

House Concurrent Resolution 5 - Introduced

HOUSE CONCURRENT RESOLUTION NO. 5
BY COMMITTEE ON ADMINISTRATION AND RULES
(SUCCESSOR TO HSB 1)

1 A Concurrent Resolution relating to joint rules of
2 the Senate and House of Representatives for the
3 Eighty-fifth General Assembly.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
5 SENATE CONCURRING, That the joint rules of the Senate
6 and House of Representatives for the ~~Eighty-fourth~~
7 Eighty-fifth General Assembly shall be:

8 JOINT RULES OF THE SENATE AND HOUSE

9 Rule 1

10 Suspension of Joint Rules

11 The joint rules of the general assembly may be
12 suspended by concurrent resolution, duly adopted by a
13 constitutional majority of the senate and the house.

14 Rule 2

15 Designation of Sessions

16 Each regular session of a general assembly shall be
17 designated by the year in which such regular session
18 commences.

19 Rule 3

20 Sessions of a General Assembly

21 The election of officers, organization, hiring and
22 compensation of employees, and standing committees in
23 each house of the general assembly and action taken
24 by each house shall carry over from the first to the
25 second regular session and to any extraordinary session
26 of the same general assembly. The status of each
27 bill and resolution shall be the same at the beginning

1 of each second session as it was immediately before
2 adjournment of the previous regular or extraordinary
3 session; however the rules of either house may provide
4 for re-referral of some or all bills and resolutions
5 to standing committees upon adjournment of each
6 session or at the beginning of a subsequent regular or
7 extraordinary session, except those which have been
8 adopted by both houses in different forms.

9 Upon final adoption of a concurrent resolution at
10 any extraordinary session affecting that session, or at
11 a regular session affecting any extraordinary session
12 which may be held before the next regular session,
13 the creation of any calendar by either house shall be
14 suspended and the business of the session shall consist
15 solely of those bills or subject matters stated in the
16 resolution adopted. Bills named in the resolution, or
17 bills containing the subject matter provided for in the
18 resolution, may, at any time, be called up for debate
19 in either house by the majority leader of that house.

20

Rule 3A

21

International Relations Protocol

22 The senate and the house of representatives shall
23 comply with the international relations protocol policy
24 adopted by the international relations committee of the
25 legislative council.

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Rule 4

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Presentation of Messages

28 All messages between the two houses shall be sent
29 and accepted, as soon as practicable, by the secretary
30 of the senate and the chief clerk of the house of

1 representatives. The messages shall be communicated
2 to and received by the presiding officer of the other
3 house at the earliest appropriate time when that house
4 is in session.

5

Rule 5

6 Printing and Form of Bills and Other Documents

7 Bills and joint resolutions shall be introduced,
8 numbered, prepared, and printed as provided by
9 law, or in the absence of such law, in a manner
10 determined by the secretary of the senate and the
11 chief clerk of the house of representatives. Proposed
12 bills and resolutions which are not introduced but
13 are referred to committee shall be tracked in the
14 legislative computer system as are introduced bills
15 and resolutions. The referral of proposed bills
16 and resolutions to committee shall be entered in the
17 journal.

18 All bills and joint resolutions introduced shall be
19 in a form and number approved by the secretary of the
20 senate and chief clerk of the house.

21 The legal counsel's office of each house shall
22 approve all bills before introduction.

23

Rule 6

24

Companion Bills

25 Identical bills introduced in one or both houses
26 shall be called companion bills. Each house shall
27 designate the sponsor in the usual way followed in
28 parentheses by the sponsor of any companion bill or
29 bills in the other house. The house where a companion
30 bill is first introduced shall print the complete text.

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Rule 7

Reprinting of Bills

Whenever any bill has been substantially amended by either house, the secretary of the senate or the chief clerk of the house shall order the bill reprinted on paper of a different color. All adopted amendments shall be distinguishable.

The secretary of the senate or the chief clerk of the house may order the printing of a reasonable number of additional copies of any bill, resolution, amendment, or journal.

Rule 8

Daily Clip Sheet

The secretary of the senate and the chief clerk of the house shall prepare a daily clip sheet covering all amendments filed.

Rule 9

Reintroduction of Bills and Other Measures

A bill or resolution which has passed one house and is rejected in the other shall not be introduced again during that general assembly.

Rule 10

Certification of Bills and Other Enrollments

When any bill or resolution which has passed one house is rejected or adopted in the other, notice of such action and the date thereof shall be given to the house of origin in writing signed by the secretary of the senate or the chief clerk of the house.

Rule 11

Code Editor's Correction Bills

1 A bill recommended by the Code editor which is
2 passed out of committee to the floor for debate by a
3 committee of the house or senate and which contains
4 Code corrections of a nonsubstantive nature shall
5 not be amended on the floor of either house except
6 pursuant to corrective or nonsubstantive amendments
7 filed by the judiciary committee of the senate or
8 the house. Such committee amendments, whether filed
9 at the time of initial committee passage of the bill
10 to the floor for debate or after rereferral to the
11 committee, shall not be incorporated into the bill in
12 the originating house but shall be filed separately.
13 Amendments filed from the floor to strike sections of
14 the bill or the committee amendments shall be in order.
15 Following amendment and passage by the second house,
16 only amendments filed from the floor which strike
17 sections of the amendment of the second house shall be
18 in order.

19 A bill recommended by the Code editor which is
20 passed out of committee to the floor for debate by a
21 committee of the house or senate and which contains
22 Code corrections beyond those of a nonsubstantive
23 nature shall not be amended on the floor of either
24 house except pursuant to amendments filed by the
25 judiciary committee of the senate or the house. Such
26 committee amendments, whether filed at the time of
27 initial committee passage of the bill to the floor for
28 debate or after rereferral to the committee, shall
29 not be incorporated into the bill in the originating
30 house but shall be filed separately. Such a bill shall

1 be limited to corrections which: Adjust language to
2 reflect current practices, insert earlier omissions,
3 delete redundancies and inaccuracies, delete temporary
4 language, resolve inconsistencies and conflicts,
5 update ongoing provisions, and remove ambiguities.
6 Amendments filed from the floor to strike sections of
7 the bill or the committee amendments shall be in order.
8 Following amendment and passage by the second house,
9 only amendments filed from the floor which strike
10 sections of the amendment of the second house shall be
11 in order.

12 It is the intent of the house and the senate that
13 such bills be passed out of committee to the floor for
14 debate within the first four weeks of convening of a
15 legislative session.

16 Rule 12

17 Amendments by Other House

18 1. When a bill which originated in one house is
19 amended in the other house, the house originating
20 the bill may amend the amendment, concur in full in
21 the amendment, or refuse to concur in full in the
22 amendment. Precedence of motions shall be in that
23 order. The amendment of the other house shall not be
24 ruled out of order based on a question of germaneness.

25 a. If the house originating the bill concurs in the
26 amendment, the bill shall then be immediately placed
27 upon its final passage.

28 b. If the house originating the bill refuses to
29 concur in the amendment, the bill shall be returned to
30 the amending house which shall either:

1 (1) Recede, after which the bill shall be read for
2 the last time and immediately placed upon its final
3 passage; or

4 (2) Insist, which will send the bill to a
5 conference committee.

6 c. If the house originating the bill amends the
7 amendment, that house shall concur in the amendment
8 as amended and the bill shall be immediately placed
9 on final passage, and shall be returned to the other
10 house. The other house cannot further amend the bill.

11 (1) If the amending house which gave second
12 consideration to the bill concurs in the amendment
13 to the amendment, the bill shall then be immediately
14 placed upon its final passage.

15 (2) If the amending house refuses to concur in the
16 amendment to the amendment, the bill shall be returned
17 to the house originating the bill which shall either:

18 (a) Recede, after which the bill shall be read for
19 the last time as amended and immediately placed upon
20 its final passage; or

21 (b) Insist, which will send the bill to a
22 conference committee.

23 2. A motion to recede has precedence over a motion
24 to insist. Failure to recede means to insist; and
25 failure to insist means to recede.

26 3. A motion to lay on the table or to indefinitely
27 postpone shall be out of order with respect to motions
28 to recede from or insist upon and to amendments to
29 bills which have passed both houses.

30 4. A motion to concur, refuse to concur, recede,

1 insist, or adopt a conference committee report is in
2 order even though the subject matter has previously
3 been acted upon.

4 Rule 13

5 Conference Committee

6 1. Within one legislative day after either house
7 insists upon an amendment to a bill, the presiding
8 officer of the house, after consultation with the
9 majority leader, shall appoint three majority party
10 members and, after consultation with the minority
11 leader, shall appoint two minority party members
12 to a conference committee. The majority leader of
13 the senate, after consultation with the president,
14 shall appoint three majority party members and,
15 after consultation with and approval by the minority
16 leader, shall appoint two minority party members to a
17 conference committee. The papers shall remain with the
18 house that originated the bill.

19 2. The conference committee shall meet before
20 the end of the next legislative day after their
21 appointment, shall select a chair and shall discuss the
22 controversy.

23 3. The authority of the first conference committee
24 shall cover only issues related to provisions of the
25 bill and amendments to the bill which were adopted
26 by either the senate or the house of representatives
27 and on which the senate and house of representatives
28 differed. If a conference committee report is not
29 acted upon because such action would violate this
30 subsection of this rule, the inaction on the report

1 shall constitute refusal to adopt the conference
2 committee report and shall have the same effect as if
3 the conference committee had disagreed.

4 4. An agreement on recommendations must be approved
5 by a majority of the committee members from each house.
6 The committee shall submit two originals of the report
7 signed by a majority of the committee members of each
8 house with one signed original and three copies to be
9 submitted to each house. The report shall first be
10 acted upon in the house originating the bill. Such
11 action, including all papers, shall be immediately
12 referred by the secretary of the senate or the chief
13 clerk of the house of representatives to the other
14 house.

15 5. The report of agreement is debatable, but
16 cannot be amended. If the report contains recommended
17 amendments to the bill, adoption of the report shall
18 automatically adopt all amendments contained therein.
19 After the report is adopted, there shall be no more
20 debate, and the bill shall immediately be placed upon
21 its final passage.

22 6. Refusal of either house to adopt the conference
23 committee report has the same effect as if the
24 committee had disagreed.

25 7. If the conference committee fails to reach
26 agreement, a report of such failure signed by a
27 majority of the committee members of each house shall
28 be given promptly to each house. The bill shall
29 be returned to the house that originated the bill,
30 the members of the committee shall be immediately

1 discharged, and a new conference committee appointed in
2 the same manner as the first conference committee.

3 8. The authority of a second or subsequent
4 conference committee shall cover free conference during
5 which the committee has authority to propose amendments
6 to any portion of a bill provided the amendment is
7 within the subject matter content of the bill as passed
8 by the house of origin or as amended by the second
9 house.

10

Rule 14

11

Enrollment and Authentication of Bills

12 A bill or resolution which has passed both houses
13 shall be enrolled in the house of origin under the
14 direction of either the secretary of the senate or the
15 chief clerk of the house and its house of origin shall
16 be certified by the endorsement of the secretary of the
17 senate or the chief clerk of the house.

18 After enrollment, each bill shall be signed by the
19 president of the senate and by the speaker of the
20 house.

21

Rule 15

22

Concerning Other Enrollments

23 All resolutions and other matters which are to
24 be presented to the governor for approval shall be
25 enrolled, signed, and presented in the same manner as
26 bills.

27 All resolutions and other matters which are not to
28 be presented to the governor or the secretary of state
29 shall be enrolled, signed, and retained permanently
30 by the secretary of the senate or chief clerk of the

1 house.

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Rule 16

3

Transmission of Bills to the Governor

4 After a bill has been signed in each house, it shall
5 be presented by the house of origin to the governor by
6 either the secretary of the senate or the chief clerk
7 of the house. The secretary or the chief clerk shall
8 report the date of the presentation, which shall be
9 entered upon the journal of the house of origin.

10

Rule 17

11

Fiscal Notes

12 A fiscal note shall be attached to any bill or joint
13 resolution which reasonably could have an annual effect
14 of at least one hundred thousand dollars or a combined
15 total effect within five years after enactment of
16 five hundred thousand dollars or more on the aggregate
17 revenues, expenditures, or fiscal liability of the
18 state or its subdivisions. This rule does not apply
19 to appropriation and ways and means measures where the
20 total effect is stated in dollar amounts.

21 Each fiscal note shall state in dollars the
22 estimated effect of the bill on the revenues,
23 expenditures, and fiscal liability of the state or
24 its subdivisions during the first five years after
25 enactment. The information shall specifically note
26 the fiscal impact for the first two years following
27 enactment and the anticipated impact for the succeeding
28 three years. The fiscal note shall specify the source
29 of the information. Sources of funds for expenditures
30 under the bill shall be stated, including federal

1 funds. If an accurate estimate cannot be made, the
2 fiscal note shall state the best available estimate or
3 shall state that no dollar estimate can be made and
4 state concisely the reason.

5 The preliminary determination of whether the bill
6 appears to require a fiscal note shall be made by
7 the legal services staff of the legislative services
8 agency. Unless the requestor specifies the request is
9 to be confidential, upon completion of the bill draft,
10 the legal services staff shall immediately send a copy
11 to the fiscal services director for review.

12 When a committee reports a bill to the floor, the
13 committee shall state in the report whether a fiscal
14 note is or is not required.

15 The fiscal services director or the director's
16 designee shall review all bills placed on the senate
17 or house calendars to determine whether the bills are
18 subject to this rule.

19 Additionally, a legislator may request the
20 preparation of a fiscal note by the fiscal services
21 staff for any bill or joint resolution introduced which
22 reasonably could be subject to this rule.

23 The fiscal services director or the director's
24 designee shall cause to be prepared and shall approve
25 a fiscal note within a reasonable time after receiving
26 a request or determining that a bill is subject to
27 this rule. All fiscal notes approved by the fiscal
28 services director shall be transmitted immediately to
29 the secretary of the senate or the chief clerk of the
30 house, after notifying the sponsor of the bill that a

1 fiscal note has been prepared, for publication in the
2 daily clip sheet. The secretary of the senate or chief
3 clerk of the house shall attach the fiscal note to the
4 bill as soon as it is available.

5 The fiscal services director may request the
6 cooperation of any state department or agency in
7 preparing a fiscal note.

8 A revised fiscal note may be requested by a
9 legislator if the fiscal effect of the bill has been
10 changed by adoption of an amendment. However, a
11 request for a revised fiscal note shall not delay
12 action on a bill unless so ordered by the presiding
13 officer of the house in which the bill is under
14 consideration.

15 If a date for adjournment has been set, then a
16 constitutional majority of the house in which the
17 bill is under consideration may waive the fiscal note
18 requirement during the three days prior to the date set
19 for adjournment.

20 Rule 18

21 Legislative Interns

22 Legislators may arrange student internships during
23 the legislative session with Iowa college, university,
24 or law school students, for which the students may
25 receive college credit at the discretion of their
26 schools. Each legislator is allowed only one intern
27 at a time per legislative session, and all interns must
28 be registered with the offices of the secretary of the
29 senate and the chief clerk of the house.

30 The purpose of the legislative intern program shall

1 be: to provide useful staff services to legislators
2 not otherwise provided by the general assembly; to give
3 interested college, graduate, and law school students
4 practical experience in the legislative process as well
5 as providing a meaningful educational experience; and
6 to enrich the curriculum of participating colleges and
7 universities.

8 The secretary of the senate and the chief clerk of
9 the house or their designees shall have the following
10 responsibilities as regards the legislative intern
11 program:

12 1. Identify a supervising faculty member at each
13 participating institution who shall be responsible
14 for authorizing students to participate in the intern
15 program.

16 2. Provide legislators with a list of participating
17 institutions and the names of supervising professors to
18 contact if interested in arranging for an intern.

19 3. Provide interns with name badges which will
20 allow them access to the floor of either house when
21 required to be present by the legislators for whom they
22 work.

23 4. Provide orientation materials to interns prior
24 to the convening of each session.

25 Rule 19

26 Administrative Rules Review Committee Bills and Rule
27 Referrals

28 A bill which relates to departmental rules and
29 which is approved by the administrative rules review
30 committee by a majority of the committee's members

1 of each house is eligible for introduction in either
2 house at any time and must be referred to a standing
3 committee, which must take action on the bill within
4 three weeks of referral, except bills referred to
5 appropriations and ways and means committees.

6 If, on or after July 1, 1999, the administrative
7 rules review committee delays the effective date of a
8 rule until the adjournment of the next regular session
9 of the general assembly and the speaker of the house
10 or the president of the senate refers the rule to a
11 standing committee, the standing committee shall review
12 the rule within twenty-one days of the referral and
13 shall take formal committee action by sponsoring a
14 joint resolution to disapprove the rule, by proposing
15 legislation relating to the rule, or by refusing to
16 propose a joint resolution or legislation concerning
17 the rule. The standing committee shall inform the
18 administrative rules review committee of the committee
19 action taken concerning the rule.

20 Rule 20

21 Time of Committee Passage and Consideration of Bills

22 1. This rule does not apply to concurrent or
23 simple resolutions, joint resolutions nullifying
24 administrative rules, senate confirmations, bills
25 embodying redistricting plans prepared by the
26 legislative services agency pursuant to chapter
27 42, or bills passed by both houses in different
28 forms. Subsection 2 of this rule does not apply to
29 appropriations bills, ways and means bills, government
30 oversight bills, legalizing acts, administrative

1 rules review committee bills, bills sponsored by
2 standing committees in response to a referral from
3 the president of the senate or the speaker of the
4 house of representatives relating to an administrative
5 rule whose effective date has been delayed until the
6 adjournment of the next regular session of the general
7 assembly by the administrative rules review committee,
8 bills cosponsored by majority and minority floor
9 leaders of one house, bills in conference committee,
10 and companion bills sponsored by the majority floor
11 leaders of both houses after consultation with the
12 respective minority floor leaders. For the purposes of
13 this rule, a joint resolution is considered as a bill.
14 To be considered an appropriations, ways and means,
15 or government oversight bill for the purposes of this
16 rule, the appropriations committee, the ways and means
17 committee, or the government oversight committee must
18 either be the sponsor of the bill or the committee of
19 first referral in the originating house.

20 2. To be placed on the calendar in the house of
21 origin, a bill must be first reported out of a standing
22 committee by Friday of the 8th week of the first
23 session and the 8th week of the second session. To be
24 placed on the calendar in the other house, a bill must
25 be first reported out of a standing committee by Friday
26 of the 12th week of the first session and the 11th week
27 of the second session.

28 3. During the 10th week of the first session and
29 the 9th week of the second session, each house shall
30 consider only bills originating in that house and

1 unfinished business. During the 13th week of the
2 first session and the 12th week of the second session,
3 each house shall consider only bills originating in
4 the other house and unfinished business. Beginning
5 with the 14th week of the first session and the 13th
6 week of the second session, each house shall consider
7 only bills passed by both houses, bills exempt from
8 subsection 2, and unfinished business.

9 4. A motion to reconsider filed and not disposed
10 of on an action taken on a bill or resolution which is
11 subject to a deadline under this rule may be called up
12 at any time before or after the day of the deadline by
13 the person filing the motion or after the deadline by
14 the majority floor leader, notwithstanding any other
15 rule to the contrary.

16 Rule 21

17 Resolutions

18 1. A "concurrent resolution" is a resolution to
19 be adopted by both houses of the general assembly
20 which expresses the sentiment of the general assembly
21 or deals with temporary legislative matters. It
22 may authorize the expenditure, for any legislative
23 purpose, of funds appropriated to the general assembly.
24 A concurrent resolution is not limited to, but may
25 provide for a joint convention of the general assembly,
26 adjournment or recess of the general assembly, or
27 requests to a state agency or to the general assembly
28 or a committee. A concurrent resolution requires
29 the affirmative vote of a majority of the senators or
30 representatives present and voting unless otherwise

1 specified by statute. A concurrent resolution does
2 not require the governor's approval unless otherwise
3 specified by statute. A concurrent resolution shall
4 be filed with the secretary of the senate or the chief
5 clerk of the house. A concurrent resolution shall be
6 printed in the bound journal after its adoption.

7 2. A "joint resolution" is a resolution which
8 requires for approval the affirmative vote of a
9 constitutional majority of each house of the general
10 assembly. A joint resolution which appropriates funds
11 or enacts temporary laws must contain the clause "Be It
12 Enacted by the General Assembly of the State of Iowa:",
13 is equivalent to a bill, and must be transmitted to
14 the governor for approval. A joint resolution which
15 proposes amendments to the Constitution of the State
16 of Iowa, ratifies amendments to the Constitution of
17 the United States, proposes a request to Congress
18 or an agency of the government of the United States
19 of America, proposes to Congress an amendment to the
20 Constitution of the United States of America, nullifies
21 an administrative rule, or creates a special commission
22 or committee must contain the clause "Be It Resolved by
23 the General Assembly of the State of Iowa:" and shall
24 not be transmitted to the governor. A joint resolution
25 shall not amend a statute in the Code of Iowa.

26

Rule 22

27

Nullification Resolutions

28 A "nullification resolution" is a joint resolution
29 which nullifies all of an administrative rule, or
30 a severable item of an administrative rule adopted

1 pursuant to chapter 17A of the Code. A nullification
2 resolution shall not amend an administrative rule by
3 adding language or by inserting new language in lieu of
4 existing language.

5 A nullification resolution is debatable, but cannot
6 be amended on the floor of the house or senate. The
7 effective date of a nullification resolution shall
8 be stated in the resolution. Any motions filed to
9 reconsider adoption of a nullification resolution
10 must be disposed of within one legislative day of the
11 filing.

12 Rule 23

13 Consideration of Vetoes

14 1. The senate and house calendar shall include a
15 list known as the "Veto Calendar." The veto calendar
16 shall consist of:

17 a. Bills returned to that house by the governor
18 in accordance with Article III, section 16 of the
19 Constitution of the State of Iowa.

20 b. Appropriations items returned to that house by
21 the governor in accordance with Article III, section 16
22 of the Constitution of the State of Iowa.

23 c. Bills and appropriations items received from the
24 other house after that house has voted to override a
25 veto of them by the governor.

26 2. Vetoed bills and appropriations items shall
27 automatically be placed on the veto calendar upon
28 receipt. Vetoed bills and appropriations items shall
29 not be referred to committee.

30 3. Upon first publication in the veto calendar, the

1 senate majority leader or the house majority leader
2 may call up a vetoed bill or appropriations item at any
3 time.

4 4. The affirmative vote of two-thirds of the
5 members of the body by record roll call is required on
6 a motion to override an executive veto or item veto.

7 5. A motion to override an executive veto or item
8 veto is debatable. A vetoed bill or appropriation item
9 cannot be amended in this case.

10 6. The vote by which a motion to override an
11 executive veto or item veto passes or fails to pass
12 either house is not subject to reconsideration under
13 senate rule 24 or house rule 73.

14 7. The secretary of the senate or the chief clerk
15 of the house shall immediately notify the other house
16 of the adoption or rejection of a motion to override an
17 executive veto or item veto.

18 8. All bills and appropriations items on the veto
19 calendar shall be disposed of before adjournment sine
20 die, unless the house having a bill or appropriation
21 item before it declines to do so by unanimous consent.

22 9. Bills and appropriations items on the veto
23 calendar are exempt from deadlines imposed by joint
24 rule 20.

25 Rule 24

26 Special Rules Regarding Redistricting ~~for 2010~~

27 1. If, pursuant to chapter 42, either the senate or
28 the house of representatives rejects a redistricting
29 plan submitted by the legislative services agency, the
30 house rejecting the plan shall convey the reasons for

1 the rejection of the plan to the legislative services
2 agency by resolution.

3 2. If, pursuant to chapter 42, the legislative
4 services agency submits a third redistricting plan
5 as provided by law, the senate and the house of
6 representatives, when considering a bill embodying the
7 third plan, shall be allowed to accept for filing as
8 amendments only such amendments which constitute the
9 total text of a congressional plan without striking
10 a legislative redistricting plan, the total text of
11 a legislative redistricting plan without striking a
12 congressional plan, or the combined total text of a
13 congressional plan and a legislative redistricting
14 plan, and nonsubstantive, technical corrections to the
15 text of any such bills or amendments.