

by the private enterprise.

For a number of reasons it appears unlikely that state government would be able to provide service in this area in an improved manner over what is now available by private enterprise.

The items in Senate File 1221 direct that a uniform fee of \$4 be charged for each individual telephone search. This compares with the \$3 fee presently being charged by the private firm.

The items in Senate File 1221 mandate that all fees must be prepaid before a person may utilize the telephone search service. The private firm requires no prepayment.

Since the Secretary of State and his employees are immune from liability by law, except for willful negligence, the users of the telephone search service will no longer have the protection of the errors and omissions insurance presently maintained by the private firm.

The UCC Division filing officer will not provide as much information, e.g. collateral itemization, to telephone search requests as the private firm currently does.

I understand the primary reason for the move to preempt the private firm from continuing its activities was the dissatisfaction felt by some with the service being provided. While this once may have been the case, the concern over the quality of service has apparently been resolved. The Secretary of State's Office informs me that they are pleased with the capable and efficient service being provided by the private firm. In addition, I am told that no complaints about the service have been received by the Secretary of State's Office for more than a year. Even one of the chief sponsors of the effort to replace the private firm admits that the complaints about the poor service have subsided to a large extent.

Therefore, I see little reason for the changes contained in these items. Accordingly, I disapprove these two items of Senate File 1221 in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1221 are hereby approved this date.

s/ ROBERT D. RAY, Governor

## CHAPTER 1059

### ATTORNEY GENERAL

S. F. 1190

AN ACT relating to the financing and administration of the office of the attorney general and making an appropriation.

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

1 SECTION 1. There is appropriated from the general fund of the state to the  
2 following department for the fiscal year beginning July 1, 1976, and ending June  
3 30, 1977, the following amounts, or so much thereof as may be necessary, to be  
4 used for the following purposes:

	1976-1977
	<u>Fiscal Year</u>
5	
6	
7	DEPARTMENT OF JUSTICE—OFFICE OF THE ATTORNEY GENERAL
8	1. For salaries, support, maintenance and miscellaneous purposes ... \$ 1,105,812
9	2. For court cost and the employment of private counsel ..... \$ 80,000
10	3. For matching funds for the area prosecutor program ..... \$ 157,735

1 SEC. 2. Section thirteen point three (13.3), Code 1975, is amended to read as  
2 follows:

3 **13.3 Disqualification—substitute.** If, for any reason, the attorney general be  
4 disqualified from appearing in any action or proceeding, the executive council  
5 shall appoint some suitable person for that purpose and defray the reasonable  
6 expense thereof from any unappropriated funds in the state treasury. *The*  
7 *department involved in the action or proceeding shall be requested to recommend a*  
8 *suitable person to represent it and when the executive council concurs in the*  
9 *recommendation the person recommended shall be appointed.*

1 SEC. 3. Section thirteen point seven (13.7), Code 1975, is amended to read as  
2 follows:

3 **13.7 Special counsel.** No compensation shall be allowed to any person for  
4 services as an attorney or counselor to any *executive* department of the state  
5 government, or the head thereof, or to any state board or commission, but the  
6 executive council may employ legal assistance, at a reasonable compensation, in  
7 any pending action or proceeding to protect the interests of the state, but only  
8 upon a sufficient showing, in writing, made by the attorney general, that ~~his~~ *the*  
9 *department of justice* cannot for reasons stated by ~~him~~ *the attorney general*  
10 perform said service, which reasons and action of the council shall be entered  
11 upon its records. *When the attorney general determines that the department of justice*  
12 *cannot perform legal service in an action or proceeding, the executive council shall*  
13 *request the department involved in the action or proceeding to recommend legal*  
14 *counsel to represent the department. If the attorney general concurs with the*  
15 *department that the person recommended is qualified and suitable to represent the*  
16 *department, the person recommended shall be employed. If the attorney general does*  
17 *not concur in the recommendation, the department shall submit a new*  
18 *recommendation.* This section shall not affect the office of the commerce counsel,  
19 the transportation regulation board counsel, or the legal counsel of the Iowa  
20 employment security commission.

1 SEC. 4. Section nineteen point ten (19.10), Code 1975, as amended by Acts of  
2 the Sixty-sixth General Assembly, 1975 Session, chapter seventy-five (75), section  
3 one (1), is amended to read as follows:

4 **19.10 Court costs.** ~~The~~ *If sufficient funds for court costs have not been*  
5 *appropriated to a state department, or if sufficient funds are not otherwise available*  
6 *for such purposes within the budget of a state department, the executive council may*  
7 *pay, out of any money in the state treasury not otherwise appropriated, expenses*  
8 *incurred, or costs taxed to the state, in any proceeding brought by or against any*  
9 *of the state departments or in which the state is a party or is interested. This*  
10 *section shall not be construed to authorize the payment of travel or other*  
11 *personal expenses of state officers or employees.*

1 SEC. 5. Section twenty-five point four (25.4), Code 1975, is amended to read  
2 as follows:

3 **25.4 Assistant attorney general—salary.** The attorney general shall appoint a  
4 special assistant attorney general for claims who shall, under the direction of the  
5 attorney general, investigate and report on all claims between the state and other  
6 parties, which may be referred to the state appeal board, and on any other claims  
7 or matters which the state appeal board or the attorney general may direct. ~~He~~  
8 ~~shall receive such compensation as shall be fixed by the state appeal board and~~  
9 ~~approved by the governor, and be paid his reasonable and necessary expenses~~  
10 ~~incurred in connection with the performance of his duties, said compensation and~~  
11 ~~expenses to be paid out of any funds in the state treasury not otherwise~~  
12 ~~appropriated.~~

1 SEC. 6. All federal grants to and the federal receipts of the agency  
2 appropriated funds under this Act are appropriated for the purposes set forth in  
3 the federal grants or receipts except as limited by this Act.

1 SEC. 7. Funds appropriated by this Act shall not be used for capital  
2 improvements.

Approved May 21, 1976

## CHAPTER 1060

### ELECTION LAWS PRINTED

H. F. 1520

AN ACT directing the Code editor and the superintendent of printing to prepare and publish a compilation of the Iowa election laws, as amended, and providing for distribution thereof and for payment of the cost of preparing, publishing and distributing the compilation from the appropriation for publication of the Code and portions thereof.

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

1 SECTION 1. The Code editor in consultation with the state commissioner of  
2 elections shall prepare a compilation of the election laws of this state as soon as  
3 reasonably possible after the effective date of this Act. The superintendent of  
4 printing shall cause not less than ten thousand copies of the compilation to be  
5 printed. The cost of preparing and printing the compilation shall be paid from the  
6 appropriation provided by section fourteen point twenty-two (14.22) of the Code.

1 SEC. 2. The compilation of election laws printed pursuant to section one (1) of  
2 this Act shall be distributed by the superintendent of printing as follows:

3 1. Sufficient copies shall be provided on a priority basis to county  
4 commissioners of elections to permit them to distribute one to each precinct  
5 election board in their respective counties. Every effort shall be made to complete  
6 this distribution in advance of the June, 1976, primary election.

7 2. Each county commissioner of elections shall be provided with a sufficient  
8 number of copies, in addition to those furnished under subsection one (1) of this  
9 section, to distribute one copy to each political party county central committee  
10 chairperson, the secretary of each school board for which the commissioner  
11 conducts an election, each city clerk, each public library, each secondary school  
12 library, and each candidate who qualifies for the June, 1976 primary election  
13 ballot in the commissioner's county. These respective persons and parties shall be  
14 informed in some suitable manner that they may obtain a copy of the compilation  
15 free of charge from the county commissioner's office.

16 3. All copies remaining after the requirement of subsections one (1) and two (2)  
17 of this section have been satisfied shall be distributed free of charge in reasonable  
18 quantities to persons so requesting.

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect  
2 and be in force from and after its publication in the Iowa City Press-Citizen, a  
3 newspaper published in Iowa City, Iowa, and in The Marion Sentinel, a  
4 newspaper published in Marion, Iowa.

Approved May 25, 1976

I hereby certify that the foregoing Act, House File 1520, was published in the Iowa City Press-Citizen, Iowa City, Iowa, on May 28, 1976, and in The Marion Sentinel, Marion, Iowa on May 27, 1976.

MELVIN D. SYNHORST, *Secretary of State*