

M I N U T E S

LEGISLATIVE PROCEDURES AND FACILITIES COMMITTEE OF THE LEGISLATIVE COUNCIL

June 13, 1972

The sixth meeting of the Legislative Procedures and Facilities Committee of the Legislative Council was called to order by the Committee Chairman, Speaker of the House William H. Harbor, at 1:45 p.m., Tuesday, June 13, 1972 in the Speaker's Room of the State House, with the following Committee members present in addition to Speaker Harbor:

Senator James E. Briles
Senator John C. Rhodes
Representative Dale M. Cochran
Representative Nathan F. Sorg
Representative Andrew P. Varley

Also present were Secretary of the Senate Carroll A. Lane, Chief Clerk of the House William H. Kendrick, and Director Serge H. Garrison and Phil Burks of the Legislative Service Bureau.

Speaker Harbor stated that, in the absence of objections, he proposed to follow the tentative agenda prepared by Mr. Garrison. Accordingly he called for discussion of House Concurrent Resolution 138 of the Sixty-fourth General Assembly, Second Session, which had been referred to the Committee by the Legislative Council.

Speaker Harbor invited Mr. Kendrick and Mr. Lane to present their views on the changes in joint rules. Mr. Kendrick distributed copies of the text of Joint Rules 11 and 12 of the Sixty-fourth General Assembly, relating respectively to action by one house on amendments by the other house and to conference committees. Mr. Lane distributed copies of proposed changes in Joint Rules 4, 11 and 12, dated January 6, 1972. Both of these items are attached to and by this reference made a part of these minutes.

There was considerable discussion of possible changes in Joint Rule 11. One of the main points of the discussion concerned the interpretation of the language in the opening paragraph of the rule, and the latitude of the originating house in acting upon an amendment by the other house; specifically, whether or not the originating house may divide the other house's amendment and take different actions upon various parts of the amendment as opposed to concurring in or refusing to concur in the other house's amendment as a whole.

There was also considerable discussion of the question whether a house which refuses to concur in the other house's amendment must then take a final vote on the bill before returning it to

the house which passed the amendment in question. Mr. Lane and Mr. Kendrick expressed fundamentally opposed positions on this point, Mr. Kendrick feeling that such an action is a contradiction in terms since the bill as passed would contain material of which the house taking such action did not approve while Mr. Lane expressed the view that such action is necessary to properly transmit the bill to the other house for further action. However, Mr. Lane commented that he will assist in revising the rule to the satisfaction of the Committee, regardless of what its decision on this point may be. It was decided to defer a decision on this particular matter, and also to defer action on the proposed change in Joint Rule 11, part I, paragraph A, pending a decision on the language of the first paragraph of the full Rule.

After discussion, Senator Briles moved that the Committee accept the change in Joint Rule 4 proposed in the material distributed by Mr. Lane. The motion was seconded by Representative Varley and unanimously adopted.

There was some discussion in the change of Joint Rule 11, part II, proposed in the material distributed by Mr. Lane. The discussion centered primarily on the question whether some other language should be substituted for the term "if by a constitutional majority" which it is proposed to remove from the portion of the Rule in question. Mr. Kendrick urged that some specific statement on this point be included.

Representative Cochran moved that the Committee accept the change proposed in the material distributed by Mr. Lane with the inclusion of the words "by a majority of those voting," in lieu of the deleted words "if by a constitutional majority,". The motion was seconded by Senator Briles and unanimously adopted.

The Committee then considered Joint Rule 12, relating to conference committees. There was considerable discussion of paragraph 3, which purports to limit the conference committee to the subject matter of the amendment or amendments insisted upon by the house requesting the conference committee, and whether this rule should be deleted, or adhered to in practice more consistently than has been the case in the past.

Senator Rhodes moved that the Committee recommend insertion of the word "not" after the word "shall" in Joint Rule 12, paragraph 3. The motion was seconded by Representative Sorg and unanimously adopted.

After discussion, Senator Briles moved that the Committee accept the change in Joint Rule 12, paragraph 4, proposed in the material distributed by Mr. Lane. The motion was seconded by Senator Rhodes and unanimously adopted.

Discussion was then initiated on the change in Joint Rule 12, paragraph 7, proposed in the material distributed by Mr. Lane.

Representative Varley moved that the Committee recommend revision of this proposal by inserting after the first sentence of present paragraph 7 a sentence reading as follows: "The bill shall be returned to the house which originated the bill", and by striking the last sentence of present paragraph 7. The motion was seconded by Representative Cochran and unanimously adopted.

The Committee then spent several minutes considering the matter of legislative staffing, as proposed by the language of H.C.R. 138. There was general agreement that lack of office space is a primary limiting factor in further increases in legislative staffing in Iowa at this time.

Representative Cochran inquired about allocation of new office space created in the area occupied by the Legislative Fiscal Director by the remodeling project which was completed this year. At Speaker Harbor's request, the minutes of the December 8, 1971 of the Legislative Council were reviewed, particularly the fourth and fifth full paragraphs on page 4, relative to arrangements for decoration and space allocation in the area involved in the remodeling project. Speaker Harbor and Representative Varley expressed the view that the intent of the action taken by the Council at that time had been followed.

It was noted that the new office created by "double-decking" the area occupied by the ladies restroom on the original second floor of the State House is not presently suitable for use as an office because noise and odors from the restroom on the original second floor are not effectively screened out of the office area on the new intermediate floor. It was suggested that some action should be taken to correct this situation.

Representative Varley inquired about the status of possible assistance from the Citizens Conference on State Legislatures to the Iowa General Assembly for additional staff help. Speaker Harbor reported that he had been informed by Mr. Larry Margolis of the Citizens Conference that priority in such assistance would be given to other states whose legislatures were less highly rated than Iowa's in the evaluation of all fifty state legislatures announced by the Citizens Conference last year.

The Committee discussed the improvement of data processing services to the General Assembly, Director Vern Tanner of the Comptroller's Data Processing Division being present for this portion of the meeting. A proposed time schedule for implementation of the comprehensive data processing system for the General Assembly, prepared by the Data Processing Division of the Comptroller's office and entitled "Status Report of Text System" was reviewed. A copy of this time schedule is attached to and by this reference made a part of these minutes.

It appears that the key to implementing this time schedule is an up-date of the computerized Code of Iowa. \$15,000

has been appropriated for this purpose, however, Mr. Garrison and Mr. Tanner reported that preliminary negotiations with the firm which has in the past up-dated the computer tape upon which the Code of Iowa is recorded have not been satisfactory on the basis of the \$15,000 figure and further negotiations as to price and quality of performance are required. It was noted that the appropriation in question will revert on July 1, 1972 unless encumbered.

In response to questions by Speaker Harbor and Representative Cochran, Mr. Tanner stated that it simply is not feasible for his Division to undertake the required up-dating of the computerized Code of Iowa at this time, although it is intended that the Division will develop this capability so that future up-datings can be handled as required. In answer to a further question from Representative Varley, Mr. Tanner expressed the opinion that if a contract is negotiated under which as much of the up-dating work as possible--within the limitations of the available \$15,000 appropriation--will be carried out by Aspen Systems Corporation, which has handled this work for the State of Iowa in the past, Mr. Tanner's Division would be able to do any necessary work to complete the up-dating of the computerized Code.

Representative Varley then moved that the Committee recommend to the Legislative Council that it authorize Mr. Garrison, with the advice of personnel of the Division of Data Processing of the Comptroller's office, to negotiate a contract for the up-dating of the text of the Code of Iowa as presently placed on computer tape on the most favorable terms obtainable within the limitation of the \$15,000 appropriated for this purpose, subject to the approval of the Legislative Council. The motion was seconded by Representative Sorg and unanimously adopted.

There was some discussion of possible improvements in the present legislative fiscal note procedure. Mr. Garrison reported that he had been contacted by Legislative Fiscal Director Gerry D. Rankin, who expressed concern regarding the tendency of present procedure to result in fiscal note requests which are received so late that it is very difficult, if not impossible, for the Fiscal Director's office to complete a meaningful and thoroughly researched fiscal note within the time then available before the bill in question is taken up for consideration. Mr. Garrison remarked that one possible alternative procedure would be automatic preparation of fiscal notes for bills to which such notes are relevant, at the time the bills are drafted. However, this would involve a possible compromise of confidence in the case of bill drafting requests submitted by sponsors who have not definitely decided to introduce the legislation in question, since it is often necessary to contact agencies of state government outside the legislative branch in order to obtain the information necessary to prepare a fiscal note. As an alternative, Mr. Garrison suggested that the Service Bureau's standard bill drafting request forms include a space in which the sponsor could indicate whether or not he desires preparation of a fiscal note at the time his bill is drafted.

There was general agreement with Mr. Garrison's suggestion on the part of Committee members present, however Senator Rhodes noted that Senate Rule 31 is quite specific regarding circumstances under which a fiscal note must be attached to a bill, and suggested that a reference to this rule also be included on the Senate bill drafting request form. Mr. Kendrick commented that the House of Representatives presently has a less specific rule covering this matter, but that in his view there should be a single joint rule applying to both the Senate and House of Representatives with respect to the circumstances under which a fiscal note must be prepared and attached to a bill. Speaker Harbor requested Mr. Kendrick and Mr. Lane to draw up such a rule and submit it to the Committee for further consideration.

Speaker Harbor noted that several items on the tentative agenda prepared by Mr. Garrison for the present meeting had not been considered, and stated that these items would be considered by the Committee at subsequent meetings during the 1972 interim.

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

PHILIP E. BURKS
Senior Research Analyst