

1990

**IOWA BILL DRAFTING GUIDE
AND STYLE MANUAL**

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AND STYLE MANUAL

For use in the preparation of legislative bills,
resolutions, and amendments

Prepared and issued by the Iowa Legislative Service Bureau,
in consultation with the Code Editor as proposed rules and
instructions, for adoption by the Legislative Council, for
the drafting and preparation of legislative bills and
resolutions pursuant to Iowa Code sections 2.42(10) and 3.2

P R E F A C E

This bill drafting guide is issued by the Legislative Service Bureau. It is intended to serve as a guide for the proper preparation of bills, resolutions, and amendments to be introduced and considered by the Iowa General Assembly. Bills, resolutions, and amendments prepared pursuant to the guidelines contained in this document will, nevertheless, be reviewed by the Legislative Service Bureau and the Legal Counsel of the house where the bills, resolutions, and amendments are intended to be introduced. This guide has been developed for use by bill drafters of the Legislative Service Bureau, the two houses of the General Assembly, and other persons who prepare legislation for consideration by the General Assembly. The guide, when properly followed, should enable a person to place in proper form any bill, resolution, or amendment for introduction or filing in the General Assembly. However, it should be kept in mind that the house of introduction is the final judge as to the adequacy of the preparation of a bill, resolution, or amendment and a designated officer of the house of introduction will make a determination as to the adequacy of a bill, resolution, or amendment before it is allowed to be introduced or filed.

This bill drafting guide will also serve as a guide for persons attempting to read and understand a bill, resolution, or amendment. The use of uniform guidelines are necessary to accomplish this objective.

The bill drafting guide was also used as the basis for developing computer programs for the drafting and redrafting of bills, resolutions, and amendments, and for the codification of new law. Because the computer programs have been developed on the basis of the bill drafting guide, it is essential that the form and style recommended in the bill drafting guide be followed very closely.

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DIVISION A
AUTHORITY TO ESTABLISH FORM AND STYLE

The authority for the formulation of rules as to form and style for the development of bills and resolutions is found in the Constitution of the State of Iowa, the Code of Iowa, and the rules governing the House of Representatives and Senate. That authority is as follows:

1. IOWA CONSTITUTIONAL PROVISIONS.

Article III, Section 9. Authority of the houses. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the General Assembly of a free and independent State.

Article III, Section 15. Bills. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses.

Article III, Section 29. Acts--one subject--expressed in title. Every Act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an Act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Article VII, Section 7. Tax imposed distinctly stated. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

2. STATUTORY PROVISIONS -- CODE 1989 AND CODE SUPPLEMENT 1989.

2.42. Powers and duties of council. . . . The powers and duties of the (legislative) council shall include, but not be limited to, the following:

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10. To establish rules for the style and format for drafting and preparing of legislative bills and resolutions.

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3.1. Form of bills. Bills designed to amend, revise, codify, or repeal a law:

1. Shall refer to the numbers of the sections or chapters of the Code to be amended or repealed, but it shall not be necessary to refer to such sections or chapters in the title.

2. Shall refer to the session of the general assembly and the sections and chapters of the Acts to be amended if the bill relates to a section or sections of an Act not appearing in the Code or codified in a supplement to the Code.

3. All references to statutes shall be expressed in numerals, and if omitted the Code editor in preparing Acts for publication in the session laws shall supply the numerals.

4. The title to a bill shall contain a brief statement of the purpose of the bill, however all detail matters properly connected with the subject so expressed may be omitted from the title.

3.2. Bill drafting instructions. The legislative council shall, in consultation with the director of the legislative service bureau and the Code editor, promulgate rules and instructions for the drafting of legislative bills and resolutions not otherwise in conflict with the provisions of law and the rules of the senate and the house.

3.3. Headnotes and historical references. Proper headnotes may be placed at the beginning of a section of a bill, and at the end of the section there may be placed a reference to the section number of the Code, or any session law from which the matter of the bill was taken, but, except as provided in the Uniform Commercial Code, section 554.1109, neither said headnotes nor said historical references shall be considered as a part of the law as enacted.

3.4. Bills--approval--passage over veto. If the governor approves a bill, the governor shall sign and date it; if the governor returns it with objections and it afterwards passes as provided in the Constitution, a certificate, signed by the presiding officer of each house in the following form, shall be endorsed thereon or attached thereto: "This bill (or this item of an appropriation bill, as the case may be), having been returned by the governor, with objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this _____ day of _____."

An "appropriation bill" means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

3.5. Failure of governor to return bill. When a bill has passed the general assembly, and is not returned by the governor within three days as provided in the Constitution, it shall be authenticated by the secretary of state endorsing thereon: "This

bill, having remained with the governor three days (Sunday excepted), the general assembly being in session, has become a law this _____ day of _____.

Secretary of State."

3.7. Effective dates of Acts and resolutions.

1. All Acts and resolutions of a public nature passed at regular sessions of the general assembly shall take effect on the first day of July following their passage, unless some other specified time is provided in an Act or resolution.

2. All Acts and resolutions of a public nature which are passed prior to July 1 at a regular session of the general assembly and which are approved by the governor on or after July 1, shall take effect forty-five days after approval. However, this subsection shall not apply to Acts provided for in section 3.12 or Acts and resolutions which specify when they take effect.

3. All Acts and resolutions passed at a special session of the general assembly shall take effect ninety days after adjournment of the special session unless a different effective day is stated in an Act or resolution.

4. An Act which is effective upon enactment is effective upon the date of signature by the governor; or if the governor fails to sign it and returns it with objections, upon the date of passage by the general assembly after reconsideration as provided in article III, section 16 of the Constitution of the State of Iowa; or if the governor fails to sign or return an Act submitted during session, but prior to the last three days of a session, on the fourth day after it is presented to the governor for the governor's approval. An Act which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

5. A concurrent or joint resolution which is effective upon enactment is effective upon the date of final passage by both chambers of the general assembly, except that such a concurrent or joint resolution requiring the approval of the governor under section 262A.4 or otherwise requiring the approval of the governor is effective upon the date of such approval. A resolution which is effective upon enactment is effective upon the date of passage. A concurrent or joint resolution or resolution which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

6. Unless retroactive effectiveness is specifically provided for in an Act or resolution, an Act or resolution which is enacted after an effective date provided in the Act or resolution shall take effect upon the date of enactment.

7. Proposed legalizing Acts shall be published prior to passage as provided in chapter 585.

8. An Act or resolution under this section is also subject to the applicable provisions of sections 16 and 17 of article III of the Constitution of the State of Iowa.

3.11. Private Acts--when effective. Acts of a private nature which do not prescribe the time when they take effect, shall do so on the thirtieth day next after they have been approved by the governor, or endorsed as provided in this chapter.

3.12. Appropriation Acts--effective for fiscal year. All annual appropriations shall be for the fiscal year beginning with July 1 and ending with June 30 of the succeeding year and when such appropriations are made payable quarterly, the quarters shall end with September 30, December 31, March 31, and June 30; but nothing in this section shall be construed as increasing the amount of any annual appropriation.

3.14. Certain appropriations prohibited. No appropriations shall be made to any institution not wholly under the control of the state.

14.13. Editorial powers and duties.

1. The Code editor in preparing the copy for an edition of the Code and the Iowa administrative code and bulletin may:

a. Correct all misspelled words in the original enrollments and filed rules.

b. Correct all manifest grammatical and clerical errors including punctuation but without changing the meaning.

c. Correct internal references to sections which are cited erroneously or have been repealed, and names of agencies, officers, or other entities which have been changed, when there appears to be no doubt as to the proper methods of making the corrections. The Code editor shall maintain a record of the corrections made under this paragraph. The record shall be available to the public.

d. Transpose sections or divide sections so as to give to distinct subject matters a section number but without changing the meaning and add or amend headnotes to sections and subsections. Pursuant to section 3.3, the headnotes are not part of the law.

e. Prepare comments deemed necessary for a proper explanation of the manner of printing the section or chapter of the Code.

2. The Code editor or designee, in carrying out the duties specified in this chapter relating to publication of the Code and the Iowa administrative code, shall edit them in order that words

which designate one gender will be changed to reflect both genders when the provisions of law apply to persons of both genders. The Code editor or designee shall not make any substantive changes to the Code or Iowa administrative code while performing the editorial work. The Code editor or designee shall seek direction from the senate committee on judiciary and the house committee on judiciary and law enforcement when making Code changes, and from the administrative rules review committee and the administrative rules coordinator when making Iowa administrative code changes, which appear to require substantial editing and which might otherwise be interpreted to exceed the scope of the Code editor's authority. The Code editor or designee shall maintain a record of the changes made under this subsection. The record shall be available to the public.

3. The effective date of all editorial changes in an edition of the Code or supplement to the Code is the date the legislative council approves the printing contract for publication of that edition or supplement. The effective date of all editorial changes for the Iowa administrative code is the date those changes are published in the Iowa administrative code.

17.18. Legislative bills. The bills introduced in the general assembly shall be printed on good paper. The style and format of such bills shall be specified by the rules but in the absence of such rules by the legislative council. . . .

* * * * *

The preceding constitutional provisions and statutes are the provisions which directly relate to the authority to provide for the form of bills and resolutions. It may appear, at first glance, that there are certain contradictions between some of the provisions. However, construing all provisions together, it appears that the Legislative Council in consultation with the Director of the Legislative Service Bureau and the Code Editor is given the authority to promulgate rules for the drafting of bills and resolutions when the rules are not in conflict with constitutional and statutory provisions or the rules of the House and Senate.

The procedures followed in providing the guidelines contained in this publication are to provide the guidelines consistent with constitutional, statutory, and rule provisions and subject to the approval of the two houses of the General Assembly. Consultation with the proper officers has been carried out in all cases.

There are many other constitutional, statutory, and rule provisions which affect the contents of bills and resolutions, rather than the form. These provisions and the construction placed upon them are discussed in the next division of this publication.

3. RULES OF THE GENERAL ASSEMBLY -- 1989 AND 1990 SESSIONS.

The following Joint Rules, Senate Rules, House Rules, and Legislative Council Rules are pertinent to the drafting of resolutions, bills, and amendments. Only the pertinent part of each rule is reprinted for the drafter's information. Appendix V contains the full text of the rules of the General Assembly.

A. JOINT RULES.

Joint Rule 5. Printing and Form of Bills and Other Documents.

Bills and joint resolutions shall be introduced, numbered, prepared, and printed as provided by law, or in the absence of such law, in a manner determined by the secretary of the senate and the chief clerk of the house of representatives.

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

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

Joint Rule 6. Companion Bills.

Identical bills introduced in each house shall be called companion bills. Each house shall designate the sponsor in the usual way followed in parentheses by the sponsor of the companion bill in the other house. The house where the bill is first introduced shall print the complete text.

Joint 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.

Joint Rule 12. Amendments by Other House.

1. When a bill which originated in one house is amended in the other house, the house originating the bill may amend the amendment, concur in full in the amendment, or refuse to concur in full in the amendment. The amendment of the other house shall not be ruled out of order based on a question of germaneness. . . .

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Joint Rule 17. Fiscal Notes.

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

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The preliminary determination of whether the bill appears to require a fiscal note shall be made by the legislative service bureau which shall send a copy of the request to the legislative fiscal bureau unless the requestor specifies the request is to be confidential. Upon completion of the bill draft, the legislative service bureau shall immediately send a copy to the legislative fiscal director for review.

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Joint Rule 20. Time of Committee Passage and Consideration of Bills.

1. This rule does not apply to concurrent or simple resolutions, joint resolutions nullifying administrative rules, senate confirmations, or bills passed by both houses in different forms. Subsection 2 of this rule does not apply to appropriations bills, ways and means bills, legalizing acts, administrative rules review committee bills, bills cosponsored by majority and minority floor leaders of one house, bills in conference committee, and companion bills sponsored by the majority floor leaders of both houses after consultation with the respective minority floor leaders. For the purposes of this rule, a joint resolution is considered as a bill. To be considered an appropriations or ways and means bill for the purposes of this rule, the appropriations committee or the ways and means committee must either be the sponsor of the bill or the committee of first referral in the originating house.

2. To be placed on the calendar in the house of origin, a bill must be first reported out of the committee of first referral by Friday of the 10th week of the first session and the 8th week of the second session. To be placed on the calendar in the other house, a bill must be first reported out of the committee of first referral by Friday of the 13th week of the first session and the 11th week of the second session.

3. During the 11th week of the first session and the 9th week of the second session, each house shall consider only bills originating in that house and unfinished business. During the 14th week of the first session and the 12th week of the second session, each house shall consider only bills originating in the other house and unfinished business. Beginning with the 15th week of the first session and the 13th week of the second session, each house shall consider only bills passed by both houses, bills exempt from subsection 2 and unfinished business.

4. A motion to reconsider filed and not disposed of on an action taken on a bill or resolution which is subject to a deadline under this rule may be called up at any time before or after the

day of the deadline by the person filing the motion or after the deadline by the majority floor leader, notwithstanding any other rule to the contrary.

Joint Rule 21. Resolutions.

1. A "concurrent resolution" is a resolution to be adopted by both houses of the general assembly which expresses the sentiment of the general assembly or deals with temporary legislative matters. It may authorize the expenditure, for any legislative purpose, of funds appropriated to the general assembly. A concurrent resolution is not limited to, but may provide for a joint convention of the general assembly, adjournment or recess of the general assembly, or requests to a state agency or to the general assembly or a committee. A concurrent resolution requires the affirmative vote of a majority of the senators or representatives present and voting unless otherwise specified by statute. A concurrent resolution does not require the governor's approval unless otherwise specified by statute. A concurrent resolution shall be filed with the secretary of the senate or the chief clerk of the house. A concurrent resolution shall be printed in the bound journal after its adoption.

2. A "joint resolution" is a resolution which requires for approval the affirmative vote of a constitutional majority of each house of the general assembly. A joint resolution which appropriates funds or enacts temporary laws must contain the clause "Be It Enacted by the General Assembly of the State of Iowa:", is equivalent to a bill, and must be transmitted to the governor for his approval. A joint resolution which proposes amendments to the Constitution of the State of Iowa, ratifies amendments to the Constitution of the United States, proposes a request to Congress or an agency of the government of the United States of America, proposes to Congress an amendment to the Constitution of the United States of America, nullifies an administrative rule, or creates a special commission or committee must contain the clause "Be It Resolved by the General Assembly of the State of Iowa:" and shall not be transmitted to the governor. A joint resolution shall not amend a statute in the Code of Iowa.

Joint Rule 22. Nullification Resolutions.

A "nullification resolution" is a joint resolution which nullifies all of an administrative rule, or a severable item of an administrative rule adopted pursuant to chapter 17A of the Code. A nullification resolution shall not amend an administrative rule by adding language or by inserting new language in lieu of existing language.

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

B. SENATE RULES.

Senate Rule 12. Form and Withdrawal of Motions, Amendments and Signatures.

Motions need not be in writing unless required by the president or by the senate. No motion requires a second. Any amendment, motion (including a motion to reconsider), or resolution may be withdrawn by the mover if it has not been amended by the senate and if no amendment is pending. All amendments to bills, resolutions, and reports shall be in writing and filed before being acted upon by the senate.

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When a house amendment to a senate file is before the senate, an amendment to the house amendment shall be considered an amendment in the first degree.

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Senate Rule 13. Order and Precedence of Motions and Amendments.

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A motion to strike everything after the enacting clause has precedence over a committee amendment and all other amendments except one to strike the enacting clause. A committee amendment has precedence over all other amendments except as provided in this rule.

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Senate Rule 26. Time and Method of Introducing Bills and Amendments.

All bills to be introduced in the senate shall be typed in proper form by the legislative service bureau and shall be filed with the recording clerk.

All amendments shall be typed in proper form and filed with the recording clerk not later than 4:30 p.m., or adjournment, whichever is later, in order to be listed in the following day's clip sheet.

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Senate Rule 27. Limit on Introduction of Bills.

No bill or joint resolution, except bills and joint resolutions cosponsored by the majority and minority floor leaders, shall be introduced in the senate after 4:00 p.m. on Friday of the seventh week of the first regular session of a general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time. After adjournment of the first regular session, bills may be prefiled at any time before

the convening of the second regular session. No bills shall be introduced after 4:00 p.m. on Friday of the second week of the second regular session of a general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time. However, standing committees may introduce bills and joint resolutions at any time. A bill which relates to departmental rules sponsored by the administrative rules review committee and approved by a majority of the members of the committee in each house may be introduced at any time and must be referred to a standing committee which must take action on the bill within three weeks. Senate and concurrent resolutions may be introduced at any time.

No bill, joint resolution, concurrent resolution or senate resolution shall be introduced at any extraordinary session unless sponsored by a standing committee or the committee of the whole.

Senate Rule 29. Explanations.

No bill, except appropriation committee bills and simple or concurrent resolutions, shall be introduced unless a concise and accurate explanation is attached. The chief sponsor or a committee to which the bill has been referred may add a revised explanation at any time before the last reading, and it shall be included in the daily clip sheet.

Senate Rule 30. Resolutions.

A "senate resolution" is a resolution acted upon only by the senate which expresses sentiment or is used for the appointment of special committees within the senate. . . .

Senate Rule 33. Study Bills.

1. A study bill is any matter which a senator wishes to have considered by a standing committee or appropriations subcommittee for introduction as a committee bill or resolution. The term "study bill" includes "proposed bills" provided for in Rule 37 and departmental requests prefiled in the manner specified in section 2.16 of the Code.

2. A study bill shall bear the name of the member who wishes to have the bill considered. A study bill submitted by a state agency shall bear the name of the agency. A committee chair may submit a study bill in the name of that committee.

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6. A study bill not prepared by the legislative service bureau may be submitted to a standing committee, but shall not be considered by the full committee unless reviewed and typed in proper form by the legislative service bureau.

Senate Rule 39. Rules for Standing Committees.

The following rules shall govern all standing committees of the senate. Any committee may adopt additional rules which are consistent with these rules:

1. A majority of the members shall constitute a quorum.
2. The chair of a committee shall refer each bill and resolution to a subcommittee within seven days after the bill or resolution has been referred to the committee. The chair may appoint subcommittees for study of bills and resolutions without calling a meeting of the committee, but the subcommittee must be announced at the next meeting of the committee. No bill or resolution shall be reported out of a committee until the next meeting after the subcommittee is announced, except that the chair of the appropriations committee may make the announcement of the assignment to a subcommittee by placing a notice in the journal. Any bill so assigned by the appropriations committee chair shall be eligible for consideration by the committee upon report of the subcommittee but not sooner than three legislative days following the publication of the announcement in the journal.

When a bill or resolution has been assigned to a subcommittee, the chair shall report to the senate the bill or resolution number and the names of the subcommittee members and such reports shall be reported in the journal. Subcommittee assignments shall be reported to the journal daily. Reports filed before 3:00 p.m. shall be printed in the journal for that day; reports filed after 3:00 p.m. shall be printed in the journal for the subsequent day.

Where standing subcommittees of any committee have been named, the names of the members and the title of the subcommittee shall be published once and thereafter publication of assignments may be made by indicating the title of the subcommittee.

3. No bill or resolution shall be considered by a committee until it has been referred to a subcommittee and the subcommittee has made its report unless otherwise ordered by a majority of the members.

4. The rules adopted by a committee, including subsections 2, 3, 9, 10, 11, and 12 of this rule, may be suspended by an affirmative vote of a majority of the members of the committee.

5. The affirmative vote of a majority of the members of a committee is needed to sponsor a committee bill or resolution or to report a bill or resolution out for passage.

6. The vote on all bills and resolutions shall be by roll call unless a short-form vote is unanimously agreed to by the committee. A record shall be kept by the secretary.

7. No committee, except a conference committee or the steering committee, is authorized to meet when the senate is in session.

8. A subcommittee shall not report a bill to the committee unless the bill has been typed into proper form by the legislative service bureau.

9. A bill or resolution shall not be voted upon the same day a public hearing is held on that bill or resolution. The presence or participation of a member of the legislature, official of the state, state department head, member of the press, legislative staff member assigned to the committee, or a person invited by the committee is not considered a public hearing.

10. Public hearings may be called at the discretion of the chair. The chair shall call a public hearing upon the written request of one-half the membership of the committee. The chair shall set the time and place of the public hearing.

11. A subcommittee chair must notify the committee chair not later than one legislative day prior to bringing the bill or resolution before the committee. The committee cannot vote on a bill or resolution for at least one full day following the receipt of the subcommittee report by the chairperson.

12. A motion proposing action on a bill or resolution that has been defeated by a committee shall not be voted upon again at the same session of the committee.

13. Committee meetings shall be open.

Senate Rule 40. Voting in Committee.

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The committee shall not authorize the introduction of a committee bill or resolution until the members have received final copies of the bill or resolution with amendments or changes incorporated, and typed into proper form by the legislative service bureau. The committee may, by unanimous consent, dispense with this requirement when only nonsubstantive amendments or changes are necessary to correct the bill or resolution, or when a study bill or individually sponsored bill is voted out as a committee bill with no change in the text of the bill or the title.

The legislative service bureau shall file a report with the committee members detailing the amendments or changes and this report shall become a part of the committee report.

C. HOUSE RULES.

House Rule 27. Forms of Bills and Joint Resolutions.

. All bills and joint resolutions introduced shall be prepared by the legislative service bureau with title, enacting clause, text and explanation as directed by the chief clerk of the house. One copy of each bill shall be presented in a bill cover with the number of copies of the bill and the title as directed by the chief clerk.

House Rule 28. Joint and Nullification Resolutions.

Joint resolutions shall be framed and treated as bills.

A "nullification resolution" is a joint resolution which nullifies all of an administrative rule, or a severable item of an administrative rule adopted pursuant to chapter 17A of the Code. A nullification resolution shall not amend an administrative rule by adding language or by inserting new language in lieu of existing language.

A nullification resolution may be introduced by an individual, a standing committee or the administrative rules review committee, and may be referred to a standing committee.

A nullification resolution is debatable, but cannot be amended on the floor of the house.

House Rule 29. Time of Introduction of Bills.

No bill or joint resolution under individual sponsorship, other than a nullification resolution, shall be read for the first time after 4:00 p.m. on Friday of the 7th week of the first regular session of the general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time.

After adjournment of the first regular session, bills may be prefiled at any time before the convening of the second regular session. No bill or joint resolution under individual sponsorship, other than a nullification resolution, shall be read for the first time after 4:00 p.m. on Friday of the 2nd week of the second regular session of the general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time.

However, bills or joint resolutions sponsored by standing committees or the administrative rules review committee, co-sponsored by the majority and minority floor leaders, or companion bills sponsored by the house majority leader and the senate majority leader may be drafted and introduced at any time permissible under Joint Rule 20. House, concurrent and nullification resolutions may be introduced at any time.

House Rule 31. First Reading, Commitment and Amendment.

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31.8. No amendment to the rules of the house, to any resolution or bill, except technical amendments and amendments to bills substituted for by senate files containing substantially identical title, language, subject matter, purpose and intrasectional arrangement, shall be considered by the membership of the house without a copy of the amendment having been filed with the chief clerk by 4:00 p.m. or within one-half hour of adjournment, whichever is later, on the day preceding floor debate on the amendment. However, committee amendments filed pursuant to the submission of the committee report may be accepted after this deadline. This provision shall not apply to any proposal debated on the floor of the house after the fourteenth week of the first session and the twelfth week of the second session. No amendment or amendment to an amendment to a bill, rule of the house, or resolution shall be considered by the membership of the house without a copy of the amendment being on the desks of the entire membership of the house prior to consideration.

House Rule 48. Study Bills.

A study bill is any matter which a member of the house wishes to have considered by a standing committee, other than appropriations, and which has not been included in a previously introduced bill. .

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A study bill shall bear the name of the member who wishes to have the bill considered. A study bill submitted by a state agency or board for consideration shall bear the name of the state agency or board. A committee chair may submit a study bill in the name of that committee.

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A study bill not prepared by the legislative service bureau may be submitted to a standing committee, but shall not be considered by the full committee unless reviewed and typed in proper form by the legislative service bureau.

House Rule 56. Committee Amendment.

Whenever a committee amendment is proposed which would amend another committee amendment, the amendment shall be drafted in the form of a substitute amendment and shall be considered as such.

House Rule 59. Committee Amendments.

All amendments to a bill or resolution adopted in committee shall be incorporated in a single committee amendment or incorporated in a new committee bill.

House Rule 68. Order of Consideration of Amendments.

Amendments shall be considered by earliest position in the bill. Amendments to the same place in the bill shall be considered by the lowest amendment number. An amendment which inserts language after a line and an amendment which inserts language before the succeeding line shall be considered amendments to the same place in the bill.

However, an amendment to strike the enacting clause shall always be considered first. An amendment filed by a committee shall have the next highest order of priority, followed by an amendment to strike everything after the enacting clause and insert new language. An amendment to strike language or to strike and insert new language, except an amendment to strike everything after the enacting clause and insert new language, shall not be considered before amendments to perfect all or part of the same portion of the bill.

D. LEGISLATIVE COUNCIL RULES.

Submission of Prefiled Proposed Bills. (Adopted August 1989)
Prefiled proposed bills and resolutions of state departments and agencies shall be submitted to the Legislative Service Bureau no later than November 24, 1989. 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" or "background statement" of one page or less in length 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. A request submitted without such a "request explanation" or "background statement" or with a lengthy "request explanation" or "background statement" will not be accepted by the Legislative Service Bureau. 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, prepare an objective explanation for the bill, and prepare the bill in final form. Once the bill is in final form, the Legislative Service Bureau, not the department or agency, will submit the bill 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. Proposed bills and resolutions submitted by departments and agencies after November 24, 1989, will not be assigned to a staff member unless a legislative sponsor is obtained. . . .

DIVISION B
CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS AFFECTING
THE CONTENTS OF BILLS AND CONSTRUCTION OF THEIR PROVISIONS

There are many constitutional and statutory provisions governing the contents of bills and resolutions. Strict attention should be given to these provisions and the construction given to them by the Iowa Supreme Court and the courts of other states. This is particularly true in regard to those mandates contained in the Constitution. The rules of statutory construction contained in Chapter 4 of the Code should be read carefully and followed since they provide very helpful guides which will simplify bill drafting. The same holds true with the rules of statutory construction handed down by the Iowa courts. The following is a list of the pertinent constitutional, statutory, and rules of statutory construction provisions. Excerpts as to the manner in which they have been construed by the courts as well as excerpts as to rules of statutory construction promulgated by the courts follow the listing.

1. IOWA CONSTITUTIONAL PROVISIONS.

Article I, Section 3. Religion. The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister or ministry.

Article I, Section 6. Laws uniform. All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.

Article I, Section 7. Liberty of speech and press. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No laws shall be passed to restrain or abridge the liberty of speech, or of the press. . . .

Article I, Section 9. Right of trial by jury--due process of law. The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

Article I, Section 18. Eminent domain--drainage ditches and levees. . . . (Amendment 13 of 1908). The general assembly, however, may pass laws permitting the owners of lands to construct drains, ditches, and levees for agriculture, sanitary or mining purposes across the lands of others, and provide for the

organization of drainage districts, vest the proper authorities with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The general assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches and levees, and prescribe the method of making such condemnation.

Article I, Section 21. Attainder--ex post facto law--obligation of contract. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Article III, Of The Distribution Of Powers, Section 1. Departments of government. The powers of the government of Iowa shall be divided into three separate departments--the legislative, the executive, and the judicial: and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

Article III, Legislative Department, Section 1. General assembly. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives: and the style of every law shall be. "Be it enacted by the General Assembly of the State of Iowa."

Article III, Section 15. Bills. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

Article III, Section 24. Appropriations. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Article III, Section 26. (Amendment 40 of 1986) Time laws to take effect. An act of the general assembly passed at a regular session of a general assembly shall take effect on July 1 following its passage unless a different effective date is stated in an act of the general assembly. An act passed at a special session of a general assembly shall take effect ninety days after adjournment of the special session unless a different effective date is stated in an act of the general assembly. The general assembly may establish by law a procedure for giving notice of the contents of acts of immediate importance which become law.

Article III, Section 29. Acts--one subject--expressed in title. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Article III, Section 30. Local or special laws--general and uniform--boundaries of counties. The general assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes for State, County, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the state; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Article III, Section 38A. Municipal Home Rule. Municipal corporations are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly.

The rule or proposition of law that a municipal corporation possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Article III, Section 39A. Counties Home Rule. Counties or joint county-municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. The general assembly may provide for the creation and dissolution of joint county-municipal corporation governments. The general assembly may provide for the establishment of charters in county or joint county-municipal corporation governments.

If the power or authority of a county conflicts with the power and authority of a municipal corporation, the power and authority exercised by a municipal corporation shall prevail within its jurisdiction.

The proposition or rule of law that a county or joint county-municipal corporation government possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Article III, Section 40. (Amendment 38 of 1984) Nullification of administrative rules. The general assembly may nullify an adopted administrative rule of a state agency by the passage of a resolution by a majority of all of the members of each house of the general assembly.

Article VII, Section 1. Credit not to be loaned. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

Article VII, Section 2. Limitation. The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

Article VII, Section 5. Contracting debt--submission to the people. Except the debts herein before specified in this article, no debt shall be hereafter contracted by, or on behalf of this state, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the state, for three months preceding the election at which it is submitted to the people.

Article VII, Section 7. Tax imposed distinctly stated. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Article VII, Section 8. (Amendment 18 of 1942). Motor vehicle fees and fuel taxes. All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.

Article VIII, Section 1. How created. No corporation shall be created by special laws; but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

Article VIII, Section 2. Taxation of corporations. The property of all corporations for pecuniary profit, shall be subject to taxation, the same as that of individuals.

Article VIII, Section 3. State not to be a stockholder. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the State.

Article VIII, Section 4. Municipal Corporations. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

2. STATUTORY PROVISIONS -- CODE 1989 AND CODE SUPPLEMENT 1989.

Selected statutory provisions affecting the contents of legislative bills follow. While many of these provisions do not dictate exactly what should be contained within a particular legislative bill, they do provide the rules for interpreting statutes which in turn dictate the manner of expressing and writing text of legislative bills and resolutions. Knowledge of the rules of statutory construction will help the bill drafter to properly frame the contents of a bill and express the intent of the legislation in a clear and uniform manner.

Section 4.1. Rules. In the construction of the statutes, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the general assembly, or repugnant to the context of the statute:

1. Repeal--effect of. The repeal of a statute, after it becomes effective, does not revive a statute previously repealed, nor affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the statute repealed.

2. Words and phrases. Words and phrases shall be construed according to the context and the approved usage of the language; but technical words and phrases, and such other as may have

acquired a peculiar and appropriate meaning in law, shall be construed according to such meaning.

3. Number and gender. Unless otherwise specifically provided by law the singular includes the plural, and the plural includes the singular. Words of one gender include the other genders.

4. Joint authority. Words giving a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of them, unless it be otherwise expressed in the act giving the authority.

5. Highway--road. The words "highway" and "road" include public bridges, and may be held equivalent to the words "county way", "county road", "common road", and "state road".

6. Mentally ill. The words "mentally ill person" include mental retardates, psychotic persons, severely depressed persons and persons of unsound mind. A person who is hospitalized or detained for treatment of mental illness shall not be deemed or presumed to be incompetent in the absence of a finding of incompetence made pursuant to section 229.27.

7. Issue. The word "issue" as applied to descent of estates includes all lawful lineal descendants.

8. Land--real estate. The word "land" and the phrases "real estate" and "real property" include lands, tenements, hereditaments, and all rights thereto and interests therein, equitable as well as legal.

9. Personal property. The words "personal property" include money, goods, chattels, evidences of debt, and things in action.

10. Property. The word "property" includes personal and real property.

11. Month--year--A.D. The word "month" means a calendar month, and the word "year" and the abbreviation "A.D." are equivalent to the expression "year of our Lord."

12. Oath--affirmation. The word "oath" includes affirmation in all cases where an affirmation may be substituted for an oath, and in like cases the word "swear" includes "affirm".

13. Person. Unless otherwise provided by law "person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

14. Seal. Where the seal of a court, public office or officer, or public or private corporation, may be required to be affixed to any paper, the word "seal" shall include an impression upon the

paper alone, as well as upon wax or a wafer affixed thereto or an official ink stamp if a notarial seal.

15. State. The word "state", when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the said district and territories.

16. Will. The word "will" includes codicils.

17. Written--in writing--signature. The words "written" and "in writing" may include any mode of representing words or letters in general use. A signature, when required by law, must be made by the writing or markings of the person whose signature is required. If a person is unable due to a physical handicap to make a written signature or mark, that person may substitute the following in lieu of a signature required by law:

a. The handicapped person's name written by another upon the request and in the presence of the handicapped person; or,

b. A rubber stamp reproduction of the handicapped person's name or facsimile of the actual signature when adopted by the handicapped person for all purposes requiring a signature and then only when affixed by that person or another upon request and in the handicapped person's presence.

18. Sheriff. The term "sheriff" may be extended to any person performing the duties of the sheriff, either generally or in special cases.

19. Deed--bond--indenture--undertaking. The word "deed" is applied to an instrument conveying lands, but does not imply a sealed instrument; and the words "bond" and "indenture" do not necessarily imply a seal, and the word "undertaking" means a promise or security in any form.

20. Executor--administrator. The term "executor" includes administrator, and the term "administrator" includes executor, where the subject matter justifies such use.

21. Numerals--figures. The Roman numerals and the Arabic figures are to be taken as parts of the English language.

22. Computing time--legal holidays. In computing time, the first day shall be excluded and the last included, unless the last falls on Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday. However, when by the provisions of a statute or rule prescribed under authority of a statute, the last day for the commencement of an action or proceedings, the filing of a pleading or motion in a pending action or proceedings, or the perfecting or filing of an appeal from the decision or award of a court, board, commission, or

official falls on a Saturday, a Sunday, the first day of January, the third Monday in January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the eleventh day of November, the fourth Thursday in November, the twenty-fifth day of December, and the following Monday when any of the foregoing named legal holidays fall on a Sunday, and any day appointed or recommended by the governor of Iowa or the president of the United States as a day of fasting or thanksgiving, the time shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday named in this subsection.

23. Consanguinity and affinity. Degrees of consanguinity and affinity shall be computed according to the civil law.

24. Clerk--clerk's office. The word "clerk" means clerk of the court in which the action or proceeding is brought or is pending; and the words "clerk's office" means office of that clerk.

25. Population. The word "population" where used in this Code or any statute means the population shown by the latest preceding certified federal census, unless otherwise specifically provided.

26. If a statute refers to a series of numbers or letters, the first and the last numbers or letters are included.

27. "Child" includes child by adoption.

28. If there is a conflict between figures and words in expressing a number, the words govern.

29. "Preceding" and "following" when used by way of reference to a chapter or other part of a statute mean the next preceding or next following chapter or other part.

30. A quorum of a public body is a majority of the number of members fixed by statute.

31. "Rule" includes "regulation."

32. Words in the present tense include the future.

33. "United States" includes all the states.

34. The word "week" means seven consecutive days.

35. The word "year" means twelve consecutive months.

36. Unless otherwise specifically provided by the general assembly, whenever the following words are used in a statute enacted after July 1, 1971, their meaning and application shall be:

a. The word "shall" imposes a duty.

b. The word "must" states a requirement.

c. The word "may" confers a power.

37. Appellate court. The term "appellate court" means and includes both the supreme court and the court of appeals. Where an act, omission, right, or liability is by statute conditioned upon the filing of a decision by an appellate court, the term means any final decision of either the supreme court or the court of appeals.

38. "Court employee" and "employee of the judicial department" include every officer or employee of the judicial department except a judicial officer.

39. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.9206.

40. "Magistrate" means a judicial officer appointed under chapter 602, article 6, part 4.

Section 4.2. Common law rule of construction. The rule of the common law, that statutes in derogation thereof are to be strictly construed, has no application to this Code. Its provisions and all proceedings under it shall be liberally construed with a view to promote its objects and assist the parties in obtaining justice.

Section 4.3. References to other statutes. Any statute which adopts by reference the whole or a portion of another statute of this state shall be construed to include subsequent amendments of the statute or the portion thereof so adopted by reference unless a contrary intent is expressed.

Section 4.4. Presumption of enactment. In enacting a statute, it is presumed that:

1. Compliance with the Constitutions of the state and of the United States is intended.

2. The entire statute is intended to be effective.

3. A just and reasonable result is intended.

4. A result feasible of execution is intended.

5. Public interest is favored over any private interest.

Section 4.5. Prospective statutes. A statute is presumed to be prospective in its operation unless expressly made retrospective.

Section 4.6. Ambiguous statutes--interpretation. If a statute is ambiguous, the court, in determining the intention of the legislature, may consider among other matters:

1. The object sought to be attained.
2. The circumstances under which the statute was enacted.
3. The legislative history.
4. The common law or former statutory provisions, including laws upon the same or similar subjects.
5. The consequences of a particular construction.
6. The administrative construction of the statute.
7. The preamble or statement of policy.

Section 4.7. Conflicts between general and special statutes. If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision.

Section 4.8. Irreconcilable statutes. If statutes enacted at the same or different sessions of the legislature are irreconcilable, the statute latest in date of enactment by the general assembly prevails. If provisions of the same act are irreconcilable, the provision listed last in the act prevails.

Section 4.9. Official copy prevails. If the language of the official copy of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the official copy prevails.

Section 4.10. Re-enactment of statutes--continuation. A statute which is re-enacted, revised or amended is intended to be a continuation of the prior statute and not a new enactment, so far as it is the same as the prior statute.

Section 4.11. Conflicting amendments to same statutes--interpretation. If amendments to the same statute are enacted at the same or different sessions of the general assembly, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are irreconcilable, the latest in date of enactment by the general assembly prevails.

Section 4.12. Acts or statutes are severable. If any provision of an act or statute or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other

provisions or applications of the act or statute which can be given effect without the invalid provision or application, and to this end the provisions of the act or statute are severable.

Section 4.13. General savings provision. The re-enactment, revision, amendment, or repeal of a statute does not affect:

1. The prior operation of the statute or any prior action taken thereunder;
2. Any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;
3. Any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal; or
4. Any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the statute had not been repealed or amended.

If the penalty, forfeiture, or punishment for any offense is reduced by a re-enactment, revision, or amendment of a statute, the penalty, forfeiture, or punishment if not already imposed shall be imposed according to the statute as amended.

3. RULES OF STATUTORY CONSTRUCTION APPLIED BY COURTS TO CONSTITUTIONAL AND STATUTORY PROVISIONS AND IN GENERAL.

The Iowa Supreme Court has ruled on the construction of the various constitutional mandates in regard to bill drafts and statutes in many instances. Hundreds of cases exist in regard to word usage, common law rules, and rules of statutory construction. It is most important that a bill drafter be aware of the manner in which the courts have ruled in regard to construing statutes, constitutional provisions, and word usage. The following are samples of court decisions construing the constitution and statutes. They are by no means a complete listing, but should aid by informing the bill drafter of the manner in which particular provisions have been construed by the courts.

Constitutionality presumed. Regularly enacted laws are presumed to be constitutional, and this presumption must be overcome by one attacking the statute by proving its invalidity beyond a reasonable doubt. 105 N.W.2d 650. Courts are reluctant to declare a legislative enactment unconstitutional, and will do so only when the violation is clear, palpable and practically free from doubt. 113 N.W.2d 724. All presumptions are in favor of the constitutionality of a statute and it will not be held invalid unless it is clear, plain and palpable that such a decision is required. 95 N.W.2d 441.

Initiative and referendum. The legislature has no power to make the operation or repeal of a law dependent upon a vote of the people. 33 Iowa 134. Though the legislature cannot submit to a popular vote of the people the question whether or not an act proposed by it shall become a law, an act designed to affect only local government conditions, which is complete in itself, and requires nothing further to give it validity as a legislative act, may be submitted to the electors of a subdivision of the state, that they may determine on popular vote whether they will adopt these provisions. . . 137 Iowa 452.

One subject. (Art. III, Section 29) Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title . . .

Constitutional requirement that every act shall embrace but one subject is not intended to prohibit any number of provisions in one bill having one general subject, fairly indicated by the title, and it is not necessary that the title be an index of the act nor that every provision of the several sections be enumerated in the title. 131 N.W.2d 5.

The constitutional provision that every act shall embrace but one subject shall receive a broad and liberal construction and not a narrow, technical, critical one. 131 N.W.2d 5. This section is to be liberally construed so that one act may embrace all matters reasonably connected with the subject expressed in the title and not utterly incongruous thereto.

In a 1989 Iowa supreme court case, the court stated that "in order for a violation of the single-subject requirement to exist, the challenged legislation must embrace two or more dissimilar and discordant subjects that by no fair intendment can be considered as having any legitimate connection with or relation to each other. This does not mean that any two subjects in a multifaceted piece of legislation must, in isolation, demonstrably relate to each other for the bill to pass constitutional muster. It is only necessary to show that all subjects relate to a single purpose. This is clear from the language of the constitutional clause itself which provides that every act shall embrace but one subject, and matters properly connected therewith. Iowa Const. art. III, sec. 29. In interpreting the italicized language, this court recognized early on that the subject of a statute lies in its ultimate objective and not in the detail or steps leading to that objective." Miller v. Bair (235, 88-268, August 16, 1989). The court rejected the single-subject constitutional challenge, stating that the common purpose of the bill was a multifaceted effort to promote economic development and therefore that the bill complied with the single-subject requirement even though the bill contained economic development incentives and state revenue adjustments, characterized by the appellants as unrelated police power functions and revenue functions.

Subject not in title. If an act embraces a subject not expressed in the title, the act will be void only as to so much thereof as is not thus expressed. 26 Iowa 340.

Two subjects in title. In 231 N.W.2d 882 the court decided that the act covered two subjects, both of which were expressed in the title, so it was not the situation covered in Art. III, sec. 29 of the Iowa Constitution. The court said that as a general rule an ungermane provision in an act renders the whole act void The reason given for this is that a court cannot say which, if either, of the two unrelated parts of the act the legislature would have enacted had the legislature voted on the two parts separately. (However, in this case the court had no difficulty determining which part was primary and which secondary.)

Code revision. A codification or revision does not relate to more than one subject, and a title expressing the subject is not insufficient for failure to specify each subject to which the statute, as revised, relates. 45 N.W.2d 33.

A constitutional requirement that a bill shall have but one subject expressed in its title has been held either not to apply to codes or is liberally interpreted to sustain the validity of the title identifying a code e.g. Uniform Commercial Code, Internal Revenue Code of 1986, Uniform Transfer to Minor Act. A restrictive title is not regarded as liberally as is a general one. The provisions of a bill which it does not fairly embrace cannot be given force.

NOTE: Particular title provisions. It is recommended that particular attention be given to certain provisions which should be placed or emphasized within the title of a bill. Particular attention should be given to penalty provisions, since the courts usually apply a strict construction to penalty provisions, and there is danger that if a penalty provision is contained within a bill and not specifically mentioned in the title, it will be declared void. Although there is no specific constitutional or statutory requirement to include these in the title, for bills that contain an appropriation; that impose, change the rate of, or change the items subject to a tax; or that provide for specific effective or applicability dates, it is recommended that these be expressed in the title since the courts have looked upon the title as providing notice of the subject of the bill and important provisions related to it.

Local and special laws. (Art. III, Section 30) Under this section the legislature was absolutely prohibited from passing special laws in the enumerated cases. 96 Iowa 521. Generally speaking, laws must be uniform and general and not special in character, but they are not required by the constitution to be general except where a general law can be made applicable. 140 Iowa 163. A statute is general and uniform in its operation, when it operates equally upon all persons who are brought within the relations and circumstances provided for.

Construction of statutes. Following are some statements of the courts of Iowa, and in some cases other courts, which relate to the manner in which statutes are to be construed. Many of these statements have been codified in Chapter 4 of the Code:

Headnotes. The headnotes in the various codes form no part of the statutory law of the state. 284 N.W. 110. (NOTE: Headnotes of the Uniform Commercial Code, Chapter 554, are part of that Code. See Section 554.1109.)

Tax statutes. Taxing statutes are strictly construed against taxing body and liberally in favor of the taxpayer; it must appear from language of statute that tax assessed against taxpayer was clearly intended. 160 N.W.2d 289. However, when a taxpayer relies on a statutory exemption, the exemption is construed strictly against the taxpayer and liberally in favor of the taxing body with any doubts being resolved against exemption. 301 N.W.2d 760.

Tax imposed distinctly stated. (Article VII, Section 7) (See page B-4.) This section does not impose a requirement relating to the title of an act, but only to the manner in which the tax is expressed within the act. 265 N.W.2d 151. This section applies to property taxes and the "object" to which the tax is applied refers to the governmental purpose for which the revenues raised by the tax are to be used, rather than the identity of the property or event being taxed. 362 N.W.2d 557.

Construction of acts as a whole. All provisions or sections of a statute must be considered together in the light of all other provisions or sections, and, if at all possible, harmonized. 312 N.W.2d 530. Presumption in favor of constitutionality is especially strong where a statute was enacted to promote a public purpose. 134 N.W.2d 534.

Reconciliation of acts or statutes. A cardinal rule of statutory construction is that, if reasonably possible, effect should be given every part of a statute. 111 N.W.2d 317. The general rule is that if by any fair and reasonable construction statutes dealing with the same subject matter may be reconciled, both shall stand. 104 N.W.2d 564.

Definitions. The legislature is its own lexicographer and common law, dictionary, and prior definitions by the court must yield when the legislature by express enactment defines its own terms. 69 N.W.2d 534. Legislative definitions are binding on the Supreme Court. 178 N.W.2d 343. But the courts are not bound to follow a statutory definition where obvious incongruities in the statute would be created or a major purpose of the statute would be defeated or destroyed. 312 N.W.2d 530.

Legislative history of act. It is proper to resort to legislative history of an act when its meaning is doubtful, but the

plain meaning of a statute cannot be affected by resorting to its legislative history. 104 N.W.2d 626.

Conflicts--special and general statutes. While related statutes are to be construed with reference to each other if there is conflict between a special statute and a general statute, provisions of the special statute control. 251 N.W.2d 496. This rule applies even though the special provision was passed before the general one. A special statute prevails over a general provision only if the two cannot be reconciled. 351 N.W.2d 537. To determine the meaning of a statute as amended it is proper to consider the general ones when they cannot be reconciled. (Where a general statute, if standing alone, would include the same matter as a special statute and thus conflict with it, the special statute will be considered an exception to the general statute whether it was adopted before or after the general statute. 155 N.W.2d 177.)

Logical result. If a statute is susceptible to more than one reasonable interpretation or application, the court will be constrained to give to it the interpretation which will lead to a logical rather than an illogical result. 111 N.W.2d 309. In statutory interpretation courts seek meaning which is both reasonable and logical and try to avoid results which are strained, absurd, or extreme. 247 N.W.2d 263. In addition, if one interpretation would render the statute ineffective, the other interpretation must be adopted. 224 N.W.2d 437.

Retroactive statutes. The answer as to when a statute is to be considered retrospective or prospective is found in the intention of the legislature as expressed or as implied from what it has said thereon. 246 N.W.2d 330.

Statutes are presumed to be intended to operate prospectively only, and not retrospectively, however, if the intent to bring about retrospective operation clearly appears, the courts will not hesitate to so construe the statute. 148 N.W.2d 434. The courts have evolved a strict rule of construction against retrospective operation and indulge in the presumption the legislature intended its enactments to operate prospectively only. 101 N.W.2d 705. A statute will not be construed to be retroactive unless it is the intent of the legislature to make it so and such intent is clearly expressed. 228 N.W.2d 49. The fact that a statute carries an emergency clause making it effective immediately, which would be unnecessary if its operation were retrospective, may be an indication the statute was intended to operate prospectively only. 101 N.W.2d 705.

Repeals by implication. Repeals by implication are not favored by the courts and will not be upheld unless the intent to repeal clearly and unmistakably appears from the language used and such holding is absolutely necessary (235 N.W.2d 306), and if by any fair and reasonable construction prior or later statutes can be reconciled, both shall stand. 263 N.W. 553.

Amended statutes. As a general rule where a statute rewrites a former statute and states it "is amended to read as follows" all provisions in the original law not found in the amending act are repealed. 94 N.W.2d 122. An amended act is ordinarily construed as if the original statute had been repealed and a new and independent act in the amended form had been adopted in its stead, but where an amendment leaves portions of the original act unchanged, such portions are continued in force, with the same meaning and effect they had before the amendment. 108 N.W. 902.

Expression of one excludes others. A rule of statutory construction is that the express mention of one thing implies the exclusion of the others. 335 N.W.2d 439.

Attorney general opinions. Opinions of the attorney general, while entitled to respectful consideration, are not binding upon the courts whose duty it is to make independent inquiry as to the interpretation to be placed upon a statute. 98 N.W.2d 848.

Historical material. The terms of a statute are to be interpreted in the light of its historical background and the courts may avail themselves of such aid as may be afforded by historical facts, or by antecedent or a contemporaneous legislative history, or history of the statute.

Penal statutes. Penal statutes are strictly construed and doubts, if any, are resolved in favor of the individual. 306 N.W.2d 760. Terms of a penal statute creating a new offense must be sufficiently explicit to inform those subject to it what conduct on their part will render them liable to its penalties. The legislature must inform the citizens with reasonable precision what acts it intends to prohibit so they may have a certain understandable rule of conduct and know what acts it is their duty to avoid.

Statutes with same subject matter. When statutes relate to the same subject matter, when they are in pari materia, they must be construed together. 325 N.W.2d 770. Statutes are considered in pari materia when they relate to the same person or thing, to the same class of persons or things, or have the same purpose or object. 345 N.W.2d 138 and 368 N.W.2d 147.

Singular includes plural. The rule that words in a statute that import the singular number may be extended to several persons or things is applicable when one amendment in school reorganization laws uses the singular and another amendment uses the plural.

Normally the singular does include the plural, in order to avoid the necessity of using both singular and plural words throughout the Code, but the rule does not apply where other sections or the framework of the statute demonstrates that the singular was intended. 280 N.W.2d 378.

Rule of ejusdem generis. The rule of ejusdem generis is to the effect that where general words follow specific words in a statutory enumeration, the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words. 334 N.W.2d 734. Where the opposite sequence is found, i.e., specific words following general ones, the doctrine is equally applicable, and restricts application of the general term to things that are similar to those enumerated. 301 N.W.2d 685.

The doctrine of ejusdem generis is an attempt to reconcile an incompatibility between specific and general words so that all words in a statute can be given effect, all parts of a statute can be construed together and no words will be superfluous. If the general words are given their full and natural meaning, they would include the objects designated by the specific words, making the latter superfluous. If, on the other hand, the series of specific words is given its full and natural meaning, the general words are partially redundant. The rule accomplishes the purpose of giving effect to both the specific and the general words, by treating the specific words as indicating the class, and the general words as extending the provisions of the statute to everything embraced in that class, though not specifically named.

The resolution of this conflict by allowing the specific words to identify the class and by restricting the meaning of general words to things within the class is justified on the ground that had the legislature intended the general words to be used in their unrestricted sense, it would have made no mention of the specific words.

The doctrine of ejusdem generis applies when the following conditions exist: (1) the statute contains an enumeration by specific words; (2) the members of the enumeration suggest a class; (3) the class is not exhausted by the enumeration; (4) a general reference supplementing the enumeration, usually following it; and (5) there is not clearly manifested an intent that the general term be given a broader meaning than the doctrine requires. 251 N.W.2d 523.

"May" and "shall". The verb "may" usually is employed as implying permissive or discretionary rather than mandatory action or conduct. 139 N.W.2d 448. In statutory interpretation the mandatory construction is rarely placed on the word "may". 131 N.W.2d 5. When a statute uses the word "shall" in directing a public body to do certain acts, the word is to be construed as mandatory, not permissive, and excludes the idea of discretion. 137 N.W.2d 900. The use of the word "shall" does not, alone, mean that an obligation is mandatory. It should be determined from the context. 318 N.W.2d 188. Statutes in pari materia, i.e., relating to the same matter or subject, are important aids in determining whether a statutory provision is mandatory or directory. 280 N.W.2d 393. (NOTE: "May not" should not be used in a denial, restriction, or limitation, rather "shall not" should be used.)

"All". The word "all" is commonly understood and usually does not admit of an exception, addition or exclusion. 137 N.W.2d 900.

Adopting amended statutes. Whether the adopting statute adopts the general law or a specific statute, the rule is that it applies to later amendments or changes unless a contrary intent or inconsistency appears; and this may appear in the general reference statute, adopting statutes or in the adopted statute or manual. 114 N.W.2d 317.

NOTE: Adopting other than Iowa laws. If the general law or specific statute that is adopted is other than Iowa law, the question of unconstitutional delegation of authority arises when subsequent amendments or changes to the adopted law or statute are included at the time of adopting the law or statute. Careful consideration must be given to this situation and the drafter should specify that the law or statute is adopted as in effect on a specific date which should be no later than the date of enactment of the adopting statute.

Effective upon enactment provision. (Code section 3.7(4)) If a legislative Act provides that it is effective upon enactment, it becomes effective as provided in the following examples:

If the governor signs it on March 15, 1988, it becomes effective March 15, 1988.

If the governor fails to sign it and returns it and the general assembly reconsiders and passes it by two-thirds majority on March 17, 1988, it becomes effective March 17, 1988.

If the governor receives it March 14, 1988, (prior to the last three days of the legislative session), and fails to return it by March 18, 1988, it becomes effective March 18, 1988.

Credit not to be loaned. (Article VII, Section 1) (See page B-4.) Prohibitions against lending the state's credit refer to becoming surety for the debt of another. 113 N.W.2d 755.

Limitation--anticipatory revenues. (Article VII, Section 2) (See page B-4.) Warrants issued in anticipation of revenues collectable during the two-year period of the meeting of the General Assembly, from which the warrants are to be paid, are not a debt within this section. 144 N.W. 908. Revenue bonds issued for the financing of a project the revenues from which will pay off the bonds are not a state debt. 188 N.W.2d 320.

Consanguinity and affinity. (See Appendix III for civil law consanguinity chart.) Degree of kinship is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending

line; under such a rule, a woman's sister (or half-sister) is related to her by consanguinity in second degree and the sister (or half-sister) is related to woman's husband by affinity in the second degree. 304 N.W.2d 203.

Binding succeeding general assemblies. A general assembly cannot bind succeeding ones. 172 N.W.2d 575.

General assembly's authority re Constitution. Court is final arbiter of what Iowa Constitution means, but will give respectful consideration to legislature's understanding of constitutional language, especially in the case of a contemporaneous legislative exposition of such language--legislature has considerable authority to lay down rules for the interpretation of its own statutes. 231 N.W.2d 882 (1975).

**DIVISION C
ELEMENTS OF STYLE AND FORM**

1. WORD USAGE.

In bill drafting the more simple the manner of expression, the more understandable the draft. Thus avoiding many words when a few will suffice is a goal one should strive to meet. The use of synonyms, while good form in a literary composition, should be avoided. Once a word has been used within a statute to provide a certain meaning, the same word should be used in all cases to express that meaning; otherwise, a court may give words a different meaning than was intended. As a general rule, courts will give words their ordinary meaning.

As noted in the enumerated rules of statutory construction in Division II, certain words will in most cases suffice to cover a number of situations. Thus the singular incorporates the plural, and the plural incorporates the singular. Words of the masculine or feminine gender include the other gender. However, we avoid using gender words in most cases (section 14.13). The word "child" includes child by adoption and words in the present tense include the future. Other words covering several situations can be found in Chapter 4 of the Code.

Frequently bill drafters when referring to statutes feel compelled to use words such as "as amended" or "as heretofore or hereafter amended" or similar phrases. These words are definitely not needed when referring to a state statute because section 4.3 of the Code provides for the inclusion of subsequent amendments. (See page B-9.) In addition, the courts have almost uniformly held that reference to a statute of the same legislative authority includes its amendments.

Certain words have traditionally been used in the drafting of legislation, which are not commonly used in other areas of writing and which are not usually used in normal conversations. It is not necessary in most cases to use these words since words more common to normal conversation are available. The words "such", "said", "provided that", "prior to", "subsequent to", and the phrase "to the contrary notwithstanding" are examples.

At least one treatise on bill drafting indicates that these words' sole function appears to be to make the statute sound legal, when this should not be the objective of the drafter. The words "the", "however", "before", "after", and "regardless" are words which convey the same thought and are more commonly used.

There are exceptions to most every bill drafting rule and it is not the intent of this guide to promulgate rules to cover every situation. However, the majority of bill drafting projects can be most adequately performed pursuant to the suggestions contained in

this guide. The drafter should follow the rules of statutory construction in most cases. However, if the drafter intends to provide for a situation different from that which might be affected by the rules of statutory construction, the drafter should be very specific in the bill draft to make the intention clear.

The following is a list of words suggested for use in bill drafting, which it is hoped will provide more understandable language and aid the reader to better comprehend legislation. These words will suffice in most instances.

Usage of words.

Avoid Using

Use

absolutely null and void and
of no effect

void

and/or

Use one or the other, or if any ambiguity exists, use: X or Y or both of them, X or Y or either of them

any or all

either word, not both
(use of a simple article, "a", "an", or "the", is often better)
(use "any" only when it means "one or more" as in "any of the following"; use "all" when it means "all")

any person, every person, all persons

a person

as applicable

use only when needed so meaning will be clear

as may be necessary

as necessary

as provided in

under, pursuant to

at such time as

when

at the time

when

be and the same is hereby

is

beforementioned

the, that, those

Avoid Using

bonds, notes, checks, drafts
and other evidences of in-
debtedness

chairwoman, chairman

constitute and appoint

current, presently (meaning
"at the time of enactment")

during such time as

during the course of

each and all

each and every

employ (meaning to use)

evince

feasible

for the duration of

for the reason that

foresaid, aforementioned

formulate

forthwith

full force and effect

give consideration to

give recognition to

have knowledge of

have need of

Use

evidences of indebtedness

chairperson

appoint

use a specific date if possible
otherwise on the effective date
of the appropriate provision.
(or "on or after" or "on or
before")

while

during

either word or an article
(a, an - indefinite;
the - definite)

either word

use

show

possible

during

because

the, that, those

make

immediately

"force" or "effect"

consider

recognize

know

need

Avoid Using

hereinafter, heretofore,
hereinbefore, hereinabove,
above, below, following,
preceding

he, she, his, her, himself,
herself

in case of, in case

in cases in which

in order to

in the event that

is applicable

is defined to mean

is authorized to

is deemed to be

is directed to

is empowered to

is entitled to

is hereby authorized and it
shall be the council's duty to

is hereby authorized to

is hereby vested with power and
authority and it shall be his
duty in carrying out the provi-
sions of this Act to

is required to

it is the director's duty to

it is lawful to

Use

These are objectionable when
referring to the position of a
section, or other statutory
provision. If reference is
necessary, specify the chapter,
section or subsection by num-
ber.

use nongender word, if refer-
ence is to both; usually the
antecedent noun

when, where, if

when, where, if

to

if

applies

means

may

is--unless it really cannot be,
but must be imagined to be

shall

may

may

shall

may

shall

shall

shall

a person may

Avoid Using

it is not unlawful to

make application

make payment

make provision for

may not

means and includes

necessitate

no person shall

nothing contained in this
section shall

now

null and void

or, in the alternative

ordered, adjudged and decreed

party

person, firm, corporation,
partnership, or governmental
subdivision

portion

possess

preserve

prior to

Use

(means "it is lawful--a per-
son may)

apply

pay

provide for

shall not

"means" or "includes" as
required--"means" limits--
"includes" describes, but
may also limit, under statu-
tory construction rules of
general/specific or "ejusdem"

require

a person shall not - avoid
starting with the negative

this section does not

use a definite date

void

or

adjudged

person (unless referring to
party to a suit or action)

person (see definition in
section 4.1 - make an excep-
tion for any not applicable,
such as governmental subdi-
vision)

part

have

keep

before

Avoid Using

whensoever

wheresoever, wherever

whomsoever

whosoever, whoever

Use

when, if

where

(Archaic; improper)

who

Use of "and/or". The general consensus of opinion in cases in many jurisdictions over the nation is contrary to the use of the expression "and/or". This is true in Iowa. See 229 Iowa 1240 and 93 NW 2d 714. In general the term "and" means to add something to what has already been said; "or" means in the alternative. The word "and" is a conjunctive and the word "or" a disjunctive. Use of the terms together is contradictory. The writer should be able to determine which term is correct. In most cases the word "or" is proper to convey the thought of "one, or the other, or any of them". The word "and" is proper to convey the thought of both, or "all of them". If emphasis is needed the use of terms such as "any of the following", "all of the following", "either of the following", "or both", and similar modes of expression should be sufficient.

The expression "and/or" has been attacked by numerous authorities. One authority notes it is "a device for the encouragement of mental laziness"; another authority states "It is a bastard sired by Indolence (he by Ignorance) out of Dubiety."

The drafter of legislation in Iowa should avoid the use of the expression "and/or".

Use of "shall" and "shall be". "Shall" is defined in section 4.1 of the Code to impose a duty. To preserve that meaning, it generally should not be used to state a rule of law or a proposition in the future tense. "Shall" and "shall not" should be used to require or prohibit an act. "Shall not" should be used to state a prohibition, rather than "may not". A proposition of law should be stated with the use of the present tense "be" verb rather than "shall be". "Shall be" may be used where a duty is stated in the passive voice, but statutes should generally use the active voice.

For example:

Use "a violation of this provision is a misdemeanor", rather than "a violation of this provision shall be a misdemeanor".

Use "a person who violates" rather than "a person who shall violate".

Use of "must" and "may". "Must" is defined in section 4.1 of the Code to state a requirement for an inanimate object which

cannot be "commanded" and "may" is defined in the same section to confer a power. "Must not" and "may not" should never be used to prohibit an act. "Shall not" should be used instead.

For example:

Use "the board of supervisors shall not levy a tax unless authorized by state law" rather than "the board of supervisors may not or must not levy a tax unless authorized by state law".

Use of pronouns. A pronoun should be used only if its antecedent is unmistakable, and must be singular or plural in accordance with its antecedent. If a pronoun is used it should be gender neutral; otherwise, repeat its antecedent.

Use of modifying phrases. Be careful that a phrase cannot be construed to modify something other than what is intended. An example is a delineation of items that includes a phrase which does not modify all of those items. Possible confusion can generally be avoided by moving the phrase within the sentence or by making it into a separate sentence. (see example on page C-14.) Be especially careful of phrases making exceptions.

Definitions. The use of definitions should be considered when drafting a bill. If the drafter desires a particular word to have a particular meaning other than its usual meaning, a definition is essential. A definition is essential if the term or phrase to be used is not commonly understood or does not have a generally accepted meaning. The length of bills can be reduced or made clearer through the use of definitions. For example, the drafter may wish to refer to facilities offering some type of medical service, having in mind hospitals, nursing homes, mental health institutions, custodial homes, homes for the elderly and other similar facilities. Rather than mentioning each individual facility many times within a bill, it provides a shorter bill draft if "medical facility" is defined to include all of the types of facilities and the draft uses only the words "medical facility". If one of the types of facilities is to be excluded from a particular section of the bill, this can be done by merely stating, for example, "except nursing homes". When the drafter is going to use a term or phrase which is commonly understood but for which there are slight variations in the meanings, the draft can make the term or phrase clearer by defining it. An example of this is "farming". The term "farming" is commonly understood to include the cultivation of land for agricultural crops, the production of livestock, poultry, eggs, milk, and the grazing of livestock. But does it include the production of timber, forest products, Christmas trees, nursery products, sod, aquaculture, or hydroponics? Although the term "farming" is commonly understood, some may consider the growing of sod and trees on sod farms and tree farms as farming. The drafter should be aware of the possibility of overinclusion or underinclusion by the person carrying out the provisions of the bill, and if there is a reasonable possibility of this, should define the term or phrase.

Definitions are useful to:

1. Limit or extend the meaning of a word, particularly if the word is used in other than its normal sense or has several meanings.
2. Translate technical terms or words of art into common language.
3. Avoid repetition of a phrase or term.

Definitions should not be used when a word has a clear and definite meaning since they are unnecessary and could lead to confusion.

Definitions should generally be alphabetized.

If a definition applies to only one section, it should be in that section. Definitions applicable to various sections or a chapter should be grouped in one section at the beginning of a bill. A definition should not include substantive law. Once a word is defined, the drafter must be careful to use it as defined and not to repeat the definition. Remember that when one word is defined and is used in the definition of a second word, the first word has the meaning given to it when it was defined and the drafter does not need to redefine it as is often done. When a bill draft is revised to change a defined term, the drafter must be especially watchful to change it in every instance.

If a numerical reference to a definition in another section of the Code is added, it is generally preferable to refer only to the Code section, and not to the subsection or paragraph, containing the definition. When all the definitions are alphabetized, they will be easy to find within the section without using subsection numbers.

Sentences--subsections. Bill sections and sentences should not be lengthy, since long sections and sentences are hard to understand. If a series is needed, the section may be divided into subsections, paragraphs, or subparagraphs. The use of subsections is very helpful in allowing the reader to understand the complete components of the section. Subsections are easier to amend and should be used when controversial legislation is being drafted which may be subject to many amendments.

Reference material. The drafter must be familiar with the state and federal constitutions. The Constitution of Iowa contains many provisions which must be considered in drafting legislation. When drafting legislation, particularly legislation which will add new material to the Code, the Code should be thoroughly researched for material pertaining to the subject matter of the legislation. A great many conflicts are created when a drafter does not do a thorough job of researching the Code prior to writing a bill draft.

Many persons, including lawyers, are surprised at the many diverse subjects contained in the Code and research of the Code should be the first step when drafting legislation.

The statutes of other states, uniform acts, suggested acts, bills previously introduced in Iowa, and model legislation are prime sources of legislation. The Council of State Governments, Advisory Commission on Intergovernmental Relations, Commissioners on Uniform State Laws, and particular occupational groups and associations have developed many statutes which can serve as the basis for legislation in Iowa. Problem areas in Iowa demanding legislation frequently have been problem areas in other states and legislation designed to solve these problems may be available as a starting point. The drafter is cautioned that in using other states' and suggested legislation, changes will probably have to be made in order that the proposed legislation will be adaptable to the state and the Code. The changes may be in form or substance.

Drafter as impartial technician. Determining the policy and objectives of legislation is the prerogative of the legislator. The drafter's function is to determine the present laws affected, make proper amendments, devise actual statutory language, and place the bill draft in proper form. The drafter shall not express personal ideas but must remain an impartial technician.

Upon the request of a legislator that a bill be drafted which is of doubtful constitutionality, the drafter should inform the legislator of the constitutional problems and, if possible, devise a method of accomplishing the purpose of the bill which is constitutional. If the legislator nevertheless wishes to introduce the bill after the drafter has suggested the constitutional difficulties, the drafter should draft the bill in accordance with the legislator's instructions.

2. PARTS OF A BILL.

General. A bill consists of three major parts: (1) the title; (2) the enacting clause; and (3) a body of provisions to be enacted. Each part is essential and must be complete. The proper form of the title and enacting clause are defined by law, and the content and length of the body, while subject to certain rules of format, depend upon the purpose to be accomplished. Samples of the various parts of a bill are contained in the appendix to this bill drafting guide.

Explanations. House and Senate bills and joint resolutions proposing constitutional amendments must have explanations of their contents, which explanations follow the body of the document. House and Senate rules may require explanations for concurrent and simple resolutions. An explanation of a bill written by a bill drafter must be concise and accurate, explaining exactly what the bill does, without attempting to comment upon its merits or editorializing. It is the task of the legislative sponsor to sell

the bill on its merits within the proper committee or on the floor of the legislative chambers and the bill drafter, when requested to write the explanation, shall not make any comments within the explanation as to the merits of the bill. Judgmental words, such as "clarifies", should be avoided. A section is "amended"; we may hope it clarifies, but drafter need not make that judgment in the explanation. Under section 25B.5 of the Code, if the bill or joint resolution contains a state mandate to a political subdivision of the state, the explanation must include that fact. A state mandate requires a political subdivision to establish, expand, or modify its activities in a manner that results in additional local expenditures. The explanation should include the bill's effective date if other than July 1 following enactment and should be placed at the end of the bill. If a new chapter to the Code is created in a bill, the explanation should explain that the new chapter is created. It may also be helpful to explain the creation of new sections to the Code.

Fiscal notes. Senate and House bills other than appropriation bills where the total effect is stated in dollar amounts are required to have fiscal notes attached if they reasonably could have an annual effect of \$100,000 or a total effect within five years after enactment of \$500,000 or more on the aggregate revenues, expenditures, or fiscal liability of the state or its political subdivisions. In addition, a fiscal note must be prepared if the bill or joint resolution contains a state mandate to a political subdivision. Fiscal notes are to be attached to the bills following the explanations or printed in the daily clip sheet.

Sponsorship. Each bill introduced must be sponsored by a legislator or several legislators, or a committee of the General Assembly. The sponsorship of the bill must be noted on the title page of the bill as well as the name of the legislative house where the bill is to be introduced. Each bill will receive a number at the time it is introduced. The Governor and state agencies may, however, prefile bills with committees but these are not introduced at the time of filing and receive only study bill numbers.

Title page of bill--contents. Each bill is required to have a title page which will contain only the name of the house where the bill is to be introduced, the sponsorship, the title of the bill, and the enacting clause. The first section of a bill will commence on page 1.

Titles. As noted in this guide, the Constitution and statutes of Iowa require that every act shall embrace but one subject, and matters connected with it; which subject shall be expressed in the title. The title of a bill shall contain a brief statement of the purpose of the bill, however all detail matters properly connected with the subject expressed may be omitted from the title.

The above requirements have been liberally construed by the courts. However, care must be taken in writing titles to bills. Generally speaking titles should be broad, while at the same time giving notice of the general subject of the bill. This will allow for the insertion in the bill of provisions which have a natural connection with the subject matter of the bill while at the same time complying with the constitutional and statutory provisions. The title should not be an index or table of contents for the bill.

A title which details the provisions of a bill invites trouble since the unconscious omission of one detail from a specific (or so-called "tight") title may result in the provision being declared void. On the other hand, legislators often request that a specific title be drawn to a bill, hopefully in order to prevent amendments from being offered to the bill which are not germane to the contents of the title even though they may be germane to the subject matter of the bill. When such a request is made the bill drafter should be careful in writing the title.

As previously noted in this guide, it is often a good course of action to note in the title certain provisions that are contained in a bill. Thus a title may contain a general description of the contents of a bill followed by a statement that a bill contains a particular provision. The type of provision that probably deserves the most emphasis is the penalty provision. The courts of Iowa have been strict in holding that penalties must be noted within a title of a bill. Other provisions which should probably be noted are retroactive or long-delayed effective dates, the imposition of taxes, and appropriations.

Although bills designed to amend, revise, codify, or repeal a law must refer in the bill to the numbers of sections or chapters of the Code to be amended or repealed, it is not necessary to refer to the section or chapter numbers in the title. It has been the practice in Iowa to omit these references in the title of the bill. If needed, a reference to the popular name or some other words descriptive of a law may be used, as in: "amending the Iowa administrative procedures Act".

Avoid use of "clarifying", "correcting" and similar judgmental words which may be inaccurate. The title should be objective.

Enacting and resolving clauses. The Constitution of Iowa requires that every bill contain an enacting clause. The enacting clause in Iowa is: "Be it Enacted by the General Assembly of the State of Iowa:" and failure to include the enacting clause on a bill approved by the legislature voids the law. The enacting clause must be used in joint resolutions which contain an appropriation or otherwise enact law. Otherwise, joint resolutions generally use the style: "Be it Resolved by the General Assembly of the State of Iowa:". House or Senate resolutions use the style: "Be it Resolved by the (House) (Senate):". Concurrent resolutions use: "Be it Resolved by the (Senate) (House of Representative), the (House) (Senate) concurring, that".

Body of the bill. The body of the bill is divided into sections. Normally a separate section of the bill is used for each section of the Code or session law which is to be amended or each new section of the Code which is to be enacted.

In amending a present section of the Code, the bill section should amend the smallest division possible thus excluding from the bill as much of the section as possible. This may require more than one bill section to amend the same Code section. Where a bill section enacts a new section of the Code, the new section should be kept reasonably short. However, a long new section should not be divided if division of the subject matter into two or more new sections would be confusing. If a new section is unusually long or complex, it should be divided into subsections. Long subsections may be divided into paragraphs and long paragraphs into subparagraphs. The drafter must exercise creativity in renumbering or rearranging to avoid further subdivisions. However, an occasional complex bill such as a tax bill or model or uniform act may require further division into subparagraph subdivisions and subdivision parts. Remember that each level of division within a section must contain two or more subunits; e.g., a subsection cannot contain only paragraph "a" but must also contain a paragraph "b". The sequence for Code sections and the manner of citing them are as follows:

<u>Name</u>	<u>Example</u>
Section	422.5
Subsection	1.
Paragraph	k.
Subparagraph	(2)
Subparagraph subdivision	(d)
Subparagraph subdivision part	(ii)

A "paragraph" is lettered; however, when dealing with a subsection which contains both lettered and unnumbered (which includes "unlettered") paragraphs, it is acceptable to designate a "lettered paragraph".

Unnumbered paragraphs of sections or of subunits of sections may also be cited or amended, e.g., Section 422.7, unnumbered paragraph 1 or Section 442.7, subsection 12, unnumbered paragraph 3. Care must be taken in designating unnumbered paragraphs. The first paragraph of a subsection which contains more than one paragraph is unnumbered paragraph 1, even though it is preceded by the subsection number. It is better to number or letter each paragraph then to cause confusion by leaving paragraphs unnumbered.

Use short, simple sentences if possible. Long, complex sentences are difficult to write, difficult to understand, and conducive to ambiguity. Sentences should be constructed so that the

meaning does not depend on the placement of punctuation. This is a most difficult goal in many cases; however, this should be an objective of the bill drafter. In addition, care needs to be taken when writing a sentence that contains a series of items which has a modifier that applies to one or more of them so that it is clear as to which item or items is being modified. An example: "... interest from notes, bonds, commercial paper, and certificates which are guaranteed by the United States". Is the phrase "which are guaranteed by the United States" intended to modify all those obligations or only certificates? If only the certificates, then "certificates which are guaranteed by the United States" should not be the last item of the list.

Headnotes (sometimes called "catchwords") to sections are not part of the law. Headnotes to sections should be used in drafting long bills because they can be quite helpful in understanding the draft and can serve as an index or guide for the reader. Care should be taken in writing headnotes to sections in order that the subject matter of the section is adequately expressed. The Code Editor may change headnotes as needed to best convey section contents in a few words.

The body of a bill should be set forth in an orderly arrangement with the various sections of the bill in logical sequence. Generally, sections of a bill are arranged according to the numerical sequence of the Code sections being amended. Thus, section 220.1 appears before section 236.1 within a bill draft. Because new sections added to the Code are given section numbers by the drafter, these new sections should be inserted according to the numerical sequence throughout the bill. However, since clarity and understanding is the most important consideration, this guideline should not be followed in every case. If the bulk of the substance of the draft is new sections, and the amendments to the existing Code sections are merely complementary to the new sections, the new sections should probably be arranged first in the bill. The important consideration is to allow the reader (legislator) to be informed of the primary substance of the bill early during a reading of the bill. The drafter should assign Code numbers to new sections, placing them as logically as possible. The Code Editor may need to renumber when placing the sections in the Code, so it should be understood that the new section numbers are tentative.

Effective date provisions. The standard effective date is July 1 following passage of the Act, forty-five days after approval by the Governor if passage of the Act is prior to July 1 but approval is after July 1, or ninety days following adjournment of the special session during which the Act is passed. These are referred to as the standard effective dates because an effective date provision does not need to be included in the Act for it to be effective on those dates. (See Art. III, section 26 of the Constitution and section 3.7 of the Code.)

If an Act is to be effective on a date different from the standard effective date, or is to have retroactive applicability, an effective or retroactive applicability date provision specifying this date needs to be contained in the Act itself. Although it is lawful to specify the effective or applicability date of an Act in a different Act, this is not recommended and should not be done except in very rare and exceptional cases.

DIVISION D
DRAFTING OF THE BILL AND AMENDMENTS -- FORM AND METHOD

1. DRAFTING OF THE BILL

A. AMENDMENTS TO EXISTING LAW.

Form of amendments to existing law. The form for amending existing sections of the Code, session laws, or certain court rules is to type the text of the section with the words to be stricken indicated by a line through the words, and the words to be added inserted in the proper place in the text of the section with lines underneath the words.

If punctuation is to be deleted, a strike-through line should be placed through or above the punctuation. Thus a period would be struck as follows: to the director of management.

NOTE: Code Supplement. Following the 1983 Session and every odd-numbered year since, a Code Supplement has been published containing each section of the Iowa Code, in its entirety, which was amended during that session, and all new sections added to the Iowa Code during that session. In amending a section printed in the Code Supplement, the drafter must cite to the Code Supplement. Thus, reading through this division of the bill drafting guide, amending clauses referring to "Code 19__" also are intended to include "Code Supplement 19__".

Basic mechanics for building a first draft. When preparing a first draft of amendments to existing law, a good procedure which saves time for typists and proofreaders is to make a photocopy of the statute to be amended, tape it on another page of paper, and indicate the needed changes on that copy or by inserts. If the Code data base is current, a printout of the desired section, subsection, paragraph, etc., can be obtained from the computer system. It is best for the drafter not to retype the statute or use a copy retyped by others (unless it has already been typed in another bill draft and is on the computer) because of the chance of errors and because it is then more difficult to proof the text against the Code. If the statute has previously been typed in another draft and is available on the computer, the drafter should indicate the LSB number, including the number of the General Assembly if different from the present one, the library number and the page number of the draft which is being used. The Legislative Service Bureau, General Assembly, and library numbers are found at the bottom of the last page on the right-hand side. If material from another year's draft is to be used (as often happens in the second year of a General Assembly) be sure to confirm that the section has not been amended in the meantime. The text processors and proofers assume that your rough draft is correct and an error can be totally missed and even be printed in the Code if incorrect basic material is used. If extensive material is to be added, it

should be indicated on a separate insert and the point of insert indicated on the copy. A short insert can generally be written in the margin next to the copy. Inserted new material to the Code must be underlined. Material to be stricken from the copy should be indicated by a penciled line through the material which is distinctly drawn but light enough to permit the stricken material to be read by the typists and proofreaders. When material from other states' statutes or other sources is to be incorporated into a draft, a photostatic copy of the source material should be placed in the bill draft file for possible later reference. When amending existing statutes the drafter should generally remove excess and obsolete language and should correct word usage in accordance with this guide.

The Code section to be amended must be cited by number, for instance: Section 3.2, Code 19__ (or Code Supplement 19__), is amended to read as follows:

Citations in text. When citing to the Iowa administrative rules reference to the Iowa Administrative Code must be included. Other than in the lead-in when citing to a chapter or section of the Iowa Code, inclusion of the phrase "of the Code" or "of the Iowa Code" is not needed.

Examples:

701 Iowa administrative code, chapter 5 (if cite is to chapter only).

701 Iowa administrative code, rule 5.14, subrule 4, paragraph b.

701 Iowa administrative code, rule 5.14, unnumbered paragraph 1.

If a shorter citation form is appropriate, use 701 I.A.C., rule 5.14(4)(b). To cite to the Iowa administrative bulletin, for an item published but not yet adopted, use "item 2 in ARC 8673, appearing in Iowa administrative bulletin 23 (May 4, 1988)"; or "appearing in I.A.B. 23 (May 4, 1988)".

Federal citations, and others, should be in accordance with "A Uniform System of Citation, Thirteenth Edition" published by The Harvard Law Review Association, except that a publication date in parentheses following the citation should generally not be used as it may appear to be a limitation which is not intended. Unless a more specific citation is needed, it is also acceptable to cite a federal law by its popular name, as "federal Social Security Act". The drafter should double-check citations to federal law and citations other than those to the Iowa Code, since it is not practical for the reviewer or proofreaders to find these and check their accuracy.

The most precise citation is generally best. Thus, a reference in text to chapter 17A is probably more helpful to the reader than a reference to "The Iowa Administrative Procedure Act". (Note: See Code section 17A.23 for specific requirement to refer to Code chapter 17A by name.)

References to "this Act" must be used with care. In case of a reference to "the effective date of this Act" the Code Editor can insert the appropriate date. However, reference to "the provisions of this Act" may be too vague, particularly if the Act contains amendments to existing law. If the reference is to an existing Code section amended within the same bill, or to a new section to which the drafter has assigned a number, the drafter may refer to the Code section number. If enacting a new chapter or division it is acceptable to use "this chapter" or "this division". Do not use "this Act" if only part of the Act is the new chapter; rather use "Sections ____ through ____ of this Act".

Each regular session of the General Assembly shall be designated by the year in which it convenes and the words "Iowa Acts". A special session of the General Assembly shall be designated as an extraordinary session in the particular year in which the General Assembly convenes. The 1988 session laws, for example, should be cited as "1988 Iowa Acts, chapter (or file no.) _____, section _____" (inserting the appropriate numbers). The 1987 session laws for the two special sessions should be cited as "1987 Iowa Acts, chapter (or file no.) _____, section _____ (1st (or 2nd) Extra Session)".

Striking a chapter. If an entire chapter is to be deleted from the Code, it should be repealed, even if the bill contains new material to be inserted in lieu of the deleted chapter.

Striking and rewriting all of a section. If a section of existing law is substantially amended it may be the better course of action to strike the whole section and write in the new language. In this regard the amending clause is quite important because it tells the reader exactly what is being done. Hence if section 12.14 of the Code is to be substantially rewritten and would result in a mass of strike-throughs and underlines, the following form should be employed:

Example:

1 Section 1. Section 12.14, Code 19__, is amended by striking
2 the section and inserting in lieu thereof the following:
3 12.14 STATEMENT ITEMIZED. [Insert the new language without
4 underlines.]

This form will require the reader to refer to the Code in order to determine the old law, and for this reason is not as advantageous as the use of the strike-through and underline method. However, in the case of extremely long sections being replaced by short sections or completely revised sections, this style does have advantages.

NOTE: If the section is to be deleted and not replaced then it should be repealed.

Striking whole subsection and replacing it. If a subsection of a section is to be substantially amended, it may be the better course of action to completely strike the subsection and rewrite it. In this regard the amending clause is important because it tells the reader exactly what is being done. Hence if subsection 30 of section 321.1 is to be substantially rewritten and results in a mass of strike-throughs and underlines, the following form may be used:

Example:

- 1 Section 1. Section 321.1, subsection 30, Code 19__, is
- 2 amended by striking the subsection and inserting in lieu thereof
- 3 the following:
- 4 30. [Insert the new language without underlines.]

This form may also be used when rewriting lettered paragraphs and numbered subparagraphs when it is determined that it is necessary to rewrite the statutory language rather than use the strike-throughs and underlines.

Striking whole subsection without replacing it. If a subsection is to be deleted from a section without replacing it, a procedure similar to a repeal but actually an amendment to the section, the following form should be used:

Example:

- 1 Section 1. Section 321.1, subsection 30, Code 19__, is
- 2 amended by striking the subsection.

The same form may be used when striking paragraphs and subparagraphs, etc. without replacing them.

Amending subsections, paragraphs, subparagraphs, subparagraph subdivisions, and subparagraph subdivision parts of sections that are numbered or lettered. Since many sections in the Code of Iowa are extremely long, amendments may be made to parts of sections. This will not be difficult in the case of those sections which have numbered or lettered subsections, paragraphs, subparagraphs, subparagraph subdivisions, and subparagraph subdivision parts. Several subsections or consecutive parts of sections to be amended may be included in one amendatory section, but inclusion of several parts which are not consecutive may cause confusion and should be avoided unless the parts are numbered subsections. Normally, very few parts of sections are designated below the level of subparagraph. (See page C-13 for proper cite and designation of parts of a section.)

Examples:

1 Section 1. Section 262.39, subsection 3, Code 19__, is
2 amended to read as follows:

1 Section 1. Section 262.39, subsections 1 and 3, Code 19__,
2 are amended to read as follows:

1 Section 1. Section 275.8, subsection 3, paragraph c, Code
2 19__, is amended to read as follows:

1 Section 1. Section 511.8, subsection 6, paragraph a, sub-
2 paragraph (1), Code 19__, is amended to read as follows:

1 Section 1. Section 279.7, unnumbered paragraph 2, Code 19__,
2 is amended to read as follows:

Unnumbered paragraphs. Since the Code of Iowa contains many lengthy sections and since in many cases only small amendments will be made to lengthy sections, it is proper to amend only a paragraph of a section. In many cases the paragraphs are not numbered or lettered in the Code. Because of computer application, it will be necessary to give unnumbered paragraphs a number. Care must be exercised in drafting the amending clause in order that proper notice may be given to the reader as to that provision which is to be amended. (See the last lead-in from the previous examples.)

While gramatically incorrect, there are times when less than a complete paragraph will be amended. It will be designated as an "unnumbered paragraph" but gramatically it may be either a clause or a phrase. An example would be an introductory clause or phrase to a series of subsections or other numbered or lettered parts of a section. For example "As used in this chapter unless the context clearly requires otherwise:" is not a paragraph but rather than listing the material that follows this clause it can be referred to when amending it as an "unnumbered paragraph".

Note that if a subsection or paragraph has more than one actual paragraph, the first paragraph is called "unnumbered paragraph 1", even though it is actually preceded by a number (or letter).

Dividing unnumbered paragraphs. Many of the paragraphs in the Iowa Code are long and contain numerous subject matters. This condition is often the result of amendments to the paragraphs which did not consider the construction of the paragraphs but only the substance of the amendment being added. In order to provide for a more understandable and grammatically correct paragraph structure, the drafter may desire to divide the long paragraph containing more than one subject matter into two or more paragraphs without making a substantive change while doing so. This can be done while drafting a substantive amendment to the section containing the paragraph even though the act of dividing the paragraph is not

substantive. The proper form for dividing a paragraph requires that at the point of the division the drafter indent and precede the new paragraph with the words "PARAGRAPH DIVIDED." This will indicate that no substantive change is being made at that point but that the paragraph is being divided for greater clarity. This same procedure can be followed for long sections and subsections. Occasionally the drafter may assign subsection numbers or paragraph letters when dividing these long sections or subsections, in which case the words "PARAGRAPH DIVIDED." are not used.

Example:

1 Section 1. Section 123.22, unnumbered paragraph 1, Code
2 19_, is amended to read as follows:
3 The department ~~shall have~~ has the sole and--exclusive right
4 of importation, into the state, of all forms of alcoholic li-
5 quor, except as otherwise provided in this chapter, and ~~no~~ a
6 person shall ~~so not~~ import any-such alcoholic liquor, except
7 that an individual of legal age may import and have in his
8 possession an amount of alcoholic liquor not exceeding one
9 quart two quarts or, in the case of alcoholic liquor personally
10 obtained outside the United States, one gallon for personal
11 consumption only in a private home or other private accommoda-
12 tion.
13 PARAGRAPH DIVIDED. No A distillery shall not sell any alco-
14 holic liquor within the state to any person ~~but-only-to~~ other
15 than the department, except as otherwise provided in this chap-
16 ter. It is the intent of this section to vest in the depart-
17 ment exclusive control within the state both as purchaser and
18 vendor of all alcoholic liquor sold by distilleries within the
19 state or imported therein, except beer, and except as otherwise
20 provided in this chapter.

NOTE: The above example contains both a substantive change on lines 8 and 9 and style changes on lines 3, 5, 6, 7, 13, 14, 15, and 19. The style changes should be made so that we are not perpetuating a poor style--but be especially careful not to make a substantive change--especially watch negatives.

Amending a section previously amended at the same session. If a section has been amended previously by the same session of the General Assembly, the amending clause to subsequent amendments should indicate this fact, and the section should be set out in its recently amended form but without strike-throughs and underlines from the previous amendment. For instance, a section might be amended in one session by the enactment of Senate File 820 as follows:

1 Sec. 25. Section 135.2, Code 19__, is amended to read as
2 follows:
3 135.2 APPOINTMENT. The governor shall~~within sixty days~~
4 ~~after the convening of the general assembly in 1925, and every~~
5 ~~four years thereafter,~~ appoint to a term of four years, with
6 ~~the approval of two-thirds of the members of~~ subject to confir-
7 mation by the senate, a commissioner of public health who shall
8 be qualified in the general field of health administration.
9 Vacancies shall be filled for the unexpired term in the same
10 manner as regular appointments are made.

The same section might be subsequently amended in the same session as follows:

1 Sec. 13. Section 135.2, Code 19__, as amended by 19__
2 Iowa Acts, Senate File 820, section 25, is amended to read as
3 follows:
4 135.2 APPOINTMENT. The governor shall appoint to a term of
5 four years commencing and ending as provided by law, subject to
6 confirmation by the senate, a commissioner of public health who
7 ~~shall be~~ is qualified in the general field of health adminis-
8 tration. Vacancies shall be filled for the unexpired term in
9 the same manner as regular appointments are made.

NOTE: The second amendment to section 135.2 does not include the strike-throughs and underscores that were in the first amendment. Section 135.2 is presented as it would appear in the Code after the first amendment was codified.

Amending session laws. In previous years, amending session laws often was complicated because sections of session laws had no Iowa Code numbers and, in addition, they already contained strike-throughs and underlines. References to sections in session laws sometimes were to the section numbers of the chapters of the session laws and at other times to sections of the Code as amended by chapters and sections of session laws.

Currently, amending session laws should only be necessary when it is necessary to amend a temporary law. Permanent sections of the session laws will be codified in either the Code Supplement or the Code of Iowa. The Code Supplement is published between the first and second sessions of the General Assembly and contains the sections amended during the first session. The section will be printed in the Code Supplement without the strike-throughs and underscores so it appears in the Code Supplement in the same form that it will appear in the next Code of Iowa. New sections are codified and given permanent section numbers in the Code Supplement.

Example:

1 Sec. 3. 19__ Iowa Acts, chapter 1216, section 11, is amended
2 to read as follows:
3 SEC. 11. Notwithstanding section 654.15, subsection 2, the
4 declaration of economic emergency made by the governor on Octo-
5 ber 1, 1985, is in effect until March 30, ~~1987~~ 1988.

NOTE: When setting out the section of a session law chapter to be amended, the designation of the section is capitalized as done on line 3.

Amending headnotes. The headnotes are not part of the law, except in the Uniform Commercial Code (Chapter 554), but courts sometimes take notice of them to determine legislative intent. Hence, when an entire section is being amended, the headnote should be included. If the headnote is included and an amendment has the effect of making the headnote misleading or inaccurate, the headnote should be amended in the same manner as the text of the section. For instance, if a section of law pertaining to the licensing of dogs was changed to provide for the licensing of cats, the headnote should be changed as follows:

Example:

1 632.49 LICENSING OF ~~DOGS~~ CATS.

If the section was being amended to add cats to the licensing requirement the heading would be changed as follows:

1 632.49 LICENSING OF DOGS AND CATS.

B. NEW LAW.

Adding new law. Adding new chapters, sections, subsections, paragraphs, subparagraphs, etc. and unnumbered paragraphs to the Code or sections of the Code will not require the use of underlines and strike-throughs since no change to existing words of the Code is being made. However, in order to avoid confusion as to whether an existing section of the Code or session laws is being amended, or a new section of law is being proposed to the Code of Iowa, the words "NEW SECTION." should be inserted after the bill section number when no amending clause is used or before the text of the section when an amending clause is used. Note that the words "NEW SECTION." are both capitalized and underlined and a period follows the word "SECTION". In drafting a new section, the drafter should assign the new section a section number and headnote.

If a group of new sections are intended to be added as a new division of a chapter, a section should be drafted stating that "Sections ___ through ___ of this Act are enacted as a new division

of chapter ____." We do not use "NEW DIVISION." Since state departments often have "divisions" (also bills and amendments may have "divisions"), we now encourage the labeling of parts of chapters as "subchapters" rather than "divisions".

If a new subsection, paragraph, subparagraph, etc. or unnumbered paragraph is being added, the proper designation before the text and number or letter of the amendment will be "NEW SUBSECTION.", "NEW PARAGRAPH.", "NEW SUBPARAGRAPH.", etc. or "NEW UNNUMBERED PARAGRAPH." as the case may be. To avoid confusion when a section includes both lettered and unnumbered paragraphs, the new material may also be designated as a "NEW LETTERED PARAGRAPH." Following such designation the new law need merely be stated in full without using underlines to denote that the material is new. The only time underlines and strike-throughs are required is when an existing provision of law is being amended.

If a Code section includes subsections or lettered paragraphs, a drafter should not add a "NEW UNNUMBERED PARAGRAPH." to the section unless its meaning is very clear. There are existing Code sections containing subsections, lettered paragraphs, and unnumbered paragraphs and it is sometimes unclear whether an unnumbered paragraph is intended to stand alone or to be a paragraph within a subsection or lettered paragraph. (See section 455B.173, 455B.174, or 455B.183 for a mind-boggling example.) The drafter can clarify this by designating the new language as a lettered paragraph or subparagraph. (See page C-13 for proper cite and designation of parts of a section.)

Occasionally, when it is especially helpful to show surrounding textual material, to renumber subsections or paragraphs, or to include cross-references to the new material, a new subsection or other part may be added by underlining the entire new part and showing its placement in the section or subsection. When this is done the new language is not preceded by "NEW SUBSECTION." etc., since the reader can tell it is new language by the underlines.

The words "NEW SECTION." should not be used when writing temporary sections of law or sections which will not be incorporated into the Code of Iowa. Effective date sections, appropriation sections and similar temporary provisions will not carry the designation "NEW SECTION." since they are not new sections to the Code of Iowa but pertain primarily to implementation of the Act involved. Again, the amending clause, if used, is important.

The drafter should propose tentative numbers for a new chapter or section of the Code in order to indicate its anticipated placement in the Code. Since statutes must be read in context with existing provisions of the law, it is often helpful to show where in the Code the chapter or section may best be placed. It is frequently necessary to read a new proposed section in light of existing definitions and procedures. However, any assignment of a

number by a drafter is subject to change or reassignment by the Code Editor, since the Code Editor has that authority by law subject to Legislative Council approval.

If it is contemplated that a new section would take a number following an existing number which is not the last number in a chapter, the drafter should indicate the placement where it is anticipated the new section will be inserted; e.g., if the placement is between two consecutively numbered sections, such as 321.24 and 321.25, the drafter may assign a tentative number using a capital letter (A, B, etc.) after the preceding existing section number.

Example:

1 Sec. 3. NEW SECTION. 321.24A OPERATOR'S LICENSE REVOCA-
2 TION.
3 [Insert the new language without underlines.]

NOTE: The form "Chapter ___, Code 19___, is amended by adding the following new section(s):" is not used now--rather new section numbers are assigned.

New subsections, paragraphs, subparagraphs, and unnumbered paragraphs. The addition of new subsections, paragraphs, subparagraphs, or unnumbered paragraphs, where existing law is not included, does not differ greatly from adding new sections to a chapter. However, care must be taken to specifically identify that to which new material is being added.

Example:

1 Sec. 3. Section 232.18, Code 19___, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 12. [Insert the new language without under-
4 lines.]

Note that a number is assigned to this subsection. This method is preferable, and is especially useful where a cross-reference is needed. It should be remembered that other bills may also be creating new subsections of a section. Several bills could be assigned the same number, the result being that the Code Editor would have to change and rearrange the subsections. If several subsections or other divisions are added to a part of the Code, the Code Editor will assign proper numbers or letters.

When adding a new paragraph, it is necessary to state if the paragraph is to be unnumbered by designating the new material as a "NEW UNNUMBERED PARAGRAPH." Otherwise a new paragraph should be designated as a "NEW PARAGRAPH." and assigned a lowercase letter. Occasionally "NEW LETTERED PARAGRAPH." may be used.

Alternative bill drafting style--exception to normal style.
Certain bill drafts, because of length and the nature of the amendments being made, may require the use of a bill drafting style used in the General Assembly prior to 1971.

Governmental reorganization bills in particular, which by their nature are quite long, may call for the use of two bill drafting formats. Governmental reorganization bills frequently require new provisions of law which establish a new government agency or reassign duties from existing agencies. Generally the legislation takes the form of providing for a number of sections in the early part of the bill which comprise the substance of the legislation. Subsequent sections, and there may be hundreds of them, provide for corresponding amendments to the Code and usually involve a simple amendment such as a name change.

In those instances where there are a great many changes of the same nature, it may be possible to cite in one section all sections of the Code to be changed and the nature of the change.

Example:

- 1 Section 100.
- 2 Sections 62.3, 62.4, 82.1, and 82.2, Code 19__, are amended
- 3 by striking from the sections the words "legislative research
- 4 bureau" and inserting in lieu thereof the words "legislative
- 5 service bureau".

NOTE: It should be noted that use of the alternative bill drafting method discussed is subject to the prior approval of the Secretary of the Senate for Senate bills, or the Chief Clerk of the House for House bills.

Use of headnotes when adding new law. Headnotes are to be provided when adding a new section to the Code. Drafters do not always like to use headnotes in a draft because amendments to the sections might destroy the accuracy of the headnote, particularly when through oversight the headnote is not amended. If a headnote is inaccurate, the Code Editor can make the proper change when publishing the Code. Headnotes should be included because they serve as an index to the bill and can be amended as easily as the bill itself. It is worth noting that headnotes are provided for sections and only rarely for subsections and other subunits of a section.

Headnotes should be brief but sufficient to give notice of the content of the section. Reference to the Code of Iowa for examples is suggested. An example of instances where headnotes are useful would be a major tax bill. Tax legislation usually contains certain sections of prime interest to the legislator. Thus within a major tax bill a legislator would probably first desire to review sections pertaining to definitions, the tax imposed, the rates, and the exemptions. The legislator would look for sections with the following type of headnotes:

DEFINITIONS

RATE OF TAX

TAX IMPOSED

EXEMPTIONS

Other sections would probably pertain to administration of the tax, which would be of secondary importance to quickly learning or determining the essence of the proposal.

C. APPROPRIATIONS PROVISIONS.

Making an appropriation. There are two types of appropriation provisions: a standing limited or unlimited appropriation and a fiscal year appropriation. The standing appropriation provision is so called because it provides for an appropriation for each fiscal year without the need for action of subsequent general assemblies. These provisions are generally codified and provide for a specific dollar amount to be appropriated (standing limited, e.g., section 426.1) or for an amount necessary to implement the purpose of the legislation (standing unlimited, e.g., section 425.1).

NOTE: The Iowa supreme court has recently defined an additional type of standing appropriation in relationship to the Governor's constitutional authority to veto appropriation items. In the case (Junkins v. Branstad, No. 297/88-1791), the court concluded that the allocation of moneys, from the state general fund or from a revenue-producing provision of a legislative enactment, into a separate and distinct fund that the state can no longer utilize for other purposes absent subsequent legislation, is an appropriation. More simply stated, the court held that the setting aside of state revenues into a separate fund for a specific use is an appropriation. The court also set out a test for determining if a bill is an appropriation bill subject to the governor's item veto authority. The court adopted the test of whether or not the bill contains an appropriation which could significantly affect the Governor's budgeting responsibility. If the test is met, the court stated that the Governor can properly exercise the item veto as to the appropriation of money.

When drafting an appropriation provision that is to be codified, the drafter must state the appropriation amount in words. An appropriation provision in budget bills, whether a line item or contained in a paragraph, which will not be codified shall state the dollar amount in numerals. In addition, if the appropriation provision in a budget bill lists full-time equivalent positions (FTEs), these are to be expressed in numerals.

The appropriation provision should tell the reader that an appropriation is to be made from a specific fund to a named entity for the identified fiscal year(s) of a certain amount for specific purposes.

Examples:

1 Section 1.
2 There is appropriated from the general fund of the state to
3 the Iowa state civil rights commission for the fiscal year be-
4 ginning July 1, 1989, and ending June 30, 1990, the following
5 amount, or so much thereof as is necessary, to be used for the
6 purposes designated:
7 For salaries, support, maintenance, miscellaneous purposes,
8 and for not more than the following full-time equivalent posi-
9 tions:
10 \$ 400,000
11 FTEs 27.5

1 Section 1. NEW SECTION. 425A.1 RENTAL REIMBURSEMENT FUND
2 -- APPROPRIATION.
3 There is created in the office of the treasurer of state a
4 rental reimbursement fund. There is appropriated annually from
5 the general fund of the state to the rental reimbursement fund
6 thirty million dollars, or so much thereof as is necessary, to
7 carry out the purposes of this chapter.

1 Section 1. NEW SECTION. 425B.1 FUND CREATED -- APPROPRIA-
2 TION.
3 The extraordinary property tax credit and reimbursement fund
4 is created. There is appropriated annually from the general fund
5 of the state to the extraordinary property tax credit and reim-
6 bursement fund an amount sufficient to implement this chapter.

NOTE: The first example is a line item from a budget bill and hence the dollar amount and FTEs are expressed in numerals. The second example is a standing limited appropriation that is to be codified; thus the dollar amount is written in letters. The third example is a standing unlimited appropriation.

Reversion. Section 8.33 provides that "... all unencumbered or unobligated balances of appropriations made for a fiscal term revert to the state treasury . . . on August 31." Often a bill's sponsor may want the appropriation to continue to be available for expenditure beyond the end of the fiscal term of the appropriation. The drafter should not simply say that, notwithstanding section 8.33, the unencumbered or unobligated funds shall not revert (or shall not revert on August 31). Rather, the drafter should make clear that the unused funds are not to revert but are to be available for the next fiscal year. Assume the sponsor wants the moneys appropriated to the Iowa state civil rights commission not to revert but be available for the next fiscal year. The drafter should use the following language:

Example:

1 Sec. 2.

2 Notwithstanding section 8.33, the moneys appropriated in sec-
3 tion 1 of this Act that remain unencumbered and unobligated on
4 June 30, 1990, shall not revert to the general fund but shall
5 remain available for expenditure for the purposes designated
6 during the fiscal year beginning July 1, 1990.

Reversion for capital projects. Capital projects are most often
made for a four-year period and the following reversion language
should generally be used:

Example:

1 Unobligated or unencumbered funds appropriated by this sec-
2 tion for the fiscal year beginning July 1, 19__, and ending June
3 30, 19__, remaining on June 30, 19__, shall revert to the gen-
4 eral fund of the state on September 30, 19__. However, if the
5 projects for which the funds are appropriated are completed
6 prior to June 30, 19__, the remaining unobligated or unencum-
7 bered funds shall revert to the general fund of the state on
8 August 31 following the end of the fiscal year in which the
9 projects are completed.

 It is best that a reversion or nonreversion provision be placed
in the same section or subsection, etc., in which the appropriation
to which it applies is located.

D. EFFECTIVE DATE OF ACTS.

Constitutional and Statutory Provisions. Section 26 of Article
III of the Constitution reads as follows:

 TIME LAWS TO TAKE EFFECT. SEC. 26. An act of the general
assembly passed at a regular session of a general assembly shall
take effect on July 1 following its passage unless a different
effective date is stated in an act of the general assembly. An act
passed at a special session of a general assembly shall take effect
ninety days after adjournment of the special session unless a
different effective date is stated in an act of the general
assembly. The general assembly may establish by law a procedure
for giving notice of the contents of acts of immediate importance
which become law.

 This provision means that July 1 following a bill's passage by
the General Assembly is the earliest an Act can become effective
unless an earlier date is provided. If a date is specified in an
Act, or by a general statute, and that date occurs after the July 1
which follows passage, the date specified in the Act is the
effective date of the Act.

The General Assembly, in order to implement Section 26 of Article III of the Constitution, has enacted section 3.7 of the Code which reads as follows:

3.7 Effective dates of Acts and resolutions.

1. All Acts and resolutions of a public nature passed at regular sessions of the general assembly shall take effect on the first day of July following their passage, unless some other specified time is provided in an Act or resolution.

2. All Acts and resolutions of a public nature which are passed prior to July 1 at a regular session of the general assembly and which are approved by the governor on or after July 1, shall take effect forty-five days after approval. However, this subsection shall not apply to Acts provided for in section 3.12 or Acts and resolutions which specify when they take effect.

3. All Acts and resolutions passed at a special session of the general assembly shall take effect ninety days after adjournment of the special session unless a different effective day is stated in an Act or resolution.

4. An Act which is effective upon enactment is effective upon the date of signature by the governor; or if the governor fails to sign it and returns it with objections, upon the date of passage by the general assembly after reconsideration as provided in article III, section 16 of the Constitution of the State of Iowa; or if the governor fails to sign or return an Act submitted during session, but prior to the last three days of a session, on the fourth day after it is presented to the governor for the governor's approval. An Act which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

5. A concurrent or joint resolution which is effective upon enactment is effective upon the date of final passage by both chambers of the general assembly, except that such a concurrent or joint resolution requiring the approval of the governor under section 262A.4 or otherwise requiring the approval of the governor is effective upon the date of such approval. A resolution which is effective upon enactment is effective upon the date of passage. A concurrent or joint resolution or resolution which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

6. Unless retroactive effectiveness is specifically provided for in an Act or resolution, an Act or resolution which is enacted after an effective date provided in the Act or resolution shall take effect upon the date of enactment.

7. Proposed legalizing Acts shall be published prior to passage as provided in chapter 585.

8. An Act or resolution under this section is also subject to the applicable provisions of sections 16 and 17 of article III of the Constitution of the State of Iowa.

Drafting effective date provisions. It is not necessary to draft an effective date provision if the Act is to take effect on July 1 following passage. If a different effective date is desired, the Act must contain an effective date clause. Sometimes an explanatory statement, such as the tax year for which a change in tax law is first effective, is needed. The effective date section should be at the end of the bill, and an unusual effective date should be mentioned in the bill's explanation. The title of the bill should also refer to the fact that the bill contains a special effective date provision; e.g., "and providing an effective date". If the bill is intended to have retroactive applicability (which is not dependent upon whether a special effective date provision is included), the title should include the words "and providing a retroactive applicability date".

The following are effective date clauses to be used depending upon the purpose of the bill's sponsor.

Examples:

- 1 Sec. ____.
- 2 This Act, being deemed of immediate importance, takes effect
- 3 upon enactment.

This type of effective date clause provides for emergency effectiveness and provides that the bill takes effect upon passage by the general assembly and signature of the governor.

- 1 Sec. ____.
- 2 This Act, being deemed of immediate importance, takes effect
- 3 ten days after the date of enactment.

This type of effective date clause provides for emergency effectiveness in cases where a period of time is needed for notice or implementation prior to effectiveness. The period of time may be varied to suit the circumstances. Another situation which is not uncommon is to provide for its taking effect on the first day of the month following the month in which the Act is enacted.

- 1 Sec. ____.
- 2 This Act takes effect on _____.

This type of effective date provision is for situations where it is desirable to specify an exact date. It is normally used where a delayed effective date is necessary. Dates which occur during the session should be used with caution since it is impossible to predict exactly when a bill will be passed or approved.

Drafting retroactive applicability provisions. An abnormal effective date should not be used to establish retroactive applicability. Rather, use a separate applicability provision to specify that portions of the bill are retroactively applicable and state to whom or what the portions of the bill apply.

Examples:

1 Sec. ____.
2 The amendments in this Act to subsections 1 and 5 through 9
3 of section 554.9307 are retroactively applicable to security in-
4 terests granted on or after December 23, 1986.

1 Sec. ____.
2 Sections 2 and 3 of this Act are retroactively applicable to
3 January 1, 1987, for property tax credit claims and special as-
4 sessment claims filed or on file on or after January 1, 1987.
5 Section 2 is applicable to rent reimbursement claims filed on or
6 after January 1, 1988.

1 Sec. ____.
2 This Act applies retroactively to January 1, 1988.

In cases of retroactive applicability, the fact should be mentioned in the title and explanation of the bill. In some cases, there may be a need for an abnormal effective date and retroactive applicability. In those cases, the language on retroactive applicability should come before the language on the abnormal effective date in both the body of the bill and in the title.

E. REPEALS.

General. When an entire Act or section is abrogated and no new section is added to replace it, legislatures label the Act accomplishing this result a repeal. When a provision is withdrawn from a section, the legislatures generally call the Act an amendment, particularly when a provision is added to replace the one withdrawn. The distinction between repeals and amendments is sometimes subtle.

It has been a frequent practice in Iowa to provide for the repeal of a section and enactment of new language to take the place of the section being repealed. Based upon the distinction between a repeal and an amendment as noted in the preceding paragraph, the procedure results in an amendment rather than a repeal. Therefore, this manual does not provide for the clause "Section __, Code 19__, is repealed and the following enacted in lieu thereof:". Instead it provides for the clause "Section __, Code 19__, is amended by by striking the section and inserting in lieu thereof the following:".

Express and implied repeals. According to legal authorities there are only two types of repeals: express and implied repeals.

An express repeal generally identifies the provision of law to be repealed, leaving no uncertainty as to whether the statutes or parts of statutes designated have been repealed.

Example:

- 1 Section 1.
- 2 Section 320.20, Code 19__, is repealed.

The above example is the proper method for repealing a section (entire chapters may also be repealed in the same manner) and any other method should be avoided. Repeals should be placed at the end of the bill, preceding only the effective date section and other temporary sections such as those containing transition provisions.

When the drafter is working with a Code Supplement and the Code of Iowa and it is necessary to make repeals from both documents, it is preferred and helpful in the Code editing process and also helpful to the person reading the bill to place two repeal provisions in the bill. The first repeal section should repeal the sections in the Code of Iowa. The second repeal section should repeal the necessary sections from the Code Supplement. A section from the Code Supplement to be repealed is not to be listed in the first repeal section because it is not necessary to repeal a section from the Code that is repealed from the Code Supplement.

NOTE: Although the effect is the same, we do not "repeal" parts of sections, but rather we "strike" them. These strikes are placed in the regular order within the bill and not at the end of the bill as repealers are.

Example:

- 1 Sec. ____.
- 2 Section 422.9, subsection 1, Code 19__, is amended by strik-
- 3 ing the subsection.

Because in the course of enacting legislation in accord with the demands of society, it is only natural that subsequent enactments should be declaratory of the intent to repeal pre-existing laws without mention or reference to such prior laws, a repeal may arise by necessary implication from the enactment of a subsequent law. The extent of the repeal of the prior law by a subsequent enactment poses the problem of implied repeals. Little difficulty is encountered in the interpretation of statutory provisions expressly repealing particular legislation or parts of statutes. Cases of implied repeals present a great many difficulties. "Repeals by implication are not favored by the courts and will not be upheld unless the intent to repeal clearly and unmistakably appears from the language used and such holding is absolutely necessary . . ." 235 N.W.2d 306. The preceding sentence is a pronouncement of the Iowa Supreme Court and certainly substantiates the viewpoint that repeals should be express.

A frequent procedure used by some bill drafters is to insert a provision in a bill to the effect that all acts or statutes in conflict with the bill are repealed. Many courts have held that an express general repealing clause to the effect that all inconsistent enactments are repealed is in legal contemplation a nullity. Repeals must be either express or implied.

F. BILL PROPOSALS -- STUDY BILLS.

Not all bills requested to be drafted by the Legislative Service Bureau will be for immediate introduction. Often requests will be submitted that are to be drafted as a proposed bill to determine if there appears to be support for the proposal. Since only the individual legislators can have a bill immediately introduced after drafting and then only under their sponsorship, a committee-initiated bill must be initially drafted as a proposed committee bill. In addition, the Code authorizes the Governor and state agencies to submit bill proposals to the General Assembly for their consideration. These bill proposals are drafted in the same manner as those bills sponsored by individual legislators that can be immediately introduced. The only difference is in the listing of sponsorship. On the title page, where sponsorship is listed, a notation is placed in parenthesis indicating that it is a proposed bill and the name of the person or entity requesting the proposal. (See Appendix I, page I-1, for examples of the designation of sponsorship for bills to be introduced and proposed bills.) The only difference between a bill proposal or proposed bill and a study bill is a technical one in that a study bill is a bill proposal that has been submitted to the Secretary of the Senate or Chief Clerk of the House for purposes of receiving a study bill number.

2. DRAFTING OF AMENDMENTS TO BILL -- METHOD.

A. GENERAL.

Forms required. The form required for drafting amendments must be strictly followed in order that the computerized amendment program can function properly. If the proper form is used the text of the bill, as stored in the computer, can be automatically updated if the amendment is adopted. The following is an outline of the forms required for drafting amendments:

(1) Three Basic Operations: Striking data, inserting data, and renumbering.

(2) Numerical Sequence: Each operation must be in increasing numerical order beginning with number 1 and will be applied from beginning to end of the bill or amendment. However, operations to bill titles are applied last in an amendment.

(3) Key Words: Key words must be present to indicate the type of operation.

(4) Page and Line Number: Page and line numbers must be present. Use bill number, page number, and line number. This is the easiest method for amending. Order of page and line numbers should not be alternated in a single operation. All line information must be specified before or after the page number is specified and in one operation. Thus, do not specify part of the line number before the page and part after the page number. Do not say "Page 3, line 2, line 3, by striking the words "is imposed", line 4, by striking the word "tax". The drafter should use the plural in the above example and should provide two operations. For example, "Page 3, lines 2 and 3, by striking the words "is imposed". Page 3, line 4, by striking the word "tax". Also, do not say "Page 5, by striking lines 10 through 35 and page 6, by striking lines 1 through 20". Instead, use "By striking page 5, line 10 through page 6, line 20" or divide the command into two operations. For example, "Page 5, by striking lines 10 through 35. Page 6, by striking lines 1 through 20."

NOTE: The computer program for automatic application of amendments to bills will not insert language after a line that has been stricken in the previous operation.

(5) Insert: Whenever language is deleted and replacement language is to be added, the words "and inserting the following" must be present. Merely inserting, adding, etc. does not require these words.

(6) Quotation Marks: Quotation marks must be used to identify for the computer amending program what language what is to be inserted, struck, or renumbered. However, when striking lines or pages, quotation marks are not used.

Examples:

SOME VALID COMMANDS

Strike

- 1 Amend Senate File 16 as follows:
- 2 1. Page 2, by striking lines 1 through 20.
- 3 2. Page 3, line 4, by striking the words "a tax of".
- 4 3. Page 4, by striking lines 25 through 35.
- 5 4. Page 9, line 1, by striking the words "of this Act".
- 6 5. By striking page 10, line 4, through page 12, line 2.

Insert

- 1 Amend House File 1032 as follows:
- 2 1. Page 3, line 8, by inserting after the word "department"
- 3 the following: "or the director".
- 4 2. Page 4, by inserting after line 6 the following: [Insert
- 5 the language as you want it to appear in the bill with quotation
- 6 marks before and after the language.]
- 7 3. Page 5, by striking lines 5 through 7 and inserting the
- 8 following: "except as provided by law."

DO NOT

(1) Strike punctuation marks by saying "by striking the following: ", "." Instead, refer to the word before the punctuation mark, such as "by striking the word "applicable," and inserting the following: "applicable"."

(2) Combine operations because they are identical, such as "Page 1, lines 6, 7, 18, and 32, by striking the word "legislative"." Instead, each operation must be listed separately.

(3) Indent when a new paragraph or subsection is not intended. Positively stated: Only indent when you intend the material to be indented when inserted in the bill.

(4) Refer to an identical word in a line, for example, the word "section", as "the second word section". Instead refer to two or more words before or after the particular word "section", such as "this section is".

Examples:

Amendment to bill. Assuming House File 16 contains the following section:

- 1 Section 1. Section 81.11, Code 19__, is amended to read as
- 2 follows:
- 3 81.11 FEES TO TREASURER. All fees received by the depart-
- 4 ment or its agencies from the issuance of licenses and registra-
- 5 tions shall be deposited monthly quarterly with the treasurer of
- 6 state.

An amendment to the bill provision above might read as follows:

- 1 Amend House File 16 as follows:
- 2 1. Page 1, lines 3 and 4, by inserting after the word "de-
- 3 partment" the words "of public safety".
- 4 2. Page 1, lines 4 and 5, by striking the words "and regis-
- 5 trations".
- 6 3. Page 1, line 6, by inserting after the word "state" the
- 7 words "and credited to the road use tax fund".

Amendment to delete change and leave language as is. Another type of amendment, which is somewhat difficult to understand and often results in mistakes, is the type of amendment where the object is to provide for no change in a section of current law contained in a bill which provides for a change. For example, if a legislator does not desire that section 81.11 provide for a change from monthly deposit of fees to quarterly deposits, the legislator would submit an amendment to line 5 above in the following form:

- 1 Amend House File 16 as follows:
- 2 1. Page 1, line 5, by striking the words "monthly quarterly"
- 3 and inserting the following: "monthly".

THIS AMENDMENT IS CONFUSING AND CARE MUST BE TAKEN WHEN DRAFTING SIMILAR AMENDMENTS. THE OBJECT IS TO SHOW THAT NO CHANGE IS TO BE MADE AS TO WHEN FEES ARE TO BE DEPOSITED AND IN ORDER TO CARRY OUT THAT OBJECT THE PROPOSED CHANGES TO THE STATUTE MUST BE REMOVED FROM THE BILL.

The proposed change is indicated in the bill by the words "monthly quarterly" and thus removing the words and reinserting the word "monthly" with no strike-throughs accomplishes the object of making no change to the statute. This is a simple example. It must be remembered that if no change is desired, the words must be returned to the form which is found in the statute, i.e., no strike-throughs or underlines. This can be done by striking the entire section making an amendment, if no amendment is wanted.

Complex amendments. When drafting amendments which add new bill sections to a bill, the normal practice is to leave these bill sections unnumbered; for example, "Sec. ____." However, if the bill sections are going to be referenced, it is often helpful to assign artificial numbers to the new bill sections. For example, in a bill with fifty sections, an amendment might add sections 501 and 502. Then, needed cross-references can refer to the artificial numbers. This technique will simplify the process of building up and checking the bill later, especially if other amendments have also added new sections. However, if Code section numbers are assigned to the new material, it may be best to cite the Code section numbers in cross-references.

Numbering lines of amendments. Amendments are provided line numbers like bills, except that there are 50 lines to each page of an amendment and it is single spaced. Providing line numbers makes it easier to amend an amendment since an amendment to it will refer to the line numbers in the amending operations.

Amendments to amendments. Amendments to amendments, known as second degree amendments, should be drafted substantially in the same manner as amendments to the bill. No amendments of a greater degree are allowed pursuant to the rules of the House and Senate, unless the house of a bill's origin is amending the other house's amendment to the bill. Amendments to amendments should cite the

page of the amendment being amended and the line number and should be clear in the operations required. Thus, "Page 2, line 3, by striking".

Example:

- 1 Amend the House amendment, S-2421, to House File 16 as fol-
- 2 lows:
- 3 1. Page 2, line 4, by striking the word "commissioner" and
- 4 inserting the following: "secretary".

Numbering amendments. Amendments to bills will be numbered. The Chief Clerk of the House and the Secretary of the Senate will assign consecutive numbers to amendments at the time the amendments are filed. These numbers include a letter preceding the arabic numerals indicating which house, e.g., "H-4221" for a House amendment and "S-3706" for a Senate amendment. It should be noted that the assignment of numbers to amendments generally does not indicate the order in which the amendments may be considered. The numbering of amendments is for identification purposes only.

B. SPECIFIC AMENDMENTS.

This part discusses in greater detail the process of drafting amendments and is designed primarily for the drafters of the Legislative Service Bureau.

Types of amendments. Basically, there are two types of amendments--one that directly amends a bill, and one that amends an amendment to a bill. An amendment to an amendment is called a second degree amendment and no amendments can be drawn to a second degree amendment, i.e., an amendment to an amendment to an amendment. However, in the case of a Senate amendment to a House-passed bill which is before the House, or House amendment to a Senate-passed bill which is before the Senate, an amendment to that Senate or House amendment is considered a first degree amendment; thus permitting an amendment to an amendment to an amendment. Because of this special situation, this part will look upon amendments as being of four types: An amendment directly to a bill, an amendment to an amendment, an amendment to the Senate (House) amendment to the House (Senate) bill which is before the House (Senate), and an amendment to the amendment to that Senate or House amendment.

Amending clauses. The one thing all amendments, regardless of type, have in common is that each must have an amending clause. The amending clause is at the beginning of the amendment and tells the reader what is to be directly amended and designates by number the bill that ultimately is to be amended.

Examples:

1 Amend Senate File 1040 as follows:

1 Amend amendment, S-1122, to Senate File 18 as follows:

Following the amending clause are the operations, i.e., strike, insert, or renumber, that are to be applied.

Amendment to a bill. In drafting an amendment to a bill, the amending clause must clearly identify what bill is to be amended.

For a bill that has been introduced, identify the bill as a Senate File or House File along with the number assigned to it. Also indicate, in the case of a bill that is passed without amendment, that it is as passed by the original house or, in the case of a bill that is passed after being amended, that it is as amended, passed, and reprinted by the original house.

Examples:

1 Amend Senate File 1040 as follows:

1 Amend House File 17, as passed by the House, as follows:

1 Amend House File 481, as amended, passed, and reprinted by
2 the House, as follows:

NOTE: It is important to indicate that the House or Senate File was amended before passage and reprinted since there are two bills are in circulation with the same number, i.e., the original bill and the bill as amended, and the drafter must ensure that the reader knows to which bill the amendment applies. Every bill that is amended and passed is reprinted on pink paper, except during the hectic days before adjournment when there is not time. These reprinted versions are commonly referred to as the "pink copy" of the bill.

For a bill that has not been introduced but is a proposed bill, identify the bill as a Senate or House Study Bill along with the number assigned to it. If a study bill number has not been assigned, the proposed bill can be identified by its LSB number.

Examples:

1 Amend House Study Bill 181 as follows:

1 Amend LSB 1124SC as follows:

NOTE: When identifying a proposed bill that has not been given a study bill number by its LSB number, remember that LSB numbers include the letters following the arabic numerals. These letters indicate, in a general way, the person that proposed the bill. If

the person proposing the bill is a legislator, committee, the Governor (either the Governor's Legislative package (G) or budget bills (B)), state agency, or an interim study committee, the following letters will appear; "S" or "H", "SC" or "HC", "SG" or "HG", "SB" or "HB", "SD" or "HD", or "SI" or "HI", respectively. Appropriation bills have the following letter suffixes: "SA" or "HA" for appropriation subcommittee bills and "SC" or "HC" for full appropriations committee bills. Confidential bills have suffixes which use an "X" for Senate bills and "Y" for House bills, and an additional letter to designate the sponsor. Bills voted out of committee are designated "SV" or "HV". Conference committee reports have a "CR" suffix. See Appendix VIII for the list of suffix codes.

The next part of the amendment is the operations. This part is more complicated than the amending clause. It is easy for a drafter to become confused. The drafter should keep in mind that what the drafter is ultimately doing is redrafting the bill. If the drafter will look at this redrafting as if the drafter were preparing an original draft that includes the bill and the amendment, then the drafting will be easier and make more sense. The drafter should do this by visualizing what the bill section is to look like and then draft the operations of the amendment to accomplish this. To take an example, consider the amending of a bill section which in turn amends Code section 2A.1 as follows:

Example 1:

1 Section 1. Section 2A.1, Code 19__, is amended to read as
2 follows:
3 2A.1 COMMISSION ESTABLISHED.
4 A commission on compensation, expenses, and salaries for
5 elected state officials is established and is referred to in
6 this chapter as "the commission". The commission is composed
7 of fifteen members, five four of whom shall be appointed by the
8 governor, five four of whom shall be appointed by the majority
9 leader of the senate, and five four of whom shall be appointed
10 by the speaker of the house of representatives, and three of
11 whom shall be appointed by the league of Iowa municipalities.
12 Members of the commission shall be appointed without regard to
13 political affiliation and shall not be state officials or em-
14 ployees, employees of any state department, board, commission,
15 or agency or of any political subdivision of the state.

Assume that the requester wants to amend Section 1 of the bill to have a commission that consists of only 12 members with the Governor, majority leader of the Senate, and the Speaker of the House each selecting four. The obvious way is to change the "fifteen" to "twelve" on line 7 and eliminate the language relating to the League of Iowa Municipalities. Without visualizing how the new Section 1 should look if one were to originally draft a bill section that would include the above assumption with the actual Section 1, one might proceed as follows:

***Example 1a:**

1 [Amending clause]

2 1. Page 1, line 7, by striking the word "fifteen" and in-
3 serting the following: "twelve".

4 2. Page 1, line 9, by striking the word "and".

5 3. Page 1, lines 10 and 11, by striking the words ", and
6 three of whom shall be appointed by the league of Iowa munici-
7 palities".

*This amendment has been drafted incorrectly for instructional purposes.

If the drafter had visualized how the new bill section should be redrafted, the drafter would realize that the bill section should read as follows:

1 Section 1. Section 2A.1, Code 19__, is amended to read as
2 follows:

3 2A.1 COMMISSION ESTABLISHED.

4 A commission on compensation, expenses, and salaries for
5 elected state officials is established and is referred to in
6 this chapter as "the commission". The commission is composed
7 of ~~fifteen~~ twelve members, ~~five~~ four of whom shall be appointed
8 by the governor, ~~five~~ four of whom shall be appointed by the
9 majority leader of the senate, and ~~five~~ four of whom shall be
10 appointed by the speaker of the house of representatives. Mem-
11 bers of the commission shall be appointed without regard to
12 political affiliation and shall not be state officials or em-
13 ployees, employees of any state department, board, commission,
14 or agency or of any political subdivision of the state.

Thus the manner in which Example 1a was drafted is incorrect for two reasons: First, where the amendment is changing language in the bill section that amends existing law, one must indicate this by strikes through existing language and underlines for new words. Hence, the word "fifteen" being struck on line 2 of Example 1a must be inserted with strike-throughs before the word "twelve" on line 3 of Example 1a and that word "twelve" must be underlined. Second, in operation 2, the drafter cannot eliminate the striking of a word or words by just taking it out of the bill or the bill will not read like existing law. Hence, operation 2 must tell the reader to add the same word without the strike-throughs. The correct amendment to Example 1 would read as follows:

Example 1b:

- 1 [Amending clause]
- 2 1. Page 1, line 7, by striking the word "fifteen" and in-
- 3 serting the following: "~~fifteen~~ twelve".
- 4 2. Page 1, line 9, by striking the word "and" and inserting
- 5 the following: "and".
- 6 3. Page 1, lines 10 and 11, by striking the words ", and
- 7 three of whom shall be appointed by the league of Iowa municipi-
- 8 palities".

It is easier to draft amendments to sections of bills that add new sections, subsections, etc. to the Code since the drafter need only strike the language since it is new and need not worry about inserting existing Code language since none is struck. However, in situations where the bill section changes language in existing law, i.e., strikes old language and inserts new, the drafter must remember to reinsert the old language when deleting the change as was done in lines 4 and 5 of Example 1b.

Amendment to an amendment. Quite often a drafter is requested to draft an amendment to an amendment. It is important to keep in mind that the drafter will be drafting to amend an amendment to a bill. Hence, the amending clause must clearly identify the amendment to be amended and the bill that will ultimately be amended. (See the identification used for a bill in "Amendments to a bill".) If the amendment has been filed (this can only happen if the bill has been introduced), the amending clause must identify the amendment number and the bill.

Examples:

- 1 Amend amendment, H-1426, to House File 327 as follows:
- 1 Amend amendment, S-2162, to House File 481, as amended,
- 2 passed, and reprinted by the House, as follows:

In cases where one is amending an amendment which is a major one, i.e., a committee amendment or one that strikes everything and inserts new language to which a number of amendments will be drawn, some drafters prefer to identify the amendment beyond the number, such as: "Amend the Committee on Ways and Means amendment, H-4217," But even though one identifies the amendment by committee or individual sponsor, the drafter must still use the amendment number.

In the case of a bill that has not been introduced, an amendment to it does not have a number. In addition, a bill may have been introduced but the amendment to it may not have been filed, as in the case of a bill assigned to committee. Thus, an amendment to such amendments must identify them by sponsor and LSB amendment number, or if no sponsor, than by LSB amendment number. The LSB amendment number is located on the bottom right hand side of the last page, the same place that LSB bill numbers are located.

Examples:

1 Amend the Holt amendment, SSB 142.301, to Senate Study Bill
2 142, as follows:

1 Amend the proposed Committee on Local Government amendment,
2 SF 426.502, to Senate File 426, as follows:

1 Amend amendment, LSB 1042SC.403, to the proposed Committee on
2 Energy bill, LSB 1042SC, as follows: [This amending clause will
3 only be used in the rare situations when a proposed bill has not
4 received a study bill number.]

NOTE: LSB amendment numbers are directly related to the bill that is being amended even if the amendment is to another amendment. The LSB amendment number begins with "SF" or "HF" plus the bill number if introduced, with "SSB" or "HSB" plus the study bill number if the bill has received one, or with "LSB" plus the LSB bill number if not introduced or filed as a study bill. After the above numbers comes a period and three additional numbers of which the first represents the text processor who prepared the amendment and the second two representing the number of amendments to the bill that have been typed by that text processor. Thus "SF 1246.302" indicates that the amendment is to Senate File 1246 and was typed by the text processor with the identification number 3, and is the second amendment (up to that time) that has been typed by that text processor.

The next part of the amendment to the amendment is the operations. This part is often very confusing and will often cause problems when drafting. But remember to visualize first what the original amendment is to look like after it is combined with its amending amendment. Again, to visualize what the new combined amendment is to look like, the drafter should visualize what the bill section should look like after the combined amendment is incorporated into it. Take the example that was used in "Amendment to a bill". Let's assume a sponsor wants to amend the amendment in Example 1b on page D-27 to reduce membership from 15 to 12, but to allow the League of Iowa Municipalities to select three members. In drafting this amendment to the one in Example 1b, visualize first what the bill section amending section 2A.1 should look like. Then visualize the combined amendment, i.e. Example 1b combined with the amendment to be drafted.

The bill section should look like this:

1 Section 1. Section 2A.1, Code 19__, is amended to read as
2 follows:
3 2A.1 COMMISSION ESTABLISHED.
4 A commission on compensation, expenses, and salaries for
5 elected state officials is established and is referred to in
6 this chapter as "the commission". The commission is composed
7 of ~~fifteen~~ twelve members, ~~five~~ three of whom shall be ap-
8 pointed by the governor, ~~five~~ three of whom shall be appointed
9 by the majority leader of the senate, and ~~five~~ three of whom
10 shall be appointed by the speaker of the house of representa-
11 tives, and three of whom shall be appointed by the league of
12 Iowa municipalities. Members of the commission shall be ap-
13 pointed without regard to political affiliation and shall not
14 be state officials or employees, employees of any state depart-
15 ment, board, commission, or agency or of any political subdi-
16 vision of the state.

The combined amendment should look like this: (Remember, we are amending the bill section set out in Example 1 on page D-25.)

1 [Amending clause]
2 1. Page 1, line 7, by striking the word "fifteen" and in-
3 serting the following: "fifteen twelve".
4 2. Page 1, line 7, by striking the word "four" and inserting
5 the following: "three".
6 3. Page 1, line 8, by striking the word "four" and inserting
7 the following: "three".
8 4. Page 1, line 9, by striking the word "four" and inserting
9 the following: "three".

NOTE: As said previously, even though operations 2, 3, and 4 are identical except for line numbers, they cannot be combined as one.

Now it is time to draft the amendment to the amendment (Example 1b on page D-27). Operation 1 of Example 1b needs no amending. Operation 2 needs to be taken out because the combined amendment does not require it. Operation 3 also needs to be taken out because it strikes language added in the bill section that the drafter wants left in. At first glance, that might seem enough since all the operations of Example 1b have been considered. However, changes need to be made in the bill section to change the number of members to be appointed by each individual from four to three. These changes, plus the elimination of operations 2 and 3, must be placed in their proper order according to page number and line number. The amendment to Example 1b would read as follows:

Example 2:

- 1 [Amending clause]
- 2 1. Page 1, by inserting after line 3 the following:
- 3 "____. Page 1, line 7, by striking the word "four" and in-
- 4 serting the following: "three".
- 5 _____. Page 1, line 8, by striking the word "four" and in-
- 6 serting the following: "three".
- 7 2. Page 1, by striking lines 4 and 5.
- 8 3. Page 1, by inserting before line 6 the following:
- 9 "____. Page 1, line 9, by striking the word "four" and in-
- 10 serting the following: "three".
- 11 4. Page 1, by striking lines 6 through 8.

As always, the quotation marks are a necessity because they tell the reader and computer what it is to which the operations are being applied. It is especially important to have the correct number of quotes when amending an amendment to insert additional operations as Example 2 does beginning on line 3. A good method of checking this is to cover up the beginning and ending quotes of the additional operations that are being inserted. Then read the operations as if they are part of the combined amendment to see if any quotes are missing. This method is very helpful when drafting an amendment to an amendment to the other house's amendment to the bill. Drafters often have problems with quotes in this situation. The operations of Example 2 are numbered as all amendment operations must be. However, when an amendment amends another amendment to add operations to it, it is best to leave these new operations unnumbered, as is done on lines 3, 5, and 9, so as not to add to confusion.

NOTE: It may seem to be a very involved process to "visualize" what the bill section is to read like and the combined amendment when drafting an amendment to an amendment; but as the drafter gains experience, one really only visualizes a line, phrase, or sentence. In addition, as one gains experience, the drafter will be aware of ways to combine operations. In Example 2, an experienced drafter will recognize the fact that in Example 1b, lines 4 through 8 need to be struck and additional operations need to be added. Both can be done together, for instance: "Page 1, by striking lines 4 through 8 and inserting the following: [insert new operations beginning on lines 3, 5, and 9 of Example 2]".

Amendment to other house's amendment. Once a Senate or House bill has passed and the other house amends and passes it, the house where the bill was originally introduced may only amend the bill by amending the other house's amendment. This type of amendment is identical to an amendment to an amendment, except this amendment is considered a first degree amendment and thus can be amended. The other house's amendment is an amendment that has been redrafted, if necessary, to include all other amendments that were adopted by that house. The Legislative Service Bureau does not draft this

amendment. Thus, an incorrectly drafted amendment that makes up this type of amendment will contain the error. All that house does is "collate" the drafter's mistakes which is exactly the way a bill is built up to go to the Governor. There are only two amending clauses that will be used as follows:

Examples:

1 Amend the Senate amendment, H-4212, to House File 153, as
2 amended, passed, and reprinted by the House, as follows:

1 Amend the House amendment, S-3714, to Senate File 2181, as
2 passed by the Senate, as follows:

NOTE: Even though it is a Senate (House) amendment, it has a House (Senate) amendment number because that is the chamber to which it has been messaged and in which it has been filed. This is true even though the amendment is made up of only one amendment. Example: amendment S-4132 is filed in the Senate and is the only amendment adopted to the House bill, but when it is messaged to the House and filed, it is listed as the Senate amendment, H-5237.

For illustration purposes, let's assume that Example 1b is the Senate amendment, then an amendment to it to accomplish the same as was the basis for Example 2 would be identical to Example 2, except for the amending clause.

Amendment to amendment to other house's amendment. This type of amendment is permissible even though it is a third degree amendment and would not be allowed if all three of the amendments were originally offered in the same house. The amending clause is like the others requiring the identification of each amendment by amendment number and the bill that is being amended.

Examples:

1 Amend amendment, H-4216, to the Senate amendment, H-4212, to
2 House File 153, as amended, passed, and reprinted by the House,
3 as follows:

1 Amend amendment, S-3731, to the House amendment, S-3714, to
2 Senate File 2181, as passed by the Senate, as follows:

For illustration purposes, let's assume that Example 1b on page D-27 is the Senate amendment to the House bill and Example 2 on page D-30 is the amendment to which an amendment is to be drafted. Assume further that the requester wants the membership to be increased to 19 members so that the League of Iowa Municipalities and the Iowa State Association of Counties can each select two members. In addition, the number of appointees by the Governor, Senate Majority leader, and the Speaker would remain the same at five each. In order to accomplish this, the bill section needs to read as follows:

1 Section 1. Section 2A.1, Code 19__, is amended to read as
2 follows:
3 2A.1 COMMISSION ESTABLISHED.
4 A commission on compensation, expenses, and salaries for
5 elected state officials is established and is referred to in
6 this chapter as "the commission". The commission is composed
7 of fifteen nineteen members, five of whom shall be appointed by
8 the governor, five of whom shall be appointed by the majority
9 leader of the senate, and five of whom shall be appointed by
10 the speaker of the house of representatives, two of whom shall
11 be appointed by the league of Iowa municipalities, and two of
11 whom shall be appointed by the Iowa state association of coun-
12 ties. Members of the commission shall be appointed without re-
13 gard to political affiliation and shall not be state officials
14 or employees, employees of any state department, board, commis-
15 sion, or agency or of any political subdivision of the state.

To change the original bill section into the desired one shown above, the following amendment needs to be applied to the original bill section:

Example 3:

1 [Amending clause]
2 1. Page 1, line 7, by striking the word "fifteen" and in-
3 serting the following: "fifteen nineteen".
4 2. Page 1, line 7, by striking the words "five four" and
5 inserting the following: "five".
6 3. Page 1, line 8, by striking the words "five four" and
7 inserting the following: "five".
8 4. Page 1, line 9, by striking the words "five four" and
9 inserting the following: "five".
10 5. Page 1, line 10, by striking the words "and three" and
11 inserting the following: "two".
12 6. Page 1, line 11, by inserting after the word "municipal-
13 ities" the following: ", and two of whom shall be appointed by
14 the Iowa state association of counties".

Thus, the amendment to the amendment, Example 2, to the Senate amendment, Example 1b, must, when combined with those two amendments, result in the above Example 3. In drafting this amendment, it is beneficial to keep in mind exactly how the ultimate result must read.

Below is set out the original bill section and the two amendments and are labeled for better clarification:

Example 1: Original bill section.

1 Section 1. Section 2A.1, Code 19__, is amended to read as
2 follows:
3 2A.1 COMMISSION ESTABLISHED.
4 A commission on compensation, expenses, and salaries for
5 elected state officials is established and is referred to in
6 this chapter as "the commission". The commission is composed
7 of fifteen members, five four of whom shall be appointed by the
8 governor, five four of whom shall be appointed by the majority
9 leader of the senate, and five four of whom shall be appointed
10 by the speaker of the house of representatives, and three of
11 whom shall be appointed by the league of Iowa municipalities.
12 Members of the commission shall be appointed without regard to
13 political affiliation and shall not be state officials or em-
14 ployees, employees of any state department, board, commission,
15 or agency or of any political subdivision of the state.

Example 1b: Senate amendment.

1 [Amending clause]
2 1. Page 1, line 7, by striking the word "fifteen" and in-
3 serting the following: "fifteen twelve".
4 2. Page 1, line 9, by striking the word "and" and inserting
5 the following: "and".
6 3. Page 1, lines 10 and 11, by striking the words ", and
7 three of whom shall be appointed by the league of Iowa munici-
8 palities".

Example 2: Amendment to Senate amendment.

1 [Amending clause]
2 1. Page 1, by inserting after line 3 the following:
3 " . Page 1, line 7, by striking the word "four" and in-
4 serting the following: "three".
5 " . Page 1, line 8, by striking the word "four" and in-
6 serting the following: "three"."
7 2. Page 1, by striking lines 4 and 5.
8 3. Page 1, by inserting before line 6 the following:
9 " . Page 1, line 9, by striking the word "four" and in-
10 serting the following: "three"."
11 4. Page 1, by striking lines 6 through 8.

Now is the time to draft the amendment and see why third degree amendments, except in this one case, are not permitted. Looking at Example 3 which is what the three amendments, when combined, will read like, one sees that operation 1 is similar to operation 1 of the Senate amendment except that "twelve" needs to be changed to "nineteen". But to do this, one must amend the amendment to the Senate amendment which will provide for this. Looking at Example 2, one sees that a new operation is needed. See Example 4 following this on lines 4, 5, and 6 for this. Next, the drafter needs to provide for operations to change the number of members

selected by the Senate Majority Leader, Speaker, and Governor from the "four" in the original bill section, Example 1, back to "five". The Senate amendment does not deal with this so one must add operations to do it. But the amendment to the Senate amendment provides for adding operations to reduce the number from "four" to "three". Since the drafter needs to strike from the original bill section "five four" and insert "five", it is easier and less confusing if the drafter strikes these operations in Example 2 and inserts the ones needed. See Example 4, operations 2 and 3. Operation 2 of Example 2 is needed for the drafter's purpose and will not be amended. Operation 4 of Example 2 strikes language in the Senate amendment that would strike language the drafter wants left in, hence, operation 4 is kept. Additional operations are needed to make the Senate amendment do what is wanted. See Example 4, operation 4. Operation 4 needs further explanation. The language on lines 17 and 18 of operation 4 says that the lines 18 through 23 (note quotation marks) are to be inserted into Example 2 as one new operation beginning on line 18. This new operation says that lines 19 through 23 are to be added to the Senate amendment as two new operations. These new operations say that the original bill section is to be amended as provided in those operations beginning on lines 19 and 21. (Note the quotation marks.) A set of quotation marks are needed to indicate what is to be done to Example 2, and a second set to indicate what is to be done to the Senate amendment.

Example 4:

1 Amend amendment, Example 2, to the Senate Amendment, Example
2 1b, to House File _____, (Example 1) as passed by the House, as
3 follows:
4 1. Page 1, by inserting after line 1 the following:
5 "_____. Page 1, line 3, by striking the word "twelve" and in-
6 serting the following: "nineteen"."
7 2. Page 1, by striking lines 3 through 6 and inserting the
8 following:
9 "_____. Page 1, line 7, by striking the words "five four"
10 and inserting the following: "five".
11 "_____. Page 1, line 8, by striking the words "five four" and
12 inserting the following: "five".""
13 3. Page 1, by striking lines 9 and 10 and inserting the
14 following:
15 "_____. Page 1, line 9, by striking the words "five four"
16 and inserting the following: "five".""
17 4. Page 1, line 11, by inserting after the figure "8" the
18 following: "and inserting the following:
19 "_____. Page 1, line 10, by striking the words "and three"
20 and inserting the following: "two".
21 "_____. Page 1, line 11, by inserting after the word "municipi-
22 palities" the following: ", and two of whom shall be appointed
23 by the Iowa state association of counties"."

Conference committee reports. When the Senate amendment, Example 1b, is amended by Example 2 and the House passes the bill, the Senate has two options: One is to accept the House amendment, i.e., concur with the House amendment to the Senate amendment, or to refuse to concur with the House amendment. The Senate may not amend the House amendment. If the Senate refuses to concur, the House File goes back to the House which then must either recede from its amendment or insist upon it. If the House insists, a conference committee is appointed to resolve the differences and a report is drawn up recommending what changes should be made in the House File. The conference committee report cannot be amended but must be adopted or rejected as presented. See Appendix I(G), pages I-21--I-23, for an example of a conference committee report, and see Appendix II for the requirements for the drafting and preparation of conference committee reports.

DIVISION E
SPECIFIC PROVISIONS, STYLE, PUNCTUATION,
AND PREPARATION OF A TYPED BILL AND AMENDMENT

1. GENERAL.

Format--typing. When the language has been determined for a bill or amendment draft, the next step is establishing the format. All bills and amendments will be typed by the Legislative Service Bureau and during typing the bills and on occasion amendments will be reviewed. However, there are rare occasions (usually during last nights of a session) when the Senate and House Legal Counsel's office may draft amendments. In many instances a complete review as to language, usage, intent, citations, or any other purpose will be performed. Mechanical errors will be corrected. If questions as to intent or language are detected, the sponsor or drafter (if the bill or amendment has been drafted by persons other than those employed by the Legislative Service Bureau) may be contacted. The exact procedures are dependent upon the directions given to the Legislative Service Bureau.

Two absolute requirements which must be met in drafting a bill are the inclusion of the enacting clause and reference to the Code or Code Supplement in the case of amendments to the permanent law. Temporary provisions of law are contained in the session laws. Titles are, of course, quite important. In drafting amendments, the amending clause and designation of the bill to be amended are required.

"Purposes" section--citation section. The purpose of a statute should be apparent from its content. However, the legislature often wishes to include a statement of its purposes and findings in enacting the statute, especially if the statute is likely to be subjected to a court test, as is the case with bonding statutes and statutes that authorize financial assistance for private use where the question may arise as to whether the assistance is for a public purpose. A "purposes" section should precede the applicable sections of the bill and should generally be enacted as a temporary section. Except in the case of lengthy uniform or model acts, a section stating how the Act may be cited is generally not helpful, as it should generally be cited by its Code chapter or section number for ease in finding.

Severability clause. There are very few cases where it is necessary to provide a severability clause because the severability clause merely repeats that which is already judicially determined law and chapter 4 of the Code provides for a general severability clause. A typical severability clause provides:

"If any provision of this Act or the application thereof to any person is invalid, the invalidity shall not affect the provisions or application of this Act which can be given effect without the

invalid provisions or application, and to this end the provisions of this Act are severable."

This clause should not be used unless the legislator specifically requests it. There may be cases where a legislator would desire that if a provision of an Act is declared invalid, the whole Act should be declared invalid. Since this situation is contrary to the normal manner of statutory construction and the Code of Iowa, it is necessary in this case to specifically provide that if any portion of the Act is declared invalid the whole Act is void.

Savings clause--"grandfather clause". A savings clause provides that a change in the law accomplished by enactment of a bill shall not affect matters such as actions or proceedings already commenced, rights and duties that have matured, or penalties that were incurred prior to the effective date of the bill. The savings clause is not generally necessary since chapter 4 of the Code provides a savings clause but the drafter should be alert for situations where this provision should be considered.

A type of savings clause is a clause often referred to as the "grandfather" clause. The purpose of the grandfather clause is to insure that legislation acts prospectively and does not affect persons in a given situation. An example of a situation where a grandfather clause might be useful would be legislation that requires persons owning automobiles to install a particular safety device. If a situation existed where the safety device was impossible to install on cars of a certain age the following grandfather clause might be used:

"This Act does not apply to automobiles manufactured before the year 1968."

Grandfather clauses are frequently used in licensing laws where new educational standards will be required for persons entering a field, and persons who have previously qualified and worked in the field will be exempt from the educational standards.

"Sunset" clause. A "sunset" clause, to repeal newly enacted sections at some date in the future, should be placed at the end of a bill. These repeals can create codification problems if they apply also to amendments to existing law. At the time the "sunset" takes effect, the character of the amendment or intervening amendments may make it difficult to return the amended section to the form it had before the "sunsetting" amendment was enacted. Language should be used to direct exactly what is to be done with the section when the "sunset" of the amendment takes place. In this case the sunset section should probably be a temporary section. Footnotes may be used in the Code to inform readers that the sunset was enacted. If the sunset section applies only to one or more new sections which are all part of a new chapter or a separate division of an existing chapter, the drafter may wish to designate it as a "NEW SECTION." with the idea that it should be

printed in the Code and repealed along with the other new sections. To avoid any confusion, the sunset clause should be expressed positively, i.e., "Sections ____ through ____ are repealed on ____", and not as was done at the time the Iowa lottery statute was enacted, which contained a provision that it was the intent of the general assembly that the Act was to have temporary effect only and was to be repealed on July 1, 1990.

If the legislature decides to keep the material and repeal the "sunset", it must be repealed before it takes effect, or the material will have to be reenacted.

Senate confirmation of appointments. Senate File 2301, enacted by the 1980 Session of the General Assembly, established a standard procedure for the submission of gubernatorial appointments for confirmation by the Senate and provided for confirmation by a two-thirds majority. When drafting for a position subject to Senate confirmation, the drafter should simply use the words "subject to confirmation by the senate". When creating a term subject to Senate confirmation, the drafter should use the words "beginning and ending as provided in section 69.19".

Staggered terms--changes in membership. Often the simplest way to provide for staggered terms on a new board, commission or other agency is to state the regular term in the new sections which establish the board, commission or agency, and to provide for staggering the initial terms in a temporary section which is an exception to the general statement. This technique eliminates the carrying of outmoded material relating to initial terms in the Code, and also simplifies the drafter's job if the membership is later changed. The problems involved in drafting a change in the number of members on a board, commission or other agency or a change in the terms of members tend to differ in each case depending on factors such as whether the positions are elective or appointive, and the controversial or sensitive nature of the work done by the agency. However, the necessary transition provisions can generally be accomplished by a temporary section.

Submission of questions to the electors. In providing for the submission of a question to the electors, the drafter should use language similar to "the (board, city, etc.) shall direct the (state or county) commissioner of elections to submit to the qualified electors of the (state, county, city, etc.) at the next (general, primary, city, etc.) election the question of ____". See sections 39.3, 47.1 and 47.2.

Public funds. Generally public funds should be established in the office of the Treasurer of State, with the applicable agency authorized to certify warrants. If funds are to be regularly distributed, quarterly payment is often authorized, and it may be necessary to provide for proration among recipients, rather than "first come, first served".

Governmental reorganizations--transitions. In drafting provisions to transfer governmental functions, the drafter may need to consider transition provisions for the following:

1. Moneys, and accounts payable and receivable, held or managed by the governmental unit whose functions are to be transferred.
2. Property in the custody of the governmental unit, including both supplies and records.
3. Employees, including their merit standing and IPERS or other pension plan eligibility.
4. Rules, orders and forms. Generally the rules, orders and forms of the existing unit are continued in effect until the adoption of new ones by the unit assigned the functions.
5. The actual functions to be transferred.

It may be helpful to authorize the governor to handle parts of the transfer by executive order, or to direct the director of revenue and finance to transfer moneys or accounts. Generally the details should not be included in the draft but should be left to the appropriate officials. Transition provisions should generally be in temporary sections which will not be codified.

Penalties. Besides being sure that these are mentioned in the title, the drafter should be careful that the prohibition and penalty are clearly expressed, so that they cannot be held void for vagueness or because of a possibility of arbitrary enforcement. If a penalty is to be civil rather than criminal, the words "civil penalty" rather than "civil fine" should be used, and it may be helpful to provide for enforcement by the county attorney or attorney general, and to indicate where the penalty should be deposited. For a discussion of the difference between a civil penalty and a fine, see Op. Att'y Gen. #79-32 Miller and Schantz to Kopecky, 3-9-79.

Establishing administrative agencies. Although the Iowa court tends to uphold delegations of authority to administrative agencies, it seems best for the drafter to suggest reasonably specific standards to define the authority of an agency and prevent arbitrary action by it. The drafter should also consider providing for necessary subdelegation of discretionary authority by the agency head. Administrative rulemaking procedures for state agencies are controlled by chapter 17A. If a violation of a valid agency rule is to be punishable as a crime, the statute should so provide. The drafter may also wish to consider the effect of laws such as the open meetings law, chapter 21, and the examination of public records law, chapter 22.

Adoptions by reference. Frequently a portion of existing federal statutes, regulations, or other matters may need to be adopted

by reference. The general rule for adoption by reference of material other than Iowa statutes is that future amendments to the adopted material are not included; indeed, it is generally an unconstitutional delegation of legislative power to attempt to adopt future amendments by reference. An exception to the general rule probably prevails in those areas where federal law preempts conflicting state law provisions, e.g., in the areas of federal-state unemployment and welfare programs authorized by the federal Social Security Act. It is also advisable to be as specific as possible in describing the material to be adopted, and to check citations for accuracy. References such as "all provisions of law" are likely to be impractically vague, but have been held to include future amendments. In adopting other provisions of Iowa statutes, it sometimes seems necessary to use a phrase such as "to the extent applicable", although the drafter should be more specific if possible, particularly if there are penalties or other sensitive provisions in the material adopted by reference. Under section 4.3, future amendments to Iowa statutes are included in an adoption by reference. However, there is authority to the effect that the subsequent repeal of a section adopted by reference does not affect the adopting statute, and the repealed statute remains in effect for the purposes of the adopting statute. See Sutherland Statutory Construction sec. 23.32.

It may be necessary in adopting certain federal laws by reference to indicate that amendments to the federal laws or regulations subsequent to a stated date are not adopted. See, for example, the definition of "Internal Revenue Code" in section 422.3.

Resolutions. Resolutions are of three kinds: Simple, concurrent, and joint.

1. Simple resolutions are used mainly to express sympathy or thanks or for appointment of a special committee and are acted on only by the house of the legislature in which they originate. This type of resolution requires a title but does not include an explanation.

2. Concurrent resolutions are adopted by both houses of the General Assembly. The resolutions may be in the form of memorials to Congress, may provide for a joint meeting of both houses to hear some visiting speaker, may authorize expenditures of funds already appropriated by the General Assembly, may direct adjournments or recesses, may request legislative studies, or may be used for issuing administrative orders. This type of resolution also requires a title but no explanation is necessary.

3. Joint resolutions have all the formalities of a bill, must have explanations, and pass through all the stages of a bill. In addition to the ordinary use of a resolution, joint resolutions are employed for the nullification of administrative rules, the enacting of temporary laws and for administrative orders, the creation of special commissions, and are always used to propose

amendments to the Constitution of the State of Iowa or to propose or ratify amendments to the Constitution of the United States. Amendments to the Constitution of the State of Iowa should generally be drafted in the form of striking and rewriting the applicable sections, rather than showing the changes by strikes and underlines, because the amendments are presently printed in the Code following the original text. (There is also a codified version of the Constitution in the Code.)

The use of joint and concurrent resolutions is often confused, but the concurrent is more appropriate for mere legislative directives since the resolution does not go through the process of a bill. However, concurrent resolutions have been used pursuant to statute in cases where a constitutional majority of each house and the Governor must give their approval prior to actions of certain state agencies, such as the state Board of Regents for construction projects. Joint resolutions appropriating money or otherwise enacting a law require the use of the same enacting clause as a bill instead of the "Be It Resolved by . . ." used for other resolutions. Joint Resolutions for nullification of administrative rules use the standard resolving clause.

2. TYPING FORMAT.

General directions. All copies of a bill and amendments are typed as specified by the Legislative Service Bureau.

Identical bills. If drafted simultaneously, identical bills introduced in each house show who is sponsoring the bill in the other house.

Abbreviations. Do not use abbreviations in typing bills except that after section 1 of a bill, all other sections are entitled "Sec.".

Numbers. All numbers should be stated in words. Exceptions are: (1) citations and references to statutes which should be stated in numerals; (2) line item dollar amounts in budget bills, which should be stated in numerals, unless the section is to be codified; (3) sections of budget bills in which an appropriation is made or in which a dollar limitation of an appropriation is made, the dollar amount should be expressed in numerals, unless the section is to be codified; (4) the listing of the full-time equivalent positions (FTEs) in budget bills are to be expressed in numerals; and (5) dates where the day and year are used, for example, use "July 1, 1989" not "the first of July, 1989".

Capital letters. Capital letters are used only for:

1. The first word of a sentence or in some cases after a colon.
2. The first word of a subsection, paragraph, subparagraph, subparagraph subdivision, and subparagraph subdivision part.

3. Proper names of persons, states and political subdivisions, countries, nationalities, bodies of water, holidays, months, and publications. For example, "Cedar county", "city of Waterloo", "Nishnabotna river", "Grove street", "state of Illinois", "Iowa state university of science and technology", university of northern Iowa, and "state university of Iowa".

4. The words "Code", "Act", and "(Seventy-third) General Assembly" when referring to the Iowa Code, a particular legislative Act, or a particular numbered General Assembly.

5. Popular names and short titles of federal laws and of state laws when shown with quotation marks.

6. "Title", "Article", "Division", and "Part" when used in a centered headnote with numerals, as "Title X", "Division V", or "Part 3", but not when used in text, as "in this article" or "in this part". However, also capitalize "Title" if referring to a numbered title of the Iowa Code, e.g., Title II, or if referring to a title of a federal Act, e.g., Title XIX of the federal Social Security Act.

Capital letters are not used for: Titles or names of state or federal officers, agencies, and departments. For example, the words "governor", "department of revenue and finance", and "supreme court" are not capitalized. Neither are the words "section" or "chapter" capitalized in typing bills. The exception to this rule may be constitutional amendments if the section of the Constitution being amended capitalizes words such as "Governor", "Secretary of State", and "Supreme Court".

Punctuation. Punctuation is very important in amendments which insert or strike part of a Code section. If it is intended to strike or insert a punctuation mark along with the inserted or struck words, the punctuation mark must have a strike over it or through it, or an underline for an insertion. As a general rule punctuation should be used infrequently in bill drafting. It should only be used where sentence structure requires it. A comma, particularly, should not be depended on to show meaning. Preferable form is to use a comma or a period rather than a semicolon. If semicolons seem to be needed, the sentence is probably too long. If extensive punctuation seems to be essential, consider whether the material should be rewritten to avoid some of the punctuation. Perhaps it should be rewritten into several shorter sentences.

Preferable form for a series of subparts is to use explanatory words such as "all of the following" or "any of the following" in the introductory sentence, and end each subpart with a period, rather than to end each subpart with a comma or semicolon and to use the word "or" or "and" before the last subpart in the series. Each subpart of a series should be a separate indented phrase, sentence, or paragraph. For example, a sentence such as "Copies of

(1) a balance sheet; (2) an income statement; and (3) a statement of the source and application of funds shall be filed with the auditor." should be rewritten as:

"Copies of all of the following shall be filed with the auditor:

1. A balance sheet.
2. An income statement.
3. A statement of the source and application of funds."

When a series of three or more terms is used within a sentence, commas should be used between the terms and preceding the "and" or "or" which connects the final term in the series.

Citation of statutes. Section 3.1, subsection 3, of the 1989 Code provides:

"3. All references to statutes shall be expressed in numerals . . ."

The following rules will be in effect in regard to citations:

1. Enumeration of the section to be amended contained in amending clauses shall be by numbers.

Example.

1 Sec. 2. Section 300.1, Code 19__, is amended to read as
2 follows:

Prior to 1981 both words and numbers were used.

2. Citations to a section within the text shall cite by number. The words "of the Code" shall not be used following the numerical citation. For example:

1 Sec. 2. Section 3.1, Code 19__, is amended to read as
2 follows:
3 3.1 DUTIES. The director shall carry out all duties pro-
4 vided by law and section 3.2.

A P P E N D I X I
BILL AND AMENDMENT DRAFTING EXAMPLES

A. STANDARD SPONSORSHIP LANGUAGE

1. Committee bill (voted out):
BY COMMITTEE ON EDUCATION
2. Individual legislator bill:
BY HUTCHINS
BY HANSON of Delaware (if more than one Hanson or Hansen in same house)
3. Committee study bill (requested by Chairperson):
BY (PROPOSED COMMITTEE ON AGRICULTURE BILL BY CHAIRPERSON PRIEBE)
4. Committee study bill (requested by a legislator other than the Chairperson):
BY (PROPOSED COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT BILL REQUESTED BY ROSENBERG)
5. Interim committee study bill (proposed by Study Committee):
BY (PROPOSED PENSION TAXATION EQUITY STUDY COMMITTEE BILL)
6. Interim committee study bill (recommended by vote of Study Committee):
BY (RECOMMENDED BY PENSION TAXATION EQUITY STUDY COMMITTEE)
7. Individual legislator study bill (new format):
BY (PROPOSED BILL REQUESTED BY HOLT)
8. Governor's proposed bill:
BY (PROPOSED GOVERNOR'S BUDGET BILL)
BY (PROPOSED GOVERNOR'S BILL)
9. Departmental study bill:
BY (PROPOSED DEPARTMENT OF ECONOMIC DEVELOPMENT BILL)

B. EXAMPLES OF AMENDING STATUTES

1. Striking all of a section and replacing it:

1 Section 1. Section 12.14, Code 19__, is amended
2 by striking the section and inserting in lieu thereof
3 the following:
4 12.14 STATEMENT ITEMIZED. [Insert the new lan-
5 guage without underlines.]

2. Striking whole subsection and replacing it:

1 Section 1. Section 321.1, subsection 30, Code
2 19__, is amended by striking the subsection and in-
3 serting in lieu thereof the following:
4 30. [Insert the new language without underlines.]

3. Striking whole subsection without replacing it:

1 Section 1. Section 321.1, subsection 30, Code
2 19__, is amended by striking the subsection.

4. Amending subsections, lettered paragraphs, subparagraphs, and other subunits:

1 Sec. _____. Section 422.5, subsection 1, unnum-
2 bered paragraph 1, Code 19__, is amended to read as
3 follows:
4 A tax is imposed upon every resident and nonresi-
5 dent individual of the state ~~which tax shall be~~ and is
6 levied, collected, and paid annually upon and with re-
7 spect to the entire taxable income ~~as defined in this~~
8 division at rates as follows:

1 Sec. _____. Section 422.5, subsection 1, paragraphs
2 g, h, and i, Code 19__, are amended to read as fol-
3 lows:
4 g. On all taxable income exceeding twenty thou-
5 sand dollars but not exceeding thirty twenty-five
6 thousand dollars, seven and fifty-five hundredths
7 percent.
8 h. On all taxable income exceeding thirty twenty-
9 five thousand dollars but not exceeding forty-five
10 thirty-five thousand dollars, eight and eight-tenths
11 percent.
12 i. On all taxable income exceeding forty-five
13 thirty-five thousand dollars, nine and ninety-eight
14 hundredths one-tenth percent.

1 Sec. _____. Section 422.5, subsection 1, paragraph
2 k, unnumbered paragraph 1, Code 19__, is amended to
3 read as follows:

4 There is imposed upon every resident and nonresi-
5 dent of this state, including estates and trusts, the
6 greater of the tax determined in paragraphs "a"
7 through "j" or the state alternative minimum tax equal
8 to ~~seventy-five~~ eighty percent of the maximum state
9 individual income tax rate for the tax year, rounded
10 to the nearest one-tenth of one percent, of the state
11 alternative minimum taxable income of the taxpayer as
12 computed under this paragraph.

1 Sec. _____. Section 422.5, subsection 1, paragraph
2 k, subparagraph (1), Code 19__, is amended to read as
3 follows:

4 (1) Add items of tax preference included in fed-
5 eral alternative minimum taxable income under section
6 57, except subsections (a)(1), (a)(2), and (a)(5),
7 and (a)(6), of the Internal Revenue Code, make the ad-
8 justments included in federal alternative minimum
9 taxable income under section 56, except subsections
10 (a)(4), (b)(1)(C)(iii), and (d), of the Internal Rev-
11 enue Code, and add losses as required by section 58
12 of the Internal Revenue Code. In the case of an es-
13 tate or trust, the items of tax preference, adjust-
14 ments, and losses shall be apportioned between the
15 estate or trust and the beneficiaries in accordance
16 with rules prescribed by the director.

1 Sec. _____. Section 422.5, subsection 1, paragraph
2 k, subparagraph (2), subparagraph subdivision (b),
3 Code 19__, is amended to read as follows:

4 (b) ~~Twenty-six~~ Thirty thousand dollars for a
5 single person or an unmarried head of household.

1 Sec. _____. Section 422.5, subsection 1, paragraph
2 k, subparagraph (2), subparagraph subdivision (d),
3 subparagraph subdivision part (i), Code 19__, is
4 amended to read as follows:

4 (i) ~~Seventy-five~~ One hundred thousand dollars in
5 the case of a taxpayer described in subparagraph sub-
6 division (a).

5. Amending a section previously amended at the same session (Senate File 820, section 25, was enacted):

Original amendment:

1 Sec. 25. Section 135.2, Code 19__, is amended to
2 read as follows:
3 135.2 APPOINTMENT. The governor shall, within
4 ~~sixty days after the convening of the general as-~~
5 ~~sembly in 1925, and every four years thereafter,~~ ap-
6 point to a term of four years, with the approval of
7 ~~two thirds of the members of~~ subject to confirmation
8 by the senate, a commissioner of public health who
9 shall be qualified in the general field of health ad-
10 ministration. Vacancies shall be filled for the unex-
11 pired term in the same manner as regular appointments
12 are made.

The same section might be subsequently amended in the same session as follows:

1 Sec. 13. Section 135.2, Code 19__, as amended by
2 19__ Iowa Acts, Senate File 820, section 25, is
3 amended to read as follows:
4 135.2 APPOINTMENT. The governor shall appoint to
5 a term of four years commencing and ending as pro-
6 vided by law, subject to confirmation by the senate,
7 a commissioner of public health who ~~shall be~~ is qual-
8 ified in the general field of health administration.
9 Vacancies shall be filled for the unexpired term in
10 the same manner as regular appointments are made.

6. Amending session laws:

1 Sec. 3. 19__ Iowa Acts, chapter 1216, section 11,
2 is amended to read as follows:
3 SEC. 11. Notwithstanding section 654.15, subsec-
4 tion 2, the declaration of economic emergency made by
5 the governor on October 1, 1985, is in effect until
6 March 30, ~~1987~~ 1988.

7. Adding new law:

1 Sec. 3. NEW SECTION. 321.24A OPERATOR'S LICENSE
2 REVOCATION.
3 [Insert the new language without underlines.]

8. New subsections, paragraphs, subparagraphs, and unnumbered paragraphs:

- 1 Sec. 3. Section 232.18, Code 19__, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 12. [Insert the new language
4 without underlines.]
5 Sec. 4. Section 422.9, subsection 2, Code 19__, is
6 amended by adding the following new paragraph:
7 NEW PARAGRAPH. h. [Insert the new language with-
8 out underlines.]
9 Sec. 5. Section 2.10, Code 19__, is amended by
10 adding the following new unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. [Insert the new language
12 without underlines.]

C. EFFECTIVE AND APPLICABILITY DATES

- 1 Sec. ____.
2 This Act, being deemed of immediate importance,
3 takes effect upon enactment.
- 1 Sec. ____.
2 This Act, being deemed of immediate importance,
3 takes effect ten days after the date of enactment.
- 1 Sec. ____.
2 This Act takes effect on ____.
- 1 Sec. ____.
2 The amendments in this Act to section 554.9307,
3 subsections 1 and 5 through 9, are applicable to se-
4 curity interests granted on or after December 23,
5 1986.
- 1 Sec. ____.
2 Sections 2 and 3 of this Act are retroactively ap-
3 plicable to January 1, 1987, for property tax credit
4 claims and special assessment claims filed on or after
5 January 1, 1987, for taxes and special assessments
6 payable in the fiscal year beginning July 1, 1987, and
7 ending June 30, 1988, and in any subsequent years.
8 Section 2 is applicable to rent reimbursement claims
9 filed on or after January 1, 1988, for rents paid in
10 calendar year 1987.
- 1 Sec. ____.
2 This Act is retroactively applicable to January 1,
3 1988, and is applicable on and after that date.

D. REPEALS

1 Section 1. Chapter 422, Code 19__, is repealed.

1 Section 1. Section 320.20, Code 19__, is repealed.

E. AMENDING CLAUSES FOR AMENDMENTS

1. Amendment to a bill:

1 Amend Senate File 1040 as follows:

1 Amend House File 17, as passed by the House, as
2 follows:

1 Amend House File 481, as amended, passed, and re-
2 printed by the House, as follows:

2. Amendment to an amendment:

1 Amend amendment, H-1426, to House File 327, as fol-
2 lows:

1 Amend amendment, S-2162, to House File 481, as
2 amended, passed, and reprinted by the House, as fol-
3 lows:

1 Amend the Holt amendment, SSB 142.301, to Senate
2 Study Bill 142 as follows:

1 Amend the proposed Committee on Local Government
2 amendment, SF 426.502, to Senate File 426, as follows:

1 Amend amendment, LSB 1042SC.403, to the proposed
2 Committee on Energy bill, LSB 1042SC, as follows:
3 [This amending clause will only be used in the rare
4 situations when a proposed bill has not received a
5 study bill number.]

1 Amend the Senate amendment, H-4212, to House File
2 153, as amended, passed, and reprinted by the House,
3 as follows:

1 Amend the House amendment, S-3714, to Senate File
2 1181, as passed by the Senate, as follows:

1 Amend amendment, H-4216, to the Senate amendment,
2 H-4212, to House File 153, as amended, passed, and re-
3 printed by the House, as follows:

1 Amend amendment, S-3731, to the House amendment,
2 S-3714, to Senate File 2181, as passed by the Senate,
3 as follows:

F. RESOLUTIONS

1. Simple resolution:

1 SENATE RESOLUTION ____

2 BY LLOYD-JONES, WELLS, AND HORN

3 A Senate Resolution relating to the Iowa Hawkeyes Women's Bas-
4 ketball Team.

5 WHEREAS, the citizens of Iowa are justly proud that the Iowa
6 Hawkeyes have been invited to the NCAA tournament for the
7 second consecutive year; and

8 WHEREAS, the Hawkeyes have completed the most successful
9 regular season in the school's history as Big Ten Co-Champions;
10 and

11 WHEREAS, this Iowa team is currently the tenth rated women's
12 basketball team in America; and

13 WHEREAS, this Iowa team has set a school record for the
14 number of victories in a season; and

15 WHEREAS, the Iowa Hawkeyes will begin their quest for an
16 NCAA championship on Sunday, March 15, 1987, in the Midwest Re-
17 gion; NOW THEREFORE,

18 BE IT RESOLVED BY THE SENATE, That Coach C. Vivian Stringer
19 and all the rest of the Iowa Hawkeyes be wished the best of
20 luck for the 1987 NCAA tournament; and

21 BE IT FURTHER RESOLVED, That, upon passage, enrolled copies
22 of this Resolution be sent to Coach C. Vivian Stringer and mem-
23 bers of the Iowa Hawkeyes Women's Basketball Team.

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LSB 6064S 73

mg/jw/5

F. Resolutions (cont.)

2. Concurrent resolution:

1 HOUSE CONCURRENT RESOLUTION NO. ____

2 BY COMMITTEE ON RULES AND ADMINISTRATION

3 A Concurrent Resolution relating to the schedule for review for
4 progress from the first to second step in the legislative
5 pay matrix for employees of the General Assembly.

6 WHEREAS, Senate Concurrent Resolution 6 provides for a re-
7 view and progression of an employee of the General Assembly
8 after twelve months of actual employment from step 1 to step 2
9 on the legislative pay plan; and

10 WHEREAS, the General Assembly now believes that a review
11 period of six months would be more appropriate; NOW THEREFORE,

12 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE
13 CONCURRING, That the employees of the General Assembly may be
14 eligible for mobility within pay steps at the discretion of the
15 Chief Clerk of the House and the Secretary of the Senate, sub-
16 ject to the approval of the House Committee on Rules and
17 Administration, or the Senate Committee on Rules and Admin-
18 istration, as appropriate -- in accord with the following
19 schedule:

20 1. Progression from step "1" to "2" -- six months of actual
21 employment.

22 2. Progression from step "2" to "3", and step "3" to "4",
23 and step "4" to "5" -- twelve months of actual employment.

24 3. Progression from step "5" to "6" -- twenty-four months
25 of actual employment.

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LSB 6017H 73

mg/jw/5

F. Resolutions (cont.)

3. Joint resolution -- Nullification of rule:

HOUSE JOINT RESOLUTION _____
BY [SPONSOR'S NAME]

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution to nullify an administrative rule of the
2 department of employment services relating to lockouts and
3 providing an effective date.

4

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. 345 Iowa administrative code, rule 4.34, subrule
2 8, is nullified.

3 Sec. 2.

4 This joint resolution, being deemed of immediate importance,
5 takes effect upon enactment.

6 EXPLANATION

7 This joint resolution nullifies an administrative rule of
8 the department of employment services which provides that a
9 lockout is a labor dispute.

10 The joint resolution is effective upon enactment.

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F. Resolutions (cont.)

4. Joint resolution -- Constitutional amendment:
[First Time Passed]

SENATE JOINT RESOLUTION _____
BY [SPONSOR'S NAME]

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to allow the General Assembly to
3 specify by law when Acts of the General Assembly take
4 effect.

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6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1.

2 The following amendment to the Constitution of the State of
3 Iowa is proposed:

4 Section 26 of Article III of the Constitution of the State
5 of Iowa, as amended by the Amendment of 1966, is repealed and
6 the following adopted in lieu thereof:

7 "An Act of the General Assembly passed at a regular session
8 of a General Assembly shall take effect on July 1 following its
9 passage unless a different effective date is stated in an Act
10 of the General Assembly. An Act passed at a special session of
11 a General Assembly shall take effect ninety days after adjourn-
12 ment of the special session unless a different effective date
13 is stated in an Act of the General Assembly. The General As-
14 sembly may establish by law a procedure for giving notice of
15 the contents of Acts of immediate importance which become law."

16 Sec. 2.

17 The foregoing amendment to the Constitution of the State of
18 Iowa is referred to the General Assembly to be chosen at the
19 next general election for members of the General Assembly and
20 the Secretary of State is directed to cause the same to be pub-
21 lished for three consecutive months previous to the date of
22 that election as provided by law.

23 EXPLANATION

24 This joint resolution proposes an amendment to the Constitu-
25 tion of the State of Iowa regarding the effective dates of
26 legislative enactments. The resolution, if adopted, would be
27 referred to the next General Assembly for adoption before being
28 submitted to the electorate for ratification.

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F. Resolutions (cont.)

5. Joint resolution -- Constitutional amendment:
[Second Time Passed]

SENATE JOINT RESOLUTION _____
BY [SPONSOR'S NAME]

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to allow the General Assembly to
3 specify by law when Acts of the General Assembly take
4 effect.

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6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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TLSB 2672SF 73
mg/jw/5

1 Section 1.

2 The following amendment to the Constitution of the State of
3 Iowa is proposed:

4 Section 26 of Article III of the Constitution of the State
5 of Iowa, as amended by the Amendment of 1966, is repealed and
6 the following adopted in lieu thereof:

7 "An Act of the General Assembly passed at a regular session
8 of a General Assembly shall take effect on July 1 following its
9 passage unless a different effective date is stated in an Act
10 of the General Assembly. An Act passed at a special session of
11 a General Assembly shall take effect ninety days after adjourn-
12 ment of the special session unless a different effective date
13 is stated in an Act of the General Assembly. The General As-
14 sembly may establish by law a procedure for giving notice of
15 the contents of Acts of immediate importance which become law."

16 Sec. 2.

17 The foregoing proposed amendment, having been adopted and
18 agreed to by the Seventieth General Assembly, 1984 Session,
19 thereafter duly published, and now adopted and agreed to by the
20 Seventy-first General Assembly in this joint resolution, shall
21 be submitted to the people of the state of Iowa at the general
22 election in November of the year nineteen hundred eighty-six in
23 the manner required by the Constitution of the State of Iowa
24 and the laws of the State of Iowa.

25 EXPLANATION

26 This joint resolution proposes an amendment to the Constitu-
27 tion of the State of Iowa, for adoption by the second consecu-
28 tive General Assembly, regarding the effective dates of legis-
29 lative enactments. The resolution, if adopted, would be sub-
30 mitted to the electorate for ratification.

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F. Resolutions (cont.)

6. Joint resolution -- Ratifying a proposed amendment to
the United States Constitution

HOUSE JOINT RESOLUTION _____
BY [SPONSOR'S NAME]

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution ratifying a proposed amendment to the Con-
2 stitution of the United States to provide for a delay in an
3 increase in compensation to Members of Congress until an in-
4 tervening election of Representatives has occurred.

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1 WHEREAS, The First Congress of the United States of America,
2 at its first session, sitting in New York, New York, on Sep-
3 tember 25, 1789, in both houses, by a constitutional majority
4 of two-thirds, has proposed an amendment to the Constitution of
5 the United States of America in the following words:

6 "Resolved by the Senate and House of Representatives of the
7 United States of America in Congress assembled two-thirds of
8 both Houses concurring, that the following (Article) be pro-
9 posed to the legislatures of the several states, as (an Amend-
10 ment) to the Constitution of the United States, . . . which
11 (Article), when ratified by three-fourths of said legislatures,
12 to be valid to all intents and purposes, as part of the said
13 Constitution, viz;

14 "(An Article) in addition to, and Amendment of the Constitu-
15 tion of the United States of America, proposed by Congress, and
16 ratified by the Legislatures of the several States, pursuant to
17 the fifth Article of the original Constitution.

18 "ARTICLE

19 "No law, varying the compensation for the services of the
20 Senators and Representatives, shall take effect until an elec-
21 tion of Representatives shall have intervened."

22 WHEREAS, Article V of the Constitution of the United States
23 allows the ratification of the proposed amendment to the United
24 States Constitution by the General Assembly of the State of
25 Iowa; and

26 WHEREAS, The proposed amendment to the Constitution of the
27 United States has already been ratified by the Legislatures of
28 the following States in the years indicated: Maryland in 1789;
29 North Carolina in 1789; South Carolina in 1790; Delaware in
30 Vermont in 1791; Virginia in 1791; Ohio in 1873; Wyoming in
31 1978; Maine in 1983; Colorado in 1984; South Dakota in 1985;
32 New Hampshire in 1985; Arizona in 1985; Tennessee in 1985;
33 Oklahoma in 1985; New Mexico in 1986; Indiana in 1986; Utah in
34 1986; Montana in 1987; Connecticut in 1987; Arkansas in 1987;
35 Wisconsin in 1987; Georgia in 1988; West Virginia in 1988; and

1 Louisiana in 1988; and

2 WHEREAS, Article V of the Constitution of the United States
3 does not state a time limit on ratification of an amendment
4 submitted by Congress, and the First Congress specifically did
5 not provide a time limit for ratification of the proposed
6 amendment; and

7 WHEREAS, The United States Supreme Court has ruled in
8 Coleman v. Miller, 307 U.S. 433 (1939), that an amendment to
9 the United States Constitution may be ratified by States at any
10 time, and Congress must then finally decide whether a reason-
11 able time had elapsed since its submission when, in the
12 presence of certified ratifications by three-fourths of the
13 States, the time arrives for the promulgation of the adoption
14 of the amendment; NOW THEREFORE,

15 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

16 That the foregoing proposed amendment to the Constitution of
17 the United States is hereby ratified and consented to by the
18 State of Iowa and the General Assembly thereof; and

19 BE IT FURTHER RESOLVED, That the Governor of the State of
20 Iowa forward certified copies of this resolution over the seal
21 of the State of Iowa to the Archivist of the United States, and
22 to the presiding officers of the Senate and House of Represen-
23 tatives of the United States.

24 BE IT FURTHER RESOLVED, That the General Assembly of the
25 State of Iowa urges the State Legislatures of those States
26 which have not done so to follow Iowa in ratifying the proposed
27 amendment and that, as an incentive for them to do so, copies
28 of the foregoing preamble and resolution be transmitted to
29 those State Legislatures.

30 EXPLANATION

31 This resolution ratifies a proposed amendment to the United
32 States Constitution providing that a law varying the compensa-
33 tion of Congress not take effect until an election intervenes.

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G. Conference Committee Reports

1. House File:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 17**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 17, a bill for An Act relating to minimum wage requirements, respectfully make the following report:

1. That the House recedes from its amendment, S-3081.
2. That the Senate recedes from its amendment, H-3150.

3. That House File 17, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 4 through 6, and inserting the following: "law, pursuant to 29 U.S.C. § 206, shall be increased to \$3.85 on January 1 of 1990, \$4.25 on January 1 of 1991, and \$4.65 on January 1 of 1992."

2. Page 1, by inserting after line 23 the following:

"d. An employer is not required to pay an employee the applicable minimum wage provided in paragraph "a" until the employee has completed ninety calendar days of employment with the employer. An employee who has completed ninety calendar days of employment with the employer prior to January 1 of 1990, 1991, or 1992, shall earn the applicable hourly minimum wage. An employer shall pay an employee who has not completed ninety calendar days of employment with the employer an hourly wage of at least \$3.35 as of January 1 of 1990, \$3.85 as of January 1 of 1991, and \$4.25 as of January 1 of 1992."

3. Page 1, by striking lines 25 and 26, and inserting the following: "stated in 29 U.S.C. § 213 shall apply, except that the exemption in 29 U.S.C. § 213(a)(2) shall only apply to an enterprise which is comprised of one or more retail or service establishments whose annual gross volume of sales made or business done is less than sixty percent of the amount stated in 29 U.S.C. § 203(s)(2), exclusive of excise taxes at the retail level that are separately stated."

4. By renumbering as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

REPRESENTATIVE, Chairperson

SENATOR, Chairperson

REPRESENTATIVE

SENATOR

REPRESENTATIVE

SENATOR

REPRESENTATIVE

SENATOR

REPRESENTATIVE

SENATOR

LSB 3195CR 73

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G. Conference Committee Reports (cont.)

2. Senate File:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2328

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2328, a bill for An Act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, respectfully make the following report:

1. That the conference committee is unable to agree.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

SENATOR, Chairperson

REPRESENTATIVE, Chairperson

SENATOR

REPRESENTATIVE

SENATOR

REPRESENTATIVE

SENATOR

REPRESENTATIVE

SENATOR

REPRESENTATIVE

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H. Bills

1. Title page and body:

SENATE FILE _____
BY [SPONSOR'S NAME]

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to local option sales and services taxes by
2 requiring that the notice of the ballot proposition specify
3 the amount to be used for property tax relief and contain a
4 statement as to the purposes for which the other revenues
5 will be used, by providing the method for property tax re-
6 lief, and by providing for the Act's applicability.

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8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 422B.1, subsection 4, Code 1989, is
2 amended to read as follows:

3 4. The county commissioner of elections shall submit the
4 question of imposition of a local option tax at a state general
5 election or at a special election held at any time other than
6 the time of a city regular election ~~which-may~~. The election
7 shall not be held sooner than sixty days after publication of
8 notice of the ballot proposition. The ballot proposition shall
9 specify the type and rate of tax and in the case of a vehicle
10 tax the classes that ~~will~~ shall be exempt and in the case of a
11 local sales and services tax the date it ~~will~~ shall be imposed.
12 The notice and ballot proposition shall also specify the per-
13 centage of and the approximate dollar amount of local option
14 tax revenues that will shall be used for property tax relief
15 and shall contain a statement as to the specific purpose or
16 purposes for which the revenues shall otherwise be expended.
17 The rate of the vehicle tax shall be in increments of one dol-
18 lar per vehicle as set by the petition seeking to impose the
19 tax. The rate of a local sales and services tax shall not be
20 more than one percent as set by the governing body. The state
21 commissioner of elections shall establish by rule the form for
22 the ballot proposition ~~which~~. The form shall be uniform
23 throughout the state.

24 Sec. 2. NEW SECTION. 422B.12 PROPERTY TAX RELIEF.

25 The financial officer of the city or county shall credit the
26 percentage specified on the ballot proposition of the local
27 sales and services tax revenues received to a special account
28 for property tax relief to be granted as provided in this sec-
29 tion. However, after the tax has been imposed for fifteen
30 months, the amount of tax revenues received that shall be
31 credited to this special account during each subsequent year
32 shall not exceed the amount credited to the special account
33 during the first fifteen months.

34 Before the levy rates authorized under sections 384.1 and
35 384.12 are certified by a city to the county auditor, or in the

1 case of the county, before the levy rates authorized under sec-
2 tion 331.423, subsection 2, and section 331.424, subsection 2,
3 are certified, the certifying official shall subtract from the
4 total amount computed in dollars, as provided in section 444.2,
5 an amount equal to the amount credited to the special account
6 for property tax relief during the last preceding twelve-month
7 period and shall certify only the net amount. The certifying
8 official shall identify for what purposes the funds received
9 for property tax relief are to be used. The county auditor
10 shall determine the levy rates under section 444.3 upon the net
11 amount so computed.

12 Sec. 3. Section 444.3, Code 1989, is amended by adding the
13 following new unnumbered paragraph after unnumbered para-
14 graph 1:

15 NEW UNNUMBERED PARAGRAPH. However, in computing the tax
16 rate for a city or county which has imposed a local option
17 sales or services tax authorized in chapter 422B, the county
18 auditor shall determine if the sum of the net amount certified
19 and the amount deducted in determining that net amount under
20 section 422B.11 exceeds the amount which may be raised by the
21 rate authorized by law. If the county auditor determines that
22 this sum exceeds that amount, the county auditor shall reduce
23 the net amount certified by the excess and determine the tax
24 rate on this reduced amount.

26 Sec. 4.

27 This Act applies to local option sales and services taxes
27 imposed as a result of an election held after the effective
28 date of this Act.

29 EXPLANATION

30 The bill provides that the notice of the ballot proposition
31 as well as the ballot proposition specify the percentage and
32 approximate dollar amount of the local option sales and ser-
33 vices tax revenues which will be used for property tax relief.
34 This property tax relief will result in a lowering of the gen-
35 eral fund levy limits for the purposes for which the revenues

S.F. _____ H.F. _____

1 are to be used.

2 The bill is applicable to local option sales and services
3 taxes imposed as a result of an election held after the effec-
4 tive date of the bill.

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H. Bills (cont.)

2. Example of Background Statement:

[Explanation drafted by Legislative Service Bureau
Background statement drafted by agency]

8 EXPLANATION

9 The bill provides for the staggered registration of air-
10 craft. The bill also increases the minimum aircraft registra-
11 tion fee from fifteen dollars to thirty-five dollars. The bill
12 also provides that hot-air balloons shall be registered at the
13 minimum fee of thirty-five dollars.

14 BACKGROUND STATEMENT
15 SUBMITTED BY THE AGENCY

16 This bill does several things:

17 It institutes a "staggered registration" system for air-
18 craft. The department registers almost 3,000 aircraft an-
19 nually. However, all registrations come due in the same month.
20 Changing to a staggered system would create a more even work-
21 load and allow more efficient use of staff.

22 It increases the minimum fee to register an aircraft. The
23 minimum fee to register an aircraft is now \$15 and has not been
24 changed in years. The bill increases that minimum to \$35.

25 It establishes a minimum refund for the unexpired portion of
26 an aircraft registration fee. There is no minimum refund
27 specified which means that, on occasion, the cost to process
28 the refund is more than the refund itself. This bill sets a
29 minimum refund at \$35.

30 It clarifies that Iowa-based hot-air balloons are subject to
31 the minimum registration fee.

32 It defines "owner" in the aviation chapter of the Code. Al-
33 though the term "owner" is used in the aviation chapter of the
34 Code, there is no definition which specifies exactly what an
35 owner is. This bill corrects that omission.

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I. COURT RULES

Court rules may generally be amended as a statute would be amended.

Example:

1 Section 1. Rule of criminal procedure 26, subsection 1,
2 Iowa court rules, third edition, is amended to read as follows:
3 1. REPRESENTATION. Every defendant, who is an indigent
4 person as defined in Iowa Code section 815.9 or as otherwise
5 defined by a rule of criminal procedure, is entitled to have
6 counsel appointed to represent the defendant at every stage of
7 the proceedings from the defendant's initial appearance before
8 the magistrate or the court through appeal, including probation
9 and parole revocation hearings, unless the defendant waives
10 such appointment of counsel.

APPENDIX II DRAFTING CONFERENCE COMMITTEE REPORTS

A. CONTENTS

Conference Committee Reports must contain the following elements:

1. Title. The title simply states that the document is a report of a conference committee on a named Senate or House File. If the conference committee is not the first conference committee appointed, the title should so indicate. For example:

REPORT OF THE (SECOND) CONFERENCE COMMITTEE
ON HOUSE FILE 2454

2. Introduction. The introduction directs the report to the officers of the two houses, refers to the appointment of the conference committee, names the bill by number, and includes the entire bill title (the title to the bill as introduced, or if amended in the house of origin, the title to the bill as reprinted). If the conference committee is not the first conference committee appointed, the introduction should so indicate. For example:

To the President of the Senate and the Speaker of the House of Representatives:

We the undersigned members of the (second) conference committee appointed to revolve the differences between the Senate and House of Representatives on House File 2454, a bill for an Act relating to a child in need of services, . . ., respectfully make the following report:

3. Report of the Conference Committee on the Bill. The report either communicates that the conferees have failed to reach an agreement or sets out actions which are proposed as a final agreement on the differences between the Senate and House on the bill. A failure to agree is stated as such, while proposed agreements are drafted technically as amendments. Any amendments within the scope of the title of the bill, as passed by the house of origin or as amended by the other house, may be considered by the conference committee.

The following reports are common examples of conference committee reports:

a. Failure to Agree.

(1) That the Senate and House conferees have failed to reach an agreement.

b. Both Houses Recede.

(1) That the House recedes from its amendment, S-5782.

(2) That the Senate recedes from its amendment, H-5838.

(3) That House File 2454, as amended, passed, and reprinted by the House, is amended as follows: (This form amends the House bill as messaged to the Senate, either the initially unamended, introduced House bill or more commonly, the reprinted, pink copy of the House bill.)

c. One House Recedes.

(1) That the House recedes from its amendment, S-5782.

(2) That the Senate amendment, H-5838, to House File 2454, as amended, passed, and reprinted by the House, is amended as follows: (This form nullifies the last amendment, the House amendment to the Senate amendment, and amends the Senate amendment to the House bill.)

4. Signatures. The signature lines should be typed on the last page of the report, with the signatures of the members of the house of origin on the left and the signatures of the members of the other house on the right, with the respective chairpersons listed first and the remainder of the members listed in alphabetical order. The full name of both Senate and House members should be used. For example:

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

MARK A. HAVERLAND, Chairperson

JOHN JENSEN, Chairperson

FLORENCE D. BUHR

JULIA GENTLEMAN

B. PROCEDURES.

1. Copies. Thirty (30) copies of conference committee reports should be made and distributed by the drafter as follows:

a. Two (2) copies must be signed by the concurring members from both houses, with one signed copy filed with each house.

b. Fourteen (14) copies, seven (7) for each house, must be filed with the signed copies.

c. Ten (10) copies must be provided to the ten conferees.

d. One (1) copy is provided for the drafter.

e. Three (3) copies should be retained with the original.

2. Signatures and Filing of Report. The drafter should ask the chairpersons if they would like the drafter to ask each of the ten members to sign the two copies of the report. This is preferable in most situations since the chairpersons are often easily distracted. If the drafter is to obtain the signatures, the drafter should immediately attempt to secure all signatures and, if all signatures are obtained and the chairpersons wish no delay, the drafter should deliver one signed copy to the well of each house.

If all signatures are not obtained, the drafter should alert the chairpersons of that fact and follow the instructions of the chairpersons in either delivering the copies to the wells without the signatures of all conferees or giving the chairpersons the copies to allow them to attempt to secure the signatures and to deliver the signed copies to the wells.

A minimum of six conferees, three from each house, must sign the report before the report can be considered by either house. Refer to Joint Rules 12 and 13 in Appendix V for additional procedural rules which apply to the consideration of conference committee reports.

3. Legal Counsel Approval. An important consideration in handling a conference committee report is the need for the Senate and House legal counsels' offices to approve the report for filing, as an amendment is approved for filing, even though the report is technically filed at the well rather than through the legal counsel' offices. In most situations it is preferable to furnish both legal counsels' offices with two copies each of the unsigned conference committee report so that any legal counsel corrections can be made as soon as possible.

4. Staffing of Conference Committee Meeting. The drafter should attempt to always have a second LSB staffer attend each meeting of the conference committee with the drafter. This is

essential so that the second staffer can accurately record any drafting instructions if the drafter is distracted for any reason during the meeting.

The drafter should also confer with the Co-chairpersons prior to the meeting and request that the drafter be allowed to summarize any drafting instructions prior to the end of the meeting. This will allow conference committee members to hear a summary of committee drafting instructions from which the drafter will prepare the conference committee report. It will also allow members to correct the drafting instructions if they are inadequate or incomplete.

The drafter should inquire about the time frame for completion of the conference committee report and inform the committee that the report must be reviewed internally in the Legislative Service Bureau and preferably also by both the Senate and House legal counsels' offices before any signatures are obtained. The drafter should give the committee a realistic estimate of the time frame necessary for completion and review of the report and if in doubt, a longer rather than shorter turnaround time should be given.

Examples of conference committee reports are contained in Appendix I.

APPENDIX III CIVIL LAW CONSANGUINITY CHART

TABLE
OF
CONSANGUINITY
Showing Degrees of
Relationships

FIGURES SHOW DEGREE OF RELATIONSHIP

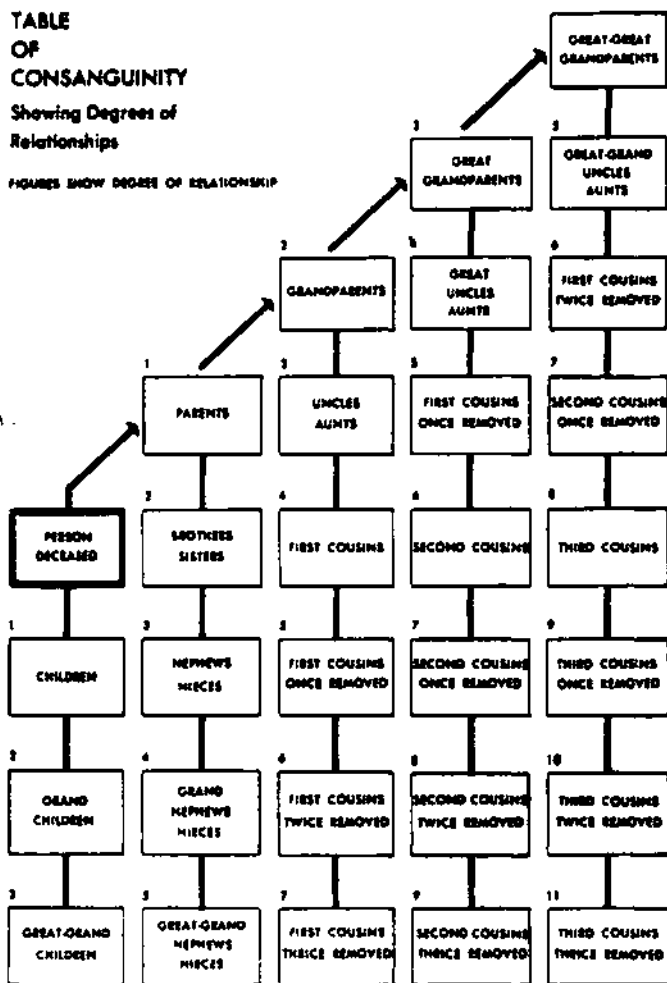
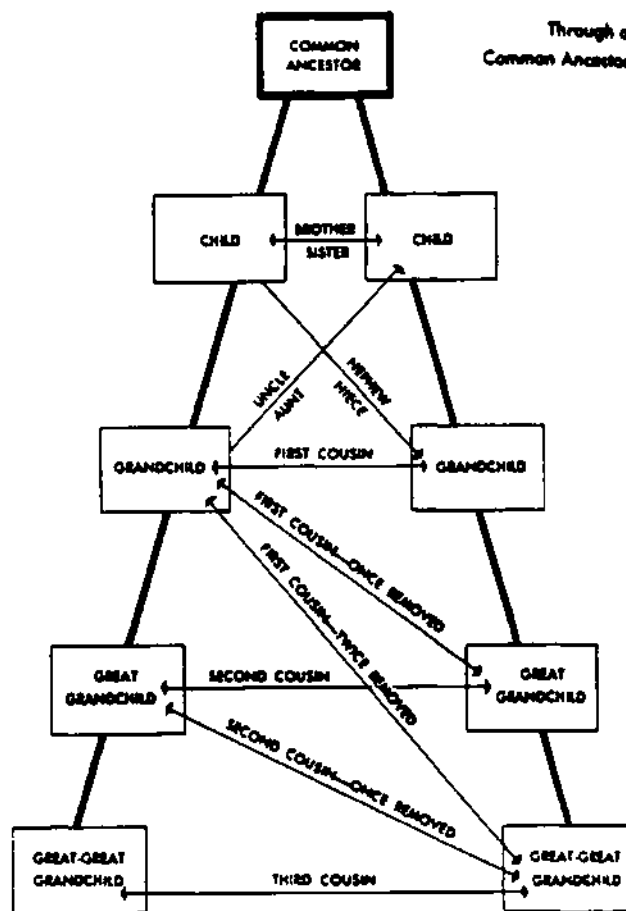


CHART
OF
RELATIONSHIPS
Through a
Common Ancestor



APPENDIX IV
PROPER DESIGNATION OF STATE AND LOCAL OFFICES
AND OFFICERS

It is often necessary to refer to constitutional and statutory offices and officers. Frequently the reference by a bill drafter is inaccurate. For example, the treasurer of state is often referred to as the state treasurer. In order to determine the official name of an office or officer the proper constitutional or statutory provision creating the office or position should be reviewed. References to bodies or officers which are not created by statute should be avoided. However, they may be referred to by description, such as "the appropriate financial officers of each district". The following list is offered as a quick reference to many offices and officers.

CODE CITATIONS FOR CONSTITUTIONAL AND STATUTORY NAMES
OF OFFICES AND OFFICERS

(Citations are to the 1989 Code and Code Supplement)

Agriculture	department of agriculture and land stewardship (Sec. 159.1) secretary of agriculture (Sec. 159.5) state entomologist and office of state entomologist (Sec. 177A.3) agricultural products advisory council (Sec. 15.203) agriculture development authority (Sec. 175.3)
Air Quality	See "Natural Resources"
Appeals	See "Inspections"
Appellate Courts	state public defender (Sec. 13B.2)
Archaeology	state archaeologist (Sec. 305A.1)

Art	Iowa state arts council (Sec. 303.86) arts division of the department of cultural affairs (Sec. 303.1)
Attorney General	attorney general (Art. V, Sec. 12 of Const., Amendments of 1972, no. 32; Ch. 13) department of justice (Sec. 13.1)
Auditor	auditor of state (Art. IV, Sec. 22 of Const., Amendments of 1972, no. 32; Ch. 11)
Banking	superintendent of banking (Sec. 524.201) state banking board (Sec. 524.205) banking division of the department of commerce (Secs. 524.206 and 546.3)
Blacks	division on the status of blacks of the department of human rights (Sec. 601K.141) commission on the status of blacks (Sec. 601K.142)
Blind	department for the blind (Sec. 601L.1) commission for the blind (Sec. 601L.2)
Building Code	state building code commissioner (Sec. 103A.4) state building code advisory council (Sec. 103A.14) state building code board of review (Sec. 103A.15)
Campaign Finance	campaign finance disclosure commission (Sec. 56.9)
Citizens' Aide/Ombudsman	office of citizens' aide (Sec. 601G.2) citizens' aide (Sec. 601G.3)
Civil Rights	Iowa state civil rights commission (Sec. 601A.3)

Collective Bargaining

public employment relations board
(Sec. 20.5)

Commerce

department of commerce
(Sec. 546.2)
utilities board
(Sec. 474.1)
utilities division of the department
of commerce
(Sec. 546.7)
administrator of public utilities
(Sec. 546.7)
consumer advocate
(Sec. 475A.1)

Conservation

division of soil conservation of the
department of agriculture and land
stewardship
(Sec. 467A.4)
state soil conservation committee
(Sec. 467A.4)
county conservation board
(Sec. 111A.2)

Corrections

Iowa department of corrections
(Sec. 246.102)
board of corrections
(Sec. 246.104)
director of the Iowa department
of corrections
(Sec. 246.107)

Counties

county finance committee
(Sec. 333A.2)

County Officers

county attorney
(Sec. 331.751)
auditor
(Sec. 331.501)
recorder
(Sec. 331.601)
sheriff
(Sec. 331.651)
treasurer
(Sec. 331.551)
county medical examiner
(Sec. 331.801)
county board of social welfare
(Sec. 234.9)
board of supervisors
(Sec. 331.101)
county conservation board
(Sec. 111A.2)

Crime

criminal and juvenile justice
planning division of the department of human rights
(Sec. 601K.131)
criminal and juvenile justice advisory council
(Sec. 601K.132)

Cultural Affairs

department of cultural affairs
(Sec. 303.1)
director of the department of cultural affairs
(Sec. 303.1)

Defense

department of public defense
(Sec. 29.1)
military division, department of public defense
(Sec. 29.2)
disaster services division, department of public defense
(Sec. 29.3 and Sec. 29C.5)
veterans affairs division of the department of public defense
(Sec. 29.4)
Iowa national guard
(Sec. 29A.2)
Iowa army national guard
(Sec. 29A.2)
Iowa air national guard
(Sec. 29A.2)
militia
(Art. VI, Sec. 1 of Const.)
adjutant general of the state
(Sec. 29A.11)

Development

Iowa department of economic development
(Sec. 15.105)
Iowa economic development board
(Sec. 15.103)
director of the department of economic development
(Sec. 15.105)

Education

department of education
(Sec. 256.1)
state board of education
(Sec. 256.3)
director of the department of education
(Sec. 256.8)
nonpublic school advisory committee
(Sec. 256.15)

Education (cont.)

college aid commission
(Sec. 261.1)
state board of regents
(Sec. 262.1)
board of educational examiners
(Sec. 260.2)

Elder Affairs

Iowa department of elder affairs
(Sec. 249D.21)
commission of elder affairs
(Sec. 249D.11)
director of the department of elder
affairs
(Sec. 249D.22)

Employment

department of employment services
(Sec. 84A.1)
employment appeal board
(Sec. 10A.601)
division of job service of the depart-
ment of employment services
(Sec. 84A.1)

Environment

See "Natural resources"

Farming

See "Agriculture"

Finance

city finance committee
(Sec. 384.13)
county finance committee
(Sec. 333A.2)
school budget review committee
(Sec. 442.12)

Financial Institutions

See "Banking"
credit union division of the department
of commerce
(Secs. 533.52 and 546.4)
credit union review board
(Sec. 533.53)
superintendent of credit unions
(Sec. 546.4)
savings and loan division of the depart-
ment of commerce
(Secs. 534.401 and 546.5)
superintendent of savings and loan asso-
ciations
(Sec. 546.5)

General Services

department of general services
(Sec. 18.2)
director of the department of general
services
(Sec. 18.2)
superintendent of printing
(Sec. 18.74)
state vehicle dispatcher
(Sec. 18.115)

Geology

state geologist
(Sec. 305.2)

Governor

governor
(Art. IV, Sec. 1 of Const.; Ch. 7)
lieutenant governor
(Art. IV, Sec. 3 of Const.)

Health

See "Mental health"
Iowa department of public health
(Sec. 135.11)
director of public health
(Sec. 135.11)
state health facilities council
(Sec. 135.62)
state board of health
(Sec. 136.1)
division for records and statistics
(Sec. 144.2)

Higher Education

state board of regents
(Sec. 262.1)
college aid commission
(Sec. 261.1)
university of northern Iowa
(Secs. 262.7 and 268.1)
state university of Iowa
(Art. IX, Sec. 11 of Const.; Sec. 262.7)
Iowa state university of science
and technology
(Sec. 262.7)
Iowa braille and sight-saving school
(Sec. 262.7)
state school for the deaf
(Sec. 262.7)
Oakdale campus
(Sec. 262.7)
state hospital-school
(Sec. 262.7)

Highways

Iowa highway safety patrol
(Sec. 80.4)

History	historical division of the department of cultural affairs (Sec. 303.1) state historical society of Iowa (Sec. 303.4) state historical society board of trustees (Sec. 303.4)
Housing	Iowa finance authority (Sec. 220.2) executive director (Sec. 220.6)
Human Rights	department of human rights (Sec. 601K.1) department coordinator of the department of human rights (Sec. 601K.2)
Human Services	council on human services (Sec. 217.2) department of human services (Sec. 217.1) director of human services (Sec. 217.5) county board of social welfare (Sec. 234.9) institutions: See Sec. 218.1
Inspections	department of inspections and appeals (Sec. 10A.102) director of inspections and appeals (Secs. 10A.101 and 10A.102)
Insurance	commissioner of insurance (Sec. 505.1) insurance division of the department of commerce (Sec. 505.1)
Intergovernmental Relations	Iowa advisory commission on inter- governmental relations (Sec. 28C.2)
Judicial	See Ch. 602
Labor	labor commissioner (Sec. 91.1) division of labor services of the department of employment services (Sec. 91.1)

Legislature

general assembly
(Art. III, Sec. 1 of Const.)
house of representatives
(Art. III, Sec. 1 of Const.)
senate
(Art. III, Sec. 1 of Const.)
chief clerk of the house
(Art. III, Sec. 7 of Const.; Ch. 2)
secretary of the senate
(Art. III, Sec. 7 of Const.; Ch. 2)
legislative council
(Secs. 2.41 and 2.45)
legislative fiscal bureau
(Sec. 2.48)
legislative fiscal director
(Sec. 2.48)
legislative service bureau
(Sec. 2.58)
director of the service bureau
(Sec. 2.59)
Code editor
(Sec. 14.1)
computer support bureau
(Sec. 2.100)
director of the computer support bureau
(Sec. 2.101)

Libraries

library division of the department of
cultural affairs
(Sec. 303.1)
state library commission
(Sec. 303.92)
regional library system
(Sec. 303B.1)

Licensing Boards

See Sec. 258A.1

Lieutenant Governor

lieutenant governor
(Art. IV, Sec. 3 of Const., Amendments
of 1972, no. 32)

Liquor

alcoholic beverages division of the
department of commerce
(Sec. 123.4)
alcoholic beverages commission
(Sec. 123.5)
administrator of alcoholic beverages
division
(Sec. 123.10)
division of beer and liquor law
enforcement of the department
of public safety
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Lottery

lottery division of the department of
revenue and finance
(Sec. 99E.3)
commissioner of the lottery
(Sec. 99E.3)
Iowa lottery board
(Sec. 99E.5)

Management

department of management
(Sec. 8.4)
director of the department of manage-
ment
(Sec. 8.4)

Mental Health

division of mental health, mental retar-
dation, and developmental disabilities
(Sec. 225C.2)
mental health and mental retardation com-
mission
(Sec. 225C.2)

Military

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Natural Resources

natural resource commission
(Sec. 455A.5)
environmental protection commission
(Sec. 455A.6)
department of natural resources
(Sec. 455A.2)
director of the department of
natural resources
(Sec. 455A.3)

Personnel

department of personnel
(Sec. 19A.1)
director of the department of
personnel
(Sec. 19A.2)
personnel commission
(Sec. 19A.4)

Planning

capitol planning commission
(Sec. 18A.1)

Public Safety

department of public safety
(Sec. 80.1)
commissioner of public safety
(Sec. 80.1)
Iowa highway safety patrol
(Sec. 80.4)
division of statistics and records
(Sec. 80.17)

Public Safety (cont.)

division of criminal investigation
and bureau of identification
(Sec. 80.17)
division of highway safety and
uniformed force
(Sec. 80.17)
division of fire protection
(Sec. 80.17)
division of inspection
(Sec. 80.17)
division of capitol security
(Sec. 80.17)
division of beer and liquor law
enforcement
(Sec. 80.25)

Racing

state racing and gaming commission
(Sec. 99D.5)

Railways

Iowa railway finance authority
(Sec. 307B.5)

Real Estate

real estate commission
(Sec. 117.8)

Records

state records commission
(Sec. 304.3)

Revenue

department of revenue and finance
(Sec. 421.2)
director of revenue and finance
(Sec. 421.2)
state board of tax review
(Sec. 421.1)

Rules

administrative rules review committee
(Sec. 17A.8)
administrative rules coordinator
(Sec. 7.17)

Secretary of State

secretary of state
(Art. IV, Sec. 22 of Const., Amendments
of 1972, no. 32; Ch. 9)

Soil Conservation

division of soil conservation of the
department of agriculture and land
stewardship
(Sec. 467A.3)
state soil conservation committee
(Sec. 467A.4)

Transportation

state department of transportation
(Sec. 307.2)
state transportation commission
(Sec. 307.3)
director of transportation
(Sec. 307.11)

Treasury

treasurer of state
(Art. IV, Sec. 22 of Const., Amendments
of 1972, no. 32; Ch. 12)
state treasury
(Secs. 12.1 and 12.2)

Unemployment

division of job service of the depart-
ment of employment services
(Sec. 84A.1)
job service commissioner
(Sec. 96.10)

Utilities

See "Commerce"

Veterans

veterans affairs division of the depart-
ment of public defense
(Sec. 29.1)

Waste Management

See "Natural Resources"

Water

See "Natural Resources"

Women

division on the status of women of the
department of human rights
(Sec. 601K.1)
commission on the status of women
(Sec. 601K.52)

Workers' Compensation

industrial commissioner
(Sec. 86.1)
division of industrial services of the
department of employment services
(Sec. 84A.1)

Leslie Hickey

From: Jean Wyer
To: Leslie Hickey
Subject: RE: Constitutional Majority
Date: Tue, Aug 30, 1994 9:16AM

Thanks a lot for the info and the time it took you to educate me. I really appreciate it

From: Leslie Hickey
To: Jean Wyer
Subject: Constitutional Majority
Date: Tue, Aug 30, 1994 9:01AM

A constitutional majority is required, according to Mason's manual, in each case where the state's constitution, a statute, or rule requires that type of vote. That being said, the question becomes what is a "constitutional majority"! The Iowa constitution defines a majority as a majority of all of the members. If the term refers to a two-thirds vote, then that type of vote is required for the following: motions to reconsider, actions on a bill that has just been voted out of committee and for which the committee's report has not yet been printed in the journal, motions for a previous question, adoption and amendment of the permanent rules of the general assembly, expelling a member, and the overriding of a veto. I think the problem that I've run into is that the term "constitutional majority" is used rather loosely. I think the actual technical meaning is a two-thirds majority, but apparently it doesn't have to be interpreted that way.

APPENDIX V
RULES OF THE GENERAL ASSEMBLY
CONSTITUTION OF IOWA
STATUTORY PROVISIONS PERTAINING TO THE
GENERAL ASSEMBLY

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J.R. — Joint Rule

S.R. — Senate Rule

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J.R. — Joint Rule
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J.R. = Joint Rule

S.L.R. = Senate Lobby Rule

S.R. = Senate Rule

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J.R. — Joint Rule
S.E. — Senate Ethics

S.R. — Senate Rule
H.E. — House Ethics

H.R. — House Rule

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H.L.R. = House Lobby Rules

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H.R. = House Rule

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SEVENTY-THIRD GENERAL ASSEMBLY

JOINT RULES

(Senate Concurrent Resolution 2)

Senate adopted January 10, 1989

House adopted January 11, 1989

JOINT RULES OF THE SENATE AND HOUSE

Rule 1

Suspension of Joint Rules

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

Rule 2

Designation of Sessions

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

Rule 3

Sessions of a General Assembly

The election of officers, organization, hiring and compensation of employees, and standing committees in each house of the general assembly and action taken by each house shall carry over from the first to the second regular session and to any extraordinary session of the same general assembly. The status of each bill and resolution shall be the same at the beginning of each second session as it was immediately before adjournment of the previous regular or extraordinary session; however the rules of either house may provide for re-referral of some or all bills and resolutions to standing committees upon adjournment of each session or at the beginning of a subsequent regular or extraordinary session, except those which have been adopted by both houses in different forms.

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

Rule 4

Presentation of Messages

All messages between the two houses shall be sent by the secretary of the senate or the chief clerk of the house of representatives, shall be announced and communicated to the chair.

Rule 5

Printing and Form of Bills and Other Documents

Bills and joint resolutions shall be introduced, numbered, prepared, and printed as provided by law, or in the absence of such law, in a manner determined by the secretary of the senate and the chief clerk of the house of representatives.

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

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

Rule 6 Companion Bills

Identical bills introduced in each house shall be called companion bills. Each house shall designate the sponsor in the usual way followed in parentheses by the sponsor of the companion bill in the other house. The house where the bill is first introduced shall print the complete text.

Rule 7 Reprinting of Bills

Whenever any bill has been substantially amended by either house, the secretary of the senate or the chief clerk 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 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 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 or the chief clerk.

Rule 11 Code Editor's Correction Bill

A bill recommended by the code editor which is introduced by a committee of the house or senate within the first four weeks of convening of a legislative session and which contains code corrections of a nonsubstantive nature shall not be amended on the floor of either house except pursuant to corrective or nonsubstantive amendments filed by the judiciary committee of the senate or the judiciary and law enforcement committee of the house. Such committee amendments shall not be incorporated into the bill in the originating house but shall be filed separately.

A bill recommended by the code editor which is introduced by a committee of the house or senate within the first four weeks of convening of a legislative session and which contains code corrections beyond those of a nonsubstantive nature shall not be amended on the floor of either house except pursuant to amendments filed by the judiciary committee of the senate or the judiciary and law enforcement committee of the house. Such committee amendments shall not be incorporated into the bill in the originating house but shall be filed separately. Such a bill shall be limited to corrections which: Adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

Rule 12

Amendments by Other House

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

A. If the house originating the bill concurs in the amendment, the bill shall then be immediately placed upon its final passage.

B. If the house originating the bill refuses to concur in the amendment, the bill shall be returned to the amending house which shall either:

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

2. Insist, which will send the bill to a conference committee.

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

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

2. If the amending house refuses to concur in the amendment to the amendment, the bill shall be returned to the house originating the bill which shall either:

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

b. Insist, which will send the bill to a conference committee.

II. A motion to recede has precedence over a motion to insist. Failure to recede means to insist; and failure to insist means to recede.

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

IV. A motion to concur, refuse to concur, recede, insist, or adopt a conference committee report is in order even though the subject matter has previously been acted upon.

Rule 13

Conference Committee

1. Within one legislative day after either house insists upon an amendment to a bill, the presiding officer of the house, after consultation with the majority leader, shall appoint three majority party members and, after consultation with the minority leader, shall appoint two minority party members to a conference committee. The majority leader of the senate, after consultation with the president, shall appoint three majority party members and, after consultation with and approval by the minority leader, shall appoint two minority party members to a conference committee. The papers shall remain with the house that originated the bill.

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

3. The authority of the committee shall cover free conference during which the committee has authority to propose amendments to any portion of a bill provided the amendment is within the scope of the title of the bill as passed by the house of origin or amended by the second house.

4. An agreement on recommendations must be approved by at least three members from each house. The committee shall submit two originals of the report signed by at least three members of each house with one signed original and three copies to be submitted to each house. The report shall first be acted upon in the house originating the bill. Such action, including all papers, shall be immediately referred by the secretary of the senate or the chief clerk of the house of representatives to the other house.

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

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

7. If the conference committee fails to reach agreement, a report of such failure signed by at least three members of each house shall be given promptly to each house. The bill shall be returned to the house that originated the bill, the members of the committee shall be immediately discharged, and a new conference committee appointed in the same manner as the first conference committee.

Rule 14

Enrollment and Authentication of Bills

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

After enrollment, each bill shall be signed by the president and by the speaker.

Rule 15

Concerning other Enrollments

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

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

Rule 16

Transmission of Bills to the Governor

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

Rule 17

Fiscal Notes

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

Each fiscal note shall state in dollars the estimated effect of the bill on the revenues, expenditures, and fiscal liability of the state or its subdivisions during the first five years after enactment. The information shall specifically note the fiscal impact for the first two years following enactment and the anticipated impact for the succeeding three years. The fiscal note shall specify the source of the information. Sources of funds for expenditures under the bill shall be stated, including federal funds. If the fiscal director cannot make an accurate estimate, the director shall state the best available estimate or shall state that no dollar estimate can be made and state concisely the reason.

The preliminary determination of whether the bill appears to require a fiscal note shall be made by the legislative service bureau which shall send a copy of the request to the legislative fiscal bureau unless the requestor specifies the request is to be confidential. Upon completion of the bill draft, the legislative service bureau shall immediately send a copy to the legislative fiscal director for review.

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

The legislative fiscal director shall review all bills placed on the senate or house calendars to determine whether the bills are subject to this rule.

Additionally, a legislator may request the preparation of a fiscal note by legislative fiscal bureau for any bill or joint resolution introduced which reasonably could be subject to this rule.

The legislative fiscal director shall cause to be prepared and shall approve a fiscal note within a reasonable time after receiving a request or determining that a bill is subject to this rule. All fiscal notes approved by the legislative fiscal bureau director shall be transmitted immediately to the secretary of the senate or the chief clerk of the house, after notifying the sponsor of the bill that a fiscal note has been prepared, for publication in the daily clip sheet. The secretary of the senate or chief clerk of the house shall attach the fiscal note to the bill as soon as it is available.

The legislative fiscal director may request the cooperation of any state department or agency in preparing a fiscal note.

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

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

Rule 18

Legislative Interns

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

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

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

1. Identify a supervising faculty member at each participating institution who shall be responsible for authorizing students to participate in the intern program.
2. Provide legislators with a list of participating institutions and the names of supervising professors to contact if interested in arranging for an intern.
3. Provide interns with name badges which will allow them access to the floor of either house when required to be present by the legislators for whom they work.
4. Provide orientation materials to interns prior to the convening of each session.

Rule 19

Administrative Rules Review Committee Bills

A bill which relates to departmental rules and which is approved by the administrative rules review committee by a majority of the committee's members of each house is eligible for introduction in either house at any time and must be referred to a standing committee, which must take action on the bill within three weeks of referral, except bills referred to appropriations and ways and means committees.

Rule 20

Time of Committee Passage and Consideration of Bills

1. This rule does not apply to concurrent or simple resolutions, joint resolutions nullifying administrative rules, senate confirmations, or bills passed by both houses in different forms. Subsection 2 of this rule does not apply to appropriations bills, ways and means bills, legalizing acts, administrative rules review committee bills, bills cosponsored by majority and minority floor leaders of one house, bills in conference committee, and companion bills sponsored by the majority floor leaders of both houses after consultation with the respective minority floor leaders. For the purposes of this rule, a joint resolution is considered as a bill. To be considered an appropriations or ways and means bill for the purposes of this rule, the appropriations committee or the ways and means committee must either be the sponsor of the bill or the committee of first referral in the originating house.

2. To be placed on the calendar in the house of origin, a bill must be first reported out of the committee of first referral by Friday of the 10th week of the first session and the 8th week of the second session. To be placed on the calendar in the other house, a bill must be first reported out of the committee of first referral by Friday of the 13th week of the first session and the 11th week of the second session.

3. During the 11th week of the first session and the 9th week of the second session, each house shall consider only bills originating in that house and unfinished business. During the 14th week of the first session and the 12th week of the second session, each house shall consider only bills originating in the other house and unfinished business. Beginning with the 15th week of the first session and the 13th week of the second session, each house shall consider only bills passed by both houses, bills exempt from subsection 2 and unfinished business.

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

Rule 21

Resolutions

1. A "concurrent resolution" is a resolution to be adopted by both houses of the general assembly which expresses the sentiment of the general assembly or deals with temporary legislative matters. It may authorize the expenditure, for any legislative purpose, of funds

appropriated to the general assembly. A concurrent resolution is not limited to, but may provide for a joint convention of the general assembly, adjournment or recess of the general assembly, or requests to a state agency or to the general assembly or a committee. A concurrent resolution requires the affirmative vote of a majority of the senators or representatives present and voting unless otherwise specified by statute. A concurrent resolution does not require the governor's approval unless otherwise specified by statute. A concurrent resolution shall be filed with the secretary of the senate or the chief clerk of the house. A concurrent resolution shall be printed in the bound journal after its adoption.

2. A "joint resolution" is a resolution which requires for approval the affirmative vote of a constitutional majority of each house of the general assembly. A joint resolution which appropriates funds or enacts temporary laws must contain the clause "Be It Enacted by the General Assembly of the State of Iowa:", is equivalent to a bill, and must be transmitted to the governor for his approval. A joint resolution which proposes amendments to the Constitution of the State of Iowa, ratifies amendments to the Constitution of the United States, proposes a request to Congress or an agency of the government of the United States of America, proposes to Congress an amendment to the Constitution of the United States of America, nullifies an administrative rule, or creates a special commission or committee must contain the clause "Be It Resolved by the General Assembly of the State of Iowa:" and shall not be transmitted to the governor. A joint resolution shall not amend a statute in the Code of Iowa.

Rule 22

Nullification Resolutions

A "nullification resolution" is a joint resolution which nullifies all of an administrative rule, or a severable item of an administrative rule adopted pursuant to chapter 17A of the Code. A nullification resolution shall not amend an administrative rule by adding language or by inserting new language in lieu of existing language.

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

Rule 23

Consideration of Vetoes

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

- a. Bills returned to that house by the governor in accordance with Article III, section 16 of the Constitution of the State of Iowa.
- b. Appropriations items returned to that house by the governor in accordance with Article III, section 16 of the Constitution of the State of Iowa.
- c. Bills and appropriations items received from the other house after that house has voted to override a veto of them by the governor.

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

3. Upon first publication in the veto calendar, the senate majority leader or the house majority leader may call up a vetoed bill or appropriations item at any time.

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

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

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

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

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

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

SEVENTY-THIRD GENERAL ASSEMBLY

SENATE RULES

**(Senate Resolution 1)
Adopted January 10, 1989**

RULES OF THE SENATE

Rule 1 Quorum

A constitutional majority shall constitute a quorum of the senate. Any senator may insist a quorum be present.

Rule 2 Adoption and Amendment of Rules

Whenever the senate is operating under temporary rules, the rules may be amended or repealed, or permanent rules may be adopted, by a constitutional majority of the senators. After adoption of permanent rules of the senate during any general assembly, the rules may be amended or repealed by a constitutional majority of the senators.

Rule 3 Rules of Parliamentary Procedure

In cases not covered by senate rules or joint rules, Mason's Manual of Legislative Procedure shall govern.

Rule 4 Sessions of the General Assembly

The election of officers, organization, hiring and compensation of employees, and committees of the senate shall carry over from the first to the second regular sessions and to any extraordinary sessions of the same general assembly.

All bills and resolutions introduced in the first regular session of a general assembly which are not withdrawn, lost, or indefinitely postponed shall carry over into the second regular session and to any extraordinary session of the same general assembly. Appointments received from the governor for senate confirmation during any session of a general assembly shall be acted upon prior to adjournment of that session as provided by section 2.32 of the Code. Except as provided by this rule, upon the adjournment of the first regular session and any extraordinary session, each bill or resolution shall be automatically referred back to the committee to which it was originally assigned. The secretary of the senate shall publish in the Journal a list of the bills returned to committee under this rule. Within seven days after the first committee meeting after the convening of the second regular session, committees shall either authorize the chair to refer such bills and resolutions to a subcommittee for consideration or report them out to the floor and place them on the calendar. The committee chair shall report to the senate the bill or resolution number and the names of the subcommittee members.

Bills and resolutions which have been voted upon on final passage in any session shall remain on the calendar in the same status as at the end of the session at any subsequent regular or extraordinary session.

Rule 5 Regular Order of Daily Business

The following order shall govern, subject to any special order:

1. Correction of the journal.
2. Senators to be excused.
3. Communications to the Senate.
4. Introduction of bills and resolutions.
5. Points of personal privilege.
6. Consideration of senate calendar.

Rule 6

Senate Calendar

1. Each legislative day the secretary of the senate shall prepare a listing of bills to be known as the "Senate Calendar".

2. The senate calendar may contain a listing under the category "Special Order" which shall be placed at the head of the calendar. Bills in such category shall be those which are specifically set for debate by the majority leader with the consent of the senate on a certain date and time. Bills shall be listed by the secretary in the order they are set for debate.

3. The senate calendar shall include separate listings for any bills and resolutions in the following categories:

- a. Conference Committee Report
- b. Bills in Conference Committee
- c. House Amendment to Senate Amendment to House File
- d. House Refuses to Concur in Senate Amendment to House File
- e. Senate Files Amended by the House
- f. Unfinished Business
- g. Motions to Reconsider
- h. Administrative Rules Nullification Resolutions
- i. Veto Messages from the Governor

4. The secretary shall list bills and resolutions in the above categories in the order they are received. Upon their first publication in the calendar, bills and resolutions in the above categories may be called up for debate at any time by the majority leader. Motions to reconsider shall be called up as provided by Rule 24.

5. The senate calendar shall include a listing of senate appropriations committee bills and bills reported out by the senate appropriations committee. The list shall be known as the "Appropriations Calendar". The secretary shall list the bills in the order they are received. Upon their first publication in the calendar, bills on the appropriations calendar may be called up for debate at any time by the majority leader provided they are eligible under Rule 8.

6. The senate calendar shall include a listing of bills which pertain to the levy, assessment or collection of taxes sponsored by or initially assigned to and reported out by the senate ways and means committee. The list shall be known as the "Ways and Means Calendar". The secretary shall list the bills in the order they are received. Upon their first publication in the calendar, bills on the ways and means calendar may be called up for debate at any time by the majority leader provided they are eligible under Rule 8.

7. The senate calendar shall include a list of bills and resolutions, known as the "Regular Calendar", which shall consist of bills and resolutions reported out by a senate committee. The bills and resolutions reported out each day shall be placed in the order of their file numbers and following those reported out on previous days. Priority shall be given to senate over house bills and resolutions and to joint resolutions over bills. Bills and resolutions on the regular calendar shall be considered in the order they are listed, provided they are eligible under Rule 8.

A bill reported out of committee which is subsequently referred to the ways and means or appropriations committee and then reported out of that committee, shall be returned to the regular calendar and retain its original place thereon.

8. The senate calendar shall include a listing of the governor's appointees to state boards, commissions, and other offices requiring senate confirmation. This listing shall be known as the "Confirmation Calendar". Names on the confirmation calendar may be called up for confirmation at any time by the majority leader provided they are eligible under rule 59.

9. The majority leader, or in the absence of the majority leader the assistant majority leaders, may select from among the first twenty bills on the previous legislative day's regular calendar and from the bills selected create a new listing which shall be known as the "Debate Calendar". The debate calendar shall list bills as the majority leader expects to take them up during the following week. A bill or resolution on the debate calendar may be debated only when eligible under Rule 8.

10. The majority leader, or in the absence of the majority leader the assistant majority leaders, shall create a list of bills or resolutions about which no controversy is believed to exist which shall be known as the "Proposed Noncontroversial Calendar". Bills or resolutions included on this listing may be debated at any time upon being called up for debate by the majority leader. Any bill or resolution which appeared on the previous day's regular calendar may be placed by any senator on the proposed noncontroversial calendar, which shall be published. Any bill or resolution on the proposed noncontroversial calendar shall be stricken from the list if any senator files a written objection with the secretary of the senate on the first or second legislative day after it appears on the proposed noncontroversial calendar. Any bill stricken from the proposed noncontroversial calendar shall be returned to its former place on the regular calendar. The secretary shall prepare the noncontroversial calendar which shall consist of all bills or resolutions on the proposed noncontroversial calendar to which no objection was received.

11. If the senate shall not be in session on a day assigned in paragraphs nine and ten for action upon a calendar, such assigned action shall occur on the next succeeding legislative day.

12. On any bill called up for debate from any calendar, debate may continue from day to day until it is adopted, fails, or is postponed or deferred. If further debate is postponed or deferred without a timeto continue being set, except for bills on the debate calendar, the bill shall be listed as unfinished business. Bills which are returned to the committee of first referral or to a different committee after being considered by the senate and classified as unfinished business shall be returned to the unfinished business calendar by that committee when the bill is reported out of committee. The unfinished business date on the calendar shall be the date on which the bill was returned to committee. Bills on the debate calendar upon which further debate is postponed or deferred without a time to continue being set shall return to the regular calendar.

Rule 7 Steering Committee

The senate may authorize the appointment of a steering committee. The majority leader shall appoint the majority party members to the steering committee. The minority leader shall appoint the minority party members to the steering committee. The function of the steering committee shall be to create its own calendar from the bills and resolutions on the regular calendar. Bills and resolutions on the steering committee calendar shall have priority over bills and resolutions on all other calendars, except the appropriations calendar.

Rule 8 When Eligible for Consideration

Bills, resolutions, and appointments shall be eligible for consideration by the senate as follows:

1. An appointment by the governor which requires senate confirmation shall be eligible on the legislative day after it is first printed in the senate calendar as provided by Rule 59.

2. A house or individually sponsored bill or resolution reported out by a committee shall be eligible on the legislative day after it is first printed in the senate calendar.

3. A committee bill or resolution sponsored by the appropriations committee shall be eligible on the legislative day after it is first printed in the senate calendar.

4. Any committee bill or resolution, other than a bill or resolution sponsored by the appropriations committee, shall be eligible on the third legislative day it is printed in the senate calendar.

5. A bill that has been reported out to the senate calendar, referred to a different committee and reported out by that committee is eligible for consideration by the senate on the day it would have been eligible under subsection 2, 3, or 4, whichever is applicable, as if the bill had been printed in the calendar after having been reported out by the first committee.

6. Any bill or resolution placed on the steering committee calendar is eligible for consideration on the day of its placement on that calendar.

When a bill or resolution on the calendar is not yet eligible, the date when it will become eligible shall be printed in the calendar.

Rule 9 Debate and Decorum

Before addressing the senate, the senator shall request recognition by depressing the "speak" device and, when recognized, rise and respectfully address the chair.

The senator shall confine all remarks to the question under debate and shall avoid discussing personalities or implication of improper motives. No questions except by the senator recognized shall be entertained after a senator is recognized to give final remarks.

Rule 10 Point of Personal Privilege

A point of personal privilege shall only be recognized when there is no motion pending or other business being considered by the senate. Senators speaking on a point of personal privilege shall be limited to ten minutes.

Rule 11 Introduction and Presentation of Guests

Only former members of the senate and former and present members of Congress shall be presented to the senate, except that the president of the senate may present a visitor whose presence is of special significance to the senate. No presentation shall be made during debate or discussion of legislation. The presence of school groups accompanied by school officials shall be announced by the president of the senate and shall be recorded in the journal upon written request of a member of the senate.

Rule 12 Form and Withdrawal of Motions, Amendments and Signatures

Motions need not be in writing unless required by the president or by the senate. No motion requires a second. Any amendment, motion (including a motion to reconsider), or resolution may be withdrawn by the mover if it has not been amended by the senate and if no amendment is pending. All amendments to bills, resolutions, and reports shall be in writing and filed before being acted upon by the senate.

No amendment, resolution, bill, or conference committee report shall be considered by the senate without a copy of the amendment, resolution, bill, or conference committee report being on the desks of the entire membership of the senate prior to consideration.

All amendments, reports, petitions or other documents requiring a signature shall have the name typed under the place for the signature. Once a signature is affixed and the document containing the signature filed with the recording clerk in the well, that signature shall not be removed.

When an amendment to a main amendment is filed that would negate the effect of the main amendment and thereby leave the bill unchanged, the presiding officer shall have the authority to declare the amendment to the main amendment out of order, subject to an appeal to the full senate.

When a house amendment to a senate file is before the senate, an amendment to the house amendment shall be considered an amendment in the first degree.

When a ruling on germaneness is issued by the presiding officer, it shall be accompanied by an explanation of the ruling.

Rule 13

Order and Precedence of Motions and Amendments

When a question is under debate, no motion shall be received but to adjourn, to recess, questions of privilege, to lay on the table, for the previous question, to postpone to a day certain, to refer, to amend, to postpone indefinitely, to defer, or incidental motions. A substitute is not in order unless it is in the form of a motion to substitute. Such motions shall have precedence in the order in which they are named. No motion to postpone to a day certain, to refer, or postpone indefinitely, being decided, shall be again allowed on the same day with regard to the same question. A motion to strike out the enacting clause of a bill shall have precedence over all amendments and, if carried, shall be considered equivalent to the rejection of the bill.

A motion to strike everything after the enacting clause has precedence over a committee amendment and all other amendments except one to strike the enacting clause. A committee amendment has precedence over all other amendments except as provided in this rule.

A motion to rerefer a bill to committee may specify when the committee shall report the bill to the senate. If the motion is adopted in such form, the committee must report the bill by the date specified with or without recommendation or the bill shall automatically be returned to the calendar. When the bill is returned to the calendar, it shall occupy the same position it occupied at the time the bill was rereferred to the committee. If the committee to which the bill is rereferred submits an amendment in its report, that committee amendment shall take precedence over other amendments except if that committee amendment is in conflict with amendments previously adopted, the committee amendment shall not be considered until consideration of motions to reconsider the previously adopted amendments result in removing the conflict.

Rule 14

Motions Before the Senate

Motions before the senate shall be displayed on the electronic voting system display boards.

Rule 15

Nondebatable Motions

The following motions are not debatable:

Adjourn

Recess

Call of the Senate

Lay on Table or Take from Table

Previous Question

Reconsider vote by which bill was placed on last reading.

A Motion to Reconsider and Lay the Motion to Reconsider on the Table (Double-barreled Motion).

Rule 16

Division of the Question

Any senator may call for a division of a question, which shall be divided if it includes propositions so distinct that if one is taken away, a substantive proposition shall remain in a technically proper form for the decision of the senate. A motion to strike out and insert is indivisible; but a motion to strike out, if lost, shall not preclude amendments to the matter attempted to be stricken or a motion to strike out and insert.

Rule 17

The Previous Question

The previous question shall be in this form: "Shall debate be closed on the pending question?" A motion for the previous question may be adopted by a majority of the senators present and voting. Its effect shall be to put an end to debate and bring the senate to a direct vote upon the pending question. However, any senator who has not previously spoken on the pending question and who, after the main question is taken up and before the motion for the previous question has been made, requested recognition by depressing the "speak" device may speak no longer than five minutes on the pending question. If action on the pending question continues into another legislative day or is deferred, the previous question shall apply and the requests to be recognized shall be honored.

When the motion applies to an amendment, the senator proposing the amendment shall have five minutes to close debate on the amendment.

The senator handling the measure under consideration shall have ten minutes to close debate on the main question.

Rule 18

Call of the Senate

Ten senators may file in writing a call of the senate on any single item of legislative business. A call of the senate requires the presence of every senator and is in order at any time prior to the vote being announced by the president. The sergeant-at-arms shall return promptly all absent senators. Debate on the item may continue while absent senators are returning, but no vote on the item is in order on it until all have returned. Adoption of a motion to recess or adjourn to a specific time will not lift the call. The call may be lifted, or a senator may be excused from the call without lifting the call, by a vote of a constitutional majority of the senators. Those senators excused prior to the filing of the call are excused from the call.

Rule 19

Committee of the Whole

The senate may resolve itself into a committee of the whole senate when it wishes to permit more free and informal discussion. Persons other than senators may appear and present information.

Any senator may move "that the senate now resolve itself into a committee of the whole to consider" a stated subject. The motion to resolve into a committee of the whole is equivalent to a motion to refer.

The president of the senate shall be chair of the committee of the whole unless otherwise ordered by the senate.

The procedure in committee of the whole is subject to the rules of the senate. The previous question and the motion to reconsider shall be in order.

The committee of the whole cannot take any final action and its power is limited to recommendation to the senate. The proceedings of the committee of the whole, including any roll call vote, shall be printed in the journal.

Any senator may at any time, except while voting or while a senator has the floor, move that "the committee rise and report" which is equivalent to a motion to adjourn.

After adoption of the motion to rise, the chair shall report to the senate in the same manner as other committee reports are given.

Rule 20

Last Reading and Passage of Bills

When a motion to place a bill on its last reading is lost, the same motion shall be in order at any later time. After the last reading of a bill, no amendment shall be received. The vote on final passage shall be taken immediately without debate.

Rule 21

Engrossment of Bills

An engrossment is a proofreading and verification in order to be certain that a bill before the senate is identical with the original bill as introduced with all amendments which have been adopted correctly inserted. A bill shall be considered engrossed when ordered to its last reading.

In an engrossed bill, all obvious typographical, spelling or other clerical errors are corrected and section or paragraph numbers and internal references are changed as required to conform the original bill to any amendments which have been adopted. All such corrections or changes shall be reported in the journal by the secretary of the senate. The engrossed bill shall be placed in the bill file with the original bill and amendments.

Rule 22

Manner of Voting

On voice vote, the question shall be distinctly put in this form: "Those in favor of (the question) say 'aye'." "Those opposed to (the question) say 'no'."

A non-record or record roll call vote may be requested by any senator or ordered by the president any time before the results are announced. A non-record roll call shall be requested by asking for a "division". A record roll call shall be requested by asking for a "roll call". Upon request for a non-record or record roll call vote, the president shall announce that such a non-record or record roll call vote has been requested and shall state the question to be put to the senate. The president then shall direct the secretary of the senate to receive the votes.

Senators present may cast their votes, either by operating the voting mechanism located at their assigned desk or by signaling the president if they are unable to vote at their assigned desk. The president shall enter the votes of senators signaling their votes.

After sufficient time has elapsed for all senators present to record their votes, the president shall direct the secretary of the senate to close the voting system. The president shall still enter the senators' votes at any time prior to directing the secretary of the senate to lock the voting system. The president shall then immediately announce the vote.

During a non-record or record roll call vote, both individual votes and vote totals shall be indicated openly on the display boards. On non-record roll calls, only vote totals shall be printed in the journal.

In the event the electronic voting system is not in operating order, the president shall direct the secretary of the senate to take the non-record or record roll call by calling the names of the senators in alphabetical order.

Rule 23

Duty of Voting

Every senator present when a question is put shall vote "aye", "no" or "present" unless previously excused by the senate. Upon demand being made by any senator, the secretary of the senate shall call in alphabetical order the names of the senators not voting or voting "present". Those senators called shall vote "aye" or "no" unless the senator states a personal interest in the question or concludes that he or she should not vote under the senate code of ethics.

Rule 24

Reconsideration

When a main motion or main question has been decided by the senate, any senator having voted on the prevailing side may move to reconsider the vote on the same or next legislative day. Motions to reconsider a vote by which a bill or joint resolution was adopted on final passage shall be in writing and filed with the secretary of the senate. A motion to reconsider an amendment to a main motion or main question shall be in writing and filed with the secretary of the senate. A motion to reconsider an amendment to a main motion or main question shall be taken up for consideration only prior to the disposition of the main question or upon reconsideration of the main question. A constitutional majority by a record roll call is necessary to reconsider a bill or joint resolution. During three legislative days from the date the motion to reconsider a bill or resolution is filed, only the mover may call it up. Thereafter, any senator may call up the motion. If a date for adjournment has been set by resolution of the senate, any senator may call up a motion to reconsider at any time within three days prior to the date set for adjournment.

If the motion to reconsider a bill or resolution prevails, motions to reconsider amendments thereto shall be in order and shall be disposed of without delay.

A motion that any action taken by the senate be reconsidered and the motion to reconsider be laid upon the table shall be a single and indivisible motion, known as the double-barreled motion, which, if carried, shall have the effect of preventing reconsideration unless a motion to take from the table prevails. A constitutional majority is necessary for the double-barreled motion to prevail on a bill or joint resolution. The double-barreled motion can only be made from the floor after the vote is announced and the member who moved the final reading shall have priority in making it.

A motion to reconsider and lay on the table shall have priority over a motion to reconsider if they are both filed on the same legislative day.

In the event that a motion to reconsider is pending at the end of the first session or any extraordinary session of any general assembly, or the general assembly adjourns sine die, and the motion has not been voted upon by the senate, it shall be determined to have failed.

Rule 25

Suspension of Rules and Taking from Table

No standing rule or rules incorporated by reference under Rule 3 or order of the senate shall be rescinded or suspended, nor shall any matter, tabled upon motion, be taken up, except by an affirmative vote of a constitutional majority of the senate.

INTRODUCTION AND FORM OF BILLS

Rule 26

Time and Method of Introducing Bills and Amendments

All bills to be introduced in the senate shall be typed in proper form by the legislative service bureau and shall be filed with the recording clerk.

All amendments shall be typed in proper form and filed with the recording clerk not later than 4:30 p.m., or adjournment, whichever is later, in order to be listed in the following day's clip sheet.

An "impact amendment" is an amendment which reasonably could have an annual effect of at least one hundred thousand dollars or a combined total effect within five years after enactment of five hundred thousand dollars or more on the aggregate revenues, expenditures or fiscal liability of the state or its subdivisions.

An impact amendment to a bill which has been on the special order calendar for at least three full legislative days prior to its consideration shall not be taken up by the senate unless:

- 1) a fiscal note is attached, and the amendment is filed at least one legislative day prior to the date set for consideration of the bill; or
- 2) the amendment is an appropriation or other measure where the total effect is stated in dollar amounts.

Rule 27

Limit on Introduction of Bills

No bill or joint resolution, except bills and joint resolutions cosponsored by the majority and minority floor leaders, shall be introduced in the senate after 4:00 p.m. on Friday of the seventh week of the first regular session of a general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time. After adjournment of the first regular session, bills may be prefiled at any time before the convening of the second regular session. No bill shall be introduced after 4:00 p.m. on Friday of the second week of the second regular session of a general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time. However, standing committees may introduce bills and joint resolutions at any time. A bill which relates to departmental rules sponsored by the administrative rules review committee and approved by a majority of the members of the committee in each house may be introduced at any time and must be referred to a standing committee which must take action on the bill within three weeks. Senate and concurrent resolutions may be introduced at any time.

No bill, joint resolution, concurrent resolution or senate resolution shall be introduced at any extraordinary session unless sponsored by a standing committee or the committee of the whole.

Rule 28

Introduction, Reading and Form of Bills and Resolutions

Every senate bill and resolution shall be introduced by one or more senators or by any standing committee of the senate and shall at once be given its first reading.

If the senate is in session when a bill or resolution is introduced, the first reading shall consist of reading its file number, the title and sponsor of the bill. If the senate is not in session but a journal is published for the day, the first reading shall consist of a journal entry of the bill's file number, title, sponsor and the notation "Read first time under Rule 28."

Any bill or resolution approved for introduction by a standing committee during an interim period between sessions of one General Assembly shall be introduced without further action by the committee at the next succeeding regular session of the same General Assembly and placed immediately upon the regular calendar.

Every bill and resolution referred to committee shall have received two readings before its passage.

The subject of every bill shall be expressed in its title.

Rule 29

Explanations

No bill, except appropriation committee bills and simple or concurrent resolutions, shall be introduced unless a concise and accurate explanation is attached. The chief sponsor or a committee to which the bill has been referred may add a revised explanation at any time before the last reading, and it shall be included in the daily clip sheet.

Rule 30

Resolutions

A "senate resolution" is a resolution acted upon only by the senate which expresses sentiment or is used for the appointment of special committees within the senate. A senate resolution requires the affirmative vote of a majority of the senators present and voting. A senate resolution shall be filed with the secretary of the senate. A senate resolution shall be printed in the bound journal after its adoption and in the daily journal upon written request to the secretary of the senate by the sponsor of the resolution.

Rule 31

Nullification Resolutions

A nullification resolution may be introduced by a standing committee, the administrative rules review committee, or any member of the senate. A nullification resolution introduced by the administrative rules review committee or a member of the senate shall be referred to the same standing committee it would be referred to if it was a bill.

Any nullification resolution may be referred to the administrative rules review committee by a majority vote of the standing committee which introduced it or to which it was referred. The administrative rules review committee may seek an agreement with the affected administrative agency wherein the agency agrees to voluntarily rescind or modify a rule or rules relating to the subject matter of the nullification resolution. An agreement to voluntarily rescind or modify an administrative agency rule shall be in writing and signed by the chief administrative officer of the administrative agency and a majority of the administrative rules review committee members of each house and shall be placed on file in the offices of the chief clerk of the house, the secretary of the senate and the secretary of state. If an agreement is not reached, or the nullification resolution is not approved by a majority of the administrative rules review committee members of each house, within two weeks of the date the resolution is referred to the committee, the resolution shall be placed on the calendar. If the nullification resolution is approved by the administrative rules review committee it shall be placed on the calendar. A nullification resolution is subject to a motion to withdraw the nullification resolution as provided in rule 42.

A nullification resolution is debatable, but cannot be amended on the floor of the senate.

Rule 32

Resolutions, Applicable Rules

All rules applicable to bills shall apply to resolutions, except as otherwise provided in the rules.

Rule 33 Study Bills

1. A study bill is any matter which a senator wishes to have considered by a standing committee or appropriations subcommittee for introduction as a committee bill or resolution. The term "study bill" includes "proposed bills" provided for in Rule 37 and departmental requests prefiled in the manner specified in section 2.16 of the Code.

2. A study bill shall bear the name of the member who wishes to have the bill considered. A study bill submitted by a state agency shall bear the name of the agency. A committee chair may submit a study bill in the name of that committee.

3. Upon first receiving a study bill from a senator, a committee chairperson shall submit three copies to the secretary of the senate. Study bills received in the secretary of the senate's office before 3:00 p.m. shall be filed, numbered, and reported in the journal for that day. Study bills received in the secretary of the senate's office after 3:00 p.m. shall be filed, numbered, and reported in the journal for the subsequent day. The secretary shall number such bills in consecutive order. The secretary shall maintain a record of all study bills and their assigned number. Committee records shall refer to study bills by the number assigned by the secretary.

4. The secretary shall file a report in the journal of each study bill received. The report shall show the study bill number, its title or subject matter and the committee which is considering it. If a study bill is referred to a subcommittee, then the committee chairperson shall report in the journal the names of the subcommittee members to which it is assigned.

5. If a committee bill or resolution is introduced which was not previously the subject of a study bill in the sponsoring committee, the majority leadership may re-refer the bill back to the committee.

6. A study bill not prepared by the legislative service bureau may be submitted to a standing committee, but shall not be considered by the full committee unless reviewed and typed in proper form by the legislative service bureau.

COMMITTEES AND COMMITMENT

Rule 34 Committee Appointments

Committee appointments shall be made by the majority leader for majority party members, after consultation with the president, and by the minority leader for minority party members, after consultation with the president. No senator shall serve on more than five committees. The majority leader, after consultation with the president, shall designate the chairperson and vice-chairperson of each standing committee. The minority leader, after consultation with the president, shall designate the ranking member of each standing committee from the minority membership of that committee.

Rule 35 Standing Committees

The names of the standing committees of the senate shall be:

Agriculture
Appropriations
Business and labor relations
Commerce
Education
Environment and energy utilities

Human resources
Judiciary
Local government
Natural resources
Rules and administration
Small business and economic development
State government
Transportation
Ways and means

Rule 36 **Committee on Rules and Administration**

The committee on rules and administration shall recommend rules and rule changes to the senate, shall hire senate employees, shall recommend salary scales for all senate employees, and shall oversee senate budget and administration matters.

The committee on rules and administration will select, for senate approval, an individual to serve as secretary of the senate.

Upon authorization being given by the committee on rules and administration, the minority party members of the committee will select, for senate approval, an individual to serve as assistant parliamentarian.

Rule 37 **Appropriations Committee**

The appropriations committee shall receive bills committed to it and shall assign each to one of the appropriations subcommittees.

There shall be ten appropriations subcommittees which shall be named:

Administration
Agriculture/Natural Resources
Claims
Economic Development and Iowa Plan
Education
Health and Human Rights
Human Services
Justice System
Regulation
Transportation and Safety

The appropriations subcommittees shall receive bills assigned to them or may originate proposed bills within the subcommittee's jurisdiction as defined by the appropriations committee for consideration by the appropriations committee. Each subcommittee may submit amendments to bills together with the subcommittee's recommended action to the appropriations committee.

If a bill or proposed bill is first submitted by an appropriations subcommittee to the appropriations committee prior to Friday of the 7th week of the first session or the 5th week of the second session, the appropriations committee may either report the bill out or approve the proposed bill for introduction by the appropriations committee or re-refer it together with the appropriations committee's objections to the appropriations subcommittee from which it was originally referred or which originated the proposed bill.

If a bill or proposed bill is submitted to the appropriations committee a second time by an appropriations subcommittee, or if a bill or proposed bill is submitted after Friday of the 7th week of the first session or the 5th week of the second session, the appropriations committee may:

1. report the bill or approve the proposed bill for introduction by the appropriations committee;

2. report the bill with appropriations committee amendments;
3. draft a new bill for sponsorship by the appropriations committee and report it; or
4. re-refer it together with the appropriations committee's objections to the appropriations subcommittee from which it was originally referred or which originated the draft bill.
The appropriations committee is authorized to meet anytime upon call of the chairperson to:

1. Act upon bills or proposed bills submitted to it by appropriations subcommittees as provided by this rule.

2. Prepare, review or revise a proposed legislative budget.

3. After Friday of the 7th week of the first session or the 5th week of the second session, initiate any bill relating to budget or appropriation matters.

The appropriations committee may meet jointly with the appropriations committee of the house of representatives.

Rule 38 **First Reading and Commitment**

Upon the first reading of an individual bill or resolution, or a house committee bill or resolution, the president shall refer the bill or resolution to an appropriate standing committee unless otherwise ordered by the senate. If the bill or resolution is a senate committee bill or resolution, the president shall place it on the calendar after its first reading. If the subject of the bill or resolution is not germane to the title of the committee presenting it, the president or the senate may refer it to a committee deemed appropriate.

All bills carrying an appropriation for any purpose or involving the expenditure of state funds shall be referred to the committee on appropriations.

All bills pertaining to the levy, assessment or collection of taxes or fees shall be referred to the committee on ways and means.

Any bill which provides for a new state board, commission, agency or department or makes separate or autonomous an existing state board, commission, agency or department, shall be referred to the committee on state government. This rule shall also apply when such a provision is added to a bill or resolution by amendment adopted by the senate. If the bill or resolution is so referred after being sponsored or reported out by another committee, and if the committee on state government does not report out the bill or resolution within ten legislative days after referral, the bill or resolution shall automatically be restored to the calendar with the same priority it had immediately before referral.

Rule 39 **Rules for Standing Committees**

The following rules shall govern all standing committees of the senate. Any committee may adopt additional rules which are consistent with these rules:

1. A majority of the members shall constitute a quorum.

2. The chair of a committee shall refer each bill and resolution to a subcommittee within seven days after the bill or resolution has been referred to the committee. The chair may appoint subcommittees for study of bills and resolutions without calling a meeting of the committee, but the subcommittee must be announced at the next meeting of the committee. No bill or resolution shall be reported out of a committee until the next meeting after the subcommittee is announced, except that the chair of the appropriations committee may make the announcement of the assignment to a subcommittee by placing a notice in the journal. Any bill so assigned by the appropriations committee chair shall be eligible for consideration by the committee upon report of the subcommittee but not sooner than three legislative days following the publication of the announcement in the journal.

When a bill or resolution has been assigned to a subcommittee, the chair shall report to the senate the bill or resolution number and the names of the subcommittee members and such reports shall be reported in the journal. Subcommittee assignments shall be reported to the journal daily. Reports filed before 3:00 p.m. shall be printed in the journal for that day; reports filed after 3:00 p.m. shall be printed in the journal for the subsequent day.

Where standing subcommittees of any committee have been named, the names of the members and the title of the subcommittee shall be published once and thereafter publication of assignments may be made by indicating the title of the subcommittee.

3. No bill or resolution shall be considered by a committee until it has been referred to a subcommittee and the subcommittee has made its report unless otherwise ordered by a majority of the members.

4. The rules adopted by a committee, including subsections 2, 3, 9, 10, 11, and 12 of this rule, may be suspended by an affirmative vote of a majority of the members of the committee.

5. The affirmative vote of a majority of the members of a committee is needed to sponsor a committee bill or resolution or to report a bill or resolution out for passage.

6. The vote on all bills and resolutions shall be by roll call unless a short-form vote is unanimously agreed to by the committee. A record shall be kept by the secretary.

7. No committee, except a conference committee or the steering committee, is authorized to meet when the senate is in session.

8. A subcommittee shall not report a bill to the committee unless the bill has been typed into proper form by the legislative service bureau.

9. A bill or resolution shall not be voted upon the same day a public hearing is held on that bill or resolution. The presence or participation of a member of the legislature, official of the state, state department head, member of the press, legislative staff member assigned to the committee, or a person invited by the committee is not considered a public hearing.

10. Public hearings may be called at the discretion of the chair. The chair shall call a public hearing upon the written request of one-half the membership of the committee. The chair shall set the time and place of the public hearing.

11. A subcommittee chair must notify the committee chair not later than one legislative day prior to bringing the bill or resolution before the committee. The committee cannot vote on a bill or resolution for at least one full day following the receipt of the subcommittee report by the chairperson.

12. A motion proposing action on a bill or resolution that has been defeated by a committee shall not be voted upon again at the same session of the committee.

13. Committee meetings shall be open.

Rule 40 Voting in Committee

All committee meetings shall be open at all times. Voting by secret ballot is prohibited. Roll call votes shall be taken in each committee when final action on any bill or resolution is voted, unless a short-form vote is unanimously agreed to by the committee. A roll call vote also shall be taken in each committee at the request of a member upon any amendment or motion. All results shall be entered in the minutes which shall be public records. Records of these votes shall be made available by the chair or the committee secretary at any time. This rule also applies to the steering committee and appropriations subcommittees.

The committee shall not authorize the introduction of a committee bill or resolution until the members have received final copies of the bill or resolution with amendments or changes incorporated, and typed into proper form by the legislative service bureau. The committee may, by unanimous consent, dispense with this requirement when only nonsubstantive amendments or changes are necessary to correct the bill or resolution, or when a study bill or individually sponsored bill is voted out as a committee bill with no change in the text of the bill or the title.

The legislative service bureau shall file a report with the committee members detailing the amendments or changes and this report shall become a part of the committee report.

Rule 41

Announcement of Committee Meetings

It shall be in order for the chair of any committee to announce to the senate the time and place of committee meetings. The announcement shall include a proposed agenda for the meeting. The sergeant-at-arms shall post at the rear of the chamber the daily schedule of committee meetings.

Rule 42

Withdrawal of Bills and Resolutions from Committee

The secretary of the senate shall note on each bill and resolution the date of its reference to committee. No bill or resolution shall be withdrawn from any committee within fifteen legislative days after the bill or resolution has been referred to the committee and thereafter only upon written petition for the withdrawal of such bill or resolution signed by a constitutional majority of the senators, except as provided in Rule 37. Only senators may circulate such a petition.

Rule 43

Committee Reports

All committees shall file a report with the secretary of the senate of committee meetings. Such reports shall contain the following information:

- a. The time the meeting convened;
- b. Those senators who were present and absent at the time the meeting convened, as well as the time any senator, who was not present at the time the meeting convened, arrives for the meeting;
- c. The vote on any bill or resolution reported out of the committee for floor action;
- d. The title of the bill;
- e. The file number of the bill or resolution (if known);
- f. Whether the committee recommends that the bill or resolution be passed, amended and passed, indefinitely postponed, or considered without committee recommendation;
- g. An indication of other bills or matters discussed;
- h. Such other matters as the committee chair shall direct; and
- i. The time the meeting adjourned.

No committee report shall be read, but all committee reports shall be printed by the secretary in the journal. Upon printing, all committee reports shall then stand approved unless the senate directs otherwise.

Rule 44

Bills or Resolutions Recommended for Indefinite Postponement

When a question is postponed indefinitely, it shall not be again acted upon during that general assembly. If a bill or resolution is reported back from a committee recommending indefinite postponement, the report shall be placed on the calendar and shall be disposed of within three legislative days. If not, the committee recommendation shall be considered adopted. However, no senate bill or resolution recommended for indefinite postponement shall be considered in the absence of the chief sponsor or, if a house bill or resolution, in the absence of the senator representing the district in which the sponsor resides. If a committee report recommends indefinite postponement, it shall require a vote of thirty-four senators to prevent indefinite postponement, and debate shall be limited to ten minutes on each side.

GENERAL RULES

Rule 45 Admission to Senate Chamber

The persons who shall have access to the senate chamber, and the times access shall be available, and the rules governing their activities in the chamber shall be as prescribed by the rules and administration committee pursuant to a written policy adopted by the committee and filed with the secretary of the senate.

Rule 46 Legislative Interns and Aides

Legislative interns for senators shall be allowed on the floor of the senate in accordance with Rule 45; provided that each intern first has obtained a name badge from the secretary of the senate. The secretary of the senate shall issue an appropriate name badge to all interns for senators.

In addition, those persons designated as "aides to senators" shall be allowed on the floor of the senate. The secretary of the senate shall issue an appropriate name badge for such individuals.

Rule 47 Clearing of Lobby and Gallery

In case of disturbance or disorderly conduct in the lobby or gallery, the presiding officer may order it cleared.

Rule 48 Presentation of Petitions

Each petition shall contain a brief statement of its subject matter and the name of the senator presenting it. Petitions shall be filed with the secretary of the senate and shall be noted in the journal.

Rule 49 Distribution of Printed Material

No general distribution of printed material in the senate shall be allowed unless authorized by the secretary of the senate or by a senator.

Rule 50 Concerning the Printing of Papers

Any paper, other than that contemplated by Section 10, Article III of the Constitution of the State of Iowa, presented to the senate may, with the consent of a constitutional majority, be printed in the journal.

Rule 51 Reprinting of Documents

When any bill has been substantially amended by the senate, the secretary of the senate shall order the bill reprinted on paper of a different color. All adopted amendments inserting new material shall be distinguishable.

The secretary of the senate may order the printing of a reasonable number of additional copies of bills, resolutions, amendments or journals.

OFFICERS AND EMPLOYEES

Rule 52 Duties of the President

The president shall call the senate to order at the hour to which the senate is adjourned. Unless otherwise ordered by the senate, the president shall proceed with the regular order of daily business. The president shall preserve order and decorum and decide all questions of order and corrections to the journal, subject to an appeal to the senate.

Rule 53 The President Pro Tempore

The senate shall elect a president pro tempore. When the president is absent, the president pro tempore shall preside, except when the chair is filled by temporary appointment by the president or the majority leader.

Rule 54 Secretary of the Senate

The secretary of the senate shall be an officer of the senate and shall:

1. Serve as chief administrative officer of the senate.
2. Have charge of the secretary's desk.
3. Be responsible for the custody and safekeeping of all bills, resolutions, and amendments filed, except while they are in the custody of a committee.
4. Have charge of the daily journal.
5. Have control of all rooms assigned for the use of the senate.
6. Keep a detailed record of senate action on all bills and resolutions.
7. Insert adopted amendments into bills before transmittal to the house of representatives and prior to final enrollment.
8. Prescribe the duties of and supervise all senate employees.
9. Authorize all expenditures of funds within the senate budget.

The secretary of the senate shall also act as senate parliamentarian and shall:

1. Advise the presiding officer of the senate about parliamentary procedures during deliberations of the senate.
2. Perform other duties as prescribed by the committee on rules and administration.
3. Process the handling of amendments when filed and during the floor consideration of bills.

Rule 55 Legal Counsel

The legal counsel shall be a contractual employee of the senate and shall:

1. Serve as attorney and counselor for the senate.
2. At the request of the majority and minority leaders, research any legal issue in which the senate has an interest. However, the legal counsel shall not issue nor venture any opinions on unresolved questions of law unless permitted by both the majority and minority leaders.

Rule 56 Sergeant-at-Arms

The sergeant-at-arms shall be an employee of the senate and shall:

1. Wear the appropriate badge of his or her office.
2. Attend the senate during its sessions.

3. Aid in the enforcement of order under the direction of the president of the senate and the secretary of the senate.
4. Execute the commands of the senate.
5. See that no unauthorized person disturbs the contents of the senators' desks.
6. Supervise the doorkeepers, the assistant sergeant-at-arms, and pages.
7. Announce all delegations from the governor or house.
8. Supervise the seating of visitors and press representatives.

Rule 57 **Senate Secretaries**

Every senator shall be permitted to employ for each session of a general assembly a personally selected secretary.

Rule 58 **Use of Electronic Voting System**

Any officer or employee of the senate, other than a duly elected member of the senate, who operates the electronic voting machine mechanism located at the desk of said member of the senate shall be subject to immediate termination from employment. The provisions of this paragraph only shall apply during the taking of a roll call vote or division utilizing the electronic voting system.

CONFIRMATION OF APPOINTMENTS

Rule 59 **Appointments**

The secretary of the senate shall:

- a. send, to each appointee submitted by the governor for senate confirmation, a copy of a senate questionnaire as approved by the rules and administration committee;
- b. receive completed questionnaires from appointees and forward copies of the completed questionnaires to appropriate committee members;
- c. maintain "Confirmation Calendar" categories on the senate calendar as directed under this rule, senate rule 6, and by the committee on rules and administration. No appointee shall be listed as eligible on the confirmation calendar until the secretary has received the appointee's completed senate questionnaire.

The secretary of the senate shall maintain a file of all appointments received from the governor for confirmation. The file shall contain a description of the duties and the compensation for each nominee. The file shall show the date an appointment was received from the governor, whether the appointment letter was read to the senate, whether the nominee has been introduced, whether a committee report has been filed, when the senate questionnaire was sent to the appointee, and shall include a copy of the appointee's completed senate questionnaire, upon receipt.

INVESTIGATING COMMITTEES. All appointments received from the governor shall be referred to the rules and administration committee by the secretary of the senate on the same day they are read to the senate. The rules and administration committee shall establish an en bloc confirmation calendar which must be filed with the secretary of the senate. Within three (3) legislative days after receiving an appointment, the committee shall either place a nominee on the en bloc confirmation calendar or assign the nominee to an appropriate standing committee for further investigation, publishing notice of such assignment in the senate journal for the next legislative day. If the rules and administration committee fails to take action on a nominee within the three days, the nominee shall automatically be placed on the en bloc confirmation calendar.

Within the three (3) legislative days after an appointment has been referred to the rules and administration committee, any ten senators may require that the nominee be assigned to an appropriate standing committee by filing a written, signed request therefor with the chairperson of the rules and administration committee. The committee chair shall refer the appointment to a subcommittee within one (1) legislative day after a standing committee receives an appointment for further investigation, publishing notice of such assignment in the senate journal for the next legislative day. Within ten (10) legislative days after a standing committee receives an appointment for further investigation the subcommittee shall file its report with the standing committee.

Within fourteen (14) legislative days after a standing committee receives an appointment for further investigation, the committee shall conduct an investigation of the nominee and file its report thereon with the secretary of the senate, who shall then place the nominee on the en bloc calendar or individual confirmation calendar as directed by the committee. The failure of a committee to file its report within the prescribed time means that the nominee is to be automatically placed, without recommendation, upon the individual confirmation calendar.

Any senator within five (5) legislative days following a nominee's name being published in the journal may request that said nominee be introduced to the full senate by filing a written request with the secretary of the senate. In any event, all nominees who are referred by the rules and administration committee to a standing committee shall be introduced to the full senate prior to a vote on confirmation of the nominee.

HEARINGS. Any member of a committee investigating an appointment may, within five (5) legislative days after the committee receives the appointment, obtain a hearing with the nominee by filing a written request with the secretary of the senate who shall forward it to the chair of the standing committee and the chair of the subcommittee. Notice of the hearing shall be published in the journal at least two (2) legislative days prior to the hearing. At the hearing, which shall be before the subcommittee, the nominee may be questioned as to his or her qualifications to fulfill the office to which nominated and further questioned as to his or her viewpoints on issues facing the office to which nominated. Any senator may at the discretion of the chair of the subcommittee be permitted to submit oral questions. The public may, at the discretion of the investigating committee, be permitted to submit oral or written statements as to the qualifications of the nominee.

Also, within five (5) legislative days after the subcommittee receives an appointment for investigation, any senator may submit written questions to be answered by the nominee prior to consideration of the nominee's confirmation by the senate.

INFORMATIONAL MEETINGS. After a nominee has been placed on the calendar and prior to the vote on confirmation, any senator may request an informational meeting on the nomination which shall be held before the subcommittee.

VOTING ON CONFIRMATIONS. Upon the motion of the majority leader or his or her designee, the nominees on the en bloc confirmation calendar shall be confirmed en bloc by the affirmative vote of two-thirds of the members elected to the senate. The journal shall reflect a single roll call accompanied by a statement of the names of those individuals subject to the en bloc confirmation vote.

Prior to an en bloc vote, any senator may request an individual vote on any nominee on the en bloc confirmation calendar. The senate shall vote separately on the nominee.

Nominees on the individual confirmation calendar shall be confirmed by a two-thirds vote; however, the senate shall take a separate roll call on each nominee, unless by unanimous consent, it determines to take one vote on all nominees under consideration. In any case, the journal shall reflect a single roll call vote for each nominee.

SENATE ETHICS RULES
(S.R. 3 — Amended and Adopted, 2-7-89)

SENATE CODE OF ETHICS

PREAMBLE. Every legislator owes a duty to uphold the integrity and honor of the general assembly, to encourage respect for the law and for the general assembly and the members thereof, and to observe the legislative code of ethics.

In doing so, each member of the senate has a duty to conduct oneself so as to reflect credit on the general assembly, and to inspire the confidence, respect, and trust of the public, and to strive to avoid both unethical and illegal conduct and the appearance of unethical and illegal conduct.

Recognizing that service in the Iowa general assembly is a part-time endeavor and that members of the general assembly are honorable individuals who are active in the affairs of their localities and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their legislative compensation, the following rules are adopted pursuant to section 68B.10, to assist the members in the conduct of their legislative affairs.

1. ECONOMIC INTEREST OF SENATOR. Taking into account that legislative service is part-time, a senator shall not accept economic or investment opportunity, under circumstances where the senator knows, or should know, that there is a reasonable possibility that the opportunity is being afforded the senator with intent to influence the senator's conduct in the performance of official duties.

a. **Divestiture.** Where a senator learns that an economic or investment opportunity previously accepted was offered with the intent of influencing the senator's conduct in the performance of official duties, the senator shall take steps to divest that senator of that investment or economic opportunity, and shall report the facts of the situation to the senate ethics committee.

b. **Charges for Services.** A senator shall not charge to or accept from a person, corporation, partnership or association known to have a legislative interest a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is in excess of that which the senator would charge another.

c. **Use of Confidential Information.** A senator in order to further the senator's own economic interests, or those of any other person, shall not disclose or use confidential information acquired in the course of official duties.

d. **Honoraria.** A senator shall not accept an honorarium from any person for a speech, writing for publication, or other similar activity, that is in excess of the usual and customary value for those services.

e. **Employment.** A senator shall not accept employment, either directly or indirectly, from a political action committee. A senator may accept employment from a political party, but shall disclose the employment relationship in writing to the secretary of the senate within ten days after the beginning of each legislative session. If a senator accepts employment from a political party during a legislative session, the senator shall disclose the employment relationship within ten days after acceptance of the employment.

For the purpose of this rule, a political action committee means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or ballot issue or influencing legislative action, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization which makes contributions in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or ballot issue or influencing legislative action.

2. ECONOMIC INTERESTS OF LOBBYIST. With the exception of exercising unfettered discretion in supporting or refusing to support proposed legislation, a senator shall not take action intended to affect the economic interests of a lobbyist or citizen supporting or opposing proposed legislation.

3. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A senator may appear before a governmental agency or board in any representation case, except that the senator shall not appear before a governmental agency or board for compensation if the matter is subject to legislative review. Whenever a senator appears before a governmental agency or board, the senator shall carefully avoid all conduct which might in any way lead members of the general public to conclude that the senator is using the senator's official position to further the senator's professional success or personal financial interest.

4. CONFLICTS OF INTERESTS. In order to permit the general assembly to function effectively, a senator will sometimes be required to vote on bills and participate in committee work which will affect the senator's employment and other monetary interests. In making a decision relative to the senator's activity on given bills or committee work which are subject to the code, the following factors shall be considered:

- a. Whether a substantial threat to the senator's independence of judgment has been created by the conflict situation.
- b. The effect of the senator's participation on public confidence in the integrity of the legislature.
- c. Whether the senator's participation is likely to have any significant effect on the disposition of the matter.
- d. The need for the senator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

A senator with a conflict of interest may participate in floor debate if prior to debate the senator indicates the conflict of interest.

5. DISCLOSURE REQUIRED. Each senator shall file with the secretary of the senate within ten days after the adoption of the code of ethics by the senate, and within ten days after the convening of the second session of the general assembly, a statement on forms provided by the secretary of the senate setting forth the following information:

- a. The nature of each business in which the senator is engaged and the nature of the business of each company in which the senator or the senator's spouse has a financial interest. A senator shall not be required to file a report or be assumed to have a financial interest if an investment in stocks, bonds, bills, notes, mortgages or other securities offered for sale through recognized financial brokers is less than five percent of the total outstanding issue of any such stock, bonds, bills, notes, mortgages or other securities of the offering entity.

- b. The name of any state or national business, trade, labor, farm, professional, religious, educational or charitable association, foundation or organization which is involved in supporting or opposing legislation brought before the general assembly and by which the senator, the senator's partner or business associate is employed or retained or has rendered services for compensation within the last twelve months.

- c. Every office or directorship held by the senator in any corporation, firm, enterprise, labor union, farm organization, cooperative, religious, educational or charitable association or organization, or trade or professional association held during the last twelve months and every membership in such an organization which is engaged in actively supporting or opposing legislation in the general assembly. The name of the entity shall be set out.

Disclosures required under this rule shall be as of the date filed unless provided to the contrary, and shall be amended to include interests and changes encompassed by this rule that occur while the general assembly is in session. All filings under this rule shall be open to public inspection in the office of the secretary of the senate at all reasonable times.

The secretary of the senate shall inform the ethics committee of the statements which are filed and shall report to the ethics committee the names of any senators who appear not to have filed complete statements. The chairperson of the ethics committee shall request in writing that a senator who has failed to complete the report or appears to have filed an incomplete report do so within five days, and, upon the failure of the senator to comply, the ethics committee shall require the senator to appear before the committee.

- d. Senators and employees of the senate shall file a report with the secretary of the senate, of a gift, which does not include food or drink provided for immediate consumption, or series of gifts made to them or each family member from any one donor which exceed fifteen dollars in cumulative value in any one calendar day. The report shall list the nature, date, and donor of the gift and shall be filed by the fifteenth of the month covering the preceding month.

- e. A senator who receives an honorarium in excess of fifteen dollars for a speech, writing for a publication, or other similar activity, relating to the senator's duties in the general assembly, shall report the honorarium to the secretary of the senate. The report shall include the nature and amount of the honorarium, the date it was provided, from whom it was received, and the nature and amount of reimbursement for or payment of any actual expenses. The report shall be filed by the senator on the fifteenth of the month following the month in which the honorarium was paid.

- f. A senator, in whose name an honorarium in excess of fifteen dollars in value is given to a person or organization for a speech, writing for a publication, or other similar activity, and who has knowledge of such honorarium, shall report the honorarium to the secretary of the senate. The report shall include the nature and amount of the honorarium, the date it was given, by whom it was given, and to whom it was given. The report shall be filed by the senator on the fifteenth of the month following the month in which the honorarium was given.

6. STATUTORY VIOLATIONS. Members of the general assembly are urged to familiarize themselves with chapter 68B and chapter 722.

7. CHARGE ACCOUNTS. Senators shall not charge any amount or item to any charge account to be paid for by any lobbyist or any organization he or she represents.

8. TRAVELEXPENSES. A senator shall not charge to the state of Iowa amounts for travel and expenses unless the senator actually has incurred those mileage and expense costs. Senators shall not file the vouchers for weekly mileage reimbursement required by section 2.10, subsection 1, unless the travel was actually incurred at commensurate expense to the senator.

9. COMPLAINTS. Complaints or charges against any senator or any lobbyist shall be in writing, made under oath, and filed with the secretary of the senate or the chairperson of the ethics committee. If filed with the secretary of the senate, the secretary shall immediately advise the chairperson of the ethics committee of the receipt of the complaint.

Complaint forms shall be available from the secretary of the senate, or the chairperson of the ethics committee, but a complaint shall not be rejected for failure to use an approved form if the complaint substantially complies with senate requirements.

A complainant may submit exhibits and affidavits attached to the complaint.

10. FILING OF COMPLAINTS.

a. Persons entitled. Complaints may be filed by any person believing that a senator or lobbyist has violated the senate ethics code, the senate rules governing lobbyists, or chapter 68B of the Iowa Code. A violation of the criminal law may be considered to be a violation of this code of ethics if the violation constitutes a serious misdemeanor or greater, or a repetitive and flagrant violation of the law.

b. Committee complaint. The ethics committee may, upon its own motion, initiate a complaint, investigation or disciplinary action.

c. Timeliness of filing. A complaint will be considered to be timely filed if it is filed during the legislative session when an alleged violation of the ethics code occurs. If the alleged unethical conduct occurs after adjournment, the complaint may be filed at any time up to and including the first fifteen days of the following legislative session.

If the complaint alleges a violation of Iowa's criminal law, it is timely if filed during the legislative session when the alleged violation occurred, or during the session when the criminal charges are disposed of.

11. PERMANENT RECORD. The secretary of the senate shall maintain a permanent record of all complaints filed, including a separate card file containing the date filed, name and address of the complainant, name and address of the respondent, a brief statement of the charges made, and ultimate disposition of the complaint. The secretary shall keep each such complaint confidential until public disclosure is made by the ethics committee.

12. PRE-HEARING PROCEDURE.

a. Defective complaint. Upon receipt of a complaint, the chairperson and ranking member of the ethics committee shall determine whether the complaint substantially complies with the code of ethics. If the complaint does not substantially comply with the code of ethics, the complaint may be returned to the complainant with a statement that the complaint is not in compliance with the code and a copy of the code. If the complainant fails to amend the complaint to comply with the code within a reasonable time, the chair and ranking member may dismiss the complaint with prejudice for failure to prosecute.

b. Service of complaint on respondent. Upon receipt of any complaint substantially complying with the requirements of this code of ethics, the chairperson of the ethics committee shall cause a copy of the complaint and any supporting information to be delivered promptly to the respondent, requesting a written response to be filed within ten days. The response may:

- (1) Admit or deny the allegation or allegations, or
- (2) Object that the allegation fails to allege a violation of the code of ethics, or
- (3) Object to the jurisdiction of the committee, or
- (4) Request a more specific statement of the allegation or allegations, or
- (5) Object to the participation of any member of the committee in the consideration of the allegation or allegations on the grounds that the member cannot render an impartial and unbiased decision.

c. Extension of time. At the request of the respondent and upon a showing of good cause, the committee, or the chairperson and ranking member, may extend the time for response, not to exceed ten additional days.

d. Scheduling hearing. Upon receipt of the response, the committee shall schedule a public meeting to review the complaint and available information, and shall:

- (1) Notify the complainant that no further action will be taken, unless further substantiating information is produced, or
- (2) Conduct its own investigation or, upon approval of the senate or the senate rules and administration committee when the senate is not in session, arrange for an investigation of the complaint by independent counsel, to be received within a reasonable time, or

(3) Cause the complaint to be scheduled for a public hearing before the committee, or

(4) Cause the complaint to be scheduled for a public hearing upon receipt of the report of the independent counsel.

13. HEARING PROCEDURE.

a. Notice of hearing. If the committee causes a complaint to be scheduled for a public hearing, notice of the hearing date and time shall be given to the complainant and respondent in writing, and of the respondent's right to appear in person, be represented by legal counsel, present statements and evidence, and examine and cross-examine witnesses. The committee shall not be bound by formal rules of evidence, but shall receive relevant evidence, subject to limitations on repetitiveness. Any evidence taken shall be under oath.

b. Subpoena power. The committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and any other things it deems necessary to the conduct of the inquiry.

c. Ex post facto. An investigation shall not be undertaken by the committee of a violation of a law, rule, or standard of conduct that is not in effect at the time of violation.

d. Disqualification of member. Members of the committee may disqualify themselves from participating in any investigation of the conduct of another person upon submission of a written statement that the member cannot render an impartial and unbiased decision in a case. A member may also be disqualified by a vote of four-fifths of the legislative members of the committee.

A member of the committee is ineligible to participate in committee meetings, as a member of the committee, in any proceeding relating to the member's own official conduct.

If a member of the committee is disqualified to act, the majority leader, after consultation with the minority leader, shall appoint a senator of the same political party as the disqualified committee member to serve as a member of the committee during the period of disqualification.

e. Hearing. At the hearing, the chairperson shall open the hearing by stating the charges, the purpose of the hearing, and its scope. The burden of proof rests upon the complainant to establish the facts as alleged, by clear and convincing evidence. However, questioning of witnesses shall be conducted by the members of the committee, by legal counsel appointed by the committee, or by a senator, the senate legal counsel, or legal counsel from the legislative service bureau, if designated by the chairperson and ranking member of the committee. The chairperson shall also permit questioning by legal counsel representing the complainant or respondent.

The chairperson or other member of the committee presiding at a hearing shall rule upon procedural questions or any question of admissibility of evidence presented to the committee. Rulings may be reversed by a majority vote of the committee members present.

The committee may continue the hearing to a future date if necessary for appropriate reasons or purposes.

f. Committee action. Upon receipt of all relevant evidence and arguments, the committee shall consider the same and recommend to the senate:

- (1) That the complaint be dismissed, or
- (2) That the senator or lobbyist be censured or reprimanded, and recommend the appropriate form of censure or reprimand, or
- (3) Any other appropriate sanction, including suspension or expulsion from membership in the senate, or suspension of lobbying privileges.

g. Disposition resolution. By appropriate resolution, the senate may amend, adopt, or reject the report of the ethics committee, including the committee's recommendations regarding disciplinary action.

14. COMMITTEE AUTHORIZED TO MEET. The senate ethics committee is authorized to meet during the time the general assembly is not in session to conduct hearings and other business that properly may come before it. If the committee submits a report seeking senate action against a senator or lobbyist after the second regular session of a general assembly has adjourned sine die, the report shall be submitted to and considered by the subsequent general assembly.

15. COMPLAINT FILING FORM. The following form shall be used to file a complaint under these rules:

THE SENATE
Ethics Complaint Form

Re: _____ (Senator/Lobbyist),
of _____, Iowa.

I, _____, (Complainant), residing
at _____, in the City of _____,
State of _____, hereby complain that

_____ (Senator/Lobbyist), whose
address is _____,

has violated the Senate Rule of Ethics or Senate Rules Governing Lobbyists in
that:

(Explain the basis for the complaint here. Use additional pages, if necessary).
Under penalty of perjury, I certify that the above complaint is true and correct
as I verily believe.

Signature of Complainant

SUBSCRIBED AND AFFIRMED to before me this _____
day of _____, 19____.

Notary Public in and for the
State of _____

16. COMPLAINT NOTICE FORM. The following form shall be used for notice
of a complaint under these rules:

STATE OF IOWA
THE SENATE

COMMITTEE ON ETHICS
IOWA STATE SENATE

On The Complaint Of _____

NOTICE OF COMPLAINT

And Involving _____

TO _____,

Senator or Lobbyist named above:

You are hereby notified that there is now on file with the Secretary of the Senate,
State Capitol, Des Moines, Iowa, a complaint which alleges that you have committed
a violation of the Senate's Ethics Code or Senate Rules Governing Lobbyists.

A copy of said complaint and the Senate rules for processing the same are attached
hereto and made a part of this notice.

You are further notified and requested to file your written answer to said
complaint within ten days of the date upon which the notice was caused to be
delivered to you, _____, 19____. Your answer is to be
filed with the Secretary of the Senate, State Capitol, Des Moines, Iowa.

Dated this _____ day of _____, 19____.

Chair, Senate Ethics Committee,
or, Secretary of the Senate

17. HEARING NOTICE FORM. The following form shall be used for notice
of a hearing under these rules:

STATE OF IOWA
THE SENATE

COMMITTEE ON ETHICS
IOWA STATE SENATE

On The Complaint Of _____

NOTICE OF HEARING

And Involving _____

TO _____.

Senator or Lobbyist named above:

You are hereby notified that there is now on file with the Secretary of the Senate, State Capitol, Des Moines, Iowa, a complaint which alleges that you have committed a violation of the Senate's Ethics Code or Senate Rules Governing Lobbyists.

A copy of said complaint and the Senate rules for processing the same are attached hereto and made a part of this notice.

You are further notified that, after preliminary review, the committee has caused a public hearing to be scheduled on

(date) _____, 19____, (hour) _____
(a.m.) (p.m.), in Room _____, State Capitol, Des Moines, Iowa.

At said hearing, you will have the right to appear in person, be represented by legal counsel at your own expense, present statements and evidence, examine and cross-examine witnesses. The committee shall not be bound by formal rules of evidence, but shall receive relevant evidence, subject to limitations on repetitiveness. Any evidence taken shall be under oath.

The committee may continue the hearing to a future date if necessary for appropriate reasons or purposes.

You are further notified that the committee will receive such evidence and take such action as warranted by the evidence.

Dated this _____ day of _____, 19____.

Chair, Senate Ethics Committee,
or, Secretary of the Senate

SENATE LOBBYIST RULES
(S.R. 4 — Amended, 2-7-89; Adopted, 2-8-89)

SENATE RULES GOVERNING LOBBYISTS

1. **DEFINITIONS.** For the purposes of these rules "lobbyist" is defined as a person who:
 - a. Is paid compensation or expends money for encouraging the passage, defeat, or modification of legislation, or influencing the decision of the members of a legislative committee or a subcommittee; or
 - b. Represents on a regular basis an organization which has as one of its purposes the encouragement of the passage, defeat, or modification of legislation, or influencing the decision of the members of a legislative committee or a subcommittee; or
 - c. Is a federal, state, or local government official or employee representing the official position of the official or employee's department, commission, board, or agency and who attempts to encourage the passage, defeat, or modification of legislation, or influencing the decision of the members of a legislative committee or a subcommittee while the senator is at the state capitol for a legislative session or for official legislative business.

As used in these rules the word "gift" and the phrases "immediate family member" and "public disclosure" have the meaning provided in chapter 68B. As used in these rules the term "political action committee" means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or ballot issue or influencing legislative action, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional or other organization which makes contributions in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or ballot issue or influencing legislative action.

2. **EXCEPTIONS.** The term "lobbyist" shall not include within its definition:
 - a. Officials and employees of a political party organized in the state of Iowa representing more than two percent of the total votes cast for governor in the last preceding general election, but only when representing the political party in an official capacity.
 - b. Representatives of the news media engaged only in the reporting and dissemination of news and editorials.
 - c. Federal, state, or local government officials and employees who in the course of their official duties submit proposed legislation or amendments to a senator or senate committee or who provide information or are requested or required to provide information to a senator or to appear before a senate committee and who do not actively encourage the passage, defeat, or modification of legislation.
 - d. The governor and lieutenant governor of the state of Iowa, and all other elected state officials.
 - e. Persons who exclusively represent their own interests (as distinguished from the interests of a group, employer, or organization), provided they are not compensated by anyone for lobbying.

3. **APPLICABILITY.** These rules are only applicable to lobbying activities involving the Iowa general assembly.

4. **REGISTRATION REQUIRED.** All lobbyists shall, on or before the day their lobbying activity begins, register with the secretary of the senate by filing a lobbyist's registration statement listing:

a. Name, permanent business address, temporary residential and business address in Polk county during the legislative session, and telephone numbers. If two or more lobbyists are associated together or consistently work together in all their lobbying, then they may file a joint registration. The name, permanent business address, temporary residential and business address in Polk county during the legislative session, and telephone numbers of all persons included in the joint registration shall be listed.

b. The name and address of all individuals, companies, firms, corporations, unions, associations or causes for which the individual lobbies.

c. The general subjects of legislation in which the lobbyist is or may be interested, the numbers of the bills and resolutions (if known) which will be lobbied, and whether the lobbyist intends to lobby for or against each bill (if known).

d. A detailed description of any agreement, arrangement, or understanding concerning contingent fees.

Any change in or addition to the foregoing information shall be registered with the secretary of the senate within ten days after the change or addition is known to the lobbyist.

5. **CANCELLATION OF REGISTRATION.** If a lobbyist's service on behalf of a particular employer, client, or cause is concluded prior to the end of the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the secretary of the senate. Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of that particular employer, client, or cause until re-registering and complying with these rules. A lobbyist's registration is valid for only one session of a general assembly.

6. **GOVERNMENT OFFICIALS.** All federal, state, and local officials or employees representing the official positions of their departments, commissions, boards or agencies shall present to the secretary of the senate a letter of authorization from their department or agency heads prior to the commencement of their lobbying. The lobbyist registration statement of these officials and employees shall not be deemed complete until the letter of authorization is attached. Federal, state, and local officials who wish to lobby in opposition to the official position of their departments, commissions, boards or agencies must indicate such on their lobbyist registration statements.

7. **CHARGE ACCOUNTS.** Lobbyists and the organizations they represent shall not allow any senators to charge any amounts or items to any charge account to be paid for by those lobbyists or by the organizations they represent.

8. **OFFERS OF ECONOMIC OPPORTUNITY.** A lobbyist, an employer of a lobbyist, or a political action committee shall not offer economic or investment opportunity or promise of employment to any senator with intent to influence the senator's conduct in the performance of official duties.

A lobbyist shall not take action intended to negatively affect the economic interests of a senator.

For purposes of this rule, supporting or opposing a candidate for office or supporting or opposing a bill, amendment, or resolution shall not be considered to be action intended to negatively affect the economic interests of a senator.

9. **MEMBERSHIP CONTRIBUTIONS.** A lobbyist, or employer of a lobbyist, shall not pay for membership in or contributions to clubs or organizations on behalf of a senator.

10. **ACCESS TO SENATE FLOOR.** Lobbyists shall not be permitted on the floor of the senate while the senate is in session. Elected state officials, except the governor, lieutenant governor, and the members of the house of representatives, shall not be permitted on the floor of the senate while the senate is in session to encourage the passage, defeat, or modification of legislation.

11. **EFFECTIVE PERIOD.** These rules governing lobbyists shall be in effect throughout the calendar year, whether or not the general assembly is in session.

12. REPORTING OF GIFTS. Persons who have made gifts to any senator, senate employee, or any immediate family member of a senator or senate employee which has a value in excess of fifteen dollars on any one calendar day shall file a report with the secretary of the senate which includes:

a. A list of senators, senate employees, or their immediate family members each to whom a gift was made, the date of the occurrence, and the nature and amount of the gift.

b. A monthly total of all gifts made by persons and their employer or employers regardless of the dollar value to senators, senate employees, and their immediate family members, including the following:

(1) Food and refreshment.

(2) Entertainment, including the cost of a hospitality room.

(3) Travel.

(4) Recreation expense.

(5) Lodging expense.

(6) Other (including the nature of the gift).

c. If a gift is made to two or more members of the general assembly, employees of the general assembly, or their immediate families which cannot be precisely attributed to each recipient, the value of the gift shall be divided by the number of individuals receiving the gift.

d. The reports required to be filed under this rule shall be filed not later than the fifteenth day of a month for gifts made or received during the preceding month.

13. REPORTING GROUP EVENTS. Persons who host a group event to which all members of the senate, or all members of both houses, have been invited shall file a report with the secretary of the senate, separately for each event, listing the date, location, and total expense incurred by the donor or donors for food, beverages, registration, and scheduled entertainment. The reporting requirements of Rule 12 apply.

14. REPORTING OF HONORARIA. Persons who have provided honorarium in excess of fifteen dollars on any one calendar day to any senator, senate employee, or any immediate family member of a senator or senate employee for a speech, writing for publication, or other similar activity shall file a report with the secretary of the senate. The report shall include the identity of the person to whom the honorarium was provided, the date it was provided, the nature and amount of the honorarium and the nature and amount of reimbursement for or payment of actual expenses incurred for public speaking engagements or other formal public appearances. The report shall be filed on the fifteenth of the month following the month in which the honorarium was paid.

15. REPORTING OF ATTRIBUTED HONORARIUM. Persons who have provided an honorarium for a speech, writing for publication, or other similar activity in excess of fifteen dollars in value on any one calendar day to any person or organization, in the name of a senator shall file a report with the secretary of the senate. The report shall include the identity of the senator on whose behalf the honorarium was given, the person or organization to whom the honorarium was given, the date it was given, and the nature and amount of the honorarium. The report shall be filed on the fifteenth of the month following the month in which the honorarium was given.

16. COMPLAINTS. Rules 9 through 15 of the senate code of ethics apply to complaints and procedures regarding violations of these rules.

**ACCESS TO SENATE CHAMBER
AND
RULES OF SENATE DECORUM**

**ACCESS TO SENATE CHAMBER AND
RULES OF SENATE DECORUM**

1. ACCESS TO SENATE CHAMBER

A. From a time which begins fifteen minutes before the Senate convenes, while the Senate is in session, in recess or at ease, and extending one hour after the Senate adjourns for the day, the persons who are allowed in the Senate Chamber are:

- a. Legislators and their immediate families.
- b. The Lt. Governor, the Lt. Governor's immediate family and staff members.
- c. Senate employees and certain authorized employees of the House who are on a list provided by the House to the Senate Sergeant-at-arms.
- d. Senate Interns and Aides. (with name tags)
- e. The minister of the day and family.
- f. The physician of the day.
- g. Authorized employees of the Legislative Service Bureau, Legislative Fiscal Bureau, Computer Support Bureau, and Citizen's Aid Office who are engaged in Senate business. (with name tags)
- h. Former legislators who are not registered lobbyists.
- i. Registered press personnel, who are restricted to:
 - (1) Going to and from their seats (but not by means of the aisles), stopping only at the newspaper table, billroom and restrooms.
 - (2) Occupying their assigned seats.
 - (3) Speaking to those Senators who have approached the press person, such conversations to take place only in the press area.
 - (4) Authorized photographers passing through the chamber to the back stairways.
- j. Certain authorized representatives of the Iowa Democratic and Republican parties who are on lists provided by the respective caucus leaders to the senate Sergeant-at-arms.

- k. Property Management personnel performing their duties.
- l. Employees on the Governor's staff who are on a list provided to the Rules and Administration Committee prior to the legislative session, and who are restricted to the perimeter of the chamber.

B. DURING RECESS*, additional persons and activities are permitted only as follows:

- a. A person or persons accompanied by a Senator for a time period of five minutes.
- b. Persons going to and from committee meetings.
(This is limited to ten minutes before and after the scheduled meeting, and ends fifteen minutes before any time set for reconvening.)
- c. Special rules for press persons:
 - (1) During recess, press persons may go to the well to pick up copies of new bills left in their slots.
 - (2) During recess, press persons may approach Senators who are not at their desk and are standing behind the back row of desks at the rear of the chamber.
 - (3) Press persons may not stand in the back of the chamber or anyplace else in the chamber and wait for Senators.

*SPECIAL NOTE: When the Senate is "at ease", it is still in session, not recess, and the regular session rules apply.

C. DURING THE HOUR FOLLOWING ADJOURNMENT, additional activities are permitted only as follows:

- a. Persons going to and from committee meetings
(Limited to ten minutes before and after scheduled meetings.)
- b. Press persons may go to the well to pick up copies of new bills left in their slots.

2. PHOTOGRAPHING.

- a. The public may take photographs from the galleries at any time. However, the use of flash bulbs or any other artificial lighting is prohibited.
- b. The press may photograph from the press section or the south gallery at any time. The press may photograph from the north gallery only after informing the Sergeant-at-arms of the intention to do so. The press may not use artificial lighting except for live television crews who receive permission in advance from the Secretary of the Senate or the Sergeant-at-arms.

3. DRESS.

Jeans and/or t-shirts are not permitted except for Property Management personnel performing their duties and authorized press photographers who are moving equipment through the chamber to the back stairway. Males must wear coat and tie at all times when the Senate is in session, except for Property Management personnel and press photographers moving through the chamber.

4. MISCELLANEOUS.

- a. The only persons who are permitted to approach a Senator when the Senator is at his or her desk without an invitation to do so are: Legislators, the Lt. Governor, members of the Lt. Governor's staff, and legislative staff employees who otherwise have access to the chamber. This rule applies at all times during the legislative session.
- b. No one except Senators may occupy a Senator's chair.
- c. Telephones at Senator's desks are for Senate business only. Senate employees may use these telephones under direction of the Senator.
- d. Soft drink cans are prohibited in the chamber to everyone except legislators.

- e. Press persons are permitted to pass through the Senator's lounge at the rear of the chamber. However, all interviews must take place in the press section or the benches immediately adjacent to the press section. All other interviews must take place in public areas of the capitol building.
- f. While the Senate is in debate, the middle aisle of the Senate chamber may only be used by legislators.
- g. While the Senate is in debate, conversations unrelated to the business at hand should be moved to the lounge or outside the chamber.
- h. While the Senate is in debate, persons moving in the chamber should avoid passing in front of Senators who have the floor. All traffic through the chamber during debate should be by the side aisles in front of the press sections.
- i. Members of the public who are passing through the chamber to and from committee meetings must use the side aisles in front of the press sections.
- j. Telephones in Senator's offices may be used by others only if the Senator gives permission each time the phone is used.
- k. During committee meetings, only legislators, the Lt. Governor and legislative staff may approach a legislator or staff person seated at the committee table or remove documents from the table.

APPROVED BY THE SENATE RULES AND ADMINISTRATION COMMITTEE ON 1-9-89

HOUSE RULES
(H.R. 2 - Adopted 1-19-89)

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES**DIVISION I—GENERAL RULES****Rule 1****Call to Order and Order of Business**

The speaker shall take the chair at the hour to which the house has adjourned, and shall immediately call the members to order, correct the journal of the previous day's proceedings, and proceed to other business, including introduction of bills, reports, messages, communications, business pending at adjournment, resolutions and bills on their passage.

Rule 2**Quorum Call and Time of Convening**

The house shall convene each Monday at 10:00 a.m. and at 9:00 a.m. on all other legislative days, unless otherwise ordered.

The speaker or a member may request a roll call to determine if a quorum is present.

Rule 3**Absences from the House**

No member shall be absent without leave while the house is in session unless the member is sick or unable to attend.

Rule 4**Preservation of Order**

The speaker shall preserve order and decorum and speak to points of order in preference to other members. Subject to an appeal to the house by any member, the speaker shall decide questions of order which shall not be debated.

The speaker may have the chamber of the house cleared in case of any disturbance or disorderly conduct.

Only past legislators, state officials, persons whose presence is deemed by the speaker to be of special significance to the house, and school classes accompanied by teachers and seated in the galleries shall be introduced in the house.

Rule 5**Rules of Parliamentary Practice**

The rules of parliamentary practice in Mason's Manual of Legislative Procedure shall govern the house in all cases where they are not inconsistent with the standing rules of the house or the joint rules of the senate and house.

Rule 6**The Speaker Pro Tempore**

The house shall, at its pleasure, elect a speaker pro tempore. When the speaker shall for any cause be absent, the speaker pro tempore shall preside, except when the chair is filled by appointment by either the speaker or the speaker pro tempore. The speaker or the speaker pro tempore shall have the right to name any member to perform the duties of speaker, but such substitution shall not extend beyond the adjournment. The acts of the speaker pro tempore shall have the same validity as those of the speaker. In the absence of both the speaker and the speaker pro tempore, the house shall name a speaker who shall preside over it and perform all the duties

of the speaker with the exception of signing bills, until such time as the speaker or speaker pro tempore shall be present, and the person's acts shall have the same force and validity as those of the regularly elected speaker.

Rule 7

Amendment and Suspension of Rules

A motion to change or rescind a standing rule or order of the house requires one day's notice. A motion to suspend a rule, or to table or take from the table a matter, requires an affirmative vote of a constitutional majority. Postponing or changing the order of business requires an affirmative vote of a constitutional majority.

Rule 8

Violation of House Rules

The speaker shall, or any member may, call to order a member who transgresses the rules of the house. With leave of the house, the member called to order may be permitted to explain. If the case requires it, the member shall be subject to censure of the house.

Rule 9

Referral of Rule Violations

The speaker shall, upon complaint of a member, or upon the speaker's own motion, refer any alleged violation of house or joint rules by house members, employees or staff to the house ethics committee upon an initial finding that an investigation is warranted.

The ethics committee shall investigate such allegations and report them back to the house with a recommendation.

Rule 10

Recognition and Decorum in Debate

A member who wishes to speak in debate or deliver any matter to the house, shall raise the microphone and, after recognition by the chair, shall respectfully address the presiding officer by saying "Mr. or Madam Speaker", shall confine all remarks to the question under debate and shall avoid personalities.

Rule 11

Limit on Debate

No member shall speak more than once on the same question, without leave of the speaker, nor more than twice until every member choosing to speak has spoken, except as provided in Rule 81. A member shall be limited to ten minutes debate on a bill being considered prior to its last reading, but may be granted an extension of time by consent of the house.

Rule 12

Decorum During Debate

No member shall leave the house while the speaker is putting a question. No one shall pass between the speaker and a member who is speaking or two members who have been recognized by the Speaker.

Rule 13

Stating the Question

When a motion is made, it shall be stated by the speaker. A motion made in writing shall be passed to the desk before it is debated.

Rule 14
Putting the Question

Questions shall be distinctly put in this form: "All those in favor of (the question) shall say 'aye';" and after the affirmative voice is expressed, "All those opposed to (the question) shall say 'no'." If the speaker is in doubt or a member of the house requests, a non-record roll call vote shall be taken.

DIVISION II—EMPLOYEES OF THE HOUSE

Rule 15
Chief Clerk of the House

The chief clerk of the house shall serve as parliamentarian and chief administrative officer of the house under the direction of the speaker of the house. The chief clerk shall supervise the chief clerk's office; be responsible for the custody and safekeeping of all bills, resolutions, and amendments filed, except when they are in the custody of a committee; have charge of the daily journal; have control of all rooms assigned for the use of the house; attest to the accuracy and correctness of text and action on bills and resolutions; process the handling of amendments when filed and during the floor consideration of bills; insert adopted amendments into bills before transmittal to the senate and prior to final enrollment; supervise legislative printing and the distribution of printed material; and perform all other duties pertaining to the office of the chief clerk.

Rule 16
Legal Counsel

The legal counsel shall be a house employee under the direction of the speaker of the house. The legal counsel shall serve as chief legal officer of the house; supervise the legal counsel's office; approve all bills, resolutions, and amendments as to proper form prior to introduction; and provide assistance to house committees.

Rule 17
Sergeant-At-Arms

The sergeant-at-arms shall execute all orders of the house and the presiding officer; perform all assigned duties related to the policing and good order of the house; supervise the entrance and exit of all persons to and from the chamber; promptly execute all messages, etc.; provide that the chamber is properly ventilated and open for the use of the members; and perform all other services pertaining to the office of sergeant-at-arms.

Rule 18
Secretaries

All secretaries of the house shall be under the general direction of the speaker and the chief clerk. Secretaries shall be on duty at the house from 8:30 a.m. to 4:30 p.m. except when excused by the member to whom the secretary is assigned. Secretaries shall perform such additional duties as may be assigned to them by the chief clerk.

Rule 19
Extra Compensation of Employees

No employee shall receive any extra compensation, except as provided by the house, or tips for services performed while on duty. Any violation of this rule shall be grounds for removal.

DIVISION III—VISITORS AND LOBBYISTS**Rule 20****Admission to the House; Lobbying**

The chamber of the house shall include the vestibule, restrooms, cloak room, lounge, visitors' galleries, and floor of the house.

The floor of the house shall consist of that area between the press box, speaker's station, and the south wall behind the last row of desks occupied by representatives, excluding the visitors' galleries.

During a legislative day while the house is in session, and one-half hour before the house convenes and one-half hour after the house recesses or adjourns, no person shall be admitted to the floor of the house except:

1. Members of the general assembly and authorized house employees in the performance of their duties.
2. Former members of the general assembly who are not registered lobbyists.
3. A general assembly member's family.
4. Representatives of the press, radio, and television who shall go directly to and from the press box.
5. Legislative interns approved by the chief clerk who shall go directly to and from the seat of their assigned representative or to be seated in the perimeter seating area.
6. Chair, co-chair, and the executive secretary of a political party having members serving in the general assembly.
7. Personnel of the code editor's office, legislative service bureau, legislative fiscal bureau, citizens' aide/ombudsman's office, computer support bureau and administrative rules review committee staff.
8. The governor's executive assistants and administrative assistants, members of the state executive council, the lieutenant governor, the attorney general, and the administrative rules coordinator, all of whom shall be confined to the perimeter area.

The current status of former members of the general assembly shall govern their access to the floor under these rules.

No other persons shall be allowed on the house floor without permission of the presiding officer of the house.

No person admitted to the floor of the house, except members of the general assembly, shall, while the house is in session, lobby or attempt to exercise any influence with any member for or against any matter then pending or that may thereafter be considered by the house.

Notwithstanding the provisions of this rule regarding admission to the floor of the house, a registered lobbyist shall not be admitted to the floor of the house on any day when the house is in session or committees are scheduled to meet from one-half hour before the house convenes or 9:00 a.m., whichever is earlier, until one-half hour after the house adjourns or until 4:30 p.m., whichever is later. A registered lobbyist or other person may be admitted to the house when the house is not in session to gain access to a committee room or upon the invitation of a member or members of the house for the purpose of visiting only with that member or members of the house.

Each lobbyist shall be given a copy of this rule when the lobbyist registers.

Each member, employee of the house, and registered lobbyist shall report violations of this rule immediately to the sergeant-at-arms.

Any person for cause may be summarily dismissed from the chamber of the house, by action of the house, and shall forfeit that person's right to admission thereafter.

Rule 21
Distribution of Literature

No person not a member of the house of representatives shall generally distribute or cause to be distributed any pamphlets, material, or other printed literature in the house without the express permission of the chief clerk. Each piece of literature shall bear its source of distribution.

All copies of pamphlets, material, or printed literature distributed by a member of the general assembly shall bear the name of the member and a copy shall be left with the sergeant-at-arms.

Rule 22
Distribution of Materials
Printed by the State

A member of the house shall not distribute maps, books, and pamphlets such as, but not limited to Golden Dome, How a Bill Becomes Law, etc., which have been printed by the state of Iowa and upon which the name of the member of the house has been affixed unless the member has purchased the materials or unless the member has affixed the words "Paid for by the citizens of Iowa and distributed by representative (member's name)."

DIVISION IV—FORMS AND PROCEDURES
FOR BILLS AND OTHER DOCUMENTS

Rule 23
Documents signed by the Speaker

All acts and joint resolutions shall be signed by the speaker, and all writs, warrants, and subpoenas issued by order of the house, shall be signed by the speaker and attested by the chief clerk.

Rule 24
Presentation of Petitions

All petitions, memorials and other papers addressed to the house shall be signed by the member and filed with the chief clerk or the chief clerk's staff.

Rule 25
Consideration of Resolutions

Action on a resolution, except a memorial resolution, or a proposition requesting information from a state official shall not be taken until one day after the resolution has been placed on the members' desks. After the resolution is adopted, the chief clerk shall transmit certified copies and have the resolution printed in the bound journal. A resolution may be printed in the daily journal upon the approval of the speaker after consultation with the minority leader.

Rule 26

Unanimous Consent Calendar

The speaker may, upon the request of three members, place on a unanimous consent calendar any house resolution or concurrent resolution which does not contain an appropriation and which has been laid over under Rule 25.

If such resolution is placed on the unanimous consent calendar, it may be removed only upon a written request submitted to the speaker by a member of the house.

If not removed after five legislative days, the chief clerk shall call up the resolution and without debate the speaker shall pronounce that it has passed by unanimous consent.

If the resolution is removed from the unanimous consent calendar, the speaker may again lay the resolution over under Rule 25, place it on a different calendar, or refer the resolution to any of the standing committees of the house.

Rule 27

Forms of Bills and Joint Resolutions

Every house bill shall be introduced by one or more members or by any standing or specially authorized committee of the house, the administrative rules review committee or interim study committee. All bills and joint resolutions introduced shall be prepared by the legislative service bureau with title, enacting clause, text and explanation as directed by the chief clerk of the house. One copy of each bill shall be presented in a bill cover with the number of copies of the bill and the title as directed by the chief clerk.

Rule 28

Joint and Nullification Resolutions

Joint resolutions shall be framed and treated as bills.

A "nullification resolution" is a joint resolution which nullifies all of an administrative rule, or a severable item of an administrative rule adopted pursuant to chapter 17A of the Code. A nullification resolution shall not amend an administrative rule by adding language or by inserting new language in lieu of existing language.

A nullification resolution may be introduced by an individual, a standing committee or the administrative rules review committee, and may be referred to a standing committee.

A nullification resolution is debatable, but cannot be amended on the floor of the house.

Rule 29

Time of Introduction of Bills

No bill or joint resolution under individual sponsorship, other than a nullification resolution, shall be read for the first time after 4:00 p.m. on Friday of the 7th week of the first regular session of the general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time.

After adjournment of the first regular session, bills may be prefiled at any time before the convening of the second regular session. No bill or joint resolution under individual sponsorship, other than a nullification resolution, shall be read for the first time after 4:00 p.m. on Friday of the 2nd week of the second regular session of the general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time.

However, bills or joint resolutions sponsored by standing committees or the administrative rules review committee, co-sponsored by the majority and minority floor leaders, or companion bills sponsored by the house majority leader and the senate majority leader may be drafted and introduced at any time permissible under Joint Rule 20. House, concurrent and nullification resolutions may be introduced at any time.

Rule 30

Introduction and Reading of Bills

All bills and resolutions to be introduced in the house shall be typed in proper form and filed with the chief clerk no later than 4:30 p.m. on the legislative day preceding its introduction.

Every bill shall receive two readings but no bill shall receive its first and last readings on the same day.

A "reading of a bill" as required by these rules shall consist of a reading of the title and enacting clause unless otherwise demanded by a house member.

Rule 31

First Reading, Commitment and Amendment

31.1. A bill is introduced into the house by an initial or "first reading of the bill".

31.2. When the house is in session the first reading shall consist of a "reading" as provided in Rule 30.

31.3. Upon a first reading of the bill, the speaker shall state that it is ready for commitment or amendment; and the speaker shall commit it to the standing or select committee, or to a committee of the whole house. If to a committee of the whole house, the house shall determine on what day.

31.4. On a day when the house is not in session, the speaker shall cause a statement, which shall consist of the title, enacting clause, bill number and committee to which the bill is referred to be published in the house journal. This publication shall constitute a first reading and commitment and shall contain the notation "read and committed under Rule 31.4".

31.5. All amendments offered to bills on file or on the regular calendar shall be accompanied by such copies as the chief clerk shall direct.

31.6. Such amendments shall give the number of the bill sought to amend and the chief clerk shall designate each such amendment thus: Amendment to House File _____, or Senate File _____, by _____.

31.7. A bill reported out by committee shall go to the speaker who shall direct that the bill be placed on the regular calendar unless it covers subject matter more properly within the jurisdiction of some other standing committee, in which case the speaker shall refer the bill to the proper standing committee.

31.8. No amendment to the rules of the house, to any resolution or bill, except technical amendments and amendments to bills substituted for by senate files containing substantially identical title, language, subject matter, purpose and intrasectional arrangement, shall be considered by the membership of the house without a copy of the amendment having been filed with the chief clerk by 4:00 p.m. or within one-half hour of adjournment, whichever is later, on the day preceding floor debate on the amendment. However, committee amendments filed pursuant to the submission of the committee report may be accepted after this deadline. This provision shall not apply to any proposal debated on the floor of the house after the fourteenth week of

the first session and the twelfth week of the second session. No amendment or amendment to an amendment to a bill, rule of the house, or resolution shall be considered by the membership of the house without a copy of the amendment being on the desks of the entire membership of the house prior to consideration.

Rule 32

Commitment of Appropriation and Revenue Bills

All bills to appropriate money shall be referred to the appropriations committee, and all bills pertaining to the levy, assessment or collection of taxes shall be referred to the committee on ways and means.

Rule 33

Regular Calendar

Bills, nullification resolutions and joint resolutions reported out for passage, or amendment and passage, or without recommendation, by a committee, shall be arranged on a regular calendar by the chief clerk each day at 4:30 p.m. in the order of the file number of the bills and following the preceding legislative day's regular calendar. Priority shall be given to house over senate file numbers and to joint resolutions over bills in the arrangement of the regular calendar.

Rule 34

Debate Calendars

The majority floor leadership shall cause to be prepared and distributed to the members at the opening of each session day when floor action is scheduled, a daily debate calendar consisting of bills, nullification resolutions and joint resolutions from the regular calendar setting forth the number and title of bills, nullification resolutions and joint resolutions for the next session day that floor action is scheduled. This rule does not apply to bills which have passed both houses in different forms, reconsiderations or veto reconsiderations.

Rule 35

Noncontroversial Calendar

The majority floor leadership may cause to be prepared a noncontroversial calendar consisting of bills and joint resolutions from the regular calendar. The noncontroversial calendar shall appear under separate heading on the regular calendar.

Notwithstanding Rule 34, a bill or joint resolution on the noncontroversial calendar may be called up for debate at any time by the majority leader beginning the third legislative day after it appears on the noncontroversial calendar. A bill or joint resolution shall be stricken from the noncontroversial calendar if a written objection to the bill or joint resolution is filed with the chief clerk prior to the time the bill or joint resolution is called up by the majority leader.

Debate on a bill or joint resolution from the noncontroversial calendar shall be limited to ten minutes. If debate exceeds ten minutes, the bill or joint resolution shall be stricken from the noncontroversial calendar.

Rule 36

Consideration of Committee Amendments

After a bill has been referred and reported back, it shall be considered on its first reading after the amendments of the committee have been read.

Rule 37
Amendments to Special Order Bills

All amendments, except corrective amendments, to bills special ordered more than five session days in advance of the date set for debate shall be filed at least two session days prior to the date set for debate.

A corrective amendment is an amendment which does not substantively change the amendment or the bill.

The time limits set for the filing of amendments on specially ordered bills shall not apply to bills special ordered for less than five session days.

Rule 38
Irrelevant Amendments

No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

Rule 39
Consideration of Bills

Bills, including committee bills, and nullification resolutions, reported out for passage, for indefinite postponement, for amendment and passage, or without recommendation by the committee, shall not be acted upon until after the second legislative day following the day the report was printed in the journal.

Prior to noon or adjournment, whichever is later, on the last legislative day of the week, the majority leader shall prepare a list of bills reported out of committee that week which have not yet appeared on the regular calendar.

The reports of the committees shall not be read while the house is in session except as herein provided. The reports shall be printed in the journal immediately after they are filed with the chief clerk. Reports recommending bills for passage, for amendment and passage, or without recommendation shall stand approved unless written objections are filed during the first legislative day following their printing in the journal. If objections are filed, they shall be disposed of as soon as possible. Reports recommending indefinite postponement shall be governed by Rule 44.

Upon an affirmative vote of at least a constitutional majority of the members, a report may be read before it is printed in the journal and while the house is in session, and acted upon at once.

Rule 40
Consideration of Bills Upon Last Reading

No amendment, unless by way of correcting an error or omission, shall be received to any bill on its last reading, and no debate shall be allowed on it.

Rule 41
Printing of Bills and Joint Resolutions

Bills and joint resolutions shall be printed in form as provided by law and by rule. Each house may direct the printing of an additional number of its own bills.

Legalizing bills of a local or private nature shall be printed in bill form and placed in the files of the members, the same as other bills, in the order of their introduction. The cost of printing shall be deposited with the treasurer of state in advance at a rate to be fixed, and the

newspaper publication of the bill shall be without cost to the state. No legalizing act may be introduced until all provisions of law have been complied with.

Rule 42
Certification of Bills

The chief clerk shall certify the passage of each bill and note the date of its passage.

Rule 43
Rereferral

A bill may be rereferred at any time before its passage and after the report of its referral to committee.

Rule 44
Effect of Indefinite Postponement

When a question is indefinitely postponed, it shall not be acted upon again during that session. Any bill which receives a committee recommendation of indefinite postponement shall be disposed of within three legislative days after the printed journal containing the report has been placed upon the desks of the members of the house, or the committee recommendation will be considered adopted.

Rule 45
Status of Bills Following
First Regular Session

Except as provided in Rule 3 of the joint rules all bills which have not been withdrawn, defeated or indefinitely postponed, shall be rereferred to committee upon adjournment of the first regular session. Within seven days after the first committee meeting following convening of the second regular session, the committee chair shall submit the bill to the full committee for action or the chair shall reassign the bill to a subcommittee.

DIVISION V—COMMITTEE PROCEDURES

Rule 46
Appointment of Committees

All committees shall be appointed by the speaker, unless otherwise especially directed by the house.

Rule 47
Order on Question of Commitment

When a resolution is offered or a motion made to refer any subject, and different committees are proposed, the question shall be taken in the following order: The committee of the whole house; a standing committee; a select committee.

Rule 48
Study Bills

A study bill is any matter which a member of the house wishes to have considered by a standing committee, other than appropriations, and which has not been included in a previously introduced bill. Upon taking possession of a study bill, the committee chair shall notify the speaker and then submit fifteen copies of the bill to the legal counsel's office for numbering.

A study bill shall bear the name of the member who wishes to have the bill considered. A study bill submitted by a state agency or board for consideration shall bear the name of the state agency or board. A committee chair may submit a study bill in the name of that committee.

Final committee action on a study bill shall not be taken until one day following the notation of the study bill assignment in the house journal.

A study bill not prepared by the legislative service bureau may be submitted to a standing committee, but shall not be considered by the full committee unless reviewed and typed in proper form by the legislative service bureau.

Rule 49 Committee Meetings

No committee, except a conference committee or the administrative rules review committee, shall meet while the house is in session without special leave.

Rule 50 Smoking

Smoking shall not be permitted in the house committee rooms, the west part of the lounge provided for telephone use, or on the floor of the house, at the speaker's station, in the press boxes, visitors' galleries, or house members' rest rooms.

Rule 50A Nondegradable Polystyrene Cups

The use of nondegradable polystyrene cups shall not be permitted on the floor of the house, at the speaker's station, or in the press boxes.

Rule 51 Assignments to Subcommittee

The chair of the committee shall report to the house the bill number of each bill assigned to subcommittee and the names of the subcommittee members. The report shall be printed in the journal.

All bills, prior to consideration by the committee, shall be referred by the chair to a subcommittee, unless acted upon by a committee of the whole.

The chair may assign bills to subcommittees without a meeting of the committee, but the membership of the subcommittee so appointed shall be reported at the next meeting of the committee.

Rule 52 Open Meetings

Standing committee meetings shall be open, and voting by secret ballot is prohibited. The rules and administration committee may close its meetings to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation on the request of the affected individual.

Rule 53 Quorum and Vote Requirements

The committee roll shall be taken at the convening of each meeting to determine the presence of a quorum. A majority of the committee membership shall constitute a quorum.

An affirmative vote of a majority of the committee membership is required to report a bill out of committee or to suspend a committee rule.

Rule 54
Committee Attendance Record and Report
of Committee Form

A committee attendance record shall be filed with the chief clerk no later than 10:00 a.m. of the legislative day immediately following the day of the committee meeting. The committee attendance record is a public record and may be published in the journal. The committee attendance record shall include the following information:

- a. The time the meeting convened.
- b. The members present at the meeting.
- c. The time the meeting adjourned.
- d. A list of bills receiving final committee disposition.

A report of committee form shall be filed with the chief clerk no later than 10:00 a.m. of the legislative day immediately following the day of the committee meeting for each study bill, numbered bill or resolution receiving final committee disposition. The report of committee form is a public record and a report of committee action shall be printed in the journal. The report of committee form shall include the following information:

- a. The committee action taken.
- b. The committee amendment number, if any.
- c. The roll call vote of the committee on final disposition.
- d. The minority recommendation, if any.

Upon final adjournment of the first session and final adjournment of the second session of the general assembly, the chair of each committee shall have placed the committee's book of record containing minutes, roll calls, rules, etc., with the chief clerk for access of any interested person.

Rule 55
Minority Recommendation

The minority of the members of a committee may present its recommendations on the final disposition of a bill to the house by attaching its recommendation to the committee report and the same shall be printed in the journal with the committee report.

Rule 56
Committee Amendment

Whenever a committee amendment is proposed which would amend another committee amendment, the amendment shall be drafted in the form of a substitute amendment and shall be considered as such.

Rule 57
Committee Notice and Agenda

Each committee shall prepare and publish a notice and agenda of each committee meeting at least one legislative day prior to the meeting.

The notice shall contain the committee name, the date, time and location of the meeting.

The agenda shall contain the matters to be discussed, including a list of bills, joint resolutions, nullification resolutions and study bills by number. The agenda should contain the names of individuals who are scheduled to appear before the committee and the organization which they represent.

A bill, joint resolution, nullification resolution or study bill shall not be reported out of committee if the bill was not included in the published notice and agenda unless this rule is suspended by a majority of the total membership of the committee.

A committee chair may call a meeting without providing the required notice and agenda upon leave of the house if a notice is placed on the desks of committee members and on the bulletin board.

Rule 58

Clearing of Committee Room

The chair of a committee may clear the committee room in case of any disturbance or disorderly conduct.

Rule 59

Committee Amendments

All amendments to a bill or resolution adopted in committee shall be incorporated in a single committee amendment or incorporated in a new committee bill.

Rule 60

Withdrawal of Bills or Nullification Resolutions From Committee

A bill or nullification resolution which has been in committee for eighteen legislative days following notation of such referral in the journal may be withdrawn from the committee and placed on the calendar by an affirmative vote of not less than fifty-one members of the house.

Rule 61

Committee Hearings

The chair of a committee may call a hearing for the purpose of receiving public comment on any matter within the purview of the committee.

The chair shall call a hearing upon the written request of committee members according to committee rules, but no more than one-third of the committee members shall be required.

The chair shall designate a time and place for a hearing and provide public notice at least five days prior to a hearing.

A bill for which a public hearing has been called can be voted to the calendar but cannot be debated until after the public hearing has been held.

However, public hearings which have been requested during or after the 10th week of the first session and during or after the 8th week of the second session must be held within four legislative days of the date of the request.

Rule 62

Limitation on Filing of Claims

A claim or claim bill, the subject matter of which has been considered or filed for consideration in the house or any of its committees, in two or more prior sessions of the general assembly,

shall not be considered by any committee or by the house unless it has been specifically referred to this session by a prior general assembly. The committee on claims is authorized to set a definite date after which it will not receive claims or claim bills for consideration.

DIVISION VI—COMMITTEE OF THE WHOLE

Rule 63

Organization of Committee of the Whole

In forming the committee of the whole house, the speaker shall appoint a member to preside in committee and then leave the chair.

Rule 64

Rules in Committee of the Whole

The rules of the house shall be observed in committee of the whole house, so far as they are applicable.

Rule 65

Bills in Committee of the Whole

Bills committed to the committee of the whole house shall first be read in their entirety by the chief clerk or chair and then read again or debated by section, leaving the preamble to be considered last. After report, the bill shall again be subject to debate and amendment before a vote is had on its last reading and passage.

Rule 66

Amendments by Committee of the Whole

All amendments made to a report committed to a committee of the whole house shall be noted and reported as in the case of bills.

DIVISION VII—MOTIONS

Rule 67

Order and Precedence of Motions

The following order and precedence of motions shall govern when a question is under debate:

11. Adjourn.
10. Recess.
9. Questions of privilege.
8. Lay on the table.
7. Previous question.
6. Postpone definitely or to a certain time.
5. Refer or commit.
4. Defer.
3. Amend an amendment.
2. Amend.
1. Postpone indefinitely.

These motions are listed in descending order of precedence.

A motion to postpone definitely or to a certain time, to refer or commit, or to postpone indefinitely a particular question shall not be considered more than once on the same day.

Adoption of a motion to strike the enacting words is equivalent to rejection of the question.

Rule 68
Order of Consideration of Amendments

Amendments shall be considered by earliest position in the bill. Amendments to the same place in the bill shall be considered by the lowest amendment number. An amendment which inserts language after a line and an amendment which inserts language before the succeeding line shall be considered amendments to the same place in the bill.

However, an amendment to strike the enacting clause shall always be considered first. An amendment filed by a committee shall have the next highest order of priority, followed by an amendment to strike everything after the enacting clause and insert new language. An amendment to strike language or to strike and insert new language, except an amendment to strike everything after the enacting clause and insert new language, shall not be considered before amendments to perfect all or part of the same portion of the bill.

Rule 69
Motions Not Debatable

The motions to lay on the table, to adjourn, for the previous question, and appeals of a ruling of the presiding officer shall be decided without debate.

Rule 70
Motion to Adjourn

A motion to adjourn shall always be in order, except when a member is speaking or the house is voting.

Rule 71
Withdrawal of Motions

After a motion is stated by the speaker, or read by the chief clerk, it shall be deemed to be in possession of the house, but may be withdrawn by leave of the house.

Rule 72
Referral and Rereferral

Motions and reports may be referred and rereferred at the pleasure of the house.

Rule 73
Reconsideration

a. A motion to reconsider may be made only by a member who voted on the prevailing side of the question sought to be reconsidered.

b. A motion to reconsider may be made not later than adjournment on the day following the day of the action sought to be reconsidered. Where the floor manager voted on the prevailing side, he or she has the prior right to make the motion, until adjournment on the day of the action sought to be reconsidered. A motion to reconsider a nullification resolution shall be acted upon not later than adjournment on the legislative day following the day of the action sought to be reconsidered.

c. A motion to reconsider made following the one hundred fourth calendar day of the first regular session, or the ninety-fourth calendar day of the second regular session, shall be taken up when made. A motion made at any other time may be taken up prior to the third day succeeding the day of the action sought to be reconsidered only if called up by the mover, and after the second day succeeding the day of the action sought to be reconsidered if called up by any member.

d. The making of a motion to reconsider takes precedence over all other questions.

e. No motion to reconsider passage, adoption or failure of any bill, nullification resolution or joint resolution shall prevail unless it obtains a constitutional majority. When passage, adoption or failure is reconsidered, questions on amendments may also be reconsidered and shall be disposed of immediately.

f. A motion that the motion to reconsider be laid on the table is in order. The effect of laying the motion to reconsider on the table is to cause the bill or joint resolution to proceed on its regular course immediately.

g. In the event that a motion to reconsider is pending at the end of the first session or any extraordinary session of any general assembly, or the general assembly adjourns sine die, and the motion to reconsider has not been voted upon by the house, the motion shall be determined to have failed.

DIVISION VIII—VOTING

Rule 74 Manner of Voting

Upon direction of the speaker or upon request of two members during the taking of the vote of the house on any question, only those members at their desks and voting shall be counted except:

a. Members who have not voted may record their votes on any record roll call vote except quorum calls within ten minutes after the vote has been announced, providing the vote does not change the outcome of the vote on that question. A member may request announcement of the names of members so recorded after the ten-minute period.

b. Members meeting in a conference committee or in administrative rules review committee at the time a vote is taken on a question may have their vote recorded within 30 minutes or adjournment, whichever is first of that same legislative day, providing the vote does not change the outcome of the vote on that question.

Rule 75 Duty of Voting

Except as limited in Rule 74, every member who is in the house when a question is put shall vote unless the house has excused that member for special reasons; however, such member must have asked to be excused prior to commencing to take the vote on the main question.

Rule 76 Limitation on Right to Vote

No member shall vote on any question in which that person is financially interested.

Rule 77 Call of the House

Upon written request of five members, the presiding officer shall compel attendance of absent and unexcused members for the consideration of specified bills or resolutions.

A call of the house shall specify the propositions to which it is to apply, and must be put into effect before roll call is taken on the proposition. The request may be filed at any time before final action upon the propositions with the chief clerk, who shall notify the house immediately.

Rule 78
Method of Calling the House

Upon a call of the house, the names of the members shall be called by the chief clerk and the absentees noted, after which the names of the absentees shall again be called. The sergeant-at-arms shall be directed by the speaker to compel the attendance of absent members, unless they are previously excused. Any member occupying his or her seat during a call of the house shall be counted by the speaker and that person's name entered in the journal as being present for the purpose of making a quorum.

Rule 79
Method of Calling the Roll

The electrical voting machine shall be used for a call of the house, a quorum call or a roll call vote on any question. If the electrical voting machine is not in operating order when it is necessary to take a record roll call vote, the presiding officer shall order the vote to be taken by calling the roll in alphabetical order, except the name of the presiding officer shall be called last.

During the casting of the vote with the voting machine, the individual votes and the vote totals shall be shown on the display boards. Before the voting machine is closed, the presiding officer shall inquire of the house, "Have you all voted?"

Rule 80
Quorum and Record Roll Call Votes

A majority of the members shall constitute a quorum.

A record roll call vote shall be ordered upon request of any two members. The names of the members requesting the record roll call shall be entered in the journal.

Rule 81
Previous Question

When a member moves for a previous question, that member shall state whether the motion will apply to the main question, to all the amendments, or to particular amendments. The motion requires an affirmative vote of at least a constitutional majority of the members. If the motion for a previous question is not adopted, the house shall proceed in the same manner as before the motion was made.

If the motion is adopted, all debate must end and the house will vote upon the question except:

1. If the motion applies to the main question, the member in charge of the measure will have ten minutes to speak for the purpose of closing discussion before the vote on the measure is taken.
2. If the motion applies to an amendment, the member proposing the amendment will have five minutes to speak for the purpose of closing discussion before the vote on the amendment is taken.
3. If a member has filed a written request with the chief clerk of the house indicating his or her desire to speak on a particular question. The request must be filed before the motion is made by the movant. The request allows a member to speak on a particular question before the closing discussion by the member who is in charge of the measure or who is proposing the amendment.

Rule 82
Division of the Question

Any member may call for a division of the question, which shall be divided if it comprehends questions so distinct that one being taken away, the remainder may stand separately for discussion by the house. A motion to strike out being lost shall not preclude either an amendment or a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

**HOUSE OF REPRESENTATIVES
CODE OF ETHICS
(H.R. 7 — Adopted 2-15-89)**

HOUSE CODE OF ETHICS

PREAMBLE. Every legislator and legislative employee has a duty to uphold the integrity and honor of the general assembly, to encourage respect for the law and for the general assembly, and to observe the house code of ethics. Each member and employee of the house has a responsibility to conduct herself or himself so as to reflect credit on the general assembly and to inspire the confidence, respect, and trust of the public. The following rules are adopted pursuant to chapter 68B of the Code, to assist the members and employees in the conduct of their activities:

1. DEFINITIONS. The definitions of terms provided in chapter 68B of the Code apply to the use of those terms in these rules.

2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF HOUSE.

a. Economic or investment opportunity. A member or employee of the house shall not accept economic or investment opportunity under circumstances where the member or employee knows, or should know, that there is a reasonable possibility that the opportunity is being afforded with the intent to influence the member's or employee's conduct in the performance of official duties. If a member or employee of the house learns that an economic or investment opportunity previously accepted was offered with the intent of influencing the member's or employee's conduct in the performance of the official duties, the member or employee shall take steps to divest that member or employee of that investment or economic opportunity, and shall report the matter in writing to the chairperson of the house ethics committee.

b. Excessive charges for services, goods, or property interests. A member or employee of the house shall not charge to or accept from a person known to have a legislative interest, a price, fee, compensation, or other consideration for the sale or lease of any property or the furnishing of services which is in excess of that which the member or employee would ordinarily charge another person.

c. Use of confidential information. A member or employee of the house, in order to further the member's or employee's own economic interests, or those of any other person, shall not disclose or use confidential information acquired in the course of the member's or employee's official duties. For the purpose of this rule, information disclosed in open session at a public meeting under chapter 21 and information that is a public record under chapter 22 is not confidential information.

d. Employment. A member or employee of the house shall not accept employment, either directly or indirectly, from a political action committee. However, this paragraph shall not prohibit a member or employee of the house from working for a candidate's committee, a political party's action committee, or a political action committee which does not support or oppose a candidate for public office in this state or a ballot issue in this state and which is not interested in issues before the general assembly.

For the purpose of this rule, a political action committee means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or a ballot issue or for the purpose of influencing legislative action.

e. A member or employee of the house shall not solicit employment on behalf of the member or employee, or on behalf of another legislator or employee, as a lobbyist while the general assembly is in session.

3. APPEARANCE BEFORE STATE AGENCY. A member or employee of the house may appear before a state agency in any representation case. Whenever a member or employee of the house appears before a state agency, the member or employee shall carefully avoid all conduct which might in any way lead members of the general public to conclude that the member or employee is using the member's or employee's official position to further the member's or employee's professional success or personal financial interest.

4. CONFLICTS OF INTEREST. In order for the general assembly to function effectively, members of the house may be required to vote on bills and participate in committee work which will affect their employment and other areas in which they may have a monetary interest. Action on bills and in committee work which specifically deals with a member's specific employment or specific investment, as opposed to a profession, trade, or business in general, should be avoided. In making a decision relative to a member's activity on particular bills or in committee work, the following factors should be considered:

a. Whether a substantial threat to the member's independence of judgment has been created by the conflict situation.

b. The effect of the member's participation on public confidence in the integrity of the general assembly.

c. Whether the member's participation is likely to have any significant effect on the disposition of the matter.

d. The need for the member's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the general assembly.

If a member decides not to participate in committee work or to abstain from voting because of a possible conflict of interest, the member should disclose this fact to the legislative body. The member may, however, decide to participate in a manner which is contrary to the member's economic interest.

A member with a conflict of interest may participate in floor debate if prior to the debate, the member discloses the conflict of interest.

5. STATUTORY REQUIREMENTS. Members and employees of the house are urged to familiarize themselves with chapters 68B, 721, 722, and section 711.4 of the Code.

6. CHARGE ACCOUNTS. Members and employees of the house shall not charge any amount or item to a charge account to be paid for by a lobbyist or any organization represented by a lobbyist.

7. TRAVEL EXPENSES. A member or employee of the house shall not charge to the state of Iowa amounts for travel and expenses unless the member or employee actually has incurred those mileage and expense costs. Members or employees shall not file the vouchers for weekly mileage reimbursement required by section 2.10, subsection 1, unless the travel expense was actually incurred.

A member or employee of the house shall not file a claim for per diem compensation for a meeting of an interim study committee or a visitation committee unless the member or employee attended the meeting. However, the Speaker may waive this provision and allow a claim to be filed if the member or employee attempted to attend the meeting but was unable to do so because of circumstances beyond the member's or employee's control.

8. DISCLOSURE REQUIRED. A member, officer, or employee of the house shall file a report with the chief clerk of the house of the acceptance from any one donor of any gift or series of gifts made to the member, officer, or employee or to an immediate family member which exceeds fifteen dollars in cumulative value during any one calendar day. The report shall list the nature, date, and donor of the gift. However, the reporting of food and beverage for immediate consumption in the presence of the donor is not required.

The reports shall be filed in the office of the chief clerk of the house by the fifteenth day of the month following the month in which a gift is provided which is required to be reported. Subject to the approval of the committee on ethics, the chief clerk of the house shall prepare forms for the filing of these reports and make them available to any person who is required to file a report. The reports filed shall be maintained by the chief clerk of the house and be available for public inspection as provided in chapter 22 of the Code. The committee on ethics may authorize the chief clerk of the house to prepare and make available to the public an annual summary of the reports filed under this rule.

9. COMPLAINTS.

a. **Filing of complaint.** A complaint under these rules or under section 68B.10, subsection 4, of the Code against any member or employee of the house or a lobbyist operating in the house shall be in writing, made under oath, and filed with the chairperson of the ethics committee of the house. A complaint shall specify the person or persons against whom the complaint is made, the date and location of any event, incident or transaction involved, the connection of the event, incident or transaction with the official position of any accused member or employee or with the lobbying activities of any accused lobbyist, the facts or evidence on which the complainant relies, and the section in the code of ethics, rules governing lobbyists, or Code section or chapter which is alleged to have been violated. The complainant shall attach to the complaint a copy of any relevant document.

Complaints may be filed by any person believing that a member or employee of the house or lobbyist is guilty of a violation of the house code of ethics, the house rules governing lobbyists, or chapter 68B of the Code.

Complaint forms shall be available from the chief clerk of the house, and the chairperson of the ethics committee, but a complaint shall not be rejected for failure to use the approved form if it complies with the requirements of these rules.

The ethics committee may, upon its own motion, initiate a complaint, investigation, or disciplinary action.

A complaint shall be considered to be timely filed if it is filed within forty-five days from the time the complainant knew or should have known about the alleged unethical or illegal conduct.

b. Probable cause investigation and hearing. Upon the receipt of a complaint in proper form, the committee shall accept it for filing as a public record. The chairperson of the ethics committee shall deliver by certified mail, return receipt requested, to the person or persons accused, a copy of the complaint and any supporting information. The accused person shall be requested to submit a written response to the complaint within ten days. At the request of the accused person and upon a showing of good cause, the committee may extend the time for the response, not to exceed ten additional calendar days. After the expiration of the ten days, or the extension, the committee shall then conduct such investigation as it deems appropriate, including but not limited to, requesting additional information from the complainant and the accused person and reviewing the complaint and relevant information.

The ethics committee may employ independent legal counsel to assist it in carrying out its duties with the approval of the house when the general assembly is in session and with the approval of the speaker or the majority leader of the house when the general assembly is not in session.

During the committee's investigation, the accused person may request in writing to the chairperson that the ethics committee convene to receive testimony from the accused person. If so requested by the accused person, the ethics committee shall convene not less than three nor more than ten days after the notification by the accused person that the accused person wishes to testify. However, the accused person may waive the deadlines for the convening of the committee. When its investigation is complete, the committee shall schedule a probable cause hearing.

At the probable cause hearing the accused person may appear, present evidence, and cross-examine witnesses. All testimony at the hearing shall be under oath.

c. Formal hearing. If probable cause is found at the probable cause hearing, the complaint shall be set for hearing on notice to the accused person. The notice shall be in writing and delivered either by personal service as in civil cases or by certified mail, return receipt requested.

The notice shall include a statement of the nature of the charge, a statement of the time and place of hearing, a short and plain statement of the facts asserted, and a statement of the rights of the accused person to be present and to be heard in person and by counsel, to cross-examine witnesses, and to present evidence.

Evidence at the hearing shall be received in accordance with procedures in ordinary civil cases. The Iowa rules of evidence apply. Independent counsel designated by the committee shall present the evidence in support of the complaint. The burden shall be on the complainant to prove the charge by a preponderance of clear and convincing evidence. Upon completion of the hearing, the committee shall adopt written findings of fact and conclusions concerning the merits of the complaint and make its report and recommendation to the house.

The committee shall recommend to the house that the complaint be dismissed, or that one or more of the following be imposed:

(1) That the member or employee of the house or lobbyist be censured or reprimanded, and the recommended appropriate form of censure or reprimand be used.

(2) That the member of the house be suspended or expelled from membership in the house and required to forfeit the member's salary for that period, the employee of the house be suspended or dismissed from employment, or that the lobbyist's lobbying privileges be suspended.

10. PERMANENT RECORD. The chief clerk of the house shall maintain a permanent record of all complaints filed. The permanent record shall be prepared by the ethics committee and shall contain the date the complaint was filed, name and address of the complainant, name and address of the accused person, a brief statement of the charges made, and ultimate disposition of the complaint. The chief clerk shall keep each complaint confidential until public disclosure is made by the ethics committee.

11. MEETING AUTHORIZATION. The house ethics committee is authorized to meet one time at the discretion of the committee chairperson during the time the general assembly is not in session in order to conduct hearings and other business that properly may come before it. Additional meetings of the committee during the time the general assembly is not in session shall require the authorization of the speaker or the majority leader of the house. However, authorization may be given at any time for as many meetings as the speaker or the majority leader deems necessary. If the committee submits a report seeking house action against a member or employee of the house or lobbyist after the second regular session of a general assembly has adjourned sine die, the report shall be submitted to and considered by the subsequent general assembly.

12. ADVISORY OPINIONS. Advisory opinions may be rendered as set out in section 68B.10 of the Code upon request of a member of the general assembly.

**HOUSE OF REPRESENTATIVES
RULES GOVERNING LOBBYISTS
(H.R. 6 Adopted, 2-15-89)**

HOUSE RULES GOVERNING LOBBYIST

1. DEFINITIONS OF TERMS. As used in these rules, the word "gift" and the phrases "immediate family members" and "public disclosure" have the meaning provided in section 68B.2 of the Code and "person" has the meaning provided in section 4.1 of the Code.

2. DEFINITION OF LOBBYIST. For the purposes of these rules, "lobbyist" means a person who does any of the following:

a. Receives compensation or reimbursement of expenses to encourage the passage, defeat, or modification of legislation or to influence the decisions of members of a legislative committee or subcommittee which relate to legislation.

b. Represents an organization which has as one of its purposes the encouragement of the passage, defeat, or modification of legislation or influencing the decisions of the members of a legislative committee or subcommittee which relate to legislation.

c. Is a federal, state, or local official or employee representing the official position of the official's or employee's department, commission, board, or agency, who attempts to encourage the passage, defeat, or modification of legislation or to influence the decisions of the members of a legislative committee or subcommittee which relate to legislation.

3. EXCEPTIONS. "Lobbyist" does not mean the following:

a. Designated representatives of political parties organized in this state which represent more than two percent of the total votes cast for governor or president in the preceding general election, but only when representing the political party in an official capacity.

b. Representatives of the news media, but only when engaged in the reporting and disseminating of news and editorial comment to the general public.

c. Officials and employees of federal, state, and local government who in the course of their official duties submit legislation or amendments to a representative, a house committee or subcommittee, or who are requested or required to provide information to a representative, or who are requested or required to appear before a house committee or subcommittee, and who do not encourage the passage, defeat, or modification of legislation.

d. Any elected state official.

e. Constituents of a legislator in lobbying their legislator.

f. Legislative interns approved by the chief clerk of the house.

g. Any person who does not receive compensation or reimbursement for expenses for lobbying or whose activities are limited to formal appearances to give testimony at public sessions of committees of the house of representatives or public hearings of state agencies and whose appearance, as a result of testifying, is recorded in the records of the committee or agency.

4. REGISTRATION REQUIRED. All lobbyists shall on or before the day their lobbying activity begins, register with the chief clerk of the house by filing a lobbyist registration statement listing the following:

a. Name, permanent business and residential addresses, temporary residential and business addresses during the legislative session, if any, and their telephone numbers.

b. The name and address of each individual, company, firm, corporation, union, association, or cause for which the lobbyist lobbies.

c. The general subjects of legislation in which the lobbyist is or may be interested, the file number of the bills and resolutions and the bill number of study bills, if known, which will be lobbied, whether the lobbyist intends to lobby for or against each bill, resolution, or study bill, if known, and on whose behalf the lobbyist is lobbying the bill, resolution, or study bill.

Any change in or addition to the information required by this rule shall be registered with the chief clerk of the house within ten days from the time the change or addition is known to the lobbyist.

Only one registration statement need be filed by a lobbyist, even if the lobbyist represents more than one client.

5. **CANCELLATION OF REGISTRATION.** If a lobbyist's service on behalf of a particular employer, client, or cause is concluded prior to the end of the calendar year, the lobbyist shall cancel the registration on appropriate forms supplied by the chief clerk of the house. Upon cancellation of registration, a person is prohibited from engaging in any lobbying activity on behalf of that particular employer, client, or cause until reregistering and complying with these rules. A lobbyist's registration is valid for the calendar year.

6. **PUBLIC ACCESS.** All information filed under these rules is a public record and open to public inspection at any reasonable time.

7. **GOVERNMENT OFFICIALS.** Employees of federal, state, and local government offices who are designated representatives of their agency shall not lobby on behalf of their offices without a letter of authorization from their respective offices.

8. **CHARGE ACCOUNTS.** Lobbyists and the organizations they represent shall not allow members of the house to charge any amounts or items to a charge account to be paid for by those lobbyists or by the organizations they represent.

9. **ACCESS TO HOUSE FLOOR.** Lobbyists shall only be permitted on the floor of the house pursuant to rule 20 of the rules of the house.

10. **FEE OR BONUS PROHIBITED.** A fee or bonus shall not be paid to any lobbyist with reference to any legislative action that is conditioned wholly or in part upon the results attained by the lobbyist.

11. **OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY.** A lobbyist, or employer of a lobbyist, shall not offer economic or investment opportunity or promise of employment to any member of the house with intent to influence conduct in the performance of official duties.

12. **PERSONAL OR FINANCIAL OBLIGATION.** A lobbyist shall not do anything with the purpose of placing a member of the house under personal or financial obligation to a lobbyist or a lobbyist's principal or agent.

13. **ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT.** A lobbyist shall not cause or influence the introduction of any bill or amendment for the purpose of being employed to secure its passage or defeat.

14. **CAMPAIGN SUPPORT.** A lobbyist shall not influence or attempt to influence a member's actions by the promise of financial support for the member's candidacy or threat of financial support for an opposition candidate.

15. **COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED.** A lobbyist shall not communicate with a member's employer for the purpose of influencing a vote of the member.

16. **EXCESS PAYMENTS.** A lobbyist shall not pay or agree to pay to a member a price, fee, compensation, or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which other persons in the same business or profession would charge in the ordinary course of business.

17. REPORTING OF GIFTS.

a. A person who provides a gift or series of gifts which exceeds fifteen dollars in cumulative value in any one calendar day to any member, officer, or employee of the house or the immediate family members of a member, officer, or employee of the house shall file a report, on the prescribed form, of the gift with the chief clerk of the house. The report shall show the nature, amount, date, donee, and donor of the gift. If more than one person shares in the expense of providing a gift or series of gifts which exceeds fifteen dollars in cumulative value in any one calendar day and which is required to be reported, each of the persons sharing in the expense shall report the gift to the chief clerk of the house as provided in section 68B.11 of the Code regardless of the amount of the person's share of the expense.

b. A person who provides a gift or series of gifts to a member, officer, or employee of the house or the immediate family members of a member, officer, or employee of the house shall provide a copy of the report filed with the chief clerk of the house to the member, officer, or employee stating the value of each gift which is required to be reported by the member, officer, or employee by the tenth day of the month following the month in which a gift is provided.

c. Persons who provide gifts to members, officers and employees of the house and their immediate families shall include in the report to the chief clerk of the house the monthly total of all gifts made by the person, and the employer or employers, regardless of the dollar value, including the total of each of the following listed separately:

- (1) Food and beverage.
- (2) Entertainment, including the cost of a hospitality room.
- (3) Travel.
- (4) Recreation expense.
- (5) Lodging expense.
- (6) Other gifts, including the nature of the gifts.

d. Persons who host a group event to which all members of the house or all members of both houses have been invited shall file a report with the chief clerk of the house, separately for each event, listing the date, location, and total expense incurred by the donor or donors for food, beverages, registration, and scheduled entertainment.

e. The reports required to be filed with the chief clerk of the house under this rule shall be filed in the office of the chief clerk by the fifteenth day of the month following the month in which a gift is provided which is required to be reported or in which an event is hosted.

18. FINANCIAL TRANSACTIONS. Each lobbyist shall report any financial transaction with a value of at least five hundred dollars between the lobbyist, or a principal or agent of the lobbyist, and a member of the house, a house member's immediate family, or a business with which the member or the member's family is associated. Each report shall include all of the following:

- a. The date of the transaction.
- b. The nature of the transaction.
- c. The parties to the transaction.
- d. The amount involved in the transaction.

A financial transaction does not include a transaction undertaken in the ordinary course of business of a lobbyist if the primary business of the lobbyist is something other than lobbying, if consideration of equal or greater value is received by the lobbyist, and if fair market value is given or received for the benefit conferred.

The report shall be filed in the office of the chief clerk of the house by the fifteenth day of the month following the month in which the financial transaction takes place.

19. GIFT LIMITS. A person is prohibited from providing a gift or series of gifts to a member, officer, or employee of the house which has a cumulative value of thirty-five dollars or more in any one calendar day, pursuant to section 68B.5 of the Iowa Code.

20. REPORTING OF HONORARIA. A lobbyist, or an organization which a lobbyist represents that has as one of its purposes the encouragement of the passage, defeat, or modification of legislation, shall report the amount of any honorarium paid to a member, officer, or employee of the house for a speaking engagement or other formal public appearance in the official capacity of the member, officer, or employee. The report shall be filed in the office of the chief clerk of the house by the fifteenth day of the month following the month in which the honorarium is paid.

21. COMPLAINTS. The procedures for complaints and enforcement of these rules shall be the same as those provided in the house code of ethics.

22. REPORTS AND FORMS. The chief clerk of the house, subject to the approval of the house ethics committee, shall prescribe procedures for compliance with these rules, and shall prepare forms for the filing of these reports and make them available to any person who is required to file a report. The reports filed with the chief clerk of the house shall be maintained by the chief clerk of the house and be available for public inspection as provided in chapter 22 of the Code. The committee on ethics may authorize the chief clerk of the house to prepare and make available to the public an annual summary of the reports filed with the chief clerk of the house under these rules.

**CONSTITUTION
OF
IOWA
as amended
and codified**

The following edition of the Constitution of Iowa incorporates into the original document all amendments which have been adopted to date including those that supersede prior language without specific repealer.

CONSTITUTION OF THE STATE OF IOWA

WE THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows:

Beginning in the middle of the main channel of the Mississippi River, at a point due East of the middle of the mouth of the main channel of the Des Moines River, thence up the middle of the main channel of the said Des Moines River, to a point on said river where the Northern boundary line of the State of Missouri—as established by the constitution of that State—adopted June 12, 1820—crosses the said middle of the main channel of the said Des Moines River; thence Westwardly along the said Northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri River; thence up the middle of the main channel of the said Missouri River to a point opposite the middle of the main channel of the Big Sioux River, according to Nicollett's Map; thence up the main channel of the said Big Sioux River, according to the said map, until it is intersected by the parallel of forty three degrees and thirty minutes North latitude; thence East along said parallel of forty three degrees and thirty minutes until said parallel intersects the middle of the main channel of the Mississippi River; thence down the middle of the main channel of said Mississippi River to the place of beginning.

ARTICLE I.

BILL OF RIGHTS.

Section 1. All men are, by nature, free and equal, and have certain inalienable rights—among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

Sec. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

Sec. 3. The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry.

Sec. 4. No religious test shall be required as a qualification for any office, or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

Sec. 5. Any citizen of this state who may hereafter be engaged, either directly, or indirectly, in a duel, either as principal, or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this state.

Sec. 6. All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.

Sec. 7. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appears to the jury that the matter charged as libellous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Sec. 9. The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

Sec. 10. In all criminal prosecutions, and in cases involving the life, or liberty of an individual the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him, to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and, to have the assistance of counsel.

Sec. 11. All offenses less than felony and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a justice of the peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

The grand jury may consist of any number of members not less than five, nor more than fifteen, as the general assembly may by law provide, or the general assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury.

Sec. 12. No person shall after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable, by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great.

Sec. 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion, or invasion the public safety may require it.

Sec. 14. The military shall be subordinate to the civil power. No standing army shall be kept up by the state in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

Sec. 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 16. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

Sec. 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

Sec. 18. Private property shall not be taken for public use without just compensation first being made, or secured to be made to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

The general assembly, however, may pass laws permitting the owners of lands to construct drains, ditches, and levees for agricultural, sanitary or mining purposes across the lands of others, and provide for the organization of drainage districts, vest the proper authorities with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The general assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches and levees, and prescribe the method of making such condemnation.

Sec. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a militia fine in time of peace.

Sec. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives and to petition for a redress of grievances.

Sec. 21. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Sec. 22. Foreigners who are, or may hereafter become residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native born citizens.

Sec. 23. There shall be no slavery in this state; nor shall there be involuntary servitude, unless for the punishment of crime.

Sec. 24. No lease or grant of agricultural lands, reserving any rent, or service of any kind, shall be valid for a longer period than twenty years.

Sec. 25. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

ARTICLE II. RIGHT OF SUFFRAGE.

Sec. 1. Every citizen of the United States of the age of twenty-one years, who shall have been a resident of this state for such period of time as shall be provided by law and of the county in which he claims his vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are now or hereafter may be authorized by law. The general assembly may provide by law for different periods of residence in order to vote for various officers or in order to vote in various elections. The required periods of residence shall not exceed six months in this state and sixty days in the county.

Sec. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

Sec. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war, or public danger.

Sec. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this state by being stationed in any garrison, barrack, or military or naval place, or station within this state.

Sec. 5. No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

Sec. 6. All elections by the people shall be by ballot.

Sec. 7. The general election for state, district, county and township officers in the year 1916 shall be held in the same month and on the same day as that fixed by the laws of the United States for the election of presidential electors, or of president and vice-president of the United States; and thereafter such election shall be held at such time as the general assembly may by law provide.

ARTICLE III.

OF THE DISTRIBUTION OF POWERS.

Section 1. The powers of the government of Iowa shall be divided into three separate departments—the legislative, the executive, and the judicial: and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

Section 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives: and the style of every law shall be, "Be it enacted by the General Assembly of the State of Iowa."

Sec. 2. The general assembly shall meet in session on the second Monday of January of each year. Upon written request to the presiding officer of each house of the general assembly by two-thirds of the members of each house, the general assembly shall convene in special session. The governor of the state may convene the general assembly by proclamation in the interim.

Sec. 3. The members of the house of representatives shall be chosen every second year, by the qualified electors of their respective districts, and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

Sec. 4. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years, be a citizen of the United States, and shall have been an inhabitant of this state one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the county, or district he may have been chosen to represent.

Sec. 5. Senators shall be chosen for the term of four years, at the same time and place as representatives; they shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

Sec. 6. The number of senators shall total not more than one-half the membership of the house of representatives. Senators shall be classified so that as nearly as possible one-half of the members of the senate shall be elected every two years.

Sec. 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

Sec. 8. A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Sec. 9. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the general assembly of a free and independent state.

Sec. 10. Every member of the general assembly shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

Sec. 11. Senators and representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the general assembly, and in going to and returning from the same.

Sec. 12. When vacancies occur in either house, the governor or the person exercising the functions of governor, shall issue writs of election to fill such vacancies.

Sec. 13. The doors of each house shall be open, except on such occasions, as, in the opinion of the house, may require secrecy.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 15. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

Sec. 16. Every bill which shall have passed the general assembly, shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon their journal, and proceed to reconsider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two thirds of the members of each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, Sunday excepted, the same shall be a law in like manner as if he had signed it, unless the general assembly, by adjournment, prevent such return. Any bill submitted to the governor for his approval during the last three days of a session of the general assembly, shall be deposited by him in the office of the secretary of state, within thirty days after the adjournment, with his approval, if approved by him, and with his objections, if he disapproves thereof.

The governor may approve appropriation bills in whole or in part, and may disapprove any item of an appropriation bill; and the part approved shall become a law. Any item of an appropriation bill disapproved by the governor shall be returned, with his objections, to the house in which it originated, or shall be deposited by him in the office of the secretary of state in the case of an appropriation bill submitted to the governor for his approval during the last three days of a session of the general assembly, and the procedure in each case shall be the same as provided for other bills. Any such item of an appropriation bill may be enacted into law notwithstanding the governor's objections, in the same manner as provided for other bills.

Sec. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the general assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

Sec. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the general assembly.

Sec. 19. The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

Sec. 20. The governor, judges of the supreme and district courts, and other state officers, shall be liable to impeachment for any misdemeanor or malfeasance in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit, under this state; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the general assembly may provide.

Sec. 21. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

Sec. 22. No person holding any lucrative office under the United States, or this state, or any other power, shall be eligible to hold a seat in the general assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

Sec. 23. No person who may hereafter be a collector or holder of public monies, shall have a seat in either house of the general assembly, or be eligible to hold any office of trust or profit in this state, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

Sec. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Sec. 25. Each member of the general assembly shall receive such compensation and allowances for expenses as shall be fixed by law but no general assembly shall have the power to increase compensation and allowances effective prior to the convening of the next general assembly following the session in which any increase is adopted.

Sec. 26. An act of the general assembly passed at a regular session of a general assembly shall take effect on July 1 following its passage unless a different effective date is stated in an act of the general assembly. An act passed at a special session of a general assembly shall take effect ninety days after adjournment of the special session unless a different effective date is stated in an act of the general assembly. The general assembly may establish by law a procedure for giving notice of the contents of acts of immediate importance which become law.

Sec. 27. No divorce shall be granted by the general assembly.

Sec. 28. Repealed.

Sec. 29. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Sec. 30. The general assembly shall not pass local or special laws in the following cases:
For the assessment and collection of taxes for state, county, or road purposes;
For laying out, opening, and working roads or highways;
For changing the names of persons;
For the incorporation of cities and towns;
For vacating roads, town plats, streets, alleys, or public squares;
For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the state; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Sec. 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor, shall any money be paid on any claim, the subject matter of which shall not have been provided for by preexisting laws, and no public money or property shall be appropriated for local, or private purposes, unless such appropriation, compensation, or claim, be allowed by two thirds of the members elected to each branch of the general assembly.

Sec. 32. Members of the general assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of senator, (or representative, as the case may be,) according to the best of my ability." And members of the general assembly are hereby empowered to administer to each other the said oath or affirmation.

Sec. 33. Repealed.

Sec. 34. The senate shall be composed of not more than fifty and the house of representatives of not more than one hundred members. Senators and representatives shall be elected from districts established by law. Each district so established shall be of compact and contiguous territory. The state shall be apportioned into senatorial and representative districts on the basis of population. The general assembly may provide by law for factors in addition to population, not in conflict with the Constitution of the United States, which may be considered in the apportioning of senatorial districts. No law so adopted shall permit the establishment of senatorial districts whereby a majority of the members of the senate shall represent less than forty percent of the population of the state as shown by the most recent United States decennial census.

Sec. 35. The general assembly shall in 1971 and in each year immediately following the United States decennial census determine the number of senators and representatives to be elected to the general assembly and establish senatorial and representative districts. The general assembly shall complete the apportionment prior to September 1 of the year so required. If the apportionment fails to become law prior to September 15 of such year, the supreme court shall cause the state to be apportioned into senatorial and representative districts to comply with the requirements of the Constitution prior to December 31 of such year. The reapportioning authority

shall, where necessary in establishing senatorial districts, shorten the term of any senator prior to completion of the term. Any senator whose term is so terminated shall not be compensated for the uncompleted part of the term.

Sec. 36. Upon verified application by any qualified elector, the supreme court shall review an apportionment plan adopted by the general assembly which has been enacted into law. Should the supreme court determine such plan does not comply with the requirements of the Constitution, the court shall within ninety days adopt or cause to be adopted an apportionment plan which shall so comply. The supreme court shall have original jurisdiction of all litigation questioning the apportionment of the general assembly or any apportionment plan adopted by the general assembly.

Sec. 37. When a congressional district is composed of two or more counties it shall not be entirely separated by a county belonging to another district and no county shall be divided in forming a congressional district.

Sec. 38. In all elections by the general assembly, the members thereof shall vote viva voce and the votes shall be entered on the journal.

Sec. 38A. Municipal corporations are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly.

The rule or proposition of law that a municipal corporation possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Sec. 39. In establishing senatorial and representative districts, the state shall be divided into as many senatorial districts as there are members of the senate and into as many representative districts as there are members of the house of representatives. One senator shall be elected from each senatorial district and one representative shall be elected from each representative district.

Sec. 39A. Counties or joint county-municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. The general assembly may provide for the creation and dissolution of joint county-municipal corporation governments. The general assembly may provide for the establishment of charters in county or joint county-municipal corporation governments.

If the power or authority of a county conflicts with the power and authority of a municipal corporation, the power and authority exercised by a municipal corporation shall prevail within its jurisdiction.

The proposition or rule of law that a county or joint county-municipal corporation government possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Sec. 40. The general assembly may nullify an adopted administrative rule of a state agency by the passage of a resolution by a majority of all of the members of each house of the general assembly.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Section 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Iowa.

*Sec. 2. The governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly, and shall hold his office for four years from the time of his installation, and until his successor is elected and qualifies.

*Sec. 3. There shall be a lieutenant governor who shall hold his office for the same term, and be elected at the same time as the governor. In voting for governor and lieutenant governor, the electors shall designate for whom they vote as governor, and for whom as lieutenant governor. The returns of every election for governor, and lieutenant governor, shall be sealed up and transmitted to the seat of government of the state, directed to the speaker of the house of representatives, who shall open and publish them in the presence of both houses of the general assembly.

*Sec. 4. The persons respectively having the highest number of votes for governor and lieutenant governor, shall be declared duly elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the general assembly shall, by joint vote, forthwith proceed to elect one of said persons governor, or lieutenant governor, as the case may be.

If, upon the completion of the canvass of votes for governor and lieutenant governor by the general assembly, it shall appear that the person who received the highest number of votes for governor has since died, resigned, is unable to qualify, fails to qualify, or for any other reason is unable to assume the duties of the office of governor for the ensuing term, the powers and duties of the office shall devolve upon the person who received the highest number of votes for lieutenant governor until the disability is removed and, upon inauguration, he shall assume the powers and duties of governor.

*Sec. 5. Contested elections for governor, or lieutenant governor, shall be determined by the general assembly in such manner as may be prescribed by law.

Sec. 6. No person shall be eligible to the office of governor, or lieutenant governor, who shall not have been a citizen of the United States, and a resident of the state, two years next preceding the election, and attained the age of thirty years at the time of said election.

Sec. 7. The governor shall be commander in chief of the militia, the army, and navy of this state.

Sec. 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

Sec. 9. He shall take care that the laws are faithfully executed.

Sec. 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people.

Sec. 11. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

Sec. 12. He shall communicate, by message, to the general assembly, at every regular session, the condition of the state, and recommend such matters as he shall deem expedient.

Sec. 13. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next general assembly.

Sec. 14. No person shall, while holding any office under the authority of the United States, or this state, execute the office of governor, or lieutenant governor, except as hereinafter expressly provided.

***Sec. 15.** The official term of the governor, and lieutenant governor, shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualify. The lieutenant governor, while acting as governor, shall receive the same compensation as provided for governor; and while presiding in the senate, and between sessions such compensation and expenses as provided by law.

Sec. 16. The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the general assembly at its next meeting, when the general assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the general assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reasons therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Sec. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant governor.

***Sec. 18.** The lieutenant governor shall be president of the senate, but shall only vote when the senate is equally divided; and in case of his absence, or impeachment, or when he shall exercise the office of governor, the senate shall choose a president pro tempore.

***Sec. 19.** If there be a vacancy in the office of governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president pro tempore of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president pro tempore of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president pro tempore by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

Sec. 20. There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

Sec. 21. All grants and commissions shall be in the name and by the authority of the people of the state of Iowa, sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.

Sec. 22. A secretary of state, an auditor of state and a treasurer of state shall be elected by the qualified electors at the same time that the governor is elected and for a four-year term commencing on the first day of January next after their election, and they shall perform such duties as may be provided by law.

***The following sections: 2, 3, 4, 5, 15, 18 and 19, of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, are repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:**

Sec. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

Sec. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

Sec. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

Sec. 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

Sec. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

Sec. 18. The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

Sec. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

ARTICLE V.

JUDICIAL DEPARTMENT.

Section 1. The judicial power shall be vested in a supreme court, district courts, and such other courts, inferior to the supreme court, as the general assembly may, from time to time, establish.

Sec. 2. The supreme court shall consist of three judges, two of whom shall constitute a quorum to hold court.

Sec. 3. Repealed.

Sec. 4. The supreme court shall have appellate jurisdiction only in cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the general assembly may, by law, prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and shall exercise a supervisory and administrative control over all inferior judicial tribunals throughout the state.

Sec. 5. Repealed.

Sec. 6. The district court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law.

Sec. 7. The judges of the supreme and district courts shall be conservators of the peace throughout the state.

Sec. 8. The style of all process shall be, "The State of Iowa", and all prosecutions shall be conducted in the name and by the authority of the same.

Sec. 9. Repealed.

Sec. 10. The general assembly may reorganize the judicial districts and increase or diminish the number of districts, or the number of judges of the said court, and may increase the number of judges of the supreme court; but such increase or diminution shall not be more than one district, or one judge of either court, at any one session; and no reorganization of the districts, or diminution of the number of judges, shall have the effect of removing a judge from office. Such reorganization of the districts, or any change in the boundaries thereof, or increase or diminution of the number of judges, shall take place every four years thereafter, if necessary, and at no other time.

At any regular session of the general assembly the state may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.

Sec. 11. Repealed.

Sec. 12. The general assembly shall provide, by law, for the election of an attorney general by the people, whose term of office shall be four years, and until his successor is elected and qualifies.

Sec. 13. Repealed.

Sec. 14. It shall be the duty of the general assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the courts of this state.

Sec. 15. Vacancies in the supreme court and district court shall be filled by appointment by the governor from lists of nominees submitted by the appropriate judicial nominating commission. Three nominees shall be submitted for each supreme court vacancy, and two nominees shall be submitted for each district court vacancy. If the governor fails for thirty days to make the appointment, it shall be made from such nominees by the chief justice of the supreme court.

Sec. 16. There shall be a state judicial nominating commission. Such commission shall make nominations to fill vacancies in the supreme court. Until July 4, 1973, and thereafter unless otherwise provided by law, the state judicial nominating commission shall be composed and selected as follows: There shall be not less than three nor more than eight appointive members, as provided by law, and an equal number of elective members on such commission, all of whom shall be electors of the state. The appointive members shall be appointed by the governor subject to confirmation by the senate. The elective members shall be elected by the resident members of the bar of the state. The judge of the supreme court who is senior in length of service on said court, other than the chief justice, shall also be a member of such commission and shall be its chairman.

There shall be a district judicial nominating commission in each judicial district of the state. Such commissions shall make nominations to fill vacancies in the district court within their respective districts. Until July 4, 1973, and thereafter unless otherwise provided by law, district judicial nominating commissions shall be composed and selected as follows: There shall be not less than three nor more than six appointive members, as provided by law, and an equal number of elective members on each such commission, all of whom shall be electors of the district. The appointive members shall be appointed by the governor. The elective members shall be elected by the resident members of the bar of the district. The district judge of such district who is senior in length of service shall also be a member of such commission and shall be its chairman.

Due consideration shall be given to area representation in the appointment and election of judicial nominating commission members. Appointive and elective members of judicial nominating commissions shall serve for six-year terms, shall be ineligible for a second six-year term on the same commission, shall hold no office of profit of the United States or of the state during their terms, shall be chosen without reference to political affiliation, and shall have such other qualifications as may be prescribed by law. As near as may be, the terms of one-third of such members shall expire every two years.

Sec. 17. Members of all courts shall have such tenure in office as may be fixed by law, but terms of supreme court judges shall be not less than eight years and terms of district court judges shall be not less than six years. Judges shall serve for one year after appointment and until the first day of January following the next judicial election after the expiration of such year. They shall at such judicial election stand for retention in office on a separate ballot which shall submit

the question of whether such judge shall be retained in office for the tenure prescribed for such office and when such tenure is a term of years, on their request, they shall, at the judicial election next before the end of each term, stand again for retention on such ballot. Present supreme court and district court judges, at the expiration of their respective terms, may be retained in office in like manner for the tenure prescribed for such office. The general assembly shall prescribe the time for holding judicial elections.

Sec. 18. Judges of the supreme court and district court shall receive salaries from the state, shall be members of the bar of the state and shall have such other qualifications as may be prescribed by law. Judges of the supreme court and district court shall be ineligible to any other office of the state while serving on said court and for two years thereafter, except that district judges shall be eligible to the office of supreme court judge. Other judicial officers shall be selected in such manner and shall have such tenure, compensation and other qualification as may be fixed by law. The general assembly shall prescribe mandatory retirement for judges of the supreme court and district court at a specified age and shall provide for adequate retirement compensation. Retired judges may be subject to special assignment to temporary judicial duties by the supreme court, as provided by law.

Sec. 19. In addition to the legislative power of impeachment of judges as set forth in article three (III), sections nineteen (19) and twenty (20) of the Constitution, the supreme court shall have power to retire judges for disability and to discipline or remove them for good cause, upon application by a commission on judicial qualifications. The general assembly shall provide by law for the implementation of this section.

ARTICLE VI.

MILITIA.

Section 1. The militia of this state shall be composed of all able-bodied male citizens, between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States, or of this state, and shall be armed, equipped, and trained, as the general assembly may provide by law.

Sec. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace: Provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

Sec. 3. All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty, and shall be commissioned by the governor.

ARTICLE VII.

STATE DEBTS.

Section 1. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation; and the state shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the state.

Sec. 2. The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

Sec. 3. All losses to the permanent, school, or university fund of this state, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state, in favor of the respective fund, sustaining the loss, upon which not less than six percent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

Sec. 4. In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or defend the state in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Sec. 5. Except the debts herein before specified in this article, no debt shall be hereafter contracted by, or on behalf of this state, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the state, for three months preceding the election at which it is submitted to the people.

Sec. 6. The legislature may, at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may, at any time, forbid the contracting of any further debt, or liability, under such law; but the tax imposed by such law, in proportion to the debt or liability, which may have been contracted in pursuance thereof, shall remain in force and be irrevocable, and be annually collected, until the principal and interest are fully paid.

Sec. 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Sec. 8. All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.

ARTICLE VIII. CORPORATIONS.

Section 1. No corporation shall be created by special laws; but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

Sec. 2. The property of all corporations for pecuniary profit, shall be subject to taxation, the same as that of individuals.

Sec. 3. The state shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the state.

Sec. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

Sec. 5. No act of the general assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto shall take effect, or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

Sec. 6. Subject to the provisions of the foregoing section, the general assembly may also provide for the establishment of a state bank with branches.

Sec. 7. If a state bank be established, it shall be founded on an actual specie basis, and the branches shall be mutually responsible for each other's liabilities upon all notes, bills, and other issues intended for circulation as money.

Sec. 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of state, of all bills, or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the state treasurer, in United States stocks, or in interest paying stocks of states in good credit and standing, to be rated at ten percent below their average value in the city of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of said stocks, to the amount of ten percent on the dollar, the bank or banks owning such stock shall be required to make up said deficiency by depositing additional stocks: and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer, and to whom.

Sec. 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held for all of its liabilities, accruing while he or she remains such stockholder.

Sec. 10. In case of the insolvency of any banking institution, the billholders shall have a preference over its other creditors.

Sec. 11. The suspension of specie payments by banking institutions shall never be permitted or sanctioned.

Sec. 12. Subject to the provisions of this article, the general assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two thirds of each branch of the general assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

ARTICLE IX.

EDUCATION AND SCHOOL LANDS. SCHOOL FUNDS AND SCHOOL LANDS.

Section 1. The educational and school funds and lands shall be under the control and management of the general assembly of this state.

Sec. 2. The university lands, and the proceeds thereof, and all monies belonging to said fund shall be a permanent fund for the sole use of the state university. The interest arising from the same shall be annually appropriated for the support and benefit of said university.

Sec. 3. The general assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this state, for the support of schools, which may have been or shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of congress, distributing the proceeds of the public lands among the several states of the union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such percent as has been or may hereafter be granted by congress, on the sale of lands in this state, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the general assembly may provide, shall be inviolably appropriated to the support of common schools throughout the state.

Sec. 4. Repealed.

Sec. 5. The general assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved, or granted by the United States, or any person or persons, to this state, for the use of the university, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said university, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the general assembly as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

Sec. 6. The financial agents of the school funds shall be the same, that by law, receive and control the state and county revenue for other civil purposes, under such regulations as may be provided by law.

Sec. 7. Repealed.

ARTICLE X.

AMENDMENTS TO THE CONSTITUTION.

Section 1. Any amendment or amendments to this Constitution may be proposed in either house of the general assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the general assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this state.

Sec. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Sec. 3. At the general election to be held in the year one thousand nine hundred and seventy, and in each tenth year thereafter, and also at such times as the general assembly may, by law,

provide, the question, "Shall there be a convention to revise the Constitution, and propose amendment or amendments to same?" shall be decided by the electors qualified to vote for members of the general assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a convention for such purpose, the general assembly, at its next session, shall provide by law for the election of delegates to such convention, and for submitting the results of said convention to the people, in such manner and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the general assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this state. If two or more amendments shall be submitted at the same time, they shall be submitted in such a manner that electors may vote for or against each such amendment separately.

ARTICLE XI.

MISCELLANEOUS.

Section 1. The jurisdiction of justices of the peace shall extend to all civil cases, (except cases in chancery, and cases where the question of title to real estate may arise,) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

Sec. 2. No new county shall be hereafter created containing less than four hundred and thirty two square miles; nor shall the territory of any organized county be reduced below that area; except the county of Worth, and the counties west of it, along the northern boundary of this state, may be organized without additional territory.

Sec. 3. No county, or other political or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount, in the aggregate, exceeding five per centum on the value of the taxable property within such county or corporation—to be ascertained by the last state and county tax lists, previous to the incurring of such indebtedness.

Sec. 4. The boundaries of the state may be enlarged, with the consent of congress and the general assembly.

Sec. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this state, and also an oath of office.

Sec. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office, shall hold until the next general election, and until their successors are elected and qualified.

Sec. 7. The general assembly shall not locate any of the public lands, which have been, or may be granted by congress to this state, and the location of which may be given to the general assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant, so exempted, shall not exceed three hundred and twenty acres.

Sec. 8. The seat of government is hereby permanently established, as now fixed by law, at the city of Des Moines, in the county of Polk; and the state university, at Iowa City, in the county of Johnson.

ARTICLE XII.

SCHEDULE.

Section 1. This Constitution shall be the supreme law of the state, and any law inconsistent therewith, shall be void. The general assembly shall pass all laws necessary to carry this Constitution into effect.

Sec. 2. All laws now in force and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

Sec. 3. All indictments, prosecutions, suits, pleas, complaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as now provided by law; and all offenses, misdemeanors, and crimes that may have been committed before the taking effect of this Constitution, shall be subject to indictment, trial and punishment, in the same manner as they would have been, had not this Constitution been made.

Sec. 4. Repealed.

Sec. 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

Sec. 6. The first election under this Constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty seven, at which time the electors of the State shall elect the Governor and Lieutenant Governor. There shall also be elected at such election, the successors of such State Senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the General Assembly which commenced on the first Monday of December One thousand eight hundred and fifty-six.

Sec. 7. The first election for Secretary, Auditor, and Treasurer of state, Attorney General, District Judges, members of the Board of Education, District Attorneys, members of Congress and such State officers as shall be elected at the April election in the year One thousand eight hundred and fifty seven, (except the Superintendent of Public Instruction,) and such county officers as were elected at the August election, in the year One thousand eight hundred and fifty-six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty eight: *Provided*, That the time for which any District Judge or other State or County officer elected at the April election in the year One thousand eight hundred and fifty eight, shall not extend beyond the time fixed for filling like offices at the October election in the year one thousand eight hundred and fifty eight.

Sec. 8. The first election for Judges of the Supreme Court, and such County officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year One thousand eight hundred and fifty-nine.

Sec. 9. The first regular session of the General Assembly shall be held in the year One thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

Sec. 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty nine, at which time their successors shall be elected as may be prescribed by law.

Sec. 11. Every person elected by popular vote, by vote of the General Assembly, or who may hold office by executive appointment, which office is continued by this Constitution, and every person who shall be so elected or appointed, to any such office, before the taking effect of this constitution, (except as in this Constitution otherwise provided,) shall continue in office until the term for which such person has been or may be elected or appointed shall expire: but no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution prescribed.

Sec. 12. The General Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of the members of the General Assembly, in accordance with the provisions of this Constitution.

Sec. 13. This Constitution shall be submitted to the electors of the State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution, "New Constitution—Yes." Those against the Constitution, "New Constitution—No." The election shall be conducted in the same manner as the general elections of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of State officers. And if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

Sec. 14. At the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "White" from the article on the Right of Suffrage, shall be separately submitted to the electors of this State for adoption or rejection in manner following—Namely:

A separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box; and those given for the adoption of such proposition shall have the words, "Shall the word 'White' be stricken out of the Article on the Right of Suffrage? Yes." And those given against the proposition shall have the words, "Shall the word 'White' be stricken out of the Article on the Right of Suffrage? No." And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against this Constitution, then said word "White" shall be stricken from said Article and be no part thereof.

Sec. 15. Until otherwise directed by law, the County of Mills shall be in and a part of the sixth Judicial District of this State.

Sec. 16. Repealed.

**STATUTORY PROVISIONS
PERTAINING TO
THE GENERAL ASSEMBLY
(Revised 1-9-89)**

**STATUTORY PROVISIONS PERTAINING TO
THE GENERAL ASSEMBLY
ORGANIZATION**

2.1 Sessions—place.

The sessions of the general assembly shall be held annually at the seat of government, unless the governor shall convene them at some other place in times of pestilence or public danger. Each annual session of the general assembly shall commence on the second Monday in January of each year. The general assembly may recess from time to time during each year in such manner as it may provide, subject to Article III, section 14 of the Constitution of the state of Iowa.

2.2 Designation of general assembly.

Each regular session of the general assembly shall be designated by the year in which it convenes and by a number with a new consecutive number assigned with the session beginning in each odd-numbered year.

A special session of the general assembly shall be designated as an extraordinary session in the particular year of a numbered general assembly.

2.3 Temporary organization.

At ten o'clock a.m. on the second Monday in January of each odd-numbered year, the general assembly shall convene. The president of the senate, or in the president's absence some person claiming to be a member, shall call the senate to order. If necessary, a temporary president shall be chosen from the persons claiming to be elected senators. Some person claiming to be elected a member of the house of representatives shall call the house to order. The persons present claiming to be elected to the senate shall choose a secretary, and those of the house of representatives, a clerk on a temporary basis.

2.4 Certificates of election.

The selected secretary and clerk shall receive and file the certificates of election presented each for their respective houses, and make a list therefrom of the persons who appear to have been elected members of the respective houses.

2.5 Temporary officers—committee on credentials.

The persons appearing to be members shall proceed to elect such other officers as may be requisite and when so temporarily organized shall choose a committee of five, who shall examine and report upon the credentials of the persons claiming to be members.

2.6 Permanent organization.

The members reported by the committee as holding certificates of election from the proper authority shall proceed to the permanent organization of their respective houses by the election of officers and shall not be challenged as to their qualifications during the remainder of the term for which they were elected.

2.7 Officers—tenure.

The president pro tempore of the senate and the speaker of the house of representatives shall hold their offices until the first day of the meeting of the next general assembly. All other officers elected by either house shall hold their offices for the same terms, unless sooner removed, except as may be otherwise provided by resolution or rules of the general assembly.

2.8 Oaths.

Any member may administer oaths necessary in the course of business of the house of which that person is a member, and, while acting on a committee, in the course of business of such committee.

2.9 Journals.

The secretary of the senate and the clerk of the house of representatives shall preserve copies of the printed daily journals of their respective bodies, as corrected, certify to their correctness, and file them with the secretary of state at the adjournment of each session of the general assembly. The secretary of state shall cause the same to be bound and preserved as the original journals of the senate and the house in the manner as shall be specified by the president of the senate and speaker of the house.

COMPENSATION

2.10 Salaries and expenses—members of general assembly and lieutenant governor.

Members of the general assembly and the lieutenant governor shall receive salaries and expenses as provided by this section.

1. Every member of the general assembly except the speaker of the house and majority and minority floor leaders of the senate and house shall receive an annual salary of sixteen thousand six hundred dollars for the year 1989 and subsequent years while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house, except the senate majority leader, shall receive an annual salary of twenty-two thousand nine hundred dollars for the year 1989 and subsequent years while serving in such capacity. In addition, each such member shall receive the sum of forty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive twenty-five dollars per day. Each member shall receive a seventy-five dollar per month allowance for legislative district constituency postage, travel, telephone costs, and other expenses. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

2. The lieutenant governor shall receive an annual salary of twenty-three thousand nine hundred dollars. Personal expense and travel allowances shall be the same for the lieutenant governor as for a senator. The lieutenant governor while performing administrative duties of the office of lieutenant governor when the general assembly is not in session or serving as the president of the senate during special sessions of the general assembly shall receive sixty dollars per diem and reimbursement for expenses incurred in performing such duties. The lieutenant governor may elect to become a member of a state group insurance plan for employees of the state established pursuant to chapter 509A and the disability insurance program established pursuant to

section 79.20 on the same basis as a full-time state employee excluded from collective bargaining as provided in chapter 20. The lieutenant governor shall authorize a payroll deduction of any premium due. The salary, per diem, and expenses of the lieutenant governor provided for under this subsection, including office and staff expenses, shall be paid from funds appropriated to the office of the lieutenant governor by the general assembly.

3. The speaker of the house and the senate majority leader shall receive an annual salary of twenty-three thousand nine hundred dollars for the year 1989 and subsequent years while serving as the speaker of the house or as the senate majority leader. Expense and travel allowances shall be the same for the speaker of the house and the senate majority leader as provided for other members of the general assembly.

4. When a vacancy occurs and the term of any member of the general assembly is not completed, the member shall receive a salary or compensation proportional to the length of the member's service computed to the nearest whole month. A successor elected to fill such vacancy shall receive a salary or compensation proportional to the successor's length of service computed to the nearest whole month commencing with such time as the successor is officially determined to have succeeded to such office.

5. The director of revenue and finance shall pay the travel and expenses of the members of the general assembly and the lieutenant governor commencing with the first pay period after the names of such persons are officially certified. The salaries of the members of the general assembly and lieutenant governor shall be paid pursuant to any of the following alternative methods:

a. During each month of the year at the same time state employees are paid.

b. During each pay period during the first six months of each calendar year.

c. During the first six months of each calendar year by allocating two-thirds of the annual salary to the pay periods during those six months and one-third of the annual salary to the pay periods during the second six months of a calendar year. Each member of the general assembly and the lieutenant governor shall file with the director of revenue and finance a statement as to the method the member selects for receiving payment of salary. The presiding officers of the two houses of the general assembly shall jointly certify to the director of revenue and finance the names of the members, officers, and employees of their respective houses and the salaries and mileage to which each is entitled. Travel and expense allowances shall be paid upon the submission of vouchers to the director of revenue and finance indicating a claim for the same.

6. In addition to the salaries and expenses authorized by this section, members of the general assembly shall be paid forty dollars per day, except the speaker of the house who shall be paid sixty dollars per day, and necessary travel and actual expenses incurred in attending meetings for which per diem or expenses are authorized by law for members of the general assembly who serve on statutory boards, commissions, or councils, and for standing or interim committee or subcommittee meetings subject to the provisions of section 2.14, or when on authorized legislative business when the general assembly is not in session. However, if a member of the general assembly or the lieutenant governor is engaged in authorized legislative business at a location other than at the seat of government during the time the general assembly is in session, payment may be made for the actual transportation and lodging costs incurred because of the business. Such per diem or expenses shall be paid promptly from funds appropriated pursuant to section 2.12.

7. If a special session of the general assembly is convened, members of the general assembly shall receive, in addition to their annual salaries, the sum of forty dollars per day for each day the general assembly is actually in special session, and the same travel allowances and expenses as authorized by this section. A member of the general assembly shall receive the additional per diem, travel allowances and expenses only for the days of attendance during a special session.

2.11 Officers and employees — compensation.

Each house of the general assembly may employ such officers and employees as it shall deem necessary for the conduct of its business. The compensation of the chaplains, officers, and employees of the general assembly shall be fixed by joint action of the house and senate by resolution at the opening of each session, or as soon thereafter as conveniently can be done. Such persons shall be furnished by the state such supplies as may be necessary for the proper discharge of their duties.

2.12 Expenses of general assembly and legislative agencies — budgets.

There is appropriated out of any funds in the state treasury not otherwise appropriated a sum sufficient to pay for legislative printing and all current and miscellaneous expenses of the general assembly, authorized by either the senate or the house, and the director of revenue and finance shall issue warrants for such items of expense upon requisition of the majority leader and secretary of the senate or the speaker and chief clerk of the house.

There is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as are necessary, for each house of the general assembly for the payment of any unpaid expense of the general assembly incurred during or in the interim between sessions of the general assembly, including but not limited to salaries and necessary travel and actual expenses of members, expenses of standing and interim committees or subcommittees, and per diem or expenses for members of the general assembly who serve on statutory boards, commissions, or councils for which per diem or expenses are authorized by law. The director of revenue and finance shall issue warrants for such items of expense upon requisition of the majority leader and secretary of the senate for senate expense or the speaker and chief clerk of the house for house expense.

There is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as are necessary for the renovation, remodeling, or preparation of the legislative chambers, legislative offices, or other areas or facilities used or to be used by the legislative branch of government, and for the purchase of legislative equipment and supplies deemed necessary to properly carry out the functions of the general assembly. The director of revenue and finance shall issue warrants for such items of expense, whether incurred during or between sessions of the general assembly, upon requisition of the majority leader and secretary of the senate for senate expense or the speaker and chief clerk of the house for house expense.

There is appropriated out of any funds in the state treasury not otherwise appropriated such sums as may be necessary for the fiscal year budgets of the legislative service bureau, the legislative fiscal bureau, the citizens' aide office and the computer support bureau for salaries, support, maintenance, and miscellaneous purposes to carry out their statutory responsibilities. The legislative service bureau, the legislative fiscal bureau, the citizens' aide office and the computer support bureau shall submit their proposed budgets to the legislative council not later than September 1 of each year. The legislative council shall review and approve the proposed budgets not later than December 1 of each year. The budget approved by the legislative council for each of its statutory legislative agencies shall be transmitted by the legislative council to the department of management on or before December 1 of each year for the fiscal year beginning July 1 of the following year. The department of management shall submit the approved budgets received from the legislative council to the governor for inclusion in the governor's proposed budget for

the succeeding fiscal year. The approved budgets shall also be submitted to the chairpersons of the committees on appropriations. The committees on appropriations may allocate from the funds appropriated by this section the funds contained in the approved budgets, or such other amounts as specified, pursuant to a concurrent resolution to be approved by both houses of the general assembly. The director of revenue and finance shall issue warrants for salaries, support, maintenance, and miscellaneous purposes upon requisition by the administrative head of each statutory legislative agency. If the legislative council elects to change the approved budget for a legislative agency prior to July 1, the legislative council shall transmit the amount of the budget revision to the department of management prior to July 1 of the fiscal year, however, if the general assembly approved the budget it cannot be changed except pursuant to a concurrent resolution approved by the general assembly.

2.13 Issuance of warrants.

The director of revenue and finance shall also issue to each officer and employee of the general assembly, during legislative sessions or interim periods, upon vouchers signed by the majority leader and secretary of the senate or the speaker and chief clerk of the house, warrants for the amount due for services rendered. The warrants shall be paid out of any moneys in the treasury not otherwise appropriated.

COMMITTEES

2.14 Meetings of standing committees.

1. A standing committee of either house or a subcommittee when authorized by the chairperson of the standing committee, may meet when the general assembly is not in session in the manner provided in this section and upon call pursuant to the rules of the house or senate. In case of vacancy in the chair or in the chairperson's absence, the ranking member shall act as chairperson. A standing committee or subcommittee may act on bills and resolutions in the interim between the first and second regular sessions of a general assembly. The date, time and place of any meeting of a standing committee shall, by the person or persons calling the meeting, be reported to and be available to the public in the office of the director of the legislative service bureau at least five days prior to the meeting.

2. The legislative service bureau shall provide staff assistance for standing committees when authorized by the legislative council. The chairperson of the committee or subcommittee shall notify the legislative service bureau in advance of each meeting.

3. Interim studies utilizing the services of the legislative service bureau must be authorized by the general assembly or the legislative council. A standing committee may also study and draft proposed committee bills. However, unless the subject matter of a study or proposed committee bill has been assigned to a standing committee for study by the general assembly or legislative council, the services of the legislative service bureau cannot be utilized. Nonlegislative members shall not serve upon any study committee, unless approved by the legislative council. A standing committee may hold public hearings and receive testimony upon any subject matter within its jurisdiction.

Nonlegislative members of study committees shall be paid their necessary travel and actual expenses incurred in attending committee or subcommittee meetings for the purposes of the study.

4. Standing committees and subcommittees of standing committees may meet when the general assembly is not in session under the following conditions:

a. A standing committee may meet one time at the discretion of the chairperson.

b. Additional meetings of standing committees or their subcommittees shall be authorized by the legislative council; however, such authorization may be given at any one time for as many meetings as deemed necessary by the legislative council.

c. Any study committee, other than an interim committee provided for in subsection 3 of this section, which utilizes staff of the legislative service bureau may meet at such times as authorized by the legislative council.

5. When the general assembly is not in session, a member of the general assembly shall be paid forty dollars per day and necessary travel and actual expenses incurred in attending meetings of a standing committee or subcommittee of which the legislator is a member in addition to regular compensation. Such compensation and expenses shall be allowed only if the member attends a meeting of the committee or subcommittee for at least four hours.

2.15 Powers and duties of standing committees.

The powers and duties of standing committees shall include, but shall not be limited to, the following:

1. Introducing legislative bills and resolutions.
2. Conducting 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 cite for contempt.
3. Requiring reports and information from state agencies as well as the full co-operation of their personnel.
4. Selecting nonlegislative members when conducting studies as provided in section 2.14.
5. Undertaking in-depth studies of governmental matters within their assigned jurisdiction, not only for the purpose of evaluating proposed legislation, but also for studying existing laws and governmental operations and functions to determine their usefulness and effectiveness, as provided in section 2.14.
6. Reviewing the operations of state agencies and departments.
7. Giving thorough consideration to, establishing priorities for, and making recommendations on all bills assigned to committees.
8. Preparing reports to be made available to members of the general assembly containing the committee's findings, recommendations, and proposed legislation.

A standing committee may call upon any department, agency or office of the state, or any political subdivision of the state, for information and assistance as needed in the performance of its duties and the information and assistance shall be furnished to the extent that they are within the resources and authority of the department, agency, office or political subdivision. This paragraph does not require the production or opening of any records which are required by law to be kept private or confidential.

MISCELLANEOUS

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 the 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.

2.17 Freedom of speech.

A member of the general assembly shall not be held for slander or libel in any court for words used in any speech or debate in either house or at any session of a standing committee.

2.18 Contempt.

Each house has authority to punish for contempt, by fine or imprisonment or both, any person who commits any of the following offenses against its authority:

1. Arresting a member, knowing the member to be such, in violation of the member's privilege, or assaulting, or threatening to assault, or threatening any harm to the person or property of, a member, knowing the member to be such, for anything said or done by the member in such house as a member thereof.

2. Attempting by menace, or by force, or by any corrupt means to control or influence a member in giving a vote, or to prevent giving it.

3. Disorderly or contemptuous conduct, tending to disturb its proceedings.

4. Refusal to attend, or to be sworn, or to affirm, or to be examined, as a witness before it, or before a committee thereof, when duly subpoenaed.

5. Assaulting or preventing any person going before it, or before any of its committees, by its order, the offender knowing such fact.

6. Rescuing or attempting to rescue any person arrested by its order, the offender knowing of such arrest.

7. Impeding any officer of such house in the discharge of the officer's duties as such, the offender knowing the officer's official character.

2.19 Punishment for contempt.

Fines and imprisonment for contempt shall be only by virtue of an order of the proper house, entered on its journals, stating the grounds thereof.

2.20 Warrant—execution.

Imprisonment for contempt shall be effected by a warrant, under the hand of the presiding officer, for the time being, of the house ordering it, countersigned by the acting secretary or clerk, in the name of the state, and directed to the sheriff or jailer of the proper county. Under such warrant, the proper officer will be authorized to commit and detain the person.

2.21 Fines—collection.

Fines for contempt shall be collected by a warrant, directed to any proper officer of any county in which the offender has property, and executed in the same manner as executions for fines issued from courts of record, and the proceeds paid into the state treasury.

2.22 Punishment—effect.

Imprisonment for contempt shall not extend beyond the session at which it is ordered, and shall be in a facility designated by the presiding officer.

Punishment for contempt shall not constitute a bar to any other proceeding, civil or criminal, for the same act.

2.23 Witness—attendance compulsory.

Whenever a committee of either house, or a joint committee of both, is conducting an investigation requiring the personal attendance of witnesses, any person may be compelled to appear before such committee as a witness by serving an order upon the person, which service shall be made in the manner required in case of a subpoena in a civil action in the district court. Such order shall state the time and place a person is required to appear, be signed by the presiding officer of the body by which the committee was appointed, and attested by its acting secretary or clerk; or, in case of a joint committee, signed and attested by such officers of that body.

2.24 Witnesses—compensation.

Witnesses called by a standing or joint committee shall be entitled to the same compensation for attendance under section 2.23 as before the district court but shall not have the right to demand payment of their fees in advance.

JOINT CONVENTIONS**2.25 Joint conventions.**

Joint conventions of the general assembly shall meet in the house of representatives for such purposes as are provided by law. The president of the senate, or, in the president's absence, the president pro tempore of the senate shall preside at such joint conventions.

The speaker of the house of representatives may, for purposes of canvass of votes for governor and lieutenant governor and for the inauguration of such officers, designate any suitable hall at the seat of government as the hall of the house of representatives.

2.26 Secretary—record.

The clerk of the house of representatives shall act as secretary of the convention, and the clerk and the secretary of the senate shall keep a fair and correct record of the proceedings of the convention, which shall be entered on the journal of each house.

2.27 Canvass of votes for governor.

The general assembly shall meet in joint session on the same day the assembly first convenes in January of 1979 and every four years thereafter as soon as both houses have been

organized, and canvass the votes cast for governor and lieutenant governor and determine the election. If an election is necessary under section 69.13(1) to fill a vacancy in the office of lieutenant governor, the general assembly shall similarly meet on the day it convenes in the January following that election and canvass the vote cast for the office. When the canvass is completed, the oath of office shall be administered to the persons or person so declared elected. Upon being inaugurated the governor shall deliver to the joint assembly any message the governor may deem expedient.

2.28 Tellers.

After the time for the meeting of the joint convention has been designated each house shall appoint three tellers, and the six shall act as judges of the election.

Canvassing the votes for governor and lieutenant governor shall be conducted substantially according to the provisions of sections 2.25 to 2.28.

2.29 Election—vote—how taken—second poll.

When any officer is to be elected by joint convention, the names of the members shall be arranged in alphabetical order by the secretaries, and each member shall vote in the order in which the member's name stands when so arranged. The name of the person voted for, and the names of the members voting, shall be entered in writing by the tellers, who, after the secretary shall have called the names of the members a second time, and the name of the person for whom each member has voted, shall report to the president of the convention the number of votes given for each candidate.

If no person shall receive the votes of a majority of the members present, a second poll may be taken, or as many polls as may be required until some person receives a majority.

2.30 Certificates of election.

When any person shall have received a majority of the votes, the president shall declare the person to be elected, and shall, in the presence of the convention, sign two certificates of such election, attested by the tellers, one of which the president shall transmit to the governor, and the other shall be preserved among the records of the convention and entered at length on the journal of each house. The governor shall issue a commission to the person so elected.

2.31 Adjournment.

If the purpose for which the joint convention is assembled is not concluded, the president shall adjourn or recess the same from time to time as the members present may determine.

SENATE CONFIRMATIONS

2.32 Confirmation of appointments—procedures.

1. The governor shall either make an appointment or file a notice of deferred appointment by March 15 for the following appointments which are subject to confirmation by the senate:

- a. An appointment to fill a term beginning on May 1 of that year.
- b. An appointment to fill a vacancy, other than as provided for in paragraph "d," existing prior to the convening of the general assembly in regular session in that year.
- c. An appointment to fill a vacancy, other than as provided for in paragraph "d," which is known, prior to the convening of the general assembly in regular session, will occur before May 1 of that year.

d. An appointment to fill a vacancy existing in a full-time compensated position on December 15 prior to the convening of the general assembly.

2. If a vacancy in a position requiring confirmation by the senate, other than a full-time compensated position, occurs after the convening of the general assembly in regular session, the governor shall, within sixty calendar days after the vacancy occurs, either make an appointment or file a notice of deferred appointment unless the general assembly has adjourned its regular session before the sixty-day period expires. If a vacancy in a full-time compensated position requiring senate confirmation occurs after December 15, the governor shall, within ninety calendar days after the vacancy occurs, make an appointment or file a notice of deferred appointment unless the general assembly has adjourned its regular session before the ninety-day period expires.

3. If an appointment is submitted pursuant to subsection 1, the senate shall by April 15 of that year either approve, disapprove or by resolution defer consideration of confirmation of the appointment. If an appointment is submitted pursuant to subsection 2, the senate shall either approve, disapprove or by resolution defer consideration of confirmation of the appointment within thirty days after receiving the appointment from the governor. The senate may defer consideration of an appointment until a later time during that session, but the senate shall not adjourn that session until all appointments submitted pursuant to this section before the last thirty days of the session are approved or disapproved. If a nomination is submitted during the last thirty days of the session, the senate may by resolution defer consideration of the appointment until the next regular session of the general assembly and the nomination shall be considered as though made during the legislative interim.

Sixty days after a person's appointment has been disapproved by the senate, that person shall not serve in that position as an interim appointment or by holding over in office and the governor shall submit another appointment or file a notice of deferred appointment before the sixty-day period expires.

4. The governor shall submit all appointments requiring confirmation by the senate and notices of deferred appointment to the secretary of the senate who shall provide the governor's office with receipts of submission. Each notice of appointment shall be accompanied by a statement of the appointee's political affiliation. The notice of a deferred appointment shall be filed by the governor with the secretary of the senate and accompanied by a statement of reasons for the deferral.

5. The senate shall adopt rules governing the referral of appointments to committees, the reports of committees on appointments, and the confirmation of appointments by the senate.

6. The confirmation of every appointment submitted to the senate requires the approval of two-thirds of the members of the senate.

A person whose appointment is subject to senate confirmation shall make available to the senate committee to which the appointment is referred, upon the committee's request, a notarized statement that the person has filed federal and state income tax returns for the three years immediately preceding the appointment, or a notarized statement of the legal reason for failure to file. If the appointment is to a board, commission, council, or other body empowered to take disciplinary action, all complaints and statements of charges, settlement agreements, findings of fact, and orders pertaining to any disciplinary action taken by that board, commission, council, or body in a contested case against the person whose appointment is being reviewed by the senate shall be made available to the senate committee to which the appointment is referred upon its request.

All tax records, complaint files, investigation files, other investigation reports, and other investigative information in the possession of the committee which relate to appointee tax filings or complaints and statements of charges, settlement agreements, findings of fact, and orders from any past disciplinary action in a contested case against the appointee are privileged and confidential and they are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the appointee unless otherwise provided by law.

7. The governor shall file by February 1 with the secretary of the senate a list of all the appointment positions requiring gubernatorial action pursuant to subsection 1. The secretary of the senate shall provide the governor a written acknowledgement of the list within five days of its receipt. The senate shall approve the list or request corrections by resolution by February 15.

8. A gubernatorial appointee, whose appointment is subject to confirmation by the senate and who serves at the pleasure of the governor, is subject to reconfirmation by the senate during the regular session of the general assembly convening in January if the appointee will complete the appointee's fourth year in office on or before the following April 30. For the purposes of this section, the submission of an appointee for reconfirmation is deemed the same as the submission of an appointee for confirmation and the procedures of this section regarding confirmation and the consequences of refusal to confirm are the same for reconfirmation.

2.33 Differential treatment.

The general assembly shall not pass a bill that uses gender as the basis for differential treatment unless there is a compelling reason for the differential treatment and no reasonable alternatives exist by which the treatment could be mitigated or avoided.

2.34 Reserved.

COMMUNICATIONS REVIEW COMMITTEE

2.35 Communications review committee established.

A communications review committee is established, consisting of three members of the senate appointed by the majority leader of the senate and three members of the house of representatives appointed by the speaker of the house. The committee shall select a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.

Members shall be appointed prior to the adjournment of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. Vacancies shall be filled in the same manner as original appointments and shall be for the remainder of the unexpired term of the vacancy. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall receive forty dollars for each day in which engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.

Administrative assistance shall be provided by the legislative service bureau to the extent possible.

2.36 Duties of committee.

The committee shall review the present and proposed uses of communications by state agencies and the development of a statewide communications plan. It shall meet as often as deemed necessary and annually shall make recommendations to the legislative council and the general assembly, accompanied by bill drafts to implement its recommendations.

2.37 to 2.39 Reserved.**2.40 Membership in state insurance plans.**

A member of the general assembly may elect to become a member of a state group insurance plan for employees of the state established under chapter 509A subject to the following conditions:

1. The member shall be eligible for all state group insurance plans on the basis of enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20.

2. The member shall pay the premium for the plan selected on the same basis as a full-time state employee excluded from collective bargaining as provided in chapter 20.

3. The member shall authorize a payroll deduction of the premium due according to the member's pay plan selected pursuant to section 2.10, subsection 5.

4. The premium rate shall be the same as the premium rate paid by a state employee for the plan selected.

In order to implement this section a member of the general assembly may elect to become a member of a state group insurance plan effective January 1, 1989. A member of the general assembly may continue membership in a state group insurance plan without reapplication during the member's tenure as a member of consecutive general assemblies. For the purpose of electing to become a member of the state health or medical service group insurance plan, a member of the general assembly has the status of a "new hire", full-time state employee when the member is initially eligible or during the first subsequent annual open enrollment. A member of the general assembly who elects to become a member of a state health or medical group insurance plan shall be exempted from preexisting medical condition waiting periods. A member of the general assembly may change programs or coverage under the state health or medical service group insurance plan during the month of January of odd-numbered years, but program and coverage change selections shall be subject to the enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20. A person who has been a member of the general assembly for two years and who has elected to be a member of a state health or medical group insurance plan may continue to be a member of such state health or medical group insurance plan by requesting continuation in writing to the finance officer within thirty-one days after leaving office. The continuing former member of the general assembly shall pay the total premium and administrative costs for the state plan and shall have the same rights to change programs or coverage as state employees.

LEGISLATIVE COUNCIL**2.41 Legislative council created.**

A continuing legislative council of twenty members is created. The council is composed of the president pro tempore of the senate, the speaker of the house of representatives, the majority and minority floor leaders of the senate, the chairperson of the senate committee on appropriations, the minority party ranking member of the senate committee on appropriations, five members of the senate appointed by the majority leader of the senate, the majority and minority floor leaders of the house of representatives, the chairperson of the house committee on appropriations, the minority party ranking member of the house committee on appropriations, and five members of the house of representatives appointed by the speaker of the house of representatives. The lieutenant governor shall be an ex officio nonvoting member of the council. Of the five

members appointed by the majority leader of the senate and speaker of the house, three from each house shall be appointed from the majority party and two from each house shall be appointed from the minority party. Members shall be appointed prior to the fourth Monday in January of the first regular session of each general assembly and shall serve for two-year terms ending upon the convening of the following general assembly or when their successors are appointed. Vacancies on the council, including vacancies which occur when a member of the council ceases to be a member of the general assembly, shall be filled by the majority leader of the senate and the speaker of the house respectively. Insofar as possible at least two members of the council from each house shall be reappointed. The council shall hold regular meetings at a time and place fixed by the council and shall meet at any other time and place as the council deems necessary.

2.42 Powers and duties of council.

The legislative council shall select its officers and prescribe its rules and procedure. The powers and duties of the council shall include, but not be limited to, the following:

1. To establish policies for the operation of the legislative service bureau, including the priority to be given to research requests and the distribution of research reports.
2. To appoint the director of the legislative service bureau for such term of office as may be set by the council.
3. To prepare reports to be submitted to the general assembly at its regular sessions.
4. To appoint interim study committees consisting of members of the legislative council and members of the general assembly of such number as the council shall determine. Nonlegislative members may be included on such committees when the council deems the participation of such members advantageous to the conduct of the study.
5. To conduct studies and evaluate reports of studies assigned to study committees and make recommendations for legislative or administrative action thereon. Recommendations shall include such bills as the legislative council may deem advisable.
6. To co-operate with other states to discuss mutual legislative and governmental problems.
7. To recommend staff for the legislative council and the standing committees in co-operation with the chairperson of such standing committees.
8. To recommend changes or revisions in the senate and house rules and the joint rules for more efficient operation of the general assembly and draft proposed rule amendments, resolutions, and bills as may be required to carry out such recommendations, for consideration by the general assembly.
9. To recommend to the general assembly the names and numbers of standing committees of both houses.
10. To establish rules for the style and format for drafting and preparing of legislative bills and resolutions.
11. To appoint the Code editor, establish the salaries of the persons employed in that office and establish policies with regard to the printing and publishing of the Iowa administrative code and bulletin, the Code of Iowa and session laws, including but not limited to: The style and format to be used in publishing such documents, the frequency of publications, the contents of such publications, the numbering system to be used in the Code and session laws, the preparation of editorial comments or notations, the correction of errors, the type of print to be used, the number of volumes to be published, recommended revisions of the Code and session laws, the letting of contracts for the publication of the Code and session laws, and any other matters deemed necessary to the publication of a uniform and understandable Code of laws.

12. To establish policies for the operation of the legislative fiscal bureau.

13. To appoint the director of the legislative fiscal bureau for such term of office as may be set by the council.

14. To hear and act upon appeals of aggrieved employees of the legislative service bureau, legislative fiscal bureau, computer support bureau, and the office of the citizens' aide pursuant to rules of procedure established by the council.

15. Authority to review and delay the effective dates of rules and forms submitted by the supreme court pursuant to section 602.4202.

16. To establish policies for the operation of the computer support bureau.

17. To appoint the director of the computer support bureau for a term of office set by the council.

2.43 General supervision over legislative facilities, equipment, and arrangements.

The legislative council in cooperation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council shall assign the use of areas in the state capitol except for the areas used by the governor and the courts as of January 1, 1986 and, in consultation with the director of the department of general services and the capitol planning commission, may assign areas in other state office buildings for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government.

In carrying out its duties under this section, the legislative council shall consult with the director of the department of general services and the capitol planning commission, but shall not be bound by any decision of the director in respect to the responsibilities and duties provided for in this section. The legislative council may direct the director of the department of general services or other state employees to carry out its directives in regard to the physical facilities of the general assembly, or may employ other personnel to carry out such functions.

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

2.44 Expenses of council and special interim committees.

Members of the legislative council shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, and shall receive a per diem of forty dollars for each day in which engaged in the performance of such duties. However, such per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Such expenses and per diem shall be paid in the manner provided for in section 2.12.

Members of special interim study committees which may from time to time be created and members of the legislative fiscal committee who are not members of the legislative council shall be entitled to receive the same expenses and compensation provided for the members of the legislative council.

2.45 Committees of the legislative council.

The legislative council shall be divided into committees, which shall include but not be limited to:

1. The legislative service committee which shall be composed of six members of the legislative council, consisting of three members from each house, to be appointed by the legislative council. The legislative service committee shall select a chairperson from its membership, and shall determine policies relating to the operation of the legislative service bureau, subject to the approval of the legislative council.

2. The legislative fiscal committee, composed of the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees of the house and senate responsible for developing a state budget and appropriating funds, the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees on ways and means, and two members, one appointed from the majority party of the senate by the majority leader of the senate and one appointed from the majority party of the house by the speaker of the house of representatives. In each house, unless one of the members who represent the committee on ways and means is also a member of the legislative council, the person appointed from the membership of the majority party in that house shall also be appointed from the membership of the legislative council. The legislative fiscal committee shall determine policies for the legislative fiscal bureau and shall direct the administration of performance audits and visitations, subject to the approval of the legislative council.

3. The legislative administration committee which shall be composed of six members of the legislative council, consisting of three members from each house, to be appointed by the legislative council. The legislative administration committee shall perform such duties as are assigned it by the legislative council.

2.46 Powers of legislative fiscal committee.

The legislative fiscal committee may, subject to the approval of the legislative council:

1. *Budget.* Gather information relative to budget matters for the purpose of aiding the legislature to properly appropriate money for the functions of government, and to report their findings to the legislature.

2. *Examination.* Examine the reports and official acts of the executive council and of each officer, board, commission, and department of the state, in respect to the conduct and expenditures thereof and the receipts and disbursements of public funds thereby.

3. *Reorganization.* Make a continuous study of all offices, departments, agencies, boards, bureaus and commissions of the state government and shall determine and recommend to each session of the legislature what changes therein are necessary to accomplish the following purposes:

a. To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of state government.

b. To increase the efficiency of the operations of the state government to the fullest extent practicable within the available revenues.

c. To group, co-ordinate, and consolidate judicial districts, agencies and functions of the government, as nearly as may be according to major purposes.

d. To reduce the number of offices, agencies, boards, commissions, and departments by consolidating those having similar functions, and to abolish such offices, agencies, boards, commissions and departments, or functions thereof, as may not be necessary for the efficient and economical conduct of state government.

e. To eliminate overlapping and duplication of effort on the part of such offices, agencies, boards, commissions and departments of the state government.

4. *Administration of legislative data base.* Determine the policy for the content and administration of a legislative data base.

5. *Information needs determination.* Determine the information needs of the general assembly and report them to the director of the department of general services who shall consider such needs in establishing the operating policies for a data base management system.

2.47 Procedure.

The chairpersons of the committees on budget shall serve as cochairpersons of the legislative fiscal committee. The legislative fiscal committee shall determine its own method of procedure and shall meet as often as deemed necessary, subject to the approval of the legislative council. It shall keep a record of its proceedings which shall be open to public inspection, and it shall inform the legislative council in advance concerning the dates of meetings of the committee.

LEGISLATIVE FISCAL BUREAU

2.48 Legislative fiscal bureau established.

There is established a legislative fiscal bureau which shall operate under the direction and control of the legislative fiscal committee, subject to the approval of the legislative council. The administrative head of the legislative fiscal bureau shall be the legislative fiscal director. The legislative fiscal bureau shall co-operate with and serve all members of the general assembly, the legislative fiscal committee, and committees of the general assembly.

The legislative fiscal director shall be appointed by the legislative council, upon recommendation of the legislative fiscal committee. The director's compensation, and the compensation of employees of the legislative fiscal bureau, shall be fixed by the legislative council.

2.49 Functions of legislative fiscal bureau.

The legislative fiscal bureau shall:

1. By continuous review of state expenditures, revenues and analysis of budget through an audit, performance audit, and preaudit, if necessary, or such other means deemed necessary, ascertain the facts, compare cost, workload and other data, and make recommendations to the general assembly concerning the state's budget and revenue of the departments, boards, commissions, and agencies of the state.

2. Report to the legislative fiscal committee as required by the legislative fiscal committee and the legislative council and to the general assembly after the convening of each legislative session of a general assembly and make such other reports as may be required by either the legislative council or the general assembly.

3. Furnish information and act in an advisory capacity to the committees on budget and committees on ways and means of the general assembly and their several subcommittees when so requested.

4. Assist standing committees and members of the general assembly in attaching fiscal notes to legislative bills and resolutions as provided by the rules of the general assembly.

5. Submit to each member of the general assembly quarterly a report of the current status of major state funds, a comparison of income with estimates used by the general assembly and other revenue and expenditure information which the legislative fiscal committee determines

will be informative for members of the general assembly. The director of revenue and finance and the department of management shall co-operate with the legislative fiscal bureau in the development of the report. The legislative fiscal committee shall approve the style and format of the report.

6. Perform such other duties as shall be assigned to the bureau by the legislative fiscal committee or by the general assembly.

2.50 Duties of legislative fiscal director.

The legislative fiscal director shall:

1. Employ and supervise all employees of the legislative fiscal bureau in such positions and at such salaries as shall be authorized by the legislative council.

2. Supervise all expenditures of the legislative fiscal bureau with the approval of the legislative council.

3. Attend, or designate a representative who shall attend, the budget hearings required by section 8.26 and may offer explanations or suggestions and make inquiries with respect to such budget hearings.

2.51 Visitations.

The legislative fiscal committee, with the approval of the legislative council, may direct a subcommittee, which shall be composed of the chairpersons and minority party ranking members of the appropriate subcommittees of the committees on budget of the senate and the house of representatives and the chairpersons of the appropriate standing committees of the general assembly, to visit the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs. When the legislative fiscal committee visits the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs, there shall be included the chairpersons and minority party ranking members of the appropriate subcommittees of the committees on budget of the senate and the house of representatives. The legislative council may appoint a member of the subcommittee or standing committee to serve in place of that subcommittee's or standing committee's chairperson or minority party ranking member on the legislative fiscal visitation committee or subcommittee if that person will be absent. The subcommittee and the legislative fiscal committee shall be provided with information by the legislative fiscal bureau concerning budgets, programs, and legislation authorizing programs prior to any visitation. Members of a committee shall be compensated pursuant to section 2.10, subsection 6. The subcommittee shall make reports and recommendations as required by the legislative fiscal committee.

2.52 Access — Subpoenas.

The director and agents and employees of the legislative fiscal bureau shall at all times have access to all offices, departments, agencies, boards, bureaus, and commissions of the state and its political subdivisions and private organizations providing services to individuals under contracts with state agencies, and to the books, records, and other instrumentalities and properties used in the performance of their statutory duties or contractual arrangements. All offices, departments, agencies, boards, bureaus, and commissions of the state and its political subdivisions and such private organizations shall co-operate with the director, and shall make available such books, records, instrumentalities, and property.

If the information sought by the legislative fiscal bureau is required by law to be kept confidential, the bureau shall have access to the information, but shall maintain the confidentiality of the information and is subject to the same penalties as the lawful custodian of the information for dissemination of the information. However, the legislative fiscal bureau shall not have access to tax return information except for individual income tax sample data as provided in section 422.72, subsection 1.

The director may issue subpoenas for production of any records, books, or papers to which the director is authorized to have access. If any person subpoenaed refuses to produce the records, books, or papers, the director may apply to the district court having jurisdiction over that person for the enforcement of the subpoena.

2.53 Actuarial services. Repealed by 83 Acts, ch 200, §14.

2.54 Repealed by 68GA, ch 1011, §4; see §2.46.

2.55 Government Accountability.

1. It is the intent of the general assembly to establish in the legislative branch of government the capability to independently and intensively review the performance of state agencies in operating the programs, to evaluate their efficiency and effectiveness, and to consider alternatives which may improve the benefits of a program or may reduce its costs to the citizens. The legislative fiscal bureau is intended to provide the technical and professional support for the general assembly's oversight responsibility.

2. The general assembly may by concurrent resolution or the legislative council may direct the legislative fiscal bureau to conduct a program evaluation or performance audit of any agency of the state government. Upon the passage of the concurrent resolution or receiving the direction of the legislative council, the legislative fiscal director shall inform the chairpersons of the committees responsible for appropriations of the anticipated cost of the program evaluation and the number and nature of additional personnel needed to conduct the program evaluation and shall notify the official responsible for the program to be evaluated. The director, after consulting with the responsible official and the requesting party, shall determine the goals and objectives of the agency or program for the purpose of the performance audit or program evaluation.

3. In conducting the program evaluation or performance audit, the legislative fiscal bureau shall make certain determinations including but not limited to the following:

a. The organizational framework of the agency, its adequacy and relationship to the overall structure of state government, and whether the program under the agency's jurisdiction could be more effective if consolidated with another program, transferred to another program, modified, or abolished.

b. Whether the state agency is conducting programs and activities and expending funds appropriated to it in compliance with the Acts of the general assembly, the Code, and any federal, state, or local rules, or policies assigned to it by the governor, and whether administrative or statutory changes are needed to achieve the intent of the general assembly.

c. Whether the state agency is conducting authorized activities and programs pursuant to goals and objectives established by statute, specific legislative intent, the budget, the governor, or a long-range plan, and whether alternatives which might produce the desired results at a lower cost have been considered.

d. Whether the state agency is conducting programs and activities and expending funds appropriated to it in an efficient and effective manner, has complied with all applicable laws and, if not, determine the causes.

e. Relationships within and among other governmental agencies and programs including financial exchanges, coordination, inconsistent programs, and areas of duplication or overlapping programs.

f. The productivity of the agency's operations measured in terms of cost-benefit relationships or other accepted measures of effectiveness.

g. Other criteria determined by the director.

4. Upon the completion of the program evaluation or performance audit, the legislative fiscal director shall provide a copy of the report to the governing official or board of the agency and afford the agency a reasonable opportunity to respond to the findings and recommendations of the report. The response shall be included in the report and the report released to the legislative council. Until its release the report shall be regarded as confidential by all persons properly having custody of it.

2.56 and 2.57 Reserved.

LEGISLATIVE SERVICE BUREAU

2.58 Service bureau.

There is hereby created a legislative service bureau which shall operate under the direction and control of the legislative council. The administrative head of the legislative service bureau shall be the director of the bureau. The bureau shall co-operate with and serve all members of the general assembly, the legislative council, and committees of the general assembly. It shall upon proper request of members and committees of the general assembly prepare research reports upon any governmental matter. Such research reports and the findings therein shall not contain any recommendations. The bureau shall assist and serve any standing or interim committee of the general assembly upon request, approved by the legislative council. The bureau shall draft and prepare bills for committees and individual members of the general assembly. Research and bill drafting requests made between sessions shall be in the manner provided for by the legislative council. The legislative council shall have the sole power and duty to allocate the work load of the bureau but may delegate such duty to the legislative service bureau director.

2.59 Director.

The director of the service bureau shall serve on a full-time basis and shall have the following powers and duties:

1. The director shall be in charge of the research and bill drafting functions of the bureau.
2. The director shall employ and supervise all employees of the legislative service bureau in such positions and at such salaries as shall be authorized by the legislative council.

3. To employ, with the approval of the legislative council or its chairperson, such temporary employees as may be required to provide research and bill drafting services prior to and during sessions of the general assembly. Such employees shall be under the supervision of the director and shall be paid from the funds appropriated to the bureau.

4. With the approval of the legislative council or its chairperson, the director may employ such technical consultants as may be necessary to provide research and bill drafting services on a salary or fee basis.

2.60 Salary of director.

The salary of the director of the legislative service bureau shall be set by the legislative council.

2.61 Requests for research.

Requests for research on governmental matters may be made to the legislative service bureau by either house of the general assembly, committees of either house of the general assembly, special interim committees of the general assembly, the legislative council, or upon petition by twenty or more members of the general assembly. Any legislative committee may request the service bureau to do research on any matter under consideration by such committee. For each such request the legislative council may, if deemed advisable, authorize a special interim study committee to conduct the research study or may request a standing committee to conduct such study. Members on a study committee shall be appointed by the council and shall consist of at least one member of the council and such other members of the majority and minority parties of the senate and the house of representatives as the council may designate. As far as practicable, a study committee shall include members of standing committees concerned with the subject matter of the study. No legislator shall serve on more than two study committees. Nonlegislative members having special knowledge of the subject under study may be appointed by the council to a study committee but such members shall be nonvoting members of such committee. The legislative service bureau shall assist study committees on research studies when authorized by the legislative council.

2.62 Powers.

Special interim study committees shall have the following powers and duties:

1. Elect officers and adopt necessary rules for the conduct of business.
2. Conduct research on any matter connected with the study assigned by the legislative council.
3. Hold hearings.
4. Make regular progress reports to the legislative council.
5. Make a report, which may include recommendations, to the legislative council. Copies of study committee reports shall be made available to members of the general assembly and may be made available to other interested individuals upon request. The reports shall not be final until approved by the legislative council.

2.63 Meetings.

Special interim study committees shall first meet at the call of the ranking legislative council member assigned to the study committee, and shall thereafter meet at such time as study committee members shall so designate. Any legislator may attend any study committee meeting or any hearing held by a study committee. All study committee meetings shall be open to the public.

2.64 Assistance by bureau.

The legislative service bureau may provide the following assistance to standing and special interim study committees, as authorized by the legislative council:

1. Handle administrative affairs, including correspondence, record keeping, and scheduling of meetings.
2. Perform the research required for any study. Priority for studies shall be determined by the legislative council.
3. Arrange for the help of state employees and technical consultants whose assistance is needed.

4. Prepare research reports, and, upon the request of a committee, prepare that committee's report.

2.65 Information and assistance.

The legislative service bureau may call upon any department, agency or office in the state, or any political subdivision of the state, for such information and assistance as may be needed in the performance of the duties of the service bureau and such information and assistance shall be furnished insofar as the same shall be within the resources and authority of such departments, agencies, offices, and political subdivisions. Nothing herein shall be construed to require the production or opening of any public records which are required by law to be kept private or confidential.

The service bureau may co-operate with other states and the federal government in the exchange of research reports, information, and materials.

2.66 Office and supplies—expenses.

The office of the service bureau shall be located in the statehouse. Supplies, postage, and equipment may be requisitioned from the department of general services. Expenses of the legislative service bureau shall be paid upon the approval of the director of the bureau and, if an extraordinary expense, upon the approval of the legislative council or its chairperson. Funds appropriated for per diem and expenses of the legislative council, legislative fiscal committee, and special interim study committees shall be paid and administered in the manner provided by the legislative council.

2.67 Repealed by 66GA, ch 1055, §1(3).

2.68 Cities authorized to draw proposed precincts.

The council of any city which concludes that it is likely to be necessary or desirable to redraw precincts in that city after the 1980 federal decennial census may cause proposed precinct boundaries to be drawn not later than January 31, 1977, in accordance with all applicable requirements of law except that more recent indicators of population may be used in lieu of data from the 1970 federal decennial census. The proposed precinct boundaries shall be of no current legal force or effect in administration of elections or of any other governmental function, and drawing them shall not constitute a violation of section 49.3. Proposed precinct boundaries so drawn may be submitted to the census liaison commission for use in developing a plan and form for reporting of population data from the 1980 federal decennial census for districting purposes.

Nothing in this section shall be construed to commit any city which has prepared proposed precinct boundaries to adopt those boundaries in compliance with sections 49.3 and 49.7 subsequent to the 1980 federal decennial census, nor to commit the general assembly to follow the proposed precinct boundaries in any redistricting required after that census.

2.69 to 2.75 Reserved.

LEGISLATIVE OVERSIGHT BUREAU

2.76 to 2.81 Repealed by 86 Acts, ch 1245, §2042.

2.82 to 2.90 Reserved.

BOUNDARY COMMISSION

2.91 Repealed July 1, 1990, 86 Acts, ch 1245, §2052

1. An Iowa boundary commission is established, consisting of three members of the senate appointed by the majority leader of the senate and three members of the house of representatives appointed by the speaker of the house. The commission shall select a chairperson and shall meet at the call of the chairperson.

2. Members shall be appointed to a term of four years commencing on July 1 of the year of appointment. Vacancies shall be filled in the same manner as original appointments and shall be for the remainder of the unexpired term of the vacancy. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall receive forty dollars for each day in which engaged in the performance of such duties. However, such per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Per diem and expenses of the commission and its members shall be paid from funds appropriated pursuant to section 2.12.

3. The commission is authorized to meet with appropriate representatives of affected states, agencies of those states and Iowa, and agencies of the United States to discuss Iowa's boundaries and problems related to those boundaries and to make periodic reports and recommendations to the general assembly. The commission is authorized to expend reasonable sums for the purchase of maps and other information helpful to its discussions.

4. The commission may hold hearings with authority to call witnesses, administer oaths, issue subpoenas, and cite for contempt.

5. If a proposal is negotiated between Iowa and affected states after meetings authorized under this section, the attorney general of this state shall assist the commission in drafting the necessary documents to be approved by the Iowa general assembly in preparation for the ratification of agreements between Iowa and affected states.

Staff assistance for meetings of the commission shall be provided by the legislative service bureau.

2.92 through 2.99 Reserved.

COMPUTER SUPPORT BUREAU

2.100 Computer support bureau.

A computer support bureau is established under the direction and control of the legislative council. The administrative head of the computer support bureau is the director of the bureau. The computer support bureau shall serve the general assembly and the legislative council. The computer support bureau shall also provide services and support for the computer systems used by the legislative staff, the legislative service bureau, the public information office, the Code editor's office, the office of the citizens' aide and the legislative fiscal bureau.

2.101 Director.

The director of the computer support bureau shall serve on a full-time basis, and shall:

1. Employ and supervise all employees of the computer support bureau in positions and at salaries authorized by the legislative council.

2. Supervise all expenditures of the computer support bureau with the approval of the legislative council.

3. Advise the legislative council on matters relating to computer services and computer needs and uses of the legislative computer system.

4. Cooperate with legislative agencies under the control of the legislative council and the secretary of the senate and the chief clerk of the house in developing and maintaining computer services required by the legislative council and the general assembly.

2.102 Director—salary.

The salary of the director of the computer support bureau shall be set by the legislative council.

2.103 Powers and duties.

The computer support bureau is responsible for the operation and maintenance of the legislative computer system. The bureau shall also advise the legislative council and legislative agencies under its control on uses and expanded capabilities of the legislative computer system.

2.104 Budget.

Expenses of the computer support bureau shall be paid upon approval of the director of the bureau. The budget of the computer support bureau for each fiscal year shall be prepared by the director and submitted to the legislative council.

COMPENSATION COMMISSION

2A.1 Commission established.

A commission on compensation, expenses, and salaries for elected state officials is established and is referred to in this chapter as "the commission". The commission is composed of fifteen members, five of whom shall be appointed by the governor, five of whom shall be appointed by the majority leader of the senate, and five of whom shall be appointed by the speaker of the house of representatives. Members of the commission shall be appointed without regard to political affiliation and shall not be state officials or employees, employees of any state department, board, commission, or agency or of any political subdivision of the state.

2A.2 Terms.

Members of the commission shall serve for a term of office of five years, and for the initial commission, one member appointed by each shall be appointed to serve for five years, one for four years, one for three years, one for two years, and one for one year. Vacancies on the commission shall be filled for the unexpired term in the same manner as the original appointment.

2A.3 Expenses.

Members of the commission shall serve without compensation, but shall receive actual and necessary expenses, including travel at the state rate. Payment shall be made from funds available pursuant to section 2.12; however, members appointed by the governor shall be paid from funds appropriated to the office of the governor.

2A.4 Meetings—duties.

The commission shall elect its own chairperson from among its membership and shall meet on the call of the chairperson to review compensation and expenses received by members of the general assembly and salaries of the other elective state officials. The commission shall review compensation and expenses paid to members of the general assembly and salaries paid to other elective state officials, and shall review compensation, expenses, and salaries paid for comparable positions in other states, the federal government, and private enterprise. Based on such review and other factors deemed relevant, the commission shall make its determination as to compensation and expense levels for members of the general assembly and as to salary levels for other

elective state officials to be recommended to the governor and the members of the general assembly. No later than February 1, 1973, and each two years thereafter, the commission shall report to the governor and to the general assembly its recommendations for compensation and expenses for members of the general assembly and for salaries for other elective state officials.

2A.5 Consideration by general assembly.

The general assembly shall consider the recommendations of the commission in determining compensation and expenses for members of the general assembly and salaries for other elective state officials.

STATUTES AND RELATED MATTERS

3.1 Form of bills.

Bills designed to amend, revise, codify, or repeal a law:

1. Shall refer to the numbers of the sections or chapters of the Code to be amended or repealed, but it shall not be necessary to refer to such sections or chapters in the title.

2. Shall refer to the session of the general assembly and the sections and chapters of the Acts to be amended if the bill relates to a section or sections of an Act not appearing in the Code or codified in a supplement to the Code.

3. All references to statutes shall be expressed in numerals, and if omitted the Code editor in preparing Acts for publication in the session laws shall supply the numerals.

4. The title to a bill shall contain a brief statement of the purpose of the bill, however all detail matters properly connected with the subject so expressed may be omitted from the title.

3.2 Bill drafting instructions.

The legislative council shall, in consultation with the director of the legislative service bureau and the Code editor, promulgate rules and instructions for the drafting of legislative bills and resolutions not otherwise in conflict with the provisions of law and the rules of the senate and the house.

3.4 Bills—approval—passage over veto.

If the governor approves a bill, the governor shall sign and date it; if the governor returns it with objections and it afterwards passes as provided in the Constitution, a certificate, signed by the presiding officer of each house in the following form, shall be endorsed thereon or attached thereto: "This bill (or this item of an appropriation bill, as the case may be), having been returned by the governor, with objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this day of"

An "*appropriation bill*" means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

3.5 Failure of governor to return bill.

When a bill has passed the general assembly, and is not returned by the governor within three days as provided in the Constitution, it shall be authenticated by the secretary of state endorsing thereon: "This bill, having remained with the governor three days (Sunday excepted), the general assembly being in session, has become a law this day of"

.....
Secretary of State"

3.6 Acts—where deposited.

The original Acts of the general assembly shall be deposited with and kept by the secretary of state.

3.7 Effective Dates of Acts and Resolutions.

1. All Acts and resolutions of a public nature passed at regular sessions of the general assembly shall take effect on the first day of July following their passage, unless some other specified time is provided in an Act or resolution.

2. All Acts and resolutions of a public nature which are passed prior to July 1 at a regular session of the general assembly and which are approved by the governor on or after July 1, shall take effect forty-five days after approval. However, this subsection shall not apply to Acts provided for in section 3.12 or Acts and resolutions which specify when they take effect.

3. All Acts and resolutions passed at a special session of the general assembly shall take effect ninety days after adjournment of the special session unless a different effective day is stated in an Act or resolution.

4. An Act which is effective upon enactment is effective upon the date of signature by the governor; or if the governor fails to sign it and returns it with objections, upon the date of passage by the general assembly after reconsideration as provided in article III, section 16 of the Constitution of the State of Iowa; or if the governor fails to sign or return an Act submitted during session, but prior to the last three days of a session, on the fourth day after it is presented to the governor for the governor's approval. An Act which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

5. A concurrent or joint resolution which is effective upon enactment is effective upon the date of final passage by both chambers of the general assembly, except that such a concurrent or joint resolution requiring the approval of the governor under section 262A.4 or otherwise requiring the approval of the governor is effective upon the date of such approval. A resolution which is effective upon enactment is effective upon the date of passage. A concurrent or joint resolution or resolution which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

6. Unless retroactive effectiveness is specifically provided for in an Act or resolution, an Act or resolution which is enacted after an effective date provided in the Act or resolution shall take effect upon the date of enactment.

7. Proposed legalizing Acts shall be published prior to passage as provided in chapter 585.

8. An Act or resolution under this section is also subject to the applicable provisions of sections 16 and 17 of article III of the Constitution of the State of Iowa.

3.8 through 3.10. Repealed.**3.11 Private Acts—when effective.**

Acts of a private nature which do not prescribe the time when they take effect, shall do so on the thirtieth day next after they have been approved by the governor, or endorsed as provided in this chapter.

3.12 Appropriation Acts—effective for fiscal year.

All annual appropriations shall be for the fiscal year beginning with July 1 and ending with June 30 of the succeeding year and when such appropriations are made payable quarterly, the quarters shall end with September 30, December 31, March 31, and June 30; but nothing in this section shall be construed as increasing the amount of any annual appropriation.

3.13 Pro rata disbursement of appropriations.

Annual appropriations shall be disbursed in accordance with the provisions of the Acts granting the same pro rata from the time such Acts shall take effect up to the first day of the succeeding quarter as provided in section 3.12.

3.14 Certain appropriations prohibited.

No appropriations shall be made to any institution not wholly under the control of the state.

3.15 and 3.16. Repealed.**3.17 to 3.19 Reserved.****3.20 Directions to future general assemblies.**

The following principles shall be used by the general assembly in determining whether a procedure should be established and the type of procedure which should be established, for the state licensure of an occupation or profession:

1. The state shall engage in licensing procedures for those professions and occupations where it believes it can assure an objective and measurable level of competence concerning the public health, safety, and well-being which other sources cannot effectively provide.
2. The examining board shall pursue a meaningful examination and enforcement procedure which upholds the level of competency of the licensee to insure that the public interest is protected.

OFFICIAL REPORTS AND DOCUMENTS**17.15 Legislative journals.**

The record of the transactions of the senate and house shall be published in a daily journal, printed in number as authorized by the general assembly or directed by the superintendent of printing. The completed journals shall be published in book form, with index and record of bills, in an edition of such number as shall jointly be specified by the presiding officers of the two houses of the general assembly in library binding and such number as shall jointly be specified by the presiding officers of the two houses of the general assembly in paper covers. There shall also be printed for the general assembly or the members thereof such other material necessary for the transaction of legislative business.

17.16 Legislative proceedings.

The reports of the legislative proceedings shall be delivered by the secretary of the senate and the chief clerk of the house to the superintendent of printing promptly upon completion, and the superintendent of printing shall cause the reports to be printed in accordance with the contracts covering them. The superintendent of printing shall require that proof copies of the daily journal be furnished the next legislative day after date and shall promptly deliver them to the sergeants at arms of each house. The corrections and changes made in the journal by the general assembly shall be made before the printing of the corrected or completed journal.

17.17 Corrected journals.

The journal, as corrected by order of the general assembly, shall be printed promptly and be delivered by the superintendent to the sergeants at arms of each house. An index, record and history of bills, and list of bills passed, shall be prepared by the superintendent of printing for the completed edition of the journal.

17.18 Legislative bills.

The bills introduced in the general assembly shall be printed on good paper. The style and format of such bills shall be specified by the rules but in the absence of such rules by the legislative council. The number of copies of each bill to be printed unless otherwise ordered shall be fixed by the superintendent according to the needs of the general assembly, and to supply subscribers therefor.

17.19 Legalizing Acts of local nature.

A bill which seeks to legalize the acts of any official or board or other official body, in regard to any matter of public nature or for any person or persons, company or corporation, shall not be considered until it is printed as a bill and distributed to members of the general assembly, and the printing shall be without expense to the state. The superintendent of printing shall not order any such bill printed until the superintendent has received a deposit to cover the cost thereof at the rate which shall be fixed under the current contract for legislative printing for the bills, and shall exclude from the journals all such bills and the newspaper publication of such bill shall be without expense to the state, and same shall not be published until the cost of same has been paid to the secretary of state.

DISTRIBUTION OF PUBLICATIONS**18.86 Assembly members.**

The official reports, the miscellaneous documents and other publications upon request, and the completed journals of the general assembly and ten copies of the official register, shall be sent to each member of the general assembly, and, so far as they are available, additional copies upon their request.

18.87 Libraries.

The completed journals of the general assembly, and the official register shall be sent to each free public library in Iowa, the library division of the department of cultural affairs, the library commission, libraries at state institutions, and college libraries.

18.88 Newspapers.

The journals of the general assembly and the official register shall be sent to each newspaper of general circulation in Iowa, and editors of newspapers in Iowa shall be entitled to other publications on request when they are available.

18.89 Congressional library.

Two copies of each publication shall be sent to the library of Congress.

18.90 County auditors.

The completed journals of the general assembly, and the official register shall be sent to each county auditor, who shall be required to keep the same at all times available for the inspection of the public.

PRINTING OF JOURNALS, BILLS AND INDEX

18.101 Legislative journals and bills.

The daily journals of the general assembly and the printed bills shall be sent by the superintendent of printing by mail to subscribers. The journals and bills for both houses for any one session may be purchased for the sum fixed by the superintendent. The superintendent shall cause to be printed a sufficient number of copies to fill orders received and reported to the superintendent.

18.102 Index to bills.

The secretary of the senate and the chief clerk of the house shall throughout each legislative session compile and cause to be printed a cumulative bulletin of bills and joint resolutions which bulletin shall contain a brief history of each bill, and detailed information as to the status of legislation and shall be conveniently indexed. The bulletin shall be printed and delivered one day before the mid-term recess of each legislature and thereafter twenty-five days after the end of said recess except as may otherwise be provided by the joint rules of the general assembly. The last issue of each bulletin shall be brought down to the time of final adjournment and shall be promptly furnished to all members of the general assembly and to such others as the superintendent may determine.

18.103 Enrolling clerks to keep records.

The enrolling clerks of the senate and house shall, under the directions of the secretary of the senate and house, respectively, keep a daily cumulative record of the information required in section 18.102 and in such manner that the same may be promptly furnished to the superintendent at the close of each week.

CONFLICTS OF INTEREST

68B.5 Gifts solicited or accepted.

1. An official, employee, local official, local employee, member of the general assembly, candidate, legislative employee or that person's immediate family member shall not, directly or indirectly, solicit, accept, or receive from any one donor in any one calendar day a gift or a series of gifts having a value of thirty-five dollars or more.

2. A person shall not, directly or indirectly, offer or make a gift or a series of gifts to an official, employee, local official, local employee, member of the general assembly, candidate or legislative employee, in any one calendar day, if the gift or series of gifts has a value of thirty-five dollars or more. A person shall not, directly or indirectly, join with one or more other persons to offer or make a gift or series of gifts to an official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee, in any one calendar day, if the gift or series of gifts has a total value of thirty-five dollars or more. The thirty-five dollar limitation of this section applies separately to a person and the person's immediate family member.

3. A person may give and an official, employee, local official, local employee, member of the general assembly, candidate, legislative employee or the person's immediate family member may accept in any one calendar day a gift or a series of gifts which has a value of thirty-five dollars or more and not be in violation of this section if the gift or series of gifts is donated within thirty days to a public body, a bona fide education or charitable organization, or the department of general services. All such items donated to the department of general services shall be disposed of by assignment to state agencies for official use or by public sale.

68B.6 Services against state prohibited.

No official, employee, or legislative employee shall receive, directly or indirectly, or enter into any agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services by that person or another against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the state of Iowa, any federal court, or any federal bureau, agency, commission or department.

LEGISLATIVE ETHICS COMMITTEE**68B.10 Legislative ethics committee.**

There shall be an ethics committee in the senate and an ethics committee in the house, each to consist of seven members; three members to be appointed by the majority leader in each house, two members by the minority leader in each house and two individuals who shall not be employees of the general assembly by the chief justice of the Iowa supreme court.

The two individuals appointed by the chief justice of the supreme court shall receive a per diem of forty dollars and travel expenses at the same rate as paid members of interim committees for attending meetings of the ethics committee. Members of the general assembly shall receive a per diem of forty dollars and travel expenses at the same rate as paid members of interim committees for attending meetings held when the general assembly is not in session. The per diem and expenses shall be paid from funds appropriated by section 2.12.

Each committee shall elect a chairperson and shall have the following powers, duties and functions:

1. Prepare a code of ethics within thirty days after the commencement of the session.
2. Prepare rules relating to lobbyists and lobbying activities in the general assembly.
3. Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators and lobbyists as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the seven members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator or lobbyist.
4. Receive and investigate complaints and charges against members of its house alleging a violation of the code of ethics, rules governing lobbyists, this chapter, or other matters referred to it by its house. The committee shall recommend rules for the receipt and processing of complaints made during the legislative session and those made after the general assembly adjourns.
5. Recommend legislation relating to legislative ethics and lobbying activities.

The ethics committees may employ independent legal counsel to assist them in carrying out their duties under this chapter with the approval of a committee's house when the general assembly is in session and with the approval of the rules and administration committee of that house when the general assembly is not in session. Payment of costs for the independent legal counsel shall be made from section 2.12.

The code of ethics and rules relating to lobbyists and lobbying activities shall not become effective until approved by the members of the house to which the proposed code and rules apply. The code or rules may be amended either upon the recommendation of the ethics committee or by members of the general assembly.

Violation of the code of ethics may result in censure, reprimand, or other sanctions as determined by a majority of the member's house. However, a member may be suspended or expelled and the member's salary forfeited only if directed by a two-thirds vote of the member's house. A suspension, expulsion, or forfeiture of salary shall be for the duration specified in the directing resolution. However, it shall not extend beyond the end of the general assembly during which the violation occurred. Violation of a rule relating to lobbyists and lobbying activities may result in censure, reprimand, or other sanctions as determined by a majority of the members of the house in which the violation occurred. However, a lobbyist may be suspended from lobbying activities for the duration provided in the directing resolution only if directed by a two-thirds vote of the house in which the violation occurred.

68B.11 Reporting of gifts and financial disclosure.

1. The house of representatives and the senate shall adopt rules requiring the reporting of gifts made to members of the general assembly, legislative employees, and their immediate family members. The rules shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceed fifteen dollars in cumulative value in any one calendar day. The rules shall require such disclosure by both the donor and donee. However, the rules of either or both houses may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor.

2. The governor shall issue an executive order requiring the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members. The executive order shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceeds fifteen dollars in cumulative value in any one calendar day. The executive order shall require such disclosure by both the donor and donee. The executive order may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor.

3. The supreme court of this state shall adopt rules requiring the reporting of gifts made to officials and employees of the judicial department of this state and their immediate family members. The rules shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceeds fifteen dollars in cumulative value in any one calendar day. The rules shall require such disclosure by both the donor and donee. The rules may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor.

4. The governing body of a political subdivision of this state shall adopt rules requiring the reporting of gifts made to its respective members and their immediate family members and its local officials and local employees and their immediate family members. The rules as adopted shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceeds fifteen dollars in cumulative value in any one calendar day. The rules shall require such disclosure by both the donor and donee. The rules may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor. Copies of the rules and reports shall be filed with the county auditor of the county in which the political subdivision is located.

The secretary of state shall develop a standard form for public disclosure of gifts in compliance with this subsection which shall be available at every county auditor's office without cost.

5. a. In determining the value of a gift, an individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of persons on whose behalf the gift is made.

b. The value of a gift to the donee is the value actually received.

c. For the purposes of the reporting requirements of this section, a donor of a gift made by more than one individual to one or more donees shall report the gift if the total value of the gift to the donee exceeds fifteen dollars.

6. The rules required under this section shall provide that expenses for food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the general assembly have been invited shall be reported for each such event by reporting the date, location, and total expense incurred by the donor or donors.

7. Reporting requirements adopted or issued under this section may include requirements relating to the reporting of income which is not a gift.

8. A person who does not make public disclosure of gifts as required by this chapter or the rules adopted or executive order issued pursuant to this chapter is guilty of a serious misdemeanor.

69.4 Resignations.

Resignations in writing by civil officers may be made as follows, except as otherwise provided:

1. By the governor, to the general assembly, if in session, if not, to the secretary of state.
2. By state senators and representatives, and all officers appointed by the senate or house, or by the presiding officers thereof, to the respective presiding officers of the senate and house, when the general assembly is in session, and such presiding officers shall immediately transmit to the governor information of the resignation of any member thereof; when the general assembly is not in session, all such resignations shall be made to the governor.
3. By senators and representatives in Congress, all officers elected by the qualified voters in the state or any district or division thereof larger than a county, or chosen by the general assembly, all judges of courts of record, all officers, trustees, inspectors, and members of all boards and commissions now or hereafter created under the laws of the state, and all persons filling any position of trust or profit in the state, for which no other provision is made, to the governor.
4. By all county and township officers, to the county auditor, except that of the auditor, which shall be to the board of supervisors.
5. By all council members and officers of cities, to the clerk or mayor.

LEGALIZING ACTS

585.1 Publication prior to passage.

No bill which seeks to legalize the official proceedings of any board of supervisors, board of school directors, or city council, or which seeks to legalize any warrant or bond issue by any of said official bodies, shall be placed on passage in either house or senate until such bill as introduced shall have been published in full in some newspaper published within the territorial limits of the public corporation whose proceedings, warrants, or bonds are proposed to be legalized, nor until proof of such publication shall have been filed with the chief clerk of the house, and with the secretary of the senate, and a brief minute of such filing entered on the respective journals.

585.2 Place of publication in certain cases.

In case no newspaper is published within such territorial limits, the publication required by this chapter shall be made in one newspaper of general circulation published within the county.

585.3 Caption of publication.

The publication required by this chapter shall be made under the following caption or heading, to wit:

"Proposed bill for the legalization of the proceedings of (name of official body)".

If the proposed bill be for the legalization of the bonds or warrants of the public corporation, the caption shall be modified accordingly.

585.4 Cost of publication.

If the bill be introduced at the instance of the public body whose proceedings, bonds, or warrants are sought to be legalized, the cost of the aforesaid publication may be paid from the general fund of the public corporation.

585.5 Subsequent amendment—effect.

The amendment of the proposed bill after its publication as aforesaid shall not affect its legality, provided the subject matter of the bill is not substantially changed.

APPENDIX VI
RULES FOR PREFILING LEGISLATIVE BILLS
1990 General Assembly
and
AGENCY HEADS AND LEGISLATIVE LIAISONS

RULES FOR PREFILING LEGISLATIVE BILLS--1990 General Assembly

Iowa Code section 2.16, Code 1989, authorizes the prefiling of legislative bills and reads as follows:

Section 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-third General Assembly.

LEGISLATORS

1. Request for Prefiling. Any person who is presently a member of the Seventy-third General Assembly or elected to serve in the Seventy-third General Assembly may prefile a legislative bill or resolution by making a request to the Legislative Service Bureau by December 15, 1989. 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.

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 8, 1990. 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.

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.

2. Predrafting of Legislative Bills and Resolutions. Any person who is presently a member of the Seventy-third General Assembly or who has been elected to serve in the Seventy-third

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 members of the Seventy-third General Assembly may request the Legislative Service Bureau to prepare a bill draft or resolution at any time 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 or may not introduce the bill, whichever is the legislator's choice. The text of a predrafted bill will only be released if the requestor specifically consents to the release.

3. 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. The confidential designation also means that the bill

will not be sent to the Legislative Fiscal Bureau for fiscal note review unless the legislator specifically requests the Service Bureau to send the bill to the Fiscal Bureau.

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 24, 1989. 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" or "background statement" of one page or less in length 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. A request submitted without such a "request explanation" or "background statement" or with a lengthy "request explanation" or "background statement" will not be accepted by the Legislative Service Bureau. 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, prepare an objective explanation for the bill, and prepare the bill in final form. Once the bill is in final form, the Legislative Service Bureau, not the department or agency, will submit the bill 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. Proposed bills and resolutions submitted by departments and agencies after November 24, 1989 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, 1989 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 is received.

If departments know they will be submitting lengthy or complex legislation, it is suggested they submit or at least discuss the proposals in the early fall of 1989 even if they will not make final decisions in regard to all provisions until late fall.

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

EXECUTIVE BRANCH

Executive Agencies - Elected Officials

Attorney General (Department of Justice)
Auditor of State
Department of Agriculture and Land Stewardship
Secretary of State
Treasurer of State

Executive Agencies - Nonelected Heads

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

Executive Agencies - Nonelected Heads (cont.)

Department of Personnel
Department of Public Defense
Public Employment Relations Board
Department of Public Health
Department of Public Health/Board of Dental Examiners
Department of Public Health/Board of Medical Examiners
Department of Public Health/Board of Nursing Examiners
Department of Public Health/Board of Pharmacy Examiners
Department of Public Safety
Board of Regents
Department of Revenue and Finance
Department of Transportation

JUDICIAL BRANCH

Judicial Department

NOTE: Prefile bill and joint resolution requests from the Office of the Governor are governed by Iowa Code section 2.16 and must be submitted by January 5, 1990.

**AGENCY HEADS AND LEGISLATIVE LIAISONS
(Names and Phone Numbers)
As of December 15, 1989**

EXECUTIVE BRANCH

Executive Agencies -- Elected Officials

ATTORNEY GENERAL (Department of Justice)

Agency Head: The Honorable Thomas Miller - 5164
Legislative Liaison: Julie Fleming - 242-6302

AUDITOR OF STATE

Agency Head: The Honorable Richard Johnson - 5834
Legislative Liaison: Sue Hurst - 6504

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Agency Head: The Honorable Dale M. Cochran - 5321
Legislative Liaison: Ron Rowland

GOVERNOR

The Honorable Terry E. Branstad
Legislative Liaison: Donald J. Paulin - 8318

Executive Agencies -- elected officials (cont.)

SECRETARY OF STATE

Agency Head: The Honorable Elaine Baxter - 5864

Legislative Liaison: Tim Waddell - 5866

TREASURER OF STATE

Agency Head: The Honorable Michael Fitzgerald - 5366

Legislative Liaison: Mike Tramontina - 6859

Executive Agencies -- nonelected Heads

CAMPAIGN FINANCE DISCLOSURE COMMISSION

Agency Head: Kay Williams - 4411

Legislative Liaison: Kay Williams - 4411

CIVIL RIGHTS COMMISSION

Agency Head: Inga Bumbarly-Langston - 4121

Legislative Liaison: Ron Pothast - 4425

DEPARTMENT FOR THE BLIND

Agency Head: R. Creig Slayton - 7986

Legislative Liaison: R. Creig Slayton - 7986

DEPARTMENT OF COMMERCE

Agency Head: David Roederer - 7401

Legislative Liaison:

Alcoholic Beverages Division

Agency Head: Richard Morrell - 7406

Legislative Liaison: Norman Rodgers - 7413

Banking Division

Agency Head: Robert Rigler - 4014

Legislative Liaison:

Credit Union Division

Agency Head: James E. Forney - 6514

Legislative Liaison:

Insurance Division

Agency Head: William Hager - 5705

Legislative Liaison: Kevin Howe - 5709

Professional Licensing & Regulation Division

Agency Head: Marie Thayer - 5596

Legislative Liaison:

Savings & Loan Division

Agency Head: Greg Barcus - 8432

Legislative Liaison:

DEPARTMENT OF COMMERCE (Cont.)

Utilities Division

Agency Head: Dennis Nagel - 5167

Legislative Liaison: Dawn Vance - 4874

DEPARTMENT OF CORRECTIONS

Agency Head: Paul Grossheim - 4807

Legislative Liaison: John Goeldner - 6819

Board of Parole

Agency Head: Walter Saur - 4818

Legislative Liaison: Richard George - 4818

DEPARTMENT OF CULTURAL AFFAIRS

Agency Head: William Jackson - 7471

Legislative Liaison: Mark Peitzman - 6078

Public Broadcasting Division

Agency Head: George Carpenter - 4560

Legislative Liaison: Dave Bolender - 4562

DEPARTMENT OF ECONOMIC DEVELOPMENT

Agency Head: Dick Timmerman, Acting Director - 3862

Legislative Liaison: Fran Fleck - 7252

DEPARTMENT OF EDUCATION

Agency Head: William Lepley - 5294

Legislative Liaison: Gail Sullivan - 7977

College Aid Commission

Agency Head: Gary Nichols - 3501

Legislative Liaison: Stu Vos - 3501

DEPARTMENT OF ELDER AFFAIRS

Agency Head: Betty Grandquist - 5188

Legislative Liaison: Hanne Harris - 8643

DEPARTMENT OF EMPLOYMENT SERVICES

Agency Head: Richard Freeman - 5365

Legislative Liaison: Pat Hilton - 5082

Industrial Services Division

Agency Head: David Linquist - 5934

Legislative Liaison: Pat Hilton - 5082

Job Service Division

Agency Head: Richard Freeman - 5365

Legislative Liaison: Pat Hilton - 5082

Labor Services Division

Agency Head: Allen Meier, Commissioner - 3447

Legislative Liaison: Pat Hilton - 5082

DEPARTMENT OF GENERAL SERVICES

Agency Head: Jack Walters - 3196

Legislative Liaison: Kathleen Williams - 4060

DEPARTMENT OF HUMAN RIGHTS

Agency Head: Almo Hawkins - 7300

Legislative Liaison: Eloise Lietzow - 6317

Children, Youth & Families Division

Agency Head: Diane Quinn - 8077

Legislative Liaison: Eloise Lietzow - 6317

Community Action Agencies Division

Agency Head: Jim Smith - 3268

Legislative Liaison: Eloise Lietzow - 6317

Criminal & Juvenile Justice Planning Division

Agency Head: Richard Moore

Legislative Liaison: Eloise Lietzow - 6317

Deaf Services Division

Agency Head: Diana Leonard - 7119

Legislative Liaison: Eloise Lietzow - 6317

Persons with Disabilities Division

Agency Head: Don Westergard - 5238

Legislative Liaison: Eloise Lietzow - 6317

Spanish-Speaking People Division

Agency Head: Acting - Al Rodriguez - 4070

Legislative Liaison: Eloise Lietzow - 6317

Status of Blacks Division

Agency Head: Gary Lawson -

Legislative Liaison: Eloise Lietzow - 6317

Status of Women Division

Agency Head: Charlotte Nelson - 4467

Legislative Liaison: Eloise Lietzow - 6317

DEPARTMENT OF HUMAN SERVICES

Agency Head: Acting - Charles Palmer - 5452

Legislative Liaison: John Fairweather - 4848

DEPARTMENT OF INSPECTIONS & APPEALS

Agency Head: Charles Sweeney - 5457

Legislative Liaison: Bev Zylstra - 6442

LAW ENFORCEMENT ACADEMY

Agency Head: Ben Yarrington - 242-5357

Legislative Liaison: Ben Yarrington - 242-5357

DEPARTMENT OF MANAGEMENT

Agency Head: Patrick Cavanaugh - 3322
Legislative Liaison: Gretchen Tegeler - 8838

DEPARTMENT OF NATURAL RESOURCES

Agency Head: Larry Wilson - 5385
Legislative Liaisons: Bob Fagerland - 3388
Jim Brown - 8926

DEPARTMENT OF PERSONNEL

Agency Head: Thomas Donahue - 3087
Legislative Liaison: Carol Swanson - 6603

DEPARTMENT OF PUBLIC DEFENSE

Agency Head: Major General Warren G. Lawson - 242-5211
Legislative Liaisons: Brigadier General Harold Thompson - 242-5211
Jerry Ostondorf - 3237 (Disaster Services)

PUBLIC EMPLOYMENT RELATIONS BOARD

Agency Head: Richard Ramsey - 4414
Legislative Liaison:

DEPARTMENT OF PUBLIC HEALTH

Agency Head: Mary Ellis - 5605
Legislative Liaison: Mike Coverdale - 4342

Board of Dental Examiners

Agency Head: Constance Price - 5157
Legislative Liaison: Mike Coverdale - 4342

Board of Medical Examiners

Agency Head: William Vanderpool - 5171
Legislative Liaison: Mike Coverdale - 4342

Board of Nursing Examiners

Agency Head: Lorinda Inman - 3256
Legislative Liaison: Mike Coverdale - 4342

Board of Pharmacy Examiners

Agency Head: Norman Johnson - 5944
Legislative Liaison: Mike Coverdale - 4342

DEPARTMENT OF PUBLIC SAFETY

Agency Head: Gene Shepard - 5261
Legislative Liaison: Betsy Dittimore - 5043

BOARD OF REGENTS

Agency Head: Wayne Richey - 3934
Legislative Liaison: Brad Hudson - 3934

DEPARTMENT OF REVENUE & FINANCE

Agency Head: Gerald Bair - 3204
Legislative Liaison: Carl Castelda - 3346

DEPARTMENT OF TRANSPORTATION

Agency Head: Darrell Rensink - 239-1111

Legislative Liaison: Mary Jensen - 239-1641

JUDICIAL BRANCH

JUDICIAL DEPARTMENT

Agency Head: Chief Justice Arthur McGiverin - 5174

Legislative Liaison: Becky Reznicek - 5174

LEGISLATIVE BRANCH

CITIZENS' AIDE/OMBUDSMAN

Agency Head: Bill Angrick - 3592

Legislative Liaison: Bill Angrick - 3592

APPENDIX VII FISCAL NOTE AND NOBA PROCEDURES

The following fiscal note procedures which involve the Legislative Service Bureau were developed by the Legislative Service Bureau after consultation with personnel from the Legislative Fiscal Bureau and the Senate and House of Representatives.

The pertinent portion of Joint Rule 17 reads as follows:

The preliminary determination of whether the bill appears to require a fiscal note shall be made by the legislative service bureau which shall send a copy of the request to the legislative fiscal bureau unless the requestor specifies the request is to be confidential. Upon completion of the bill draft, the legislative service bureau shall immediately send a copy to the legislative fiscal director for review.

To implement the above portion of Joint Rule 17 the Legislative Service Bureau will make a preliminary determination of whether a bill draft appears to require a fiscal note. The Legislative Service Bureau will send to the Director of the Legislative Fiscal Bureau a copy of all bill drafts prepared for introduction and the first finalized draft of proposed bill drafts (study bills), which have been identified by the Legislative Service Bureau as appearing to require a fiscal note, other than bill drafts requested confidentially. The Legislative Service Bureau will also send a copy of all bill drafts assigned to an appropriations committee or under consideration by an appropriations subcommittee to the Director of the Legislative Fiscal Bureau.

The Computer Support Bureau and the Legislative Fiscal Bureau will jointly investigate the creation of a computer run to identify bill drafts, which have been determined by the Legislative Service Bureau as appearing to require a fiscal note, and which are also entered into the central computer library (and therefore either introduced or filed).

NOBA Bill Procedures.

Apart from the procedures relating to fiscal notes, the Legislative Service Bureau would propose that the Legislative Fiscal Bureau notify the drafter of any bills for which the Fiscal Bureau intends to use the NOBA system of annotation. The Service Bureau would then mark the bill draft folder as a NOBA bill and upon request of the LSB drafter would send a computer message to the Fiscal Bureau that the bill is in final form, as well as send the paper copy of the bill to the Fiscal Bureau.

APPENDIX VIII
BILL TRACKING INFORMATION

TABLE OF CONTENTS

Suffix Codes

Standing Committee and Appropriations Subcommittee Abbreviations

1989 Interim Committees

Procedures for Departmental and Governor Bills

State Agency Sponsorship Abbreviations

Like Names for Bill Tracking Purposes

SUFFIX CODES

Individually Sponsored: S-H

Standing Committee Sponsored: SC-HC, SV-HV

Appropriations: SA-HA, SC-HC, SV-HV

Interim Study Committee Sponsored: SI-HI

Governor's Legislative Bills: SG-HG

Governor's Budget Bills: SB-HB

Departmental Sponsored: SD-HD

Conference Committee Reports: CR

Confidential:	Senate	House
Individually:	XS	YH
Committee:	XC	YC
Appropriations:	XA	YA
Interim:	XI	YI
Governor's Legis. Bills:	XG	YG
Governor's Budget Bills:	XB	YB
Departmental:	XD	YD

If SV or HV voted out of second committee as new committee bill: SZ & HZ

NOTE: Identical bills, companion bills, and successor bills will be assigned LSB#s with the same four numerals. A bill's title page will contain information regarding companion bills to that bill and will indicate if the bill is a successor bill.

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STANDING COMMITTEE ABBREVIATIONS

Agriculture:	AGRI
Appropriations:	APPROP
Business & Labor:	BUS/LABOR
Commerce:	COMMERCE
Economic Development:	ECON DEVEL
Education:	EDUCATION
Energy & Environmental Protection:	ENERGY/ENV
Environment & Energy Utilities:	ENVIRONMENT
Ethics:	ETHICS
Human Resources:	HUMAN RES
Judiciary:	JUDICIARY
Judiciary & Law Enforcement:	JUD/LAW
Labor & Industrial Relations:	LABOR/IND
Local Government:	LOCAL GOVT
Natural Resources:	NATURAL RES
Natural Resources & Outdoor Recreation:	NAT RES/REC
Rules & Administration:	RULES
Small Business & Commerce:	SM BUS/COMM
Small Business & Economic Development:	SM BUS/ECON
State Government:	STATE GOVT
Transportation:	TRANS
Ways & Means:	WAYS/MEANS

APPROPRIATIONS SUBCOMMITTEE ABBREVIATIONS

Administration:	ADMIN APP
Agriculture & Natural Resources:	AGRI APP
Claims:	CLAIMS APP
Economic Development:	ECON APP
Education:	EDUC APP
Health & Human Rights:	HEALTH APP
Human Services:	HUMAN APP
Justice:	JUSTICE APP
Regulation:	REG APP
Transportation & Safety:	TRANS APP

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Governor's Budget Bills: SB-HB

Departmental Sponsored: SD-HD

Conference Committee Reports: CR

Confidential:	Senate	House
Individually:	XS	YH
Committee:	XC	YC
Appropriations:	XA	YA
Interim:	XI	YI
Governor's Legis. Bills:	XG	YG
Governor's Budget Bills:	XB	YB
Departmental:	XD	YD

If SV or HV voted out of second committee as new committee bill: SZ & HZ

NOTE: Identical bills, companion bills, and successor bills will be assigned LSB#s with the same four numerals. A bill's title page will contain information regarding companion bills to that bill and will indicate if the bill is a successor bill.

194h/km

STANDING COMMITTEE ABBREVIATIONS

Agriculture:	AGRI
Appropriations:	APPROP
Business & Labor:	BUS/LABOR
Commerce:	COMMERCE
Economic Development:	ECON DEVEL
Education:	EDUCATION
Energy & Environmental Protection:	ENERGY/ENV
Environment & Energy Utilities:	ENVIRONMENT
Ethics:	ETHICS
Human Resources:	HUMAN RES
Judiciary:	JUDICIARY
Judiciary & Law Enforcement:	JUD/LAW
Labor & Industrial Relations:	LABOR/IND
Local Government:	LOCAL GOVT
Natural Resources:	NATURAL RES
Natural Resources & Outdoor Recreation:	NAT RES/REC
Rules & Administration:	RULES
Small Business & Commerce:	SM BUS/COMM
Small Business & Economic Development:	SM BUS/ECON
State Government:	STATE GOVT
Transportation:	TRANS
Ways & Means:	WAYS/MEANS

APPROPRIATIONS SUBCOMMITTEE ABBREVIATIONS

Administration:	ADMIN APP
Agriculture & Natural Resources:	AGRI APP
Claims:	CLAIMS APP
Economic Development:	ECON APP
Education:	EDUC APP
Health & Human Rights:	HEALTH APP
Human Services:	HUMAN APP
Justice:	JUSTICE APP
Regulation:	REG APP
Transportation & Safety:	TRANS APP

KM/118h

1989 INTERIM COMMITTEES

<u>Committee Abbreviation</u>	<u>Committee Name</u>
CAMP IC	Comprehensive Campaign Reform
CARE IC	Child Care Evaluation
CHIL IC	Child Care at Capitol Complex
CODE IC	Code Publications
COMP IC	Workers' Compensation
CORR TF	Corrections System Review Task Force
DHSI IC	DHS Institutions
DROP IC	Dropout Prevention
DRUG IC	Drug Abuse Prevention & Enforcement
EMPL IC	Department of Employment Services Review
ENER IC	Energy Efficiency
HEAL IC	Health Care Expansion Task Force
HIED TF	Higher Education Task Force
HOSP IC	Involuntary Hospitalization Task Force
JOBS IC	Iowa's New Jobs Training Program
JUVE IC	Juvenile Law
LINK IC	Air Link Transportation Commission
LIQR IC	Liquor System Analysis
MALP IC	Medical Malpractice & Tort Liability Claims
MENT IC	Mental Illness Cost Assessment
NONG IC	Nongender Based Insurance
PARK IC	Park and Recreation Enhancement
PAWS IC	Preserving Adequate Water Supplies
PENS IC	Pension Taxation Policy
PLAN IC	New Iowa Plan for the 90's
PLAT IC	Platting and Mortgage Surveys
PTAX IC	Property Tax Reduction
QUAL IC	Quality Grains Advisory Committee
ROAD IC	Secondary and Farm-to-Market Roads
SUBS IC	Subchapter S Corporation
TRAD IC	Iowa Agricultural Trade Relations with the European Economic Community
WINS IC	Carrier Competition in Workers' Compensation Insurance
ADMN LC	Administration Committee
COUN LC	Legislative Council
FISC LC	Fiscal Committee
LCPC LC	Legislative Capital Project Committee
PROC LC	Legislative Procedures Committee
SERV LC	Service Committee
STUD LC	Studies Committee
AARC PC	Administrative Rules Review Committee
CRCO PC	Communications Review Committee
EOCC PC	Commission on Compensation, Expenses, & Salaries of Elected State Officials

Committee
Abbreviation

Committee Name

IABC PC
IAIC PC
JUCC PC
PRSC PC

Iowa Boundary Commission
Iowa Commission on Interstate Cooperation
Judicial Compensation Commission
Public Retirement Systems Committee

PROCEDURES FOR DEPARTMENTAL AND GOVERNOR BILLS

When bill is in final, take file with three copies to Susan.

Susan:

1. Mail appropriate letter, copy of bill (MAKE SURE THE BILL IS STAMPED "DEPARTMENTAL DRAFT" OVER THE TITLE), and prefile or release slip to the department or governor.

2. Keep a computer list of all bills sent to the departments and the governor and a copy of the letter in the bill file folder.

3. Enter on BE the final entries (date, mailed, filed), also note on the bill file folder.

4. Keep bill file folder in the front office until the department or governor sends you back the prefile or release slip.

5. If the department or governor wants changes, bring the bill file folder with changes to the bill room to be logged through the system again. NOTE: Some departments or the governor will OK the bill subject to minor changes being made, so carefully peruse each communication from a department or from the governor. After the changes are made, go through procedures 1 through 4 again.

6. When the department or governor finally OK's the bill for prefiling or release, send copies to the leadership with appropriate letter.

Enter information on the computer and file folder. Again, make sure you keep a computer list of all bills sent to leadership.

7. When everything is completed and the bill is sent to leadership, you can bring the file folder to the bill room to be filed away permanently.

The most important thing is to always keep a copy of everything you do in the bill file folder.

Keep a list every time you send something to the department, the governor, or leadership.

**STATE AGENCY SPONSORSHIP ABBREVIATIONS
FOR LSB BILL TRACKING**

EXECUTIVE BRANCH

Executive Agencies -- Elected Officials

AG	- Attorney General (Department of Justice)
AU	- Auditor of State
DALS	- Department of Agriculture and Land Stewardship
GBB	- Governor's Budget Bills
GLP	- Governor's Legislative Package (Bills)
SS	- Secretary of State
TR	- Treasurer of State

Executive Agencies -- Nonelected Heads

CFDC	- Campaign Finance Disclosure Commission
CRC	- Civil Rights Commission
DB	- Department for the Blind
DCM/ABD	- Dep't of Commerce/Alcoholic Beverages Division
DCM/BD	- Department of Commerce/Banking Division
DCM/CUD	- Department of Commerce/Credit Union Division
DCM/ID	- Department of Commerce/Insurance Division
DCM/PLRD	- DCM/Prof Licensing and Regulation Division
DCM/SLD	- Department of Commerce/Savings and Loan Division
DCM/UD	- Department of Commerce/Utilities Division
DCR	- Department of Corrections
DCR/BP	- Department of Corrections/Board of Parole
DCA	- Department of Cultural Affairs
DCA/PBD	- Dep't of Cultural Aff/Public Broadcasting Division
DED	- Department of Economic Development
DE	- Department of Education
DE/CAC	- Department of Education/College Aid Commission
DEA	- Department of Elder Affairs
DES/ISD	- Dep't of Empl Serv/Industrial Services Division
DES/JSD	- Dep't of Employment Services/Job Service Division
DES/LSD	- Dep't of Empl Serv/Labor Services Division
DGS	- Department of General Services
DHR/CYFD	- DHRights/Children, Youth and Families Division
DHR/CAAD	- DHRights/Community Action Agencies Division
DHR/CJJPD	- DHRights/Criminal and Juv Just Planning Division
DHR/DSD	- Department of Human Rights/Deaf Services Division
DHR/PDD	- DHRights/Persons with Disabilities Division
DHR/SSPD	- DHRights/Spanish-Speaking People Division
DHR/SBD	- Dep't of Human Rights/Status of Blacks Division
DHR/SWD	- Dep't of Human Rights/Status of Women Division
DHS	- Department of Human Services
DIA	- Department of Inspections and Appeals
DIA/RGD	- DIA/Racing and Gaming Division
LEA	- Law Enforcement Academy

Executive Agencies -- Nonelected Heads (cont.)

DM	- Department of Management
DNR	- Department of Natural Resources
DP	- Department of Personnel
DPD	- Department of Public Defense
PERB	- Public Employment Relations Board
DPH	- Department of Public Health
DPH/BDE	- Dep't of Public Health/Board of Dental Examiners
DPH/BME	- Dep't of Public Health/Board of Medical Examiners
DPH/BNE	- Dep't of Public Health/Board of Nursing Examiners
DPH/BPE	- Dep't of Public Health/Board of Pharmacy Examiners
DPS	- Department of Public Safety
BR	- Board of Regents
DRF	- Department of Revenue and Finance
DOT	- Department of Transportation

JUDICIAL BRANCH

JD	- Judicial Department
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LEGISLATIVE BRANCH

ARRC	- Administrative Rules Review Committee
CA/O	- Citizens' Aide/Ombudsman

LIKE NAMES FOR BILL TRACKING PURPOSES

Halvorson, Rod (Repr.)	HalvorsonRD
Halvorson, Roger (Repr.)	HalvorsonRG
Hansen, Steven (Repr.)	HansenS
Hanson, Darrell (Repr.)	HansonD
Hester, Joan (Repr.)	HesterJoan
Hester, Jack (Senator)	HesterJack
Miller, Alvin (Senator)	MillerA
Miller, Tom (Repr.)	MillerT
Petersen, Dan (Repr.)	PetersenD
Petersen, John (Senator)	PetersonJ
Peterson, Michael (Repr.)	PetersonM

Note: Names can be entered in upper or lower case, this example is for visual ease.

APPENDIX IX
BILL REVIEW CHECKLIST AND GUIDELINES
FOR DRAFTERS AND REVIEWERS

(Reviewer should place a long dash (---) in the left margin beside each line of the bill which contains a correction. The reviewer should use green ink, the proofreaders should use red ink, and the drafters should use a different color.)

A. Checklist--for more details see Guidelines or Iowa Bill Drafting Guide and Style Manual.

1. Scan Title and Explanation for overview.
 - a. Does title reflect one subject?
 - b. Constitutional questions?
2. Lead-ins--for sections amending Code.
 - a. Accuracy.
 - b. Form. (See list of computer-readable lead-in forms.)
3. Form of bill.
 - a. All permanent new sections numbered.
 - (1) Do not reuse repealed number in same session.
 - (2) Is Code placement correct?
 - (3) Definitions should be alphabetized.
 - b. All new sections or parts of sections marked "NEW."
 - c. Generally, substantive provisions first, followed by conforming amendments in numerical order.
 - d. Repeals after conforming amendments:
 - (1) Strikes in numerical order with other amendments.
 - (2) Separate repeals of Code and Code Supplement sections. (even-numbered years)
 - e. Temporary sections after repeals.
 - f. Effective date and applicability sections last.

4. Read for Content. (Goals: clear, complete, concise, precise).

a. Clarity.

- (1) Definitions correctly written and used.
- (2) Correct placement of modifiers (if several, avoid ambiguity as to what is modified).
- (3) No circularity.
- (4) Avoid multiple negatives and multiple exceptions, if possible.

b. Style preferences.

- (1) Present tense. ("Pari-mutuel gambling is legal"; not "Pari-mutuel gambling shall be legal")
- (2) Active voice. ("The director shall purchase"; not "It shall be purchased by the director")
- (3) Positive. ("A person shall not"; not "No person shall") (avoid "may not")
- (4) Singular/plural--consistent within a sentence--singular usually preferable.
- (5) Simplicity (concise-precise). Word usage and sentence construction. Omit excess and meaningless words and phrases ("such", "said", "heretofore or hereafter", "person, firm, or corporation", "any other law to the contrary notwithstanding").
- (6) Sentences and paragraphs short to moderate in length--divided into subparts if necessary for clarity.
- (7) No gender pronouns. (Note: to avoid "himself" or "herself", the word "themselves" may be used with an indefinite third person singular antecedent as "anyone", "a person".)

c. Accuracy.

- (1) Check new internal references.
- (2) Citations of federal laws and regulations, administrative rules. (Drafter should be responsible for accuracy; check form.)

- (3) Check references to departmental and official names and titles.
 - d. Headnotes of sections, new or amended, should briefly and accurately reflect content.
 - e. Watch for constitutionally sensitive areas.
 - (1) One subject.
 - (2) Overdelegation of power.
 - (3) Separation of powers.
 - (4) Private use of public resources ("Credit of the state").
 - (5) Taxes clearly stated and uniform.
 - (6) Vagueness (especially criminal law).
 - (7) Equal protection and due process.
 - f. Capitalization of appropriate nouns.
 - g. Punctuation--limited to that which is essential.
 - (1) Use comma before conjunction in a series.
 - (2) Follow red Webster's 9th (based on Webster's Third International), or if not covered there, Government Style Manual. (Style rules at back of Webster's)
 - h. Related laws considered--conforming amendments if needed.
 - i. Repeals and strikes: check internal reference table for sections which need conforming amendments.
 - j. Orderly arrangement of substantive sections.
5. Read Explanation for Content.
- a. Should be accurate, concise, complete, and objective. Avoid statements of opinion ("this bill is intended to clarify" is better than "this bill clarifies"; avoid "will help", "is needed", etc.,--state what the bill does, not why it is needed (exception if it is something factual, like a court case).

b. Mention:

- (1) New sections, tentatively numbered.
- (2) Unusual effective or applicability dates.
- (3) Penalties.
- (4) State mandates--see section 25B.5.

6. Read Title for Content.

- a. One subject--expressive of entire bill?
- b. If detailed (a "tight" title), no part may be omitted.
- c. Mention penalties, unusual effective dates, applicability provisions, the imposition of a tax, and appropriations.
- d. We generally do not use section or chapter numbers in titles.

B. Guidelines for Use of Specific Provisions.

1. "Purposes" section. Generally is not needed; if desired, it can usually be a temporary, uncodified section. An exception may be made if there is a potential constitutional problem, such as where public purpose or equal protection might be challenged.

2. Definitions.

- a. Should precede related material.
- b. Limit--should not include other substantive law.
- c. Use to avoid repetition of a longer phrase; then be sure to use the definition subsequently, not the phrase defined.
- d. "Means" is complete; other meanings are excluded.
- e. "Includes" is incomplete; there may be other meanings. (Therefore, "means and includes" is ambiguous.)
- f. Do not stretch definitions too far (for example, including "state" in a definition of "Municipality").
- g. Do not rely on a definition where it is not applicable, such as in other parts of the Code or temporary sections.

- h. Do not use a term in the definition of itself. (Yes, it happens!)

3. Uncodified, temporary sections. (These may often be combined.)

- a. Savings or "grandfather" clauses. See section 4.13; other specifics may be needed.
- b. Transitions. For example, initial terms of office which are exemptions to the regular terms.
- c. Severability. Generally not needed; see section 4.12.
- d. Sunsets. If requested. May cause confusion later; consider how conforming amendments will be handled when substantive provisions sunset--it may not work for them to go back to the form they had before enactment of the sunsetted provisions, if there have been further amendments in the meantime.
- e. Applicability. Often needed when new law interrupts an ongoing process, such as taxation, probate, or criminal procedure processes.
- f. Effective date. Will be prospective unless retroactivity is stated. (For retroactivity and applicability, consider constitutional issues, such as impairment of contracts, ex post facto laws.)

4. Adoption of Federal Laws by Reference. It is generally held to be unconstitutional to adopt by reference any future enactments, federal or other. However, it is often a requirement that state laws comply with federal laws and regulations. Therefore, it is probably best not to use words such as "as amended" unless it is acceptable to adopt amendments only to the date the bill is effective or earlier. This will require frequent updating of the law. For this reason, it may be better to leave details which must comply with federal regulations to be written into administrative rules which are updated more frequently. We use the "Uniform System of Citation, Thirteenth Edition" to cite federal laws but we leave the date off. Use a U.S.C. citation if possible. If the law is just referred to, not adopted by reference, a citation may not be needed; a general reference may be made to some, such as Social Security, which are difficult to cite accurately.

5. Penalties. Should be stated clearly. See sections 701.2, 701.7, 701.8, 701.10, 902.1, and 902.9. It is best to stay within the framework of the criminal code, and not invent different categories.

If a violation of an administrative rule is to be a crime, or incur a penalty, it should be so stated in the statute.

If civil, use "civil penalty", not "civil fine". Designate whether it goes into the general fund or otherwise.

6. References to "this Act". Use with care; they become ambiguous or unclear if there are subsequent amendments, or if the Act amends different parts of the Code. ("Effective date of this Act" is OK if there is only one.)

7. Rulemaking Power. Parameters/standards should be specified; however, they can be brief. The courts tend to uphold these delegations.

If someone is entitled to review rules or actions, state clearly what authority is intended. For example, "shall review and approve" means, if taken literally, that there is no option to disapprove. Usually the intent is "shall review, and may affirm, reverse, or amend".

If violation of a rule is to be punishable as a crime, the statute must so state.

8. Use of "shall", "may", etc. See section 4.1. "Shall" is a command or direction. "May" is a permission or option. ("Must" is also correct for a requirement which does not direct a person; however, we have not used it consistently as it seems difficult to make the correct distinction.)

"May not" -- it has been considered ambiguous, so we should use "shall not".

"Shall be" suggests the future tense, which is generally undesirable. If a present tense "be" verb can be substituted ("is", "are"), do so. Sometimes it is necessary to use "shall be" or "must be" for a passive command or requirement (something "shall be" done).

Do not use "shall receive" or "may receive" for expenses, per diem, etc. Their meaning is not clear. "Is entitled to receive" is better.

9. Executive Branch Organization. Use uniform terminology as provided in sections 7E.2 and 7E.4 if possible. Consider section 7E.3. Amend sections 7E.5, 7E.6, and 7E.7 if necessary. It is best to state duties with the verb "shall" and powers with the verb "may". It is ambiguous if they are mixed up in one "authority" statement.

10. Appropriations. If possible, state whether auxiliary provisions apply only to the appropriation year, or are meant to be more permanent, especially when they are written as separate

sections rather than within the section which makes the appropriation. If the provisions are meant to be permanent, they should be codified and indicated as "NEW SECTION."

11. Specific Code Sections and Chapters the Drafter Should Know. (Sometimes these may be incorporated by reference rather than repeating their subject matter--these sections and chapters may affect various other laws):

Sec.	2.32	Senate confirmation
	3.3	Headnotes
	3.7	Effective dates
	3.12, 3.14	Appropriations
	4.1	Rules for construction (include definitions such as "person"; "property"; "quorum"; "rule"; and "shall", "must", and "may")
	4.2-4.11	Statutory construction/conflicts
	4.12	Severability
	4.13	Savings provisions
	14.13	Code Editor's authority
Ch.	7E	Uniform terminology
	17	Official reports and documents
	17A	Administrative procedure
Sec.	18.165	Blanket bonds for officers
Ch.	19A	Personnel--merit system
	21	Open meetings
	22	Public (and confidential) records
	23	Public contracts and bonds
	25A	State tort claims (Governmental subdivisions in chapter 613A)
	25B	State mandates
	28E	Joint exercise of governmental powers
	28F	Joint financing of public works and facilities

Ch.	33	Public holidays
Sec.	39.3	Election laws definitions
Ch.	63-69	Various provisions relating to public officers
Sec.	69.19	Terms
Ch.	70	Veterans preference
	71	Nepotism
	72	Duties relating to public contracts
	73	Preferences
	74A	Interest rates
	75, 76	Public bonds
	78	Administration of oaths
	79	Salaries, fees, mileage, etc.
	97A	Public safety peace officers' retirement
	97B	IPERS
	103A, 104A	State building code, handicapped entrances
Sec.	159.1	Agriculture definitions
	189.1	Food and drug regulation definitions
Ch.	258A	Continuing education--professions, occupations
	331	County home rule
	362, 364	City home rule--definitions--powers
	411	Police and fire retirement
	453	Deposit of public funds
	473A	Metropolitan or regional planning commissions
	490	Business corporation law (new)
	585	Legalizing Acts
	613A	Tort liability of governmental subdivisions

Ch. 618	Publication and posting of notices
701, 702	Criminal law--general provisions and definitions
902, 903	Felonies and misdemeanors

APPENDIX X
BILL LEAD-IN FORMATS
COMPATIBLE WITH COMPUTER PROGRAMS

This summary provides standard bill lead-in language that is compatible with the computer programs used in Code publication.

A. LEAD-IN KEYWORDS AND SYNTAX: The lead-in of a bill section (functional description) is all data located after the tilde-I-Section (or tilde-I-Sec.) and ending with the next tilde-I sequence. ("Tilde-I" is a paragraph indention symbol.)

B. DESIRABLE LEAD-IN FORMATS:

1. Various Acceptable Formats:

(a)

1 Sec. _____. Sections ____ through ____ of this Act are created
2 as a new division ____, of chapter _____. (or subchapter, part, or
3 article)

(b)

1 Sec. _____. Chapter ____, Code 19 ____, is repealed. (struck or
2 stricken are acceptable to computer, but not preferred drafting
3 style)

(c)

1 Sec. _____. Chapters ____, ____, ____, and ____, Code 19 ____, are
2 repealed.

(d)

1 Sec. _____. Section(s) ____, Code 19 ____, is (are) repealed.

(e)

1 Sec. _____. Section ____, Code 19 ____, is amended to read as fol-
2 lows:

(f)

1 Sec. _____. Section ____, Code 19 ____, is amended by striking the
2 section and inserting in lieu thereof the following:

2. Descriptions of Units of Existing Law:

The following units show the various parts of sections which may be dealt with in bills.

To be sure the computer will read all the parts accurately, it is best to avoid including unnumbered paragraphs between other parts; rather, start a new section.

Example: not "subsection 2, unnumbered paragraph 1 and paragraphs a, b, and c." Instead, separate into two bill sections:
". subsection 2, unnumbered paragraph 1"; and
". subsection 2, paragraphs a, b, and c".

(a)
1 Sec. ____ Section ____, article ____,

(b)
1 Sec. ____ Section ____, subsection(s) ____,

(c)
1 Sec. ____ Section ____, subsection ____, paragraph(s) ____,

(d)
1 Sec. ____ Section ____, subsection ____, paragraph ____, sub-
2 paragraph(s) ____,

(e)
1 Sec. ____ Section ____, subsection ____, paragraph ____, sub-
2 paragraph ____, subparagraph subdivision(s) ____, (rarely: sub-
3 paragraph subdivision part)

(f)
1 Sec. ____ Section ____, unnumbered paragraph(s) ____, (any of
2 the units from (a) through (e) may be more particular by speci-
3 fying: unnumbered paragraph(s) ____, or articles before subsec-
4 tions (these are rare)

(g) Any of the units from (a) through (e) may continue:

1 is (are) amended to read as follows:

1 is (are) amended by striking the (unit).

1 is (are) amended by striking the (unit) and inserting in lieu
2 thereof the following:

3. Descriptions of Units of New Law:

(a)
1 Sec. ____ NEW SECTION. xxx.xx (Headnote).

(b)
1 Sec. ____ Section ____, Code 19 ____, is amended by adding the
2 following new article: (these are rare)
3 NEW ARTICLE.

(c)
1 Sec. _____. Section ____, Code 19 ____, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION.

(d)
1 Sec. _____. Section ____, subsection ____, Code 19 ____, is amended
2 by adding the following new paragraph:
3 NEW PARAGRAPH.

(e)
1 Sec. _____. Section ____, subsection ____, paragraph ____, Code
2 19 ____, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH.

Preferably stop here, but if necessary, the following forms may be used:

(f)
1 Sec. _____. Section ____, subsection ____, paragraph ____, sub-
2 paragraph, Code 1989, is amended by adding the following new
3 subparagraph subdivision:
4 NEW SUBPARAGRAPH SUBDIVISION.

(g)
1 Sec. _____. Section ____, subsection ____, paragraph ____, sub-
2 paragraph ____, subparagraph subdivision ____, Code 19 ____, is
3 amended by adding the following new subparagraph subdivision
4 part:
5 NEW SUBPARAGRAPH SUBDIVISION PART. (Avoid using if possible.)

(h)
1 Sec. _____. Section ____, subsection ____, paragraph ____, sub-
2 paragraph ____, subparagraph subdivision ____, Code 19 ____, is
3 amended by adding the following new unnumbered paragraph:
4 NEW UNNUMBERED PARAGRAPH. (May be added at any level, but
5 avoid if numbering or lettering can be done.)

C. RECAP OF SECTION BREAKDOWN:

<u>Name</u>	<u>Example</u>
Section	422.5
Subsection	1.
Paragraph	k.
Subparagraph	(2)
Subparagraph subdivision	(d)
Subparagraph subdivision part	(ii)

Unnumbered paragraphs are possible at any level ("unnumbered" includes "unlettered").

Note. UCC and compacts will not necessarily follow this system.

D. CODE SUPPLEMENT: In even-numbered years, "Code Supplement 19__" may need to be cited instead of "Code 19__".

E. SPECIAL HANDLING: -- Citations of Session Laws:

(a)
1 Sec. _____. 19__ Iowa Acts, chapter ___, section ___, (if a
2 prior year). If chapter number is not known, use bill file num-
3 ber.

(b)
1 Sec. _____. 19__ Iowa Acts, House File ___, section ___, (if
2 current year)

1 Sec. _____. 19__ Iowa Acts, Senate File ___, section ___, (if
2 current year)

(c)
1 Sec. _____. 19__ Iowa Acts, chapter ___, section ___, amending
2 section ___, Code 19__,

(d)
1 Sec. _____. 19__ Iowa Acts, House File ___, section ___, amend-
2 ing section ___, Code 19__,

1 Sec. _____. 19__ Iowa Acts, Senate File ___, section ___, amend-
2 ing section ___, Code 19__,

(e)
1 Sec. _____. Section ___, Code 19__, as amended (enacted) by
2 19__ Iowa Acts, chapter ___, section ___,

1 Sec. _____. Section ___, Code 19__, as amended (enacted) by
2 19__ Iowa Acts, House File ___, section ___,

1 Sec. _____. Section ___, Code 19__, as amended (enacted) by
2 19__ Iowa Acts, Senate File ___, section ___,

(f)
Units (a) through (e) are to be used in combination with the following:

1 is (are) amended to read as follows:

1 is (are) amended by adding the following new (unit):

1 is (are) amended by striking the (unit).

1 is (are) amended by striking the (unit) and inserting in lieu
2 thereof the following:

1 is (are) repealed.

F. MULTIPLE REPEALS: In the form of the lead-in formats: "B.1.(b), (c), and (d)" and "E.(a) through (e)". Multiple repeals of chapters and sections in the Code, Code Supplement, and Iowa Acts should all be separated into sections or at least subsections.

Examples.

(a)

1 Sec. _____. REPEALS.
2 Section ____, Code 19__, is repealed.

(b)

1 Sec. _____. REPEALS.
2 Chapter ____, Code 19__, is repealed.

(c)

1 Sec. _____. REPEALS.
2 Sections ____ through ____, Code Supplement 19__, are repealed.

(d)

1 Sec. _____. REPEALS.
2 19__ Iowa Acts, chapter ____, section ____, is repealed.

G. UNITS OF CODE SECTIONS IN ONE BILL SECTION: More than one section part may be included in a single section of a bill. However, to avoid confusing the reader and the computer, do not combine unnumbered paragraphs unless they are consecutive; and do not combine unnumbered paragraphs which are not consecutive with numbered or lettered parts.

Example: Combining subsections 2 and 4 should not be confusing; but combining subsection 3 and unnumbered paragraph 2, when a subsection 4 is between them, is confusing because they will appear to be consecutive unless the reader refers to the Code.

APPENDIX XI
POLICY RELATING TO THE CONFIDENTIALITY OF REQUESTS
FOR BILL DRAFTS, AMENDMENTS, AND RESEARCH

It is the policy of the Legislative Service Bureau to consider requests for bills, amendments, and research by members of the General Assembly, chairpersons of the Senate and House standing committees, chairpersons or co-chairpersons of interim legislative committees, executive agencies, and the Governor's office to be confidential.

The Legislative Service Bureau maintains a general subject index of bills requested which identifies the person requesting the bill, a working title for the bill, and the general subject matter of the request. This information is public information available for anyone to review. A general subject listing is available for research requests.

Any documents submitted with a bill request are not available to the public, nor is most research information of the Legislative Service Bureau staff used for drafting the bill. This information is to be retained in the file and is available to the person requesting the bill. These working papers are considered the property of the Legislative Service Bureau and the person requesting the bill. The basis for identifying the working papers and the drafts of the bill as confidential is that the bill is being drafted for the individual or committee requesting the bill. Because a bill will be sponsored by a committee or a member of the General Assembly or proposed by an executive agency or the Governor's office and the person requesting the bill may be subject to political ramifications due to the sponsorship of the bill, the person requesting the bill has the right to review the draft of the bill requested to determine that the bill accomplishes the objective desired by the requestor. Premature release of a draft or other working papers which do not meet or reflect the requestor's intent would be misleading.

The specifics of the bill request and other documents submitted with the request can be made public or released to a specific individual only with the oral or written approval of the requestor of the bill draft. Such information may also be released to a person working on behalf of the requestor who has submitted the request on behalf of the legislative sponsor.

On occasion, it is necessary for the person drafting the bill to seek additional sources of information to fully understand the problem to be resolved or other considerations which the drafter must understand in order to properly address the issue in the request. If additional information must be obtained, it is necessary to exercise good judgment and discretion in order not to divulge

the sponsor of the bill or the objective of the request unless the drafter has obtained prior approval to divulge this information from the person requesting the bill.

The person requesting a bill or research may also designate the request as confidential. In this case, only the persons processing, assigning, and drafting the bill or research will be aware that the request has been made to the Legislative Service Bureau. Information relating to these requests will not appear in the general subject index of bills and the existence of the request will not even be acknowledged by the Legislative Service Bureau. The bill draft will not be sent to the Legislative Fiscal Bureau for fiscal note review.

The above policy is applicable to amendments and amendment requests, with the major qualification that all amendment requests are treated as confidential until filed with the House or the Senate. The above policy is also applicable to research requests.

The policy followed by the Legislative Service Bureau relating to the confidentiality of bill requests, research requests, and amendments has been in effect for nineteen years. This policy has been generally accepted and adhered to by persons dealing with the Legislative Service Bureau and the General Assembly. It should be noted that the General Assembly has constitutional authority (Article IV, section 9) to determine its rules of proceedings.

If a request is received from the public for information relating to bill drafts, amendments, or research and there is any question as to how this policy applies to the request, then the Legislative Service Bureau staff person should fill out the standard form for request of services. The "information search" blank under "public information" in the "Service Requested" portion of the form should be checked and any additional information taken as needed. The form should then be submitted to the person's supervisor or the Director for determination of a proper response. This form may also be used to indicate permission by a legislative sponsor for release of information.

The attached chart provides a more detailed listing of the confidentiality policy as it applies to bill drafting requests.

LEGISLATIVE SERVICE BUREAU CONFIDENTIALITY POLICY FOR BILL DRAFTING REQUESTS

CONFIDENTIAL REQUEST

NONCONFIDENTIAL REQUEST

Issued: 1/11/88

I. After Request, but before Filing or Prefiling

Absolutely no information may be disclosed, not even whether or not a request has been made.

1. Name of requestor
2. Working title of request
3. Subject matter of request according to standard LSB classification
4. The above information may be disclosed to persons who are consulted during the bill drafting process.
5. Timeframe of work may be disclosed, including standard bill tracking information and timeliness guidelines.

II. After Filing or Prefiling

Same as for nonconfidential

1. Text of bill is publicly available.
2. Working papers used in bill preparation, including preliminary drafts, are not publicly available.
3. Technical drafting information may be disclosed by the drafter, such as references to other statutes that a bill may be based upon, reasons for choice of language, reasons for placement of codification, references to related statutes, and references to relevant court cases and Constitutional provisions.
4. Background information such as how the request originated or nontechnical details of the drafting process is not to be disclosed.
5. Name(s) of person(s) authorized to contact LSB on behalf of sponsor may not be disclosed.
6. Information which is not publicly available under items 2, 4, and 5 above may be disclosed with the permission of the sponsor or if it has become public information.

III. Post Session (After end of the Session, but before delivery to archives.)

A. For filed and prefilled Bills:

Same as for nonconfidential

Same as directly above; i.e., the same as for a nonconfidential request which has been filed or prefilled.

B. For requests that are not filed nor prefilled:

Absolutely no information may be disclosed, not even whether or not a request has been made.

Same as above under "I"; i.e., the same as for a nonconfidential request which has not been filed or prefilled.

IV. Archives & Legislative History

After delivery of LSB files to the State Archives

The past and current policy is that all the contents of all files are available to the public at the state archives. This policy is under review.

The past and current policy is that all the contents of all the files are available to the public at the state archives. This policy is under review.

11H/46

EXCERPTS FROM

1990

IOWA BILL DRAFTING GUIDE
AND STYLE MANUAL

For use in the preparation of legislative bills,
resolutions, and amendments

Prepared and issued by the Iowa Legislative Service Bureau,
in consultation with the Code Editor, as proposed rules and
instructions, for adoption by the Legislative Council, for
the drafting and preparation of legislative bills and
resolutions pursuant to Iowa Code sections 2.42(10) and 3.2

P R E F A C E

This bill drafting guide is issued by the Legislative Service Bureau. It is intended to serve as a guide for the proper preparation of bills, resolutions, and amendments to be introduced and considered by the Iowa General Assembly. Bills, resolutions, and amendments prepared pursuant to the guidelines contained in this document will, nevertheless, be reviewed by the Legislative Service Bureau and the Legal Counsel of the house where the bills, resolutions, and amendments are intended to be introduced. This guide has been developed for use by bill drafters of the Legislative Service Bureau, the two houses of the General Assembly, and other persons who prepare legislation for consideration by the General Assembly. The guide, when properly followed, should enable a person to place in proper form any bill, resolution, or amendment for introduction or filing in the General Assembly. However, it should be kept in mind that the house of introduction is the final judge as to the adequacy of the preparation of a bill, resolution, or amendment and a designated officer of the house of introduction will make a determination as to the adequacy of a bill, resolution, or amendment before it is allowed to be introduced or filed.

This bill drafting guide will also serve as a guide for persons attempting to read and understand a bill, resolution, or amendment. The use of uniform guidelines are necessary to accomplish this objective.

The bill drafting guide was also used as the basis for developing computer programs for the drafting and redrafting of bills, resolutions, and amendments, and for the codification of new law. Because the computer programs have been developed on the basis of the bill drafting guide, it is essential that the form and style recommended in the bill drafting guide be followed very closely.

EXCERPTS FROM BILL DRAFTING GUIDE

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DIVISION B
CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS AFFECTING
THE CONTENTS OF BILLS AND CONSTRUCTION OF THEIR PROVISIONS

2. STATUTORY PROVISIONS -- CODE 1989 AND CODE SUPPLEMENT 1989.

Selected statutory provisions affecting the contents of legislative bills follow. While many of these provisions do not dictate exactly what should be contained within a particular legislative bill, they do provide the rules for interpreting statutes which in turn dictate the manner of expressing and writing text of legislative bills and resolutions. Knowledge of the rules of statutory construction will help the bill drafter to properly frame the contents of a bill and express the intent of the legislation in a clear and uniform manner.

Section 4.1. Rules. In the construction of the statutes, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the general assembly, or repugnant to the context of the statute:

1. Repeal--effect of. The repeal of a statute, after it becomes effective, does not revive a statute previously repealed, nor affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the statute repealed.

2. Words and phrases. Words and phrases shall be construed according to the context and the approved usage of the language; but technical words and phrases, and such other as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such meaning.

3. Number and gender. Unless otherwise specifically provided by law the singular includes the plural, and the plural includes the singular. Words of one gender include the other genders.

4. Joint authority. Words giving a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of them, unless it be otherwise expressed in the act giving the authority.

5. Highway--road. The words "highway" and "road" include public bridges, and may be held equivalent to the words "county way", "county road", "common road", and "state road".

6. Mentally ill. The words "mentally ill person" include mental retardates, psychotic persons, severely depressed persons and persons of unsound mind. A person who is hospitalized or detained for treatment of mental illness shall not be deemed or presumed to be incompetent in the absence of a finding of incompetence made pursuant to section 229.27.

7. Issue. The word "issue" as applied to descent of estates includes all lawful lineal descendants.

8. Land--real estate. The word "land" and the phrases "real estate" and "real property" include lands, tenements, hereditaments, and all rights thereto and interests therein, equitable as well as legal.

9. Personal property. The words "personal property" include money, goods, chattels, evidences of debt, and things in action.

10. Property. The word "property" includes personal and real property.

11. Month--year--A.D. The word "month" means a calendar month, and the word "year" and the abbreviation "A.D." are equivalent to the expression "year of our Lord."

12. Oath--affirmation. The word "oath" includes affirmation in all cases where an affirmation may be substituted for an oath, and in like cases the word "swear" includes "affirm".

13. Person. Unless otherwise provided by law "person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

14. Seal. Where the seal of a court, public office or officer, or public or private corporation, may be required to be affixed to any paper, the word "seal" shall include an impression upon the paper alone, as well as upon wax or a wafer affixed thereto or an official ink stamp if a notarial seal.

15. State. The word "state", when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the said district and territories.

16. Will. The word "will" includes codicils.

17. Written--in writing--signature. The words "written" and "in writing" may include any mode of representing words or letters in general use. A signature, when required by law, must be made by the writing or markings of the person whose signature is required. If a person is unable due to a physical handicap to make a written signature or mark, that person may substitute the following in lieu of a signature required by law:

a. The handicapped person's name written by another upon the request and in the presence of the handicapped person; or,

b. A rubber stamp reproduction of the handicapped person's name or facsimile of the actual signature when adopted by the handicapped person for all purposes requiring a signature and then only when affixed by that person or another upon request and in the handicapped person's presence.

18. Sheriff. The term "sheriff" may be extended to any person performing the duties of the sheriff, either generally or in special cases.

19. Deed--bond--indenture--undertaking. The word "deed" is applied to an instrument conveying lands, but does not imply a sealed instrument; and the words "bond" and "indenture" do not necessarily imply a seal, and the word "undertaking" means a promise or security in any form.

20. Executor--administrator. The term "executor" includes administrator, and the term "administrator" includes executor, where the subject matter justifies such use.

21. Numerals--figures. The Roman numerals and the Arabic figures are to be taken as parts of the English language.

22. Computing time--legal holidays. In computing time, the first day shall be excluded and the last included, unless the last falls on Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday. However, when by the provisions of a statute or rule prescribed under authority of a statute, the last day for the commencement of an action or proceedings, the filing of a pleading or motion in a pending action or proceedings, or the perfecting or filing of an appeal from the decision or award of a court, board, commission, or official falls on a Saturday, a Sunday, the first day of January, the third Monday in January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the eleventh day of November, the fourth Thursday in November, the twenty-fifth day of December, and the following Monday when any of the foregoing named legal holidays fall on a Sunday, and any day appointed or recommended by the governor of Iowa or the president of the United States as a day of fasting or thanksgiving, the time shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday named in this subsection.

23. Consanguinity and affinity. Degrees of consanguinity and affinity shall be computed according to the civil law.

24. Clerk--clerk's office. The word "clerk" means clerk of the court in which the action or proceeding is brought or is pending; and the words "clerk's office" means office of that clerk.

25. Population. The word "population" where used in this Code or any statute means the population shown by the latest preceding certified federal census, unless otherwise specifically provided.

26. If a statute refers to a series of numbers or letters, the first and the last numbers or letters are included.

27. "Child" includes child by adoption.

28. If there is a conflict between figures and words in expressing a number, the words govern.

29. "Preceding" and "following" when used by way of reference to a chapter or other part of a statute mean the next preceding or next following chapter or other part.

30. A quorum of a public body is a majority of the number of members fixed by statute.

31. "Rule" includes "regulation."

32. Words in the present tense include the future.

33. "United States" includes all the states.

34. The word "week" means seven consecutive days.

35. The word "year" means twelve consecutive months.

36. Unless otherwise specifically provided by the general assembly, whenever the following words are used in a statute enacted after July 1, 1971, their meaning and application shall be:

a. The word "shall" imposes a duty.

b. The word "must" states a requirement.

c. The word "may" confers a power.

37. Appellate court. The term "appellate court" means and includes both the supreme court and the court of appeals. Where an act, omission, right, or liability is by statute conditioned upon the filing of a decision by an appellate court, the term means any final decision of either the supreme court or the court of appeals.

38. "Court employee" and "employee of the judicial department" include every officer or employee of the judicial department except a judicial officer.

39. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.9206.

40. "Magistrate" means a judicial officer appointed under chapter 602, article 6, part 4.

DIVISION C ELEMENTS OF STYLE AND FORM

1. WORD USAGE.

In bill drafting the more simple the manner of expression, the more understandable the draft. Thus avoiding many words when a few will suffice is a goal one should strive to meet. The use of synonyms, while good form in a literary composition, should be avoided. Once a word has been used within a statute to provide a certain meaning, the same word should be used in all cases to express that meaning; otherwise, a court may give words a different meaning than was intended. As a general rule, courts will give words their ordinary meaning.

As noted in the enumerated rules of statutory construction in Division II, certain words will in most cases suffice to cover a number of situations. Thus the singular incorporates the plural, and the plural incorporates the singular. Words of the masculine or feminine gender include the other gender. However, we avoid using gender words in most cases (section 14.13). The word "child" includes child by adoption and words in the present tense include the future. Other words covering several situations can be found in Chapter 4 of the Code.

Frequently bill drafters when referring to statutes feel compelled to use words such as "as amended" or "as heretofore or hereafter amended" or similar phrases. These words are definitely not needed when referring to a state statute because section 4.3 of the Code provides for the inclusion of subsequent amendments. (See page B-9.) In addition, the courts have almost uniformly held that reference to a statute of the same legislative authority includes its amendments.

Certain words have traditionally been used in the drafting of legislation, which are not commonly used in other areas of writing and which are not usually used in normal conversations. It is not necessary in most cases to use these words since words more common to normal conversation are available. The words "such", "said", "provided that", "prior to", "subsequent to", and the phrase "to the contrary notwithstanding" are examples.

At least one treatise on bill drafting indicates that these words' sole function appears to be to make the statute sound legal, when this should not be the objective of the drafter. The words "the", "however", "before", "after", and "regardless" are words which convey the same thought and are more commonly used.

There are exceptions to most every bill drafting rule and it is not the intent of this guide to promulgate rules to cover every situation. However, the majority of bill drafting projects can be most adequately performed pursuant to the suggestions contained in

this guide. The drafter should follow the rules of statutory construction in most cases. However, if the drafter intends to provide for a situation different from that which might be affected by the rules of statutory construction, the drafter should be very specific in the bill draft to make the intention clear.

The following is a list of words suggested for use in bill drafting, which it is hoped will provide more understandable language and aid the reader to better comprehend legislation. These words will suffice in most instances.

Usage of words.

Avoid Using

Use

absolutely null and void and
of no effect

void

and/or

Use one or the other, or if any ambiguity exists, use: X or Y or both of them, X or Y or either of them

any or all

either word, not both
(use of a simple article, "a", "an", or "the", is often better)
(use "any" only when it means "one or more" as in "any of the following"; use "all" when it means "all")

any person, every person, all persons

a person

as applicable

use only when needed so meaning will be clear

as may be necessary

as necessary

as provided in

under, pursuant to

at such time as

when

at the time

when

be and the same is hereby

is

beforementioned

the, that, those

Avoid Using

bonds, notes, checks, drafts
and other evidences of in-
debtedness

chairwoman, chairman

constitute and appoint

current, presently (meaning
"at the time of enactment")

during such time as

during the course of

each and all

each and every

employ (meaning to use)

evinced

feasible

for the duration of

for the reason that

foresaid, aforementioned

formulate

forthwith

full force and effect

give consideration to

give recognition to

have knowledge of

have need of

Use

evidences of indebtedness

chairperson

appoint

use a specific date if possible
otherwise on the effective date
of the appropriate provision
(or "on or after" or "on or
before")

while

during

either word or an article
(a, an - indefinite;
the - definite)

either word

use

show

possible

during

because

the, that, those

make

immediately

"force" or "effect"

consider

recognize

know

need

Avoid Using

hereinafter, heretofore,
hereinbefore, hereinabove,
above, below, following,
preceding

he, she, his, her, himself,
herself

in case of, in case

in cases in which

in order to

in the event that

is applicable

is defined to mean

is authorized to

is deemed to be

is directed to

is empowered to

is entitled to

is hereby authorized and it
shall be the council's duty to

is hereby authorized to

is hereby vested with power and
authority and it shall be his
duty in carrying out the provi-
sions of this Act to

is required to

it is the director's duty to

it is lawful to

Use

These are objectionable when
referring to the position of a
section, or other statutory
provision. If reference is
necessary, specify the chapter,
section or subsection by num-
ber.

use nongender word, if refer-
ence is to both; usually the
antecedent noun

when, where, if

when, where, if

to

if

applies

means

may

is--unless it really cannot be,
but must be imagined to be

shall

may

may

shall

may

shall

shall

shall

a person may

Avoid Using

it is not unlawful to

make application

make payment

make provision for

may not

means and includes

necessitate

no person shall

nothing contained in this
section shall

now

null and void

or, in the alternative

ordered, adjudged and decreed

party

person, firm, corporation,
partnership, or governmental
subdivision

portion

possess

preserve

prior to

Use

(means "it is lawful--a per-
son may)

apply

pay

provide for

shall not

"means" or "includes" as
required--"means" limits--
"includes" describes, but
may also limit, under statu-
tory construction rules of
general/specific or "ejusdem"

require

a person shall not - avoid
starting with the negative

this section does not

use a definite date

void

or

adjudged

person (unless referring to
party to a suit or action)

person (see definition in
section 4.1 - make an excep-
tion for any not applicable,
such as governmental subdi-
vision)

part

have

keep

before

Avoid Using

provided (conjunction)

provided further, provided
however, provided that

provisions of law

purchase

render (meaning "to give")

retain

rules and regulations

said

same

shall be

shall be construed to mean

shall have the power to

shall mean

sole and exclusive

subsequent to

such

the place of the abode

under the provisions of

unless and until

until such time as

utilize (meaning to use)

whatsoever, whatever

Use

if, but ("provided that" is
often ambiguous--is it a con-
dition, or just an addition?)

except, but, however--or
start a new sentence

law ("provisions of" is
usually meaningless; however,
"a provision of" may be
useful)

buy

give

keep

rules (if state)
regulations (if federal)

the, that, those

it, individual, person

is

means

may

means

exclusive

after

the, a, an

the abode

under, pursuant to

"unless" or "until" as required

until

use

what

Avoid Using

whensoever

wheresoever, wherever

whomsoever

whosoever, whoever

Use

when, if

where

(Archaic; improper)

who

Use of "and/or". The general consensus of opinion in cases in many jurisdictions over the nation is contrary to the use of the expression "and/or". This is true in Iowa. See 229 Iowa 1240 and 93 NW 2d 714. In general the term "and" means to add something to what has already been said; "or" means in the alternative. The word "and" is a conjunctive and the word "or" a disjunctive. Use of the terms together is contradictory. The writer should be able to determine which term is correct. In most cases the word "or" is proper to convey the thought of "one, or the other, or any of them". The word "and" is proper to convey the thought of both, or "all of them". If emphasis is needed the use of terms such as "any of the following", "all of the following", "either of the following", "or both", and similar modes of expression should be sufficient.

The expression "and/or" has been attacked by numerous authorities. One authority notes it is "a device for the encouragement of mental laziness"; another authority states "It is a bastard sired by Indolence (he by Ignorance) out of Dubiety."

The drafter of legislation in Iowa should avoid the use of the expression "and/or".

Use of "shall" and "shall be". "Shall" is defined in section 4.1 of the Code to impose a duty. To preserve that meaning, it generally should not be used to state a rule of law or a proposition in the future tense. "Shall" and "shall not" should be used to require or prohibit an act. "Shall not" should be used to state a prohibition, rather than "may not". A proposition of law should be stated with the use of the present tense "be" verb rather than "shall be". "Shall be" may be used where a duty is stated in the passive voice, but statutes should generally use the active voice.

For example:

Use "a violation of this provision is a misdemeanor", rather than "a violation of this provision shall be a misdemeanor".

Use "a person who violates" rather than "a person who shall violate".

Use of "must" and "may". "Must" is defined in section 4.1 of the Code to state a requirement for an inanimate object which

cannot be "commanded" and "may" is defined in the same section to confer a power. "Must not" and "may not" should never be used to prohibit an act. "Shall not" should be used instead.

For example:

Use "the board of supervisors shall not levy a tax unless authorized by state law" rather than "the board of supervisors may not or must not levy a tax unless authorized by state law".

Use of pronouns. A pronoun should be used only if its antecedent is unmistakable, and must be singular or plural in accordance with its antecedent. If a pronoun is used it should be gender neutral; otherwise, repeat its antecedent.

Use of modifying phrases. Be careful that a phrase cannot be construed to modify something other than what is intended. An example is a delineation of items that includes a phrase which does not modify all of those items. Possible confusion can generally be avoided by moving the phrase within the sentence or by making it into a separate sentence. (see example on page C-14.) Be especially careful of phrases making exceptions.

Definitions. The use of definitions should be considered when drafting a bill. If the drafter desires a particular word to have a particular meaning other than its usual meaning, a definition is essential. A definition is essential if the term or phrase to be used is not commonly understood or does not have a generally accepted meaning. The length of bills can be reduced or made clearer through the use of definitions. For example, the drafter may wish to refer to facilities offering some type of medical service, having in mind hospitals, nursing homes, mental health institutions, custodial homes, homes for the elderly and other similar facilities. Rather than mentioning each individual facility many times within a bill, it provides a shorter bill draft if "medical facility" is defined to include all of the types of facilities and the draft uses only the words "medical facility". If one of the types of facilities is to be excluded from a particular section of the bill, this can be done by merely stating, for example, "except nursing homes". When the drafter is going to use a term or phrase which is commonly understood but for which there are slight variations in the meanings, the draft can make the term or phrase clearer by defining it. An example of this is "farming". The term "farming" is commonly understood to include the cultivation of land for agricultural crops, the production of livestock, poultry, eggs, milk, and the grazing of livestock. But does it include the production of timber, forest products, Christmas trees, nursery products, sod, aquaculture, or hydroponics? Although the term "farming" is commonly understood, some may consider the growing of sod and trees on sod farms and tree farms as farming. The drafter should be aware of the possibility of overinclusion or underinclusion by the person carrying out the provisions of the bill, and if there is a reasonable possibility of this, should define the term or phrase.

Definitions are useful to:

1. Limit or extend the meaning of a word, particularly if the word is used in other than its normal sense or has several meanings.
2. Translate technical terms or words of art into common language.
3. Avoid repetition of a phrase or term.

Definitions should not be used when a word has a clear and definite meaning since they are unnecessary and could lead to confusion.

Definitions should generally be alphabetized.

If a definition applies to only one section, it should be in that section. Definitions applicable to various sections or a chapter should be grouped in one section at the beginning of a bill. A definition should not include substantive law. Once a word is defined, the drafter must be careful to use it as defined and not to repeat the definition. Remember that when one word is defined and is used in the definition of a second word, the first word has the meaning given to it when it was defined and the drafter does not need to redefine it as is often done. When a bill draft is revised to change a defined term, the drafter must be especially watchful to change it in every instance.

If a numerical reference to a definition in another section of the Code is added, it is generally preferable to refer only to the Code section, and not to the subsection or paragraph, containing the definition. When all the definitions are alphabetized, they will be easy to find within the section without using subsection numbers.

Sentences--subsections. Bill sections and sentences should not be lengthy, since long sections and sentences are hard to understand. If a series is needed, the section may be divided into subsections, paragraphs, or subparagraphs. The use of subsections is very helpful in allowing the reader to understand the complete components of the section. Subsections are easier to amend and should be used when controversial legislation is being drafted which may be subject to many amendments.

DIVISION D
DRAFTING OF THE BILL AND AMENDMENTS -- FORM AND METHOD

1. DRAFTING OF THE BILL

A. AMENDMENTS TO EXISTING LAW.

Form of amendments to existing law. The form for amending existing sections of the Code, session laws, or certain court rules is to type the text of the section with the words to be stricken indicated by a line through the words, and the words to be added inserted in the proper place in the text of the section with lines underneath the words.

If punctuation is to be deleted, a strike-through line should be placed through or above the punctuation. Thus a period would be struck as follows: to the director of management.

NOTE: Code Supplement. Following the 1983 Session and every odd-numbered year since, a Code Supplement has been published containing each section of the Iowa Code, in its entirety, which was amended during that session, and all new sections added to the Iowa Code during that session. In amending a section printed in the Code Supplement, the drafter must cite to the Code Supplement. Thus, reading through this division of the bill drafting guide, amending clauses referring to "Code 19__" also are intended to include "Code Supplement 19__".

Basic mechanics for building a first draft. When preparing a first draft of amendments to existing law, a good procedure which saves time for typists and proofreaders is to make a photocopy of the statute to be amended, tape it on another page of paper, and indicate the needed changes on that copy or by inserts. If the Code data base is current, a printout of the desired section, subsection, paragraph, etc., can be obtained from the computer system. It is best for the drafter not to retype the statute or use a copy retyped by others (unless it has already been typed in another bill draft and is on the computer) because of the chance of errors and because it is then more difficult to proof the text against the Code. If the statute has previously been typed in another draft and is available on the computer, the drafter should indicate the LSB number, including the number of the General Assembly if different from the present one, the library number and the page number of the draft which is being used. The Legislative Service Bureau, General Assembly, and library numbers are found at the bottom of the last page on the right-hand side. If material from another year's draft is to be used (as often happens in the second year of a General Assembly) be sure to confirm that the section has not been amended in the meantime. The text processors and proofers assume that your rough draft is correct and an error can be totally missed and even be printed in the Code if incorrect basic material is used. If extensive material is to be added, it

should be indicated on a separate insert and the point of insert indicated on the copy. A short insert can generally be written in the margin next to the copy. Inserted new material to the Code must be underlined. Material to be stricken from the copy should be indicated by a penciled line through the material which is distinctly drawn but light enough to permit the stricken material to be read by the typists and proofreaders. When material from other states' statutes or other sources is to be incorporated into a draft, a photostatic copy of the source material should be placed in the bill draft file for possible later reference. When amending existing statutes the drafter should generally remove excess and obsolete language and should correct word usage in accordance with this guide.

The Code section to be amended must be cited by number, for instance: Section 3.2, Code 19__ (or Code Supplement 19__), is amended to read as follows:

Citations in text. When citing to a chapter or section of the Iowa Code, inclusion of the phrase "of the Code" or "of the Iowa Code" is not needed.

When citing to the Iowa administrative rules reference to the Iowa Administrative Code must be included. Code section 17A.6 requires the following citation forms:

Examples:

345 IAC 3 (if cite is to chapter only)
345 IAC 3.13 (if cite is to rule)
345 IAC 3.13(4) (if cite is to rule, and subrule)
345 IAC 3.13(4)"b" (if cite is to rule, subrule, and paragraph)
345 IAC 3.13(4)"b"(1) (if cite is to rule, subrule, paragraph, and subparagraph)

To cite to the Iowa administrative bulletin, Code section 17A.6 requires the following citation form:

Example:

IAB Vol.XIII, No.5 (9/5/90) p.397, ARC 1229A

Federal citations, and others, should be in accordance with "A Uniform System of Citation, Thirteenth Edition" published by The Harvard Law Review Association, except that a publication date in parentheses following the citation should generally not be used as it may appear to be a limitation which is not intended. Unless a more specific citation is needed, it is also acceptable to cite a federal law by its popular name, as "federal Social Security Act". The drafter should double-check citations to federal law and citations other than those to the Iowa Code, since it is not practical for the reviewer or proofreaders to find these and check their accuracy.

The most precise citation is generally best. Thus, a reference in text to chapter 17A is probably more helpful to the reader than a reference to "The Iowa Administrative Procedure Act". (Note: See Code section 17A.23 for specific requirement to refer to Code chapter 17A by name.)

References to "this Act" must be used with care. In case of a reference to "the effective date of this Act" the Code Editor can insert the appropriate date. However, reference to "the provisions of this Act" may be too vague, particularly if the Act contains amendments to existing law. If the reference is to an existing Code section amended within the same bill, or to a new section to which the drafter has assigned a number, the drafter may refer to the Code section number. If enacting a new chapter or division it is acceptable to use "this chapter" or "this division". Do not use "this Act" if only part of the Act is the new chapter; rather use "Sections ____ through ____ of this Act".

Each regular session of the General Assembly shall be designated by the year in which it convenes and the words "Iowa Acts". A special session of the General Assembly shall be designated as an extraordinary session in the particular year in which the General Assembly convenes. The 1988 session laws, for example, should be cited as "1988 Iowa Acts, chapter (or file no.) _____, section _____" (inserting the appropriate numbers). The 1987 session laws for the two special sessions should be cited as "1987 Iowa Acts, chapter (or file no.) _____, section _____ (1st (or 2nd) Extra Session)".

Striking a chapter. If an entire chapter is to be deleted from the Code, it should be repealed, even if the bill contains new material to be inserted in lieu of the deleted chapter.

Striking and rewriting all of a section. If a section of existing law is substantially amended it may be the better course of action to strike the whole section and write in the new language. In this regard the amending clause is quite important because it tells the reader exactly what is being done. Hence if section 12.14 of the Code is to be substantially rewritten and would result in a mass of strike-throughs and underlines, the following form should be employed:

Example:

- 1 Section 1. Section 12.14, Code 19__, is amended by striking
- 2 the section and inserting in lieu thereof the following:
- 3 12.14 STATEMENT ITEMIZED. [Insert the new language without
- 4 underlines.]

This form will require the reader to refer to the Code in order to determine the old law, and for this reason is not as advantageous as the use of the strike-through and underline method. However, in the case of extremely long sections being replaced by

short sections or completely revised sections, this style does have advantages.

NOTE: If the section is to be deleted and not replaced then it should be repealed.

Striking whole subsection and replacing it. If a subsection of a section is to be substantially amended, it may be the better course of action to completely strike the subsection and rewrite it. In this regard the amending clause is important because it tells the reader exactly what is being done. Hence if subsection 30 of section 321.1 is to be substantially rewritten and results in a mass of strike-throughs and underlines, the following form may be used:

Example:

1 Section 1. Section 321.1, subsection 30, Code 19__, is
2 amended by striking the subsection and inserting in lieu thereof
3 the following:
4 30. [Insert the new language without underlines.]

This form may also be used when rewriting lettered paragraphs and numbered subparagraphs when it is determined that it is necessary to rewrite the statutory language rather than use the strike-throughs and underlines.

Striking whole subsection without replacing it. If a subsection is to be deleted from a section without replacing it, a procedure similar to a repeal but actually an amendment to the section, the following form should be used:

Example:

1 Section 1. Section 321.1, subsection 30, Code 19__, is
2 amended by striking the subsection.

The same form may be used when striking paragraphs and subparagraphs, etc. without replacing them.

Amending subsections, paragraphs, subparagraphs, subparagraph subdivisions, and subparagraph subdivision parts of sections that are numbered or lettered. Since many sections in the Code of Iowa are extremely long, amendments may be made to parts of sections. This will not be difficult in the case of those sections which have numbered or lettered subsections, paragraphs, subparagraphs, subparagraph subdivisions, and subparagraph subdivision parts. Several subsections or consecutive parts of sections to be amended may be included in one amendatory section, but inclusion of several parts which are not consecutive may cause confusion and should be avoided unless the parts are numbered subsections. Normally, very few parts of sections are designated below the level of subparagraph. (See page C-13 for proper cite and designation of parts of a section.)

Examples:

1 Section 1. Section 262.39, subsection 3, Code 19__, is
2 amended to read as follows:

1 Section 1. Section 262.39, subsections 1 and 3, Code 19__,
2 are amended to read as follows:

1 Section 1. Section 275.8, subsection 3, paragraph c, Code
2 19__, is amended to read as follows:

1 Section 1. Section 511.8, subsection 6, paragraph a, sub-
2 paragraph (1), Code 19__, is amended to read as follows:

1 Section 1. Section 279.7, unnumbered paragraph 2, Code 19__,
2 is amended to read as follows:

Unnumbered paragraphs. Since the Code of Iowa contains many lengthy sections and since in many cases only small amendments will be made to lengthy sections, it is proper to amend only a paragraph of a section. In many cases the paragraphs are not numbered or lettered in the Code. Because of computer application, it will be necessary to give unnumbered paragraphs a number. Care must be exercised in drafting the amending clause in order that proper notice may be given to the reader as to that provision which is to be amended. (See the last lead-in from the previous examples.)

While grammatically incorrect, there are times when less than a complete paragraph will be amended. It will be designated as an "unnumbered paragraph" but grammatically it may be either a clause or a phrase. An example would be an introductory clause or phrase to a series of subsections or other numbered or lettered parts of a section. For example "As used in this chapter unless the context clearly requires otherwise:" is not a paragraph but rather than listing the material that follows this clause it can be referred to when amending it as an "unnumbered paragraph".

Note that if a subsection or paragraph has more than one actual paragraph, the first paragraph is called "unnumbered paragraph 1", even though it is actually preceded by a number (or letter).

Dividing unnumbered paragraphs. Many of the paragraphs in the Iowa Code are long and contain numerous subject matters. This condition is often the result of amendments to the paragraphs which did not consider the construction of the paragraphs but only the substance of the amendment being added. In order to provide for a more understandable and grammatically correct paragraph structure, the drafter may desire to divide the long paragraph containing more than one subject matter into two or more paragraphs without making a substantive change while doing so. This can be done while

drafting a substantive amendment to the section containing the paragraph even though the act of dividing the paragraph is not substantive. The proper form for dividing a paragraph requires that at the point of the division the drafter indent and precede the new paragraph with the words "PARAGRAPH DIVIDED." This will indicate that no substantive change is being made at that point but that the paragraph is being divided for greater clarity. This same procedure can be followed for long sections and subsections. Occasionally the drafter may assign subsection numbers or paragraph letters when dividing these long sections or subsections, in which case the words "PARAGRAPH DIVIDED." are not used.

Example:

1 Section 1. Section 123.22, unnumbered paragraph 1, Code
2 19__, is amended to read as follows:
3 ~~The department shall have~~ has the sole and--exclusive right
4 of importation, into the state, of all forms of alcoholic li-
5 quor, except as otherwise provided in this chapter, and ~~no~~ a
6 person shall ~~so not~~ import any-such alcoholic liquor, except
7 that an individual of legal age may import and have in his
8 possession an amount of alcoholic liquor not exceeding one
9 ~~quart~~ two quarts or, in the case of alcoholic liquor personally
10 obtained outside the United States, one gallon for personal
11 consumption only in a private home or other private accommoda-
12 tion.
13 PARAGRAPH DIVIDED. No A distillery shall ~~not~~ sell any alco-
14 holic liquor within the state to any person ~~but-only-to~~ other
15 ~~than~~ the department, except as otherwise provided in this chap-
16 ter. It is the intent of this section to vest in the depart-
17 ment exclusive control within the state both as purchaser and
18 vendor of all alcoholic liquor sold by distilleries within the
19 state or imported therein, except beer, and except as otherwise
20 provided in this chapter.

NOTE: The above example contains both a substantive change on lines 8 and 9 and style changes on lines 3, 5, 6, 7, 13, 14, 15, and 19. The style changes should be made so that we are not perpetuating a poor style--but be especially careful not to make a substantive change--especially watch negatives.

Amending a section previously amended at the same session. If a section has been amended previously by the same session of the General Assembly, the amending clause to subsequent amendments should indicate this fact, and the section should be set out in its recently amended form but without strike-throughs and underlines from the previous amendment. For instance, a section might be amended in one session by the enactment of Senate File 820 as follows:

1 Sec. 25. Section 135.2, Code 19__, is amended to read as
2 follows:
3 135.2 APPOINTMENT. The governor shall ~~within sixty days~~
4 ~~after the convening of the general assembly in 1925, and every~~
5 ~~four years thereafter,~~ appoint to a term of four years, with
6 ~~the approval of two-thirds of the members of~~ subject to confir-
7 mation by the senate, a commissioner of public health who shall
8 be qualified in the general field of health administration.
9 Vacancies shall be filled for the unexpired term in the same
10 manner as regular appointments are made.

The same section might be subsequently amended in the same session as follows:

1 Sec. 13. Section 135.2, Code 19__, as amended by 19__
2 Iowa Acts, Senate File 820, section 25, is amended to read as
3 follows:
4 135.2 APPOINTMENT. The governor shall appoint to a term of
5 four years commencing and ending as provided by law, subject to
6 confirmation by the senate, a commissioner of public health who
7 shall be is qualified in the general field of health adminis-
8 tration. Vacancies shall be filled for the unexpired term in
9 the same manner as regular appointments are made.

NOTE: The second amendment to section 135.2 does not include the strike-throughs and underscores that were in the first amendment. Section 135.2 is presented as it would appear in the Code after the first amendment was codified.

Amending session laws. In previous years, amending session laws often was complicated because sections of session laws had no Iowa Code numbers and, in addition, they already contained strike-throughs and underlines. References to sections in session laws sometimes were to the section numbers of the chapters of the session laws and at other times to sections of the Code as amended by chapters and sections of session laws.

Currently, amending session laws should only be necessary when it is necessary to amend a temporary law. Permanent sections of the session laws will be codified in either the Code Supplement or the Code of Iowa. The Code Supplement is published between the first and second sessions of the General Assembly and contains the sections amended during the first session. The section will be printed in the Code Supplement without the strike-throughs and underscores so it appears in the Code Supplement in the same form that it will appear in the next Code of Iowa. New sections are codified and given permanent section numbers in the Code Supplement.

Example:

1 Sec. 3. 19__ Iowa Acts, chapter 1216, section 11, is amended
2 to read as follows:
3 SEC. 11. Notwithstanding section 654.15, subsection 2, the
4 declaration of economic emergency made by the governor on Octo-
5 ber 1, 1985, is in effect until March 30, ~~1987~~ 1988.

NOTE: When setting out the section of a session law chapter to be amended, the designation of the section is capitalized as done on line 3.

Amending headnotes. The headnotes are not part of the law, except in the Uniform Commercial Code (Chapter 554), but courts sometimes take notice of them to determine legislative intent. Hence, when an entire section is being amended, the headnote should be included. If the headnote is included and an amendment has the effect of making the headnote misleading or inaccurate, the headnote should be amended in the same manner as the text of the section. For instance, if a section of law pertaining to the licensing of dogs was changed to provide for the licensing of cats, the headnote should be changed as follows:

Example:

1 632.49 LICENSING OF ~~DOGS~~ CATS.

If the section was being amended to add cats to the licensing requirement the heading would be changed as follows:

1 632.49 LICENSING OF DOGS AND CATS.

B. NEW LAW.

Adding new law. Adding new chapters, sections, subsections, paragraphs, subparagraphs, etc. and unnumbered paragraphs to the Code or sections of the Code will not require the use of underlines and strike-throughs since no change to existing words of the Code is being made. However, in order to avoid confusion as to whether an existing section of the Code or session laws is being amended, or a new section of law is being proposed to the Code of Iowa, the words "NEW SECTION." should be inserted after the bill section number when no amending clause is used or before the text of the section when an amending clause is used. Note that the words "NEW SECTION." are both capitalized and underlined and a period follows the word "SECTION". In drafting a new section, the drafter should assign the new section a section number and headnote.

If a group of new sections are intended to be added as a new division of a chapter, a section should be drafted stating that "Sections ____ through ____ of this Act are enacted as a new division

of chapter ____." We do not use "NEW DIVISION." Since state departments often have "divisions" (also bills and amendments may have "divisions"), we now encourage the labeling of parts of chapters as "subchapters" rather than "divisions".

If a new subsection, paragraph, subparagraph, etc. or unnumbered paragraph is being added, the proper designation before the text and number or letter of the amendment will be "NEW SUBSECTION.", "NEW PARAGRAPH.", "NEW SUBPARAGRAPH.", etc. or "NEW UNNUMBERED PARAGRAPH." as the case may be. To avoid confusion when a section includes both lettered and unnumbered paragraphs, the new material may also be designated as a "NEW LETTERED PARAGRAPH." Following such designation the new law need merely be stated in full without using underlines to denote that the material is new. The only time underlines and strike-throughs are required is when an existing provision of law is being amended.

If a Code section includes subsections or lettered paragraphs, a drafter should not add a "NEW UNNUMBERED PARAGRAPH." to the section unless its meaning is very clear. There are existing Code sections containing subsections, lettered paragraphs, and unnumbered paragraphs and it is sometimes unclear whether an unnumbered paragraph is intended to stand alone or to be a paragraph within a subsection or lettered paragraph. (See section 455B.173, 455B.174, or 455B.183 for a mind-boggling example.) The drafter can clarify this by designating the new language as a lettered paragraph or subparagraph. (See page C-13 for proper cite and designation of parts of a section.)

Occasionally, when it is especially helpful to show surrounding textual material, to renumber subsections or paragraphs, or to include cross-references to the new material, a new subsection or other part may be added by underlining the entire new part and showing its placement in the section or subsection. When this is done the new language is not preceded by "NEW SUBSECTION." etc., since the reader can tell it is new language by the underlines.

The words "NEW SECTION." should not be used when writing temporary sections of law or sections which will not be incorporated into the Code of Iowa. Effective date sections, appropriation sections and similar temporary provisions will not carry the designation "NEW SECTION." since they are not new sections to the Code of Iowa but pertain primarily to implementation of the Act involved. Again, the amending clause, if used, is important.

The drafter should propose tentative numbers for a new chapter or section of the Code in order to indicate its anticipated placement in the Code. Since statutes must be read in context with existing provisions of the law, it is often helpful to show where in the Code the chapter or section may best be placed. It is frequently necessary to read a new proposed section in light of existing definitions and procedures. However, any assignment of a

number by a drafter is subject to change or reassignment by the Code Editor, since the Code Editor has that authority by law subject to Legislative Council approval.

If it is contemplated that a new section would take a number following an existing number which is not the last number in a chapter, the drafter should indicate the placement where it is anticipated the new section will be inserted; e.g., if the placement is between two consecutively numbered sections, such as 321.24 and 321.25, the drafter may assign a tentative number using a capital letter (A, B, etc.) after the preceding existing section number.

Example:

1 Sec. 3. NEW SECTION. 321.24A OPERATOR'S LICENSE REVOCATION.
2
3 [Insert the new language without underlines.]

NOTE: The form "Chapter __, Code 19 __, is amended by adding the following new section(s):" is not used now--rather new section numbers are assigned.

New subsections, paragraphs, subparagraphs, and unnumbered paragraphs. The addition of new subsections, paragraphs, subparagraphs, or unnumbered paragraphs, where existing law is not included, does not differ greatly from adding new sections to a chapter. However, care must be taken to specifically identify that to which new material is being added.

Example:

1 Sec. 3. Section 232.18, Code 19 __, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 12. [Insert the new language without under-
4 lines.]

Note that a number is assigned to this subsection. This method is preferable, and is especially useful where a cross-reference is needed. It should be remembered that other bills may also be creating new subsections of a section. Several bills could be assigned the same number, the result being that the Code Editor would have to change and rearrange the subsections. If several subsections or other divisions are added to a part of the Code, the Code Editor will assign proper numbers or letters.

When adding a new paragraph, it is necessary to state if the paragraph is to be unnumbered by designating the new material as a "NEW UNNUMBERED PARAGRAPH." Otherwise a new paragraph should be designated as a "NEW PARAGRAPH." and assigned a lowercase letter. Occasionally "NEW LETTERED PARAGRAPH." may be used.

Alternative bill drafting style--exception to normal style.
Certain bill drafts, because of length and the nature of the amendments being made, may require the use of a bill drafting style used in the General Assembly prior to 1971.

Governmental reorganization bills in particular, which by their nature are quite long, may call for the use of two bill drafting formats. Governmental reorganization bills frequently require new provisions of law which establish a new government agency or reassign duties from existing agencies. Generally the legislation takes the form of providing for a number of sections in the early part of the bill which comprise the substance of the legislation. Subsequent sections, and there may be hundreds of them, provide for corresponding amendments to the Code and usually involve a simple amendment such as a name change.

In those instances where there are a great many changes of the same nature, it may be possible to cite in one section all sections of the Code to be changed and the nature of the change.

Example:

- 1 Section 100.
- 2 Sections 62.3, 62.4, 82.1, and 82.2, Code 19__, are amended
- 3 by striking from the sections the words "legislative research
- 4 bureau" and inserting in lieu thereof the words "legislative
- 5 service bureau".

NOTE: It should be noted that use of the alternative bill drafting method discussed is subject to the prior approval of the Secretary of the Senate for Senate bills, or the Chief Clerk of the House for House bills.

Use of headnotes when adding new law. Headnotes are to be provided when adding a new section to the Code. Drafters do not always like to use headnotes in a draft because amendments to the sections might destroy the accuracy of the headnote, particularly when through oversight the headnote is not amended. If a headnote is inaccurate, the Code Editor can make the proper change when publishing the Code. Headnotes should be included because they serve as an index to the bill and can be amended as easily as the bill itself. It is worth noting that headnotes are provided for sections and only rarely for subsections and other subunits of a section.

Headnotes should be brief but sufficient to give notice of the content of the section. Reference to the Code of Iowa for examples is suggested. An example of instances where headnotes are useful would be a major tax bill. Tax legislation usually contains certain sections of prime interest to the legislator. Thus within a major tax bill a legislator would probably first desire to review sections pertaining to definitions, the tax imposed, the rates, and the exemptions. The legislator would look for sections with the following type of headnotes:

DEFINITIONS

RATE OF TAX

TAX IMPOSED

EXEMPTIONS

Other sections would probably pertain to administration of the tax, which would be of secondary importance to quickly learning or determining the essence of the proposal.

C. APPROPRIATIONS PROVISIONS.

Making an appropriation. There are two types of appropriation provisions: a standing limited or unlimited appropriation and a fiscal year appropriation. The standing appropriation provision is so called because it provides for an appropriation for each fiscal year without the need for action of subsequent general assemblies. These provisions are generally codified and provide for a specific dollar amount to be appropriated (standing limited, e.g., section 426.1) or for an amount necessary to implement the purpose of the legislation (standing unlimited, e.g., section 425.1).

NOTE: The Iowa supreme court has recently defined an additional type of standing appropriation in relationship to the Governor's constitutional authority to veto appropriation items. In the case (Junkins v. Branstad, No. 297/88-1791), the court concluded that the allocation of moneys, from the state general fund or from a revenue-producing provision of a legislative enactment, into a separate and distinct fund that the state can no longer utilize for other purposes absent subsequent legislation, is an appropriation. More simply stated, the court held that the setting aside of state revenues into a separate fund for a specific use is an appropriation. The court also set out a test for determining if a bill is an appropriation bill subject to the governor's item veto authority. The court adopted the test of whether or not the bill contains an appropriation which could significantly affect the Governor's budgeting responsibility. If the test is met, the court stated that the Governor can properly exercise the item veto as to the appropriation of money.

When drafting an appropriation provision that is to be codified, the drafter must state the appropriation amount in words. An appropriation provision in budget bills, whether a line item or contained in a paragraph, which will not be codified shall state the dollar amount in numerals. In addition, if the appropriation provision in a budget bill lists full-time equivalent positions (FTEs), these are to be expressed in numerals.

The appropriation provision should tell the reader that an appropriation is to be made from a specific fund to a named entity for the identified fiscal year(s) of a certain amount for specific purposes.

Examples:

1 Section 1.
2 There is appropriated from the general fund of the state to
3 the Iowa state civil rights commission for the fiscal year be-
4 ginning July 1, 1989, and ending June 30, 1990, the following
5 amount, or so much thereof as is necessary, to be used for the
6 purposes designated:
7 For salaries, support, maintenance, miscellaneous purposes,
8 and for not more than the following full-time equivalent posi-
9 tions:
10 \$ 400,000
11 FTEs 27.5

1 Section 1. NEW SECTION. 425A.1 RENTAL REIMBURSEMENT FUND
2 -- APPROPRIATION.
3 There is created in the office of the treasurer of state a
4 rental reimbursement fund. There is appropriated annually from
5 the general fund of the state to the rental reimbursement fund
6 thirty million dollars, or so much thereof as is necessary, to
7 carry out the purposes of this chapter.

1 Section 1. NEW SECTION. 425B.1 FUND CREATED -- APPROPRIA-
2 TION.
3 The extraordinary property tax credit and reimbursement fund
4 is created. There is appropriated annually from the general fund
5 of the state to the extraordinary property tax credit and reim-
6 bursement fund an amount sufficient to implement this chapter.

NOTE: The first example is a line item from a budget bill and hence the dollar amount and FTEs are expressed in numerals. The second example is a standing limited appropriation that is to be codified; thus the dollar amount is written in letters. The third example is a standing unlimited appropriation.

Reversion. Section 8.33 provides that "... all unencumbered or unobligated balances of appropriations made for a fiscal term revert to the state treasury . . . on August 31." Often a bill's sponsor may want the appropriation to continue to be available for expenditure beyond the end of the fiscal term of the appropriation. The drafter should not simply say that, notwithstanding section 8.33, the unencumbered or unobligated funds shall not revert (or shall not revert on August 31). Rather, the drafter should make clear that the unused funds are not to revert but are to be available for the next fiscal year. Assume the sponsor wants the moneys appropriated to the Iowa state civil rights commission not to revert but be available for the next fiscal year. The drafter should use the following language:

Example:

1 Sec. 2.
2 Notwithstanding section 8.33, the moneys appropriated in sec-
3 tion 1 of this Act that remain unencumbered and unobligated on
4 June 30, 1990, shall not revert to the general fund but shall
5 remain available for expenditure for the purposes designated
6 during the fiscal year beginning July 1, 1990.

Reversion for capital projects. Capital projects are most often made for a four-year period and the following reversion language should generally be used:

Example:

1 Unobligated or unencumbered funds appropriated by this sec-
2 tion for the fiscal year beginning July 1, 19__, and ending June
3 30, 19__, remaining on June 30, 19__, shall revert to the gen-
4 eral fund of the state on September 30, 19__. However, if the
5 projects for which the funds are appropriated are completed
6 prior to June 30, 19__, the remaining unobligated or unencum-
7 bered funds shall revert to the general fund of the state on
8 August 31 following the end of the fiscal year in which the
9 projects are completed.

It is best that a reversion or nonreversion provision be placed in the same section or subsection, etc., in which the appropriation to which it applies is located.

D. EFFECTIVE DATE OF ACTS.

Constitutional and Statutory Provisions. Section 26 of Article III of the Constitution reads as follows:

TIME LAWS TO TAKE EFFECT. SEC. 26. An act of the general assembly passed at a regular session of a general assembly shall take effect on July 1 following its passage unless a different effective date is stated in an act of the general assembly. An act passed at a special session of a general assembly shall take effect ninety days after adjournment of the special session unless a different effective date is stated in an act of the general assembly. The general assembly may establish by law a procedure for giving notice of the contents of acts of immediate importance which become law.

This provision means that July 1 following a bill's passage by the General Assembly is the earliest an Act can become effective unless an earlier date is provided. If a date is specified in an Act, or by a general statute, and that date occurs after the July 1 which follows passage, the date specified in the Act is the effective date of the Act.

The General Assembly, in order to implement Section 26 of Article III of the Constitution, has enacted section 3.7 of the Code which reads as follows:

3.7 Effective dates of Acts and resolutions.

1. All Acts and resolutions of a public nature passed at regular sessions of the general assembly shall take effect on the first day of July following their passage, unless some other specified time is provided in an Act or resolution.

2. All Acts and resolutions of a public nature which are passed prior to July 1 at a regular session of the general assembly and which are approved by the governor on or after July 1, shall take effect forty-five days after approval. However, this subsection shall not apply to Acts provided for in section 3.12 or Acts and resolutions which specify when they take effect.

3. All Acts and resolutions passed at a special session of the general assembly shall take effect ninety days after adjournment of the special session unless a different effective day is stated in an Act or resolution.

4. An Act which is effective upon enactment is effective upon the date of signature by the governor; or if the governor fails to sign it and returns it with objections, upon the date of passage by the general assembly after reconsideration as provided in article III, section 16 of the Constitution of the State of Iowa; or if the governor fails to sign or return an Act submitted during session, but prior to the last three days of a session, on the fourth day after it is presented to the governor for the governor's approval. An Act which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

5. A concurrent or joint resolution which is effective upon enactment is effective upon the date of final passage by both chambers of the general assembly, except that such a concurrent or joint resolution requiring the approval of the governor under section 262A.4 or otherwise requiring the approval of the governor is effective upon the date of such approval. A resolution which is effective upon enactment is effective upon the date of passage. A concurrent or joint resolution or resolution which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

6. Unless retroactive effectiveness is specifically provided for in an Act or resolution, an Act or resolution which is enacted after an effective date provided in the Act or resolution shall take effect upon the date of enactment.

7. Proposed legalizing Acts shall be published prior to passage as provided in chapter 585.

8. An Act or resolution under this section is also subject to the applicable provisions of sections 16 and 17 of article III of the Constitution of the State of Iowa.

Drafting effective date provisions. It is not necessary to draft an effective date provision if the Act is to take effect on July 1 following passage. If a different effective date is desired, the Act must contain an effective date clause. Sometimes an explanatory statement, such as the tax year for which a change in tax law is first effective, is needed. The effective date section should be at the end of the bill, and an unusual effective date should be mentioned in the bill's explanation. The title of the bill should also refer to the fact that the bill contains a special effective date provision; e.g., "and providing an effective date". If the bill is intended to have retroactive applicability (which is not dependent upon whether a special effective date provision is included), the title should include the words "and providing a retroactive applicability date".

The following are effective date clauses to be used depending upon the purpose of the bill's sponsor.

Examples:

1 Sec. ____.
2 This Act, being deemed of immediate importance, takes effect
3 upon enactment.

This type of effective date clause provides for emergency effectiveness and provides that the bill takes effect upon passage by the general assembly and signature of the governor.

1 Sec. ____.
2 This Act, being deemed of immediate importance, takes effect
3 ten days after the date of enactment.

This type of effective date clause provides for emergency effectiveness in cases where a period of time is needed for notice or implementation prior to effectiveness. The period of time may be varied to suit the circumstances. Another situation which is not uncommon is to provide for its taking effect on the first day of the month following the month in which the Act is enacted.

1 Sec. ____.
2 This Act takes effect on _____.

This type of effective date provision is for situations where it is desirable to specify an exact date. It is normally used where a delayed effective date is necessary. Dates which occur during the session should be used with caution since it is impossible to predict exactly when a bill will be passed or approved.

Drafting retroactive applicability provisions. An abnormal effective date should not be used to establish retroactive applicability. Rather, use a separate applicability provision to specify that portions of the bill are retroactively applicable and state to whom or what the portions of the bill apply.

Examples:

1 Sec. ____.
2 The amendments in this Act to subsections 1 and 5 through 9
3 of section 554.9307 are retroactively applicable to security in-
4 terests granted on or after December 23, 1986.

1 Sec. ____.
2 Sections 2 and 3 of this Act are retroactively applicable to
3 January 1, 1987, for property tax credit claims and special as-
4 sessment claims filed or on file on or after January 1, 1987.
5 Section 2 is applicable to rent reimbursement claims filed on or
6 after January 1, 1988.

1 Sec. ____.
2 This Act applies retroactively to January 1, 1988.

In cases of retroactive applicability, the fact should be mentioned in the title and explanation of the bill. In some cases, there may be a need for an abnormal effective date and retroactive applicability. In those cases, the language on retroactive applicability should come before the language on the abnormal effective date in both the body of the bill and in the title.

E. REPEALS.

General. When an entire Act or section is abrogated and no new section is added to replace it, legislatures label the Act accomplishing this result a repeal. When a provision is withdrawn from a section, the legislatures generally call the Act an amendment, particularly when a provision is added to replace the one withdrawn. The distinction between repeals and amendments is sometimes subtle.

It has been a frequent practice in Iowa to provide for the repeal of a section and enactment of new language to take the place of the section being repealed. Based upon the distinction between a repeal and an amendment as noted in the preceding paragraph, the procedure results in an amendment rather than a repeal. Therefore, this manual does not provide for the clause "Section __, Code 19 __, is repealed and the following enacted in lieu thereof:". Instead it provides for the clause "Section __, Code 19 __, is amended by striking the section and inserting in lieu thereof the following:".

Express and implied repeals. According to legal authorities there are only two types of repeals: express and implied repeals.

An express repeal generally identifies the provision of law to be repealed, leaving no uncertainty as to whether the statutes or parts of statutes designated have been repealed.

Example:

- 1 Section 1.
- 2 Section 320.20, Code 19__, is repealed.

The above example is the proper method for repealing a section (entire chapters may also be repealed in the same manner) and any other method should be avoided. Repeals should be placed at the end of the bill, preceding only the effective date section and other temporary sections such as those containing transition provisions.

When the drafter is working with a Code Supplement and the Code of Iowa and it is necessary to make repeals from both documents, it is preferred and helpful in the Code editing process and also helpful to the person reading the bill to place two repeal provisions in the bill. The first repeal section should repeal the sections in the Code of Iowa. The second repeal section should repeal the necessary sections from the Code Supplement. A section from the Code Supplement to be repealed is not to be listed in the first repeal section because it is not necessary to repeal a section from the Code that is repealed from the Code Supplement.

NOTE: Although the effect is the same, we do not "repeal" parts of sections, but rather we "strike" them. These strikes are placed in the regular order within the bill and not at the end of the bill as repealers are.

Example:

- 1 Sec. ____.
- 2 Section 422.9, subsection 1, Code 19__, is amended by strik-
- 3 ing the subsection.

Because in the course of enacting legislation in accord with the demands of society, it is only natural that subsequent enactments should be declaratory of the intent to repeal pre-existing laws without mention or reference to such prior laws, a repeal may arise by necessary implication from the enactment of a subsequent law. The extent of the repeal of the prior law by a subsequent enactment poses the problem of implied repeals. Little difficulty is encountered in the interpretation of statutory provisions expressly repealing particular legislation or parts of statutes. Cases of implied repeals present a great many difficulties. "Repeals by implication are not favored by the courts and will not be upheld unless the intent to repeal clearly and unmistakably appears from the language used and such holding is absolutely necessary . . ." 235 N.W.2d 306. The preceding sentence is a pronouncement of the Iowa Supreme Court and certainly substantiates the viewpoint that repeals should be express.

A frequent procedure used by some bill drafters is to insert a provision in a bill to the effect that all acts or statutes in conflict with the bill are repealed. Many courts have held that an express general repealing clause to the effect that all inconsistent enactments are repealed is in legal contemplation a nullity. Repeals must be either express or implied.

F. BILL PROPOSALS -- STUDY BILLS.

Not all bills requested to be drafted by the Legislative Service Bureau will be for immediate introduction. Often requests will be submitted that are to be drafted as a proposed bill to determine if there appears to be support for the proposal. Since only the individual legislators can have a bill immediately introduced after drafting and then only under their sponsorship, a committee-initiated bill must be initially drafted as a proposed committee bill. In addition, the Code authorizes the Governor and state agencies to submit bill proposals to the General Assembly for their consideration. These bill proposals are drafted in the same manner as those bills sponsored by individual legislators that can be immediately introduced. The only difference is in the listing of sponsorship. On the title page, where sponsorship is listed, a notation is placed in parenthesis indicating that it is a proposed bill and the name of the person or entity requesting the proposal. (See Appendix I, page I-1, for examples of the designation of sponsorship for bills to be introduced and proposed bills.) The only difference between a bill proposal or proposed bill and a study bill is a technical one in that a study bill is a bill proposal that has been submitted to the Secretary of the Senate or Chief Clerk of the House for purposes of receiving a study bill number.

DIVISION E
SPECIFIC PROVISIONS, STYLE, PUNCTUATION,
AND PREPARATION OF A TYPED BILL AND AMENDMENT

2. TYPING FORMAT.

General directions. All copies of a bill and amendments are typed as specified by the Legislative Service Bureau.

Identical bills. If drafted simultaneously, identical bills introduced in each house show who is sponsoring the bill in the other house.

Abbreviations. Do not use abbreviations in typing bills except that after section 1 of a bill, all other sections are entitled "Sec.".

Numbers. All numbers should be stated in words. Exceptions are: (1) citations and references to statutes which should be stated in numerals; (2) line item dollar amounts in budget bills, which should be stated in numerals, unless the section is to be codified; (3) sections of budget bills in which an appropriation is made or in which a dollar limitation of an appropriation is made, the dollar amount should be expressed in numerals, unless the section is to be codified; (4) the listing of the full-time equivalent positions (FTEs) in budget bills are to be expressed in numerals; and (5) dates where the day and year are used, for example, use "July 1, 1989" not "the first of July, 1989".

Capital letters. Capital letters are used only for:

1. The first word of a sentence or in some cases after a colon.
2. The first word of a subsection, paragraph, subparagraph, subparagraph subdivision, and subparagraph subdivision part.
3. Proper names of persons, states and political subdivisions, countries, nationalities, bodies of water, holidays, months, and publications. For example, "Cedar county", "city of Waterloo", "Nishnabotna river", "Grove street", "state of Illinois", "Iowa state university of science and technology", university of northern Iowa, and "state university of Iowa".
4. The words "Code", "Act", and "(Seventy-third) General Assembly" when referring to the Iowa Code, a particular legislative Act, or a particular numbered General Assembly.
5. Popular names and short titles of federal laws and of state laws when shown with quotation marks.
6. "Title", "Article", "Division", and "Part" when used in a centered headnote with numerals, as "Title X", "Division V", or

"Part 3", but not when used in text, as "in this article" or "in this part". However, also capitalize "Title" if referring to a numbered title of the Iowa Code, e.g., Title II, or if referring to a title of a federal Act, e.g., Title XIX of the federal Social Security Act.

Capital letters are not used for: Titles or names of state or federal officers, agencies, and departments. For example, the words "governor", "department of revenue and finance", and "supreme court" are not capitalized. Neither are the words "section" or "chapter" capitalized in typing bills. The exception to this rule may be constitutional amendments if the section of the Constitution being amended capitalizes words such as "Governor", "Secretary of State", and "Supreme Court".

Punctuation. Punctuation is very important in amendments which insert or strike part of a Code section. If it is intended to strike or insert a punctuation mark along with the inserted or struck words, the punctuation mark must have a strike over it or through it, or an underline for an insertion. As a general rule punctuation should be used infrequently in bill drafting. It should only be used where sentence structure requires it. A comma, particularly, should not be depended on to show meaning. Preferable form is to use a comma or a period rather than a semicolon. If semicolons seem to be needed, the sentence is probably too long. If extensive punctuation seems to be essential, consider whether the material should be rewritten to avoid some of the punctuation. Perhaps it should be rewritten into several shorter sentences.

Preferable form for a series of subparts is to use explanatory words such as "all of the following" or "any of the following" in the introductory sentence, and end each subpart with a period, rather than to end each subpart with a comma or semicolon and to use the word "or" or "and" before the last subpart in the series. Each subpart of a series should be a separate indented phrase, sentence, or paragraph. For example, a sentence such as "Copies of (1) a balance sheet; (2) an income statement; and (3) a statement of the source and application of funds shall be filed with the auditor." should be rewritten as:

"Copies of all of the following shall be filed with the auditor:

1. A balance sheet.
2. An income statement.
3. A statement of the source and application of funds."

When a series of three or more terms is used within a sentence, commas should be used between the terms and preceding the "and" or "or" which connects the final term in the series.

Citation of statutes. Section 3.1, subsection 3, of the 1989 Code provides:

"3. All references to statutes shall be expressed in numerals . . ."

The following rules will be in effect in regard to citations:

1. Enumeration of the section to be amended contained in amending clauses shall be by numbers.

Example.

1 Sec. 2. Section 300.1, Code 19__, is amended to read as
2 follows:

Prior to 1981 both words and numbers were used.

2. Citations to a section within the text shall cite by number. The words "of the Code" shall not be used following the numerical citation. For example:

1 Sec. 2. Section 3.1, Code 19__, is amended to read as
2 follows:
3 3.1 DUTIES. The director shall carry out all duties pro-
4 vided by law and section 3.2.

APPENDIX I
BILL AND AMENDMENT DRAFTING EXAMPLES

B. EXAMPLES OF AMENDING STATUTES

1. Striking all of a section and replacing it:

1 Section 1. Section 12.14, Code 19__, is amended
2 by striking the section and inserting in lieu thereof
3 the following:
4 12.14 STATEMENT ITEMIZED. [Insert the new lan-
5 guage without underlines.]

2. Striking whole subsection and replacing it:

1 Section 1. Section 321.1, subsection 30, Code
2 19__, is amended by striking the subsection and in-
3 serting in lieu thereof the following:
4 30. [Insert the new language without underlines.]

3. Striking whole subsection without replacing it:

1 Section 1. Section 321.1, subsection 30, Code
2 19__, is amended by striking the subsection.

4. Amending subsections, lettered paragraphs, subparagraphs,
and other subunits:

1 Sec. _____. Section 422.5, subsection 1, unnum-
2 bered paragraph 1, Code 19__, is amended to read as
3 follows:
4 A tax is imposed upon every resident and nonresi-
5 dent individual of the state ~~which tax shall be~~ and is
6 levied, collected, and paid annually upon and with re-
7 spect to the entire taxable income ~~as defined in this~~
8 ~~division~~ at rates as follows:

1 Sec. _____. Section 422.5, subsection 1, paragraphs
2 g, h, and i, Code 19__, are amended to read as fol-
3 lows:
4 g. On all taxable income exceeding twenty thou-
5 sand dollars but not exceeding thirty twenty-five
6 thousand dollars, seven and fifty-five hundredths
7 percent.
8 h. On all taxable income exceeding thirty twenty-
9 five thousand dollars but not exceeding forty-five
10 thirty-five thousand dollars, eight and eight-tenths
11 percent.
12 i. On all taxable income exceeding forty-five
13 thirty-five thousand dollars, nine and ninety-eight
14 hundredths one-tenth percent.

1 Sec. _____. Section 422.5, subsection 1, paragraph
2 k, unnumbered paragraph 1, Code 19__, is amended to
3 read as follows:
4 There is imposed upon every resident and nonresi-
5 dent of this state, including estates and trusts, the
6 greater of the tax determined in paragraphs "a"
7 through "j" or the state alternative minimum tax equal
8 to seventy-five eighty percent of the maximum state
9 individual income tax rate for the tax year, rounded
10 to the nearest one-tenth of one percent, of the state
11 alternative minimum taxable income of the taxpayer as
12 computed under this paragraph.

1 Sec. _____. Section 422.5, subsection 1, paragraph
2 k, subparagraph (1), Code 19__, is amended to read as
3 follows:
4 (1) Add items of tax preference included in fed-
5 eral alternative minimum taxable income under section
6 57, except subsections (a)(1), (a)(2), and (a)(5),
7 and (a)(6), of the Internal Revenue Code, make the ad-
8 justments included in federal alternative minimum
9 taxable income under section 56, except subsections
10 (a)(4), (b)(1)(C)(iii), and (d), of the Internal Rev-
11 enue Code, and add losses as required by section 58
12 of the Internal Revenue Code. In the case of an es-
13 tate or trust, the items of tax preference, adjust-
14 ments, and losses shall be apportioned between the
15 estate or trust and the beneficiaries in accordance
16 with rules prescribed by the director.

1 Sec. _____. Section 422.5, subsection 1, paragraph
2 k, subparagraph (2), subparagraph subdivision (b),
3 Code 19 __, is amended to read as follows:
4 (b) Twenty-six Thirty thousand dollars for a
5 single person or an unmarried head of household.

1 Sec. _____. Section 422.5, subsection 1, paragraph
2 k, subparagraph (2), subparagraph subdivision (d),
3 subparagraph subdivision part (i), Code 19__, is
4 amended to read as follows:
4 (i) Seventy-five One hundred thousand dollars in
5 the case of a taxpayer described in subparagraph sub-
6 division (a).

5. Amending a section previously amended at the same session (Senate File 820, section 25, was enacted):

Original amendment:

1 Sec. 25. Section 135.2, Code 19__, is amended to
2 read as follows:
3 135.2 APPOINTMENT. The governor shall, within
4 ~~sixty-days-after-the--convening--of--the--general--as-~~
5 ~~sembly--in-1925,--and--every-four-years-thereafter,~~ ap-
6 point to a term of four years, with--the--approval--of
7 ~~two-thirds--of--the-members-of~~ subject to confirmation
8 by the senate, a commissioner of public health who
9 shall be qualified in the general field of health ad-
10 ministration. Vacancies shall be filled for the unex-
11 pired term in the same manner as regular appointments
12 are made.

The same section might be subsequently amended in the same session as follows:

1 Sec. 13. Section 135.2, Code 19__, as amended by
2 19__ Iowa Acts, Senate File 820, section 25, is
3 amended to read as follows:
4 135.2 APPOINTMENT. The governor shall appoint to
5 a term of four years commencing and ending as pro-
6 vided by law, subject to confirmation by the senate,
7 a commissioner of public health who shall be is qual-
8 ified in the general field of health administration.
9 Vacancies shall be filled for the unexpired term in
10 the same manner as regular appointments are made.

6. Amending session laws:

1 Sec. 3. 19__ Iowa Acts, chapter 1216, section 11,
2 is amended to read as follows:
3 SEC. 11. Notwithstanding section 654.15, subsec-
4 tion 2, the declaration of economic emergency made by
5 the governor on October 1, 1985, is in effect until
6 March 30, ~~1987~~ 1988.

7. Adding new law:

1 Sec. 3. NEW SECTION. 321.24A OPERATOR'S LICENSE
2 REVOCATION.
3 [Insert the new language without underlines.]

8. New subsections, paragraphs, subparagraphs, and unnumbered paragraphs:

- 1 Sec. 3. Section 232.18, Code 19__, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 12. [Insert the new language
4 without underlines.]
5 Sec. 4. Section 422.9, subsection 2, Code 19__, is
6 amended by adding the following new paragraph:
7 NEW PARAGRAPH. h. [Insert the new language with-
8 out underlines.]
9 Sec. 5. Section 2.10, Code 19__, is amended by
10 adding the following new unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. [Insert the new language
12 without underlines.]

C. EFFECTIVE AND APPLICABILITY DATES

- 1 Sec. ____.
2 This Act, being deemed of immediate importance,
3 takes effect upon enactment.

- 1 Sec. ____.
2 This Act, being deemed of immediate importance,
3 takes effect ten days after the date of enactment.

- 1 Sec. ____.
2 This Act takes effect on ____.

- 1 Sec. ____.
2 The amendments in this Act to section 554.9307,
3 subsections 1 and 5 through 9, are applicable to se-
4 curity interests granted on or after December 23,
5 1986.

- 1 Sec. ____.
2 Sections 2 and 3 of this Act are retroactively ap-
3 plicable to January 1, 1987, for property tax credit
4 claims and special assessment claims filed on or after
5 January 1, 1987, for taxes and special assessments
6 payable in the fiscal year beginning July 1, 1987, and
7 ending June 30, 1988, and in any subsequent years.
8 Section 2 is applicable to rent reimbursement claims
9 filed on or after January 1, 1988, for rents paid in
10 calendar year 1987.

1 Sec. ____.
2 This Act is retroactively applicable to January 1,
3 1988, and is applicable on and after that date.

D. REPEALS

1 Section 1. Chapter 422, Code 19__, is repealed.

1 Section 1. Section 320.20, Code 19__, is repealed.

F. Resolutions (cont.)

4. Joint resolution -- Constitutional amendment:
[First Time Passed]

SENATE JOINT RESOLUTION _____
BY [SPONSOR'S NAME]

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to allow the General Assembly to
3 specify by law when Acts of the General Assembly take
4 effect.

5

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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TLSB 2451SF 73

mg/jw/5

1 Section 1.

2 The following amendment to the Constitution of the State of
3 Iowa is proposed:

4 Section 26 of Article III of the Constitution of the State
5 of Iowa, as amended by the Amendment of 1966, is repealed and
6 the following adopted in lieu thereof:

7 "An Act of the General Assembly passed at a regular session
8 of a General Assembly shall take effect on July 1 following its
9 passage unless a different effective date is stated in an Act
10 of the General Assembly. An Act passed at a special session of
11 a General Assembly shall take effect ninety days after adjourn-
12 ment of the special session unless a different effective date
13 is stated in an Act of the General Assembly. The General As-
14 sembly may establish by law a procedure for giving notice of
15 the contents of Acts of immediate importance which become law."

16 Sec. 2.

17 The foregoing amendment to the Constitution of the State of
18 Iowa is referred to the General Assembly to be chosen at the
19 next general election for members of the General Assembly and
20 the Secretary of State is directed to cause the same to be pub-
21 lished for three consecutive months previous to the date of
22 that election as provided by law.

23 EXPLANATION

24 This joint resolution proposes an amendment to the Constitu-
25 tion of the State of Iowa regarding the effective dates of
26 legislative enactments. The resolution, if adopted, would be
27 referred to the next General Assembly for adoption before being
28 submitted to the electorate for ratification.

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LSB 2451S 73

mg/jw/5

F. Resolutions (cont.)

**5. Joint resolution -- Constitutional amendment:
[Second Time Passed]**

SENATE JOINT RESOLUTION _____
BY [SPONSOR'S NAME]

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to allow the General Assembly to
3 specify by law when Acts of the General Assembly take
4 effect.

5
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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TLSB 2672SF 73
mg/jw/5

1 Section 1.

2 The following amendment to the Constitution of the State of
3 Iowa is proposed:

4 Section 26 of Article III of the Constitution of the State
5 of Iowa, as amended by the Amendment of 1966, is repealed and
6 the following adopted in lieu thereof:

7 "An Act of the General Assembly passed at a regular session
8 of a General Assembly shall take effect on July 1 following its
9 passage unless a different effective date is stated in an Act
10 of the General Assembly. An Act passed at a special session of
11 a General Assembly shall take effect ninety days after adjourn-
12 ment of the special session unless a different effective date
13 is stated in an Act of the General Assembly. The General As-
14 sembly may establish by law a procedure for giving notice of
15 the contents of Acts of immediate importance which become law."

16 Sec. 2.

17 The foregoing proposed amendment, having been adopted and
18 agreed to by the Seventieth General Assembly, 1984 Session,
19 thereafter duly published, and now adopted and agreed to by the
20 Seventy-first General Assembly in this joint resolution, shall
21 be submitted to the people of the state of Iowa at the general
22 election in November of the year nineteen hundred eighty-six in
23 the manner required by the Constitution of the State of Iowa
24 and the laws of the State of Iowa.

25 EXPLANATION

26 This joint resolution proposes an amendment to the Constitu-
27 tion of the State of Iowa, for adoption by the second consecu-
28 tive general assembly, regarding the effective dates of legis-
29 lative enactments. The resolution, if adopted, would be sub-
30 mitted to the electorate for ratification.

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LSB 2672S 73
mg/jw/5

H. Bills

1. Title page and body:

SENATE FILE _____
BY [SPONSOR'S NAME]

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to local option sales and services taxes by
2 requiring that the notice of the ballot proposition specify
3 the amount to be used for property tax relief and contain a
4 statement as to the purposes for which the other revenues
5 will be used, by providing the method for property tax re-
6 lief, and by providing for the Act's applicability.

7
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 422B.1, subsection 4, Code 1989, is
2 amended to read as follows:

3 4. The county commissioner of elections shall submit the
4 question of imposition of a local option tax at a state general
5 election or at a special election held at any time other than
6 the time of a city regular election ~~which-may~~. The election
7 shall not be held sooner than sixty days after publication of
8 notice of the ballot proposition. The ballot proposition shall
9 specify the type and rate of tax and in the case of a vehicle
10 tax the classes that ~~will~~ shall be exempt and in the case of a
11 local sales and services tax the date it ~~will~~ shall be imposed.
12 The notice and ballot proposition shall also specify the per-
13 centage of and the approximate dollar amount of local option
14 tax revenues that ~~will~~ shall be used for property tax relief
15 and shall contain a statement as to the specific purpose or
16 purposes for which the revenues shall otherwise be expended.
17 The rate of the vehicle tax shall be in increments of one dol-
18 lar per vehicle as set by the petition seeking to impose the
19 tax. The rate of a local sales and services tax shall not be
20 more than one percent as set by the governing body. The state
21 commissioner of elections shall establish by rule the form for
22 the ballot proposition which. The form shall be uniform
23 throughout the state.

24 Sec. 2. NEW SECTION. 422B.12 PROPERTY TAX RELIEF.

25 The financial officer of the city or county shall credit the
26 percentage specified on the ballot proposition of the local
27 sales and services tax revenues received to a special account
28 for property tax relief to be granted as provided in this sec-
29 tion. However, after the tax has been imposed for fifteen
30 months, the amount of tax revenues received that shall be
31 credited to this special account during each subsequent year
32 shall not exceed the amount credited to the special account
33 during the first fifteen months.

34 Before the levy rates authorized under sections 384.1 and
35 384.12 are certified by a city to the county auditor, or in the

1 case of the county, before the levy rates authorized under sec-
2 tion 331.423, subsection 2, and section 331.424, subsection 2,
3 are certified, the certifying official shall subtract from the
4 total amount computed in dollars, as provided in section 444.2,
5 an amount equal to the amount credited to the special account
6 for property tax relief during the last preceding twelve-month
7 period and shall certify only the net amount. The certifying
8 official shall identify for what purposes the funds received
9 for property tax relief are to be used. The county auditor
10 shall determine the levy rates under section 444.3 upon the net
11 amount so computed.

12 Sec. 3. Section 444.3, Code 1989, is amended by adding the
13 following new unnumbered paragraph after unnumbered para-
14 graph 1:

15 NEW UNNUMBERED PARAGRAPH. However, in computing the tax
16 rate for a city or county which has imposed a local option
17 sales or services tax authorized in chapter 422B, the county
18 auditor shall determine if the sum of the net amount certified
19 and the amount deducted in determining that net amount under
20 section 422B.11 exceeds the amount which may be raised by the
21 rate authorized by law. If the county auditor determines that
22 this sum exceeds that amount, the county auditor shall reduce
23 the net amount certified by the excess and determine the tax
24 rate on this reduced amount.

25 Sec. 4.

26 This Act applies to local option sales and services taxes
27 imposed as a result of an election held after the effective
28 date of this Act.

29 EXPLANATION

30 The bill provides that the notice of the ballot proposition
31 as well as the ballot proposition specify the percentage and
32 approximate dollar amount of the local option sales and ser-
33 vices tax revenues which will be used for property tax relief.
34 This property tax relief will result in a lowering of the gen-
35 eral fund levy limits for the purposes for which the revenues

S.F. _____ H.F. _____

1 are to be used.

2 The bill is applicable to local option sales and services
3 taxes imposed as a result of an election held after the effec-
4 tive date of the bill.

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H. Bills (cont.)

2. Example of Background Statement:

[Explanation drafted by Legislative Service Bureau

Background statement drafted by agency]

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EXPLANATION

9 The bill provides for the staggered registration of air-
10 craft. The bill also increases the minimum aircraft registra-
11 tion fee from fifteen dollars to thirty-five dollars. The bill
12 also provides that hot-air balloons shall be registered at the
13 minimum fee of thirty-five dollars.

14

BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

16 This bill does several things:

17 It institutes a "staggered registration" system for air-
18 craft. The department registers almost 3,000 aircraft an-
19 nually. However, all registrations come due in the same month.
20 Changing to a staggered system would create a more even work-
21 load and allow more efficient use of staff.

22 It increases the minimum fee to register an aircraft. The
23 minimum fee to register an aircraft is now \$15 and has not been
24 changed in years. The bill increases that minimum to \$35.

25 It establishes a minimum refund for the unexpired portion of
26 an aircraft registration fee. There is no minimum refund
27 specified which means that, on occasion, the cost to process
28 the refund is more than the refund itself. This bill sets a
29 minimum refund at \$35.

30 It clarifies that Iowa-based hot-air balloons are subject to
31 the minimum registration fee.

32 It defines "owner" in the aviation chapter of the Code. Al-
33 though the term "owner" is used in the aviation chapter of the
34 Code, there is no definition which specifies exactly what an
35 owner is. This bill corrects that omission.

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