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October 25, 1972

Mr. William Kendrick  
Chief Clerk of the House

Mr. Carroll Lane  
Secretary of the Senate

Mr. Wayne Faupel  
Code Editor

Re: Bill Drafting Guide for 65th General Assembly

Gentlemen:

Attached is the proposed bill drafting guide for the 65th General Assembly. This will have to be reviewed by the Legislative Procedures and Facilities Committee on November 14 and hopefully approved by the Legislative Council on November 15. I hope you can take the time to review its contents prior to November 14 and be prepared to make suggestions for any revisions you may propose on November 14. There have not been a great many changes from the bill drafting guide used during the 64th General Assembly. However there are a couple of changes you should specifically note which I will call to your attention:

1. This is not a change, but I call it to your attention to consider. Senate Rule 32, found on pages 4 and 5, provides that a joint resolution shall not be transmitted to the governor. It appears there are times that a joint resolution is forwarded to the governor even though it does not contain an enacting clause. Thus in some instances we have been requested to prepare joint resolutions with a space for the governor's signature. The Constitution, in my opinion, does not require the governor's signature on a resolution unless it contains an enacting clause and in such case it is then technically a bill even though we call it a resolution. The House Rules do not contain a provision similar to this Senate Rule.

2. On page 9 I have inserted the text of Chapter 4 of the Code which was amended to insert the rules of statutory construction during the First Session of the 64th General Assembly. These rules are very helpful in understanding bill drafts and I hope many legislators will read them.
3. On page 3 I have noted the proper method of citing session laws. This provision is new, the result of a Code Editor's bill. My bill drafters will have some trouble getting used to this. Page 30 is really the first page relating to the actual form of bills and should be studied carefully by anyone who must deal in form since there are some optional forms.
4. Commencing at the bottom of page 32 I am proposing a new form for any new law to be added to the Code. This will be to use the designation "NEW SECTION.", "NEW SUBSECTION.", etc. in cases where it is an entirely new entity to the Code and is intended to become a permanent part of the Code. This does not apply where one continues to use the same section number even though the total text of a section is being stricken. Some people will have trouble getting this straight in their minds. If it is remembered that the use of this form is for entirely new sections which have never before had a section number and will be added to the permanent Code, the difference will be apparent. The explanation and examples follow on pages 34 and 35.
5. On page 36 the explanation for amendments commences. I have gone into greater detail in attempting to explain the form for amendments. Note on page 38 I speak of numbering amendments. I hope we can figure out a method for numbering amendments for two reasons. First, during the second session we should have the computer capability of applying amendments automatically to the text of a bill either on a computer scope or having the computer automatically retype bills with amendments in place. A number reference will be needed. Secondly, numbering amendments will be helpful in the index system. The index could then tell you the number of the amendment adopted which should provide an easy reference to the journals.

It would be very helpful if the House and the Senate used the same form for amendments. Presently the Senate uses double space for amendments and the House both double space and space and a half. The Senate uses paper with numbered lines, the House does not. The House uses a caption on its amendment paper in the middle of the page, the Senate uses a caption on the right hand side of a page. In addition the printer re-types amendments in single space for printing in the journals

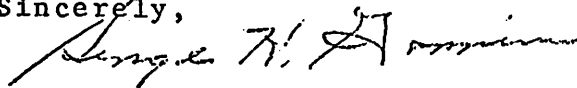
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and clip sheets and must proofread the material again. If a method could be worked out for uniformity, perhaps an amendment would only have to be typed once instead of three times, which would certainly be a savings in time especially on lengthy amendments.

6. On page 40 I made a change to show that bills will be enrolled with strike-throughs and underlines in place.
7. On page 45 note the provisions relating to number of copies needed and determine if this is the correct number you desire.
8. On page 47 carefully read the provisions relating to citation of statutes. This is where we had some disagreement last session and I have attempted to provide a compromise procedure. Basically what I have provided is that if a section citation is being changed or rewritten it is always doubled. If we are merely repeating a section of the Code and no change is being made in the reference to the section number, we do not double it.
9. On page 49 I am providing for a new procedure which in some cases will eliminate the drafting and introduction of bills. This procedure was adopted by the Legislative Council. The form on page 50 might be used in the Senate or House for other purposes particularly when the cutoff date for requests is approaching.
10. I have added a number of new departments and names of departments that have been changed to the listing commencing on page 51.
11. I have added a number of new examples to the appendix.

These are the areas that I believe you should specifically review. Feel free to read the rest if you desire.

Sincerely,



SERGE H. GARRISON  
Director

SHG:MA

attachment

## RULES FOR PREFILING LEGISLATIVE BILLS

November 15, 1973

Section 2.16 of the 1973 Code of Iowa authorizes the prefiling of legislative bills and reads as follows:

Sec. 2.16. PREFILING LEGISLATIVE BILLS. Any member of the general assembly or any person elected to serve in the general assembly, or any standing committee, may sponsor and submit legislative bills and joint resolutions for consideration by the general assembly, before the convening of any session of the general assembly. Each house may approve rules for placing prefiled standing committee bills or joint resolutions on its calendar. Such bills and resolutions shall be numbered, printed, and distributed in a manner to be determined by joint rule of the general assembly or, in the absence of such rule, by the legislative council. All such bills and resolutions, except those sponsored by standing committees, shall be assigned to regular standing committees by the presiding officers of the houses when the general assembly convenes.

Departments and agencies of state government shall, at least ten days prior to the convening of each session of the general assembly, submit copies to the legislative service bureau of proposed legislative bills and joint resolutions which such departments desire to be considered by the general assembly. The legislative service bureau shall review such proposals and submit them in proper form to the presiding officer in each house of the general assembly for referral to the proper standing committee.

The costs of carrying out the provisions of this section shall be paid pursuant to section 2.12.

In accordance with Section 2.16 the following rules for the prefiling of legislative bills shall be in effect for the Sixty-fifth General Assembly:

### LEGISLATORS

1. REQUEST. Any person elected to serve as a member of the Sixty-fifth General Assembly may prefile a legislative bill or resolution by making a request to the Legislative Service Bureau. The request shall be in writing and signed by the person making the request. The request may be made at the time of requesting a bill or resolution to be drafted or after the person making the request has had the opportunity to review a proposed bill or resolution. If possible the names of all sponsors of the prefiled bill shall be given to the Legislative Service Bureau at the time of making the request.

## Rules for Prefiling Bills

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2. DRAFTING AND NOTICE OF PREFILED BILL. When a request is received by the Legislative Service Bureau which indicates that the bill is to be prefiled, an explanation of the purpose of the bill will be written by Bureau staff members. The bill will be assigned to a draftsman and, if time allows, drafted prior to the convening of the General Assembly on January 8, 1973. If time allows, a copy of the draft will be mailed to the legislator requesting the bill.

Periodically, prior to the convening of the General Assembly, a series of explanations of prefiled bills will be mailed to members of the Sixty-fifth General Assembly. In addition to the explanations of prefiled bills, there will be information which notes the prime sponsor of each bill listed and the drafting number assigned to the bill by the Legislative Service Bureau. The drafting number is merely an indexing tool used by the Bureau and will be indicated in the following manner: "LSB 140". This number should not be confused with the number of the bill which will be assigned by the Senate or House of Representatives at the time the bill is introduced.

3. INTRODUCTION OF PREFILED BILLS. When the General Assembly convenes a notice will be sent to the prime sponsor of each prefiled bill, if the bill is ready for introduction, that it can be picked up at the Legislative Service Bureau. The notice will be in the form of a pink card which can be signed and returned to the Bureau by a page or secretary, and which will authorize the Bureau to give the bill to the bearer of the notice. The notice will not be sent until the bill is actually completed. Because of the large number of bills which it is anticipated will be introduced during the First Session of the Sixty-fifth General Assembly, it will not be possible to have all bills which are prefiled completed by January 8. However, legislators should not hesitate to give drafting requests to the Legislative Service Bureau as early as possible.

4. PREDRAFTING OF LEGISLATIVE BILLS OR RESOLUTIONS. Any person elected to serve in the Sixty-fifth General Assembly may request the Legislative Service Bureau to prepare a bill draft or resolution at any time prior to the convening of the General Assembly and during the legislative session, subject to any time limits that may be established by the House of Representatives or the Senate. Only if the requests are designated as "prefiled" will an explanation of the request be mailed in advance to all members of the General Assembly. In all other respects, however, bill requests received which are not designated as "prefiled" will be treated the same as prefiled bills.

5. BILL DRAFTING REQUEST FORMS--CONFIDENTIAL RECORDS. The Legislative Service Bureau has available for legislators bill request forms. If possible the bill drafting request form should be completed by the legislator when requesting that bills be drafted by the Legislative Service Bureau, but a request form will be completed by Bureau personnel if the legislator does not have an opportunity to do so. Bill draft request forms can be obtained from the Bureau upon request.

It should be noted that the bill draft request form contains a space for indicating if a drafting request is to be confidential. If a legislator desires that no information be released in regard to his request, he should indicate this fact on the request form. It is the policy of the Bureau that a request from a legislator creates a personal relationship between the Bureau and the legislator, and only such information as the legislator desires will be released to the press or other interested persons. In this regard cognizance must be given to the public records law. The records of the Bureau are public records and frequent inquiries are made by the press and other interested persons as to what bill drafting requests have been received by the Bureau. The policy of the Bureau has been that a bill is not a public record until completed. However indexes of bill requests appear to be public records. In no instance will a copy of a bill be released to any person other than the sponsor, without the sponsor's consent. A designation that a bill is to be confidential means that Bureau personnel will not volunteer any information in regard to the request, but it does not necessarily mean that all records of the Bureau are not open to the public in the same manner as other public records.

#### DEPARTMENTAL REQUESTS

SUBMISSION OF PROPOSED BILLS. Proposed bills and resolutions of state departments and agencies shall be submitted to the Legislative Service Bureau no later than January 2, 1973. Such proposals shall be in bill draft or resolution form. The Legislative Service Bureau shall review such proposals and submit them in proper form to the presiding officer of the House which is to consider the legislation for referral to the proper standing committee. Prefiled legislative bills and resolutions will, however, receive priority consideration by the Legislative Service Bureau over departmental and agency bills and resolutions.