

CHAPTER 42

NULLIFICATION OF STATE ADMINISTRATIVE RULES

H.F. 274

AN ACT relating to the omission of nullified administrative rules from the Iowa administrative code.

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

Section 1. Section 3.6, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The secretary of state shall submit to the administrative code editor a copy of any resolution nullifying an administrative rule which is passed by the general assembly pursuant to Article III, section 40 of the Constitution of the State of Iowa.

Sec. 2. Section 17A.6, subsection 1, Code 1991, is amended to read as follows:

1. The Code editor shall cause the "Iowa Administrative Bulletin" to be published in pamphlet form at least every other week containing the following:

a. Notices of intended action and adopted rules prepared in such a manner so that the text of a proposed or adopted rule shows the text of any existing rule being changed and the change being made.

b. All proclamations and executive orders of the governor which are general and permanent in nature.

c. Resolutions nullifying administrative rules passed by the general assembly pursuant to Article III, section 40 of the Constitution of the State of Iowa.

d. Other materials deemed fitting and proper by the administrative rules review committee.

Sec. 3. Section 17A.6, subsection 3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The administrative code editor shall omit or cause to be omitted from the Iowa administrative code any rule or portion of a rule nullified by the general assembly pursuant to Article III, section 40 of the Constitution of the State of Iowa.

Sec. 4. The administrative code editor shall omit or cause to be omitted from the Iowa administrative code all rules or portions of rules which have been nullified by the general assembly pursuant to Article III, section 40 of the Constitution of the State of Iowa prior to the effective date of this Act. The administrative code editor shall also notify all affected agencies that the nullified rules are to be omitted.

Approved April 22, 1991

CHAPTER 43

UNEMPLOYMENT BENEFITS — EFFECT OF CLAIMS DETERMINATIONS

H.F. 306

AN ACT relating to the collateral effect of job service division determinations regarding claims for unemployment benefits.

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

Section 1. Section 96.6, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. EFFECT OF DETERMINATION. A finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of the division, administrative law judge, or the employment appeal board, is binding only upon the parties to proceedings brought under this chapter, and is not binding upon any other proceedings or action involving the same facts brought by the same or related parties before the division of labor services, division of industrial services, other state agency, arbitrator, court, or judge of this state or the United States.

Approved April 22, 1991

CHAPTER 44

REORGANIZED SCHOOL DISTRICTS — CHANGE OF AREA EDUCATION AGENCY *H.F. 334*

AN ACT to permit districts which reorganize to change the area education agency which will provide services to students in the new or enlarged district.

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

Section 1. Section 275.27, Code 1991, is amended to read as follows:

275.27 COMMUNITY SCHOOL DISTRICTS — PART OF AREA EDUCATION AGENCY.

School districts created or enlarged under this chapter are community school districts and are part of the area education agency in which the greatest number of qualified electors of the district reside at the time of the special election called for in section 275.18, and sections of the Code applicable to the common schools generally are applicable to these districts in addition to the powers and privileges conferred by this chapter. If a school district, created or enlarged under this chapter and assigned to an area education agency under this section, can demonstrate that students in the district were utilizing a service or program prior to the formation of the new or enlarged district that is unavailable from the area education agency to which the new or enlarged district is assigned, the district may be reassigned to the area education agency, which formerly provided the service or program, upon an affirmative majority vote of the boards of the affected area education agencies to permit the change.

Approved April 22, 1991

CHAPTER 45

EMPLOYMENT SECURITY LAW REVISIONS *H.F. 459*

AN ACT relating to the administration of the employment security law by the division of job service of the department of employment services and providing an effective date.

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

Section 1. Section 96.4, subsection 3, Code 1991, is amended to read as follows:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while