

CHAPTER 1097**HOMEOWNERS' ASSOCIATION SWIMMING POOLS***H.F. 111*

AN ACT exempting from regulation certain homeowners' association swimming pools.

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

Section 1. Section 135I.2, Code 1995, is amended to read as follows:
135I.2 APPLICABILITY.

This chapter applies to all swimming pools and spas owned or operated by local or state government, or commercial interests or private entities including, but not limited to, facilities operated by cities, counties, public or private school corporations, hotels, motels, camps, apartments, condominiums, and health or country clubs. This chapter does not apply to facilities intended for single family use or to a swimming pool or spa operated by a homeowner's association representing seventy-two or fewer dwelling units if the association's bylaws, which also apply to a rental agreement relative to any of the dwelling units, include an exemption from the requirements of this chapter, provide for inspection of the swimming pool or spa by an entity other than the department or local board of health, and assume any liability associated with operation of the swimming pool or spa. To avoid duplication and promote coordination of inspection activities, the department may enter into agreements pursuant to chapter 28E with a local board of health to provide for inspection and enforcement in accordance with this chapter.

Approved April 15, 1996

CHAPTER 1098**PUBLICATION OF CITY AND COUNTY LEGISLATION - NEWSPAPER
PUBLICATION FEES***H.F. 2190*

AN ACT relating to the publication of certain notices, ordinances, and amendments by the superintendent of printing.

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

Section 1. Section 331.302, subsections 7, 8, and 10, Code 1995, are amended to read as follows:

7. A resolution becomes effective upon passage and an ordinance or amendment becomes a law when a summary of the ordinance or the complete text of the ordinance is published, unless a subsequent effective date is provided within the measure. As used in this paragraph, "summary" shall mean a narrative description of the terms and conditions of an ordinance setting forth the main points of the ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the ordinance. The description shall include the title of the ordinance, an accurate and intelligible abstract or synopsis of the essential elements or* the ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the ordinance may be inspected, when the ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes.

*The word "of" probably intended

Legal descriptions of property set forth in ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

8. The auditor shall promptly record each measure, publish a summary of all ordinances or a complete text of the ordinances and amendments as provided in section 331.305, authenticate all measures except motions with signature and certification as to time and manner of publication, if any, and maintain for public use copies of all effective ordinances and codes. A copy of the complete text of an ordinance or amendment shall also be available for distribution to the public at the office of the county auditor. The auditor's certification is presumptive evidence of the facts stated therein.

10. The compensation paid to a newspaper for a publication required by this section shall not exceed ~~three-fourths~~ of the fee provided in section 618.11. The compensation paid to a newspaper for publication of the complete text of an ordinance shall not exceed three-fourths of the fee provided in section 618.11.

Sec. 2. Section 380.7, subsection 2, Code 1995, is amended to read as follows:

2. Publish a summary of all ordinances or the complete text of ordinances and amendments in the manner provided in section 362.3. As used in this paragraph, "summary" shall mean a narrative description of the terms and conditions of an ordinance setting forth the main points of the ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the ordinance. The description shall include the title of the ordinance, an accurate and intelligible abstract or synopsis of the essential elements or* the ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the ordinance may be inspected, when the ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

Sec. 3. Section 380.9, Code 1995, is amended to read as follows:

380.9 FEE FOR PUBLICATION.

The compensation paid to a newspaper for any publication required by this chapter may not exceed ~~three-fourths~~ of the fee provided in section 618.11. The compensation paid to a newspaper for publication of the complete text of an ordinance shall not exceed three-fourths of the fee provided in section 618.11.

Sec. 4. Section 618.11, Code 1995, is amended to read as follows:

618.11 FEES FOR PUBLICATION.

The compensation, when not otherwise fixed, for the publication in a newspaper of any notice, order, citation, or other publication required or allowed by law, ~~shall not exceed twenty-six cents for one insertion, and seventeen cents for each subsequent insertion, for each line of eight-point type two inches in length, or its equivalent shall be as established by the superintendent of printing, pursuant to chapter 17A, who shall annually review, and adjust when necessary, compensation rates to reflect changes in economic conditions~~

*The word "of" probably intended

~~within the newspaper industry and the general economy of the state. Publication of matter which may be photographically reproduced for printing instead of typeset shall be compensated at a rate not to exceed the lowest available earned rate for any similar advertising matter. Statements of itemized financial and other like columnar matter shall be published in tabular form without additional compensation. In case of controversy or doubt regarding measurements, style, manner, or form, the controversy shall be referred to the executive council, and its decision is final. Prior to establishing or adjusting any rate the superintendent of printing shall consult with representatives of the daily and weekly newspaper industry and with representatives of affected units of local government.~~

Approved April 15, 1996

CHAPTER 1099

LEGAL PUBLICATIONS, RELATED PRODUCTS, AND GOVERNMENTAL DATA PROCESSING SOFTWARE

H.F. 2407

AN ACT relating to legal publications and related products prepared and distributed under the authority of the general assembly.

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

Section 1. Section 2.42, subsection 11, Code 1995, is amended to read as follows:

11. To approve the appointment of the Iowa Code editor and the administrative code editor, and establish the salaries of the persons employed in that office and.

11A. To establish policies for the distribution of information which is stored by the general assembly in an electronic format, including the contents of statutes or rules, other than electronic publications as provided in section 7A.22. The legislative council shall establish payment rates that encourage the distribution of such information to the public, including private vendors reselling that information. The legislative council shall not establish a price that attempts to recover more than is attributable to costs related to reproducing and delivering the information.

11B. To establish policies with regard to the printing and publishing of printed and electronic versions of the Iowa administrative code and, the Iowa administrative bulletin, and the Iowa Code, the Code Supplement, and the session laws, including or any part of those publications. The publishing policies may include, but are not limited to: the style and format to be used; in these publications, the frequency of publishing, publication; the contents of the publications; the numbering system to be used in the Iowa Code, the Code Supplement, and the session laws; the preparation of editorial comments or notations; the correction of errors; the type of print or electronic media and data processing software to be used; the number of printed volumes to be published; recommended revisions of the Iowa Code, the Code Supplement, and the session laws; the letting of contracts for the publication of the Iowa Code, Code Supplement, and session laws; the pricing of these the publications, to which section 22.3 does not apply; access to, and the use, reproduction, legal protection, sale or distribution, and pricing of related data processing software consistent with chapter 22; and any other matters deemed necessary to the publication of uniform and understandable publications.

Sec. 2. Section 2B.13, subsection 7, Code Supplement 1995, is amended to read as follows: