</u>	<u>House</u>
(1) The Committee chairpersons	1	1
(2) Ranking majority members	1	1
(3) Ranking minority members	1	1
(4) Majority party appointees	4	4
(5) Minority party appointees	3	3

In addition, when considering specific appropriations proposals, the Budget Committee should include as ex officio nonvoting members the chairperson and ranking minority member of the appropriations committee that formulated the proposal.

- b. Seven jurisdictional appropriations committees should be established. A possible arrangement of appropriations committees, a suggested delineation of their jurisdictions, and information on how this arrangement and delineation would have divided the past appropriations workload in terms of dollars appropriated in 1976 and appropriations subcommittee time expended in 1975, appears as Appendix I to this report. The Study Committee recognizes that some realignment of jurisdictions among the respective appropriations committees may be necessary, and

²The question whether the several jurisdictional appropriations groups should be considered subcommittees of the Budget Committee or treated as separate standing committees was the subject of considerable discussion at the November 22-23 meeting of the Legislative Processes Study Committee. The latter view prevailed among the members of the Study Committee.

suggests that this should be a function of the Budget Committee.

- c. The Budget Committees should be authorized to meet separately to review the proposed recommendations from the several appropriations committees of the Senate and House, and to meet jointly to prepare and review the proposed legislative budget. When the Committees meet jointly, the affirmative votes of a majority of the members from each house should be required to take any action.
- d. The several appropriations committees should report draft appropriations bills to the Budget Committee.
 - (1) If the Budget Committee receives a bill draft from an appropriations committee prior to March 15, it should be authorized only to approve the draft or to re-refer it to the committee which reported it.
 - (2) On or after March 15, or the second time the Budget Committee receives a bill draft from an appropriations committee, it should be authorized to approve, amend, rewrite or re-refer the draft to the committee which reported it. (The Budget Committee of the house of origin would be free to rewrite a draft appropriations bill if it so chooses, but the Budget Committee of the second house would necessarily be limited to proposing one or more amendments to a bill previously passed by the other house.)
- e. A draft appropriations bill should be introduced and numbered only after it has been approved by the Budget Committee.

It is believed that the revised appropriations process contemplated by the foregoing recommendation would be quite compatible with the set of recommendations on legislative committee work generally presented earlier in this report.

The suggested arrangement of appropriations committees described in Appendix I to this report provides for seven such committees. If all seven of the appropriations committees and the Budget Committees were each to hold simultaneous joint Senate-House meetings, eight committee rooms would be required. The rooms regarded as available at this time are the Speaker's Room and Rooms 1 and 2 in the House wing, Rooms 22, 24 and 324 in the Senate wing, and the Fiscal Bureau Conference Room and Legislative Dining Room. Some of these rooms are of marginal or inadequate size for meetings of a joint committee of 15-20 members plus staff and other interested persons.

Also, one or two additional Legislative Fiscal Bureau staff persons will probably be needed to serve the proposed new jurisdictional appropriations committees which currently have no counterpart appropriations subcommittees. The Legislative Fiscal Director has suggested that a part of the Fiscal Bureau Conference Room may be the only area available to serve as office space for these additional staffers.

III. - Certain Interim and Session Procedures and Rules

The following group of recommendations, while perhaps less closely related than those presented in part I of this report, are also generally intended to make the legislative committee system more effective.

8. Interim legislative studies should be conducted primarily by the standing committees of the Senate and House. Each standing committee should be allowed one meeting early in each legislative interim to prepare a proposal concerning study topics and anticipated number of meeting days during that interim. This proposal should then be submitted to the Legislative Council for approval, modification or disapproval; the Council's action on the proposal would constitute the standing committee's authority to conduct interim activity.

This recommendation does not contemplate removing the Legislative Council's authority to establish special interim study committees when the Council deems such a step appropriate. It does, however, contemplate that a higher proportion of the interim study work would be conducted by standing committees or their subcommittees in the future than has been the case in the past. Hopefully, this step would encourage a more even flow of legislative standing committee work through the year.

9. Bills approved by standing committees functioning during an interim should be sent by the referring officer of the Senate or House to an appropriate standing committee upon convening of the next session, after being introduced and numbered if that has not previously been done.
10. Senate and House rules should be changed to give the referring officer of each house the authority either to re-refer any bill reported out by a standing committee for introduction as a committee bill, or to place the bill on the calendar if the referring officer is satisfied that the bill is appropriate to the jurisdiction of the committee which reported it.
11. Senate and House rules should require that, when a standing committee decides to report out as a committee bill a bill which has not previously been introduced and numbered, the committee must have the Legislative Service Bureau type the bill in proper form, with any amendments

in place, and provide copies to the committee members before the final vote to report out the bill.

The purposes of the three foregoing recommendations are to give the referring officers of the Senate and House more effective means of insuring that standing committees do not act outside their jurisdictions, to provide more assurance that interested parties will be aware of proposed legislation under consideration by a standing committee while there is still an opportunity for effective input to the committee regarding that legislation, and to insure that new committee bills are reported out in proper form and with the substantive provisions intended by the committee. Proposed rules revisions to implement recommendations 10 and 11 appear as Appendix II to this report.

12. The rules governing fiscal notes should be clarified to indicate more specifically who has responsibility or the prerogative to request a fiscal note at particular stages in the preparation and consideration of a bill, who is required to file a fiscal note, and when it should be printed or otherwise distributed.

Proposed rules changes to implement this recommendation appear as Appendix III to this report. (Originally, the rule on fiscal notes was a part of the joint legislative rules, but since no joint rules were adopted by the Sixty-sixth General Assembly, a similar rule was placed in the Senate rules.) At present, the initial responsibility for determining that a fiscal note is needed rests with the Legislative Service Bureau, which is mandated to review each bill drafting request with a view to whether the bill would, if passed, have sufficient effect upon state or local government costs and revenues that a fiscal note is required under the General Assembly's current rules. However, there has in the past been no specific procedure to be followed if a legislator or committee later concludes that it is desirable to have a fiscal note prepared for a bill which was not initially judged to require one. The existing rule also fails to state clearly who has responsibility to see that a fiscal note is printed or disseminated after it has been prepared.

The rules changes recommended by the Legislative Procedures Study Committee specify procedures for requesting fiscal notes after a bill has been drafted, when a committee or legislator concludes that the initial decision on need for a fiscal note was incorrect or that amendments or revisions adopted or under consideration require one. It also directs that upon preparation of a fiscal note, a copy be delivered to the Secretary of the Senate or Chief Clerk of the House, as appropriate, who must have it printed in the clipsheet (or with the bill, if the fiscal note is available on a timely basis).

13. The Senate and House rules governing consideration of amendments filed to pending legislation should include the following requirements:

- a. Committee amendments and amendments to committee amendments shall be considered before individually sponsored amendments. If amendments from more than one committee are filed to the same bill, they shall be considered in the order established for individually sponsored amendments. However the adoption of a committee amendment, other than one striking all after the enacting clause of the bill, shall not preclude the subsequent consideration of an individually sponsored amendment to strike all after the enacting clause.
- b. Amendments to bills which have been special ordered more than five legislative days in advance of the date set for debate must appear in a clip sheet distributed on or before the legislative day next preceeding the date the bill is to be debated. Amendments must be filed no later than 4:30 p.m., or one hour after adjournment for the day, whichever is later, in order to be included in the clip sheet for the next legislative day.

Adoption of the first of these proposed rules would enhance the committee process by giving committee amendments some priority over other amendments. The Senate has generally followed this procedure in recent sessions. The rule may well encourage legislators to suggest their amendment proposals to the committee rather than waiting to offer them on the floor. This practice enables committees to evaluate proposed amendments in the context of related or alternative suggestions, and thereby offers the opportunity to more adequately prepare the bill for action by the full body.

Paragraph b of this recommendation should tend to make consideration of bills a more orderly procedure by preventing the introduction of amendments at the last minute, or when debate is already under way, if the bill in question has been special ordered at least five legislative days in advance of debate. To the extent this rule encourages greater use of special orders, it may also serve to make timing of floor action more predictable--an objective some observers have suggested is desirable in itself.

In addition to the two rules additions included in recommendation 13, the Study Committee considered but did not recommend suggested rules to (1) allow reporting of a proposed amendment defeated in committee under the designation "minority committee amendment" if the amendment has the support of one-third or more of the committee's membership; (2) prescribe a procedure for offering corrective amendments to bills which are subject to limitations that bar introduction of further amendments (e.g., when a motion for the previous question has been adopted, or if paragraph b of recommendation 13 were applicable); and (3) to specify that a legislator may offer an amendment to a bill under consideration by

a standing committee, even though he or she is not a member of that committee.

IV. - Other Recommendations

The Legislative Procedures Study Committee approved four additional recommendations, which are presented in this section of the report. Although of considerable significance, these recommendations are not related to each other in any particular manner.

14. The appropriate standing committees of the Senate and House should initiate action during the 1977 Session to transfer the code editing function from the judicial to the legislative branch of government.

The code editing function may reasonably be regarded and can certainly be handled as a logical extension of the bill drafting and enrolling process. As the General Assembly makes greater use of data processing techniques in drafting and enrolling of bills, it appears very probable that significant savings in both time and cost can be effected by having the necessary preparations for printing of the annual session laws and the biennial new code carried out by the legislature's own staff.

Perhaps even more important is the fact that shifting the code editing function into the legislative branch will give the General Assembly direct control over the text of the statutes it enacts and amends, in their permanently compiled form. At present this is not the case.

The proposal to place the code editing function in the legislative branch of government was identified at the outset of the Legislative Procedures Study as one the Study Committee should perhaps consider. However, it was initially assigned a lower priority than other matters with respect to which recommendations have been made.

Senator James Redmond appeared before the Study Committee at its November meeting to urge favorable consideration of this proposal, and to present material supporting his view. Copies of the material are available from the Legislative Service Bureau. Senator Redmond introduced legislation to transfer the code editing function to the legislative branch to the Sixty-sixth General Assembly.

At the Study Committee's final meeting, Legislative Service Bureau Director Serge Garrison informed Committee members that as of that date--December 15--the Service Bureau lacked any reliable text for most of the content of the forthcoming 1977 Code of Iowa. Since the statutes in the Code are the base against which any bills to amend existing permanent laws must be drafted for introduction in the 1977 Session of the General Assembly, Mr.

Garrison pointed out that this situation in effect rendered the Service Bureau unable at that time to discharge one of its major statutory functions. In addition, it will be impossible to complete the proofreading of the updated text of the code on magnetic tape, which has been prepared on the basis of 1975 and 1976 enrolled bills, until the corrected text of the printed 1977 Code is available. As of December 15, neither the Code Editor nor the printer under contract to produce the 1977 Code had been able to give the Service Bureau any definite information as to when the correct text of the new Code would be available.

As presently constituted, the Code Editor's office has other duties in addition to compiling, editing and supervising the publication of the session laws and the Code of Iowa. These additional duties include publication of the Supreme Court rules and rules of civil procedures, both of which clearly relate to the judicial branch of government, and the publication of administrative rules and providing staff assistance to the legislative Administrative Rules Review Committee, under Chapter 17A of the Code. It does not appear either necessary or desirable to place all of these duties with the legislative branch, should the code editing function be so transferred.

Any legislation to shift the code editing function will have to deal with these and related questions. As the Study Committee did not have time at its final meeting to consider these matters in detail, no specific legislation to move the code editing function from the judicial to the legislative branch accompanies this recommendation.

15. The Legislative Council should instruct the Service Bureau Director to include in the Iowa Bill Drafting Guide an instruction that each nonappropriation bill include a clause delaying the bill's effective date until January 1 succeeding its passage, unless the requestor of the bill specifically directs otherwise.

Article III, section 26 of the Constitution of the State of Iowa (as amended in 1966) provides that no bill passed by the General Assembly shall take effect prior to July 1 next after its passage unless the bill is made effective upon publication in newspapers in the state. This negative is complemented by a positive provision in section 3.7 of the Code that bills shall take effect on July 1 following their passage, unless some contrary provision is made in the bill, except that bills passed before July 1 but approved by the Governor on or after that date take effect August 15.

The August 15 effective date provision was added in 1967, when it became apparent the regular session would not end early enough for all bills to be signed by the Governor prior to July 1. This provision rests upon interpretation of the state constitution's reference to "passage" of a bill as meaning only the completion of action by both houses of the General Assembly, and

not including the Governor's approval which is necessary to make the bill a law. It should be noted that under the present Iowa constitutional language, if any future regular session runs until July 1 or later, bills passed on or after date will not take effect until July 1 of the following year unless they each carry a publication clause.

Longer legislative sessions have resulted in many new laws taking effect only a few days after the Governor's approval, rather than several weeks thereafter as was more often the case in earlier years. This circumstance can be troublesome for attorneys and others who must deal with new laws, but may have difficulty obtaining copies of them at or before the time they take effect. This problem could be overcome to a considerable degree by a general policy of delaying the effective dates of new laws until January 1 following their passage, unless there is good reason to do otherwise.

STAFF COMMENT: What appears as recommendation 15 in this final report was also included in the Legislative Procedures Study Committee's progress report to the Legislative Council on December 8, 1976. The Council adopted a motion to receive the progress report, but took no specific action on this recommendation. Nevertheless, the Legislative Service Bureau is presently proceeding on the assumption that the Council intended the recommendation to be followed. A possible alternative approach would be enactment early in the 1977 Session of a bill amending Code section 3.7 so as to make nonappropriation bills passed before July 1 effective the following January 1 unless a contrary intent is specified.

16. Provision should be made for payment of per diem or expenses, or both, for newly-elected legislators and newly-designated legislative leaders during the period between the general election and the convening of the first regular session of a General Assembly.

The Study Committee at one point had under consideration a proposal to initiate a constitutional amendment for a brief early December organizational session of each new General Assembly. Some states use such sessions to officially inaugurate newly-elected legislators, make committee appointments and otherwise take care of necessary organizational chores so that committee work in preparation for floor action in the regular session may be expedited. Since the procedures contemplated by the recommendations presented in part I of this report are intended to achieve the same objectives, it was not considered desirable to recommend so drastic a step as a constitutional amendment. However, in order to phase new legislators smoothly into on-going committee work and permit new legislative leaders to begin functioning in that role as soon as they are chosen, it should be made possible to pay such individuals per diem or to reimburse them for expenses incurred in the discharge of properly authorized legislative business, or both, during the transition period. A

bill to empower the Legislative Council to authorize such payments to newly-elected legislators appears as Appendix IV to this report. It is believed that sufficient authority already exists to approve payments to individuals who are in office as legislators, and are newly designated as leaders.

17. The Study Committee recognizes that a potentially serious problem exists with respect to the traditional practice of "stopping the clock" at or near the time of adoption of a motion to adjourn a legislative session sine die, and calls this problem to the attention of the legislative leadership for further consideration.

Secretary of the Senate Steven Cross addressed to the Study Committee, shortly before its November meeting, a memorandum expressing concern that the adjournment sine die procedure customarily followed in Iowa makes uncertain the beginning of the constitutional thirty-day period for the Governor to act upon bills passed in the last three days of a session. Conceivably, this could result in the future voiding of an act passed during the final days of a session. Mr. Cross' memorandum, and an attached form of sine die resolution he suggests, appear as Appendix V to this report.

One perceived problem with the suggested resolution is that it apparently would bar reimbursement of expenses incurred by legislators to attend interim committee meetings or engage in other official state business between the date the General Assembly actually completes session work and the date of formal adjournment. This particular problem is not difficult to overcome, but the Study Committee did not have adequate time to review the matter of adjournment procedures, and has therefore made no specific recommendation to resolve the problem.

18. Senate and House rules governing lobbyists should be identical.

The Study Committee concluded that it is inappropriate for it to attempt to formulate rules governing lobbyists, but that if such rules are adopted by both houses, each set of rules should be the same.

APPROPRIATION COMMITTEES

Possible Committee Jurisdictions:	Fiscal 1977 Gen. Fund Approp. Including Capitals Excluding Standings	Departmental Hearing		Discussion and Final Approval	
		Full Meeting	Partial Meeting	Full Meeting	Partial Meeting
1. Education Committee					
Blind Commission	\$ 710,000		1		1
Bonus Board	1,140,000		1		1
General Services -ETV	3,450,000	1			3
Higher Education Facilities Commission	1,930,000	4	1	1	3
Public Instruction, Dept. of	52,300,000	8		3	2
Regents, Board of	192,050,000	8			2
Vocational Rehab.	1,980,000	Included in Dept. of Public Inst.			
	<u>\$253,560,000</u>				
2. Human Resources Committee					
Aging, Commission on	390,000	1	1		2
Civil Rights	310,000	2		1	2
Drug Abuse Authority	430,000	1	1		2
Employment of Handicapped	100,000		1		2
Health Department**	4,570,000	1	5	5	5
Iowa Housing Authority	100,000				
Iowa Mental Health Authority	110,000				
Medical Examiners	100,000		1		2
Nurse Examiners	260,000		1		2
Parole Board	180,000	1	1		3
Pharmacy Examiners	200,000		1		2
Spanish - American War Veterans	4,000		1		2
Status of Women	60,000	1			2
	<u>\$ 6,814,000</u>				
** Includes Alcoholism Commission					
3. Social Services Committee					
Social Services, Department of	\$205,930,000	17	3	2	4

* The information was obtained by reviewing the minutes of the Appropriations Subcommittees for 1975. The general procedure for the subcommittees was to hold a hearing for each department or agency at which information about the budget asking was presented by the head of the agency; then at a later date the subcommittee discussed the budget asking and a vote on the appropriation for that agency was taken; finally the subcommittee formally approved the appropriation following receipt of the bill prepared by the Legislative Service Bureau.

The information is divided into two categories: departmental hearing and discussion and final approval. In each category numbers have been placed which indicate whether an entire meeting or only a part of a meeting was spent on a specific department or agency.

At the end of the joint sessions in some cases all of the subcommittee's business had not been completed and each

A P P E N D I X I (Continued)

APPROPRIATION COMMITTEES

1975 Session
Subcommittee Time

Possible Committee Jurisdictions:

Fiscal 1977
Gen. Fund Approp.
Including Capitals
Excluding Standings

Departmental Hearing		Discussion and Final Approval	
Full Meeting	Partial Meeting	Full Meeting	Partial Meeting

Natural Resources Committee					
Agriculture, Department of	\$ 3,330,000	1	2	2	6
American Revolution Bicentennial Commission	70,000		1		2
Conservation Commission	8,230,000	2	4	4	
Development Commission	1,670,000	1	1		3
Energy Policy	210,000	1			2
Environmental Quality	7,690,000	3		2	2
Fair Board	300,000	1			2
Geological Survey	880,000	1			2
Herbert Hoover Birthplace Foundation	3,000		1		2
Midwest Nuclear Compact	10,000		1		2
Mississippi River Parkway Commission	7,000		1		2
Natural Resources Council	450,000	1			2
Soil Conservation Commission	6,190,000	1	1		3
State Water Plan			1		1
	<u>\$ 29,040,000</u>				
Capitals Appropriations		3		1	
5. Regulatory and Finance Committee					
Accountancy Board	\$ 100,000		1		2
Architectural Examiners	30,000		1		2
Auditor	1,140,000		1		2
Banking Department	2,090,000		2		3
Beer & Liquor Control	11,960,000	2			3
Campaign Finance Disclosure	70,000		3		3
Commerce Commission	2,070,000	1		3	2
Comptroller	7,670,000		1		2
Engineer Examiners	70,000		1		2
Industrial Commission	330,000		1		2
Insurance Department	1,420,000		1		2
Job Services	370,000		1		3
Labor	920,000		2		6
Occupational Safety & Health Review	40,000		1		3
Public Employees Relations Board	480,000		2		2

A P P E N D I X I (Continued)

1975 Session
Subcommittee Time

APPROPRIATION COMMITTEES

Possible Committee Jurisdictions:	Fiscal 1977 Gen. Fund Approp. Including Capitals Excluding Standings	Departmental Hearing		Discussion and Final Approval	
		Full Meeting	Partial Meeting	Full Meeting	Partial Meeting
5. Regulatory and Finance Committee (Continued)					
Real Estate Commission	\$ 180,000		1		2
Revenue Department	8,950,000		1		1 1S
Secretary of State	510,000		1		1
Treasurer	310,000		1		1
Watchmakers Examiners	10,000		1		1
	<u>\$ 38,720,000</u>				
6. State Government Committee					
Academy of Science	\$ 8,000		1		2
Arts Council	210,000	1			2
Attorney General	1,400,000	1			2
Bar Examiners, Board of	30,000		1		1
Capitol Planning	7,000		2		2
Citizens' Aide	130,000		1		1S
Council of State Governments	50,000		1		2 1H
District Courts	5,720,000		1		2
Executive Council	20,000		1		2
General Services	3,540,000	1	1	1	2 1S
Governor	640,000		1		3 1H
Historical	830,000	1			2
Judicial Court Administrator	250,000		1		2
Judicial Qualifications Commission	8,000		1		2
Legislative Fiscal Bureau	240,000		1		1
Legislative Service Bureau	600,000		1		1
Library Services	1,230,000	1			3
Lieutenant Governor	70,000		1		2 1H
Merit Employment	830,000		2		3
Office Planning & Programming	700,000		1		6 1H
Pioneer Lawmakers	1,000		1		1
Shorthand Reporters, Board of	1,000		1		2

A P P E N D I X 1 (Continued)

1975 Session
Subcommittee Time

APPROPRIATION COMMITTEES

Possible Committee Jurisdictions:

6. State Government Committee (Continued)

	Fiscal 1977 Gen. Fund Approp. Including Capitals Excluding Standings
Supreme Court	\$ 700,000
Supreme Court Clerk	40,000
Supreme Court Code Editor	60,000
Uniform Laws	7,000
Appellate Court	350,000
	<u>\$ 17,672,000</u>

Capitals Appropriations

7. Transportation and Law Enforcement Committee

Crime Commission	\$ 280,000
Law Enforcement Academy	480,000
Public Defense	2,360,000
Public Safety	17,930,000
Transportation, Department of	4,460,000
	<u>\$ 25,510,000*</u>

* Does not include Road Use Tax Fund,
Primary Road Fund and Aeronautics Trust Fund.
Road Use Tax Distribution

Capitals Appropriations

8. Claims and Program Committee

Claims	
New Programs	
Misc. Tax Credits and Aids	\$ 18,500,000
	<u>\$ 18,500,000**</u>

**Budget Committee should be responsible
for this area.

Departmental Hearing		Discussion and Final Approval	
Full Meeting	Partial Meeting	Full Meeting	Partial Meeting
	1		2
	1		2
	2		3
	1		1
		1H 1S	
1	2		1 1S
2		1 1H	2 2H
2			2
8		8	1 1H 1S
9		6	3 1H
		2H	2 2H
		2S 2H	

APPENDIX II

DRAFT AMENDMENTS TO RULES GOVERNING COMMITMENT OF BILLS AND PROPER FORM OF BILLS

Senate Rules

The rules of procedure, Sixty-sixth General Assembly, 1976 Session, Senate rule 38, first unnumbered paragraph, is amended to read as follows:

Upon the first reading of ~~an individual~~ a bill or resolution, the majority leader, president pro tempore and the two assistant majority leaders shall refer the bill or resolution to an appropriate standing committee unless otherwise ordered by the senate. If However, if the bill or resolution is a committee bill or resolution, the president shall place it on the calendar after its first reading, --- If the and its subject of the bill or resolution is not germane to the title of the committee presenting it, the senate may refer it to a committee deemed appropriate it may be placed on the calendar after its first reading. All bills carrying an appropriation for any purpose or involving the expenditure of state funds shall be referred to the committee on appropriations, and all bills pertaining to the levy, assessment or collection of taxes shall be referred to the committee on ways and means.

The rules of procedure, Sixty-sixth General Assembly, 1976 Session, Senate rule 39 is amended by adding the following new subsection:

NEW SUBSECTION. The committee shall not authorize the introduction of a committee bill or resolution until the members have received final copies of the bill with amendments incorporated, typed into proper form by the Legislative Service Bureau.

House Rules

The rules of procedure, Sixty-sixth General Assembly, 1976 Session, House rule 31, fourth unnumbered paragraph, is amended to read as follows:

A new bill proposed by a standing committee of the House shall go directly to the calendar be committed in accordance with this rule, except that the Speaker may place it directly on the calendar if it covers subject matter properly within the jurisdiction of some other the standing committee, in which case the Speaker shall commit it to such committee. However, it shall require an affirmative vote of a majority of the total committee members to authorize the introduction of any bill. The committee shall not authorize the introduction of any bill until the members have received final copies of the bill with amendments incorporated, typed into proper form by the Legislative Service Bureau.

APPENDIX III

DRAFT AMENDMENT TO FISCAL NOTE RULE

COMMENT: During the September 9-10 meeting of the Legislative Procedures Study Committee, there was discussion of a possible clarification of the rule governing fiscal notes (presently appearing as Senate Rule 32) with respect to when and in what manner fiscal notes are to be printed. The following draft amendment addresses that question, and also seeks to clarify who has the right to ask for a fiscal note, and under what circumstances the Legislative Fiscal Bureau will be directed to prepare one, on a bill which has been introduced or has reached the floor without one. Presumably, that would happen only if the sponsor or committee chair or both had previously concluded that the rule as written does not require a fiscal note on that particular bill.

The rules of procedure, Sixty-sixth General Assembly, 1976 Session, Senate rule 32, is amended to read as follows:

FISCAL NOTES

A fiscal note shall be attached to any bill or joint resolution which might have an annual effect or a combined total effect within five years after enactment of fifty thousand dollars or more on the revenues, expenditures or fiscal liability of the state or its subdivisions. This rule does not apply to appropriation measures where the total effect is stated in dollar amounts.

The preliminary determination of whether the bill appears to require a fiscal note shall be made by the legislative service bureau which shall indicate that a bill requires a fiscal note by stamping "FISCAL NOTE REQUIRED" prominently on the bill jacket. Upon completion of the bill draft, the legislative service bureau shall immediately send a copy to the legislative fiscal director for his review.

~~The fiscal note shall be printed on the bill before introduction if practicable, and in any event attached to the bill before the bill is reported out by a committee.~~

If a preliminary determination that a fiscal note is not required for a particular bill has been made, and after introduction of the bill a committee or a member of the general assembly concludes that a fiscal note is necessary or desirable, the committee or a member of the general assembly may request preparation of a fiscal note for that bill. However, if the bill has already been reported out by a committee, the (president/majority leader) (speaker) may deny the request if the request is deemed unwarranted.

The legislative fiscal director shall prepare the fiscal note within a reasonable time after receiving the request. A copy of the fiscal note shall be filed by the legislative fiscal director with the secretary of the senate and the chief clerk of the house. The legislative fiscal director may request the cooperation of the state comptroller or any state department or agency. If a fiscal

note is prepared by the comptroller or any state department or agency at the request of the fiscal director, that fact shall be stated in the note.

Each fiscal note shall state in dollars the estimated effect of the bill on the revenues, expenditures, and fiscal liability of the state during each of the first five years after enactment. Sources of funds for expenditures under the bill shall be stated, including federal funds. If the fiscal director cannot make an accurate estimate, he shall state his best available estimate or shall state that no dollar estimate can be made and state concisely the reason.

The fiscal note shall be ~~attached~~ printed in the bill, following the explanation ~~of~~, at the time the bill is introduced if practicable; otherwise the fiscal note shall be attached to the bill and shall be printed in the daily clipsheet upon filing with the secretary of the senate and the chief clerk of the house.

A revised fiscal note may be requested by a committee chairman or a sponsor of the bill if the fiscal effect of the bill has been changed by adoption of an amendment. However, a request for a revised fiscal note shall not delay action on a bill unless so ordered by the presiding officer of the house in which the bill is under consideration.

If a date for adjournment has been set, then a constitutional majority of the house in which the bill is under consideration may waive the fiscal note requirement during the three days prior to the date set for adjournment.

APPENDIX IV

PREPARED BY THE LEGISLATIVE
SERVICE BUREAU FOR THE
LEGISLATIVE PROCEDURES STUDY
COMMITTEE. FOR DISCUSSION
PURPOSES ONLY.

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to payment of per diem and expenses to cer-
2 tain persons elected to the general assembly.

3 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, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. Persons who have been elected to serve
4 in the general assembly may be paid the same per diem or
5 expenses or both authorized by subsection six (6) of this
6 section for attending meetings prior to taking their oath
7 of office if the meetings, per diem and expenses are first
8 approved by the legislative council.

9 EXPLANATION

10 This bill allows persons elected to serve in the general
11 assembly but who have not yet taken the oath of office to
12 be paid per diem or expenses or both while attending meet-
13 ings subject to authorization by the legislative council.

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STEVEN C. CROSS
Secretary of the Senate

The Senate
STATE OF IOWA
STATE HOUSE
Des Moines, Iowa 50319

TELEPHONE
315/261-3307

November 19, 1976

MEMORANDUM

TO: MEMBERS OF THE LEGISLATIVE PROCEDURES STUDY COMMITTEE

Representative Donald D. Avenson, Co-chair
Senator Lowell L. Junkins, Co-chair
Senator Calvin O. Hultman
Senator George R. Kinley
Senator John S. Murray
Senator William D. Palmer
Senator Forrest V. Schwengels
Senator Bass Van Gilst
Representative Robert T. Anderson
Representative Dale M. Cochran
Representative Norman G. Jesse
Representative Brice C. Oakley
Representative Semor C. Tofte
Representative Richard W. Welden

I am concerned over the present method of adjournment of the General Assembly which may someday inadvertently result in voiding an Act passed in the final days of the session.

This difficulty is due to the fact that the Constitution gives the Governor 30 days to either sign or veto bills passed in the last three days. Because of the past custom of adjourning and several weeks later returning for a formal closing, no one is sure when the 30 day period begins to run.

As a remedy I would suggest that a sine die resolution like that attached be adopted to adjourn a session. No substantive change from present practice would occur but the chance of causing doubt as to the validity of an Act would be averted.

Yours very truly,


STEVEN C. CROSS
Secretary of the Senate

WHEREAS, the General Assembly will on May 29, 1976, complete its business; and

WHEREAS, it will require seventeen working days for the staff of the Senate and House of Representatives to enroll all bills finally adopted by the General Assembly and to attend to other details for the closing of the session; and

WHEREAS, no expenses will be incurred by the Members of the Senate and House of Representatives during the time which bills are enrolled and other details of closing the session are arranged; and

WHEREAS, it is necessary to fix the date for adjournment of this session of the General Assembly and on that date present bills passed by the General Assembly to the Governor for his approval in accordance with Article III, Section 16 of the Constitution of Iowa; and

WHEREAS, it is desirable to change the past practice, necessitated by the physical impossibility of physically delivering all adopted bills to the Governor on the last session day, of delivering bills after the General Assembly had adjourned and back dating their delivery to the last session day; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That:

1. Upon the adjournment on May 29, 1976, the Senate and House of Representatives shall be in recess and shall set

upon their adjournment at 10:00 a.m. on June 24, 1976.

2. The Secretary of the Senate and Chief Clerk of the House are directed to enroll all bills finally passed by the Senate and House of Representatives which have not been submitted to the Governor for his approval during the last three days of the session and they be made ready to present to the Governor by a delegation from the Senate and from the House of Representatives on June 24, 1976.

3. The Secretary of the Senate and Chief Clerk of the House are directed neither to authorize nor sign warrants for expenses of office or travel for Members of the Senate and House of Representatives for the period from May 30, 1976 through June 23, 1976.

4. After the adjournment on May 29, 1976, the Secretary of the Senate and Chief Clerk of the House are directed to refuse to receive for filing any item, excepting only messages from the other body and messages from the Governor.

5. The adjournment of the Senate and House of Representatives on June 24, 1976, shall constitute the sine die adjournment of the Sixty-sixth General Assembly.