

STATE GOVERNMENT: Mann, Chair; Coleman and Drake

FILED APR 8 1986

SENATE FILE 2289
BY ADMINISTRATIVE RULES
REVIEW COMMITTEE
Approved (p. 1112)

Passed Senate, Date 4-23-86 (p. 1324) Passed House, Date _____
Vote: Ayes 27 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the Code editor, the deputy Code editor, and
2 the office of the Code editor, also known as the Iowa Code
3 office; relating to the duties, powers, and organization of
4 the position and office of the Code editor; relating to the
5 structuring of the legislative service bureau in relation to
6 the position and office of the Code editor; and relating to
7 the publication of the Iowa Code, the Iowa administrative
8 code, and related documents.

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

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S.F. 2289

1 Section 1. Section 2.42, subsection 11, Code Supplement
2 1985, is amended to read as follows:

3 11. To appoint approve the appointment of the Code editor
4 and the deputy Code editor, establish the salaries of the
5 persons employed in that office and establish policies with
6 regard to the printing and publishing of the Iowa
7 administrative code and bulletin, the Code of Iowa, and
8 session laws, including but not limited to: The style and
9 format to be used in publishing such the documents, the
10 frequency of publications, the contents of such the
11 publications, the numbering system to be used in the Code and
12 session laws, the preparation of editorial comments or
13 notations, the correction of errors, the type of print to be
14 used, the number of volumes to be published, recommended
15 revisions of the Code and session laws, the letting of
16 contracts for the publication of the Code and session laws,
17 and any other matters deemed necessary to the publication of a
18 uniform and understandable Code of laws, provided that the
19 powers and duties under this subsection be exercised in
20 accordance with other applicable laws.

21 Sec. 2. NEW SECTION. 2.58A IOWA CODE OFFICE.

22 The Iowa Code office is created as a division of the
23 legislative service bureau. The Iowa Code office includes the
24 Code editor, the deputy Code editor, and the office of the
25 Code editor. The duties and powers of the Code editor shall
26 be performed and exercised by the Code editor under the
27 direction and supervision of the director of the legislative
28 service bureau, subject to the review of the legislative
29 council. The administrative head of the Iowa Code office is
30 the deputy Code editor, who shall administer and coordinate
31 the operations of the office so as to assist the Code editor
32 in the fulfillment of the Code editor's duties and powers.
33 The duties and powers of the deputy Code editor of the Iowa
34 Code office shall be performed and exercised under the
35 direction and supervision of the director of the legislative

1 service bureau, subject to the review of the legislative
2 council. The director of the legislative service bureau may,
3 with the approval of the legislative council, designate other
4 persons to exercise or perform specific statutory powers or
5 duties of the Code editor or the deputy Code editor.

6 Sec. 3. Section 2.66, Code 1985, is amended to read as
7 follows:

8 2.66 OFFICE AND SUPPLIES -- EXPENSES.

9 ~~The-office~~ Office space of the service bureau shall be
10 located in the statehouse and other office space of the bureau
11 may be located in other buildings in the capitol complex.

12 Supplies, postage, and equipment may be requisitioned from the
13 department of general services. Expenses of the legislative
14 service bureau shall be paid upon the approval of the director
15 of the bureau and, if an extraordinary expense, upon the
16 approval of the legislative council or its chairperson. Funds
17 appropriated for per diem and expenses of the legislative
18 council, legislative fiscal committee, and ~~special~~ interim
19 study committees shall be paid and administered in the manner
20 provided by the legislative council.

21 Sec. 4. Section 7.17, Code 1985, is amended to read as
22 follows:

23 7.17 OFFICE OF ADMINISTRATIVE RULES CO-ORDINATOR.

24 The governor shall establish the office of the
25 administrative rules co-ordinator, and appoint its staff,
26 which shall be a part of the governor's office. The
27 administrative rules co-ordinator shall receive all notices
28 and rules promulgated pursuant to chapter 17A and provide the
29 governor with an opportunity to review and object to any rule
30 as provided in chapter 17A. ~~The-administrative-rules-co-~~
31 ~~ordinator-in-consultation-with-the-Code-editor-shall-prescribe~~
32 ~~a-uniform-style-and-form-by-which-an-agency-shall-prepare-and~~
33 ~~file-a-rule-pursuant-to-chapter-17A-which-shall-correlate-each~~
34 ~~rule-to-a-uniform-numbering-system-devised-by-the~~
35 ~~administrative-rules-co-ordinator.~~ The administrative rules

1 co-ordinator shall review all submitted rules for style and
2 form format before they are submitted to the Iowa Code office
3 for publication and may return or revise a rule which is not
4 in proper style ~~and-form~~ or format.

5 Sec. 5. Section 14.1, Code 1985, is amended to read as
6 follows:

7 14.1 CODE EDITOR AND DEPUTY CODE EDITOR.

8 The ~~legislative-council~~ director of the legislative service
9 bureau shall appoint a Code editor ~~who shall-serve~~ and deputy
10 Code editor, subject to the approval of the legislative
11 council, each of whom serves at the pleasure of the
12 legislative council.

13 Sec. 6. Section 14.6, subsection 5, Code 1985, is amended
14 to read as follows:

15 5. Notify the administrative rules co-ordinator that a
16 rule is not in proper style or form format.

17 Sec. 7. Section 14.7, Code 1985, is amended to read as
18 follows:

19 14.7 STATE ROSTER PAMPHLET.

20 The Code editor or designee shall publish annually in
21 pamphlet form a correct list of state officers and deputies,
22 members of boards and commissions, judges of the supreme,
23 appellate, and district courts including district associate
24 judges, judicial magistrates, and members of the general
25 assembly. The offices of the governor and secretary of state
26 shall co-operate in the preparation of the list. This
27 pamphlet shall be published as soon after July 1 as it becomes
28 apparent that it will be reasonably current.

29 Sec. 8. Section 14.8, Code 1985, is amended to read as
30 follows:

31 14.8 RECOMMENDATIONS -- PRINTING AND REFERENCE.

32 The recommendations of the ~~editor-of-the~~ Code editor or
33 designee shall be printed in such numbers as the director of
34 the department of general services, in consultation with the
35 director of the legislative service bureau, deems necessary

1 for public use, and when laid before the presiding officers of
2 the respective houses shall be referred in each house to
3 appropriate committees.

4 Sec. 9. Section 14.9, Code 1985, is amended to read as
5 follows:

6 14.9 TABLE OF CORRESPONDING SECTIONS.

7 The Code editor or designee may, from time to time, publish
8 tables showing the placement of various statutes and Acts of
9 the general assembly and their corresponding sections in
10 succeeding Codes.

11 Sec. 10. Section 14.10, Code 1985, is amended to read as
12 follows:

13 14.10 SESSION LAWS.

14 1. The size, style, type, binding, general arrangement,
15 and tables of the session laws shall be printed and published
16 in such the manner as specified by the Code editor or designee
17 in consultation with the legislative council.

18 2. The Acts of each general assembly shall be arranged in
19 the order determined by the Code editor or designee and
20 approved by the legislative council.

21 3. Chapters of the first regular session shall be numbered
22 from one and chapters of the second regular session shall be
23 numbered from one thousand one.

24 4. A list of elective state officers and deputies, supreme
25 court justices, judges of the court of appeals, and members of
26 the general assembly shall be published annually with the
27 session laws.

28 ~~5. There shall also be inserted in the session laws, the A~~
29 statement of the condition of the state treasury shall be
30 inserted in the session laws, as provided by the Constitution.
31 ~~Said~~ The statement shall be furnished by the state
32 comptroller.

33 6. The enrolling clerks of the house and senate shall make
34 arrangements whereby the Code editor or designee will receive
35 suitable copies of all Acts and resolutions as soon as the

1 ~~same~~ they are enrolled.

2 Sec. 11. Section 14.13, subsection 1, paragraphs c and d,
3 Code Supplement 1985, are amended to read as follows:

4 c. Correct internal references to sections which are cited
5 erroneously or have been repealed, and names of agencies,
6 officers, or other entities which have been changed, when
7 there appears to be no doubt as to the proper methods of
8 making the corrections. The Code editor shall ~~compile-a-list~~
9 maintain a record of the corrections made under this paragraph
10 ~~in-Code-editor's-notes-to-the-edition-of-the-Code-in-which-the~~
11 ~~corrections-are-made.~~ The record shall be available
12 to the public.

13 d. Transpose sections or divide sections so as to give to
14 distinct subject matters a section number but without changing
15 the meaning and add or amend headnotes to sections and
16 subsections. Pursuant to section 3.3, the headnotes are not
17 part of the law.

18 Sec. 12. Section 14.15, Code 1985, is amended to read as
19 follows:

20 14.15 FUTURE CODES.

21 A new Code or its supplements shall be issued as soon as
22 possible after the final adjournment of the second regular
23 session of the general assembly. Supplements to the Code may
24 be issued after the first regular session or a special session
25 of the general assembly in such the manner ~~as-shall-be~~
26 determined by the Code editor and approved by the legislative
27 council. The Code editor shall, immediately after the
28 issuance of a new Code, prepare copy for the ensuing Code or
29 its supplement, and at all times keep the same copy revised to
30 date in the files of the office. The copy may be in the form
31 of computer printouts. The superintendent of printing shall
32 cause ~~such the~~ Code or its supplement to be printed in the
33 manner specified by the Code editor and approved by the
34 legislative council and the proofreading on such the Code
35 shall be solely under the direction and control of the Code

1 editor or designee.

2 Sec. 13. Section 14.21, unnumbered paragraph 2, Code
3 Supplement 1985, is amended to read as follows:

4 The Code editor or designee shall cause to be compiled,
5 indexed, and published in loose-leaf form the Iowa court
6 rules, which shall consist of all rules of civil procedure,
7 rules of criminal procedure, rules of appellate procedure, and
8 supreme court rules. The Code editor or designee, in
9 consultation with the superintendent of printing, shall cause
10 to be printed and distributed supplements to the compilation
11 on or before the effective date of either new rules, or
12 amendments to or the repeal of existing rules. All expenses
13 incurred by the Code editor or designee under this paragraph
14 shall be defrayed under section 14.22. There shall be
15 established a price for the compilation of rules, and a
16 separate price for each supplement. The price of the
17 compilation and of supplements shall represent the costs of
18 compiling and indexing, the amounts charged for printing and
19 distribution, and a cost for labor determined jointly by the
20 legislative council ~~and-rules-review-committee~~ in consultation
21 with the Code editor or designee and the state printer. On
22 request a single copy of each compilation and of each
23 supplement shall be distributed free of charge to each of the
24 persons or agencies referred to in section 18.97, subsections
25 1, 2, 5, 6, 7, 8 and 16.

26 Sec. 14. Section 17.22, unnumbered paragraph 1,
27 subsections 1 through 7, and unnumbered paragraph 2, Code
28 1985, are amended to read as follows:

29 The publications listed in this section shall be sold at a
30 price to be established by dividing the total cost of
31 printing, binding, distribution, and paper stock by the total
32 number printed of each edition, and increasing the figure
33 obtained by an amount, which represents all or any portion of
34 compilation and editing labor costs, to be determined by the
35 legislative council ~~and-rules-review-committee~~ in consultation

1 with the state printer and, for publications edited by the
2 Code editor or designee, in consultation with the Code editor
3 or designee.

4 1. Code or its supplements, the Iowa administrative code
5 or its supplements, and the Iowa administrative bulletin.

6 2. Session laws.

7 3. Daily journals and bills.

8 ~~4. Book of annotations to the Code.~~

9 ~~5. Supplements to the book of annotations.~~

10 6 4. Tables of corresponding sections to the Code.

11 7 5. Iowa court rules.

12 The Iowa administrative code, its supplements, the Iowa
13 administrative bulletin, or the Code may be distributed with
14 the Code or separately. There shall be established separate
15 prices for the Iowa administrative code, for its supplements,
16 for the Iowa administrative bulletin, and for the Code.

17 Sec. 15. Section 17A.4, subsection 4, paragraph a, Code
18 1985, is amended to read as follows:

19 a. If the administrative rules review committee created by
20 section 17A.8, the governor, or the attorney general finds
21 objection to all or some portion of a proposed rule because
22 that rule is deemed to be unreasonable, arbitrary, capricious,
23 or otherwise beyond the authority delegated to the agency, the
24 committee, governor, or attorney general may, in writing,
25 notify the agency of the objection prior to the effective date
26 of ~~such-a~~ the rule. In the case of a rule issued under
27 subsection 2, or a rule made effective under ~~the-terms-of~~
28 section 17A.5, subsection 2, paragraph "b", the committee,
29 governor, or attorney general may notify the agency of such an
30 objection within seventy days of the date ~~such-a~~ the rule
31 became effective. The committee, governor, or the attorney
32 general shall also file a certified copy of ~~such-an~~ the
33 objection in the office of the Code editor or designee within
34 the above time limits and a notice to the effect that an
35 objection has been filed shall be published in the next issue

1 of the Iowa administrative bulletin and in the Iowa
2 administrative code when that rule is printed in it. The
3 burden of proof shall then be on the agency in any proceeding
4 for judicial review or for enforcement of the rule heard
5 subsequent to the filing to establish that the rule or portion
6 of the rule timely objected to according to the above
7 procedure is not unreasonable, arbitrary, capricious, or
8 otherwise beyond the authority delegated to it.

9 Sec. 16. Section 17A.4, subsection 6, Code 1985, is
10 amended to read as follows:

11 6. The governor may rescind an adopted rule by executive
12 order within thirty-five days of the publication of the rule.
13 The governor shall provide a copy of the executive order to
14 the Code editor or designee who shall include it in the next
15 publication of the Iowa administrative bulletin.

16 Sec. 17. Section 17A.6, subsections 1 and 2, Code 1985,
17 are amended to read as follows:

18 1. The Code editor or designee shall cause the "Iowa
19 Administrative Bulletin" to be published, in pamphlet form at
20 ~~least-every-other-week-containing~~ on a schedule as determined
21 by the administrative rules review committee in consultation
22 with the Code editor or designee, which shall contain the
23 following:

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

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

30 c. Other materials deemed ~~fitting-and-proper~~ appropriate
31 by the administrative rules review committee.

32 2. Subject to the direction of the administrative rules
33 ~~co-ordinator~~ review committee, the Code editor or designee
34 shall cause the "Iowa Administrative Code" to be compiled,
35 indexed, and published in loose-leaf form containing all rules

1 adopted and filed by each agency. The Code editor further or
2 designee shall cause publish loose-leaf supplements to the
3 Iowa administrative code ~~to be published at least every other~~
4 ~~week, containing all rules filed for publication in the prior~~
5 two weeks in order to update the Iowa administrative code on a
6 schedule as determined by the administrative rules review
7 committee, in consultation with the Code editor or designee
8 and the administrative rules co-ordinator. The supplements
9 shall be in such a form that they may be inserted in the
10 appropriate places in the permanent compilation. In
11 consultation with the administrative rules review committee,
12 the Code editor or designee may devise and implement a system
13 to allow subscriptions to portions of the Iowa administrative
14 code and their supplements in addition to subscriptions to the
15 entire code and its supplements. The Code editor or designee,
16 in consultation with the administrative rules co-ordinator
17 shall devise a uniform numbering system for rules and may
18 renumber rules before publication to conform with the system.
19 The Code editor or designee, the administrative rules co-
20 ordinator, and the administrative rules review committee shall
21 jointly prescribe a uniform style and format by which an
22 agency shall prepare a rule for submission pursuant to chapter
23 17A which shall follow the uniform numbering system.

24 Sec. 18. Section 17A.6, subsection 3, Code 1985, is
25 amended to read as follows:

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

35 Sec. 19. Section 17A.23, Code 1985, is amended to read as

1 follows:

2 17A.23 CONSTRUCTION.

3 1. Except as expressly provided otherwise by this chapter
4 or by another statute referring to this chapter by name, the
5 rights created and the requirements imposed by this chapter
6 ~~shall be~~ are in addition to those created or imposed by every
7 any other statute ~~now-in-existence-or-hereafter-enacted~~. If
8 any other statute ~~now-in-existence-or-hereafter-enacted~~
9 diminishes any right conferred upon a person by this chapter
10 or diminishes any requirement imposed upon an agency by this
11 chapter, this chapter ~~shall take~~ takes precedence unless the
12 other statute expressly provides that it ~~shall take~~ takes
13 precedence over all or some specified portion of this named
14 chapter.

15 2. The Iowa administrative procedure Act shall be
16 construed broadly to effectuate its purposes. This chapter
17 shall also be construed to apply to all agencies not expressly
18 exempted by this chapter or by another statute specifically
19 referring to this chapter by name; and except as to
20 proceedings in process on July 1, 1975, this chapter shall be
21 construed to apply to all covered agency proceedings and all
22 agency action not expressly exempted by this chapter or by
23 another statute specifically referring to this chapter by
24 name.

25 Sec. 20. NEW SECTION. 18.29A PRINTING OF IOWA CODE AND
26 RELATED PUBLICATIONS.

27 The authority of the director to let contracts for the
28 printing of publications edited by the Code editor or designee
29 shall be exercised in consultation with the Code editor or
30 designee and administrative rules review committee.

31 EXPLANATION

32 This bill specifies that there is an Iowa Code office as
33 part of the legislative service bureau. That office includes
34 the Code editor, the deputy Code editor, and the office of the
35 Code editor. The bill further specifies that the duties and

1 powers of the Code editor and the deputy Code editor are to be
2 performed and exercised under the direction and supervision of
3 the director of the legislative service bureau, subject to the
4 review of the legislative council. The Code editor and deputy
5 Code editor are appointed by the director, with the approval
6 of the legislative council, and serve at the pleasure of the
7 legislative council.

8 Alterations are made in provisions regarding state
9 documents edited by the Code editor to provide a decision-
10 making or consultative role for the Code editor or designee in
11 regard to specifications and procedures for those documents.
12 The bill specifies that a uniform style and format for
13 administrative rules is to be jointly prescribed by the
14 administrative rules review committee, the administrative
15 rules co-ordinator, and the Code editor or designee. The bill
16 deletes the role of the administrative rules review committee
17 in the pricing of various state documents.

18 The bill specifies that many of the statutory duties of the
19 Code editor may be performed by a designee of the Code editor,
20 as designated by the director of the legislative service
21 bureau.

22 The bill deletes the requirements that the Iowa
23 administrative bulletin be published every other week and that
24 the Iowa administrative code be supplemented at least every
25 other week and substitutes requirements that they be published
26 and supplemented on schedules established by the
27 administrative rules review committee.

28 Various stylistic and technical changes are made in regard
29 to punctuation, clarification of language, the specification
30 of the office space of the bureau, and deletion of obsolete
31 provisions.

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S-5715

1 Amend Senate File 2289 as follows:

2 1. Page 5, by inserting after line 17 the
3 following:

4 "Sec. 11. Section 14.13, subsections 2 and 3, Code
5 Supplement 1985, are amended to read as follows:

6 2. The Code editor or designee, in carrying out
7 the duties specified in this chapter relating to
8 publication of the Code and the Iowa administrative
9 code, shall edit the Code them in order that words
10 which designate one gender will be changed to reflect
11 both genders when the provisions of law apply to
12 persons of both genders. The Code editor or designee
13 shall not make any substantive changes to the Code or
14 Iowa administrative code while performing the
15 editorial work. The Code editor or designee shall
16 seek direction from the senate committee on judiciary
17 and the house committee on judiciary and law
18 enforcement when making any Code changes, and from the
19 administrative rules review committee and the
20 administrative rules coordinator when making Iowa
21 administrative code changes, which appear to require
22 substantial editing and which might otherwise be
23 interpreted to exceed the scope of the Code editor's
24 authority. The Code editor or designee shall maintain
25 a record of the changes made under this subsection.
26 The record shall be available to the public.

27 3. The effective date of all editorial changes in
28 an edition of the Code or supplement to the Code is
29 the date the legislative council approves the printing
30 contract for publication of that edition or
31 supplement. The effective date of all editorial
32 changes for the Iowa administrative code is the date
33 those changes are published in the Iowa administrative
34 code."

S-5715 Filed April 18, 1986

BY PRIEBE

Adopted 4/23 (g. 1334)

1 Section 1. Section 2.42, subsection 11, Code Supplement
2 1985, is amended to read as follows:

3 11. To ~~appoint~~ approve the appointment of the Code editor
4 and the deputy Code editor, establish the salaries of the
5 persons employed in that office and establish policies with
6 regard to the printing and publishing of the Iowa
7 administrative code and bulletin, the Code of Iowa, and
8 session laws, including but not limited to: The style and
9 format to be used in publishing ~~such~~ the documents, the
10 frequency of publications, the contents of ~~such~~ the
11 publications, the numbering system to be used in the Code and
12 session laws, the preparation of editorial comments or
13 notations, the correction of errors, the type of print to be
14 used, the number of volumes to be published, recommended
15 revisions of the Code and session laws, the letting of
16 contracts for the publication of the Code and session laws,
17 and any other matters deemed necessary to the publication of a
18 uniform and understandable Code of laws, provided that the
19 powers and duties under this subsection be exercised in
20 accordance with other applicable laws.

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23 legislative service bureau. The Iowa Code office includes the
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26 be performed and exercised by the Code editor under the
27 direction and supervision of the director of the legislative
28 service bureau, subject to the review of the legislative
29 council. The administrative head of the Iowa Code office is
30 the deputy Code editor, who shall administer and coordinate
31 the operations of the office so as to assist the Code editor
32 in the fulfillment of the Code editor's duties and powers.
33 The duties and powers of the deputy Code editor of the Iowa
34 Code office shall be performed and exercised under the
35 direction and supervision of the director of the legislative

1 service bureau, subject to the review of the legislative
2 council. The director of the legislative service bureau may,
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5 duties of the Code editor or the deputy Code editor.

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13 department of general services. Expenses of the legislative
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15 of the bureau and, if an extraordinary expense, upon the
16 approval of the legislative council or its chairperson. Funds
17 appropriated for per diem and expenses of the legislative
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22 members of boards and commissions, judges of the supreme,
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24 judges, judicial magistrates, and members of the general
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1 for public use, and when laid before the presiding officers of
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20 approved by the legislative council.

21 3. Chapters of the first regular session shall be numbered
22 from one and chapters of the second regular session shall be
23 numbered from one thousand one.

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25 court justices, judges of the court of appeals, and members of
26 the general assembly shall be published annually with the
27 session laws.

28 ~~There shall also be inserted in the session laws, the~~ A
29 statement of the condition of the state treasury shall be
30 inserted in the session laws, as provided by the Constitution.
31 ~~Said~~ The statement shall be furnished by the state
32 comptroller.

33 6. The enrolling clerks of the house and senate shall make
34 arrangements whereby the Code editor or designee will receive
35 suitable copies of all Acts and resolutions as soon as the

1 same they are enrolled.

2 Sec. 11. Section 14.13, subsection 1, paragraphs c and d,
3 Code Supplement 1985, are amended to read as follows:

4 c. Correct internal references to sections which are cited
5 erroneously or have been repealed, and names of agencies,
6 officers, or other entities which have been changed, when
7 there appears to be no doubt as to the proper methods of
8 making the corrections. The Code editor shall ~~compile-a-list~~
9 maintain a record of the corrections made under this paragraph
10 ~~in-Code-editor's-notes-to-the-edition-of-the-Code-in-which-the~~
11 ~~corrections-are-made.~~ This list The record shall be available
12 to the public.

13 d. Transpose sections or divide sections so as to give to
14 distinct subject matters a section number but without changing
15 the meaning and add or amend headnotes to sections and
16 subsections. Pursuant to section 3.3, the headnotes are not
17 part of the law.

18 Sec. 12. Section 14.13, subsections 2 and 3, Code
19 Supplement 1985, are amended to read as follows:

20 2. The Code editor or designee, in carrying out the duties
21 specified in this chapter relating to publication of the Code
22 and the Iowa administrative code, shall edit the-Code them in
23 order that words which designate one gender will be changed to
24 reflect both genders when the provisions of law apply to
25 persons of both genders. The Code editor or designee shall
26 not make any substantive changes to the Code or Iowa
27 administrative code while performing the editorial work. The
28 Code editor or designee shall seek direction from the senate
29 committee on judiciary and the house committee on judiciary
30 and law enforcement when making any Code changes, and from the
31 administrative rules review committee and the administrative
32 rules coordinator when making Iowa administrative code
33 changes, which appear to require substantial editing and which
34 might otherwise be interpreted to exceed the scope of the Code
35 editor's authority. The Code editor or designee shall

1 maintain a record of the changes made under this subsection.

2 The record shall be available to the public.

3 3. The effective date of all editorial changes in an
4 edition of the Code or supplement to the Code is the date the
5 legislative council approves the printing contract for
6 publication of that edition or supplement. The effective date
7 of all editorial changes for the Iowa administrative code is
8 the date those changes are published in the Iowa
9 administrative code.

10 Sec. 13. Section 14.15, Code 1985, is amended to read as
11 follows:

12 14.15 FUTURE CODES.

13 A new Code or its supplements shall be issued as soon as
14 possible after the final adjournment of the second regular
15 session of the general assembly. Supplements to the Code may
16 be issued after the first regular session or a special session
17 of the general assembly in such the manner as shall be
18 determined by the Code editor and approved by the legislative
19 council. The Code editor shall, immediately after the
20 issuance of a new Code, prepare copy for the ensuing Code or
21 its supplement, and at all times keep the same copy revised to
22 date in the files of the office. The copy may be in the form
23 of computer printouts. The superintendent of printing shall
24 cause such the Code or its supplement to be printed in the
25 manner specified by the Code editor and approved by the
26 legislative council and the proofreading on such the Code
27 shall be solely under the direction and control of the Code
28 editor or designee.

29 Sec. 14. Section 14.21, unnumbered paragraph 2, Code
30 Supplement 1985, is amended to read as follows:

31 The Code editor or designee shall cause to be compiled,
32 indexed, and published in loose-leaf form the Iowa court
33 rules, which shall consist of all rules of civil procedure,
34 rules of criminal procedure, rules of appellate procedure, and
35 supreme court rules. The Code editor or designee, in

1 consultation with the superintendent of printing, shall cause
2 to be printed and distributed supplements to the compilation
3 on or before the effective date of either new rules, or
4 amendments to or the repeal of existing rules. All expenses
5 incurred by the Code editor or designee under this paragraph
6 shall be defrayed under section 14.22. There shall be
7 established a price for the compilation of rules, and a
8 separate price for each supplement. The price of the
9 compilation and of supplements shall represent the costs of
10 compiling and indexing, the amounts charged for printing and
11 distribution, and a cost for labor determined jointly by the
12 legislative council ~~and-rules-review-committee~~ in consultation
13 with the Code editor or designee and the state printer. On
14 request a single copy of each compilation and of each
15 supplement shall be distributed free of charge to each of the
16 persons or agencies referred to in section 18.97, subsections
17 1, 2, 5, 6, 7, 8 and 16.

18 Sec. 15. Section 17.22, unnumbered paragraph 1,
19 subsections 1 through 7, and unnumbered paragraph 2, Code
20 1985, are amended to read as follows:

21 The publications listed in this section shall be sold at a
22 price to be established by dividing the total cost of
23 printing, binding, distribution, and paper stock by the total
24 number printed of each edition, and increasing the figure
25 obtained by an amount, which represents all or any portion of
26 compilation and editing labor costs, to be determined by the
27 legislative council ~~and-rules-review-committee~~ in consultation
28 with the state printer and, for publications edited by the
29 Code editor or designee, in consultation with the Code editor
30 or designee.

31 1. Code or its supplements, the Iowa administrative code
32 or its supplements, and the Iowa administrative bulletin.

33 2. Session laws.

34 3. Daily journals and bills.

35 ~~4.--Book-of-annotations-to-the-Code-~~

1 ~~5. --Supplements to the book of annotations--~~

2 6 4. Tables of corresponding sections to the Code.

3 7 5. Iowa court rules.

4 The Iowa administrative code, its supplements, the Iowa
5 administrative bulletin, or the Code may be distributed with
6 the Code or separately. There shall be established separate
7 prices for the Iowa administrative code, for its supplements,
8 for the Iowa administrative bulletin, and for the Code.

9 Sec. 16. Section 17A.4, subsection 4, paragraph a, Code
10 1985, is amended to read as follows:

11 a. If the administrative rules review committee created by
12 section 17A.8, the governor, or the attorney general finds
13 objection to all or some portion of a proposed rule because
14 that rule is deemed to be unreasonable, arbitrary, capricious,
15 or otherwise beyond the authority delegated to the agency, the
16 committee, governor, or attorney general may, in writing,
17 notify the agency of the objection prior to the effective date
18 of ~~such-a~~ the rule. In the case of a rule issued under
19 subsection 2, or a rule made effective under ~~the-terms-of~~
20 section 17A.5, subsection 2, paragraph "b", the committee,
21 governor, or attorney general may notify the agency of such an
22 objection within seventy days of the date ~~such-a~~ the rule
23 became effective. The committee, governor, or the attorney
24 general shall also file a certified copy of ~~such-an~~ the
25 objection in the office of the Code editor or designee within
26 the above time limits and a notice to the effect that an
27 objection has been filed shall be published in the next issue
28 of the Iowa administrative bulletin and in the Iowa
29 administrative code when that rule is printed in it. The
30 burden of proof shall then be on the agency in any proceeding
31 for judicial review or for enforcement of the rule heard
32 subsequent to the filing to establish that the rule or portion
33 of the rule timely objected to according to the above
34 procedure is not unreasonable, arbitrary, capricious, or
35 otherwise beyond the authority delegated to it.

1 Sec. 17. Section 17A.4, subsection 6, Code 1985, is
2 amended to read as follows:

3 6. The governor may rescind an adopted rule by executive
4 order within thirty-five days of the publication of the rule.
5 The governor shall provide a copy of the executive order to
6 the Code editor or designee who shall include it in the next
7 publication of the Iowa administrative bulletin.

8 Sec. 18. Section 17A.6, subsections 1 and 2, Code 1985,
9 are amended to read as follows:

10 1. The Code editor or designee shall cause the "Iowa
11 Administrative Bulletin" to be published, in pamphlet form at
12 ~~least-every-other-week-containing~~ on a schedule as determined
13 by the administrative rules review committee in consultation
14 with the Code editor or designee, which shall contain the
15 following:

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

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

22 c. Other materials deemed ~~fitting-and-proper~~ appropriate
23 by the administrative rules review committee.

24 2. Subject to the direction of the administrative rules
25 ~~co-ordinator~~ review committee, the Code editor or designee
26 shall cause the "Iowa Administrative Code" to be compiled,
27 indexed, and published in loose-leaf form containing all rules
28 adopted and filed by each agency. The Code editor further or
29 designee shall cause publish loose-leaf supplements to the
30 Iowa administrative code ~~to-be-published-at-least-every-other~~
31 ~~week, containing all rules filed for publication in the prior~~
32 two-weeks in order to update the Iowa administrative code on a
33 schedule as determined by the administrative rules review
34 committee, in consultation with the Code editor or designee
35 and the administrative rules co-ordinator. The supplements

1 shall be in such a form that they may be inserted in the
2 appropriate places in the permanent compilation. In
3 consultation with the administrative rules review committee,
4 the Code editor or designee may devise and implement a system
5 to allow subscriptions to portions of the Iowa administrative
6 code and their supplements in addition to subscriptions to the
7 entire code and its supplements. The Code editor or designee,
8 in consultation with the administrative rules co-ordinator
9 shall devise a uniform numbering system for rules and may
10 renumber rules before publication to conform with the system.
11 The Code editor or designee, the administrative rules co-
12 ordinator, and the administrative rules review committee shall
13 jointly prescribe a uniform style and format by which an
14 agency shall prepare a rule for submission pursuant to chapter
15 17A which shall follow the uniform numbering system.

16 Sec. 19. Section 17A.6, subsection 3, Code 1985, is
17 amended to read as follows:

18 3. The Code editor or designee may omit or cause to be
19 omitted from the Iowa administrative code or bulletin any rule
20 the publication of which would be unduly cumbersome,
21 expensive, or otherwise inexpedient, if the rule in printed or
22 processed form is made available on application to the
23 adopting agency at no more than its cost of reproduction, and
24 if the Iowa administrative code or bulletin contains a notice
25 stating the specific subject matter of the omitted rule and
26 stating how a copy thereof of the rule may be obtained.

27 Sec. 20. Section 17A.23, Code 1985, is amended to read as
28 follows:

29 17A.23 CONSTRUCTION.

30 1. Except as expressly provided otherwise by this chapter
31 or by another statute referring to this chapter by name, the
32 rights created and the requirements imposed by this chapter
33 ~~shall-be~~ are in addition to those created or imposed by every
34 ~~any other statute now-in-existence-or-hereafter-enacted.~~ If
35 any other statute ~~now-in-existence-or-hereafter-enacted~~

1 diminishes any right conferred upon a person by this chapter
2 or diminishes any requirement imposed upon an agency by this
3 chapter, this chapter ~~shall take~~ takes precedence unless the
4 other statute expressly provides that it ~~shall take~~ takes
5 precedence over all or some specified portion of this named
6 chapter.

7 2. The Iowa administrative procedure Act shall be
8 construed broadly to effectuate its purposes. This chapter
9 shall also be construed to apply to all agencies not expressly
10 exempted by this chapter or by another statute specifically
11 referring to this chapter by name; and except as to
12 proceedings in process on July 1, 1975, this chapter shall be
13 construed to apply to all covered agency proceedings and all
14 agency action not expressly exempted by this chapter or by
15 another statute specifically referring to this chapter by
16 name.

17 Sec. 21. NEW SECTION. 18.29A PRINTING OF IOWA CODE AND
18 RELATED PUBLICATIONS.

19 The authority of the director to let contracts for the
20 printing of publications edited by the Code editor or designee
21 shall be exercised in consultation with the Code editor or
22 designee and administrative rules review committee.

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SENATE FILE 2289

H-6063

Amend Senate File 2289 as amended, passed, and reprinted by the Senate as follows:

1. By striking page 1, line 3 through page 2, line 5 and inserting the following:

"11. To appoint approve the appointment of the Iowa Code editor and the Iowa administrative 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. NEW SECTION. 2.58A IOWA CODE OFFICE.

The Iowa Code office is created as a division of the legislative service bureau. The Iowa Code office includes the Iowa Code editor and the Iowa administrative code editor. The duties and powers of the Iowa Code editor and the Iowa administrative code editor shall be performed and exercised by the Code editor under the direction and supervision of the director of the legislative service bureau, subject to the review of the legislative council. The administrative head of the Iowa Code office is the Iowa administrative code editor, who shall administer and coordinate the operations of the office."

2. Page 3, by striking lines 7 through 12 and inserting the following:

"14.1 IOWA CODE EDITOR AND IOWA ADMINISTRATIVE CODE EDITOR.

The legislative council director of the legislative service bureau shall appoint a an Iowa Code editor who shall serve and an Iowa administrative code editor, subject to the approval of the legislative council.

H-6063

Page Two

1 editor in regard to powers and duties relating to the
 2 Iowa Code, the Iowa Code editor may change references
 3 to the "Code editor" to "Iowa Code editor".
 4 Sec. 23. In sections 14.7, 14.21, 17A.1, and
 5 17A.6, Code 1985, and in other provisions containing
 6 references to the Code editor in regard to powers and
 7 duties relating to the Iowa administrative code and
 8 related documents, the Code editor may change
 9 references to the "Code editor" to "Iowa
 10 administrative code editor".

BY CARPENTER of Polk
 CONNORS of Polk
 DODERER of Johnson
 LLOYD-JONES of Johnson

H-6063 FILED APRIL 30, 1986
 ADOPTED as amended by 6068 4/30 (1922)

SENATE FILE 2289

H-6036

1 Amend Senate File 2289 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 9, line 14, by inserting after the word
 4 "designee" the words "and approved by the legislative
 5 council".

H-6036 FILED APRIL 25, 1986 BY COMMITTEE ON STATE GOVERNMENT
 Adopted 4/30 (p 1921)

SENATE FILE 2289

H-6068

1 Amend amendment H-6063 to Senate File 2289 as
 2 amended, passed, and reprinted by the Senate as follows:
 3 1. Page 2, line 8, by inserting before the word
 4 "Code" the word "Iowa".

H-6068 FILED APRIL 30, 1986 BY CARPENTER of Polk
 ADOPTED BY UNANIMOUS CONSENT (p 1922)

SENATE FILE 2289

H-6071

1 Amend Senate File 2289 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Title page, line 1, by striking the following:
 4 "the deputy Code editor,".

H-6071 FILED APRIL 30, 1986 BY LLOYD-JONES of Johnson
 ADOPTED BY UNANIMOUS CONSENT (p 1922)

HOUSE AMENDMENT TO
SENATE FILE 2289

S-5885

1 Amend Senate File 2289 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. By striking page 1, line 3 through page 2,
4 line 5 and inserting the following:

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

23 Sec. 2. NEW SECTION. 2.58A IOWA CODE OFFICE.

24 The Iowa Code office is created as a division of
25 the legislative service bureau. The Iowa Code office
26 includes the Iowa Code editor and the Iowa
27 administrative code editor. The duties and powers of
28 the Iowa Code editor and the Iowa administrative code
29 editor shall be performed and exercised by the Code
30 editor under the direction and supervision of the
31 director of the legislative service bureau, subject to
32 the review of the legislative council. The
33 administrative head of the Iowa Code office is the
34 Iowa administrative code editor, who shall administer
35 and coordinate the operations of the office."

36 2. Page 3, by striking lines 7 through 12 and
37 inserting the following:

38 "14.1 IOWA CODE EDITOR AND IOWA ADMINISTRATIVE
39 CODE EDITOR.

40 The legislative council director of the legislative
41 service bureau shall appoint a an Iowa Code editor who
42 shall serve and an Iowa administrative code editor,
43 subject to the approval of the legislative council,
44 each of whom serves at the pleasure of the legislative
45 council."

46 3. Page 9, line 14, by inserting after the word
47 "designee" the words "and approved by the legislative
48 council".

49 4. Page 11, by inserting after line 22 the
50 following:

S-5885 p. 2

1 "Sec. 22. In sections 14.8, 14.9, 14.10, 14.11
2 14.12, 14.13, 14.15, and 14.16, Code 1985, and
3 other provisions containing references to the Code
4 editor in regard to powers and duties relating to the
5 Iowa Code, the Iowa Code editor may change references
6 to the "Code editor" to "Iowa Code editor".

7 Sec. 23. In sections 14.7, 14.21, 17A.4, and
8 17A.6, Code 1985, and in other provisions containing
9 references to the Code editor in regard to powers and
10 duties relating to the Iowa administrative code and
11 related documents, the Iowa Code editor may change
12 references to the "Code editor" to "Iowa
13 administrative code editor".

14 5. Title page, line 1, by striking the following:
15 "the deputy Code editor,".

S-5885 Filed April 30, 1986 REC'D FROM THE HOUSE