

February 22, 1963.

Consolidation and Coordination

House File 329

By REPPERT, DENMAN, EVELAND,
FALVEY, HAGEDORN, KLUEVER,
MAHAN, MAULE, MILLER of Des
Moines, MURPHY, RILEY,
STANLEY and VAN ALSTINE.

Passed House, Date.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act authorizing the governor to prepare plans for the reorganization of the executive branch of the government of the state of Iowa which plans shall become law unless disapproved by both houses of the general assembly within thirty (30) days of being submitted thereto by the governor, and to make an appropriation therefor.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. 1. The governor shall examine and from time to
- 2 time re-examine the organization of all executive agencies of
- 3 the state government and shall determine what changes are neces-
- 4 sary to accomplish the following purposes:
- 5 a. To reduce expenditures and promote economy to the fullest
- 6 extent consistent with the efficient operation of the state
- 7 government;
- 8 b. To increase the efficiency of the operations of the state
- 9 government to the fullest extent practicable;
- 10 c. To group, coordinate, and consolidate agencies and
- 11 functions of the state government according to major purposes;
- 12 d. To reduce the number of agencies by consolidating those
- 13 having similar functions under a single head, and to abolish
- 14 such agencies or functions as may be necessary for the efficient
- 15 conduct of the state government;
- 16 e. To eliminate overlapping and duplication of effort.

17 2. The general assembly declares that the public interest
18 demands the carrying out of the purposes specified in subsection
19 one (1) of this section and that such purposes may be accomplished
20 more speedily than by the enactment of specific legislation.

1 Sec. 2. Whenever the governor after investigation finds that:

2 1. The transfer of the whole or any part of any agency or of
3 the whole or any part of the functions of such agency to the
4 jurisdiction and control of any other agency; or

5 2. The abolition of all or any part of the functions of any
6 agency; or

7 3. The consolidation or coordination of the whole or any part
8 of any agency, or of the whole or any part of the functions of
9 such agency, with the whole or any part of any other agency or
10 the functions thereof; or

11 4. The consolidation or coordination of any part of any agency
12 or the functions of such agency with any other part of the same
13 agency or the functions thereof; or

14 5. The abolition of the whole or any part of any agency
15 which agency or part does not have, or upon the taking effect
16 of the reorganizations specified in the reorganization plan will
17 not have, any functions;
18 is necessary to accomplish one (1) or more of the purposes of
19 subsection one (1) of section one (1) of this Act, he shall pre-
20 pare a reorganization plan for the making of the transfers, con-
21 solidations, coordinations, and abolitions as to which he has made
22 findings and which he includes in the plan. He shall transmit
23 such plan bearing an identifying number to the general assembly
24 together with a declaration that, with respect to each transfer,
25 consolidation, coordination, or abolition referred to in sub-

26 sections one (1), two (2), three (3), four (4), or five (5) of this
27 section and specified in the plan, he has found that such trans-
28 fer, consolidation, coordination, or abolition is necessary to
29 accomplish one (1) or more of the purposes of subsection one (1)
30 of section one (1) of this Act. The delivery to both houses shall
31 be on the same day and shall be made to each house while it is in
32 session. The governor, in his message transmitting a reorgani-
33 zation plan, shall specify with respect to each abolition of a
34 function specified in the plan the statutory authority for the
35 exercise of such function.

1 **Sec. 3. Any reorganization plan transmitted by the governor**
2 **under section two (2) of this Act:**

3 1. Shall change in such cases as he deems necessary the
4 name of any agency affected by a reorganization, and the title
5 of the head of the agency, and shall designate the name of any
6 agency resulting from a reorganization and the title of the head
7 of such agency.

8 2. May include provisions for the appointment and compen-
9 sation of the head and one (1) or more assistant heads of any
10 agency, including an agency resulting from a consolidation, if
11 the governor finds and in his message transmitting the plan de-
12 clares that by reason of transfers, consolidations, and coordi-
13 nations made by the plan, the responsibilities and duties of such
14 head are of such nature as to require such action. The head so
15 provided for may be an individual or may be a commission or
16 board with two (2) or more members. In the case of any such
17 appointment the term of office shall not be fixed at more than
18 four (4) years. The compensation shall not be at a rate in
19 excess of ten thousand (10,000) dollars per annum, and if the

20 appointment is not under classified civil service, it shall be
21 by the governor by and with the advice and consent of the senate;

22 3. Shall make provision for the transfer or other disposition
23 of the records, property, and personnel affected by any transfer,
24 consolidation, coordination, or abolition;

25 4. Shall make provision for the transfer of such unexpended
26 balances or appropriations available for use in connection with
27 any function or agency transferred, consolidated, or coordinated
28 as he deems necessary by reason of the transfer, consolidation,
29 or coordination for use in connection with the transferred, con-
30 solidated, or coordinated functions, or for the use of the agency
31 to which the transfer is made, but such unexpended balances so
32 transferred shall be used only for the purposes for which such
33 appropriation was originally made;

34 5. Shall make provision for winding up the affairs of any
35 agency abolished.

1 Sec. 4. 1. The reorganizations specified in the plan shall
2 take effect in accordance with the plan upon the expiration of
3 the first period of thirty (30) calendar days of continuous
4 session of the general assembly following the date which the
5 plan is transmitted to the general assembly; but only if between
6 the date of transmittal and the expiration of such thirty (30)
7 day period there has not been passed by the two (2) houses a
8 concurrent resolution stating in substance that the general
9 assembly disapproves the reorganization plan.

10 2. In the computation of the thirty (30) day period of contin-
11 uous session of the general assembly under subsection one (1) of
12 this section, there shall be excluded the days on which either
13 house is not in session because of an adjournment of more than

14 three (3) days, but if a resolution concerning such reorgani-
15 zation plan has been passed by one (1) house and sent to the
16 other, no exclusion shall thereafter be made by reason of ad-
17 journment of the house that passed the resolution. Continuity
18 of session shall be considered as broken only by an adjournment
19 of the general assembly sine die.

20 3. Any provision of the plan may, under provisions contained
21 in the plan, be made operative at a time later than the date on
22 which the plan shall otherwise take effect.

1 Sec. 5. 1. When used in this Act, the term "agency" means
2 any executive department, commission, independent establishment,
3 corporation wholly or partly owned by the state of Iowa, board,
4 bureau, division, service, office, officer, authority, adminis-
5 tration, or other establishment in the executive branch of the
6 government.

7 2. The term "agency" as used in this Act does not refer to
8 any office or officer established by the constitution of the
9 state of Iowa, and such offices or officers shall be excluded
10 from the operation of this Act.

1 Sec. 6. For the purposes of this Act, any transfer, consoli-
2 dation, coordination, abolition, change or designation of name
3 or title, disposition, winding up of affairs, or provision for
4 the appointment and compensation of the head or assistant heads
5 of agency referred to in section two (2) or section three (3)
6 of this Act shall be deemed a "reorganization".

1 Sec. 7. 1. a. Any statute enacted and any regulation or
2 other action made, prescribed, issued, granted, or performed in
3 respect of or by any agency or function under the provisions of
4 this Act before the effective date of such transfer, consoli-

5 dation, or coordination shall, except to the extent rescinded,
6 modified, superseded, or made inapplicable by or under authority
7 of law, have the same effect as if such transfer, consolidations,
8 or coordination had not been made; but where any such statute,
9 regulation, or other action has vested functions in the agency
10 from which the transfer is made under the plan, such functions
11 shall, insofar as they are to be exercised after the transfer,
12 be considered as vested in the agency to which the transfer is
13 made under the plan.

14 b. As used in paragraph a of this subsection the term
15 "regulation or other action" means any regulation, rule, order,
16 policy, determination, directive, authorization, permit,
17 privilege, requirement, designation, or other action.

18 2. No suit, action, or other proceeding lawfully commenced
19 by or against the head of any agency or other officer of the
20 state of Iowa in his official capacity or in relation to the
21 discharge of his official duties, shall abate by reason of the
22 taking effect of any reorganization under the provisions of this
23 Act, but the court may, on motion or supplemental petition filed
24 at any time within twelve (12) months after such reorganization
25 takes effect, showing a necessity for a survival of such suit,
26 action, or other proceeding to obtain a settlement of the
27 questions involved, allow the action to be maintained by or
28 against the successor of such head or officer under the reorgan-
29 ization so effected or, if there be no such successor, against
30 such agency or officer as the governor shall designate.

1 Sec. 8. If the reorganization specified in a reorganization
2 plan takes effect, the reorganization plan shall be printed in
3 the Acts of the General Assembly in the same volume as the public

4 laws.

1 Sec. 9. The governor is hereby authorized to establish with-
2 in his office an office of organization and management to assist
3 him in carrying out the purposes of this Act and in otherwise
4 improving the management, efficiency, and economy of the state
5 government.

6 The sum of one hundred thousand (100,000) dollars is hereby
7 authorized and appropriated to cover the salaries and expenses
8 of this office of organization and management for the next bi-
9 ennium, including the hiring of expert consultants on a per
10 diem or other basis.

1 Sec. 10. Within the general assembly, concurrent resolutions
2 disapproving any reorganization plan submitted by the governor
3 shall be matters of highest privilege, in order for consideration
4 at any time, regardless of other pending matters or the rules of
5 either house governing the usual consideration of business.

EXPLANATION OF HOUSE FILE 329

This bill is an enabling act to give the governor authority to submit plans for the coordination and consolidation of state agencies to promote efficiency in our state executive branch of government. For years this problem has been the subject of much discussion and investigation. Many reports and recommendations have been filed. This act will provide the procedure by which these proposals for reorganization of state agencies and new ones which in the future may be prepared can be submitted to the legislature for action and insures that the legislature will act on these proposals whether approving or disapproving them.