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SENATE FILE 58

Judiciary
Willets, Chairperson
Ramsey
Doderer

Subject: Committee - Bill 58 (545)
PIPED FEB 7 1977

SENATE FILE 58

By REDMOND

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the office of Code editor and the publica-
2 tion of the Code of Iowa and the Iowa administrative code.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two point forty-two (2.42), subsection
2 eleven (11), Code 1977, is amended to read as follows:

3 11. ~~Re-consult-with-the-Code-editor~~ To establish policy
4 with regard to the printing and publishing of the Code of
5 Iowa and session laws, including but not limited to: The
6 style and format to be used in publishing such documents,
7 the frequency of publications, the contents of such publi-
8 cations, the numbering system to be used in the Code and
9 session laws, the preparation of editorial comments or
10 notations, the correction of errors, the type of print to
11 be used, the number of volumes to be published, recommended
12 revisions of the Code and session laws, the letting of
13 contracts for the publication of the Code and session laws,
14 and any other matters deemed necessary to the publication
15 of a uniform and understandable Code of laws.

16 Sec. 2. Section two point forty-two (2.42), Code 1977,
17 is amended by adding the following new subsection:

18 NEW SUBSECTION. To appoint the Code editor for such term
19 of office as may be set by the council. The Code editor and
20 persons working on the publication of the Code and Acts of
21 the General Assembly shall be members of the staff of the
22 legislative service bureau.

23 Sec. 3. Section fourteen point one (14.1), Code 1977,
24 is amended by striking the section and inserting in lieu
25 thereof the following:

26 14.1 CODE EDITOR APPOINTED. The Code editor shall be
27 appointed as provided in section two point forty-two (2.42)
28 of the Code and the salary of the Code editor and other persons
29 employed and required for the publication of the Code of Iowa
30 and the Acts of the General Assembly shall be set by the
31 legislative council. The office of the Code editor shall
32 be a division of the legislative service bureau and shall
33 operate under and be subject to the direction and control
34 of the legislative council.

35 Sec. 4. Section fourteen point six (14.6), subsection

1 three (3), Code 1977, is amended to read as follows:

2 3. Prepare the ~~manuscript~~ copy of all laws, Acts, and
3 joint resolutions passed at each session of the general
4 assembly, and arrange the same in chapters with a comprehensive
5 index and in such manner that each chapter will show the
6 number of the house or senate file, and cause the same to
7 be printed by in consultation with the superintendent of
8 printing. In so doing the Code editor shall have the right
9 to the possession of the enrolled Acts and shall have ~~sole~~
10 charge of the editing and be responsible for proofreading
11 notwithstanding the provisions of section 18.76.

12 Sec. 5. Section fourteen point six (14.6), subsections
13 four (4), five (5), and six (6), Code 1977, are amended by
14 striking the subsections and renumbering the remaining
15 subsections.

16 Sec. 6. Section fourteen point ten (14.10), subsection
17 one (1), Code 1977, is amended to read as follows:

18 1. The size, style, type, binding, general arrangement
19 and tables of the session laws shall be printed and published
20 in such manner as specified by the Code editor ~~in-consultation~~
21 with and approved by the legislative council.

22 Sec. 7. Section fourteen point twelve (14.12), subsections
23 one (1), two (2), and nine (9), Code 1977, are amended to
24 read as follows:

25 1. The printing of the text shall be in a manner specified
26 by the Code editor ~~in-consultation-with~~ and approved by the
27 legislative council.

28 2. The Code shall be numbered in a manner specified by
29 the Code editor ~~in-consultation-with~~ and approved by the
30 legislative council.

31 9. The Code shall be printed upon a good quality of paper
32 in a manner specified by the Code editor ~~in-consultation-with~~
33 and approved by the legislative council and according to the
34 recommendations prepared by the superintendent of printing.

35 Sec. 8. Section fourteen point twelve (14.12), subsection

1 six (6), paragraph j, Code 1977, is amended to read as follows:

2 j. The rules of the supreme court, rules of civil procedure
3 and rules of appellate procedure, when directed by the supreme
4 court to include them.

5 Sec. 9. Section fourteen point thirteen (14.13), unnumbered
6 paragraph one (1), Code 1977, is amended to read as follows:

7 The Code editor in preparing the copy for an edition of
8 the Code ~~and the Iowa departmental rules~~ shall have power
9 to:

10 Sec. 10. Section fourteen point fifteen (14.15), Code
11 1977, is amended to read as follows:

12 14.15 FUTURE CODES. A new Code or supplements thereto
13 shall be issued as soon as possible after the final adjournment
14 of the second regular session of the general assembly.

15 ~~Supplements~~ In addition a supplement to the Code may be issued
16 after the first regular session of a general assembly or after
17 a special session of the general assembly. The Code and
18 supplements to the Code shall be issued in such manner as

19 shall be determined by the Code editor ~~in consultation with~~
20 and approved by the legislative council. ~~The Code editor~~
21 ~~shall, immediately after the issuance of a new Code, prepare~~
22 ~~copy for the ensuing Code or supplement thereto, and at all~~
23 ~~times keep the same revised to date in the files of his office.~~

24 The ~~printing board~~ superintendent of printing shall cause
25 such Code or supplement thereto to be printed in the manner
26 specified by the Code editor ~~in consultation with~~ and approved
27 by the legislative council ~~and the proofreading on such Code~~
28 ~~shall be solely under the direction and control of the Code~~
29 ~~editor.~~

30 Sec. 11. Section fourteen point sixteen (14.16), Code
31 1977, is amended to read as follows:

32 14.16 PREPARATION. All new editions of the Code or
33 supplements thereto shall be so prepared and printed that
34 each section of the general statute law shall appear in said
35 new edition in its new or ~~finally revised and~~ amended form.

1 All sections of law of a general nature enacted after the
2 last preceding Code or supplement shall be inserted in each
3 new edition in such logical order as the editor of the Code
4 may determine.

5 All new editions of the Code or supplements thereto may
6 be printed in one or more volumes as shall be determined by
7 ~~the majority of a committee consisting of the Code editor,~~
8 ~~the chief justice of the supreme court and the superintendent~~
9 ~~of printing~~ legislative council.

10 Sec. 12. Section fourteen point twenty (14.20), Code 1977,
11 is amended to read as follows:

12 14.20 OFFICIAL STATUTES. The Code, supplements to the
13 Code and session laws published under authority of the state
14 shall constitute the only authoritative publications of the
15 statutes of this state. No other publications of the statutes
16 of the state shall be cited in the courts or in the reports
17 or rules thereof.

18 Sec. 13. Section fourteen point twenty-one (14.21), Code
19 1977, is amended to read as follows:

20 14.21 PUBLICATION OF PARTS OF CODE AND RULES. The printing
21 division may cause to be printed from time to time, in the
22 form of leaflets, folders, or pamphlets and in such numbers
23 as the division deems reasonable, parts of the Code for the
24 use of public officers. Such orders shall be limited to
25 actual needs as shown by experience or other competent proof,
26 and the printing shall, ~~as far as practicable,~~ be done from
27 ~~the plates or slugs from which the Code has been printed in~~
28 an economical manner.

29 Commencing ~~July 4, 1977~~ January 1, 1978, the ~~Code editor~~
30 superintendent of printing as directed by the court
31 administrator shall cause to be compiled, indexed and published
32 in loose-leaf form all rules of civil procedure, rules of
33 criminal procedure, rules of appellate procedure, and supreme
34 court rules. The ~~Code editor~~ superintendent of printing shall
35 cause to be distributed supplements to the compilation on

1 or before the effective date of either new rules, or amendments
2 to or the repeal of existing rules. ~~All-expenses-incurred~~
3 ~~by-the-Code-editor-under-this-paragraph-shall-be-defrayed~~
4 ~~under-the-provisions-of-section-14.22~~ There is appropriated
5 out of any money in the state treasury not otherwise
6 appropriated an amount sufficient to defray expenses incurred
7 by the superintendent of printing under this paragraph. There
8 shall be established a price for the compilation of rules,
9 and a separate price for each supplement. The price of the
10 compilation and of supplements shall represent the costs of
11 compiling and indexing, plus the amounts charged for printing
12 and distribution. A single copy of each compilation and of
13 each supplement shall be distributed free of charge to each
14 of the persons or agencies referred to in section 18.97,
15 subsections 1, 2, 5, 6, 7, 8 and 15.

16 Sec. 14. Section fourteen point twenty-two (14.22), Code
17 1977, is amended to read as follows:

18 14.22 APPROPRIATION. There is hereby appropriated out
19 of any money in the treasury not otherwise appropriated an
20 amount sufficient to defray all expenses incurred in the
21 carrying out of the provisions of this chapter, ~~but before~~
22 ~~any-obligations-for-expenditure-from-this-appropriation-shall~~
23 ~~be-incurred-the-same-shall-be-approved-by-the-comptroller.~~
24 The state comptroller shall issue warrants to defray expenses
25 incurred in carrying out this chapter upon requisition of
26 the Code editor or a designee of the Code editor.

27 Sec. 15. Section seventeen A point six (17A.6), subsections
28 one (1), two (2), and four (4), Code 1977, are amended to
29 read as follows:

30 17A.6 PUBLICATION OF RULES.

31 1. The ~~Code-editor~~ superintendent of printing shall cause
32 to be compiled, indexed and published in loose-leaf form all
33 rules adopted by each agency and notice of all proposed rule-
34 making by each agency. The ~~Code-editor~~ superintendent of
35 printing further shall cause to be published supplements to

1 this publication at least every other week which supplements
2 shall contain, in such a form that they may be filed in the
3 appropriate places in the compilation, all rules and notice
4 of proposed rules filed for publication in the prior two
5 weeks. The ~~Code-editor~~ superintendent of printing shall
6 devise a uniform numbering system for rules and may renumber
7 rules before publication to conform with the system.

8 2. The ~~Code-editor~~ superintendent of printing may omit
9 or cause to be omitted from the publication any rule the
10 publication of which would be unduly cumbersome, expensive
11 or otherwise inexpedient, if the rule in printed or processed
12 form is made available on application to the adopting agency
13 at no more than its cost of reproduction, and if the
14 publication contains a notice stating the specific subject
15 matter of the omitted rule and stating how a copy thereof
16 may be obtained.

17 4. ~~All-expenses-incurred-by-the-Code-editor-under-this~~
18 ~~section-shall-be-defrayed-under-the-provisions-of-section~~
19 44-22. There is appropriated out of any money in the state
20 treasury not otherwise appropriated an amount sufficient to
21 defray all expenses incurred by the superintendent of printing
22 in carrying out the provisions of this chapter.

23 Sec. 16. Section seventeen A point eight (17A.8),
24 subsection four (4), Code 1977, is amended to read as follows:

25 4. The committee shall choose a chairperson from its
26 membership and prescribe its rules of procedure. The committee
27 may employ a secretary ~~or may appoint the Code-editor or a~~
28 designee to act as secretary who shall transmit information
29 concerning committee meetings to the superintendent of printing
30 and may employ other personnel under the provisions of
31 subsection nine (9) of this section.

32 Sec. 17. Section eighteen point ninety-seven (18.97),
33 unnumbered paragraph one (1), Code 1977, is amended to read
34 as follows:

35 18.97 CODE--SESSION LAWS. The superintendent of printing

1 shall make free distribution of the Code, supplements to the
2 Code, rules of civil procedure, rules of appellate procedure,
3 supreme court rules, the Acts of each general assembly, and,
4 upon request, the Iowa administrative code as follows:

5 Sec. 18. Chapter eighteen (18), Code 1977, is amended
6 by adding the following new section:

7 NEW SECTION. FILING OF RULES. The superintendent of
8 printing shall prescribe a uniform style and form by which
9 an agency shall prepare and file a rule pursuant to chapter
10 seventeen A (17A) of the Code which shall correlate each rule
11 to a uniform numbering system devised by the superintendent
12 of printing. The superintendent of printing shall notify
13 an agency whose rule is not in the proper style and form.
14 If the rule is not properly redrafted within six months of
15 notification, it shall be void.

16 Sec. 19. Section six hundred eighty-five point eight
17 (685.8), Code 1977, is amended by adding the following new
18 subsection:

19 NEW SUBSECTION. Prepare and cause to be published either
20 separately or as a part of the Code of Iowa, at such times
21 as the supreme court shall by order direct, the rules of civil
22 procedure and supreme court rules.

23 Sec. 20. The provisions of this Act shall be effective
24 January 1, 1978. Unencumbered funds remaining on July 1,
25 1978, which were appropriated to the office of Code editor
26 for the fiscal year beginning July 1, 1977, shall be
27 transferred to the legislative service bureau. Effective
28 January 1, 1978 employees of the Code editor's office shall
29 become members of the staff of the legislative service bureau.
30 However, persons whose duties relate to the publication of
31 administrative rules may be transferred to the department
32 of general services. The director of the department of general
33 services, the superintendent of printing, the director of
34 the legislative service bureau, and the members of the legis-
35 lative council shall determine the procedures to be used in

1 transferring employees affected by this Act and shall determine
2 and assign proper office space for the Code editor.

3 EXPLANATION

4 This bill transfers the authority for appointment of the
5 Code editor from the Supreme Court to the Legislative Council
6 and requires that policies relating to the publication of
7 the Code be approved by the Legislative Council. It places
8 the Code editor's function in the Legislative Service Bureau.
9 Functions of the Code Editor relating to the publication of
10 the Supreme Court rules are transferred to the Supreme Court
11 Administrator and functions relating to the Iowa Administrative
12 Code are transferred to the Superintendent of Printing.

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Senate File 58

FISCAL NOTE

Date Prepared January 12, 1977

Requested by: Senator Redmond

Prepared in regard to Senate File 58
LSB 1535, An Act relating to the office of Code
editor and the publication of the Code of Iowa and the Iowa administrative
code.

Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

Senate File 58

LSB 1535 transfers the authority for appointment of the Code editor from the Supreme Court to the Legislative Council and requires that policies relating to the publication of the Code be approved by the Legislative Council. It places the Code editor's function in the Legislative Service Bureau. Functions of the Code Editor relating to the publication of the Supreme Court rules are transferred to the Supreme Court Administrator and functions relating to the Iowa Administrative Code are transferred to the Superintendent of Printing.

It is estimated that the transfer of the editing and publication of the Code to the Legislative Service Bureau would not increase or diminish the expense. There would, however, be a transfer of employees from the Code Editor to the Legislative Service Bureau and the Superintendent of Printing.

Source: Code Editor
Director of the Legislative Service Bureau

FILED FEB 2 1977

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Legislative Fiscal Bureau