

RULES FOR PREFILING LEGISLATIVE BILLS

1988 GENERAL ASSEMBLY

September, 1987

Iowa Code section 2.16 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 forty-five 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 proposed legislative bills and joint resolutions of the governor must be submitted by the Friday prior to the convening of the session of the general assembly, except in the year of the governor's initial inauguration. 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. Before submitting any proposal prepared under this section to the presiding officers, the legislative service bureau shall return it for review to, as appropriate, the relevant department or agency or the governor's office and such department or agency or governor's office shall review and return it within seven days of such delivery.

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 Second Session of the Seventy-second General Assembly.

LEGISLATORS

1. **REQUEST FOR PREFILING.** Any person who is presently a member of the Seventy-second General Assembly or who will be serving as a member of the second session of the Seventy-second General Assembly may prefile a legislative bill or resolution by making a request to the Legislative Service Bureau by December 18, 1987. 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 a 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.

2. **DRAFTING OF PREFILED BILL.** If a request for a prefiled bill is received the bill will be assigned to a drafter and, if time allows, finalized prior to the convening of the General Assembly on January 11, 1988. A copy of the draft will be mailed to the legislator requesting the bill prior to the actual filing of the bill and the procedures noted in these rules will be followed.

3. **INTRODUCTION OF PREFILED BILL.** After the requestor receives a copy of a bill which the requestor has asked to be prefiled, the bill should be reviewed to determine if it has been drafted as requested. The requestor should then notify the Legislative Service Bureau requesting any changes in the bill or informing the Bureau that the bill has been drafted as requested. The names of all sponsors should be given to the Bureau.

If the requestor agrees that the bill meets the specifications required and confirms that the bill should be prefiled, it will be packaged and forwarded for review by the legal counsel of the house of introduction. Please note that at this point the bill is considered a public record and the text is available for review by the public. If you do not want the text to be available for review by the public at this time, please inform the Bureau and the Bureau will not prefile the bill but will hold it for you so you can introduce the bill yourself. A prefiled bill will be held for introduction at the earliest possible time following the convening of the General Assembly. No further action will be required by the legislator. The Bureau will provide appropriate forms in order that the person requesting the prefiled bill will be able to make final confirmation of the desire to prefile the bill.

4. **PREDRAFTING OF LEGISLATIVE BILLS AND RESOLUTIONS.** Any member of the Seventy-second General Assembly or person elected to serve in the Seventy-second 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 established by the Senate or House of Representatives. Unless the bill is specified to be prefiled it will be held by the Legislative Service Bureau until the General Assembly convenes, however a copy will be sent to the requestor if the draft is completed prior to the convening of the session.

NOTE: The difference between a "prefiled" bill and a "predrafted" bill is that a prefiled bill is available for public review after the legislator indicates satisfaction with the draft and will be forwarded directly to the house of introduction before the session and automatically introduced. A "predrafted" bill will be delivered to the legislator who may introduce it or not introduce it, whichever is the legislator's choice. The text of a predrafted bill will only be released during the general assembly if the requestor consents to the release.

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 a request, the legislator 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. Most 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 released by the requestor. However indexes of bill requests appear to be public records. A copy of a bill will not be released to a person other than the requestor, without the requestor's implied or expressed consent or unless the bill has been introduced or otherwise placed in the public domain by the requestor. A designation that a bill is to be confidential means that the request will not be listed in the index of bill requests and that Bureau personnel will not release any information in regard to the request.

DEPARTMENTAL REQUESTS

SUBMISSION OF PREFILED PROPOSED BILLS. Prefiled proposed bills and resolutions of state departments and agencies shall be submitted to the Legislative Service Bureau no later than November 25, 1987. The proposals shall be in bill draft or resolution form or shall be as specific as possible as to the Code changes desired. Each request shall include a "request explanation" from the agency which explains the need for, purpose, and intent of the requested bill, including an explanation of what problem or problems the bill is intended to address. The Legislative Service Bureau will review the proposal, make suggestions as to nonsubstantive changes or corrections, confer with the department or agency representative in regard to the proposal, finalize the bill, and submit it in proper form to the presiding officer of the

two houses for referral to the proper standing committee. Prefiled and predrafted bills and resolutions requested by legislators will, however, receive priority consideration by the Legislative Service Bureau over departmental and agency bills and resolutions. Bills received from departments and agencies after November 25, 1987 will not be assigned to a staff member unless a legislative sponsor is obtained. It is strongly suggested that departments and agencies submit their proposals prior to November 1, 1987 in order that the Legislative Service Bureau has adequate time to provide assistance in drafting. Lengthy or complex proposals should be submitted far in advance of that date. This will allow the Bureau to provide assistance before a large quantity of legislative requests are received.

If departments know they will be submitting lengthy or complex legislation next session, it is suggested they submit, or at least discuss it during the fall of 1987 even if they will not make final decisions in regard to all provisions until late fall.

For the purposes of these rules, the following state departments and agencies shall be considered as those that have the authority to prefile bills and resolutions:

- Campaign Finance Disclosure Commission
- Civil Rights Commission
- Alcoholic Beverages Division of the Department of Commerce
- Banking Division of the Department of Commerce
- Credit Union Division of the Department of Commerce
- Insurance Division of the Department of Commerce
- Professional Licensing & Regulation Division of the Department of Commerce
- Racing and Gaming Division of the Department of Commerce
- Savings & Loan Division of the Department of Commerce
- Utilities Division of the Department of Commerce
- Department of Corrections
- Department of Cultural Affairs
- Public Broadcasting Division of the Department of Cultural Affairs
- Department of Economic Development
- Department of Education
- College Aid Commission
- Department of Elder Affairs
- Industrial Services Division of the Department of Employment Services
- Job Service Division of the Department of Employment Services
- Labor Services Division of the Department of Employment Services
- Department of General Services
- Blind Services Division of the Department of Human Rights
- Children, Youth & Families Division of the Department of Human Rights
- Community Action Agencies Division of the Department of Human Rights
- Deaf Services Division of the Department of Human Rights
- Persons with Disabilities Division of the Department of Human Rights
- Spanish-Speaking People Division of the Department of Human Rights
- Status of Women Division of the Department of Human Rights
- Department of Human Services
- Department of Inspections & Appeals
- Department of Justice (Attorney General)
- Law Enforcement Academy
- Department of Management
- Department of Natural Resources
- Department of Personnel
- Department of Public Defense

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Public Employment Relations Board
Department of Public Health
Board of Dental Examiners of the Department of Public Health
Board of Medical Examiners of the Department of Public Health
Board of Nursing Examiners of the Department of Public Health
Board of Pharmacy Examiners of the Department of Public Health
Department of Public Safety
Board of Regents
Department of Revenue & Finance
Department of Transportation
Office of the Auditor of State
Office of the Secretary of State
Office of the Treasurer of State
Department of Agriculture and Land Stewardship
Judicial Branch

NOTE: Prefile bill requests from the Office of the Governor are governed by a separate statutory provision.

PREFILING RULES
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REPORT OF THE SERVICE COMMITTEE
OF THE LEGISLATIVE COUNCIL

September 2, 1987

The Service Committee of the Legislative Council met on September 2, 1987, and makes the following report for approval of the Legislative Council:

1. That the Citizens' Aide/Ombudsman be directed to seek bids for a chairlift for the Capitol Annex to allow access of handicapped to the Office of Citizens' Aide/Ombudsman.

2. The Service Committee recommends that the Legislative Council approve the appointment of Holly Lyons to fill the position of Fiscal Analyst Supervisor and Glen Dickinson to the position of Data Base Management Supervisor in the Legislative Fiscal Bureau and that each receive a one-step increase and be placed in the Principal Legislative Analyst class within the Fiscal Bureau.

3. The Service Committee recommends that the Legislative Council approve the reclassification of Richard Johnson from Legal Counsel II to Senior Legal Counsel in the Legislative Service Bureau with a one-step increase as a result of reclassification (Grade 33, step 4 to Grade 36, step 2) and an additional one-step merit increase for Patty Funaro (Grade 27, step 2 to Grade 27, step 3).

4. The Service Committee recommends that the Legislative Council approve the reorganization proposal for the Legislative Service Bureau and the Iowa Code Office. (See attached.)

Respectfully submitted,

SENATOR JOE J. WELSH
Chairperson

REORGANIZATION PROPOSAL
FOR THE
LEGISLATIVE SERVICE BUREAU AND IOWA CODE OFFICE

- I. SUMMARY OF PROPOSAL**
- II. LEGAL AND RESEARCH DIVISIONS**
- III. IOWA CODE OFFICE**
- IV. POSITION DESCRIPTIONS**
- V. ORGANIZATION CHARTS**

Submitted by the Legislative Service Bureau
to the Service Committee of the Legislative Council

SUMMARY

REORGANIZATION PROPOSAL FOR THE LEGISLATIVE SERVICE BUREAU

I. LEGAL AND RESEARCH DIVISIONS

- a. Establish the positions of Legal Division Chief and Research Division Chief.
- b. These positions would enhance the supervisory and work produce review capabilities of the Bureau by reducing the "span of control".
- c. These positions would be established without any addition in the number of authorized positions in the Legislative Service Bureau since they would be established by the conversion of existing positions. (The Legal Division Chief would be created by conversion of the Legal Editor position and the Research Division Chief by conversion of a vacant Research Analyst Position.)

II. IOWA CODE OFFICE

- a. Appointment of Ms. JoAnn Brown as Code Editor, rather than Acting Code Editor.
- b. Administrative consolidation of the Legislative Service Bureau and the Iowa Code Office.
- c. Differentiation of current Iowa Code Office into two divisions (an Iowa Code Division and a Administrative Code Division) reflecting the Code Office's two primary functions. One division would be headed by the Code Editor, retitled to be the Iowa Code Editor. The other division would be headed by the Deputy Code Editor. The latter position would be retitled to be the Administrative Code Editor. The Administrative Code Division would provide support services to the Iowa Code Division.
- d. Efforts to be made for the consolidation of some proofreading positions currently existing in the Legislative Service Bureau and the Iowa Code Office.
- e. Elimination of five proofreading positions.

LEGAL AND RESEARCH DIVISIONS

The current organizational structure of the legal and research divisions of the Legislative Service Bureau reflect the developmental traditions of the Bureau in that they are unstructured units. The Legislative Service Bureau began as a very small organization with only a handful of employees and, although it has grown in size through the years, it has still retained a very informal organizational structure reflecting its origin as a small agency. Two results of this are that currently the span of control is too wide according to modern principles of effective management. The Director of the Bureau currently has direct supervision over twenty professional staff positions. These represent the staff who carry out the duties of the Bureau in terms of legislative drafting, committee staffing, research, Code publication, and public information. To have one person supervising and reviewing this high volume of work by this large number of personnel is not an adequate supervisory and review structure. There currently are some formal, structured, internal supervisory and review capabilities but they are limited to the area of legislative drafting. There currently is, from the perspective of good management practice, a need to enhance the review and supervision capabilities in regard to committee staffing and research.

As stated above, there is a need to establish enhanced supervisory and review capabilities. The usual way this is done in an organization is by means of supervisory positions. The current organizational structure would lend itself to such a development by the creation of positions for division heads for each of the two professional staff divisions: the legal division and the research division. It is proposed to do this with minimal alteration of the existing organizational structure by the conversion of two existing positions in these divisions into division head positions rather than creating new positions. It should be stressed that these positions would be what are termed as "hands-on" supervisory positions in that the two positions would still continue to do line staff work in legislative drafting, committee staffing, and research. But the positions would have a reduced load of line staff work in order to give the persons holding these positions time to engage in supervisory and review activities. This would result in an improved span of control and enhanced supervisory and review capabilities in order to ensure quality control for the work of the Legislative Service Bureau.

As mentioned above, this could be done with minimal impact on the current organizational structure and with minimal budgetary impact by converting two of the existing vacant positions in the Bureau into these positions. The existing vacant positions which are available on the table of authorized positions include that of Legal Editor and a Research Analyst; the former on the assumption that the current Legal Editor, who is also the Acting Code Editor, be transferred over to the Code Editor position on the table of organization for the Iowa Code Office as proposed in the accompanying proposal for the Iowa Code Office.

IOWA CODE OFFICE

During the 1985 legislative interim the Service Committee of the Legislative Council requested the Director of the Legislative Service Bureau to conduct a study of the Iowa Code Office in order to see what possibilities there were for better coordination of the work between these two offices since so much of the work is shared, particularly in regard to the preparation of the Code of Iowa

and the Session Laws. Considerable work was done on this in the fall of 1985 and continued into 1986. Legislation reflecting the results of the study was introduced in the 1986 Session and passed both Houses. It did not achieve final passage due to differences within the Conference Committee in the closing days of the Session. The findings and recommendations of that study are presented below.

The Iowa Code Office is an administrative creation. It is not specifically created by statute but has been developed by various administrative decisions of the Iowa Supreme Court under whose jurisdiction it formerly was and further administrative development has taken place under the Service Committee and the Legislative Council which currently have operational jurisdiction over it. The practical effect of this is that changes in the organization and structure of the Code Office do not require statutory changes but can be accomplished at the administrative direction of the Service Committee and the Legislative Council.

The Iowa Code Office has the function of compiling, editing, and publishing several publications for the state of Iowa. These publications include various ones relating to two major areas: the Iowa Code and the Iowa Administrative Code. The publications which relate to the Iowa Code include publishing the Code on a biannual basis, publishing the Supplement to the Iowa Code in alternate years that the Code itself is not published, publishing reprints from the Code, and publishing the Session Laws on an annual basis. The publications that relate to the Iowa Administrative Code include the Iowa Administrative Bulletin, which is published on a biweekly basis, and the Supplement to the Iowa Administrative Code which is also published on a biweekly basis. The Code Office also has a miscellaneous variety of other publication responsibilities including the annual State Roster and the Court Rules. Overall, this represents a very substantial amount of work in terms of compiling, editing, and publishing these various publications. The Iowa Code Office works very closely with the Legislative Service Bureau in preparing those publications which relate to the Iowa Code. In fact, the personnel of the Service Bureau do a great deal of the work on these publications in cooperation with the personnel of the Iowa Code Office. The Iowa Code Office prepares the publications relating to the Iowa Administrative Code and the Court Rules with very little involvement with the Legislative Service Bureau. The Iowa Code Office currently has little formal organizational structure and as a first step in giving it some organizational structure it would be a logical step to divide it into two divisions corresponding to its two major areas of activity, i.e. the Iowa Code and the Iowa Administrative Code.

The Legislative Service Bureau and the Iowa Code Office currently operate under two different statutes in regard to their budgets. The annual budget of the Legislative Service Bureau is governed by Section 2.12 of the Code which applies to all of the central legislative staff agencies except for the Iowa Code Office. This section provides that these agencies shall submit and have approved their annual budgets by the Service Committee and Legislative Council. The Iowa Code Office is governed by Section 14.22 of the Code which provides that they are funded out of the general fund to whatever extent their expenses require it. There is also a related provision, Section 17.22 of the Code, which provides that the expenses incurred by the Iowa Code Office in their publications are to be recovered by the price charged for those publications. It should be noted that all of the statutory references technically speaking do not refer to the Iowa Code Office but refer to the Code Editor. As was stated above, the statutory law does not actually create the Iowa Code Office, it only creates the position of Code Editor. It is proposed that the budgets of the Legislative Service Bureau and the Iowa Code Office be consolidated into one budget in the budgetary cycle for the central legislative staff agencies.

In terms of specific personnel distribution to effect this shift into two divisions, the new proposed structure is indicated on the attached organizational chart and reflects the current functional operation of the Iowa Code Office. It is further proposed that the position of Code Editor head the Iowa Code Division and that the current position of Deputy Code Editor become the head of the Administrative Rules Division. Job descriptions for these two positions are attached and it should be noted that they do call for a very high degree of cooperation and joint effort between the two positions; such cooperation and joint efforts to be supervised and directed by the two Division Heads in consultation with each other. This reflects the current practice that people working on one type of publication do help out on the other type of publication and does allow personnel to be used in the most efficient manner.

In regard to what is described as the administrative unit of the current Iowa Code Office, it is proposed that this be attached to the Administrative Rules Division and operate under the supervision of the head of that Division on an interim basis but that in the long run it be merged with the administrative office of the Legislative Service Bureau.

PROOFREADING POSITIONS

There is another aspect of the operations of both the Legislative Service Bureau and the Iowa Code Office of an organizational nature that it is worth noting at this time and making efforts to address. This is in regard to the operations of the proofreaders in the two units. Currently both units hire proofreaders on a temporary basis to cover the needs of the agencies as they arise. The peak season for the Legislative Service Bureau is, of course, during the legislative session and the two months immediately prior to the legislative session when legislative drafting is at its highest level. The peak period for the Iowa Code Office is during the interim when the Session Laws and Iowa Code are prepared. This obviously results in the two organizations having complimentary peak periods and it would thus make sense to explore the possibility of having permanent proofreading positions on a year-round basis. Such positions would focus on legislative drafting during the session time and on the Code and administrative rules publications work during the interim period. This would greatly facilitate improving the quality of proofreading in that there could be permanent year-round people for these positions rather than the constant turnover of temporary people who need training and are being laid off just when they are really starting to develop their capabilities.

The study also indicates that an excess number of temporary proofreading positions have been authorized, a number that is in excess of what it is reasonable to expect would ever be needed. Last year (1986) will probably be the peak year for proofreading due to the government reorganization workload and not all of the proofreading positions were needed. Therefore it is unlikely they will be needed in future years and it is proposed that five of them be eliminated and removed from the table of organization.

CONCLUSION

The reorganization proposals contained in this memorandum should not be construed as the final answer to address the structural organizational needs of the Legislative Service Bureau and the Iowa Code Office. The Legislative Service Bureau and the Code Office still need to develop their supervisory and review capabilities and some future changes of a evolutionary nature may be necessary in order to do this. Also some future evolutionary changes should be expected as the workings of the Legislative Service Bureau and the Iowa Code Office are further integrated in order to bring better efficiency and performance to the work that is being done.

POSITION DESCRIPTIONS
FOR THE LEGISLATIVE SERVICE BUREAU
AND THE IOWA CODE OFFICE

LEGAL DIVISION CHIEF

Qualifications: The Legal Division Chief is required to meet the qualifications for the Senior Legal Counsel position.

Duties: The Legal Division Chief reports directly to the Bureau Director. The primary responsibility of the Legal Division Chief would be to supervise the legislative drafting assignments of the Bureau's staff. The Chief's duties would include the assignment and review of bill drafting projects and of legal research and memoranda preparation. Additional responsibilities would include legal staff training and development. The duties would require close coordination between the Legal Division Chief and the Research Division Chief.

The Legal Division Chief would perform significant line staff work in legislative drafting, committee staffing, and research in addition to performing the above duties as Legal Division Chief.

RESEARCH DIVISION CHIEF

Qualifications: The Research Division Chief would be required to meet the qualifications for the Senior Research Analyst position.

Duties: The Research Division Chief reports directly to the Bureau Director. The primary responsibility of the Research Division Chief would be to supervise the research and committee staffing work assignments of the Bureau's staff. The Chief's duties would include the assignment and review of legislative research and memoranda preparation and committee staffing work. Additional responsibilities would include research staff training and development. The duties would require close coordination between the Research Division Chief and the Legal Division Chief.

The Research Division Chief would perform significant line staff work in legislative drafting, committee staffing, and research in addition to performing the above duties as Research Division Chief.

IOWA CODE EDITOR, IOWA CODE DIVISION

Qualifications: The Iowa Code Editor would be required to meet the qualifications for the Senior Legal Counsel position as the Code Editor is required to apply legal standards of statutory construction in the editing of the Iowa Code, in the preparation of Code Editor's comments, and in the preparation of recommendations to the General Assembly regarding the amendment, revision, and codification of conflicting, redundant, or ambiguous portions of the law.

Duties: The Code Editor would report directly to the Bureau Director. The primary duty of the Code Editor would be to administer the Iowa Code Division and to edit and publish the Iowa Code and Index, the Iowa Code Supplement, and the Session Laws. The Code Editor's duties would also include the preparation of recommendations to the General Assembly regarding the amendment, revision, and codification of conflicting, redundant, or ambiguous portions of the law. Additional responsibilities would be the supervision of all staff within the Iowa Code Division and the coordination of the Division's responsibilities and workload with the Administrative Rules Division and the Legal and Research Divisions of the Bureau. The Code Editor would also work on publications coordination with the State Printer and other private printers and have primary responsibility for the application of specialized computer programs used in Code publication. The duties would require close coordination between the Code Editor and the Administrative Code Editor and the Administrative Rules Division.

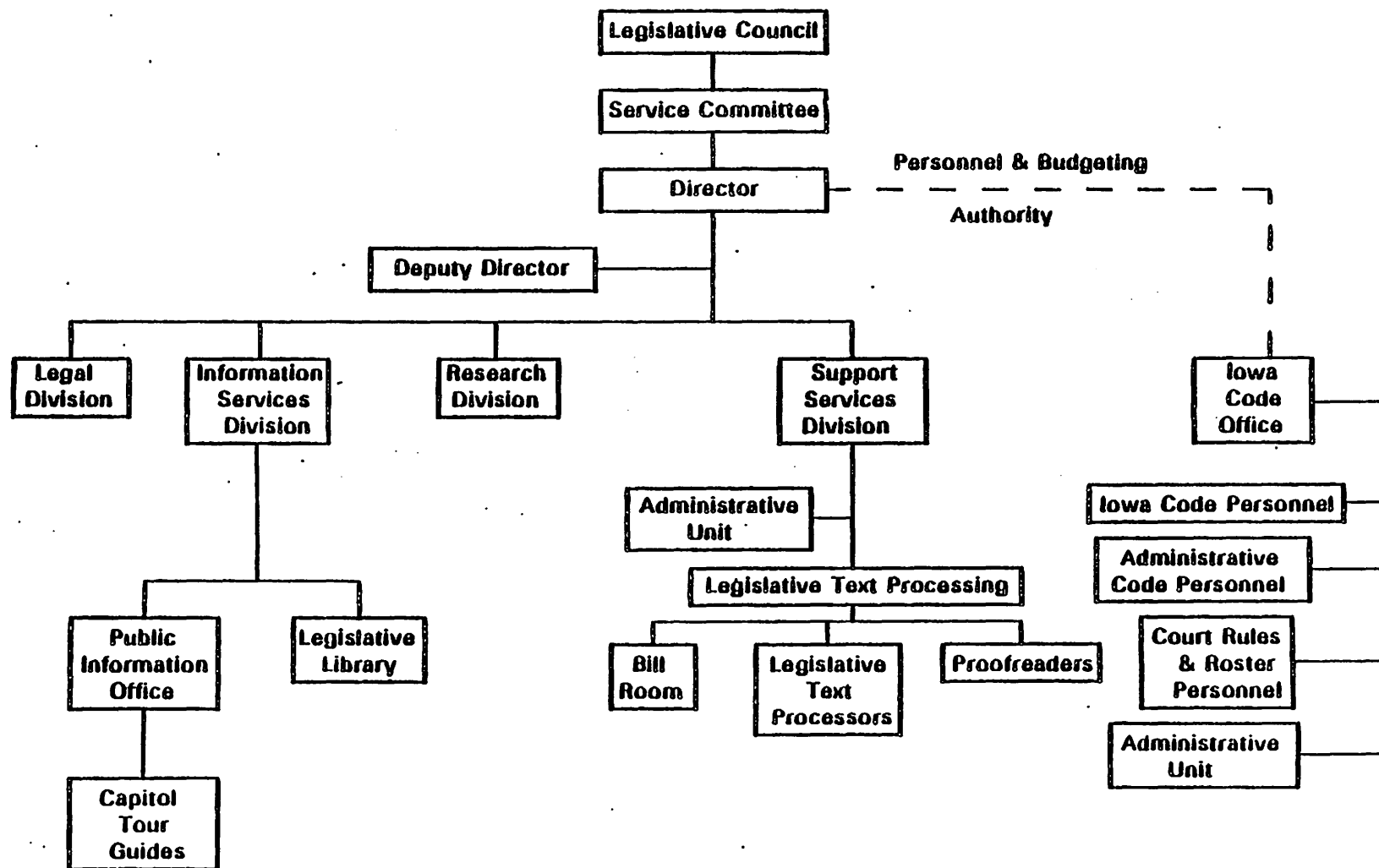
ADMINISTRATIVE CODE EDITOR, ADMINISTRATIVE RULES DIVISION

Qualifications: The Administrative Code Editor would be required to meet the qualifications for the current Deputy Code Editor position.

Duties: The Administrative Code Editor would report directly to the Bureau Director. The primary duty of the Administrative Code Editor would be to administer the Administrative Rules Division and to edit and publish the Iowa Administrative Code and Index, the Iowa Administrative Code Supplement, the Iowa Administrative Bulletin, the Iowa Court Rules, and the State Roster. The Administrative Code Editor's duties would include administration of the recording and researching of all administrative rules documents filed with the Division, the staffing of the Administrative Rules Review Committee, and the coordination of all administrative rules work with the Governor's Administrative Rules Coordinator and with the Legal Counsel for the Administrative Rules Review Committee. Additional responsibilities would include the supervision of all staff within the Administrative Rules Division and the coordination of the Division's responsibilities and workload with the Iowa Code Division. The Administrative Code Editor would also act as publications coordinator with the State Printer and other private printers with regard to publications prepared by the Administrative Rules Division. The duties would require close coordination between the Deputy Code Editor and the Code Editor and the Iowa Code Division.

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**LEGISLATIVE SERVICE BUREAU
ORGANIZATION CHART -- CURRENT**



LEGISLATIVE SERVICE BUREAU
ORGANIZATION CHART -- PROPOSED

