

# **A Study Of Legislative Procedures In Iowa**

*A study of legislative procedures covers many subjects, ranging from work during the session to work of legislators and legislative service agencies between sessions. The procedures used in the Iowa General Assembly and those used by other states are discussed in this report.*

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## Foreword

A study of legislative procedures covers many subjects ranging from the work of the session to interim work of the legislature. The procedures used in the Iowa General Assembly and different procedures used in other states are discussed in this report.

Part I covers the end-of-session log jam that confronts most legislatures and how some states have dealt with the problem. The length and frequency of legislative sessions of the fifty states is also described in this part of the report.

Part II is concerned with committee work during the legislative session. The trend in the states has been the reduction in the number of standing committees. There is a great difference in the workload of standing committees in Iowa. The joint committee system used in Massachusetts is discussed.

Part III is a discussion of the kinds of work legislators and legislative service agencies do between sessions. Legislative study and research between sessions is a soundly established practice in most state legislatures. Other kinds of interim work discussed in this report are legislative fiscal analysis, bill drafting, systematic code revision, and the pre-preparation and filing of bills. Contested elections and legislative printing costs make up Part IV.

The purpose of this study was to study the legislative rules and procedures in Iowa and other states with a view toward making better use of the time available during the session. This study was made at the request of Senators Gilmour, Long, Lynes, O'Malley and Schroeder. An advisory committee of legislators was appointed to direct and assist in the study. This committee will make a separate report of its recommendations. We want to express our thanks to Mr. Bill Kendrick, Chief Clerk of the House, and Mr. Wayne Faupel, Deputy Code Editor, for their assistance in this study. Mr. Bill Hedlund of the Research Bureau Staff prepared this report.

Clayton L. Ringgenberg  
Director of the Research Bureau

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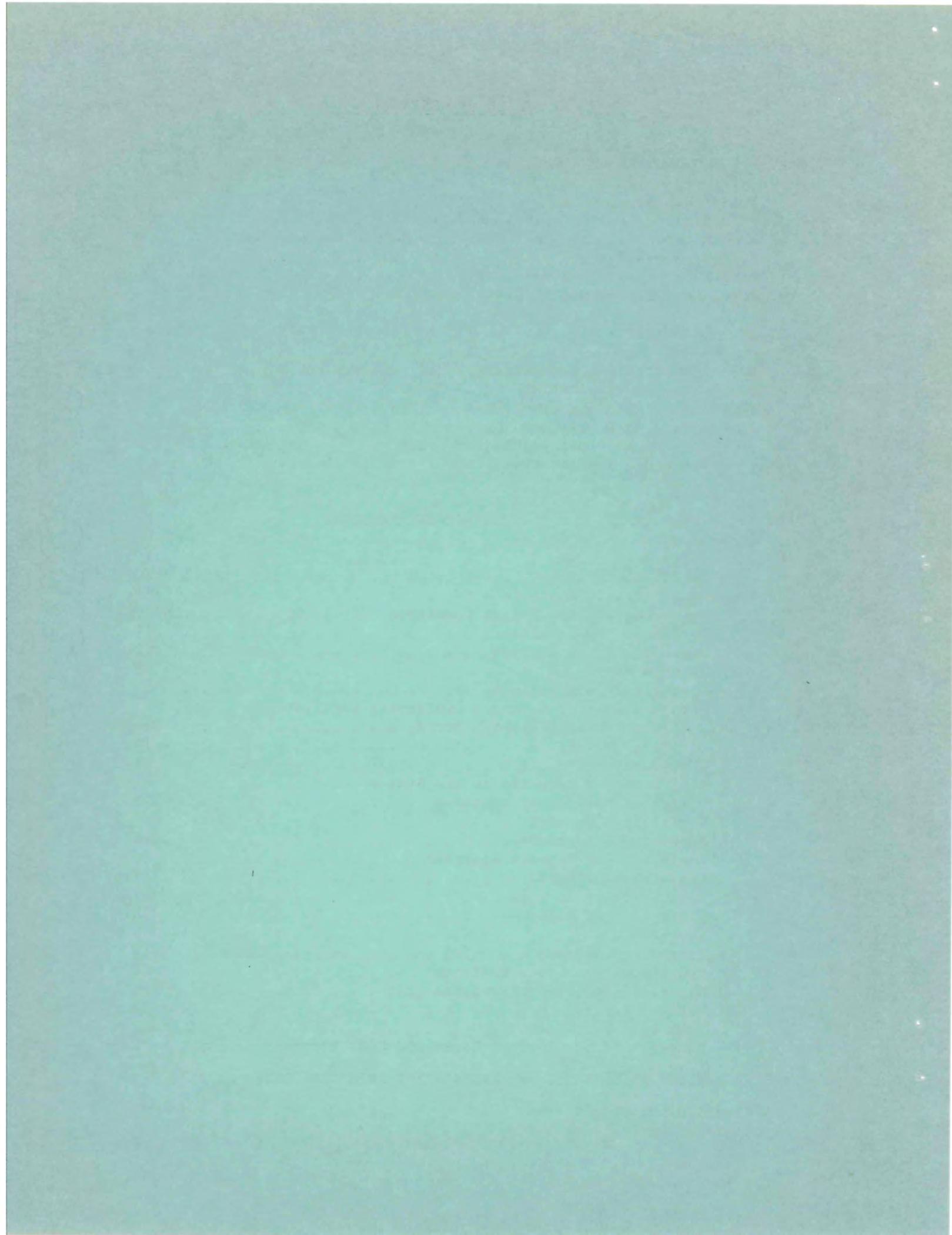
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This bulletin is intended to be factual only. Its contents should not be interpreted as recommendations of the Bureau.

TABLE OF CONTENTS

	<u>Page</u>
<b>PART I - LEGISLATIVE SESSIONS</b>	
End-of-Session Log Jam . . . . .	1
Sifting Committee in Iowa . . . . .	1
Methods Used by Other States to Handle the Log Jam . . .	2
Michigan System . . . . .	3
Length of Legislative Sessions . . . . .	4
Frequency of Legislative Sessions . . . . .	4
 <b>PART II - COMMITTEE WORK</b>	
Number of Standing Committees . . . . .	6
New Mexico Reorganization . . . . .	6
Workload of Standing Committees in Iowa - Table I . . . . .	7
Joint Standing Committees . . . . .	8
Joint Committees in Massachusetts . . . . .	8
Procedure in Massachusetts . . . . .	8
Iowa . . . . .	9
 <b>PART III - WORK OF THE LEGISLATURES BETWEEN SESSIONS</b>	
Introduction . . . . .	10
Orientation Conferences . . . . .	10
Legislative Fiscal Analysis . . . . .	11
Joint Legislative Budget Committee . . . . .	11
Duties of the Committee . . . . .	12
Work During the Session . . . . .	12
Interim Work . . . . .	13
Fiscal Analysis in Iowa . . . . .	13
Pros and Cons of Having a Continuing Legislative Finance Committee with Staff . . . . .	14
Bill Drafting . . . . .	15
Introduction . . . . .	15
Bill Drafting Services in the States . . . . .	15
Office of Revisor of Statutes . . . . .	16
Legislative Counsel . . . . .	16
Executive Department . . . . .	16
Legislative Reference Agencies . . . . .	16
Legislative Council . . . . .	17
Bill Drafting in Iowa . . . . .	17
Pre-Filing of Bills . . . . .	18
Code Revision . . . . .	19
Introduction . . . . .	19
Continuous Statutory Revision . . . . .	19
Agencies Involved in Revision . . . . .	20
Topical Revision . . . . .	21
Iowa Code Revision . . . . .	22
Reporter of the Supreme Court and Code Editor . . . . .	22
 <b>PART IV - ELECTION CONTESTS AND LEGISLATIVE PRINTING COSTS</b>	
Election Contests . . . . .	24
Legislative Printing Costs . . . . .	25



## P A R T I

### LEGISLATIVE SESSIONS

#### END-OF-SESSION LOG JAM

Every state legislature is confronted with an ever increasing number of bills each session. Many legislatures have a definite number of days in which to consider the proposed legislation. Whether the sessions are long or short, annual or biennial, the end-of-session "log jam" happens in all but a few state legislatures.

#### Sifting Committee in Iowa

Iowa provides in the rules of each house for a sifting committee to be appointed at some time during the session. At that time, the regular calendar of bills is "dumped", all bills go to the sifting committee which reports bills and arranges the calendar. Only bills which receive 60% of the vote of the 21 members of the House committee are put on the new calendar. The sifting committee in the Senate is composed of 12 members. Most of the standing committees cease to function after the appointment of the sifting committee; thus, it is apparent the importance and responsibility of this committee.

It is said the sifting committee concentrates a great amount of power in the hands of a small group of individuals; also, that it is very hard to withdraw a bill from this committee.

On the other hand, it is said the General Assembly would never be able to adjourn within 100 days if all bills had to be considered by the entire membership of the respective houses. Also, the trivial and unimportant bills have to be weeded out. It is said that if a bill has enough support, it can be withdrawn by a two-thirds vote of the members present in the House and in the Senate by 30 members.

## Methods Used by Other States to Handle the Log Jam

From correspondence with other states, it was found that some states have a committee, whether it be the rules committee or a special committee, that screens and steers proposed legislation and arranges the calendar near the end of the session. Some of these committees exercise more power than others. The Rules Committees of both houses in Arizona operate from the very beginning of session.<sup>1</sup> The Rules Committees of both houses in Kentucky take complete charge of all business during the last 15 days of the session.<sup>2</sup> Other states which have a committee performing the same type of function in one house or both are Colorado, Ohio, Oklahoma, Tennessee, Utah, Washington, and West Virginia.

Many states have no such committee. Each standing committee does its own job of screening and is not required to report out all bills referred to it. Thus, many bills die in these committees. It is usually provided in the rules that a bill may be withdrawn from committee by a specified vote of the membership of that house.

A few states require standing committees to report out all bills. Deadlines have been provided and the rules are enforced. The rules of both houses of the North Dakota Legislature require that all bills must be reported out of committee for action on the floor within 10 days after referral. Extensions of time are granted, but it is further provided that all bills be reported out of committees in the house of origination by the forty-third day of the sixty-day session. All bills must be processed by the house of origination by the forty-fifth day. All bills in both houses, regardless of origination, must be reported out on the fifty-eighth day of the session. This has not eliminated the end-of-session log jam completely, but with these rules and good leadership it has been quite successful.<sup>3</sup>

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<sup>1</sup> Correspondence with Director of Legislative Council, Arizona, December 21, 1959

<sup>2</sup> Correspondence with Executive Assistant, Legislative Research Commission, Kentucky, December 21, 1959

<sup>3</sup> Correspondence with Director, Legislative Research, North Dakota, December 19, 1959

## Michigan System

Michigan has provided a system, which in its case, has been quite successful. Not later than the 14th Wednesday of the year, a concurrent resolution is introduced, setting the adjournment for 84 days later, and both houses follow a schedule:

- 21st day: Final day for committees to report bills originating in their own house.
- 28th day: Final day for passage of bills in house of origin and transmission to the other house.
- 42nd day: Final day for committees to report bills originating in the other house.
- 53rd day: Final day for passage of bills originating in the other house.
- 54th, 55th, and 56th day: On these 3 days, each house shall meet daily at 10:00 a.m. for conference committee meetings, consideration of amendments of the other house and conference reports.
- 57th to 82nd day: The Legislature is not scheduled to meet during this period.
- 83rd day: Each house shall convene at 10:00 a.m. Unless the session be extended by concurrent resolution, the Legislature shall, at 12:00 noon on the 84th day, adjourn sine die.
- 84th day: Adjourn sine die at 12:00 noon.
- 50th to 56th day: During these 7 days no concurrent resolution shall be received for introduction in either house, except resolutions relative to the procedure and business of the Legislature and resolutions of sympathy.

This type of schedule could not be used in states with limits on their sessions. However, much of the procedure could be adopted and a schedule made to fit the length of the session.

LENGTH OF LEGISLATIVE SESSIONS OF STATES

<u>150 calendar days</u> Connecticut Missouri	<u>40 calendar days</u> Georgia Wyoming	<u>60 legislative days</u> ** Kansas Kentucky North Dakota
<u>*120 calendar days</u> California Colorado North Carolina Texas	<u>36 legislative days</u> Alabama	** Rhode Island Hawaii
<u>90 calendar days</u> Maryland	<u>60 calendar days</u> ** Arizona Arkansas Florida	<u>No limitation</u> Delaware *** Illinois **** Iowa
<u>90 legislative days</u> Minnesota	** Idaho Louisiana Montana Nevada New Mexico South Dakota Utah	Maine Massachusetts Michigan Mississippi Nebraska New Hampshire New Jersey New York
<u>75 calendar days</u> Tennessee	** Virginia Washington West Virginia Alaska	Ohio Oklahoma Oregon Pennsylvania South Carolina Vermont Wisconsin
<u>61 calendar days</u> Indiana		

\*In these four states, the legislators' pay ceases after 120 days, but the session may continue.

\*\*Legislators' pay ceases after 60 days, but session may continue.

\*\*\*Illinois usually tries for adjournment by July 1.

\*\*\*\*Iowa tries for adjournment at the end of 100 days.

FREQUENCY OF LEGISLATIVE SESSIONS

Nineteen state legislatures now meet annually. The other thirty-one hold biennial regular sessions. The number has grown from only four states in the early 1940's (New Jersey, New York, Rhode Island and South Carolina) to nineteen.

Eight of these states hold budget sessions in the even-numbered years, except Louisiana which holds its budget session in the odd-numbered years. In all of these states, except Colorado, Hawaii and Pennsylvania,

the budget session is shorter than the session held in the odd-numbered year. These states are:

California	Hawaii	Maryland
Colorado	Kansas	Pennsylvania
Delaware	Louisiana	West Virginia

The annual sessions of the other ten states is not restricted to budgetary matters nor is it shorter in length. These states are:

Alaska	Michigan	Rhode Island
Arizona	Nevada	South Carolina
Georgia	New Jersey	
Massachusetts	New York	

P A R T I I

COMMITTEE WORK

NUMBER OF STANDING COMMITTEES

The trend in states has been to reduce the number of standing committees in the state legislature. Reductions between 1946 and 1959 in all states have lowered the median number of house standing committees from 39 to 23 and of senate committees from 31 to 20.<sup>1</sup>

New Mexico Reorganization

During the 1955 session of the New Mexico Legislature, the number of standing committees in each house was reduced. The Senate reduced the number of standing committees from 20 to 7.

"The seven standing committees and the membership of each were outlined in the rules: Conservation, eleven members; Corporations, five members; Education, eight; Finance, twelve; Judiciary, nine; Public and Military Affairs, eleven; and Rules, seven members. A 'committee's committee' was established and it assigns Senate members to standing committees and selects the chairman and vice chairman subject to the approval of the Senate.

"Senators are limited to service on two committees except in the case of the majority leader; he is permitted to serve on only one standing committee but he is deemed an 'ex-officio' member of all committees except that to which he is regularly assigned.

"The House reduced its committees from 23 to 16."<sup>2</sup>

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<sup>1</sup> The Book of States, Council of State Governments, 1960-61, p.33.

<sup>2</sup> State Government, Council of State Government, October, 1955.  
"New Mexico Reorganizes Its Legislative Committees.", p.232.

TABLE I

WORKLOAD OF STANDING COMMITTEES IN IOWA

NUMBER OF COMMITTEE ASSIGNMENTS FOR EACH LEGISLATOR

The average membership of the standing committees in the Iowa Senate is 10.4 members and the House is 16.5 members. Each senator served on 6 or 7 committees and most House members serve on 6 committees.

NUMBER OF BILLS VARIOUS COMMITTEES CONSIDER

House

During the 1959 session, the House had 11 committees that considered less than 10 bills each. They were:

Aeronautics.....	5	Public Lands & Buildings...	5
Consolidation & Coordination of		Public Utilities, Telephone & Telegraph...	7
State Government.....	4	Railroads.....	5
Constitutional Amendments..	6	Reapportionment of General Assembly.....	6
Mines & Mining.....	0	State Planning & Development.....	6
Printing.....	8		
Private Corporations.....	2		

These 11 committees considered a total of 54 bills, 4 less than the Committee on Motor Vehicles, Commerce & Trade which considered 59 bills. Four other committees considered more bills than the above 11 committees.

Appropriations.....	89	Judiciary 2.....	72
Judiciary 1.....	76	Social Security.....	61

Senate

Seven committees in the Senate considered less than 10 bills each. They were:

Iowa Development.....	3	Military Affairs.....	8
Legislative Redistricting..	3	Printing.....	4
Manufacturing, Commerce & Trade.....	2	Public Lands & Buildings...	6
		Public Utilities.....	2

The above seven committees considered a total of 28 bills, the same amount as the Committee on the Compensation of Public Officers. The committees with the heaviest workloads were:

Appropriations.....	99	Judiciary 2.....	66
Governmental Affairs.....	54	Social Security.....	55
Judiciary 1.....	88		

## JOINT STANDING COMMITTEES

### Introduction

A joint committee has been defined by Henry W. Lewis of the North Carolina Institute of Government as, "one containing members from each house of the legislature sitting together under one chairman, holding single meetings on proposed legislation, and rendering identical reports to the two houses as to the disposition recommended."

Three states--Connecticut, Maine, and Massachusetts--make extensive use of joint committees. Many states use one or more such committees. Massachusetts has 31 joint standing committees, Connecticut 28, and Maine 24. The House of Representatives of each of these three states is very large. Connecticut has 280 members in the House, Maine 151, and Massachusetts 240. The largest Senate of the three states is Massachusetts with 40 members.

### Joint Committees in Massachusetts

An example of the joint committee system is Massachusetts. The membership of these joint committees is usually composed of four senators and eleven representatives. This membership is divided party-wise: three senators and seven representatives are from the majority party, and one senator and four representatives from the minority party.

Senators of the majority party usually serve on four or five committees and senators of the minority party on two or three committees. Representatives of the majority party usually serve on two committees and those of the minority party on one committee.

### Procedure in Massachusetts

Joint standing committees in Massachusetts sit one, two, or sometimes three mornings a week at regularly scheduled times during the first three months of the session. A report is adopted by a majority

vote of the committee and the report may be filed with either house, except money bills, which must be reported to the House. Usually the reports are filed with the house in which the bill originated.

All matters referred to a joint committee must be reported out by the fourth Wednesday in March as provided for in the Joint Rules. It is almost impossible for every committee to meet this deadline, because of the heavy workload. The rule is suspended from week to week for those still having business before them.<sup>3</sup>

#### Use of Joint Committees in Iowa

In Iowa, it has been the general practice and custom, rather than by rule or statute, for the Appropriation Committees of the Senate and House to meet jointly. Other standing committees considering similar or like subjects in each house sometimes meet jointly, but this is the exception rather than the rule.

Rather than a formal joint committee system in Iowa, an informal system is practiced. Committee members of one house will talk with the members of the similar committee of the other house about the merits and shortcomings of companion bills. When a public hearing is held by a standing committee in one house, it will sometimes invite the similar committee of the other house to join it.

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<sup>3</sup> Correspondence with Director of Legislative Council, Massachusetts, October 22, 1959

## P A R T   I I I

### WORK OF LEGISLATURES BETWEEN SESSIONS

#### INTRODUCTION

The legislatures of the majority of states are becoming involved more and more in work between sessions. The three main ways this work is being handled are: (1) by temporary interim study committees, (2) by permanent legislative research committees or councils with professional staff, and (3) by continuing, special purpose committees to handle such matters as budget and finances, and post-auditing, and code revision and other legal work. At one time all the interim work was done by temporary study committees. Now, two-thirds of the states have legislative research committees or councils. Recently legislatures have begun to set up the continuing, special purpose committees.

#### Orientation Conferences

Another development has been the orientation conference for new and also veteran legislators. These conferences are designed to acquaint the new legislators with the legislative process of which he is unfamiliar. It also serves to inform all members of some of the problems that will confront the legislature. The orientation conferences are sponsored by the legislative service agencies in the majority of states holding such meetings. They are arranged by the state university, legislative leaders, and legislative clerks in other states having these conferences. Some states hold the conferences prior to the session and some during the first few weeks of the session. Thirty-four states held orientation conferences in 1956.<sup>1</sup>

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<sup>1</sup> The Book of States, 1956-57, Council of State Governments, Chicago, 1956, p.95.

## LEGISLATIVE FISCAL ANALYSIS

A state legislature has two responsibilities which accompany its control of state finances and both are important. The first is to provide by law for suitable procedures within the executive branch for budget preparation and for handling enacted appropriations. Second, is to provide ways for the legislature to evaluate appropriation requests, the executive budget, and state financial operations generally.

In almost every state, the Governor has available the means and personnel to gather the budgetary information he needs to formulate his proposed programs and support these programs to the legislature. In contrast, the legislatures of most states have not had such assistance in the past in carrying out their functions of reviewing executive proposals, independently evaluating the cost of the proposed legislation, and keeping track of the fiscal affairs of the state involving legislative policy after appropriations have been made. Nor, have legislators usually had the time to do this work themselves because the legislative session is short and because there is so much other pressing work.

### Joint Legislative Budget Committee

About half the states have some provision for legislative fiscal work between sessions. Some provide for a continuing special committee with staff, some a special committee without a staff, and a few provide for the fiscal function within Legislative Council. Recently some states have been establishing interim finance committees called "joint legislative budget committees", or a committee of some similar name.

California was the first state to create a Joint Legislative Budget Committee in 1941. This committee was provided with a full-time professional staff. Colorado, Florida, New Mexico, Washington, and

West Virginia are some of the states which provide a special continuing committee and staff to carry out budget analysis and continuous fiscal review. Oregon created a Legislative Fiscal Committee and Pennsylvania created a Joint Legislative Budget and Finance Committee in 1959.

These committees are usually composed of an equal number of senators and representatives. The committee is appointed by the presiding officers of each house, or in some instances, by the members of each house.

#### Duties of the Committee

It is the duty of the committee to gather information which will be helpful to the legislature in making its decisions concerning the financial affairs of the state. The committee is interested in such matters as budgets, earmarked funds, federal aid, estimates of revenue, and adequacy of appropriations. In order to perform these functions adequately, the committee hires a qualified full-time fiscal analyst, and it directs the work of the legislative finance office.

Sixteen states have their budget analysis and continuous fiscal review done by special legislative budget or finance committees. Ten states have provided for this function in the legislative council, a committee of the council, or the council staff.<sup>2</sup>

#### Work During the Session

During the legislative session, the fiscal analyst assists the appropriations committees of both houses in considering the budget, bills carrying express or implied appropriations, and other bills affecting the finances of state departments. He appears before and assists any other legislative committee as directed by the joint legislative budget committee.

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<sup>2</sup> The Book of the States, 1960-61, Council of State Governments, Chicago, 1960, p.62.

### Interim Work

The fiscal analysts, upon the request of the committee, make studies of matters of fiscal concern and present reports periodically to the committee. Reports on organizational and management studies in those areas designated by the committee can also be made.

### Fiscal Analysis in Iowa

Executive--The Governor of Iowa has a budget officer in the person of the state comptroller. The comptroller provides the governor with technical assistance on financial matters.

Legislative--The Budget and Financial Control Committee was created by statute and is composed of five members from the House, and five members from the Senate. They are appointed by the Speaker and the President of the Senate respectively. The members serve on this interim committee for a period of four years.

It is the authorized purpose of the Budget and Financial Control Committee to gather information relative to budget matters, to aid the legislature to properly appropriate money for the functions of government, and to report their findings to the legislature. The committee has the authorization to examine the reports and official acts of the executive council and each officer, board, commission, and department of the state, in respect to the conduct and expenditures and the receipts and disbursements of public funds.

The Budget and Financial Control Committee holds monthly meetings at the office of the state comptroller or at such place as the committee may direct. It has the power to employ personnel and staff and pay for this assistance from funds appropriated. The committee has never employed a full-time staff to assist in its work. However, it does call upon the comptroller's office for some staff assistance.

The Budget and Financial Control Committee has all the powers and duties that the joint legislative budget committees in these other states have. However, it does not employ a staff as these joint legislative budget committees do.

Pros and Cons of Having a Continuing Legislative Finance Committee With Staff

Some reasons that have been advanced for and against having a continuing legislative finance committee with staff are listed below.

Pros

1. Can enable the legislature to work on budgetary and financial matters at times other than during the rush of the session. The legislative committee and staff will also do pre-session work on the budget.
2. A staff person can relieve legislators of much spade work and the burden of routine calculation, thus saving their time for important discussion and making policy decisions.
3. A means by which the legislature can keep a constant eye on fiscal operations as the fiscal analyst will have the advantage of dealing with these matters on full-time basis.

Cons

1. This will be a duplication of the work of the state budget office.
2. Preparation of the budget is an executive function. Therefore, the legislature should not interfere.
3. The cost of a continuous finance committee and fiscal staff would not be justified.

## BILL DRAFTING

### Introduction

It is well recognized that state legislators need assistance in preparation of bills. Bill drafting is a special type of legal work, requiring thorough knowledge of drafting techniques and rules and good general knowledge of the code of laws and the operation of state and local governments. Thus, if the legislature has capable, experienced persons available to handle this work, the members can be fairly certain that bills drafted by these persons are technically correct.

In addition, good bill drafting assistance can save time for the legislature in at least three ways:

1. The legislator does not have to do the legal research or write the bill himself.
2. If a bill is correctly drafted, the committee handling it does not have to spend time rewriting or correcting it.
3. When a well drafted bill reaches the floor, it is not necessary to spend the time of the entire legislature correcting or clarifying amendments.

### Bill Drafting Services in the States

Bill drafting is provided as a specialized service for the legislatures of forty-six states not including Iowa. The responsibility of bill drafting is located in various agencies in the forty-six states. In some states, more than one office provides bill drafting services. However, one office usually does the greatest share of the drafting, as by custom and usage legislators in these states have come to rely more and more on a certain agency.

### Office of Revisor of Statutes

Some states provide bill drafting within the office of the Revisor of Statutes. This office does bill drafting during the session and carries out its primary responsibility of statutory revision during the interim.

### Legislative Counsel

Some states have a permanent agency called a legislative counsel which does the bill drafting for the legislature. This agency provides legal counsel and spot research for legislators during the interim as well as statutory revision.

### Executive Department

Colorado, Florida, Mississippi, New Hampshire, and North Carolina provide bill drafting in executive departments, which are sub-divisions within the office of Attorney General, Department of Law, or Department of Justice. During the interim, their work consists of spot research and legal counseling, and in Florida and North Carolina statutory revision is also done. North Carolina also has a revisor of statutes who does bill drafting and statutory revision.

### Legislative Reference Agencies

In several states, the legislative reference bureau or legislative research bureau does the greatest bulk of bill drafting. These reference or research agencies are sometimes affiliated with the state law library or are directly created by and responsible to the legislature. The interim work of these agencies range from spot research to major studies, legal counseling, and reference library facilities.

## Legislative Council

The legislative council in some states does the greatest amount of bill drafting. The council staff usually includes a lawyer who does the bill drafting and handles legal research and counseling for the legislature and committees during the interim.

## Bill Drafting in Iowa

A legislator in Iowa can get a bill drafted in various offices. Some bill drafting is done by the Attorney General's Office, some by the Code Editor's Office, some by the Legislative Research Bureau, and some by the House and Senate law clerks. Other bills are drafted by interested persons or groups who then ask a legislator to introduce their bill. It depends on the individual as to where he has become accustomed to having his bills drafted. All bills are checked for technical correctness before introduction by the law clerk of the house in which they are introduced.

The volume of bill drafting done by the Research Bureau has increased with each session. It has been the policy of the Bureau to hire four lawyers on a temporary basis during the session to assist with bill drafting. The immediate supervision of their work was done by a full-time member of the staff, a lawyer. The Research Bureau lost the lawyer on its staff after the 1957 session and again after the 1959 session. The major reason has been that the type of work to be done between sessions did not justify the salary which would have to be paid to keep a lawyer full-time. The Legislative Research Committee has decided that only temporary persons will be used for bill drafting in the 1961 session and that full-time staff members will do research for committees and individual members.

## Pre-Filing of Bills

Pre-filing of bills is permitted in at least thirteen states: Alaska, Connecticut, Georgia, Louisiana, Massachusetts, Michigan, Nebraska, New Hampshire, New York, North Dakota, Vermont, West Virginia, and Wisconsin. Massachusetts requires that all bills are filed before the session convenes. Oklahoma will begin permit pre-filing in 1961.<sup>3</sup> The main objectives of pre-filing are (1) to permit committees to work on bills almost immediately after the legislature convenes and (2) to do away with the deluge of bills that are introduced before the arbitrary cut-off dates in many legislatures.

Some problems which tend to slow-up the legislative process at the beginning of the session and during the session are:

1. Bills are checked for legal correctness and form in the offices of the law clerks of both houses, and thus when the session begins, bills are held up in this process and cannot be printed and introduced immediately.
2. Departmental bills are introduced many times late in the session.
3. Legalizing acts are held up because of the checking process and because they have not been handled properly in the process of getting them enacted.

These problems are the mere mechanics of the beginning of the legislative process. It keeps committees from beginning work for one or two weeks because of the delay. Departments know well in advance of the session what type of legislation they desire. Legalizing acts in many instances are known in advance by legislators and they could be pre-filed. If only these types of bills, along with code revision bills, were pre-filed with the law clerks of the respective houses prior to the session, committees could begin work earlier, thus helping the legislature to make better use of the 100-day session.

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<sup>3</sup> The Book of the States, 1960-61, Council of State Governments, Chicago, 1960, pp.46-47.

## CODE REVISION

### Introduction

A state's code of laws "grows like Topsy" unless these laws are periodically revised. This is because each legislature adds and amends on a piecemeal basis.

The laws of a state can be revised periodically. One way is to revise the entire code every 20 or 30 years. This, of necessity, is a hurried way of revising the code, with accompanying problems of finding qualified people and getting legislative understanding and acceptance of what has been done.

Another means of code revision is the patching-up-approach-- to have the person who prepares the session laws and code prepare proposals of changes he thinks are necessary to simplify or clarify different sections of the code. This person does not work with a legislative committee, but has the responsibility of making recommendations to the legislature.

Continuous topical revision is another approach to revising the code of laws of a state. A revision agency (legislative or not) does revision on a continuous basis of major divisions or titles of the code, for example, motor vehicle laws, school laws, or taxation. This involves a full-time person or staff to do the technical work.

### Continuous Statutory Revision

"Continuous revision is founded upon the idea that statutes once revised ought to be kept that way. It is a device for simplifying and clarifying the existing statutory law, and making it ready, available and accessible to all, and particularly in keeping it so by regular publication of the general statutes, skillfully indexed, annotated and cross-referenced."<sup>4</sup>

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<sup>4</sup> Franklin Corrick, The Establishment of Operation of the Office of Revisor of Statutes in Kansas (1938), p.3.

Wisconsin was the first state to adopt statutory revision as a continuous function in 1910. Over half the states now provide continuous revision of various degrees. The systems used by the various states differ in some aspects. Usually a continuous revision program includes revision, compilation, and enactment.

The responsibility for revision varies in the states. "The agencies responsible can be classified into three groups: (a) those having a permanent and separate commission, (b) those which include revision functions as part of a legislative reference service agency, and (c) those appointing a revisor of statutes within an agency other than a legislative service agency or revision commission."<sup>5</sup>

#### Agencies Involved in Revision

Some states have a permanent commission for code revision. The commission is composed differently in the several states. Colorado's Committee of Statute Revision is composed of the Chief Justice of the Supreme Court, the Attorney General, and four members of the legislature. The committee appoints an individual as the revisor of statutes. Nevada's Statute Revision Committee is made up of the Supreme Court Justices and the committee employs a director.<sup>6</sup>

Several states have placed the function and responsibility of continuous revision within the legislative reference agency, legislative council, or legislative counsel. In some instances, the director of the agency is qualified and serves as the revisor; in other cases he employs a qualified person to carry out the duties.

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<sup>5</sup> Revision of State or Territorial Statutes, Legislative Reference Bureau, Report No. 1, 1958, Territory of Hawaii, p.4.

<sup>6</sup> Ibid. p.5.

Other states have created a separate office and placed the revision duties within this office known as the office of revisor of statutes. The primary responsibility of this office is revision, but bill drafting and statutory research for the legislature are other duties. The revisor is appointed in various ways: by the legislature or a legislative committee, by the supreme court, by the attorney general, or by both the attorney general and supreme court.

### Topical Revision

A continuous revision program will include incorporating the legislative changes, correction of errors, elimination of provisions that are obsolete and unconstitutional. Topical revision also involves bringing the laws and parts of laws that embrace a certain subject together to make the laws more usable and workable. This is a more complete revision program.<sup>7</sup>

The revisor is concerned only with details. He is not revising the law to change the substance or policy of the law, which is the job of the legislature. Some states have law commissions which deal in the substance of the law, but the technical service type, revision discussed here is not of substantive nature.

No matter how careful the legislature is in drafting bills and adding new laws to the already existing statutes, conflicts, outmoded and obsolete laws continue to result. Courts will also find some laws unconstitutional. Thus, revision will always be a necessary function.

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<sup>7</sup> Ibid. p.14.

## Iowa Code Revision

The last time Iowa revised its entire code was 1924. Since that time, the legislature has created special interim study committees to revise certain portions of the code. Three recent examples are the Election Laws Committee, the Municipal Statutes Study Committee, and the Study Committee on Children's Laws. Two other chapters of the code, the gas tax law and the corporation law, have been rewritten recently. Both times, in these last two instances, the proposed new law was written prior to the session without legislative participation.

## Reporter of the Supreme Court and Code Editor

The Supreme Court appoints an individual to serve a four-year term as Reporter of the Supreme Court. One of the duties provided for in the law is:

14.3 Duties. The reporter of the supreme court shall be editor of the code and his duties shall be to:

1. Submit such recommendations as he deems proper to each general assembly for the purpose of amending, revising, and codifying such portions of the law as may be conflicting, redundant, or ambiguous, and to lay said recommendations before the presiding officers of each house.

This office also prepares the session laws, annotated code, supreme court reports, and departmental rules. The Code Editor has some authority in editing, such as correcting misspelled words, correcting grammatical and clerical errors including punctuation, and to transpose sections or to divide sections so as to give to distinct subject matters a section number but without changing the meaning.

The Code Editor is able to carry out his functions quite successfully, except for getting recommendations for amending and revising the code adopted. The reason for this apparently is that the bills he recommends are only corrective legislation and it is difficult to get legislators interested in backing these types of bills.

The Iowa Code is a fairly accessible and workable compilation of statutes, and subject matter is grouped by chapters. The Code of Iowa is reprinted every four years at which time it is brought up to date by incorporating the legislative changes during those four years.

P A R T I V

ELECTION CONTESTS AND LEGISLATIVE PRINTING COSTS

ELECTION CONTESTS

All states provide that the members of the legislature are the judges of contested elections in their respective houses. The grounds for contesting an election vary in each state. The costs of contested elections vary from one contest to the next.

Iowa

If an election is contested, the respective house appoints a special committee to investigate and report its findings to the full membership of the house. The incumbent and contestant usually employ their own attorneys. In most cases, the state pays all costs incurred, including the cost of the attorneys employed by the two parties. There were four election contests during the 1959 session of the Iowa General Assembly. The cost for attorney fees in one contest was \$2,167.94, and it was not decided until the session was about at its midpoint. As a result of this, the legislature is concerned about whether there is a better procedure for handling contests and who should bear the cost of attorney fees.

Other States

The South Dakota and North Dakota laws provide that no payment for expenses of prosecuting or defending any contest shall be made or authorized by the legislature. Colorado's practice is for both parties to pay their own attorney fees.

Wisconsin statutes provide that no sum over \$300 shall be allowed for fees or expenses to any contestant or contestee.

Nebraska allows a fee of \$100 to the attorney of the winning contestant; the loser pays his own fees. Illinois, by practice, authorizes the fees (or a reasonable amount) to be paid to the winners of election contests.

LEGISLATIVE PRINTING COSTS

Iowa

Nine hundred copies of each bill introduced in the Iowa General Assembly are printed. Clip sheets, calendars and amendments to bills are also printed. A private firm is contracted to do the printing. Bills are printed over night and ready for distribution the following morning. Printing costs for all purposes during the 1959 legislative session were \$193,021.34.

FINAL ACCOUNTING - 58th G.A.

<u>House</u>	
Miscellaneous Printing . . . . .	\$ 5,814.30
Letterheads . . . . .	1,270.52
Envelopes . . . . .	726.99
Bills . . . . .	36,851.29
Journals - Daily & Completed . . . . .	42,653.89
Calendars . . . . .	5,359.20
Clip Sheets . . . . .	5,464.87
Total . . . . .	\$98,141.06

<u>Senate</u>	
Miscellaneous Printing . . . . .	\$ 3,841.66
Letterheads . . . . .	574.79
Envelopes . . . . .	305.27
Bills . . . . .	25,369.91
Journals - Daily & Completed . . . . .	35,935.08
Calendars . . . . .	3,220.00
Clip Sheets . . . . .	4,867.86
Total . . . . .	\$74,114.57

<u>General Assembly</u>	
Miscellaneous Printing . . . . .	\$ 4,393.26
Legislative Index . . . . .	10,574.38
Gathering, Mailing, Postage - Daily Bills & Journals . . . . .	5,798.97
Total . . . . .	\$20,765.71

Grand Total . . . . . \$193,021.34

Some states are looking for more economical methods of printing. The bulk reproduction of bills is being affected by the availability of inexpensive methods. While most states still set bills in type, an increasing number--more than a dozen in 1959--are using mimeograph, multilith and photo-offset.<sup>1</sup>

#### Savings in Printing Costs

The method of printing bills now used in the state of Washington is photo-offset. The substitution of this method for the type-printed letterpress style was introduced at the beginning of the 1959 session.

Washington reports that estimated original costs of photo-offsetting run from 25 to 50 per cent under the old printing method. The costs of printing additional copies of bills when required later have been as much as 75 per cent less.

#### Conclusion

A 25 per cent saving in printing costs in Iowa during the last session would have been \$44,000.

The private firm doing the printing for the Iowa Legislature states it cannot at the present time provide printing by photo-offset as it does not have the necessary equipment. Also, it could not give the fast service as it does now.

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<sup>1</sup> The Book of the States, 1960-61, Council of State Governments, Chicago, 1960, p.35.

The Iowa Legislative Research Bureau is a fact-finding and service agency for the Iowa General Assembly. The Bureau does legislative research and reference work and drafts bills for legislators. The general policy for the Bureau is set by the six-member Legislative Research Committee.

Through a small, professionally trained staff the Bureau furnishes services to legislators and conducts research studies at the request of the legislature as a whole, legislative committees or five-member groups of legislators. A joint legislative advisory committee may be appointed to work with the Research Bureau on any interim research study. These committees report their findings to the next legislature. Neither the Research Committee nor the Bureau makes recommendations.

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