

FILED MAR 16 1977

Reprinted 12/77

SENATE FILE 244

By COMMITTEE ON JUDICIARY

Passed Senate, Date 3-24-77 (p. 78c) Passed House, Date _____
Vote: Ayes 29 Nays 17 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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S.F. 244

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

3 ~~11. To 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.

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

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

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

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

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

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

34 Sec. 8. Section fourteen point twelve (14.12), subsection
35 six (6), paragraph j, Code 1977, is amended to read as follows:

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

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

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

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

11 14.15 FUTURE CODES. A new Code or supplements thereto
12 shall be issued as soon as possible after the final adjournment
13 of the second regular session of the general assembly.

14 Supplements In addition a supplement to the Code may be issued
15 after the first regular session of a general assembly or after

16 a special session of the general assembly. The Code and

17 supplements to the Code shall be issued in such manner as

18 shall be determined by the Code editor ~~in-consultation-with~~

19 and approved by the legislative council. ~~The-Code-editor~~

20 ~~shall,-immediately-after-the-issuance-of-a-new-Code,-prepare~~

21 ~~copy-for-the-ensuing-Code-or-supplement-thereto,-and-at-all~~

22 ~~times-keep-the-same-revised-to-date-in-the-files-of-his-office.-~~

23 The ~~printing-board~~ superintendent of printing shall cause

24 such Code or supplement thereto to be printed in the manner

25 specified by the Code editor ~~in-consultation-with~~ and approved

26 by the legislative council ~~and-the-proofreading-on-such-Code~~

27 ~~shall-be-solely-under-the-direction-and-control-of-the-Code~~

28 ~~editor.~~

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

31 14.16 PREPARATION. All new editions of the Code or
32 supplements thereto shall be so prepared and printed that

33 each section of the general statute law shall appear in said

34 new edition in its new or ~~finally-revised-and~~ amended form.

35 All sections of law of a general nature enacted after the

1 last preceding Code or supplement shall be inserted in each
2 new edition in such logical order as the editor of the Code
3 may determine.

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

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

11 14.20 OFFICIAL STATUTES. The Code, supplements to the
12 Code and session laws published under authority of the state
13 shall constitute the only authoritative publications of the
14 statutes of this state. No other publications of the statutes
15 of the state shall be cited in the courts or in the reports
16 or rules thereof.

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

19 14.21 PUBLICATION OF PARTS OF CODE AND RULES. The printing
20 division may cause to be printed from time to time, in the
21 form of leaflets, folders, or pamphlets and in such numbers
22 as the division deems reasonable, parts of the Code for the
23 use of public officers. Such orders shall be limited to
24 actual needs as shown by experience or other competent proof,
25 and the printing shall, ~~as far as practicable,~~ be done ~~from~~
26 ~~the plates or slugs from which the Code has been printed in~~
27 an economical manner.

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

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

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

17 14.22 APPROPRIATION. There is hereby appropriated out
18 of any money in the treasury not otherwise appropriated an
19 amount sufficient to defray all expenses incurred in the
20 carrying out of the provisions of this chapter, ~~but before~~
21 ~~any-obligations-for-expenditure-from-this-appropriation-shall~~
22 ~~be-incurred-the-same-shall-be-approved-by-the-comptroller.~~
23 The state comptroller shall issue warrants to defray expenses
24 incurred in carrying out this chapter upon requisition of
25 the Code editor or a designee of the Code editor.

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

29 17A.6 PUBLICATION OF RULES.

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

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

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

16 4. ~~All-expenses-incurred-by-the-Code-editor-under-this~~
 17 ~~section-shall-be-defrayed-under-the-provisions-of-section~~
 18 ~~14.22.~~ There is appropriated out of any money in the state
 19 treasury not otherwise appropriated an amount sufficient to
 20 defray all expenses incurred by the superintendent of printing
 21 in carrying out the provisions of this chapter.

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

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

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

34 18.97 CODE--SESSION LAWS. The superintendent of printing
 35 shall make free distribution of the Code, supplements to the

1 Code, rules of civil procedure, rules of appellate procedure,
2 supreme court rules, the Acts of each general assembly, and,
3 upon request, the Iowa administrative code as follows:

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

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

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

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

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

1 and assign proper office space for the Code editor.

2 EXPLANATION

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

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S-3217

1 Amend Senate File 244 as follows:

2 1. Page 1, by striking lines 16 through 22 and
3 inserting in lieu thereof the following:

4 "Sec. ____ . Section two point fifty-eight (2.58),
5 Code 1977, is amended to read as follows:

6 2.58 SERVICE BUREAU. There is hereby created
7 a legislative service bureau which shall operate under
8 the direction and control of the legislative council.
9 The administrative head of the legislative service
10 bureau shall be the director of the bureau. The
11 bureau shall cooperate with and serve all members
12 of the general assembly, the legislative council,
13 and committees of the general assembly. It shall
14 upon proper request of members and committees of the
15 general assembly prepare research reports upon any
16 governmental matter. Such research reports and the
17 findings therein shall not contain any recommendations.
18 The bureau shall assist and serve any standing or
19 interim committee of the general assembly upon request,
20 approved by the legislative council. The bureau shall
21 draft and prepare bills for committees and individual
22 members of the general assembly. Research and bill
23 drafting requests made between sessions shall be in
24 the manner provided for by the legislative council.
25 The bureau shall be responsible for the editing and
26 publication of the Code of Iowa and the Acts of the
27 general assembly. The legislative council shall have
28 the sole power and duty to allocate the work load
29 of the bureau but may delegate such duty to the
30 legislative service bureau director.

31 Sec. ____ . Section two point fifty-nine (2.59),
32 Code 1977, is amended by adding the following new
33 subsection:

34 NEW SUBSECTION. To employ a Code editor, pursu-
35 ant to subsection two (2) of this section, to be in
36 charge of the Code editing functions of the bureau."

37 2. Page 1, line 27, by striking the word and
38 figure "forty-two (2.42)" and inserting in lieu thereof
39 the word and figure "fifty-nine (2.59)".

40 3. Page 1, lines 30 and 31, by striking the words
41 "by the legislative council" and inserting in lieu
42 thereof the words and figure "pursuant to section
43 two point fifty-nine (2.59) of the Code".

44 4. Page 1, line 34, by striking the words "legis-
45 lative council" and inserting in lieu thereof the
46 words "director of the legislative service bureau".

47 5. By numbering and renumbering sections to conform
48 with this amendment.

S-3217 FILED - Adopted 2/24 (9.779)
MARCH 23, 1977

BY PHILIP B. HILL

SENATE FILE 244

S-3201

1 Amend the Redmond and Kelly amendment, S-3197,
2 to Senate File 244 as follows:

3 1. Page 1, by striking lines 21 through 27,
4 and inserting in lieu thereof the following:

5 "1. Each agency shall file in the office of
6 the secretary of state three certified copies of each
7 rule adopted by it. Two copies of each rule shall be
8 forwarded to the administrative Code editor. The
9 secretary of state shall keep a permanent register of
10 the rules open to public inspection."

11 2. Page 1, by striking lines 37 through 46.

12 3. Page 2, lines 26 through 28, by striking the
13 words "If the rule is not properly redrafted within
14 six months of notification, it shall be void" and
15 inserting in lieu thereof the words "~~if the rule is~~
16 ~~not properly redrafted within six months of notification,~~
17 ~~it shall be void~~".

S-3201 FILED - *Adopted 3/24 (779)*
MARCH 22, 1977

BY MINNETTE F. DODERER
JAMES M. REDMOND

S-3197

SENATE FILE 244

1 Amend Senate File 244 as follows:

2 1. Page 5, by inserting after line 25 the following
3 sections:

4 "Sec. _____. Section seventeen A point four (17A.4),
5 subsection one (1), paragraph a, Code 1977, is amended
6 to read as follows:

7 a. Give notice of its intended action by submitting
8 two copies of the notice to the administrative Code
9 editor to be published in the "Iowa Administrative
10 Code" created pursuant to section 17A.6. Any notice
11 of intended action shall be published at least thirty-
12 five days in advance of the action. The notice shall
13 include a statement of either the terms or substance
14 of the intended action or a description of the subjects
15 and issues involved, and the time when, the place
16 where, and the manner in which interested persons
17 may present their views thereon.

18 Sec. _____. Section seventeen A point five (17A.5),
19 subsection one (1), Code 1977, is amended to read
20 as follows:

21 1. Each agency shall file in the office of the
22 ~~secretary-of-state-three~~ administrative Code editor
23 two certified copies of each rule adopted by it.
24 ~~Two copies of each rule shall be forwarded to the~~
25 ~~Code editor.~~ The secretary-of-state administrative
26 Code editor shall keep a permanent register of the
27 rules open to public inspection.

28 There is established the position of administrative
29 Code editor. The administrative Code editor shall
30 be appointed by the governor and shall serve at the
31 pleasure of the governor. The office of the
32 administrative Code editor shall be within the office
33 of the governor. The administrative Code editor shall
34 be responsible for editing and publishing the Iowa
35 administrative Code, in consultation with the
36 superintendent of printing.

37 Sec. _____. Section seventeen A point five (17A.5),
38 subsection two (2), paragraph b, Code 1977, is amended
39 to read as follows:

40 b. Subject to applicable constitutional or
41 statutory provisions, a rule becomes effective
42 immediately upon filing with the ~~secretary-of-state~~
43 administrative Code editor, or at a subsequent stated
44 date prior to indexing and publication, or at a stated
45 date less than thirty-five days after filing, indexing
46 and publication, if the agency finds:".

47 2. Page 5, by striking line 30 and inserting in
48 lieu thereof the following:

49 "1. The administrative Code editor in consultation
50 with the superintendent of printing shall cause".

PAGE 2
S-3197

- 1 3. Page 5, line 33, by striking the words "~~Code~~
- 2 ~~editor~~" and inserting in lieu thereof the words
- 3 "administrative Code editor in consultation with the".
- 4 4. Page 6, line 4, by striking the words "~~Code~~
- 5 ~~editor~~" and inserting in lieu thereof the words
- 6 "administrative Code editor in consultation with the".
- 7 5. Page 6, by striking line 7, and inserting in
- 8 lieu thereof the following:
- 9 "2. The administrative Code editor may omit".
- 10 6. Page 6, line 20, by inserting after the word
- 11 "the" the words "administrative Code editor and the".
- 12 7. Page 6, line 28, by striking the words
- 13 "superintendent of printing" and inserting in lieu
- 14 thereof the words "administrative Code editor".
- 15 8. Page 6, by inserting after line 30 the following
- 16 section:
- 17 "Sec. ____ Chapter seventeen A (17A), Code 1977,
- 18 is amended by adding the following new section:
- 19 NEW SECTION. FILING OF RULES. The administrative
- 20 Code editor shall prescribe a uniform style and form
- 21 by which an agency shall prepare and file a rule
- 22 pursuant to this chapter of the Code which shall
- 23 correlate each rule to a uniform numbering system
- 24 devised by the administrative Code editor. The
- 25 administrative Code editor shall notify an agency
- 26 whose rule is not in the proper style and form. If
- 27 the rule is not properly redrafted within six months
- 28 of notification, it shall be void."
- 29 9. Page 7, by striking lines 4 through 14.
- 30 10. Page 7, line 30, by striking the word
- 31 "department".
- 32 11. Page 7, by striking line 31 and inserting
- 33 in lieu thereof the words "office of administrative
- 34 Code editor. The administrative Code editor".
- 35 12. Page 7, line 32, by striking the word
- 36 "services".
- 37 13. By numbering and renumbering sections as
- 38 necessary.

S-3197 FILED - *Adopted as*
MARCH 22, 1977 *amended by*
3201 3/23 (780)

BY JAMES M. REDMOND
E. KEVIN KELLY

SENATE 2
MARCH 23, 1977

SENATE FILE 244

S-3196

- 1 Amend Senate File 244 as follows:
2 1. Page 2, by striking line 11 and inserting in
3 lieu thereof the words "~~notwithstanding the provisions~~
4 ~~of section 18-76~~".
5 2. Page 2, by striking lines 32 and 33 and
6 inserting in lieu thereof the words "~~the legislative~~
7 ~~council~~ according to the recommendations prepared
8 by the superintendent and approved by the legislative
9 council."
10 3. Page 3, lines 2 and 3, by striking the words
11 ", when directed by the supreme court to include
12 them".
13 4. Page 3, line 23, by inserting after the word
14 "~~heard~~" the words "Code editor in consultation with
15 the".
16 5. Page 4, lines 19 and 20, by striking the words
17 "printing division" and inserting in lieu thereof
18 the words "printing division Code editor in consul-
19 tation with the superintendent of printing".

S-3196 FILED & ADOPTED (729) BY MINNETTE F. DODERER
MARCH 22, 1977

SENATE FILE 244.

S-3198

- 1 Amend the Redmond and Kelly amendment, S-3197,
2 to Senate File 244 as follows:
3 1. Page 1, by striking lines 21 through 46,
4 and inserting in lieu thereof the following:
5 "1. Each agency shall file in the office of
6 the secretary of state three certified copies of each
7 rule adopted by it. Two copies of each rule shall be
8 forwarded to the administrative Code editor. The
9 secretary of state shall keep a permanent register of
10 the rules open to public inspection."
11 2. Page 2, lines 26 through 28, by striking the
12 words "If the rule is not properly redrafted within
13 six months of notification, it shall be void" and
14 inserting in lieu thereof the words "~~if the rule is~~
15 ~~not properly redrafted within six months of notification,~~
16 ~~it shall be void~~".

S-3198 FILED - *Withdrawn 3/24 (779)* BY MINNETTE F. DODERER
MARCH 22, 1977 JAMES M. REDMOND

Senate File 244

State Government: Harvey, Chair; Monroe and Avenson.

State
Harvey, chair
Walter
Monroe

SENATE FILE 244

By COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 24, 1977)

Passed Senate, Date 4-3-78 (p. 703) Passed House, Date 3-21-78 (p. 1103)

Vote: Ayes 34 Nays 13 Vote: Ayes 89 Nays 0

Approved June 27, 1978

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:

4

Conference Committee Appointed

5

Senators Walcott, chair, Scott, Prine, Kelly, DeKoster 4/19 (p. 923)
Rep. Monson, chair, Avenson, Gravel, Harney, Marston 4/20 (p. 1045)
* Scott withdrew, Redmond appointed 4/24 (p. 995)*

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Passed per Conference Committee Report

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*Senate 5-9-78 (p. 1322)
43-1*

*House 5-7-78 (p. 2303)
63-25*

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————— = New Language
by the Senate

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* = Language Stricken
by the Senate

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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 ~~To 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 fifty-eight (2.58), Code 1977,
17 is amended to read as follows:

18 2.58 SERVICE BUREAU. There is hereby created a legislative
19 service bureau which shall operate under the direction and
20 control of the legislative council. The administrative head
21 of the legislative service bureau shall be the director of
22 the bureau. The bureau shall cooperate with and serve all
23 members of the general assembly, the legislative council,
24 and committees of the general assembly. It shall upon proper
25 request of members and committees of the general assembly
26 prepare research reports upon any governmental matter. Such
27 research reports and the findings therein shall not contain
28 any recommendations. The bureau shall assist and serve any
29 standing or interim committee of the general assembly upon
30 request, approved by the legislative council. The bureau
31 shall draft and prepare bills for committees and individual
32 members of the general assembly. Research and bill drafting
33 requests made between sessions shall be in the manner provided
34 for by the legislative council. The bureau shall be
35 responsible for the editing and publication of the Code of

1 Iowa and the Acts of the general assembly. The legislative
2 council shall have the sole power and duty to allocate the
3 work load of the bureau but may delegate such duty to the
4 legislative service bureau director.

5 Sec. 3. Section two point fifty-nine (2.59), Code 1977,
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. To employ a Code editor, pursuant to
8 subsection two (2) of this section, to be in charge of the
9 Code editing functions of the bureau.

10 Sec. 4. Section fourteen point one (14.1), Code 1977,
11 is amended by striking the section and inserting in lieu
12 thereof the following:

13 14.1 CODE EDITOR APPOINTED. The Code editor shall be
14 appointed as provided in section two point fifty-nine (2.59)
15 of the Code and the salary of the Code editor and other persons
16 employed and required for the publication of the Code of Iowa
17 and the Acts of the General Assembly shall be set pursuant
18 to section two point fifty-nine (2.59) of the Code. The
19 office of the Code editor shall be a division of the
20 legislative service bureau and shall operate under and be
21 subject to the direction and control of the director of the
22 legislative service bureau.

23 Sec. 5. Section fourteen point six (14.6), subsection
24 three (3), Code 1977, is amended to read as follows:

25 3. Prepare the manuscript copy of all laws, Acts, and
26 joint resolutions passed at each session of the general
27 assembly, and arrange the same in chapters with a comprehensive
28 index and in such manner that each chapter will show the
29 number of the house or senate file, and cause the same to
30 be printed by in consultation with the superintendent of
31 printing. In so doing the Code editor shall have the right
32 to the possession of the enrolled Acts and shall have sole
33 charge of the editing and be responsible for proofreading
34 ~~notwithstanding the provisions of section 48-76.~~

35 Sec. 6. Section fourteen point six (14.6), subsections

1 four (4), five (5), and six (6), Code 1977, are amended by
2 striking the subsections.

3 Sec. 7. Section fourteen point ten (14.10), subsection
4 one (1), Code 1977, is amended to read as follows:

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

9 Sec. 8. Section fourteen point twelve (14.12), subsections
10 one (1), two (2), and nine (9), Code 1977, are amended to
11 read as follows:

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

15 2. The Code shall be numbered in a manner specified by
16 the Code editor ~~in-consultation-with~~ and approved by the
17 legislative council.

18 9. The Code shall be printed upon a good quality of paper
19 in a manner specified by the Code editor ~~in-consultation-with~~
20 the-legislative-council according to the recommendations
21 prepared by the superintendent and approved by the legislative
22 council.

23 Sec. 9. Section fourteen point twelve (14.12), subsection
24 six (6), paragraph j, Code 1977, is amended to read as follows:

25 j. The rules of the supreme court, rules of civil procedure
* 26 and rules of appellate procedure .

27 Sec. 10. Section fourteen point thirteen (14.13),
28 unnumbered paragraph one (1), Code 1977, is amended to read
29 as follows:

30 The Code editor in preparing the copy for an edition of
31 the Code ~~and-the-Iowa-departmental-rules~~ shall have power
32 to:

33 Sec. 11. Section fourteen point fifteen (14.15), Code
34 1977, is amended to read as follows:

35 14.15 FUTURE CODES. A new Code or supplements thereto

1 shall be issued as soon as possible after the final adjournment
2 of the second regular session of the general assembly.

3 Supplements In addition a supplement to the Code may be issued
4 after the first regular session of a general assembly or after
5 a special session of the general assembly. The Code and
6 supplements to the Code shall be issued in such manner as
7 shall be determined by the Code editor ~~in-consultation-with~~
8 and approved by the legislative council. ~~The Code editor~~
9 ~~shall, immediately after the issuance of a new Code, prepare~~
10 ~~copy for the ensuing Code or supplement thereto, and at all~~
11 ~~times keep the same revised to date in the files of his office.~~
12 The ~~printing board~~ Code editor in consultation with the
13 superintendent of printing shall cause such Code or supplement
14 thereto to be printed in the manner specified by the Code
15 editor ~~in-consultation-with~~ and approved by the legislative
16 council ~~and the proofreading on such Code shall be solely~~
17 ~~under the direction and control of the Code editor.~~

18 Sec. 12. Section fourteen point sixteen (14.16), Code
19 1977, is amended to read as follows:

20 14.16 PREPARATION. All new editions of the Code or
21 supplements thereto shall be so prepared and printed that
22 each section of the general statute law shall appear in said
23 new edition in its new or ~~finally-revised-and~~ amended form.
24 All sections of law of a general nature enacted after the
25 last preceding Code or supplement shall be inserted in each
26 new edition in such logical order as the editor of the Code
27 may determine.

28 All new editions of the Code or supplements thereto may
29 be printed in one or more volumes as shall be determined by
30 ~~the majority of a committee consisting of the Code editor,~~
31 ~~the chief justice of the supreme court and the superintendent~~
32 of printing legislative council.

33 Sec. 13. Section fourteen point twenty (14.20), Code 1977,
34 is amended to read as follows:

35 14.20 OFFICIAL STATUTES. The Code, supplements to the

1 Code and session laws published under authority of the state
2 shall constitute the only authoritative publications of the
3 statutes of this state. No other publications of the statutes
4 of the state shall be cited in the courts or in the reports
5 or rules thereof.

6 Sec. 14. Section fourteen point twenty-one (14.21), Code
7 1977, is amended to read as follows:

8 14.21 PUBLICATION OF PARTS OF CODE AND RULES. The printing
9 division Code editor in consultation with the superintendent
10 of printing may cause to be printed from time to time, in
11 the form of leaflets, folders, or pamphlets and in such numbers
12 as the division deems reasonable, parts of the Code for the
13 use of public officers. Such orders shall be limited to
14 actual needs as shown by experience or other competent proof,
15 and the printing shall ~~as far as practicable~~ be done from
16 ~~the plates or slugs from which the Code has been printed~~ in
17 an economical manner.

18 Commencing ~~July 1, 1977~~ January 1, 1978, the ~~Code editor~~
19 superintendent of printing as directed by the court
20 administrator shall cause to be compiled, indexed and published
21 in loose-leaf form all rules of civil procedure, rules of
22 criminal procedure, rules of appellate procedure, and supreme
23 court rules. The ~~Code editor~~ superintendent of printing shall
24 cause to be distributed supplements to the compilation on
25 or before the effective date of either new rules, or amendments
26 to or the repeal of existing rules. ~~All expenses incurred~~
27 ~~by the Code editor under this paragraph shall be defrayed~~
28 ~~under the provisions of section 14-22~~ There is appropriated
29 out of any money in the state treasury not otherwise
30 appropriated an amount sufficient to defray expenses incurred
31 by the superintendent of printing under this paragraph. There
32 shall be established a price for the compilation of rules,
33 and a separate price for each supplement. The price of the
34 compilation and of supplements shall represent the costs of
35 compiling and indexing, plus the amounts charged for printing

1 and distribution. A single copy of each compilation and of
 2 each supplement shall be distributed free of charge to each
 3 of the persons or agencies referred to in section 18.97,
 4 subsections 1, 2, 3, 6, 7, 8 and 15.

5 Sec. 15. Section fourteen point twenty-two (14.22), Code
 6 1977, is amended to read as follows:

7 14.22 APPROPRIATION. There is hereby appropriated out
 8 of any money in the treasury not otherwise appropriated an
 9 amount sufficient to defray all expenses incurred in the
 10 carrying out of the provisions of this chapter, ~~but before~~
 11 ~~any obligations for expenditure from this appropriation shall~~
 12 ~~be incurred the same shall be approved by the comptroller.~~
 13 The state comptroller shall issue warrants to defray expenses
 14 incurred in carrying out this chapter upon requisition of
 15 the Code editor or a designee of the Code editor.

16 Sec. 16. Section seventeen A point four (17A.4), subsection
 17 one (1), paragraph a, Code 1977, is amended to read as follows:

18 a. Give notice of its intended action by submitting two
 19 copies of the notice to the administrative Code editor to
 20 be published in the "Iowa Administrative Code" created pursuant
 21 to section 17A.6. Any notice of intended action shall be
 22 published at least thirty-five days in advance of the action.
 23 The notice shall include a statement of either the terms or
 24 substance of the intended action or a description of the
 25 subjects and issues involved, and the time when, the place
 26 where, and the manner in which interested persons may present
 27 their views thereon.

28 Sec. 17. Section seventeen A point five (17A.5), subsection
 29 one (1), Code 1977, is amended to read as follows:

30 1. Each agency shall file in the office of the secretary
 31 of state three certified copies of each rule adopted by it.
 32 Two copies of each rule shall be forwarded to the
 33 administrative Code editor. The secretary of state shall keep
 34 a permanent register of the rules open to public inspection.

35 There is established the position of administrative Code

1 editor. The administrative Code editor shall be appointed
2 by the governor and shall serve at the pleasure of the
3 governor. The office of the administrative Code editor shall
4 be within the office of the governor. The administrative
5 Code editor shall be responsible for editing and publishing
6 the Iowa administrative Code, in consultation with the
7 superintendent of printing.

8 Sec. 18. Section seventeen A point six (17A.6), subsections
9 one (1), two (2), and four (4), Code 1977, are amended to
10 read as follows:

11 17A.6 PUBLICATION OF RULES.

12 1. The administrative Code editor in consultation with
13 the superintendent of printing shall cause to be compiled,
14 indexed and published in loose-leaf form all rules adopted
15 by each agency and notice of all proposed rule-making by each
16 agency. The administrative Code editor in consultation with
17 the superintendent of printing further shall cause to be
18 published supplements to this publication at least every other
19 week which supplements shall contain, in such a form that
20 they may be filed in the appropriate places in the compilation,
21 all rules and notice of proposed rules filed for publication
22 in the prior two weeks. The administrative Code editor in
23 consultation with the superintendent of printing shall devise
24 a uniform numbering system for rules and may renumber rules
25 before publication to conform with the system.

26 2. The administrative Code editor may omit or cause to
27 be omitted from the publication any rule the publication of
28 which would be unduly cumbersome, expensive or otherwise
29 inexpedient, if the rule in printed or processed form is made
30 available on application to the adopting agency at no more
31 than its cost of reproduction, and if the publication contains
32 a notice stating the specific subject matter of the omitted
33 rule and stating how a copy thereof may be obtained.

34 4. ~~All expenses incurred by the Code editor under this~~
35 ~~section shall be defrayed under the provisions of section~~

1 ~~44-22-~~ There is appropriated out of any money in the state
 2 treasury not otherwise appropriated an amount sufficient to
 3 defray all expenses incurred by the administrative Code editor
 4 and the superintendent of printing in carrying out the
 5 provisions of this chapter.

6 Sec. 19. Section seventeen A point eight (17A.8),
 7 subsection four (4), Code 1977, is amended to read as follows:

8 4. The committee shall choose a chairperson from its
 9 membership and prescribe its rules of procedure. The committee
 10 may employ a secretary ~~or may appoint the Code editor or a~~
 11 ~~designee to act as secretary~~ who shall transmit information
 12 concerning committee meetings to the administrative Code
 13 editor and may employ other personnel under the provisions
 14 of subsection nine (9) of this section.

15 Sec. 20. ~~Chapter seventeen A (17A), Code 1977 is amended~~
 16 ~~by adding the following new section:~~

17 NEW SECTION. FILING OF RULES. The administrative Code
 18 editor shall prescribe a uniform style and form by which an
 19 agency shall prepare and file a rule pursuant to this chapter
 20 of the Code which shall correlate each rule to a uniform
 21 numbering system devised by the administrative Code editor.
 22 The administrative Code editor shall notify an agency whose
 23 rule is not in the proper style and form.

24 Sec. 21. Section eighteen point ninety-seven (18.97),
 25 unnumbered paragraph one (1), Code 1977, is amended to read
 26 as follows:

27 18.97 CODL--SESSION LAWS. The superintendent of printing
 28 shall make free distribution of the Code, supplements to the
 29 Code, rules of civil procedure, rules of appellate procedure,
 30 supreme court rules, the Acts of each general assembly, and,
 31 upon request, the Iowa administrative code as follows:

* 32 Sec. 22. Section six hundred eighty-five point eight
 33 (685.8), Code 1977, is amended by adding the following new
 34 subsection:

35 NEW SUBSECTION. Prepare and cause to be published either

1 separately or as a part of the Code of Iowa, at such times
2 as the supreme court shall by order direct, the rules of civil
3 procedure and supreme court rules.

4 Sec. 23. The provisions of this Act shall be effective
5 January 1, 1978. Unencumbered funds remaining on July 1,
6 1978, which were appropriated to the office of Code editor
7 for the fiscal year beginning July 1, 1977, shall be
8 transferred to the legislative service bureau. Effective
9 January 1, 1978 employees of the Code editor's office shall
10 become members of the staff of the legislative service bureau.
11 However, persons whose duties relate to the publication of
12 administrative rules may be transferred to the office of
13 administrative Code editor. The administrative Code editor,
14 the superintendent of printing, the director of the
15 legislative service bureau, and the members of the legis-
16 lative council shall determine the procedures to be used in
17 transferring employees affected by this Act and shall determine
18 and assign proper office space for the Code editor.

19 EXPLANATION

20 This bill transfers the authority for appointment of the
21 Code editor from the Supreme Court to the Legislative Council
22 and requires that policies relating to the publication of
23 the Code be approved by the Legislative Council. It places
24 the Code editor's function in the Legislative Service Bureau.
25 Functions of the Code Editor relating to the publication of
26 the Supreme Court rules are transferred to the Supreme Court
27 Administrator and functions relating to the Iowa Administrative
28 Code are transferred to the Superintendent of Printing.

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SF 244
slc/26C

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 244

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 244, a bill for an Act relating to the office of the Code editor and the publication of the Code of Iowa and the Iowa administrative code, respectfully make the following report:

1. That the Senate recede from its amendment H-5886 to House amendment S-5406 to Senate File 244 as amended, passed and reprinted by the Senate.

2. That the House amendment S-5406 to Senate File 244 as amended, passed and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 29 through 32 and inserting in lieu thereof the following:

"NEW SECTION. OFFICE OF ADMINISTRATIVE RULES COORDINATOR. The governor shall establish the office of the administrative rules coordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules coordinator shall".

2. Page 1, line 37, by inserting after the word "Code." the words "The administrative rules coordinator in consultation with the Code editor shall prescribe a uniform style and form by which an agency shall prepare and file a rule pursuant to chapter seventeen A (17A) of the Code which shall correlate each rule to a uniform numbering system devised by the administrative rules coordinator."

3. Page 1, line 48, by striking the words and figure

"subsection six (6)" and inserting in lieu thereof the words and figures "subsections five (5) and six (6)".

4. Page 1, line 50, by striking the figure "6" and inserting in lieu thereof the figure "5".

5. Page 4, line 32, by inserting after the word "committee" the words "by a two-thirds vote".

6. Page 4, line 34, by striking the word "a" and inserting in lieu thereof the word "any".

7. Page 4, line 36, by inserting after the word "filed." the words "A copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection."

8. Page 5, by striking lines 37 through 42 and inserting in lieu thereof the following:

"1. Each agency shall file in the office of the secretary of-state administrative rules coordinator three certified copies of each rule adopted by it. Two copies of each rule shall be forwarded to the Code editor by the administrative rules coordinator. The secretary-of-state administrative rules coordinator".

9. Page 6, line 1, by striking the words "Code editor" and inserting in lieu thereof the words "administrative rules coordinator".

10. Page 6, by inserting after line 4 the following:

"Sec. ____ . Section seventeen A point six (17A.6), subsection one (1), Code 1977, as amended by House File two thousand ninety-nine (2099), section four (4), as enacted by the Sixty-seventh General Assembly, 1978 Session, is amended to read as follows:

1. The Subject to the direction of the administrative rules coordinator, the Code editor shall cause the "Iowa Administrative Code" to be compiled, indexed and published in loose-leaf form containing all rules adopted and filed

by each agency. The Code editor further shall cause loose-leaf supplements to the Iowa administrative code to be published at least every other week, ~~in such a form that they may be filed in the appropriate places in the compilation,~~ containing all rules filed for publication in the prior two weeks. The supplements shall be in such form that they may be inserted in the appropriate places in the permanent compilation. ~~The Code editor~~ administrative rules coordinator shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system."

11. Page 6, by striking lines 8 through 19 and inserting in lieu thereof the following:

"NEW SECTION. Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule until the expiration of forty-five calendar days, excluding legal holidays, during which the general assembly is in regular session. If a rule is delayed during the last twenty-one calendar days preceding the adoption of a resolution for sine die adjournment of a regular session, the forty-five day period shall begin to run upon the convening of the next regular session of the general assembly. The committee shall refer a rule whose effective date has been delayed to the speaker of the house of representatives and the president of the senate who shall refer the rule to the appropriate standing committees of the general assembly. If at the expiration of that period the general assembly has not disapproved of the rule by a joint resolution approved by the governor, the rule shall become effective. If a rule is disapproved, it shall not become effective and the agency shall withdraw the rule. This section shall not apply to rules made effective under section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code."

12. Page 6, by inserting after line 19 the following:

"Sec ____ . Section seventeen A point thirteen (17A.13), subsection one (1), Code 1977, is amended to read as follows:

1. Agencies shall have all subpoena powers conferred upon them by their enabling acts or other statutes. In addition, prior to the commencement of a contested case by the notice referred to in section 17A.12, subsection 1, an agency having power to decide such cases shall have authority to subpoena books, papers, records and any other real evidence necessary for the agency to determine whether it should institute such a contested case proceeding. After the commencement of a contested case, each agency having power to decide contested cases shall have authority to administer oaths and to issue subpoenas in such cases. Discovery procedures applicable to civil actions shall be available to all parties in contested cases before an agency. Evidence obtained in such discovery may be used in the hearing before the agency if that evidence would otherwise be admissible in the agency hearing. Agency subpoenas shall be issued to a party on request and shall not be subject to the distance limitation of section six hundred twenty-two point sixty-six (622.66) of the Code.

On contest, the court shall sustain the subpoena or similar process or demand to the extent that it is found to be in accordance with the law applicable to the issuance of subpoenas or discovery in civil actions. In proceedings for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in cases of willful failure to comply."

13. Page 6, by inserting after line 29 the following:

"2. Amend the title, by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act relating to procedures for approving and publishing administrative rules and the Code of Iowa.""

14. By renumbering the sections to conform with this amendment.

ON THE PART OF THE SENATE:

Earl M. WILLITS, CHAIRPERSON
LUCAS J. DE KOSTER
E. KEVIN KELLY
BERL E. PRIEBE
JAMES M. REDMOND

ON THE PART OF THE HOUSE:

W. R. MONROE, JR. CHAIRPERSON
DONALD AVENSON
DIANE BRANDT
LAVERN R. HARVEY

-5-

CONFERENCE COMMITTEE REPORT ON S.F. 244
FILED: May 5, 1978

*House adopted 5/9/78
Senate 5/9/78*

SENATE FILE 244

S-5450

1 Amend the House amendment S-5406 to Senate File
2 244 as follows:

3 1. Page 1, by striking lines 29 through 32 and
4 inserting in lieu thereof the following:

5 "NEW SECTION. OFFICE OF ADMINISTRATIVE RULES
6 COORDINATOR. The governor shall establish the office
7 of the administrative rules coordinator, and appoint
8 its staff, which shall be a part of the governor's
9 office. The administrative rules coordinator shall".

10 2. Page 1, line 40, by inserting after the word
11 "form." the following: "The office of the administrative
12 rules coordinator shall be funded pursuant to the
13 provisions of section fourteen point twenty-two (14.22)
14 of the Code".

15 3. Page 5, line 42, by striking the words "Code
16 editor" and inserting in lieu thereof the words
17 "administrative rules coordinator".

18 4. Page 6, line 1, by striking the words "Code
19 editor" and inserting in lieu thereof the words
20 "administrative rules coordinator".

21 5. Page 6, by striking lines 5 through 19.

DIV.
A

DIV. B

S-5450 FILED
APRIL 3, 1978

BY E. KEVIN KELLY

Div A- Adopted (p. 699)
Div B- Lost (p. 701)

SENATE FILE 244

S-5451

1 Amend the House amendment, S-5406, to Senate File
2 244, as follows:

3 1. Page 6, line 14, by inserting after the word
4 "session." the words "The committee shall refer a
5 rule whose effective date has been delayed to the
6 speaker of the house and the president of the senate
7 at the next regular session of the general assembly.
8 The speaker and the president shall refer such a rule
9 to the appropriate standing committee of the general
10 assembly."

11 2. Page 6, line 15, by striking the word "that"
12 and inserting in lieu thereof the words "the sixty
13 day".

S-5451 FILED & ADOPTED (p. 700)
APRIL 3, 1978

BY EDGAR H. HOLDEN

SENATE FILE 244

S-5462

- 1 Amend the House amendment S-5406 to Senate File
- 2 244 as follows:
- 3 1. Page 4, by striking line 32 and inserting in
- 4 lieu thereof the following: "committee or the
- 5 governor files".

S-5462 FILED & LOST (p. 702)
APRIL 3, 1978

BY BOB RUSH

SENATE FILE 244

S-5463

- 1 Amend the House amendment S-5406 to Senate File
- 2 244 as follows:
- 3 1. Page 6, by striking line 16 and inserting in
- 4 lieu thereof the following: "not by enactment, with
- 5 the governor's approval, disapproved of the rule,"

S-5463 FILED
APRIL 3, 1978

BY PHILIP B. HILL

RULED OUT OF ORDER (p. 701)

SENATE FILE 244

S-5464

- 1 Amend the House amendment S-5406 to Senate File
- 2 244 as follows:
- 3 1. Page 6, line 14, by striking the words
- 4 "If at the".
- 5 2. Page 6, by striking lines 15 through 19.

S-5464 FILED & ADOPTED (p. 701)
APRIL 3, 1978

BY BERL E. PRIEBE
MINNETTE F. DODERER
EARL M. WILLITS

HOUSE AMENDMENT TO SENATE FILE 244

S-5406

1 Amend Senate File 244 as amended, passed and re-
2 printed by the Senate as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. Section two point forty-two (2.42),
6 subsection eleven (11), Code 1977, as amended by Acts
7 of the Sixty-seventh General Assembly, 1977 Session,
8 chapter thirty-eight (38), section two (2), is amended
9 to read as follows:

10 11. To ~~repeal~~ appoint the Code editor, es-
11 tablish the salaries of the persons employed in that
12 office and establish policies with regard to the
13 printing and publishing of the Iowa administrative
14 code and bulletin, the Code of Iowa and session laws,
15 including but not limited to: The style and format
16 to be used in publishing such documents, the frequency
17 of publications, the contents of such publications,
18 the numbering system to be used in the Code and session
19 laws, the preparation of editorial comments or
20 notations, the correction of errors, the type of print
21 to be used, the number of volumes to be published,
22 recommended revisions of the Code and session laws,
23 the letting of contracts for the publication of the
24 Code and session laws, and any other matters deemed
25 necessary to the publication of a uniform and
26 understandable Code of laws.

27 Sec. 2. Chapter seven (7), Code 1977, is amended
28 by adding the following new section:

29 NEW SECTION. ADMINISTRATIVE RULES COORDINATOR.
30 The governor shall appoint an administrative rules
31 coordinator who shall be a part of the governor's
32 office. The administrative rules coordinator shall
33 receive all notices and rules promulgated pursuant
34 to chapter seventeen A (17A) of the Code and provide
35 the governor with an opportunity to review and object
36 to any rule as provided in chapter seventeen A (17A)
37 of the Code. The administrative rules coordinator
38 shall review all submitted rules for style and form
39 and may return or revise a rule which is not in proper
40 style and form.

41 Sec. 3. Section fourteen point one (14.1), Code
42 1977, is amended by striking the section and inserting
43 in lieu thereof the following:

44 14.1 CODE EDITOR. The legislative council shall
45 appoint a Code editor who shall serve at the pleasure
46 of the legislative council.

47 Sec. 4. Section fourteen point six (14.6), Code
48 1977, is amended by striking subsection six (6) and
49 inserting in lieu thereof the following:

50 6. Notify the administrative rules coordinator

S-5406
Page 2

1 that a rule is not in proper style or form.

2 Sec. 5. Section fourteen point ten (14.10),
3 subsection two (2), Code 1977, is amended to read
4 as follows:

5 2. The Acts of each general assembly shall ~~as~~
6 ~~nearly-as-possible,~~ be arranged in the same-consecutive
7 order ~~in-which-the-same-or-similar-subject-matters~~
8 ~~are-arranged-in-the-Code~~ determined by the Code editor
9 and approved by the legislative council.

10 Sec. 6. Section fourteen point twelve (14.12),
11 subsections one (1), two (2), and nine (9), Code 1977,
12 are amended to read as follows:

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

16 2. The Code shall be numbered in a manner specified
17 by the Code editor ~~in-consultation-with~~ and approved
18 by the legislative council.

19 9. The Code shall be printed upon a good quality
20 of paper in a manner specified by the Code editor
21 ~~in-consultation-with-the-legislative-council~~ according
22 to the recommendations prepared by the superintendent
23 of printing and approved by the legislative council.

24 Sec. 7. Section fourteen point thirteen (14.13),
25 unnumbered paragraph one (1), and subsection one (1),
26 Code 1977, is amended to read as follows:

27 The Code editor in preparing the copy for an edition
28 of the Code and the Iowa ~~departmental-rules~~
29 administrative code and bulletin shall have power
30 to:

31 1. Correct ~~therein~~ all misspelled words in the
32 original enrollments and filed rules.

33 Sec. 8. Section fourteen point fifteen (14.15),
34 Code 1977, is amended to read as follows:

35 14.15 FUTURE CODES. A new Code or its supplements
36 ~~thereto~~ shall be issued as soon as possible after
37 the final adjournment of the second regular session
38 of the general assembly. Supplements to the Code
39 may be issued after the first regular session or a
40 special session of the general assembly in such manner
41 as shall be determined by the Code editor ~~in~~
42 ~~consultation-with~~ and approved by the legislative
43 council. The Code editor shall, immediately after
44 the issuance of a new Code, prepare copy for the
45 ensuing Code or its supplement ~~thereto~~, and at all
46 times keep the same revised to date in the files of
47 his or her office. The superintendent of printing
48 ~~there~~ shall cause such Code or its supplement ~~thereto~~
49 to be printed in the manner specified by the Code
50 editor ~~in-consultation-with~~ and approved by the

1 legislative council and the proofreading on such Code
2 shall be solely under the direction and control of
3 the Code editor.

4 Sec. 9. Section fourteen point sixteen (14.16),
5 Code 1977, is amended to read as follows:

6 14.16 PREPARATION. All new editions of the Code
7 or its supplements ~~there~~ shall be so prepared and
8 printed that each section of the general statute law
9 shall appear in ~~said~~ the new edition in its new or
10 ~~finally-revised-and~~ amended form. All sections of
11 law of a general nature enacted after the last
12 preceding Code or supplement shall be inserted in
13 each new edition in such logical order as the editor
14 of the Code may determine subject to the approval
15 of the legislative council in consultation with the

16 legislative service bureau.

17 All new editions of the Code or its supplements
18 thereof may be printed in one or more volumes as shall
19 be determined by the majority-of-a-committee-consisting
20 of-the-code-editor-the-chief-justice-of-the-supreme
21 court-and-the-superintendent-of-printing legislative
22 council.

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

25 14.20 OFFICIAL STATUTES. The Code, supplements
26 to the Code and session laws published under authority
27 of the state shall constitute the only authoritative
28 publications of the statutes of this state. No other
29 publications of the statutes of the state shall be
30 cited in the courts or in the reports or rules thereof.
31 Sec. 11. Section fourteen point twenty-one (14.21),
32 unnumbered paragraph one (1), Code 1977, is amended
33 to read as follows:

34 The printing division Code editor in consultation
35 with the superintendent of printing may cause to be
36 printed from time to time, in the form of leaflets,
37 folders, or pamphlets and in such numbers as the
38 division Code editor deems reasonable, parts of the
39 Code for the use of public officers. Such orders
40 shall be limited to actual needs as shown by experience
41 or other competent proof, and the printing shall
42 as-far-as-practicable be done from-the-plates-or
43 slugs-from-when-the-code-has-been-printed in an
44 economical manner approved by the legislative council.

45 Sec. 17. Section seventeen A point four (17A.4),
46 subsection one (1), paragraph a, Code 1977, is amended
47 to read as follows:

48 a. Give notice of its intended action by submitting
49 two three copies of the notice to the administrative
50 rules coordinator who shall forward two copies to

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1 the Code editor ~~to be published~~ for publication in
2 the "Iowa Administrative Code Bulletin" created
3 pursuant to section 17A.6. Any notice of intended
4 action shall be published at least thirty-five days
5 in advance of the action. The notice shall include
6 a statement of either the terms or substance of the
7 intended action or a description of the subjects and
8 issues involved, and the time when, the place where,
9 and the manner in which interested persons may present
10 their views thereon.

11 Sec. 13. Section seventeen A point four (17A.4),
12 subsection two (2), Code 1977, is amended to read
13 as follows:

14 2. When an agency for good cause finds that notice
15 and public participation would be unnecessary,
16 impracticable, or contrary to the public interest,
17 the provisions of subsection 1 shall be inapplicable
18 ~~if the rule which is so adopted provides by its own~~
19 ~~terms that it shall be effective for only one hundred~~
20 ~~eighty specified days. If an agency for good cause~~
21 ~~finds that notice and public participation would be~~
22 ~~unnecessary, subsection 1 shall be inapplicable.~~
23 The agency shall incorporate in each rule issued in
24 reliance upon this provision either the finding and
25 a brief statement of the reasons therefor, or a
26 statement that the rule is within a very narrowly
27 tailored category of rules whose issuance has
28 previously been exempted from subsection 1 by a special
29 rule relying on this provision and including such
30 a finding and statement of reasons for the entire
31 category. If the administrative rules review
32 committee, the governor or the attorney general files
33 with the Code editor an objection to the adoption
34 of a rule pursuant to this subsection, that rule shall
35 cease to be effective one hundred eighty days after
36 the date the objection was filed. In any action
37 contesting a rule adopted pursuant to this subsection,
38 the burden of proof shall be on the agency to show
39 that the procedures of subsection 1 were impracticable,
40 unnecessary, or contrary to the public interest and
41 that, if a category of rules was involved, the category
42 was very narrowly tailored.

43 Sec. 14. Section seventeen A point four (17A.4),
44 subsection four (4), paragraph a, Code 1977, is amended
45 to read as follows:

46 a. If the administrative rules review committee
47 created by section 17A.8, the governor or the attorney
48 general finds objection to all or some portion of
49 a proposed rule because that rule is deemed to be
50 unreasonable, arbitrary, capricious or otherwise

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1 beyond the authority delegated to the agency, the
2 committee, governor or attorney general may, in
3 writing, notify the agency of the objection prior
4 to the effective date of such a rule. In the case
5 of a rule issued under subsection 2, or a rule made
6 effective under the terms of section 17A.5, subsection
7 2, paragraph "b", the committee, governor or attorney
8 general may notify the agency of such an objection
9 within seventy days of the date such a rule became
10 effective. The committee, governor or the attorney
11 general shall also file a certified copy of such an
12 objection in the office of the secretary-of-state
13 Code editor within the above time limits and a notice
14 to the effect that an objection has been filed shall
15 be published in the next supplement-to issue of the
16 "Iowa-Administrative-Code" Iowa administrative bulletin
17 and in the Iowa administrative code when that rule
18 is printed in it. The burden of proof shall then
19 be on the agency in any proceeding for judicial review
20 or for enforcement of the rule heard subsequent to
21 the filing to establish that the rule or portion of
22 the rule timely objected, to according to the above
23 procedure is not unreasonable, arbitrary, capricious
24 or otherwise beyond the authority delegated to it.

25 Sec. 15. Section seventeen A point four (17A.4),
26 Code 1977, is amended by adding the following new
27 subsection:

28 NEW SUBSECTION. The governor may rescind an adopted
29 rule by executive order within thirty-five days of
30 the publication of the rule. The governor shall
31 provide a copy of the executive order to the Code
32 editor who shall include it in the next publication
33 of the Iowa administrative bulletin.

34 Sec. 16. Section seventeen A point five (17A.5),
35 subsection one (1), Code 1977, is amended to read
36 as follows:

37 1. Each agency shall ~~file-in-the-office-of-the~~
38 secretary-of-state forward to the administrative rules
39 coordinator three certified copies of each rule adopted
40 by it. Two copies of each rule shall be forwarded
41 to be filed with the Code editor by the administrative
42 rules coordinator. The secretary-of-state Code editor
43 shall keep a permanent register of the rules open
44 to public inspection.

45 Sec. 17. Section seventeen A point five (17A.5),
46 subsection two (2), paragraph b, Code 1977, is amended
47 to read as follows:

48 b. Subject to applicable constitutional or
49 statutory provisions, a rule becomes effective
50 immediately upon filing with the secretary-of-state

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1 Code editor, or at a subsequent stated date prior
2 to indexing and publication, or at a stated date less
3 than thirty-five days after filing, indexing and
4 publication, if the agency finds:

5 Sec. 18. Section seventeen A point eight (17A.8),
6 Code 1977, is amended by adding the following new
7 subsection:

8 NEW SUBSECTION. Upon a vote of two-thirds of its
9 members the administrative rules review committee
10 may delay the effective date of a rule, except a rule
11 adopted pursuant to section seventeen A point four
12 (17A.4), subsection two (2), of the Code, until the
13 expiration of sixty calendar days during which the
14 general assembly has been in session. If at the
15 expiration of that period the general assembly has
16 not by concurrent resolution disapproved of the rule,
17 it shall become effective. If a rule is disapproved
18 by the general assembly, the rule shall not become
19 effective.

20 Sec. 19. Section eighteen point ninety-seven
21 (18.97), unnumbered paragraph one (1), Code 1977
22 Supplement, is amended to read as follows:

23 The superintendent of printing shall make free
24 distribution of the Code, supplements to the Code,
25 rules of civil procedure, rules of appellate procedure,
26 supreme court rules, the Acts of each general assembly,
27 and, upon request, the Iowa administrative code, its
28 supplements, and the Iowa administrative bulletin
29 as follows:".

S-5406 FILED
MARCH 28, 1978

RECEIVED FROM THE HOUSE

*Senate amended (5450A, 5451, 5464)
and concurred 3/4 (p. 702)*

1 Amend the Committee on State Government amend-
2 ment, H-5499, to Senate File 244 as amended, passed
3 and reprinted by the Senate as follows:

4 1. Page 1, by striking lines 10 through 12 and
5 inserting in lieu thereof the following:

6 "11. To ~~consult with the Code editor~~ establish
7 policies with regard to the".

8 2. Page 1, by inserting after line 25 the follow-
9 ing:

10 "Sec. _____. Section two point fifty-eight (2.58),
11 Code 1977, is amended to read as follows:

12 2.58 SERVICE BUREAU. There is hereby created
13 a legislative service bureau which shall operate under
14 the direction and control of the legislative council.
15 The administrative head of the legislative service
16 bureau shall be the director of the bureau. The
17 bureau shall cooperate with and serve all members
18 of the general assembly, the legislative council,
19 and committees of the general assembly. It shall
20 upon proper request of members and committees of the
21 general assembly prepare research reports upon any
22 governmental matter. Such research reports and the
23 findings therein shall not contain any recommendations.
24 The bureau shall assist and serve any standing or
25 interim committee of the general assembly upon request,
26 approved by the legislative council. The bureau shall
27 draft and prepare bills for committees and individual
28 members of the general assembly. Research and bill
29 drafting requests made between sessions shall be in
30 the manner provided for by the legislative council.
31 The bureau shall be responsible for the editing and
32 publication of the Code of Iowa and the Acts of the
33 general assembly. The legislative council shall have
34 the sole power and duty to allocate the work load
35 of the bureau but may delegate such duty to the
36 legislative service bureau director.

37 Sec. _____. Section two point fifty-nine (2.59),
38 Code 1977, is amended by adding the following new
39 subsection:

40 NEW SUBSECTION. To employ a Code editor, subject
41 to the approval of the legislative council, who shall
42 be in charge of the Code editing functions of the
43 bureau."

44 3. Page 1, by striking lines 43 through 45 and
45 inserting in lieu thereof the following:

46 "14.1 CODE EDITOR. The Code editor shall be
47 appointed by the director of the legislative service
48 bureau with the approval of the legislative council.
49 The office of the Code editor shall be a division
50 of the legislative service bureau and shall be subject

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1 to the supervision of the director of the legislative
2 service bureau."

3 4. Page 3, lines 8 and 9, by striking the words
4 "in consultation with the legislative service bureau".

5 5. By renumbering the sections to conform with
6 this amendment.

SENATE FILE 244

H-5657

- 1 Amend H-5499 amending Senate File 244 as amended,
2 passed and reprinted by the Senate as follows:
3 1. Page 1, line 13, by inserting after the word
4 "the" the words "Iowa administrative code and bulletin,
5 the".
6 2. Page 1, line 47, by striking the figure "(6)."
7 and inserting in lieu thereof the following: "(6)
8 and inserting in lieu thereof the following:
9 "6. Notify the administrative rules coordinator
10 that a rule is not in proper style or form."
11 3. Page 2, line 21, by inserting after the figure
12 "(1)," the words and figure "and subsection one (1),".
13 4. Page 2, line 25, by inserting after the word "code"
14 the words "and bulletin".
15 5. Page 2, by inserting after line 25 the
16 following:
17 "1. Correct ~~therein~~ all misspelled words in the
18 original enrollments and filed rules."
19 6. Page 3, line 45, by striking the word "Code"
20 and inserting in lieu thereof the words "Code
21 Bulletin".
22 7. Page 5, line 8, by striking the words
23 "supplement to" and inserting in lieu thereof the
24 words "supplement-to issue of".
25 8. Page 5, lines 8 and 9, by striking the words
26 ""Iowa Administrative Code"" and inserting in lieu
27 thereof the words ""Iowa-Administrative-Code" Iowa
28 administrative bulletin and in the Iowa administrative
29 code when that rule is printed in it".
30 9. Page 5, line 19, by striking the word "file"
31 and inserting in lieu thereof the word "file".
32 10. Page 5, line 20, by striking the word "with"
33 and inserting in lieu thereof the words "forward to".
34 11. Page 5, lines 22 and 23, by striking the words
35 "forwarded to the Code editor" and inserting in lieu
36 thereof the words "forwarded-to filed with the Code
37 editor by the administrative rules coordinator".
38 12. Page 6, line 8, by inserting after the word
39 "code" the words ", its supplements, and the Iowa
40 administrative bulletin".

H-5657 FILED - *Adopted 3/31* BY MONROE of Des Moines
APRCH 14, 1973 (*p. 1102*) HARVEY of Scott

1 Amend Senate File 244 as amended, passed and re-
2 printed by the Senate as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. Section two point forty-two (2.42),
6 subsection eleven (11), Code 1977, as amended by Acts
7 of the Sixty-seventh General Assembly, 1977 Session,
8 chapter thirty-eight (38), section two (2), is amended
9 to read as follows:

10 11. To ~~consult with~~ appoint the Code editor, es-
11 tablish the salaries of the persons employed in that
12 office and establish policies with regard to the
13 printing and publishing of the Code of Iowa and session
14 laws, including but not limited to: The style and
15 format to be used in publishing such documents, the
16 frequency of publications, the contents of such
17 publications, the numbering system to be used in the
18 Code and session laws, the preparation of editorial
19 comments or notations, the correction of errors, the
20 type of print to be used, the number of volumes to
21 be published, recommended revisions of the Code and
22 session laws, the letting of contracts for the
23 publication of the Code and session laws, and any
24 other matters deemed necessary to the publication
25 of a uniform and understandable Code of laws.

26 Sec. 2. Chapter seven (7), Code 1977, is amended
27 by adding the following new section:

28 NEW SECTION. ADMINISTRATIVE RULES COORDINATOR.
29 The governor shall appoint an administrative rules
30 coordinator who shall be a part of the governor's
31 office. The administrative rules coordinator shall
32 receive all notices and rules promulgated pursuant
33 to chapter seventeen A (17A) of the Code and provide
34 the governor with an opportunity to review and object
35 to any rule as provided in chapter seventeen A (17A)
36 of the Code. The administrative rules coordinator
37 shall review all submitted rules for style and form
38 and may return or revise a rule which is not in proper
39 style and form.

40 Sec. 3. Section fourteen point one (14.1), Code
41 1977, is amended by striking the section and inserting
42 in lieu thereof the following:

43 14.1 CODE EDITOR. The legislative council shall
44 appoint a Code editor who shall serve at the pleasure
45 of the legislative council.

46 Sec. 4. Section fourteen point six (14.6), Code
47 1977, is amended by striking subsection six (6).

48 Sec. 5. Section fourteen point ten (14.10),
49 subsection two (2), Code 1977, is amended to read
50 as follows:

1 2. The Acts of each general assembly shall, as
2 ~~nearly as possible,~~ be arranged in the same consecutive
3 ~~order in which the same or similar subject matters~~
4 ~~are arranged in the Code~~ determined by the Code editor
5 and approved by the legislative council.

6 Sec. 6. Section fourteen point twelve (14.12),
7 subsections one (1), two (2), and nine (9), Code 1977,
8 are amended to read as follows:

9 1. The printing of the text shall be in a manner
10 specified by the Code editor ~~in consultation with~~
11 and approved by the legislative council.

12 2. The Code shall be numbered in a manner specified
13 by the Code editor ~~in consultation with~~ and approved
14 by the legislative council.

15 9. The Code shall be printed upon a good quality
16 of paper in a manner specified by the Code editor
17 ~~in consultation with the legislative council~~ according
18 to the recommendations prepared by the superintendent
19 of printing and approved by the legislative council.

20 Sec. 7. Section fourteen point thirteen (14.13),
21 unnumbered paragraph one (1), Code 1977, is amended
22 to read as follows:

23 The Code editor in preparing the copy for an edition
24 of the Code and the Iowa ~~departmental~~ rules
25 administrative code shall have power to:

26 Sec. 8. Section fourteen point fifteen (14.15),
27 Code 1977, is amended to read as follows:

28 14.15 FUTURE CODES. A new Code or its supplements
29 ~~thereto~~ shall be issued as soon as possible after
30 the final adjournment of the second regular session
31 of the general assembly. Supplements to the Code
32 may be issued after the first regular session or a
33 special session of the general assembly in such manner
34 as shall be determined by the Code editor in
35 consultation with and approved by the legislative
36 council. The Code editor shall, immediately after
37 the issuance of a new Code, prepare copy for the
38 ensuing Code or its supplement ~~thereto~~, and at all
39 times keep the same revised to date in the files of
40 his or her office. The superintendent of printing
41 board shall cause such Code or its supplement thereto
42 to be printed in the manner specified by the Code
43 editor in consultation with and approved by the
44 legislative council and the proofreading on such Code
45 shall be solely under the direction and control of
46 the Code editor.

47 Sec. 9. Section fourteen point sixteen (14.16),
48 Code 1977, is amended to read as follows:

49 14.16 PREPARATION. All new editions of the Code
50 or its supplements ~~thereto~~ shall be so prepared and

1 printed that each section of the general statute law
 2 shall appear in said the new edition in its new or
 3 ~~finally-revised-and~~ amended form. All sections of
 4 law of a general nature enacted after the last
 5 preceding Code or supplement shall be inserted in
 6 each new edition in such logical order as the editor
 7 of the Code may determine subject to the approval
 8 of the legislative council in consultation with the
 9 legislative service bureau.

10 All new editions of the Code or its supplements
 11 ~~therete~~ may be printed in one or more volumes as shall
 12 be determined by the ~~majority-of-a-committee-consisting~~
 13 ~~of-the-Code-editor,-the-chief-justice-of-the-supreme~~
 14 ~~court-and-the-superintendent-of-printing~~ legislative
 15 council.

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

18 14.20 OFFICIAL STATUTES. The Code, supplements
 19 to the Code and session laws published under authority
 20 of the state shall constitute the only authoritative
 21 publications of the statutes of this state. No other
 22 publications of the statutes of the state shall be
 23 cited in the courts or in the reports or rules thereof.

24 Sec. 11. Section fourteen point twenty-one (14.21),
 25 unnumbered paragraph one (1), Code 1977, is amended
 26 to read as follows:

27 The printing-division Code editor in consultation
 28 with the superintendent of printing may cause to be
 29 printed from time to time, in the form of leaflets,
 30 folders, or pamphlets and in such numbers as the
 31 division Code editor deems reasonable, parts of the
 32 Code for the use of public officers. Such orders
 33 shall be limited to actual needs as shown by experience
 34 or other competent proof, and the printing shall,
 35 as-far-as-practicable, be done from-the-plates-or
 36 slugs-from-which-the-Code-has-been-printed in an
 37 economical manner approved by the legislative council.

38 Sec. 12. Section seventeen A point four (17A.4),
 39 subsection one (1), paragraph a, Code 1977, is amended
 40 to read as follows:

41 a. Give notice of its intended action by submitting
 42 two three copies of the notice to the administrative
 43 rules coordinator who shall forward two copies to
 44 the Code editor to-be-published for publication in
 45 the "Iowa Administrative Code" created pursuant to
 46 section 17A.6. Any notice of intended action shall
 47 be published at least thirty-five days in advance
 48 of the action. The notice shall include a statement
 49 of either the terms or substance of the intended
 50 action or a description of the subjects and issues

1 involved, and the time when, the place where, and
2 the manner in which interested persons may present
3 their views thereon.

4 Sec. 13. Section seventeen A point four (17A.4),
5 subsection two (2), Code 1977, is amended to read
6 as follows:

7 2. When an agency for good cause finds that notice
8 and public participation would be unnecessary,
9 impracticable, or contrary to the public interest,
10 the provisions of subsection 1 shall be inapplicable
11 ~~if the rule which is so adopted provides by its own~~
12 ~~terms that it shall be effective for only one hundred~~
13 ~~eighty specified days,--if an agency for good cause~~
14 ~~finds that notice and public participation would be~~
15 ~~unnecessary, subsection 1 shall be inapplicable.~~
16 The agency shall incorporate in each rule issued in
17 reliance upon this provision either the finding and
18 a brief statement of the reasons therefor, or a
19 statement that the rule is within a very narrowly
20 tailored category of rules whose issuance has
21 previously been exempted from subsection 1 by a special
22 rule relying on this provision and including such
23 a finding and statement of reasons for the entire
24 category. If the administrative rules review
25 committee, the governor or the attorney general files
26 with the Code editor an objection to the adoption
27 of a rule pursuant to this subsection, that rule shall
28 cease to be effective one hundred eighty days after
29 the date the objection was filed. In any action
30 contesting a rule adopted pursuant to this subsection,
31 the burden of proof shall be on the agency to show
32 that the procedures of subsection 1 were impracticable,
33 unnecessary, or contrary to the public interest and
34 that, if a category of rules was involved, the category
35 was very narrowly tailored.

36 Sec. 14. Section seventeen A point four (17A.4),
37 subsection four (4), paragraph a, Code 1977, is amended
38 to read as follows:

39 a. If the administrative rules review committee
40 created by section 17A.8, the governor or the attorney
41 general finds objection to all or some portion of
42 a proposed rule because that rule is deemed to be
43 unreasonable, arbitrary, capricious or otherwise
44 beyond the authority delegated to the agency, the
45 committee, governor or attorney general may, in
46 writing, notify the agency of the objection prior
47 to the effective date of such a rule. In the case
48 of a rule issued under subsection 2, or a rule made
49 effective under the terms of section 17A.5, subsection
50 2, paragraph "b", the committee, governor or attorney

1 general may notify the agency of such an objection
2 within seventy days of the date such a rule became
3 effective. The committee, governor or the attorney
4 general shall also file a certified copy of such an
5 objection in the office of the secretary-of-state
6 Code editor within the above time limits and a notice
7 to the effect that an objection has been filed shall
8 be published in the next supplement to the "Iowa
9 Administrative Code". The burden of proof shall then
10 be on the agency in any proceeding for judicial review
11 or for enforcement of the rule heard subsequent to
12 the filing to establish that the rule or portion of
13 the rule timely objected to according to the above
14 procedure is not unreasonable, arbitrary, capricious
15 or otherwise beyond the authority delegated to it.

16 Sec. 15. Section seventeen A point five (17A.5),
17 subsection one (1), Code 1977, is amended to read
18 as follows:

19 1. Each agency shall file ~~in the office of the~~
20 ~~secretary-of-state~~ with the administrative rules
21 coordinator three certified copies of each rule adopted
22 by it. Two copies of each rule shall be forwarded
23 to the Code editor. The secretary-of-state Code
24 editor shall keep a permanent register of the rules
25 open to public inspection.

26 Sec. 16. Section seventeen A point five (17A.5),
27 subsection two (2), paragraph b, Code 1977, is amended
28 to read as follows:

29 b. Subject to applicable constitutional or
30 statutory provisions, a rule becomes effective
31 immediately upon filing with the secretary-of-state
32 Code editor, or at a subsequent stated date prior
33 to indexing and publication, or at a stated date less
34 than thirty-five days after filing, indexing and
35 publication, if the agency finds:

36 Sec. 17. Section seventeen A point eight (17A.8),
37 Code 1977, is amended by adding the following new
38 subsection:

39 NEW SUBSECTION. Upon a vote of two-thirds of its
40 members the administrative rules review committee
41 may delay the effective date of a rule, except a rule
42 adopted pursuant to section seventeen A point four
43 (17A.4), subsection two (2), of the Code, until the
44 expiration of sixty calendar days during which the
45 general assembly has been in session. If at the
46 expiration of that period the general assembly has
47 not by concurrent resolution disapproved of the rule,
48 it shall become effective. If a rule is disapproved
49 by the general assembly, the rule shall not become
50 effective.

1 Sec. 18. Section eighteen point ninety-seven
2 (18.97), unnumbered paragraph one (1), Code 1977
3 Supplement, is amended to read as follows:

4 The superintendent of printing shall make free
5 distribution of the Code, supplements to the Code,
6 rules of civil procedure, rules of appellate procedure,
7 supreme court rules, the Acts of each general assembly,
8 and, upon request, the Iowa administrative code as
9 follows:".

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 244

H-5886

- 1 Amend the House amendment S-5406 to Senate File
2 244 as follows:
3 1. Page 1, by striking lines 29 through 32 and
4 inserting in lieu thereof the following:
5 "NEW SECTION. OFFICE OF ADMINISTRATIVE RULES
6 COORDINATOR. The governor shall establish the office
7 of the administrative rules coordinator, and appoint
8 its staff, which shall be a part of the governor's
9 office. The administrative rules coordinator shall".
10 2. Page 1, line 40, by inserting after the word
11 "form." the following: "The office of the
12 administrative rules coordinator shall be funded
13 pursuant to the provisions of section fourteen point
14 twenty-two (14.22) of the Code."
15 3. Page 5, line 42, by striking the words "Code
16 editor" and inserting in lieu thereof the words
17 "administrative rules coordinator".
18 4. Page 6, line 1, by striking the words "Code
19 editor" and inserting in lieu thereof the words
20 "administrative rules coordinator".
21 5. Page 6, line 14, by inserting after the word
22 "session." the words "The committee shall refer a
23 rule whose effective date has been delayed to the
24 speaker of the house and the president of the senate
25 at the next regular session of the general assembly.
26 The speaker and the president shall refer such a rule
27 to the appropriate standing committee of the general
28 assembly."
29 6. Page 6, line 14, by striking the words "If
30 at the".
31 7. Page 6, by striking lines 15 through 19.

H-5886 FILED
RECEIVED FROM SENATE
APRIL 4, 1978

*House referred to committee 4/12 (p. 1439)
Senate inserted 4/12 (p. 243)*

SENATE FILE 244

H-5718

1 Amend H-5499 to Senate File 244 as amended, passed
2 and reprinted by the Senate as follows:

3 1. Page 5, by inserting after line 15 the follow-
4 ing:

5 "Sec. _____. Section seventeen A point four (17A.4),
6 Code 1977, is amended by adding the following new
7 subsection:

8 NEW SUBSECTION. The governor may rescind an adopted
9 rule by executive order within thirty-five days of
10 the publication of the rule. The governor shall
11 provide a copy of the executive order to the Code
12 editor who shall include it in the next publication
13 of the Iowa administrative bulletin."

14 2. By renumbering the sections to conform with
15 this amendment.

H-5718 FILED *Adopted* BY HARVEY of Scott
MARCH 21, 1978 *3/21* MONROE of Des Moines
(p 1102)

SENATE FILE 244

AN ACT

RELATING TO PROCEDURES FOR APPROVING AND PUBLISHING
ADMINISTRATIVE RULES AND THE CODE OF IOWA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section two point forty-two (2.42), subsection eleven (11), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-eight (38), section two (2), is amended to read as follows:

11. To ~~consult with~~ appoint the Code editor, establish the salaries of the persons employed in that office and establish policies with regard to the printing and publishing of the Iowa administrative code and bulletin, the Code of Iowa and session laws, including but not limited to: The style and format to be used in publishing such documents, the frequency of publications, the contents of such publications, the numbering system to be used in the Code and session laws, the preparation of editorial comments or notations, the correction of errors, the type of print to be used, the number of volumes to be published, recommended revisions of the Code and session laws, the letting of contracts for the publication of the Code and session laws, and any other matters deemed necessary to the publication of a uniform and understandable Code of laws.

Sec. 2. Chapter seven (7), Code 1977, is amended by adding the following new section:

NEW SECTION. OFFICE OF ADMINISTRATIVE RULES COORDINATOR.

The governor shall establish the office of the administrative rules coordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules coordinator shall receive all notices and rules promulgated pursuant to chapter seventeen A (17A) of the Code and provide

the governor with an opportunity to review and object to any rule as provided in chapter seventeen A (17A) of the Code. The administrative rules coordinator in consultation with the Code editor shall prescribe a uniform style and form by which an agency shall prepare and file a rule pursuant to chapter seventeen A (17A) of the Code which shall correlate each rule to a uniform numbering system devised by the administrative rules coordinator. The administrative rules coordinator shall review all submitted rules for style and form and may return or revise a rule which is not in proper style and form.

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

14.1 CODE EDITOR. The legislative council shall appoint a Code editor who shall serve at the pleasure of the legislative council.

Sec. 4. Section fourteen point six (14.6), Code 1977, is amended by striking subsections five (5) and six (6) and inserting in lieu thereof the following:

5. Notify the administrative rules coordinator that a rule is not in proper style or form.

Sec. 5. Section fourteen point ten (14.10), subsection two (2), Code 1977, is amended to read as follows:

2. The Acts of each general assembly shall ~~as nearly as possible~~ be arranged in the ~~same consecutive order in which the same or similar subject matters are arranged in the Code~~ determined by the Code editor and approved by the legislative council.

Sec. 6. Section fourteen point twelve (14.12), subsections one (1), two (2), and nine (9), Code 1977, are amended to read as follows:

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

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

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

Sec. 7. Section fourteen point thirteen (14.13), unnumbered paragraph one (1), and subsection one (1), Code 1977, is amended to read as follows:

The Code editor in preparing the copy for an edition of the Code and the Iowa ~~departmental rules administrative code and bulletin~~ shall have power to:

1. Correct ~~therein~~ all misspelled words in the original enrollments and filed rules.

Sec. 8. Section fourteen point fifteen (14.15), Code 1977, is amended to read as follows:

14.15 FUTURE CODES. A new Code or its supplements ~~thereto~~ shall be issued as soon as possible after the final adjournment of the second regular session of the general assembly. Supplements to the Code may be issued after the first regular session or a special session of the general assembly in such manner as shall be determined by the Code editor ~~in consultation with and approved by~~ the legislative council. The Code editor shall, immediately after the issuance of a new Code, prepare copy for the ensuing Code or its supplement ~~thereto~~, and at all times keep the same revised to date in the files of his or her office. The superintendent of printing board shall cause such Code or its supplement ~~thereto~~ to be printed in the manner specified by the Code editor ~~in consultation with and approved by~~ the legislative council and the proofreading on such Code shall be solely under the direction and control of the Code editor.

Sec. 9. Section fourteen point sixteen (14.16), Code 1977,

is amended to read as follows:

14.16 PREPARATION. All new editions of the Code or its supplements ~~thereto~~ shall be so prepared and printed that each section of the general statute law shall appear in ~~said~~ the new edition in its new or ~~finally revised and~~ amended form. All sections of law of a general nature enacted after the last preceding Code or supplement shall be inserted in each new edition in such logical order as the editor of the Code may determine subject to the approval of the legislative council in consultation with the legislative service bureau.

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

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

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

Sec. 11. Section fourteen point twenty-one (14.21), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The ~~printing division~~ Code editor in consultation with the superintendent of printing may cause to be printed from time to time, in the form of leaflets, folders, or pamphlets and in such numbers as the ~~division~~ Code editor deems reasonable, parts of the Code for the use of public officers. Such orders shall be limited to actual needs as shown by experience or other competent proof, and the printing shall ~~as far as practicable, be done from the plates or slugs from which the Code has been printed~~ in an economical manner

approved by the legislative council.

Sec. 12. Section seventeen A point four (17A.4), subsection one (1), paragraph a, Code 1977, is amended to read as follows:

a. Give notice of its intended action by submitting ~~two~~ three copies of the notice to the administrative rules coordinator who shall forward two copies to the Code editor to be published for publication in the "Iowa Administrative Code Bulletin" created pursuant to section 17A.6. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon.

Sec. 13. Section seventeen A point four (17A.4), subsection two (2), Code 1977, is amended to read as follows:

2. When an agency for good cause finds that notice and public participation would be unnecessary, impracticable, or contrary to the public interest, the provisions of subsection 1 shall be inapplicable ~~if the rule which is so adopted provides by its own terms that it shall be effective for only one hundred eighty specified days--if an agency for good cause finds that notice and public participation would be unnecessary, subsection 1 shall be inapplicable.~~ The agency shall incorporate in each rule issued in reliance upon this provision either the finding and a brief statement of the reasons therefor, or a statement that the rule is within a very narrowly tailored category of rules whose issuance has previously been exempted from subsection 1 by a special rule relying on this provision and including such a finding and statement of reasons for the entire category. If the administrative rules review committee by a two-thirds vote, the governor or the attorney general files with the Code editor an objection to the adoption of any rule pursuant to this subsection, that rule shall cease to be effective

one hundred eighty days after the date the objection was filed. A copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection.

In any action contesting a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest and that, if a category of rules was involved, the category was very narrowly tailored.

Sec. 14. Section seventeen A point four (17A.4), subsection four (4), paragraph a, Code 1977, is amended to read as follows:

a. If the administrative rules review committee created by section 17A.8, the governor or the attorney general finds objection to all or some portion of a proposed rule because that rule is deemed to be unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to the agency, the committee, governor or attorney general may, in writing, notify the agency of the objection prior to the effective date of such a rule. In the case of a rule issued under subsection 2, or a rule made effective under the terms of section 17A.5, subsection 2, paragraph "b", the committee, governor or attorney general may notify the agency of such an objection within seventy days of the date such a rule became effective. The committee, governor or the attorney general shall also file a certified copy of such an objection in the office of the secretary-of-state Code editor within the above time limits and a notice to the effect that an objection has been filed shall be published in the next supplement to issue of the "Iowa Administrative Code" Iowa Administrative Bulletin and in the Iowa administrative code when that rule is printed in it. The burden of proof shall then be on the agency in any proceeding for judicial review or for enforcement of the rule heard subsequent to the filing to establish that the rule or portion of the rule timely

objected to according to the above procedure is not unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to it.

Sec. 15. Section seventeen A point four (17A.4), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The governor may rescind an adopted rule by executive order within thirty-five days of the publication of the rule. The governor shall provide a copy of the executive order to the Code editor who shall include it in the next publication of the Iowa administrative bulletin.

Sec. 16. Section seventeen A point five (17A.5), subsection one (1), Code 1977, is amended to read as follows:

1. Each agency shall file in the office of the secretary of state administrative rules coordinator three certified copies of each rule adopted by it. Two copies of each rule shall be forwarded to the Code editor by the administrative rules coordinator. The secretary-of-state administrative rules coordinator shall keep a permanent register of the rules open to public inspection.

Sec. 17. Section seventeen A point five (17A.5), subsection two (2), paragraph b, Code 1977, is amended to read as follows:

b. Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the secretary-of-state administrative rules coordinator, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing and publication, if the agency finds:

Sec. 18. Section seventeen A point six (17A.6), subsection one (1), Code 1977, as amended by House File two thousand ninety-nine (2099), section four (4), as enacted by the Sixty-seventh General Assembly, 1978 Session, is amended to read as follows:

1. The Subject to the direction of the administrative rules coordinator, the Code editor shall cause the "Iowa Administrative Code" to be compiled, indexed and published

in loose-leaf form containing all rules adopted and filed by each agency. The Code editor further shall cause loose-leaf supplements to the Iowa administrative code to be published at least every other week, ~~in such a form that they may be filed in the appropriate places in the compilation;~~ containing all rules filed for publication in the prior two weeks. The supplements shall be in such form that they may be inserted in the appropriate places in the permanent compilation. The ~~Code editor~~ administrative rules coordinator shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

Sec. 19. Section seventeen A point eight (17A.8), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule until the expiration of forty-five calendar days, excluding legal holidays, during which the general assembly is in regular session. If a rule is delayed during the last twenty-one calendar days preceding the adoption of a resolution for sine die adjournment of a regular session, the forty-five day period shall begin to run upon the convening of the next regular session of the general assembly. The committee shall refer a rule whose effective date has been delayed to the speaker of the house of representatives and the president of the senate who shall refer the rule to the appropriate standing committees of the general assembly. If at the expiration of that period the general assembly has not disapproved of the rule by a joint resolution approved by the governor, the rule shall become effective. If a rule is disapproved, it shall not become effective and the agency shall withdraw the rule. This section shall not apply to rules made effective under section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code.

Sec. 20. Section seventeen A point thirteen (17A.13),

subsection one (1), Code 1977, is amended to read as follows:

1. Agencies shall have all subpoena powers conferred upon them by their enabling acts or other statutes. In addition, prior to the commencement of a contested case by the notice referred to in section 17A.12, subsection 1, an agency having power to decide such cases shall have authority to subpoena books, papers, records and any other real evidence necessary for the agency to determine whether it should institute such a contested case proceeding. After the commencement of a contested case, each agency having power to decide contested cases shall have authority to administer oaths and to issue subpoenas in such cases. Discovery procedures applicable to civil actions shall be available to all parties in contested cases before an agency. Evidence obtained in such discovery may be used in the hearing before the agency if that evidence would otherwise be admissible in the agency hearing. Agency subpoenas shall be issued to a party on request and shall not be subject to the distance limitation of section six hundred twenty-two point sixty-six (622.66) of the Code. On contest, the court shall sustain the subpoena or similar process or demand to the extent that it is found to be in accordance with the law applicable to the issuance of subpoenas or discovery in civil actions. In proceedings for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in cases of willful failure to comply.

Sec. 25. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1977 Supplement, is amended to read as follows:

The superintendent of printing shall make free distribution of the Code, supplements to the Code, rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa

administrative code, its supplements, and the Iowa administrative bulletin as follows:

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 244, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved _____, 1978

ROBERT D. RAY
Governor