

M I N U T E S
ADMINISTRATION COMMITTEE
OF THE LEGISLATIVE COUNCIL

October 16, 1985

PRELIMINARY BUSINESS

The fourth meeting of the Administration Committee of the Iowa Legislative Council was called to order at 10:15 a.m. by the Chairman, Senator Donald V. Doyle, on Wednesday, October 16, 1985, in Senate Committee Room 22 of the State House, Des Moines, Iowa. Members present in addition to Chairman Doyle were:

Senator C. Joseph Coleman
Representative Bob Arnould
Representative Dale Cochran

Also present during the meeting were Mr. Donovan Peeters, Director, Legislative Service Bureau, Mr. David Lyons, Legal Counsel, Legislative Service Bureau, Ms. Diane Bolender, Senior Research Analyst, Legislative Service Bureau, Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau, other legislative staff, members of the news media, and other interested persons.

MINUTES OF JUNE 19 MEETING APPROVED

Senator Coleman moved that the reading of the minutes of the June 19 meeting of the Administration Committee be dispensed with and the minutes be approved as submitted. The motion was adopted.

PURPOSE OF MEETING

Chairman Doyle commented that the purpose of the Administration Committee meeting is to prepare a report on the feasibility of asking the courts to look at Article III, Section 29, of the Constitution of the State of Iowa as it relates to Senate File 395. He added that this Section of the Constitution relates to single-subject titles and title sufficiency on legislation.

MEMORANDUM ON CONSTITUTIONAL TITLE REQUIREMENTS AND ALTERNATIVES

Chairman Doyle recognized Mr. David Lyons, Legal Counsel, Legislative Service Bureau, to review a Memorandum prepared for the Committee relating to information on the constitutional title requirements and Senate File 395. Mr. Lyons stated that the Memorandum provides a general discussion of the requirements for

titles on bills, an explanation of how these requirements may affect bill titles, and a listing of various alternatives which may exist to present requirements and procedures. A copy of the Memorandum entitled "Response to Request for Information Relating to Constitutional Title Requirements and Senate File 395" is attached to and by this reference made a part of these minutes.

CONSIDERATION OF BILL TITLE PROBLEMS

At the conclusion of Mr. Lyons' comments, Mr. Peeters suggested that the Committee consider what problems exist in relationship to bill titles.

1. Are bills being ruled unconstitutional under the current requirements?

2. Are bill titles not in substantive compliance even though technically in compliance? In other words, is the actual intent of the title requirement not being fulfilled under current drafting and legislative procedures?

3. Is it a drafting problem? Should the title be more readable to legislators and the general public?

IOWA CASE LAW

In reply to a question by Chairman Doyle, Mr. Lyons stated that three years ago there was one case which involved the sufficiency rule as to the bill title. He added that he reviewed three other Iowa cases which have involved insufficient title problems and one case where the single-subject rule was involved.

DISCUSSION OF ALTERNATIVES

Representative Cochran commented that he does not believe that a constitutional amendment should be proposed to resolve any perceived title problems. He added that he would be reluctant to reduce the constitutional requirements to allow log rolling or multiple subject titles as authorized under the United States Constitution. He added that if further title requirements are needed, either joint rules or perhaps legislation may be needed. Senator Coleman and Chairman Doyle also noted that there are different practices in the House and the Senate relating to amendment of the title and the determination of germaneness.

Chairman Doyle noted that provisions of the Iowa Bill Drafting Guide relating to one-subject title and title sufficiency could be used as a basis for a proposed joint rule for consideration of the House and Senate. Representative Cochran stated that he agrees with Chairman Doyle's suggestion that this is a possible course of action for the House and Senate to follow.

Mr Lyons commented that if a joint rule is adopted to provide additional requirements for bill titles, it should be made

mandatory because if it is ignored or suspended there will be an additional problem for the General Assembly to claim that a title is sufficient.

In reply to a question by Representative Cochran, Mr. Lyons stated that Iowa Courts will probably not issue advisory opinions concerning questions that the General Assembly may want addressed and that it is doubtful whether the Courts will consider a case beyond the point at which a particular action can be decided, thus not necessarily reaching all points of law that the General Assembly may want discussed.

BRIEF BY HOUSE AND SENATE LEGAL COUNSELS

In response to a question by Chairman Doyle, Mr. Peeters stated that he had checked with the Chief Clerk and Secretary of the Senate concerning the suggestion that the two Legal Counsels prepare the brief on single-subject titles and title sufficiency for the Administration Committee. He stated that the Senate Legal Counsel is basically a session-only position, and that the House Legal Counsel is currently involved with litigation on the item veto of Senate File 570.

USE OF SENATE FILE 395 FOR TEST CASE

Representative Cochran commented that he believes the legislators who are concerned about the potential title problems on Senate File 395 or any other bill should pursue legal action individually because the Legislative Council as an entity should not be involved with these challenges.

COMMITTEE ACTION -- RESTRICTIONS BY JOINT RULE

Chairman Doyle asked for a motion or motions concerning the Committee's recommendation relating to the title requirement.

Senator Coleman moved that the Committee recommend to the Legislative Council to pursue legal proceedings to resolve the title questions on Senate File 395. After discussion, the motion failed on a vote of one aye and three nays.

Concerning the alternative of amending the Code of Iowa to impose additional title requirements, a motion was not offered.

Representative Cochran moved that the Administration Committee recommend that the Legislative Council refer to the appropriate legislative committee or committees the questions of sufficiency of current practices relating to the content of bill titles and that if deficiencies relating to the single-subject and sufficiency of titles are found, joint rules be drafted using the requirements of the Iowa Bill Drafting Guide as a reference. After further discussion, the motion was adopted.

HOUSE AND SENATE LEGAL COUNSELS UNAVAILABLE FOR BRIEF

Chairman Doyle asked that the minutes and the report of the Committee reflect the point that the House and Senate Legal Counsels were unavailable to prepare a brief due to, among other things, involvement in working on the test suit regarding the item veto.

MEMORANDUM TO COUNCIL MEMBERS

Chairman Doyle also requested that a copy of the Memorandum entitled "Response to the Request for Information Relating to the Constitutional Title Requirements and Senate File 395" be distributed to members of the Legislative Council.

ADJOURNMENT

There being no further business to come before the Committee, Representative Cochran moved that the Committee adjourn at 11:10 a.m. The motion was adopted.

Respectfully submitted,

THANE R. JOHNSON
Senior Research Analyst