

M I N U T E S

SERVICE COMMITTEE OF THE
LEGISLATIVE COUNCIL

September 10, 1980

The meeting of the Service Committee of the Legislative Council was called to order at 10:10 a.m. by the Chairperson, Representative Delwyn Stromer, in Committee Room 22 of the State House on Wednesday, September 10, 1980. Members present in addition to the Chairperson were:

Senator Willard R. Hansen
Senator John Murray
Representative Ingwer Hansen

Also present were:

Mr. Bruce Graham, Chief Clerk of the House of Representatives
Mr. Wayne Faupel, Code Editor
Mr. William Angrick, Citizen's Aide
Mr. Serge Garrison, Director, Legislative Service Bureau
Ms. Diane Bolender, Senior Research Analyst, Legislative Service Bureau

Senator Murray moved that the minutes of the July 16, 1980 meeting be approved as mailed to Committee members. The motion carried.

Mr. Garrison asked for approval to employ Mr. Martin Francis as a Legal Counsel I with starting salary set at Grade 29, Step 1. He indicated that it is necessary to employ an additional person with the resignation of Ms. Marsha Szymczuk and since Mr. Gary Kaufman is also performing the functions of data processing programmer for reapportionment purposes. Representative Hansen moved that the employment of Mr. Francis be approved. Senator Murray seconded the motion, and it carried.

Mr. Garrison asked Committee members to review and propose changes to the Bill Drafting Guide. Copies of the full text of the Bill Drafting Guide are available from the Legislative Service Bureau upon request. He noted that it is the duty of the Legislative Council to approve the form and style of bill drafting. The recommendations for change include not doubling citations to chapters and sections of the Code and to the Session Laws, and not using the words "of the Code", "of this Act", and "of this section".

Mr. Garrison commented that the proposal also contemplates that the drafter may indicate the anticipated placement of a new section in the Code by assigning a number and if the new section would take a number following an existing number which is not the last number in a chapter, the drafter would assign a "point number". He illustrated by saying that if the drafter wishes to add a section

after section 321.24, the number 321.24.1 would be assigned. Mr. Garrison added that any assignment of a number by a drafter is subject to change or reassignment by the Code Editor. Mr. Faupel did not favor the bill drafter assigning numbers as it is confusing. Both Senator Murray and Chairperson Stromer indicated it is helpful for them to be aware of where the new section will appear in the existing Code. Mr. Faupel expressed the belief that he would rather have the drafter indicate the placement by indicating in the amending clause the placement of the new section following an existing section, but not assigning a specific "point number".

Senator Murray moved that the Service Committee approve the Bill Drafting Guide as presented to members. Representative Hansen seconded the motion.

Senator Murray then moved that the Bill Drafting Guide be modified as recommended by Mr. Faupel by not assigning a specific number to new sections, but indicating in the amending clause where in the Code the section would be placed. The amendment carried.

Mr. Garrison asked Committee members for their views on the policy which had been adopted by the Legislative Council two years ago that bills would be given a January first effective date in order that governmental subdivisions and other interested parties might become aware of and receive copies of bills before their implementation. Discussion followed relating to the fact that the January first effective date was removed by amendment from many of the bills that were enacted. Representative Ingwer Hansen moved that bills should have an effective date of the July first following enactment unless the sponsor of the bill specifically asks for another date. Senator Murray suggested that the drafting request include a line which allows the sponsor to request a date other than July first. Representative Hansen's motion was adopted.

Mr. Faupel described the confusion which occurs when a new chapter of the Code is assigned a number in a bill and then references are made to those numbers in amendments to existing sections of the Code in the same bill. Representative Hansen moved that in order to avoid confusion, when new chapters to the Code are added and numbered, references to the new sections should refer back to the section of the bill. Senator Murray seconded the motion, and it carried.

Senator Murray's motion to adopt the Bill Drafting Guide as amended was adopted.

Mr. Angrick asked permission to replace the vacancy created by the resignation of Charles Richard, General Deputy. It was noted that Mr. Richard resigned effective September 2nd. Mr. Angrick discussed the increased caseload in his office and the need for a full staff complement. Senator Murray moved that Mr. Angrick be

given permission to initiate a search for a replacement for Mr. Richard, but that the vacancy not be filled until early November. Representative Hansen seconded the motion, and it carried.

Mr. Garrison noted that Dr. Farrel of LEAG has asked to address the Legislative Council at the afternoon session relating to LEAG's application for federal funding for a program with the General Assembly. Senator Hansen noted that he had introduced a bill to formally structure a relationship between the General Assembly and the three state universities. Chairperson Stromer indicated that it will be necessary in the future to spend some time discussing the relationship of the General Assembly to LEAG.

Mr. Angrick discussed his future course of action relating to securing the services of a consulting engineer to evaluate the remodeling needs of the Citizens' Aide building. He asked whether it will be necessary for him to formally initiate bidding procedures in order to employ the consultant. Representative Stromer indicated that Legal Counsel would assist Mr. Angrick in receiving an answer to his question.

The Service Committee adjourned at 11:14 a.m.

Respectfully submitted,

DIANE BOLENDER
Senior Research Analyst