

M I N U T E S

PROCEDURES AND FACILITIES COMMITTEE
OF THE
LEGISLATIVE COUNCIL

July 7, 1970

The Procedures and Facilities Committee of the Iowa Legislative Council was convened at 1:45 p.m., Tuesday, July 7, 1970 in the Speaker's Room, State House, Des Moines, by the Committee Chairman, Speaker of the House, William H. Harbor. Committee members present were Senators Eugene M. Hill, Elmer F. Lange, and Robert R. Rigler, and Representatives Dale M. Cochran, Ralph F. McCartney, and Andrew P. Varley.

Also present were Director Serge H. Garrison and Philip E. Burks of the Legislative Service Bureau, and Director Verne Tanner and Assistant Director Dale Nelson of the Data Processing Division of the State Comptroller's Office.

The minutes of the Committee's June 9 meeting were approved as submitted to Committee members.

Mr. Tanner was recognized and discussed the progress toward updating of the computerized Code of Iowa. Mr. Tanner explained that Aspen Systems Corporation of Pittsburgh will again do the updating of the taped Code to reflect the most recent actions of the General Assembly. Preparation of the new taped Code by Aspen can proceed only after Aspen receives page proofs of the 1970 Code of Iowa from Code Editor Wayne Faupel. Despite the fact that preparations to publish the 1970 Code are apparently proceeding very rapidly at the present time, it is not certain that time will permit preparation of an updated version of the magnetic tape Code in time for use during the 1971 legislative session.

Mr. Tanner explained that it is necessary to proofread Aspen Systems' work after it is received, both as a double check on Aspen's work and because Aspen does not correct misspellings of common words (i.e., the, a, and, etc.). This policy is followed by Aspen because their legal retrieval system does not search on such words and therefore the spelling of these words is not critical, however correct spelling does become vital when the taped Code is to be used for publication and drafting as is intended in Iowa. Mr. Garrison commented that Aspen will correct errors found up to the time the taped Code of Iowa is prepared for final delivery, but that there is no assurance that additional errors will not be built in when correcting those found earlier.

Chairman Harbor then stated that it is his understanding, from Mr. Tanner's remarks, that the chances of using the magnetic tape Code for drafting purposes during the 1971 session are minimal. Mr. Tanner replied that he cannot answer that question at this time, everything depends on the publication schedule in Iowa.

Senator Hill then inquired whether, if it is not possible to use the computer for bill drafting in 1971, but the General Assembly nevertheless adopts a new bill drafting style which is compatible with computer drafting, it can be assumed that computer drafting will be assured for the 1972 session. Mr. Tanner replied in the affirmative, adding that a change in bill drafting styles would also make for easier publication and easier updating of the taped Code following the 1971 session.

Senator Hill then inquired what difficulties would be occasioned by a change in bill drafting styles. Mr. Garrison replied that it would be necessary to employ perhaps four additional bill typists, and to add a third team of proofreaders.

Senator Hill then commented that he would prefer that the new bill drafting style indicate language to be deleted from the existing statutes by striking through such language, rather than by parenthesizing it, and asked whether it is possible to do this. Mr. Tanner replied that this can be done on typewriter terminals connected to the computers in each Division, but not on the MT/ST memory tape typewriters. Mr. Garrison commented that use of typewriter terminals served by the Comptroller's Data Processing Division would be cheaper and easier for the Legislative Service Bureau than use of the existing MT/ST typewriters. With the advent of computer bill drafting, by means of typewriter terminals connected to the Comptroller's Data Processing Division, it would be possible for the Legislative Service Bureau to give up all but one of its present MT/ST typewriters. One MT/ST would be retained for use in preparing committee minutes, reports, and similar material.

Senator Hill inquired whether it would be necessary for the Comptroller's Data Processing Division to purchase extra hardware in order to provide computer bill drafting services to the General Assembly. Mr. Tanner replied that it would not be necessary to add additional equipment to the present computer center, but that whatever number of typewriter terminal devices the General Assembly wants will have to be acquired. Mr. Tanner recommended that this be done by installing permanent wiring, but renting the terminals themselves. He explained that such equipment can easily be installed and removed and that the installation charge is less than the monthly rental fee, so that it is financially advantageous to rent rather than purchase the equipment.

Senator Hill then posed the question whether the point has been reached at which the Procedures and Facilities Committee may feel justified in recommending to the Legislative Council that the proposed new bill drafting style be adopted for the 1971 session. In the ensuing discussion, Mr. Garrison made the comment that he would like to adopt the proposed new bill drafting style for use by study committees during the present interim. Chairman Harbor inquired whether Mr. Garrison and Mr. Tanner believe it would be premature in any way to adopt the new bill drafting style for the 1971 session. Mr. Garrison and Mr. Tanner both replied in the negative.

Senator Hill moved that the Procedures and Facilities Committee recommend to the Legislative Council that the proposed new style of bill drafting be adopted for the 1971 session, in anticipation of computer bill drafting beginning with the 1971 session and otherwise for use of computerized bill drafting beginning with the 1972 session. The motion was seconded by Representative Cochran.

The electrical power in the Speaker's Room failed at 2:00 p.m.

After a brief discussion, Senator Hill's motion was passed unanimously.

Code Editor Wayne Faupel arrived at the meeting at 2:05 p.m. Chairman Harbor inquired how the preparations for publication for the 1970 Code of Iowa are progressing. Mr. Faupel replied that he is receiving excellent service from the Wallace Homestead Company, which will print the new Code, and is presently receiving sixty galleys of proofs per day. In answer to a question from Representative Cochran, Mr. Faupel stated that he believes that the entire 1970 Code of Iowa will be available in published form for use by members of the Sixty-fourth General Assembly on the opening day of the 1971 session. He added that the question is how many volumes are to be published for each set of the Code.

Representative McCartney inquired about present statutory provisions on this point. Mr. Faupel replied that a committee composed of the Chief Justice of the State Supreme Court, and the Code Editor, and the Superintendent of Printing are delegated the authority to make the decision. He explained that after consulting the Legislative Council at its May meeting, at which time the Council had suggested that the new Code be published in three volumes, he had conferred with the Chief Justice on the matter. The Chief Justice subsequently informed Mr. Faupel that the members of the State Supreme Court unanimously favor retaining the present two-volume format for the 1970 Code. Mr. Faupel commented that he had also received a letter from Attorney Shirley Webster of Winterset, a member of a special committee of the State Bar Association, suggesting that the new Code be published in six volumes and that the sequence of the present titles of the Code be rearranged in so doing.

The electrical power was restored at 2:10 p.m.

After a brief discussion it was agreed that the committee created by statute has authority to determine the number of volumes in which the new edition of the Code is to be published, and that there is no reason for the Legislative Council to take further action on the matter. In answer to a question, Mr. Faupel stated that in his view any change in the sequence of the contents of the Code, such as suggested by Mr. Webster in his letter, would require legislative action.

Chairman Harbor expressed appreciation to Mr. Tanner,

Mr. Nelson, and Mr. Faupel for the information they had presented. These gentlemen then left the Committee meeting.

The electrical power failed at 2:15 p.m.

The Committee next considered the question of a possible shortening of the customary legislative work week during sessions of the General Assembly. Senator Hill expressed the view that with the shift to annual sessions, and the substitution next year of annual salaries for daily per diem pay it would be much more feasible for the General Assembly to meet in session for only three days each week than would have been the case in the past, and that there would be a number of advantages in doing so.

Senator Hill continued that one of the most important advantages, in his view, would be increased efficiency of the legislative staff, particularly the Legislative Service Bureau, because it would be able to work relatively free from interruptions during the two days each week that the legislature would not be in session. Senator Hill further stated that he believes that a three-day legislative work week would be beneficial because it would tend to make members of the General Assembly less accessible to lobbyists and more accessible to their constituents. It would also give legislators an opportunity for more deliberative reading and study of proposed bills. Finally, Senator Hill asserted that it could be expected to make it easier for business and professional men to serve as part-time legislators.

Senator Hill expressed belief that the overall length of legislative sessions would not be significantly increased by reducing the length of the work week to three days. He pointed out that in practice the Iowa General Assembly presently achieves very little on Monday mornings, and usually adjourns at noon on Friday, except during the last few weeks of the session, so that for the most part the Legislature is actually working a four-day week. Also, there should be fewer bills introduced in coming sessions, because the membership of the General Assembly is being reduced by nearly twenty percent from that of the past few sessions. Senator Hill made reference to information gathered by the Legislative Service Bureau on the length of legislative work weeks in other states, stating that from this information it appears that the total number of days a particular legislature is in session does not seem to be significantly affected by the length of the legislative work week.

Senator Hill acknowledged that shortening the legislative work week would entail some problems. One of these would be the manner of employment of legislative clerks, who are presently employed on the basis of a five-day week but would not be needed on the days when the General Assembly would not be in session. Also, although the number of actual session days should not increase appreciatively, the date of final adjournment of each session could be expected to be later in the year, and this would lead to greater overlapping between the latter portions of even-year sessions and campaigning for the June primary elections.

Representative McCartney expressed belief there is no question that future sessions of the Iowa General Assembly should work a shorter week than has been the custom in the past. He added that he agrees with practically everything Senator Hill has said on this matter, but that it must be recognized that this is basically a matter for the leadership of the next General Assembly, whoever they may be, to decide. Neither the Procedures and Facilities Committee nor the Legislative Council should in anyway attempt to limit their freedom to handle such matters as they think best under the circumstances then existing.

The electrical power was restored at 2:25 p.m.

Representative Varley stated that he sees advantages to a shorter legislative work week, but that there is no more to the matter than simply deciding to meet three days a week instead of five. He pointed out that, according to the information gathered by the Legislative Service Bureau, it appears that most of the states with short work weeks and short legislative sessions are relatively large population, high-legislative budget states which utilize legislative staff much more effectively than Iowa has done. Representative Varley said he would like to see a shorter legislative work week tried in Iowa, but that it should be recognized that it would also be necessary to make other more subtle changes at the same time, such as strengthening and enlarging legislative staff. Senator Hill commented that he does not foresee any likelihood of any such moves, beyond possibly strengthening the staff of the present Legislative Service Bureau in the next few years.

Senator Rigler expressed skepticism of the concept of a three-day legislative work week, commenting that he believes most members of the General Assembly would be in Des Moines five days a week whether the Legislature is actually in session on Monday or Friday. He said that if he were to be a member of future sessions it would be his preference to work five days a week and get the session over as early as possible, so that the members can get back home and tend to their personal affairs on a full-time basis.

The electrical power failed at 2:35 p.m.

Senator Hill pointed out that there is no statutory requirement that the two houses of the General Assembly convene five days a week during legislative sessions, but that this practice has been established by rule or policy for many years. There is no reason that the rule or policy could not be changed to reflect changed circumstances.

Representative Cochran suggested that members of the Legislative Council make a particular effort to discuss this and related matters with legislators from other states at the forthcoming National Legislative Conference, and that the Committee and the Legislative Council make no effort to take any definitive action in this area until after the Conference. This suggestion was agreed to by Committee members present.

The electrical power was restored at 2:37 p.m.

The Committee next considered the possibility of revisions in rules of procedure of the Senate and House of Representatives, particularly rules relating to the filing of amendments to pending legislation from the floor. Representative Varley observed that matters which have the degree of restriction on amendments filed from the floor are significant with respect to the length of the legislative work week, or at least the amount of time which the General Assembly should devote to sessions of the two houses, as opposed to committee work.

The electrical power failed at 2:39 p.m.

There was a general discussion of the purposes and value of amendments to pending legislation offered from the floor of the Senate or House of Representatives immediately before or during the time a particular piece of legislation is considered. It was suggested that it might be desirable to revise the rules of the General Assembly to permit the tabling of an amendment to a bill without tabling the entire bill. It was also suggested that possibly a procedure should be established whereby a vote would be taken on the question of whether or not an amendment, filed from the floor while a bill is under consideration, should be considered on its merits.

The electrical power was restored at 2:42 p.m.

Chairman Harbor inquired whether the Procedures and Facilities Committee should recommend to the Legislative Council any specific action on the question of procedures relating to filing of amendments. Senator Rigler suggested that the Council should express concern about the matter, and indicate that the next session of the General Assembly should consider it carefully.

Representative McCartney pointed out that there is no desire to shut off debate on issues, nor to deny any member of the General Assembly the right to propose what he believes to be improvements or needed changes in a particular piece of legislation. However, Representative McCartney expressed the opinion that the amendment process has been abused as an obstructive tactic in the past, with the result that a substantial majority of one house or the other has been prevented for long periods of time from working its agreed will with respect to legislation under consideration.

The electrical power failed at 2:45 p.m., and was restored at 2:46 p.m.

Representative Gannon expressed some reservations about the suggestion that a vote be taken on whether or not to consider amendments filed from the floor at the time the legislation proposed to be amended is under consideration. However, he added that this might be preferable or at least no less desirable than ruling all proposed

amendments to a particular piece of legislation out of order en masse, which he stated has also occurred in the past.

The electrical power failed at 2:49 p.m.

With respect to the suggestion that a vote be taken on whether or not to consider an amendment offered from the floor to legislation then under consideration, Senator Rigler commented that the legislator handling the bill should have some prerogatives with respect to whether or not he wishes to accept a particular proposed amendment. Senator Rigler added that he would like to see a requirement, that an amendment be filed at least one day before the legislation proposed to be amended is debated, and that each amendment be printed in the journal before it is considered.

Representative Cochran expressed agreement with Senator Rigler's views. He also stated that he favors the change in rules which would permit an amendment to be tabled without tabling the main bill.

The electrical power was restored at 2:54 p.m.

It was pointed out by several Committee members that what is basically at issue is whether or not bills are to be perfected in standing committees, or on the floor of the General Assembly. While it is probably desirable from a procedural point of view to be more restrictive with respect to filing of amendments from the floor to legislation then under consideration, this should not be done unless it can be assured that committees will function more effectively than has been the case in the past.

At the conclusion of the discussion, Senator Rigler stated that the decision on procedure in future sessions of the General Assembly will be made by the majority leadership in those sessions, and that all the Procedures and Facilities Committee and the Legislative Council can really do is to point up what they see as some of the most important problems and suggest possible alternatives. There was general agreement that this position should be reflected in the Procedures and Facilities Committee's report to the Legislative Council on the present meeting.

The electrical power failed at 2:59 p.m.

Senator Rigler stated that at some session prior to 1970, possibly in 1969, he had been informed by a lobbyist for a utility firm that the wiring in the State Capitol building was quite inadequate, and that the building should be completely rewired. He had thereupon filed an amendment to a capitol improvements appropriation bill, which had been adopted. He suggested that the events of the afternoon raised the question whether in fact the rewiring had been done.

The electrical power was restored at 3:01 p.m.

A brief scrutiny of the Acts of the Sixty-third General

Assembly, First Session revealed that Chapter 23 thereof appropriated \$200,000 to the Superintendent of Buildings and Grounds. These funds were "to be used for major repairs to the physical plant and facilities located at the seat of government and for exterior illumination devices for the state capitol and for rewiring of the state capitol building."

The electrical power failed at 3:05 p.m.

It was agreed to request that a representative of the Buildings and Grounds Department come to the meeting to discuss the matter with the Procedures and Facilities Committee.

The electrical power was restored at 3:06 p.m.

Assistant Superintendent of Buildings and Grounds Leonard Ryan arrived at the meeting at 3:07 p.m.

The electrical power failed at 3:08 p.m.

Mr. Ryan explained that the immediate source of the difficulty then being experienced was a defective circuit breaker which was continually kicking out under the load being placed on it. Mr. Ryan added that there had been a tremendous increase in demands on electrical current in the Capitol Building in recent years, to serve a rapidly increasing number of appliances such as electric typewriters, copying machines, and a considerable number of office coffeepots, among other things. In particular, there had been a considerable number of individual office and room airconditioning units installed in recent years.

Mr. Ryan pointed out that the outside temperature and humidity were both quite high, and therefore virtually all the air conditioning units in the building were or had earlier in the day been in use. This had placed such a heavy load on the particular circuit breaker in question that it became overheated and was continually kicking out. Mr. Ryan stated that he had placed fans so as to keep the breaker as cool as possible, and had assigned a man full time to restore the breaker as soon as possible each time it kicks out.

The electrical power was restored at 3:10 p.m.

Mr. Ryan stated that at approximately 6:00 p.m. on the present day, all electrical service in the Capitol Building would be shut off and emergency repairs would be undertaken to overcome the difficulty being experienced with the warm breaker. A replacement circuit breaker had been ordered and delivery by air express had been promised for the following day. If a new breaker is in fact received, service will again be shut off on the following evening and the new breaker installed.

Senator Rigler inquired whether any of the \$200,000 appropriated by Chapter 23 of the 1969 Act had been used for rewiring of the Capitol Building. Mr. Ryan replied in the negative. Senator

Rigler stated that he had been informed that the present wiring in the building is quite inadequate. Mr. Ryan said he would agree with this statement. However, he stated that there were other needs which in 1969 appeared more urgent than rewiring the Capitol Building. One of these was immediate replacement of a failing boiler in the Capitol heating plant.

The electrical power failed at 3:14 p.m.

Mr. Ryan pointed out that one of the projects specifically mentioned in Chapter 23 of the 1969 Act was installation of new exterior illumination devices for the Capitol Building. He stated that installation of these devices has been speeded up in view of the present concern over security of the building. Representative McCartney inquired whether these devices would be out of service while the worn circuit breaker was being temporarily repaired and later replaced. Mr. Ryan stated that the intention was to undertake and complete the necessary work after 6:00 p.m. and well before nightfall. He estimated that the total time of the complete electrical power shutdown for this work probably would not exceed half an hour.

The electrical power was restored at 3:18 p.m.

In response to a question, Mr. Ryan stated that the Department of Buildings and Grounds did not permit stocking a stand-by replacement circuit breaker. Mr. Ryan agreed to attend the Legislative Council meeting on the following afternoon for the purpose of discussing the need for rewiring of the Capitol Building.

The electrical power failed at 3:19 p.m.

The meeting was adjourned at 3:20 p.m.

Respectively submitted,

PHILIP E. BURKS
Senior Research Analyst