

IOWA LEGISLATIVE PROCESSES  
STUDY COMMITTEE



FINAL REPORT



November, 1968

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#### *Legislative Members of the Committee*

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- Senator Eugene M. Hill* (Democrat, Newton)
- Senator John P. Kibbie* (Democrat, Emmetsburg)
- Representative James E. Maloney* (Democrat, Bondurant)
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- Senator Max Milo Mills* (Republican, Marshalltown)
- Representative Leroy H. Petersen* (Republican, Grimes)
- Senator Robert R. Rigler* (Republican, New Hampton)

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- Mr. Serge Garrison*, Director, Legislative Research Bureau
- Miss Diane Devin*, Research Analyst, Legislative Research Bureau

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Rep. Leroy H. Petersen  
Mr. Richard W. Peterson  
Mr. Don Reid  
Mr. Robert A. Wright  
Dr. Paul F. Sharp\*

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\*Ex officio

August 14, 1968

Representative Marvin Smith  
Chairman  
Legislative Research Committee  
State House  
Des Moines, Iowa 50319

Dear Representative Smith:

In transmitting the final report of the Iowa Legislative Processes Study Committee, we wish to express the respect and admiration with which the members of the committee view the Legislature. The people of Iowa can be justly proud of their able and dedicated legislators.

Ability and dedication of individual members can be frustrated if the institution is impaired by inefficient or ineffective procedures. The Committee approached its responsibility with a singleness of purpose: to recommend improvements in the legislative process to strengthen the Iowa Legislature as a vigorous and effective political institution.

Much has been said in recent years of the decline and ineffectiveness of state legislatures. The recommendations of our Committee are intended to suggest improvements which will permit legislators to serve their constituents and the people of Iowa more effectively through a strengthened and more vital institution.

We submit this report to the Legislative Research Committee and the Legislature for their consideration. Please be assured that the members of the Committee have a continuing interest in the improvement of the Iowa legislative process.

Respectfully yours,



Paul F. Sharp  
Chairman

## STATEMENT BY THE CHAIRMAN

If state government is to survive the rigors and enigmas of contemporary society, the state legislature must be made more effective in the areas of its responsibilities. Over the past years, we have witnessed a serious erosion of legislative efficiency and effectiveness due in no small measure to unreasonable restrictions bred of mistrust. These restrictions have hindered the Legislature from acting with imagination and vitality. Recruitment of Legislative candidates has become more difficult although the essence of representative government demands the contrary. The public image of the Legislature suffers in comparison with other branches of government. It is to these problems and their causes that the Legislative Processes Study Committee directed its attention.

Improvement in the organization, procedures, facilities and staff of the Iowa Legislature is urgently needed. In comparison to many other states, the Iowa Legislature is in a relatively enviable position. But the fallacy of comparison rests in its use to justify a mutually reinforcing mediocrity and insufficiency. While some of the recommendations of this report have greater urgency than others, these improvements are necessary checks to the erosion of legislative power and representative government. To summarize the content and purpose of the report, the recommendations urge:

*Removal of unnecessary restrictions on the Legislature;*

*Streamlined organization and procedures;*

*Expanded and improved facilities;*

*Increased staff assistance;*

*Greater understanding of the Legislature by the people.*

As Chairman, I wish to express my appreciation to the members of the Committee who have given so generously of their time over the past months. They brought to this study a diversity of views and experience matched only by the seriousness with which they assumed their task.

The Committee is indebted to the several hundred people who appeared before our subcommittees to impart their experience and suggestions. They were of immeasurable value in defining problems and suggesting solutions. We would also like to thank Mr. George Morgan and the Citizens Conference on State Legislatures for their financial and research assistance.

Doctor Donald Sprengel of the University of Iowa, our Staff Director, and Miss Diane Devin of the Legislative Research Bureau, the Committee Secretary, deserve our grateful acknowledgement. We would also like to thank Mr. Serge Garrison, Director of the Legislative Research Bureau, for his research and advisory assistance, and Mr. William Linstrom of Iowa State University for his aid in arranging public hearings throughout the State.

Paul F. Sharp, Chairman  
August 15, 1968

## HISTORY OF THE STUDY COMMITTEE

The Iowa Legislative Processes Study Committee was established by resolution of the Legislative Research Committee on August 23, 1967, and was charged to examine ways and means of improving the structure and procedures of the Legislature and to publish a report of its findings and recommendations. This report is the product of that directive.

The membership of the Committee (24 lay citizens and 8 legislators) and the rules under which it was to operate were intentionally structured to ensure an impartial, balanced, nonlegislator approach to the study. Members of the Committee represented a balance between political parties as well as among sections and economic interests of the state. With Dr. Paul F. Sharp, President of Drake University, as Chairman, the Committee held organizational meetings in November and December, 1967. Dr. Donald Sprengel of The University of Iowa was selected as Staff Director for the study. The Citizens Conference on State Legislatures provided a grant of \$3,000 in support of research and secretarial expenses and further agreed to finance the printing of this report.

Research into the numerous aspects of the legislative process was apportioned according to subject among four subcommittees: Citizens Relations, Facilities, Legislative Organization, and Personnel. The subcommittees began their meetings and hearings in early January, 1968. Consistent with the purpose of the study, a vigorous attempt was made to solicit views and suggestions from every conceivable source. The mass media, civic groups, organized associations, lobbyists, former as well as current legislators, representatives of both political parties, legislative employees, personnel from the executive branch, university professors—all were consulted or appeared at the more than thirty subcommittee meetings.

By June 4, 1968, the subcommittees had completed their assignments and had drafted preliminary recommendations. In order to obtain reactions to the subcommittee reports, public hearings were held in five cities around the state: Waterloo on June 20, Fairfield on June 21, Atlantic on June 24, Storm Lake on June 26, and Des Moines on June 27. The final report was adopted over the course of three meetings held on July 25, 26, and 31.

# RECOMMENDATIONS ON LEGISLATIVE ORGANIZATION

## ORGANIZATION

The Committee recommends a reorganization of standing and interim committees into what it believes would be a more efficient and effective system. Interim committee reports lose impact when legislators involved in the study are not also members of the standing committee to which that particular report is assigned; the Committee recommends that the standing committees serve in place of interim committees. Also, the number of committees should be limited along with the number of committee assignments for each legislator, enabling the individual legislator to develop expertise in specific areas. The Committee further recommends a committee structure that would encourage greater cooperation between the two houses in a manner that would expedite the legislative process. In a similar vein, the Committee discourages the use of special or select committees organized on an ad hoc basis, in the belief that a standing committee—or its subcommittee—could perform any function of a special or select committee.

To these ends the Committee recommends that:

### *Legislative Council*

1. A Legislative Council be created. The Legislative Research Committee, the Departmental Rules Review Committee, the Budget and Financial Control Committee, and interim study committees should be eliminated and their duties assigned to the Council and to the standing committees of the House and Senate.

2. The Legislative Council be composed of 16 members. The President Pro Tempore of the Senate, the Speaker of the House, and the majority and minority leaders of both houses should be members of the Council by virtue of their office. The additional membership should be composed of three members of the majority party and two members of the minority party from each house. The Council should select a chairman from its membership, rotating the position between the House and Senate members.

3. The Legislative Council be given authority and have responsibility to:

- a. Recommend staff for the House and Senate;
- b. Provide staff for the Legislative Council;
- c. Recommend staff for each of the standing committees of the House and Senate;
- d. Recommend changes in the joint rules for more efficient operation of the General Assembly and draft such rule amendments, resolutions, and bills as may be required to carry out the recommendations;
- e. With statutory authorization from the General Assembly expend

funds to provide necessary space and equipment for use of the General Assembly, and to initiate repair and renovation of facilities;

f. With the authorization of the General Assembly determine the name and number of standing committees of both houses;

g. Assume administrative supervision and policy determination over the Legislative Research Bureau and the Office of Legislative Fiscal Director;

h. Authorize expenditures from a contingency fund established for that purpose for investigations by the standing committees during the interim.

### *Standing Committees*

1. At the first session following each general election, the standing committees be established to function until the next General Assembly convenes at its first session following a general election. Meetings should be held as necessary in the interim between sessions.

2. The maximum number of standing committees should be 15. Ten would be preferable. Committees should be identical in name and number between both houses, consider bills pertaining to the same subject matter, and meet at corresponding times to facilitate joint hearings and consideration of bills.

3. Standing committees should be given authority and have responsibility to:

a. Approve staff within budget limitations and to request special staff from the Legislative Research Bureau and the Legislative Fiscal Director.

b. Conduct investigations with the approval of either or both houses during the session, or the Legislative Council during the interim, with authority to call witnesses, administer oaths, issue subpoenas, and subpoenas duces tecum to compel production of books and papers, and cite for contempt;

c. Require reports and information from state agencies as well as the full cooperation of their personnel;

d. Establish, when advisable, advisory committees composed of private citizens;

e. Undertake in-depth studies of governmental matters within their assigned jurisdiction, not only for the purpose of evaluating legislation proposed or thought necessary, but also for studying existing laws, governmental operations and functions to determine usefulness and effectiveness;

f. Review, in joint committee action, the rules of the departments with which they are concerned, consult the affected departments, and prepare corrective legislation when necessary;

g. Establish effective legislative oversight of state agencies and departments;

h. Prepare and disseminate, in advance, agenda for committee meetings;

i. Give thorough consideration to, establish priorities for, and make recommendations on all bills assigned to the committee;

j. Attach fiscal notes, where necessary, to all bills recommended for passage;

k. Prepare a report to be filed with the committee recommendation on each bill giving the reasons for the recommendation;

l. Hold joint committee meetings to consider controversial bills in an effort to determine early in the legislative process what might be acceptable to both the House and Senate;

m. When advisable, hold joint committee public hearings, well publicized and with adequate provision for public participation.

4. Members of the House and Senate be assigned to no more than three committees.

5. The caucus of each political party in each house determine the method by which its members are assigned to committees.

6. Political party representation on committees be in the same ratio as the numerical strength of each party in that house to the total membership of that house.

7. The Legislature give intensive study to the proposition that the standing committees be assigned the appropriations function, the appropriations committees be abolished, and the Legislative Council perform the budget coordination function.\*

## RULES OF PROCEDURE

The Committee believes that the general format and content of the existing rules provide a fair and workable operating procedure for the General Assembly. The rules would be more easily understood if they reflected changes in language usage and meaning that have developed over the years. The Committee recommends that:

1. The Joint Rules, the rules of each house, and the Iowa Manual of Legislative Procedure be reconstructed and clarified. Wherever helpful, they should include:

a. Descriptive material on legislative organization, illustrated by charts, graphs, and diagrams;

b. Footnotes with cross references, where necessary, to other rules, statutes, and the Constitution;

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\*Disenting opinion on page 25.

c. A glossary of terms.

2. Each house re-examine its rules periodically, and both houses re-examine the joint rules so as to delete those which have become obsolete. Examples: Joint Rule 17 and House Rule 55 which have been superceded by the Tort Claims Act, and House Rule 56 referring to a committee on pairs.

3. Each house adopt rules governing the use of television, radio, and photographic equipment, and the conduct of persons using such equipment.

4. A fiscal note, on a standard form approved by both houses, be attached to any bill or amendment having fiscal implications for the state budget recommended for passage by a committee. Each fiscal note should set out the best dollars and cents estimate of the fiscal implications of the bill or amendment. It should be prepared by the Legislative Fiscal Director with the cooperation, as necessary, of the State Comptroller and the state agency that would be responsible for collecting, or spending, the money.

5. The House of Representatives adopt reasonable restrictions on visitations to the floor while in session.

6. In order to minimize confusion and congestion, the clerks (secretaries) of the individual legislators not be permitted on the floor of either house during debate.

7. No lobbyist, including former legislators, should be permitted floor privileges while the Legislature is in session.

8. Introduction of guests while in session be discouraged, although notation of their appearance might be made in the journals.

9. Both houses adopt Mason's Manual of Legislative Procedure to govern the conduct of business.

10. Special orders not be used as a substitute for steering or sifting committee action or as a means of delaying the appointment of these committees.

11. Amendments be in writing and preferably filed prior to debate.

12. If annual sessions are ratified by the people, each house adopt rules to permit bills to carry over to the second session if they are not defeated in the first. A bill passed by one house during the first session should not be required to pass that house during the second session.

13. Each house make greater use of the Committee of the Whole, and provide for the printing of the Committee of the Whole proceedings in its journal. Also, a rule should be adopted to prohibit debate on, or amendment of, a Committee of the Whole report except upon two-thirds vote of the members present.

## BILL FORM AND FILING

1. The lines on each page of all printed bills should be numbered consecutively, starting with the figure "1" for the first line on each page. Amendments should be identified by reference to file (bill) number, page, and line only.

2. Where reasonable and practical, bills should contain the total section or subsection of law being amended. The language being deleted or added should be identified in a distinctive manner, e.g., italics, capitalization, or underlining.

3. A bill which has been substantially amended should not be passed until that bill, with all adopted amendments, has been reprinted on paper of a color different from that used on the original bill. The reprinted bill should set out the amendments in a manner that distinguishes them from the language of the law or original bill.

4. A true and accurate explanation of the contents of each bill should be printed at the end of the bill or on a separate page attached to the bill.

5. Chapter 82, Acts of the 62nd General Assembly (House File 633) should be clarified by rule or statutory amendment in relation to the filing of departmental or agency bills and resolutions and the mode of printing to be used for prefiled bills and resolutions.

## HOUSE AND SENATE JOURNALS

1. In addition to printing the proceedings of the Committee of the Whole, the journal style should be altered so as to distinguish typographically each individual item being considered, each action taken, and each order of business.

2. As an aid in determining legislative intent, and as a means of maintaining adequate and accurate records of the legislative process, floor proceedings in each house should be tape recorded, filed with the Legislative Council, and made available to the public on request. The tape need not be transcribed unless circumstances call for it.

## COMMITTEE MINUTES AND REPORTS

1. Accurate, concise minutes of all committee meetings should be kept, transcribed on standard forms, and indexed by bill file numbers. Minutes should include discussion summaries, testimony and statements received, committee actions, and votes taken. At the close of each biennium committee minutes should be filed with the Chief Clerk of the House and the Secretary of the Senate.

2. Committee recommendations on bills should include a concise statement setting forth the reasoning behind the recommendation.

## CODIFICATION AND DISTRIBUTION OF THE STATUTES

1. The standing committees of the Legislature should, within their individual fields of study, establish procedures for continuous code revision.
2. The statute limiting the printing of the Code of Iowa to two volumes should be changed to permit a more flexible approach.
3. The statute providing for a reprinting of the Code of Iowa following odd numbered sessions of the Legislature should be changed to provide for updating every odd numbered year. Consideration should be given to a page replacement system for updating the Code.
4. The index to the Code of Iowa is in need of revision and updating, such not having been done since 1946. Computer application to the project could perform the function quickly, accurately and economically.
5. The Superintendent of Printing should be directed to distribute each volume of the Code of Iowa as it becomes available rather than delaying distribution until all volumes are available.
6. Corrective legislation submitted by the Code Editor should be assigned to the appropriate standing committees rather than entirely to the judiciary committees.

## PRINTING

The Committee considered problems of legislative printing and encourages the full-time legislative employees (Chief Clerk of the House, Secretary of the Senate, and Director of the Legislative Research Bureau) in their plans to implement a centralized copy center.

## MISCELLANEOUS

1. The Legislative Research Bureau in cooperation with the Chief Clerk of the House and the Secretary of the Senate should prepare a legislative session employee's handbook, listing qualifications necessary to fulfill properly various employee positions, the principal responsibilities and duties of the various positions, and procedures to be followed in performing such duties.
2. Committee chairman should be urged to use an early committee session to orient new members to the duties and subject matter of the committee.
3. The Legislature should initiate a constitutional amendment providing a mechanism by which the Legislature might call itself back into session. The number of legislators required to initiate a call should be at least a majority of each house.
4. If annual sessions are ratified by the people, the sessions should be

numbered consecutively (First Session, Second Session), but the present system of designating General Assemblies should be retained. For example: the 1969 session would be numbered 63rd General Assembly, First Session; and the second session in 1970 would be designated 63rd General Assembly, Second Session.

5. Annual sessions of the Legislature and interim meetings of standing committees will necessitate prompt implementation of constitutional procedures for filling legislative vacancies. The question of defining vacancies caused by inability to serve remains unresolved. Study should be given to the question.

## RECOMMENDATIONS ON PERSONNEL

### GENERAL

We favor the maintenance of a Legislature made up of dedicated public servants representing all aspects of Iowa's culture and economy. Techniques, tools, and procedures for improvement of the Legislature are contained in the recommendations which follow.

The Committee:

1. Urges the ratification by the people of the constitutional amendment providing for a Senate of no more than 50 members and a House of no more than 100.

2. Urges ratification by the people of the constitutional amendment providing for annual sessions of the legislature.\*

3. Urges ratification by the people of the constitutional amendment pertaining to legislative compensation which would permit payment of expenses and annual salaries.

4. Urges ratification by the people of the constitutional amendment relating to home rule for municipal corporations.

5. The Committee recommends that legislators be paid on a yearly basis rather than by the day as at present. If annual sessions are adopted, we recommend a salary of \$6,000 per year; if there is only one regular session every two years, we recommend \$8,000 for the two-year period.\*\*

6. The Committee further recommends that legislators be provided an allowance as follows:

a. Mileage between permanent residence and the Capitol at the standard state rate for one round trip each week when in session.

b. Expenses of \$18 a day, five days per week when actually in session to cover the costs of lodging, meals, laundry, postage, and all other expenses, except that legislators from Polk County be provided expenses of \$9 per day.

7. Recommends that when the Legislature is not in session and a legislator is on official state business (such as interim committee meetings), an additional daily salary of \$40 plus actual expenses be provided.

8. Recommends that in the event of a special session, legislators be compensated at \$40 per day (in addition to salary) plus \$18 for expenses (\$9 per day for Polk County legislators) and mileage for one round trip per week between permanent residence and the Capitol.

\*Dissenting opinion on page 25.

\*\*Dissenting opinion on page 25.

9. Recommends the second passage by the Legislature and ratification by the people of the constitutional amendment requiring subdistricting of legislative districts.

10. Recommends that the present ineffective campaign contribution statutes be thoroughly reviewed by the Legislature.

11. Recommends that primary elections in Iowa be held earlier than September.

## STAFFING

An integral part of the legislative process rests in the provision of accurate and adequate information to the legislators to facilitate informed judgments on matters of complex public policy. Legal and basic research, bill drafting and analysis, fiscal analysis, and legal counseling are fundamental services necessary to the fulfillment of the legislative function. It is imperative that the Legislature develop and maintain its own research and service agencies to lessen dependence upon lobbyists and executive agencies for information. Annual sessions can only intensify the need for legislatively controlled information sources. Accordingly, the Committee makes the following recommendations.

1. For the immediate future the Legislative Research Bureau, the Office of Fiscal Director, and the Office of Code Editor should remain organizationally separate. Continued cooperation among these agencies should be encouraged.\*

2. The staff of the legislative service agencies should provide a well-balanced core of nonpartisan, professional competence. Compensation must be competitive with that to be found in public and private employment.

3. Every effort should be directed toward expanding contact with the private sector and institutions of higher learning so as to make available to the Legislature additional sources of expertise. The institutions should also be used as sources for part-time bill drafting, legal, and research assistance.

4. Major standing committees should be provided professional nonpartisan staff. We do not recommend the staffing of every standing committee at this time, but only those committees having a large workload. The committee staff should be recruited and employed by the legislative service agencies and assigned to specific committees with the consent of the committee itself.

5. Administrative assistance should be furnished the majority and the minority leaders of each major political party at state expense during the legislative session.

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\*Dissenting opinion on page 26.

## ORIENTATION AIDS

The Committee recognizes the value of an orientation program for legislators and urges that the practice be continued, supported by such funds from the Legislature as are required to ensure its success.

## RECOMMENDATIONS ON CITIZENS RELATIONS

### LEGISLATIVE—CITIZENS RELATIONS

The Committee recommends that:

1. Educational institutions at all levels be encouraged to provide an expanded program of information about state and local government generally and the Legislature in particular. The Iowa Constitution in its official form is difficult for the general public to read and understand. We recommend that the Institute of Public Affairs of The University of Iowa prepare for public distribution a version of the constitution in which the amendments are incorporated and inoperable parts deleted.

2. The Legislature consider means of encouraging the production of explanatory materials on Iowa state and local government, particularly the Legislature. The materials should be produced by educational agencies and geared to all levels of education.

3. Informative brochures for the public visiting the Legislature be prepared as a major aid in increasing public interest and knowledge.

4. The following services be provided to assist both the public and the Legislature:

a. Record keeping service—to collect and publish daily in digest form basic data on the activities of the Legislature including committee and floor action and all votes taken.

b. Public information service—to operate an information center for the public which would assist persons in locating legislators and finding committee rooms; distribute information brochures; provide information to the general public on the Legislature; instruct visiting groups through short courses about the legislative process and current activity in the Legislature; develop and distribute seating charts and other tools to assist persons in identifying their legislators; handle the scheduling of visiting groups; arrange tours, and arrange meetings between constituents and legislators. This service might also handle the recommended briefing sessions for legislative correspondents.

### LEGISLATIVE—PRESS RELATIONS

The Committee encourages and recognizes the value of a responsible press, one that provides a balanced approach to the positive as well as the negative sides of issues and discussions. It should be understood, however, that the basis of any news story, be it good or bad, is the facts themselves. The press has the responsibility of reporting the facts as fairly and objectively as possible. Similarly, the Legislature must recognize that when its activities are fairly reported, the Legislature itself has laid the foundation for its own

image. The way to create a favorable image in the press, on radio and TV, is first of all to deserve it. It is a joint responsibility involving the Legislature as well as the press. For any governmental agency or person connected therewith to attempt to create a favorable image by "controlling" or "managing" the news is an abomination in a free society.

The Committee recommends that:

1. Early in the legislative session, legislative correspondents be provided a briefing session to familiarize them with the Iowa legislative process, and to inform them of impending issues, particularly interim study committee reports. Such briefing and the production of informative brochures might be provided by the Legislative Research Bureau or the departments of journalism or political science of the state universities, and might include the assistance of veteran correspondents. Special effort should be directed to the correspondents of newspapers which do not have full-time reporters on duty during the session.

2. Identification tags for legislators, lobbyists, staff personnel, and press correspondents be provided.

3. Members of the press not be on the floor during debate.

4. Live coverage of the session by TV and radio be encouraged. The same recommendation holds true for committees.

5. Committee meetings receive systematic coverage by the media.

## LEGISLATIVE—LOBBYIST RELATIONS

The Committee has uncovered no evidence of illicit, illegal, or unethical practices in regard to lobbying in the Iowa Legislature. The Committee recognizes the valuable functions performed by lobbyists in the legislative process. However, the Committee also recognizes that lobbyists possess a number of built-in advantages that provide the opportunity to wield excessive influence upon legislators with obvious implications for the public interest. Therefore, the Legislature should be provided the necessary time and assistance to investigate the full import of lobbyist-drafted bills and amendments. Several recommendations of this Committee lessen the potential for undue lobbyist influence and reduce excessive legislative dependence upon lobbyists. With these thoughts in mind, the Committee recommendations with respect to lobbying are basically preventive rather than corrective.

The Committee recommends that:

1. Any person who lobbies or attempts to influence or promote any piece of legislation or make information available to any legislator at the seat of

government on a regular basis, or who receives compensation or anything of value, be required to register. This requirement shall not include:

a. Persons representing themselves.

b. Persons asked to appear or to testify before any committee of the Legislature at the specific request of that committee or the Legislature.

c. Government employees specifically requested to appear, testify, or provide information by any committee when called by the official action of the committee or the chamber, or by an individual legislator.

d. Representatives of state or local political party organizations.

2. Registration be required, by statute and under appropriate penalty, with the Secretary of State, who should make the registration list available to the public. Enforcement of this provision should be the responsibility of the Attorney General.

Registration should include: name, local (and permanent if different) business address; telephone number(s); all clients represented, their addresses, and the estimated duration of employment in each case. This information should be kept up to date.

Any lobbyist should register on or before the day his lobbying activity begins. No registration fee should be charged, and no financial disclosure report should be required.

3. All federal, state, and local employees or officials representing the official positions of their agencies be required to present to the Secretary of State a letter of authorization from their department or agency heads. Such employees or officials who wish to lobby in opposition to the official policy may do so by registering and need not submit a letter of authorization.

4. Lobbyists publish and make available a written code of ethics for lobbyists.

5. No member of the General Assembly or full-time legislative employee should accept, agree to accept, or be in partnership with or a business associate of one who accepts or agrees to accept compensation for lobbying.

## CONFLICTS OF INTEREST\*

The 1967 General Assembly enacted Senate File 476 (Chapter 107, Laws, 62nd General Assembly) which defines and prohibits illegal and unethical conduct on the part of administrative and legislative personnel and officeholders. The Committee feels, however, that improvements can be made in Senate File 476 with particular reference to the Legislature. The Committee recommends that:

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\*Dissenting opinion on financial disclosure on page 26.

1. The separate House and Senate ethics committees provided for in Senate File 476 meet jointly to draft and recommend a uniform legislative code of ethics. Investigations and enforcement of the code should be left to the committee in each chamber with respect to its own members.

2. Senate File 476 be amended as follows:

a. The law requiring the committees to prepare a code of ethics for legislators within thirty days of the first meeting should be extended to include lobbyist rules.

b. The responsibility of the ethics committees to investigate charges against legislators should be extended to include charges against lobbyists.

c. The provision prohibiting legislators and state employees from selling goods to a state agency should be extended to include the performance of a service for compensation. This prohibition should not apply to legislators whose normal course of employment between sessions is with a state agency.

d. The time restriction on former executive officials lobbying the legislature should be repealed.

3. The Code of Legislative Ethics mandated in Senate File 476 be instituted by means of legislative rule initially with the intent of eventual statutory coverage.

4. No member of the General Assembly or full-time legislative employee act as an agent for the state in any transaction with himself or in which he, his family, or a business connection has a substantial financial interest. This provision would not be applicable to those transactions requiring public notice and competitive bidding.

5. No member of the General Assembly or full-time legislative employee use his position to coerce favorable action from any governmental agency.\*\*

## OMBUDSMAN†

The Committee recommends that the Legislature give intensive study to the question of creating the office of ombudsman in order to assess the need for and value of such a position. Roughly analogous to the role of public defender, the ombudsman would essentially be the representative of the citizen before an administrative agency.

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\* Dissenting opinion on leaves of absence on page 26.

\*\*Dissenting opinion on page 26.

† Dissenting opinion on pages 26-27.

## RECOMMENDATIONS ON FACILITIES

### SHORT RANGE GOALS

#### *Legislative Facilities*

The recommendations which follow embody improvements of immediate priority in facilities and equipment for the use of the Legislature. The Committee recommends that:

1. Authority to commence improvement of facilities in either or both houses of the State Legislature be clarified beyond that which is found in Section 2.20 of the Code of Iowa. The Committee suggests that a permanent joint committee of the Legislature be given this responsibility. In the meantime, the Committee urges the Speaker and the Lieutenant Governor to implement the recommended improvements.

2. Legislators be assigned specific parking spaces in a reserved area during the session. This area should be policed and the regulation enforced.\*

3. A signal system be installed in all public areas and committee rooms to inform legislators of impending quorum or roll call votes in either or both houses. Such a system might be incorporated into the civil defense alert warning system or existing telephone lines in the building.

4. The public address system in the House be replaced, and the Senate public address system made compatible with it. The system in the House is now dated and malfunctions prevent its effective use. The public address system control panels should be replaced with individual controls at the desk of each legislator.

5. The electrical wiring system in the House and the Senate be replaced so as to provide maximum flexibility for future electronic demands. The situation in the House is especially critical, as hot wires have actually burned the carpet. In any modernization of the wiring system provision should be made for coaxial cable conduits and other audio-visual wiring. At present, necessary electrical connections and wiring for live television and radio coverage of the sessions are strewn about both chambers, creating problems of safety and communications interruption. All wiring should be permanently installed providing maximum flexibility to connect with the speaker systems in both houses. Areas assigned to audio-visual equipment should be provided multiple access points to connect with electrical power and the speaker system. The Committee suggests that before such renovation is undertaken, media engineers be consulted with regard to specific requirements.

6. The voting machine in the House be used at least one more session, since it remains under service contract warranty. Originally installed in the

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\*Dissenting opinion on page 27.

House in 1929 at a cost of \$25,000, the machine, the Committee believes, has been more than amortized. The 1969 General Assembly should give serious consideration to replacing it.

7. Space near the State House be reserved for loading and unloading heavy audio-visual equipment; such space might be provided for television and other media on the northwest side of the Capitol near the old post office. The space currently occupied by the post office is being vacated and might be put to this use.

8. As space becomes available in the State House, it be used as a private dining area for legislators and elected state executives, and that a semi-private lounge in which legislators could meet constituents be provided. Rooms 16 and 17 on the ground floor of the State House, currently occupied by the Fuel Tax Division, seem most appropriate for these purposes particularly since the Fuel Tax Division was scheduled to vacate the area sometime after July 1, 1968. The Executive Council has consented to this use of the Fuel Tax Division space by the Legislature.

9. The opening in the rotunda, which reveals the unesthetic cafeteria in the basement, be enclosed with a suitable covering. The existing first floor rotunda opens to an offensive view and permits disturbing odors and noises to rise to the first and second floors.

10. Private restroom facilities for women legislators be provided with direct access from the floor, if possible.

11. The Legislature undertake a feasibility study regarding the air conditioning of the State House.

### *Press Facilities*

The existence of a free and responsible press is fundamental to a democratic society. The recommendations below and elsewhere in this report represent the attitude of the Committee that every effort should be made to facilitate accurate and comprehensive reporting of legislative events.

12. The number of press desks in each chamber should be expanded to approximately 30 to accommodate the increasing demand and to relieve present cramped working conditions. The Chief Clerk of the House and the Secretary of the Senate should establish a priority system for seat assignment based on regularity of use as well as seniority. It should be remembered, in making assignments, that out-of-town correspondents require more working space than those of the Des Moines area. As a temporary remedial measure, the benches in front of the windows to the sides of the Senate chamber should be removed and working press space provided. A similar procedure should be followed in the House of Representatives if space become available through reduction in membership.\*

\*Dissenting opinion on page 27.

13. Additional signal buzzers for pages should be provided in the press areas in both houses.

14. Some of the frosted glass panels in the lounge areas should be replaced with clear glass to facilitate the view of floor action and reduce congestion in the doorways.

15. The existing lighting system in each chamber is inadequate for live coverage by television or for filming of the legislative session. This situation could be improved by inserting larger wattage bulbs at regular intervals in the lighting circuit following the perimeter of the chamber above the windows.

## LONG RANGE GOALS

Already congested facilities in the State House, coupled with increasing space demands by executive offices and agencies, precludes needed expansion of facilities and utilization of space for the Legislature and related service agencies. The Committee believes that, under the present arrangement, relief of congestion is impossible until major decisions are made (1) to reclaim space from existing areas occupied by state executive agencies, or (2) to construct a legislative building.

The Committee does not recommend the latter. The State House should be reserved for the Legislature and the offices of constitutionally elected executive officials. After consultation with the Secretary of Agriculture, the Committee suggests that the Department of Agriculture be moved from the State House into a facility of its own for these reasons: The Secretary of Agriculture is not a constitutional officer, the Department is physically scattered, and the Department does generate revenue that might be used to finance a new structure. Such a move would release more than 10,000 square feet of space for the use of the Legislature. A second alternative that has been mentioned is the construction of a Hall of Justice to house the Supreme Court, the Attorney General, and the Law Library.

Significant space needs, which are important for improving the legislative process, are listed below in order of priority.

1. Legislative committees that meet jointly as a matter of routine should have exclusive use of specific rooms where committee files, bill books, and related materials could be deposited and left undisturbed.

2. Additional committee rooms should be provided as soon as possible to avoid undue congestion and demands of time in using the room for committee meetings.

3. Legislators should be provided a private lounge for their exclusive use.

4. Press room facilities are inadequate. A substantially larger facility should be provided which would contain desks, working space, teletypes,

telephones, etc., supplied by the correspondents themselves. A speaker system should be installed in the facility with numerous earphone access points capable of tuning in either the House or Senate debate. Such a facility need not be in close proximity to the chambers and would relieve the pressure for additional press space in the chambers.

5. A radio-TV filming and taping studio of moderate size should be provided with adequate and permanent electrical wiring and artificial lighting systems.

6. As space and fiscal resources become available, individual offices for legislators should be provided. In addition, a facility of moderate size in which to hold public hearings would be advisable.

7. Adequate space for legislative service agencies should be provided.

8. The Committee urges implementation of the Capitol Planning Commission's plan for adequate parking facilities.

9. The food preparation and serving areas should be removed from the basement of the State House and relocated in a convenient place, perhaps in an underground facility having access from the tunnel to the Robert Lucas State Office Building.

The Committee further recommends that:

10. Provision be made for multiple earphone access points in the lounge area because the existing speaker system is ineffective when the lounge is crowded.

11. Electronic data processing be adapted and applied to the legislative process.

## MINORITY OPINIONS

### *Appropriations Committees*

Mrs. Swanson:

Many Iowans seriously question the present practices by which the General Assembly carries out its fiscal responsibility. In their opinion the current dual system of state program development and appropriation-authorization is not efficient, and is time consuming and obstructive in a bicameral legislature. The procedures under which the overworked appropriation committees operate coupled with the confusing and obsolete form of the executive budget provide little opportunity for the new or average legislator to become knowledgeable about the cost of state government. The impact of new legislation is feebly understood. The over-all result is that legislators are frustrated and the public disillusioned with efforts to obtain good and needed legislation.

The modern legislative fiscal policy should be implemented by plans and practices which would permit more legislators the opportunity to evaluate the effectiveness of established operations of state agencies, boards and commissions and to appraise the probabilities of success of new or substantially altered programs. Assigning the appropriation responsibility to the standing committees would provide a positive approach to better program development and would strengthen the role of legislative review and audit.

Dr. Wiggins:

Attempts should be made to distribute more evenly the workload of the Appropriations Committees among their subcommittees.

### *Annual Sessions*

Mr. Buck, Mr. Marquesen, Rep. McCartney, Mr. Reid, Senator Rigler, Justice Stuart, and Mr. Tyler dissent to the recommendation of the committee:

We oppose the annual sessions recommendation, as we are not convinced that annual sessions will result in better legislation. We are concerned that it will mean many competent citizens will not run for the legislature as eventually it will result in making this a full-time job. If other recommendations of the Committee are adopted, and if a provision were adopted allowing the legislature to call itself into special session, possibly by a two-thirds vote of the membership, Iowa would be better and more economically served.

### *Salary*

Dr. Wiggins:

The annual salary compensation for state legislators should be at least \$10,000, if annual sessions are approved.

## *Code Editor*

Dr. Wiggins:

The code editing function should also be assigned to the Legislative Council.

## *Financial Disclosure for Legislators*

Rep. Baker, Dr. Lang, Mr. Spiegel, and Dr. Wiggins dissent to the decision of the Committee not to include the following recommendation:

Before certification of election or assumption of duties, as the case may be, members of the General Assembly and all full-time legislative employees should be required to file with the Secretary of State a disclosure statement which should include the following information:

a. Each financial interest in excess of \$5,000 (but not actual dollar value) which he, his spouse, or unemancipated children hold.

b. Every office and directorship held by him, his spouse, or unemancipated children in any business or commercial enterprise.

c. Any other interest or relationship, including groups and organizational memberships, which might be affected by legislative action related to the public interest.

d. These disclosure provisions should also be made equally applicable to judicial and elective executive personnel.

## *Leaves of Absence*

Dr. Wiggins:

The law requiring state employees who seek political office to take leave thirty days before a primary election should be repealed with regard to local and state legislative offices.

## *Legislators Appearing Before Administrative Agencies*

Dr. Wiggins:

The Committee erred, in my judgment, in not recommending that lawyer legislators should be prohibited from receiving compensation for representing clients in adversary proceedings before state administrative agencies.

## *Ombudsman*

Mr. Hill, Dr. Lang, Mr. Peterson, Senator Rigler, Dr. Sharp, Mr. Tyler, Dr. Wiggins, and Dr. Zenor dissent to the decision of the Committee not to include the following recommendation:

One of the most popular criticisms of modern government concerns the alleged consequences of an expensive and unfeeling administrative structure. The private citizen, so the argument runs, who questions or protests the action of an administrative agency is at best given abrupt and insufficient

consideration. Such avenues of appeal as exist to protect the citizen against arbitrary abuses of governmental power are largely ineffective, expensive, and disillusioning.

It is our conclusion that the creation of the Office of Ombudsman would be a useful and necessary step to lessen the chances of uncorrected arbitrary governmental action. The creation of this office would have two consequences for the Iowa Legislature: (1) it would enhance the image of state government and the Legislature specifically as responsive to citizen complaints, and (2) provide the legislators with a point of referral for citizens expressing a grievance against an administrative agency.

We recommend that:

1. The Legislature establish the Office of Ombudsman, and provide it with adequate funds and authorization for staff to execute its intended functions.

2. The Ombudsman be appointed by the Legislature for a term of four years, after which time the Legislature should assess the value and effectiveness of the Office.

3. The Ombudsman be provided the necessary authorization to employ sufficient staff of his own choosing.

4. The Ombudsman be authorized to make a preliminary decision as to the validity of a citizen complaint, discuss valid complaints with the agency involved, seek redress, and institute legal action where necessary.

### *Parking Facilities*

Mr. Nye wishes to include the following statement:

The committee erred, in my judgment, in failing to include recommendations to this effect:

1. That permanent parking spaces should be assigned to news media that assign representatives to cover the State House on a year around basis.

2. That temporary parking spaces should be assigned news media sending representatives to cover the legislature—these spaces to be reserved only when the Legislature is in session.

### *Press Facilities*

Dr. Wiggins:

The press gallery in each chamber should be moved to the balcony behind the presiding officer's rostrum in order to improve legislative decorum during floor debate.

### *Retirement System for Legislators*

Rep. Maloney:

The Committee erred, in my opinion, in not including a recommendation that a retirement system for legislators be inaugurated.