

Withdrawn
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HF 636 substituted

SENATE FILE 365
BY COMMITTEE ON RULES
AND ADMINISTRATION

(SUCCESSOR TO SSB 1131)

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

A BILL FOR

1 An Act relating to legislative branch consolidation of functions
2 by combining the legislative service bureau, legislative
3 fiscal bureau, and legislative computer support bureau into a
4 single central legislative staff agency, providing for
5 legislative publications procedures, modifying the sales tax
6 exemption for items sold or services provided by the new
7 agency, including related matters, and providing an effective
8 date.

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

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S.F. 365

1 Section 1. NEW SECTION. 2E.1 LEGISLATIVE SERVICES AGENCY
2 CREATED -- SERVICES -- LEGISLATIVE PRIVILEGES --
3 NONPARTISANSHIP AND NONADVOCACY.

4 1. A legislative services agency is created as a
5 nonpartisan, central legislative staff agency under the
6 direction and control of the legislative council. The agency
7 shall cooperate with and serve all members of the general
8 assembly, the legislative council, and committees of the
9 general assembly.

10 2. The legislative services agency shall provide the
11 following services:

12 a. Legal and fiscal analysis, including legal drafting
13 services, fiscal analysis of legislation, and state
14 expenditure, revenue, and budget review.

15 b. State government oversight and performance evaluation.

16 c. Staffing of standing committees, revenue and budget
17 committees, statutory committees, and interim study
18 committees, and any subcommittees of such committees,
19 including the provision of legal and fiscal analysis to
20 committees and subcommittees.

21 d. Publication of the official legal publications of the
22 state, including but not limited to the Iowa Code, Iowa Code
23 Supplement, Iowa Acts, Iowa court rules, Iowa administrative
24 bulletin, and Iowa administrative code as provided in chapter
25 2B.

26 e. Operation and maintenance of the legislative computer
27 systems used by the senate, house of representatives, and the
28 central legislative staff agencies.

29 f. Provision of legislative information to the public,
30 provision of library information, management of legislative
31 visitor protocol services, and provision of capitol tour guide
32 services.

33 g. Other functions as assigned to the legislative services
34 agency by the legislative council or the general assembly.

35 3. The legislative services agency shall provide services

1 to the general assembly in such a manner as to preserve the
2 authority of the senate and the house of representatives to
3 determine their own rules of proceedings and to exercise all
4 other powers necessary for a separate branch of the general
5 assembly of a free and independent state, and to protect the
6 legislative privileges of the members and employees of the
7 general assembly. In providing services to the general
8 assembly, the legislative services agency shall adhere to all
9 applicable policies of the general assembly and its
10 constituent bodies relating to public access to legislative
11 information and related confidentiality restrictions.

12 4. The director and all other employees of the legislative
13 services agency shall not participate in partisan political
14 activities and shall not be identified as advocates or
15 opponents of issues subject to legislative debate except as
16 otherwise provided by law or by the legislative council.

17 Sec. 2. NEW SECTION. 2E.2 DIRECTOR -- DUTIES.

18 1. The administrative head of the legislative services
19 agency shall be the director appointed by the legislative
20 council as provided in section 2.42. The salary of the
21 director shall be set by the legislative council.

22 2. The director shall do all of the following:

23 a. Employ persons with expertise to perform the legal,
24 fiscal, technical, and other functions which are required to
25 be performed by the legislative services agency by this
26 chapter or are assigned to the legislative services agency by
27 the legislative council or the general assembly.

28 b. Supervise all employees of the legislative services
29 agency, including the legal counsel designated to provide
30 legal assistance to the administrative rules review committee,
31 and supervise any outside service providers retained by the
32 legislative services agency.

33 c. Supervise all expenditures of the agency.

34 d. Supervise the legal and fiscal analysis and legal
35 publication functions of the agency.

1 e. Supervise the government oversight and program
2 evaluation functions of the agency.

3 f. Supervise the committee staffing functions of the
4 agency.

5 g. Supervise the computer systems services functions of
6 the agency.

7 h. Supervise the legislative and library information,
8 legislative visitor protocol, and capitol tour guide functions
9 of the agency.

10 i. Perform other functions as assigned to the director by
11 the legislative council or the general assembly.

12 Sec. 3. NEW SECTION. 2E.3 INFORMATION ACCESS --
13 CONFIDENTIALITY -- SUBPOENAS.

14 1. The director and agents and employees of the
15 legislative services agency shall at all times have access to
16 all agencies, offices, boards, and commissions of the state
17 and its political subdivisions and private organizations
18 providing services to individuals under contracts with state
19 agencies, offices, boards, or commissions and to the
20 information, records, instrumentalities, and properties used
21 in the performance of such entities' statutory duties or
22 contractual arrangements. All such entities and the described
23 private organizations shall cooperate with the director, and
24 shall make available to the director such information,
25 records, instrumentalities, and properties upon request.

26 2. If the information sought by the legislative services
27 agency is required by law to be kept confidential, the agency
28 shall have access to the information, but shall maintain the
29 confidentiality of the information and is subject to the same
30 penalties as the lawful custodian of the information for
31 dissemination of the information. However, the legislative
32 services agency shall not have access to tax return
33 information except for individual income tax sample data as
34 provided in section 422.72, subsection 1.

35 3. The director may issue subpoenas for production of any

1 information, records, instrumentalities, or properties to
2 which the director is authorized to have access. If any
3 person subpoenaed refuses to produce the information, records,
4 instrumentalities, or properties, the director may apply to
5 the district court having jurisdiction over that person for
6 the enforcement of the subpoena.

7 4. The director, an agent or former agent, and an employee
8 or former employee of the legislative services agency shall
9 not be compelled to give testimony or to appear and produce
10 documentary evidence in a judicial or quasi-judicial
11 proceeding if the testimony or documentary evidence sought
12 relates to a legislative duty or act performed by the
13 director, agent, or employee. An order or subpoena purporting
14 to compel testimony or the production of documentary evidence
15 protected under this subsection is unenforceable.

16 Sec. 4. NEW SECTION. 2E.4 SPECIFIC SERVICES -- PUBLIC
17 POLICY RECOMMENDATIONS RESTRICTED.

18 The legislative services agency shall provide the following
19 specific services:

20 1. Preparation of legal and legislative analysis of any
21 governmental matter upon the proper request of members and
22 committees of the general assembly. Such analysis shall not
23 contain any public policy recommendations. Such legal
24 analysis shall be provided through the exercise of an
25 attorney-employee's independent, professional judgment.

26 2. Drafting and preparation of legislation, including
27 bills, resolutions, and amendments, for committees and
28 individual members of the general assembly; proposed bills and
29 joint resolutions for state agencies and the governor in
30 accordance with section 2.16; and bills embodying a plan of
31 legislative and congressional redistricting prepared in
32 accordance with chapter 42.

33 3. Fiscal analysis of legislation, and state expenditure,
34 revenue, and budget review. The director of the agency or the
35 director's designee may make recommendations to the general

1 assembly concerning the state's expenditures and revenues.

2 4. Attendance at the budget hearings required by section
3 8.26. The director of the agency may offer explanations or
4 suggestions and make inquiries with respect to such budget
5 hearings.

6 5. Assistance to standing committees and members of the
7 general assembly in attaching fiscal notes to bills and
8 resolutions as provided by the rules of the general assembly.

9 6. Performance of the duties pertaining to the preparation
10 of correctional impact statements as provided in section 2.56.

11 7. Furnishing information, acting in an advisory capacity,
12 providing staffing services, and reporting to standing,
13 statutory, and interim committees of the general assembly.

14 8. Preparation of legal and legislative analysis for the
15 administrative rules review committee in its oversight
16 functions with respect to executive branch administrative
17 rules as provided in chapter 17A.

18 9. Preparation of legal and legislative analysis for the
19 legislative council with respect to rules and forms submitted
20 by the supreme court to the legislative council pursuant to
21 section 602.4202.

22 10. Review and oversight of state program operations and
23 program evaluation of state agencies, including compliance,
24 efficiency, and effectiveness determinations, as required by
25 section 2E.7.

26 11. Provision of legislative computer systems services to
27 the senate, house of representatives, and central legislative
28 staff agencies, and provision of advice regarding legislative
29 computer systems services, needs, capabilities, and uses to
30 the legislative council and the general assembly.

31 Sec. 5. NEW SECTION. 2E.5 OFFICIAL LEGAL AND OTHER
32 PUBLICATIONS -- PROCUREMENTS.

33 1. The legislative services agency shall publish the
34 official legal publications of the state as provided in
35 chapter 2B. The legislative services agency shall have legal

1 custody of the publications and shall provide for the
2 warehousing, sale, and distribution of the publications. The
3 legislative services agency shall retain or cause to be
4 retained a number of old editions of the publications but may
5 otherwise distribute or cause to be distributed old editions
6 of the publications to any person upon payment by the person
7 of any distribution costs.

8 2. The printed versions of the publications listed in this
9 subsection shall be sold at a price to be established by the
10 legislative services agency. In determining the prices, the
11 legislative services agency shall consider the costs of
12 printing, binding, distribution, and paper stock, compilation
13 and editing labor costs, and any other associated costs. The
14 legislative services agency shall also consider the number of
15 volumes or units to be printed, sold, and distributed in the
16 determination of the prices.

17 a. The Iowa Code.

18 b. The Iowa Code Supplement.

19 c. The Iowa Acts.

20 d. The Iowa court rules.

21 e. The Iowa administrative code.

22 f. The Iowa administrative bulletin.

23 3. The legislative services agency may establish policies
24 for the production, editing, distribution, and pricing of
25 electronic publications containing information stored by the
26 legislative branch in an electronic format, including
27 information contained in the printed publications listed in
28 this section. Such electronic publications may include
29 programming not originally part of the stored information,
30 including but not limited to search and retrieval functions.
31 The policies shall provide for the widest possible
32 distribution of these value-added electronic publications at
33 the lowest price practicable, which shall not be more than the
34 costs attributable to producing, editing, and distributing the
35 electronic publications.

1 4. Subject to section 2.42, the legislative services
2 agency shall determine its procurement procedures, which may
3 include procurement determinations based on service provider
4 competence, meeting of service or product specifications, and
5 reasonableness of price; the posting of security to accompany
6 a service provider proposal; the preference of Iowa-based
7 businesses if comparable in price; the disclosure of service
8 provider assignments; the inclusion of renewal options; the
9 imposition of liquidated damages and other penalties for
10 breach of any service provider requirement; and the rejection
11 of all service provider proposals and institution of a new
12 procurement process.

13 Sec. 6. NEW SECTION. 2E.6 SPECIAL DISTRIBUTION OF LEGAL
14 PUBLICATIONS -- RESTRICTIONS ON FREE DISTRIBUTIONS.

15 1. The legislative services agency shall make free |
16 distribution of the printed versions of the official legal
17 publications listed in section 2E.5, subsection 2, subject to
18 payment of any routine distribution costs such as but not
19 limited to mailing and handling costs, to the three branches
20 of state government, to elected county officers, to county and
21 city assessors, to Iowa's congressional delegation, to federal
22 courts in Iowa and federal judges and magistrates for Iowa,
23 and to state and university depository libraries, the library
24 of congress, and the library of the United States supreme
25 court. Only such officers, offices, and agencies entitled to
26 or receiving free copies during the fiscal year beginning July
27 1, 2002, and ending June 30, 2003, shall be entitled to
28 continue to receive free copies in subsequent years, except
29 that successor and new officers, offices, and agencies shall
30 receive a reasonable number of free copies as determined by
31 the legislative services agency. Such officers, offices, and
32 agencies shall annually review the number of copies received
33 in the prior year to determine if the number of copies
34 received can be reduced and shall submit the information in a
35 report to the legislative services agency. The number of

1 copies received, once reduced, shall not be increased to the
2 previous level without the express consent of the legislative
3 services agency.

4 2. Each officer, office, or agency receiving one or more
5 free copies of a publication under this section shall only
6 receive up to the number of copies indicated free at the time
7 of initial distribution. If an officer, office, or agency
8 receiving one or more free copies of a publication under this
9 section desires additional copies beyond the number initially
10 received, the officer, office, or agency must request the
11 additional copies and pay the normal charge for such
12 publication.

13 3. If a version of a publication provided under this
14 section is available in an electronic format, the legislative
15 services agency may establish policies providing for the
16 substitution of an electronic version for the printed version
17 of the publication, and for the amount of payment, if any,
18 required for the electronic publication. The payment amount
19 shall not be more than established pursuant to section 2E.5
20 for the same publication. For the Iowa administrative code
21 and its supplements, the legislative services agency may
22 provide that the distribution requirement of this section is
23 met by distributing relevant portions of the Iowa
24 administrative code or its supplements in either a printed or
25 electronic format.

26 4. Notwithstanding any provision of this section to the
27 contrary, the legislative services agency may review the
28 publication costs and offsetting sales revenues relating to
29 legal publications in printed formats, and may establish
30 policies requiring payment from persons otherwise entitled to
31 receive them at no cost or at a price covering distribution
32 costs pursuant to subsection 1. The payment amount shall not
33 be more than established pursuant to section 2E.5 for the same
34 publication.

35 Sec. 7. NEW SECTION. 2E.7 STATE GOVERNMENT OVERSIGHT AND

1 PROGRAM EVALUATION.

2 1. The general assembly shall independently and
3 intensively review and oversee the performance of state
4 agencies in the operation of state programs to evaluate the
5 efficiency and effectiveness of the state programs and to
6 consider alternatives which may improve the benefits of such
7 programs or may reduce their costs to the citizens of the
8 state. The legislative services agency shall provide the
9 technical and professional support for the general assembly's
10 oversight responsibility.

11 2. The general assembly by concurrent resolution or the
12 legislative council may direct the legislative services agency
13 to conduct a program evaluation of any state agency. Upon the
14 passage of the concurrent resolution or receiving the
15 direction of the legislative council, the director of the
16 legislative services agency shall inform the chairpersons of
17 the committees responsible for appropriations of the
18 anticipated cost of the program evaluation and the number and
19 nature of any additional personnel needed to conduct the
20 program evaluation and shall notify the official responsible
21 for the program to be evaluated. The director, after
22 consulting with the responsible official and the entity
23 requesting the program evaluation, shall determine the goals
24 and objectives of the state agency or state program for the
25 purpose of the program evaluation.

26 3. In conducting the program evaluation, the legislative
27 services agency may make certain determinations including but
28 not limited to the following:

29 a. The organizational framework of the state agency, its
30 adequacy and relationship to the overall structure of state
31 government, and whether the program under the agency's
32 jurisdiction could be more effective if consolidated with
33 another program, transferred to another program, or modified,
34 or whether the program should be abolished.

35 b. Whether the state agency is conducting programs and

1 activities and expending funds appropriated to the state
2 agency in compliance with state and federal law and any
3 executive order of the governor, and whether statutory or
4 administrative rule changes are advisable.

5 c. Whether the state agency is conducting authorized
6 activities and programs pursuant to goals and objectives
7 established by statute or rule, specific legislative intent,
8 the budget, the governor, or a strategic or other long-range
9 plan, and whether alternatives which might produce the desired
10 results at a lower cost have been considered.

11 d. Whether the state agency is conducting programs and
12 activities and expending funds appropriated to the state
13 agency in an efficient and effective manner, has complied with
14 all applicable laws, and, if not, determine the causes for
15 such inefficiency, ineffectiveness, or noncompliance.

16 e. Relationships within and among other governmental
17 agencies and programs including financial exchanges,
18 coordination, inconsistent programs, and areas of duplication
19 or overlapping programs.

20 f. The productivity of the state agency's operations
21 measured in terms of cost-benefit relationships or other
22 accepted measures of effectiveness.

23 g. Other criteria determined by the director.

24 4. Upon the completion of the program evaluation and
25 preparation of a report on the evaluation, the legislative
26 services agency shall provide a copy of the report to the
27 governing official or board of the state agency and afford the
28 state agency a reasonable opportunity to respond to the
29 findings and recommendations of the report. The response
30 shall be included in the final version of the report released
31 to the general assembly or the legislative council. Until its
32 release the report shall be regarded as confidential by all
33 persons properly having custody of the report.

34 Sec. 8. NEW SECTION. 2E.8 SALES -- TAX EXEMPTION.

35 1. The legislative services agency and its legislative

1 information office may sell mementos and other items relating
2 to Iowa history and historic sites, the general assembly, and
3 the state capitol, on the premises of property under the
4 control of the legislative council, at the state capitol, and
5 on other state property.

6 2. The legislative services agency is not a retailer under
7 chapter 422 and the sale of items or provision of services by
8 the legislative services agency is not a retail sale under
9 chapter 422, division IV, and is exempt from the sales tax.

10 Sec. 9. Section 2.9, Code 2003, is amended to read as
11 follows:

12 2.9 JOURNALS -- BILLS AND AMENDMENTS.

13 1. a. The senate and house of representatives shall each
14 publish a daily journal of the transactions of their
15 respective bodies. The secretary of the senate and the chief
16 clerk of the house shall each determine the format and manner
17 of the journal's publication, the procurement procedures for
18 the journal's publication, and the journal's distribution for
19 their respective bodies.

20 b. The secretary of the senate and the clerk of the house
21 of representatives shall each preserve copies of the printed
22 daily journals of their respective bodies, as corrected,
23 certify to their correctness, and file them with the secretary
24 of state at the adjournment of each session of the general
25 assembly. The secretary of state shall ~~cause the journals to~~
26 ~~be bound and preserved as~~ preserve the original journals of
27 the senate and the house in the manner specified by the
28 majority leader of the senate and speaker of the house.

29 2. a. The senate and house of representatives shall each
30 publish bills and amendments of their respective bodies. The
31 secretary of the senate and the chief clerk of the house shall
32 each determine the procurement procedures for the publication
33 of the bills and amendments and the distribution of the bills
34 and amendments for their respective bodies.

35 b. A bill that seeks to legalize the acts of any official

1 or board or other official body, in regard to any matter of
2 public nature or for any person or persons, company, or
3 corporation, shall not be considered by the senate or house of
4 representatives until the bill is published and distributed to
5 members of the general assembly, and the publication shall be
6 without expense to the state. The senate and house shall not
7 order any such bill published until the secretary of the
8 senate or chief clerk of the house has received a deposit to
9 cover the cost of the publication. The newspaper publication
10 of such bill shall be without expense to the state, and the
11 bill shall not be published in a newspaper until the costs of
12 the newspaper publication has been paid to the secretary of
13 state.

14 Sec. 10. Section 2.42, subsections 1, 2, 11, 12, 13, 14,
15 15, 16, 18, and 19, Code 2003, are amended to read as follows:

16 1. To establish policies for the operation of the
17 legislative ~~service-bureau, including the priority to be given~~
18 ~~to research requests and the distribution of research reports~~
19 services agency.

20 2. To appoint the director of the legislative ~~service~~
21 ~~bureau~~ services agency for such term of office as may be set
22 by the council.

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

26 12. To establish policies for the distribution of
27 information which is stored by the general assembly in an
28 electronic format, including the contents of statutes or
29 rules, other than value-added electronic publications as
30 provided in section ~~7A-22~~ 2E.5. The legislative council shall
31 establish payment rates that encourage the distribution of
32 such information to the public, including private vendors
33 reselling that information. The legislative council shall not
34 establish a price that attempts to recover more than is
35 attributable to costs related to reproducing and delivering

1 the information.

2 13. To establish policies with regard to the publishing of
3 printed and electronic versions of the Iowa administrative
4 code, the Iowa administrative bulletin, the Iowa Code, the
5 Iowa Code Supplement, and the ~~session-laws~~ Iowa Acts, or any
6 part of those publications. The publishing policies may
7 include, but are not limited to: the style and format to be
8 used; the frequency of publication; the contents of the
9 publications; the numbering system to be used in the Iowa
10 Code, the Iowa Code Supplement, and the ~~session-laws~~ Iowa
11 Acts; the preparation of editorial comments or notations; the
12 correction of errors; the type of print or electronic media
13 and data processing software to be used; the number of printed
14 volumes to be published; recommended revisions of the Iowa
15 Code, the Iowa Code Supplement, and the ~~session-laws~~ Iowa
16 Acts; the letting of contracts for the publication of the Iowa
17 administrative code, the Iowa administrative bulletin, the
18 Iowa court rules, the Iowa Code, the Iowa Code Supplement, and
19 ~~session-laws~~ the Iowa Acts; the pricing of the publications to
20 which section 22.3 does not apply; access to, and the use,
21 reproduction, legal protection, sale or distribution, and
22 pricing of related data processing software consistent with
23 chapter 22; and any other matters deemed necessary to the
24 publication of uniform and understandable publications.

25 ~~14.--To-establish-policies-for-the-operation-of-the~~
26 ~~legislative-fiscal-bureau.~~

27 ~~15.--To-appoint-the-director-of-the-legislative-fiscal~~
28 ~~bureau-for-such-term-of-office-as-may-be-set-by-the-council.~~

29 16. To hear and act upon appeals of aggrieved employees of
30 the legislative ~~service-bureau~~, ~~legislative-fiscal-bureau~~,
31 ~~computer-support-bureau~~, services agency and the office of the
32 citizens' aide pursuant to rules of procedure established by
33 the council.

34 ~~18.--To-establish-policies-for-the-operation-of-the~~
35 ~~computer-support-bureau.~~

1 ~~19.--To-appoint-the-director-of-the-computer-support-bureau~~
2 ~~for-a-term-of-office-set-by-the-council.~~

3 Sec. 11. Section 2.45, subsection 2, Code 2003, is amended
4 to read as follows:

5 2. The legislative fiscal committee, composed of the
6 chairpersons or their designated committee member and the
7 ranking minority party members or their designated committee
8 member of the committees of the house and senate responsible
9 for developing a state budget and appropriating funds, the
10 chairpersons or their designated committee member and the
11 ranking minority party members or their designated committee
12 member of the committees on ways and means, and two members,
13 one appointed from the majority party of the senate by the
14 majority leader of the senate and one appointed from the
15 majority party of the house by the speaker of the house of
16 representatives. In each house, unless one of the members who
17 represent the committee on ways and means is also a member of
18 the legislative council, the person appointed from the
19 membership of the majority party in that house shall also be
20 appointed from the membership of the legislative council. ~~The~~
21 ~~legislative-fiscal-committee-shall-determine-policies-for-the~~
22 ~~legislative-fiscal-bureau-and-shall-direct-the-administration~~
23 ~~of-performance-audits-and-visitations, subject-to-the-approval~~
24 ~~of-the-legislative-council.~~

25 Sec. 12. Section 2.56, Code 2003, is amended to read as
26 follows:

27 2.56 CORRECTIONAL IMPACT STATEMENTS.

28 1. Prior to debate on the floor of a chamber of the
29 general assembly, a correctional impact statement shall be
30 attached to any bill, joint resolution, or amendment which
31 proposes a change in the law which creates a public offense,
32 significantly changes an existing public offense or the
33 penalty for an existing offense, or changes existing
34 sentencing, parole, or probation procedures. The statement
35 shall include information concerning the estimated number of

1 criminal cases per year that the legislation will impact, the
2 fiscal impact of confining persons pursuant to the
3 legislation, the impact of the legislation upon existing
4 correctional institutions, community-based correctional
5 facilities and services, and jails, the likelihood that the
6 legislation may create a need for additional prison capacity,
7 and other relevant matters. The statement shall be factual
8 and shall, if possible, provide a reasonable estimate of both
9 the immediate effect and the long-range impact upon prison
10 capacity.

11 ~~2. a. The preliminary determination of whether a bill,~~
12 ~~joint resolution, or amendment appears to require a~~
13 ~~correctional impact statement shall be made by the legislative~~
14 ~~service bureau, which shall send a copy of the bill, joint~~
15 ~~resolution, or amendment, upon completion of the draft, to the~~
16 ~~legislative fiscal director for review, unless the requestor~~
17 ~~specifies the request is to be confidential.~~

18 b. 2. a. When a committee of the general assembly reports
19 a bill, joint resolution, or amendment to the floor, the
20 committee shall state in the report whether a correctional
21 impact statement is or is not required.

22 c. b. The legislative ~~fiscal director~~ services agency
23 shall review all bills and joint resolutions placed on the
24 calendar of either chamber of the general assembly, as well as
25 amendments filed to bills or joint resolutions on the
26 calendar, to determine whether a correctional impact statement
27 is required.

28 d. c. A member of the general assembly may request the
29 preparation of a correctional impact statement by submitting a
30 request to the legislative ~~fiscal bureau~~ services agency.

31 3. The legislative ~~fiscal director~~ services agency shall
32 cause to be prepared ~~and shall approve~~ a correctional impact
33 statement within a reasonable time after receiving a request
34 or determining that a proposal is subject to this section.
35 All correctional impact statements approved by the legislative

1 ~~fiscal-director~~ services agency shall be transmitted
 2 immediately to either the chief clerk of the house or the
 3 secretary of the senate, after notifying the sponsor of the
 4 legislation that the statement has been prepared, for
 5 publication ~~in-the-daily-clip-sheet~~. The chief clerk of the
 6 house or the secretary of the senate shall attach the
 7 statement to the bill, joint resolution, or amendment affected
 8 as soon as it is available.

9 4. The legislative ~~fiscal-director~~ services agency may
 10 request the cooperation of any state department or agency or
 11 political subdivision in preparing a correctional impact
 12 statement.

13 5. A revised correctional impact statement shall be
 14 prepared if the correctional impact has been changed by the
 15 adoption of an amendment, and may be requested by a member of
 16 the general assembly or be prepared upon a determination made
 17 by the legislative ~~fiscal-director~~ services agency. However,
 18 a request for a revised correctional impact statement shall
 19 not delay action on the bill, joint resolution, or amendment
 20 unless so ordered by the presiding officer of the chamber.

21 Sec. 13. Section 2B.1, Code 2003, is amended to read as
 22 follows:

23 2B.1 IOWA CODE AND ADMINISTRATIVE CODE DIVISIONS---
 24 EDITORS.

25 ~~1:--The-Iowa-Code-and-administrative-code-divisions-are~~
 26 ~~established-within-the-legislative-service-bureau.~~

27 2: 1. The director of the legislative ~~service-bureau~~
 28 services agency shall appoint the Iowa Code editor and the
 29 administrative code editor, subject to the approval of the
 30 legislative council, as provided in section 2.42. The Iowa
 31 Code editor and the administrative code editor shall serve as
 32 ~~the-heads-of-their-respective-divisions,~~ at the pleasure of
 33 the director of the legislative ~~service-bureau,~~ and subject to
 34 ~~the-approval-of-the-legislative-council~~ services agency.

35 3: 2. The Iowa Code and administrative code ~~divisions~~

1 editors are responsible for the editing, compiling, and
2 proofreading of the publications they prepare, as provided in
3 this chapter. The Iowa Code division editor is entitled to
4 the temporary possession of the original enrolled Acts and
5 resolutions as necessary to prepare them for publication.

6 Sec. 14. Section 2B.5, Code 2003, is amended to read as
7 follows:

8 2B.5 DUTIES OF ADMINISTRATIVE CODE DIVISION EDITOR.

9 The administrative code division editor shall:

10 1. Cause the Iowa administrative bulletin and the Iowa
11 administrative code to be published as provided in chapter
12 17A.

13 2. Cause the Iowa court rules to be published and
14 distributed, as directed by the supreme court after
15 consultation with the legislative council. The Iowa court
16 rules shall consist of all rules prescribed by the supreme
17 court. ~~The court rules shall be published in loose-leaf form~~
18 ~~and supplements shall be prepared and distributed as directed~~
19 ~~by the supreme court.~~ The Iowa court rules and supplements to
20 the court rules shall be priced as provided in section 7A:22
21 2E.5.

22 3. Cause to be published annually ~~in pamphlet form~~ a
23 correct list of state officers and deputies, members of boards
24 and commissions, judges justices of the supreme court,
25 appellate judges of the court of appeals, and judges of the
26 district courts including district associate judges and
27 judicial magistrates, and members of the general assembly.
28 The offices of the governor and secretary of state shall
29 cooperate in the preparation of the list. ~~This pamphlet shall~~
30 ~~be published as soon after July 1 as it becomes apparent that~~
31 ~~it will be reasonably current.~~

32 4. Notify the administrative rules coordinator if a rule
33 is not in proper style or form.

34 5. Perform other duties as directed by the director of the
35 legislative service-bureau services agency, the legislative

1 council, or the administrative rules review committee and as
2 provided by law.

3 Sec. 15. Section 2B.6, Code 2003, is amended to read as
4 follows:

5 2B.6 DUTIES OF IOWA CODE ~~DIVISION~~ EDITOR.

6 The Iowa Code ~~division~~ editor shall:

7 1. Submit recommendations as the Iowa Code editor deems
8 proper to each general assembly for the purpose of amending,
9 revising, codifying, and repealing portions of the statutes
10 which are inaccurate, inconsistent, outdated, conflicting,
11 redundant, or ambiguous, and present the recommendations in
12 bill form to the appropriate committees of the general
13 assembly.

14 2. Cause the annual ~~session-laws~~ Iowa Acts to be
15 published, as provided in section 2B.10, including copies of
16 all Acts and joint resolutions passed at each session of the
17 general assembly.

18 3. Cause the Iowa Code and Iowa Code Supplement to be
19 published as provided in section 2B.12.

20 4. Perform other duties as directed by the director of the
21 legislative ~~service-bureau~~ services agency or the legislative
22 council and as provided by law.

23 Sec. 16. Section 2B.10, subsection 5, Code 2003, is
24 amended to read as follows:

25 5. The enrolling clerks of the house and senate shall
26 arrange for the Iowa Code ~~division~~ editor to receive suitable
27 copies of all Acts and resolutions as soon as they are
28 enrolled.

29 Sec. 17. Section 2B.12, subsection 6, paragraph f, Code
30 2003, is amended to read as follows:

31 f. The Constitution of the State of Iowa, original and
32 codified versions.

33 Sec. 18. Section 2B.13, Code 2003, is amended to read as
34 follows:

35 2B.13 EDITORIAL POWERS AND DUTIES.

1 1. The Iowa Code editor in preparing the copy for an
2 edition of the Iowa Code or a Iowa Code Supplement, ~~and the~~
3 ~~administrative code editor in preparing the copy for an~~
4 ~~edition of the Iowa administrative code or bulletin shall not~~
5 alter the sense, meaning, or effect of any Act of the general
6 assembly, but may:

7 a. Correct manifestly misspelled words and grammatical and
8 clerical errors, including punctuation but without changing
9 the meaning, and change capitalization, spelling, and
10 punctuation for purposes of uniformity and consistency in Code
11 language.

12 b. Correct internal references to sections which are cited
13 erroneously or have been repealed, and amended, or renumbered.

14 c. Substitute the proper chapter, section, subsection, or
15 other statutory reference for the term "this Act" or
16 references to another Act of the general assembly when there
17 appears to be no doubt as to the proper method of making the
18 substitution.

19 d. Substitute the proper date for references to the
20 effective or applicability dates of an Act when there appears
21 to be no doubt as to the proper method of making the
22 substitution.

23 e. Correct names of agencies, officers, or other entities
24 ~~which have been changed,~~ when there appears to be no doubt as
25 to the proper methods method of making the corrections
26 correction. ~~The Code editor shall maintain a record of the~~
27 ~~corrections made under this paragraph. The record shall be~~
28 ~~available to the public.~~

29 e. f. Transfer, divide, or combine sections or parts of
30 sections and add or amend headnotes to sections and
31 subsections. Pursuant to section 3.3, the headnotes are not
32 part of the law.

33 g. Change words that designate one gender to reflect both
34 genders when the provisions apply to both genders.

35 h. If any Code section or part of a Code section, or any

1 Act of the general assembly which is intended to be codified,
2 is amended by more than one Act or more than one provision in
3 an Act of the general assembly, and the amendments do not
4 expressly refer to or amend one of the other Acts or Act
5 provisions in question, harmonize the amendments, if possible,
6 so that effect may be given to each and incorporate the
7 amendments as harmonized in the Code section. If amendments
8 made by several Acts are irreconcilable, unless one of the
9 amendments repeals or strikes the language in question, the
10 Iowa Code editor shall codify the amendment that is latest in
11 date of enactment by the general assembly. If amendments made
12 by provisions within an Act are irreconcilable, unless one of
13 the amendments repeals or strikes the language in question,
14 the Iowa Code editor shall codify the provision listed last in
15 the Act. If one of the amendments repeals or strikes the
16 language in question, the Iowa Code editor shall codify the
17 amendment that repeals or strikes the language.

18 ~~2.---The-Iowa-Code-editor-may-prepare-and-publish-comments~~
19 ~~deemed-necessary-for-a-proper-explanation-of-the-manner-of~~
20 ~~printing-a-section-or-chapter-of-the-Iowa-Code.~~

21 ~~3.---The-Iowa-Code-editor,--in-preparing-the-copy-for-an~~
22 ~~edition-of-the-Iowa-Code-or-a-Code-Supplement,--and-the~~
23 ~~administrative-code-editor-in-preparing-the-copy-for-an~~
24 ~~edition-of-the-Iowa-administrative-code,--shall-edit-the-copy~~
25 ~~in-order-that-words-which-designate-one-gender-are-changed-to~~
26 ~~reflect-both-genders-when-the-provisions-of-law-apply-to~~
27 ~~persons-of-both-genders.~~

28 2. The administrative code editor in preparing the copy
29 for an edition of the Iowa administrative code or bulletin
30 shall not alter the sense, meaning, or effect of any rule, but
31 may:

32 a. Correct misspelled words and grammatical and clerical
33 errors, including punctuation, and change capitalization,
34 spelling, and punctuation for purposes of uniformity and
35 consistency.

1 b. Correct references to rules or sections which are cited
2 erroneously or have been repealed, amended, or renumbered.

3 c. Correct names of agencies, officers, or other entities
4 when there appears to be no doubt as to the proper method of
5 making the correction.

6 d. Transfer, divide, or combine rules or parts of rules
7 and add or amend catchwords to rules and subrules.

8 e. Change words that designate one gender to reflect both
9 genders when the provisions apply to both genders.

10 f. Perform any other editorial tasks required or
11 authorized by section 17A.6.

12 3. The Iowa Code editor may, in preparing the copy for an
13 edition of the Iowa Code or Iowa Code Supplement, establish
14 standards for and change capitalization, spelling, and
15 punctuation in any Code provision for purposes of uniformity
16 and consistency in Code language. The administrative code
17 editor may establish standards for capitalization, spelling,
18 and punctuation for purposes of uniformity and consistency in
19 the administrative code.

20 4. The Iowa Code editor shall seek direction from the
21 senate committee on judiciary and the house committee on
22 judiciary when making Iowa Code or Iowa Code Supplement
23 changes, and the administrative code editor shall seek
24 direction from the administrative rules review committee and
25 the administrative rules coordinator when making Iowa
26 administrative code changes, which appear to require
27 substantial editing and which might otherwise be interpreted
28 to exceed the scope of the authority granted in this section.

29 5. The Iowa Code editor may prepare and publish comments
30 deemed necessary for a proper explanation of the manner of
31 printing a section or chapter of the Iowa Code. The Iowa Code
32 editor shall maintain a record of all of the corrections made
33 under subsection 1. The Iowa Code editor ~~and-the~~
34 ~~administrative-code-editor~~ shall also maintain a separate
35 record of the changes made under ~~this-section~~ subsection 1,

1 paragraphs "b" through "h". The ~~record~~ records shall be
2 available to the public.

3 6. The Iowa Code editor and the administrative code editor
4 shall not make editorial changes which go beyond the authority
5 granted in this section or other law.

6 7. The effective date of all editorial changes in an
7 edition of the Iowa Code or a Iowa Code Supplement is the
8 effective date of the selling-price Iowa Code editor's
9 approval of the final press proofs for the statutory text
10 contained within that publication as-established-by-the
11 legislative-council-or-the-legislative-council's-designee.
12 The effective date of all editorial changes for the Iowa
13 administrative code is the date those changes are published in
14 the Iowa administrative code.

15 Sec. 19. Section 2B.17, subsections 3 and 5, Code 2003,
16 are amended to read as follows:

17 3. The official printed versions of the Iowa Code, Code
18 Supplement, and ~~session-laws~~ Iowa Acts published under
19 authority of the state are the only authoritative publications
20 of the statutes of this state. ~~No-other~~ Other publications of
21 the statutes of the state shall not be cited in the courts or
22 in the reports or rules of the courts. The Iowa Code editor
23 is the custodian of the official printed versions of the Iowa
24 Code, Iowa Code Supplement, and Iowa Acts and may attest to
25 and authenticate any portion of those official printed
26 versions for purposes of admitting a portion of the official
27 printed version in any court or office of any state,
28 territory, or possession of the United States or in a foreign
29 jurisdiction.

30 5. The printed version of the Iowa administrative code is
31 the permanent publication of administrative rules in this
32 state and the Iowa administrative bulletin and the Iowa
33 administrative code published pursuant to chapter 17A are the
34 official publications of the administrative rules of this
35 state, and are the only authoritative publications of the

1 administrative rules of this state. Other publications of the
2 administrative rules of this state shall not be cited in the
3 courts or in the reports or rules of the courts. The Iowa
4 administrative code editor is the custodian of the official
5 printed versions of the Iowa administrative code and the Iowa
6 administrative bulletin and may attest to and authenticate any
7 portion of those official printed versions for purposes of
8 admitting a portion of the official printed version in any
9 court or office of any state, territory, or possession of the
10 United States or in a foreign jurisdiction.

11 Sec. 20. Section 2B.21, Code 2003, is amended to read as
12 follows:

13 2B.21 AVAILABILITY OF PARTS OF THE IOWA CODE AND
14 ADMINISTRATIVE CODE.

15 The Iowa Code division editor and the administrative code
16 division editor, in accordance with policies established by
17 the legislative council, may cause parts of the Iowa Code or
18 administrative code to be made available for the use of public
19 officers and other persons. This authority shall be exercised
20 in a manner planned to avoid delay in the other publications
21 of the divisions editors.

22 Sec. 21. Section 7E.6, subsection 7, Code 2003, is amended
23 by striking the subsection.

24 Sec. 22. Section 8.22A, subsection 1, Code 2003, is
25 amended to read as follows:

26 1. The state revenue estimating conference is created
27 consisting of the governor or the governor's designee, the
28 director of the legislative ~~fiscal-bureau~~ services agency or
29 the director's designee, and a third member agreed to by the
30 other two.

31 Sec. 23. Section 15A.9, subsection 11, Code 2003, is
32 amended by striking the subsection.

33 Sec. 24. Section 17A.6, subsection 1, unnumbered paragraph
34 1, Code 2003, is amended to read as follows:

35 The administrative code editor shall cause the Iowa

1 administrative bulletin to be published in ~~a printed form~~
2 accordance with section 2.42 at least every other week, unless
3 the administrative code editor and the administrative rules
4 review committee determine that an alternative publication
5 schedule is preferable. ~~An electronic version of the Iowa~~
6 ~~administrative bulletin may also be published as provided in~~
7 ~~section 2.42.~~ The Iowa administrative bulletin shall contain
8 all of the following:

9 Sec. 25. Section 17A.6, subsections 2, 3, and 5, Code
10 2003, are amended to read as follows:

11 2. Subject to the direction of the administrative rules
12 coordinator, the administrative code editor shall cause the
13 Iowa administrative code to be compiled, indexed, and
14 published in accordance with section 2.42 in a ~~printed loose-~~
15 ~~leaf~~ form containing all rules adopted and filed by each
16 agency. The administrative code editor further shall cause
17 ~~loose-leaf~~ supplements to the Iowa administrative code to be
18 published as determined by the administrative rules
19 coordinator and the administrative rules review committee,
20 containing all rules filed for publication in the prior time
21 period. The supplements shall be in such form that they may
22 be inserted in the appropriate places in the permanent
23 compilation. The administrative rules coordinator shall
24 devise a uniform numbering system for rules and may renumber
25 rules before publication to conform with the system. ~~An~~
26 ~~electronic version of the Iowa administrative code may also be~~
27 ~~published as provided in section 2.42.~~

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

1 copy of the omitted rule may be obtained.

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

7 5. The Iowa administrative code, its supplements, and the
8 Iowa administrative bulletin shall be made available upon
9 request to all persons who subscribe to any of them through
10 ~~the-state-printing-division. Copies-of-this-code-so-made~~
11 ~~available-shall-be-kept-current-by-the-division.~~

12 Sec. 26. Section 17A.8, subsection 10, Code 2003, is
13 amended by striking the subsection.

14 Sec. 27. Section 18.3, subsection 3, Code 2003, is amended
15 to read as follows:

16 3. Administering the provisions of sections 18.26 to
17 ~~18-103~~ 18.100.

18 Sec. 28. Section 18.28, Code 2003, is amended to read as
19 follows:

20 18.28 "PRINTING" DEFINED.

21 As used in chapter 7A and sections 18.26 to ~~18-103~~ 18.100,
22 "printing" means the reproduction of an image from a printing
23 surface made generally by a contact impression that causes a
24 transfer of ink, the reproduction of an impression by a
25 photographic process, or the reproduction of an image by
26 electronic means and shall include binding and may include
27 material, processes, or operations necessary to produce a
28 finished printed product, but shall not include binding,
29 rebinding or repairs of books, journals, pamphlets, magazines
30 and literary articles by any library of the state or any of
31 its offices, departments, boards and commissions held as a
32 part of their library collection.

33 Sec. 29. NEW SECTION. 18.28A LEGISLATIVE BRANCH
34 EXCLUDED.

35 This chapter does not apply to the printing contracts or

1 procedures of the legislative branch.

2 Sec. 30. Section 18.30, Code 2003, is amended to read as
3 follows:

4 18.30 CONTRACTS WITH STATE INSTITUTIONS.

5 The director may, without advertising for bids, enter into
6 contracts or make provision for doing any of the work coming
7 under the provisions of chapter 7A and sections 18.26 to
8 ~~18.103~~ 18.100 at any school or institution under the ownership
9 or control of the state. The work shall be done under
10 conditions substantially the same as those provided for in the
11 case of contracts with individuals and the same standard of
12 quality or product shall be required.

13 Sec. 31. Section 18.50, Code 2003, is amended to read as
14 follows:

15 18.50 EMERGENCY CONTRACTS.

16 The director may at any time award a separate printing
17 contract or may authorize an assistant to award a separate
18 printing contract for any work and materials or printing
19 supplies within the provisions of chapter 7A and sections
20 18.26 to ~~18.103~~ 18.100 which are not included in current
21 printing contracts or which cannot properly be made the
22 subject of a general contract. A separate printing contract
23 must have been duly solicited by the director from vendors
24 engaged in the kind of work under consideration who have
25 indicated a desire to bid on the class of work to be
26 performed.

27 Sec. 32. Section 18.59, subsection 5, Code 2003, is
28 amended to read as follows:

29 5. To avoid duplication, overlapping, and redundancy of
30 pamphlets and publications, other than legislative branch
31 publications and official documents and books and publications
32 authorized by ~~chapters-2B-and~~ chapter 7A, to examine the
33 contents of proposed pamphlets or publications and to approve
34 or disapprove such pamphlets or publications only for such
35 reason; and to effectuate this power, the director shall adopt

1 rules for its administration.

2 Sec. 33. Section 18.75, subsections 6 and 8, Code 2003,
3 are amended to read as follows:

4 ~~6. Have legal custody of all Codes, session laws, books of~~
5 ~~annotations, tables of corresponding sections, publications,~~
6 ~~except premium lists published by the Iowa state fair board,~~
7 ~~containing reprints of statutes or administrative rules, or~~
8 ~~both, reports of state departments, and reports of the supreme~~
9 ~~court, and sell, account for, and distribute the same as~~
10 ~~provided by law. However, the legislative service bureau~~
11 ~~shall solicit and process orders for the distribution of all~~
12 ~~printed Codes, session laws, administrative codes and~~
13 ~~bulletins, court rules, and the state roster.~~

14 8. By November 1 of each year supply a report which
15 contains the name, gender, county, or city of residence when
16 possible, official title, salary received during the previous
17 fiscal year, base salary as computed on July 1 of the current
18 fiscal year, and traveling and subsistence expense of the
19 personnel of each of the departments, boards, and commissions
20 of the state government except personnel who receive an annual
21 salary of less than one thousand dollars. The number of the
22 personnel and the total amount received by them shall be shown
23 for each department in the report. All employees who have
24 drawn salaries, fees, or expense allowances from more than one
25 department or subdivision shall be listed separately under the
26 proper departmental heading. On the request of the
27 administrator, the head of each department, board, or
28 commission shall furnish the data covering that agency. The
29 report shall be distributed upon request ~~without charge~~
30 electronically to each caucus of the general assembly, the
31 legislative ~~service bureau, the legislative fiscal bureau~~
32 services agency, the chief clerk of the house of
33 representatives, and the secretary of the senate. Copies of
34 the report shall be made available to other persons in both
35 ~~print or~~ electronic medium, upon payment of a fee if

1 appropriate, which shall not exceed the cost of providing the
2 copy of the report. Sections 22.2 through 22.6 apply to the
3 report. All funds from the sale of the report shall be
4 deposited in the general fund. Requests for publications
5 shall be handled only upon receipt of postage by the
6 administrator.

7 Sec. 34. Section 22.3A, subsection 2, paragraph a, Code
8 2003, is amended to read as follows:

9 a. The amount charged for access to a public record shall
10 be not more than that required to recover direct publication
11 costs, including but not limited to editing, compilation, and
12 media production costs, incurred by the government body in
13 developing the data processing software, and preparing the
14 data processing software for transfer to the person. The
15 amount shall be in addition to any other fee required to be
16 paid under this chapter for the examination and copying of a
17 public record. If a person accesses a public record stored in
18 an electronic format that does not require formatting,
19 editing, or compiling to access the public record, the charge
20 for providing the accessed public record shall not exceed the
21 reasonable cost of accessing that public record. The
22 government body shall, if requested, provide documentation
23 which explains and justifies the amount charged. This
24 paragraph shall not apply to any publication for which a price
25 has been established pursuant to another section, including
26 section ~~7A-22~~ 2E.5.

27 Sec. 35. Section 25B.5, Code 2003, is amended to read as
28 follows:

29 25B.5 COST ESTIMATES -- NOTATION IN ACTS.

30 1. When a bill or joint resolution is requested, the
31 legislative ~~service-bureau~~ services agency shall make an
32 initial determination of whether the bill or joint resolution
33 may impose a state mandate. If a state mandate may be
34 included, that fact shall be included in the explanation of
35 the bill or joint resolution.

1 2. If a bill or joint resolution may include a state
2 mandate, ~~a copy of the prepared draft shall be sent to~~ the
3 legislative ~~fiscal bureau~~ services agency shall
4 determine if the bill or joint resolution contains a state
5 mandate. If the bill or joint resolution contains a state
6 mandate and is still eligible for consideration during the
7 legislative session for which the bill or joint resolution was
8 drafted, the legislative ~~fiscal bureau~~ services agency shall
9 prepare an estimate of the amount of costs imposed.

10 3. If a bill or joint resolution containing a state
11 mandate is enacted, unless the estimate already on file with
12 the house of origin is sufficient, the legislative ~~fiscal~~
13 ~~bureau~~ services agency shall prepare a final estimate of
14 additional local revenue expenditures required by the state
15 mandate and file the estimate with the secretary of state for
16 inclusion with the official copy of the bill or resolution to
17 which it applies. A notation of the filing of the estimate
18 shall be made in the Iowa Acts of the general assembly
19 published pursuant to chapter 2B.

20 Sec. 36. Section 97D.4, subsection 4, unnumbered paragraph
21 2, Code 2003, is amended to read as follows:

22 Administrative assistance shall be provided by the
23 legislative ~~service bureau and the legislative fiscal bureau~~
24 services agency.

25 Sec. 37. Section 256.53, Code 2003, is amended to read as
26 follows:

27 256.53 STATE PUBLICATIONS.

28 Upon issuance of a state publication in any format, a state
29 agency shall deposit with the division at no cost to the
30 division, seventy-five copies of the publication or a lesser
31 number if specified by the division, except as provided in
32 section 2E.6.

33 Sec. 38. Section 331.502, subsection 3, Code 2003, is
34 amended by striking the subsection.

35 Sec. 39. Section 602.1204, subsection 3, Code 2003, is

1 amended to read as follows:

2 3. The supreme court shall compile and publish all
3 procedures and directives relating to the supervision and
4 administration of the internal affairs of the judicial branch,
5 and shall distribute a copy of the compilation and all
6 amendments to each operating component of the judicial branch.

7 ~~Copies also shall be distributed to agencies referred to in~~
8 ~~section 18.97 upon request.~~

9 Sec. 40. Sections 2.14, 2.16, 2.35, 2.45, 2.61, 2D.3, 3.2,
10 7A.11, 15E.111, 23A.2A, 28B.1, 28B.4, 42.2, 42.3, 42.6, 49.7,
11 275.23A, 331.209, and 602.4202, Code 2003, are amended by
12 striking from the sections the words "legislative service
13 bureau" and "bureau" when referring to the legislative service
14 bureau and inserting in lieu thereof the words "legislative
15 services agency".

16 Sec. 41. Sections 2.46, 2.51, 2B.10, 7E.5A, 8.23, 8.35A,
17 8.44, 8.46, 8.55, 8.61, 8.62, 8E.209, 8E.301, 12E.13, 14B.103,
18 14B.105, 14B.206, 15.113, 15.343, 18.16A, 18.16B, 80E.1,
19 97B.17, 135.11, 161D.8, 161D.13, 217.12, 237.18, 255.24A,
20 260C.66, 261.22, 261.25, 262.64A, 262A.13, 263A.11, 263A.13,
21 266.39D, 266.39F, 292.2, 294A.19, 307.20, 307.40, 307.46,
22 307.47, 327J.3, 384.3, 403.23, 404A.5, 421.17, 422.72,
23 455B.183A, 455G.4, 505.7, 524.207, 533.67, 602.1301, 602.1302,
24 602.8108, 904.116, 904.706, 905.6, 905.8, and 906.5, Code
25 2003, are amended by striking from the sections the words
26 "legislative fiscal bureau" and inserting in lieu thereof the
27 words "legislative services agency".

28 Sec. 42. CODE EDITOR'S DIRECTIVE. The Code editor shall
29 correct any references to the legislative services agency as
30 the successor to the legislative service bureau, legislative
31 fiscal bureau, and computer support bureau, including
32 grammatical constructions, anywhere else in the Iowa Code, in
33 any bills awaiting codification, and in any bills enacted by
34 the Eightieth General Assembly, 2003 Regular Session.

35 Sec. 43. Sections 2.48, 2.49, 2.50, 2.52, 2.55, 2.55A,

1 2.58, 2.59, 2.60, 2.64, 2.65, 2.66, 2.67, 2.100, 2.101, 2.102,
2 2.103, 2.104, 7A.15, 7A.16, 7A.17, 7A.18, 7A.19, 7A.21, 7A.22,
3 7A.25, 7A.26, 18.86, 18.87, 18.88, 18.89, 18.90, 18.95, 18.96,
4 18.97, 18.97A, 18.101, 18.102, and 18.103, Code 2003, are
5 repealed.

6 Sec. 44. EFFECTIVE DATE. This Act, being deemed of
7 immediate importance, takes effect upon enactment.

8 EXPLANATION

9 This bill relates to legislative branch consolidation of
10 certain of its functions.

11 CONSOLIDATED AGENCY. The bill creates a single,
12 nonpartisan legislative services agency by combining the
13 functions and duties of the legislative service bureau,
14 legislative fiscal bureau, and legislative computer support
15 bureau. The bill provides for continued oversight of the new
16 agency by the legislative council. State agencies are
17 required to provide information, including certain
18 confidential information, needed by the agency to fulfill its
19 responsibilities. The director retains subpoena authority to
20 enforce access to such information. Employees of the
21 legislative services agency are protected from being compelled
22 to give testimony or to appear and produce documentary
23 evidence in a judicial or quasi-judicial proceeding if the
24 testimony or documentary evidence sought relates to a
25 legislative duty or act performed by the employee.

26 LEGISLATIVE SERVICE BUREAU FUNCTIONS. The bill transfers
27 the legislative service bureau's legal analysis, legal
28 drafting, congressional and legislative redistricting, legal
29 publications, standing, statutory, and interim committee
30 staffing, legislative information, legislative visitor
31 protocol, and capitol tour guide responsibilities to the new
32 agency. With respect to legal and legislative analysis, the
33 bill preserves the current statutory requirement that such
34 analysis not contain public policy recommendations. Legal
35 analysis is required to be provided through the exercise of

1 attorney-employees' independent, professional judgment.

2 LEGISLATIVE FISCAL BUREAU FUNCTIONS. The bill transfers
3 the legislative fiscal bureau's state expenditure, revenue,
4 and budget review and analysis, fiscal note preparation,
5 revenue and budget, statutory, standing committee and
6 subcommittee, and interim committee staffing, and program
7 evaluation responsibilities to the new agency. With respect
8 to the budget and revenue committees, the bill preserves the
9 current statutory authority of the legislative fiscal bureau
10 to advise the committees when requested, and to make inquiries
11 and suggestions with respect to state agency budget hearings.
12 The bill strikes the requirement of the legislative fiscal
13 bureau to conduct every five years an economic cost-benefit
14 analysis of each quality jobs enterprise zone.

15 COMPUTER SUPPORT BUREAU FUNCTIONS. The bill transfers the
16 computer support bureau's legislative computer systems
17 responsibilities to the new agency.

18 ADMINISTRATIVE RULES REVIEW COMMITTEE LEGAL ASSISTANCE.
19 The bill transfers to the new agency the responsibility of
20 providing legal assistance to the administrative rules review
21 committee.

22 OFFICIAL LEGAL PUBLICATIONS AND PROCUREMENT. The bill
23 authorizes the legislative services agency to set prices for
24 publication of the official versions of the Iowa Code, Iowa
25 Code Supplement, Iowa Acts, Iowa court rules, Iowa
26 administrative bulletin, and Iowa administrative code. The
27 bill updates the editorial powers and duties of the Iowa Code
28 and administrative code editors in Code chapters 2B and 7E.
29 The effective date for editorial changes to the Iowa Code is
30 set on the date of approval by the Iowa Code editor of the
31 final press proofs for the statutory text of the Iowa Code.
32 The statutory provisions governing the distribution of these
33 official printed legal publications at no cost or at a price
34 covering distribution costs to state and local public
35 officials and offices are amended to continue providing the

1 distribution of these publications while attempting to
2 substitute more electronic publications for the printed
3 publications. The authorization to require some payment for
4 otherwise no-cost or distribution-cost copies is retained for
5 the legislative services agency. Procurement authority is
6 provided for the legislative services agency. The current
7 sales tax exemption for certain items sold by the legislative
8 service bureau is applied to items sold or services provided
9 by the legislative services agency.

10 SENATE AND HOUSE PUBLICATIONS. The bill provides that the
11 senate and house of representatives shall each publish and
12 determine procurement procedures for the publication of their
13 journals, bills, and amendments, and determine their
14 distribution. The bill repeals provisions in Code chapters 7A
15 and 18 relating to the state printing administrator's
16 responsibility for printing journals and bills and relating to
17 specific distribution requirements for the journals, official
18 registers, and bills with respect to members of the general
19 assembly, libraries, newspapers, county auditors, and the
20 public.

21 NONPARTISANSHIP AND LEGISLATIVE PRIVILEGES. Employees of
22 the new agency are prohibited from participating in partisan
23 political activities and shall not be identified as advocates
24 or opponents of issues subject to legislative debate except as
25 otherwise provided by law or by the legislative council.
26 Services provided by the new agency are required to be
27 provided in a manner so as to preserve the independence of the
28 general assembly as a constitutional body and to protect the
29 legislative privileges of the members and employees.

30 DIRECTOR OF CONSOLIDATED AGENCY. The director of the
31 agency is to be appointed by the legislative council. The
32 director supervises all functions and employees and outside
33 service providers of the new agency.

34 The director of the new agency or the director's designee
35 is named a member of the state revenue estimating conference

1 in Code chapter 8 and of the petroleum underground storage
2 tank fund board as is currently the case with the director of
3 the legislative fiscal bureau.

4 CODE REFERENCES AMENDED. Additional references in the Code
5 to the three separate legislative agencies are changed by an
6 alternative drafting style that references all Code sections
7 in which the current agency names are to be changed to the new
8 agency's name.

9 References to the legislative service bureau relate to the
10 following subject matters in the following Code sections:
11 performance of legislative functions, including legislative
12 standing committee staffing, drafting of state agency and
13 governor bills, preparation of legal and legislative research,
14 communications review committee staffing, employment of a
15 legislative branch protocol officer, bill drafting protocols,
16 filing of documents with the general assembly, private
17 industry competition notations in bills, interstate
18 cooperation commission staffing and expenses, congressional
19 and legislative redistricting, county, city, and school
20 district redistricting assistance, and supreme court rule
21 drafting protocols (Code sections 2.14, 2.16, 2.35, 2.61,
22 2D.3, 3.2, 7A.11, 23A.2A, 28B.1, 28B.4, 42.2, 42.3, 42.6,
23 49.7, 275.23A, 331.209, and 602.4202); and receipt of
24 information or reports (Code section 15E.111).

25 References to the legislative fiscal bureau relate to the
26 following subject matters in the following Code sections:
27 performance of legislative functions, including state mandate
28 notation, legislative visitation committee staffing, lease-
29 purchase notifications, confidential receipt of IPERS
30 information, access to tax information, petroleum underground
31 storage tank fund board membership (Code sections 2.51, 2B.10,
32 8.22A, 8.23, 8.35A, 8.46, 97B.17, 422.72, and 455G.4); and
33 receipt of notification of executive and judicial branch
34 actions; receipt of information, reports, or formal
35 submissions; and required consultation or coordination (Code

1 sections 2.46, 7E.5A, 8.23, 8.35A, 8.44, 8.46, 8.55, 8.61,
2 8.62, 8E.209, 8E.301, 12E.13, 14B.103, 14B.105, 14B.206,
3 15.113, 15.343, 18.16A, 18.16B, 80E.1, 135.11, 161D.8,
4 161D.13, 217.12, 237.18, 255.24A, 260C.66, 261.22, 261.25,
5 262.64A, 262A.13, 263A.11, 263A.13, 266.39D, 266.39F, 292.2,
6 294A.19, 307.20, 307.40, 307.46, 307.47, 327J.3, 384.3,
7 403.23, 404A.5, 421.17, 455B.183A, 505.7, 524.207, 533.67,
8 602.1301, 602.1302, 602.8108, 904.116, 904.706, 905.6, 905.8,
9 and 906.5).

10 REPEALS. The bill repeals numerous sections in Code
11 chapter 2 relating to the general assembly, the contents of
12 which are transferred, for the most part, to new Code chapter
13 2E. The bill also repeals several sections in Code chapters
14 7A and 18 relating to official publications, the contents of
15 which are transferred, in part, to new Code chapter 2E.

16 EFFECTIVE DATE. The bill takes effect upon enactment.

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S-3104

1 Amend Senate File 365 as follows:

2 1. Page 3, line 14, by inserting after the figure
3 "1." the following: "a."

4 2. Page 3, line 15, by inserting after the word
5 "agency" the following: ", with respect to the
6 agency's provision of services relating to fiscal
7 analysis of legislation, state expenditure, revenue,
8 and budget review, state government oversight and
9 performance evaluation, and staffing of revenue and
10 budget committees,".

11 3. Page 3, by line 26, by striking the figure
12 "2." and inserting the following: "b."

13 4. Page 3, line 27, by inserting after the word
14 "agency" the following: ", with respect to the
15 agency's provision of services described in paragraph
16 "a",".

17 5. Page 3, line 35, by striking the figure "3."
18 and inserting the following: "c."

19 6. Page 4, line 2, by inserting after the word
20 "access" the following: "under paragraph "a"".

21 7. Page 4, by inserting after line 6 the
22 following:

23 "2. The director and agents and employees of the
24 legislative services agency, with respect to the
25 agency's provision of services relating to legal
26 analysis, drafting, and publications, staffing of
27 subject matter standing and statutory committees, and
28 provision of legislative information to the public,
29 may call upon any agency, office, board, or commission
30 of the state or any of its political subdivisions or
31 private organizations providing services to
32 individuals under contracts with a state agency,
33 office, board, or commission for such information and
34 assistance as may be needed in the provision of
35 services described in this subsection. Such
36 information and assistance shall be furnished within
37 the resources and authority of such agency, office,
38 board, or commission. This requirement of furnishing
39 such information and assistance shall not be construed
40 to require the production or opening of any public
41 records which are required by law to be kept private
42 or confidential."

43 8. Page 4, line 7, by striking the figure "4."
44 and inserting the following: "3."

45 9. Page 4, line 12, by inserting after the word
46 "act" the following: "concerning the consideration or
47 passage or rejection of proposed legislation".

48 10. Page 5, by striking lines 14 through 17 and
49 inserting the following:

50 "8. Provision of staffing services including but

S-3104

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Page 2

1 not limited to preparation of legal and legislative
2 analysis for the administrative rules review
3 committee."

4 11. Page 9, line 8, by striking the words
5 "provide the" and inserting the following: "provide".

6 12. Page 23, by inserting after line 32 the
7 following:

8 "Sec. ____ . Section 17A.4, Code 2003, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 2A. Any notice of intended action
11 or rule filed without notice pursuant to subsection 2,
12 which necessitates additional annual expenditures of
13 at least one hundred thousand dollars or combined
14 expenditures of at least five hundred thousand dollars
15 within five years by all affected persons, including
16 the agency itself, shall be accompanied by a fiscal
17 impact statement outlining the expenditures. The
18 agency shall promptly deliver a copy of the statement
19 to the legislative services agency. To the extent
20 feasible, the legislative services agency shall
21 analyze the statement and provide a summary of that
22 analysis to the administrative rules review committee.
23 If the agency has made a good faith effort to comply
24 with the requirements of this subsection, the rule
25 shall not be invalidated on the ground that the
26 contents of the statement are insufficient or
27 inaccurate."

28 13. By renumbering as necessary.

By NANCY BOETTGER

S-3104 FILED MARCH 31, 2003

ADOPTED 3/31/03

Boettger
Iverson
Eronstal

Rules + Administration

SSB 1131
Succeeded By
①/HF 365

SENATE FILE _____
BY (PROPOSED COMMITTEE ON RULES
AND ADMINISTRATION BILL
BY CHAIRPERSON IVERSON)

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

A BILL FOR

1 An Act relating to legislative branch consolidation of functions
2 by combining the legislative service bureau, legislative
3 fiscal bureau, and legislative computer support bureau into a
4 single central legislative staff agency, providing for
5 legislative publications procedures, modifying the sales tax
6 exemption for items sold or services provided by the new
7 agency, including related matters, and providing an effective
8 date.

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

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1 Section 1. NEW SECTION. 2E.1 LEGISLATIVE SERVICES AGENCY
2 CREATED -- SERVICES -- LEGISLATIVE PRIVILEGES --
3 NONPARTISANSHIP AND NONADVOCACY.

4 1. A legislative services agency is created as a
5 nonpartisan, central legislative staff agency under the
6 direction and control of the legislative council. The agency
7 shall cooperate with and serve all members of the general
8 assembly, the legislative council, and committees of the
9 general assembly.

10 2. The legislative services agency shall provide the
11 following services:

12 a. Legal and fiscal analysis, including legal drafting
13 services, fiscal analysis of legislation, and state
14 expenditure, revenue, and budget review.

15 b. State government oversight and performance evaluation.

16 c. Staffing of standing committees, revenue and budget
17 committees, statutory committees, and interim study
18 committees, and any subcommittees of such committees,
19 including the provision of legal and fiscal analysis to
20 committees and subcommittees.

21 d. Publication of the official legal publications of the
22 state, including but not limited to the Iowa Code, Iowa Code
23 Supplement, Iowa Acts, Iowa court rules, Iowa administrative
24 bulletin, and Iowa administrative code as provided in chapter
25 2B.

26 e. Operation and maintenance of the legislative computer
27 systems used by the senate, house of representatives, and the
28 central legislative staff agencies.

29 f. Provision of legislative information to the public,
30 provision of library information, management of legislative
31 visitor protocol services, and provision of capitol tour guide
32 services.

33 g. Other functions as assigned to the legislative services
34 agency by the legislative council or the general assembly.

35 3. The legislative services agency shall provide services

1 to the general assembly in such a manner as to preserve the
2 authority of the senate and the house of representatives to
3 determine their own rules of proceedings and to exercise all
4 other powers necessary for a separate branch of the general
5 assembly of a free and independent state, and to protect the
6 legislative privileges of the members and employees of the
7 general assembly. In providing services to the general
8 assembly, the legislative services agency shall adhere to all
9 applicable policies of the general assembly and its
10 constituent bodies relating to public access to legislative
11 information and related confidentiality restrictions.

12 4. The director and all other employees of the legislative
13 services agency shall not participate in partisan political
14 activities and shall not be identified as advocates or
15 opponents of issues subject to legislative debate except as
16 otherwise provided by law or by the legislative council.

17 Sec. 2. NEW SECTION. 2E.2 DIRECTOR -- DUTIES.

18 1. The administrative head of the legislative services
19 agency shall be the director appointed by the legislative
20 council as provided in section 2.42. The salary of the
21 director shall be set by the legislative council.

22 2. The director shall do all of the following:

23 a. Employ persons with expertise to perform the legal,
24 fiscal, technical, and other functions which are required to
25 be performed by the legislative services agency by this
26 chapter or are assigned to the legislative services agency by
27 the legislative council or the general assembly.

28 b. Supervise all employees of the legislative services
29 agency, including the legal counsel designated to provide
30 legal assistance to the administrative rules review committee,
31 and supervise any outside service providers retained by the
32 legislative services agency.

33 c. Supervise all expenditures of the agency.

34 d. Supervise the legal and fiscal analysis and legal
35 publication functions of the agency.

1 e. Supervise the government oversight and program
2 evaluation functions of the agency.

3 f. Supervise the committee staffing functions of the
4 agency.

5 g. Supervise the computer systems services functions of
6 the agency.

7 h. Supervise the legislative and library information,
8 legislative visitor protocol, and capitol tour guide functions
9 of the agency.

10 i. Perform other functions as assigned to the director by
11 the legislative council or the general assembly.

12 Sec. 3. NEW SECTION. 2E.3 INFORMATION ACCESS --
13 CONFIDENTIALITY -- SUBPOENAS.

14 1. The director and agents and employees of the
15 legislative services agency shall at all times have access to
16 all agencies, offices, boards, and commissions of the state
17 and its political subdivisions and private organizations
18 providing services to individuals under contracts with state
19 agencies, offices, boards, or commissions and to the
20 information, records, instrumentalities, and properties used
21 in the performance of such entities' statutory duties or
22 contractual arrangements. All such entities and the described
23 private organizations shall cooperate with the director, and
24 shall make available to the director such information,
25 records, instrumentalities, and properties upon request.

26 2. If the information sought by the legislative services
27 agency is required by law to be kept confidential, the agency
28 shall have access to the information, but shall maintain the
29 confidentiality of the information and is subject to the same
30 penalties as the lawful custodian of the information for
31 dissemination of the information. However, the legislative
32 services agency shall not have access to tax return
33 information except for individual income tax sample data as
34 provided in section 422.72, subsection 1.

35 3. The director may issue subpoenas for production of any

1 information, records, instrumentalities, or properties to
2 which the director is authorized to have access. If any
3 person subpoenaed refuses to produce the information, records,
4 instrumentalities, or properties, the director may apply to
5 the district court having jurisdiction over that person for
6 the enforcement of the subpoena.

7 4. The director, an agent or former agent, and an employee
8 or former employee of the legislative services agency shall
9 not be compelled to give testimony or to appear and produce
10 documentary evidence in a judicial or quasi-judicial
11 proceeding if the testimony or documentary evidence sought
12 relates to a legislative duty or act performed by the
13 director, agent, or employee. An order or subpoena purporting
14 to compel testimony or the production of documentary evidence
15 protected under this subsection is unenforceable.

16 Sec. 4. NEW SECTION. 2E.4 SPECIFIC SERVICES -- PUBLIC
17 POLICY RECOMMENDATIONS RESTRICTED.

18 The legislative services agency shall provide the following
19 specific services:

20 1. Preparation of legal and legislative analysis of any
21 governmental matter upon the proper request of members and
22 committees of the general assembly. Such analysis shall not
23 contain any public policy recommendations. Such legal
24 analysis shall be provided through the exercise of an
25 attorney-employee's independent, professional judgment.

26 2. Drafting and preparation of legislation, including
27 bills, resolutions, and amendments, for committees and
28 individual members of the general assembly; proposed bills and
29 joint resolutions for state agencies and the governor in
30 accordance with section 2.16; and bills embodying a plan of
31 legislative and congressional redistricting prepared in
32 accordance with chapter 42.

33 3. Fiscal analysis of legislation, and state expenditure,
34 revenue, and budget review. The director of the agency or the
35 director's designee may make recommendations to the general

1 assembly concerning the state's expenditures and revenues.

2 4. Attendance at the budget hearings required by section
3 8.26. The director of the agency may offer explanations or
4 suggestions and make inquiries with respect to such budget
5 hearings.

6 5. Assistance to standing committees and members of the
7 general assembly in attaching fiscal notes to bills and
8 resolutions as provided by the rules of the general assembly.

9 6. Performance of the duties pertaining to the preparation
10 of correctional impact statements as provided in section 2.56.

11 7. Furnishing information, acting in an advisory capacity,
12 providing staffing services, and reporting to standing,
13 statutory, and interim committees of the general assembly.

14 8. Preparation of legal and legislative analysis for the
15 administrative rules review committee in its oversight
16 functions with respect to executive branch administrative
17 rules as provided in chapter 17A.

18 9. Preparation of legal and legislative analysis for the
19 legislative council with respect to rules and forms submitted
20 by the supreme court to the legislative council pursuant to
21 section 602.4202.

22 10. Review and oversight of state program operations and
23 program evaluation of state agencies, including compliance,
24 efficiency, and effectiveness determinations, as required by
25 section 2E.7.

26 11. Provision of legislative computer systems services to
27 the senate, house of representatives, and central legislative
28 staff agencies, and provision of advice regarding legislative
29 computer systems services, needs, capabilities, and uses to
30 the legislative council and the general assembly.

31 Sec. 5. NEW SECTION. 2E.5 OFFICIAL LEGAL AND OTHER
32 PUBLICATIONS -- PROCUREMENTS.

33 1. The legislative services agency shall publish the
34 official legal publications of the state as provided in
35 chapter 2B. The legislative services agency shall have legal

1 custody of the publications and shall provide for the
2 warehousing, sale, and distribution of the publications. The
3 legislative services agency shall retain or cause to be
4 retained a number of old editions of the publications but may
5 otherwise distribute or cause to be distributed old editions
6 of the publications to any person upon payment by the person
7 of any distribution costs.

8 2. The printed versions of the publications listed in this
9 subsection shall be sold at a price to be established by the
10 legislative services agency. In determining the prices, the
11 legislative services agency shall consider the costs of
12 printing, binding, distribution, and paper stock, compilation
13 and editing labor costs, and any other associated costs. The
14 legislative services agency shall also consider the number of
15 volumes or units to be printed, sold, and distributed in the
16 determination of the prices.

- 17 a. The Iowa Code.
- 18 b. The Iowa Code Supplement.
- 19 c. The Iowa Acts.
- 20 d. The Iowa court rules.
- 21 e. The Iowa administrative code.
- 22 f. The Iowa administrative bulletin.

23 3. The legislative services agency may establish policies
24 for the production, editing, distribution, and pricing of
25 electronic publications containing information stored by the
26 legislative branch in an electronic format, including
27 information contained in the printed publications listed in
28 this section. Such electronic publications may include
29 programming not originally part of the stored information,
30 including but not limited to search and retrieval functions.
31 The policies shall provide for the widest possible
32 distribution of these value-added electronic publications at
33 the lowest price practicable, which shall not be more than the
34 costs attributable to producing, editing, and distributing the
35 electronic publications.

1 4. Subject to section 2.42, the legislative services
2 agency shall determine its procurement procedures, which may
3 include procurement determinations based on service provider
4 competence, meeting of service or product specifications, and
5 reasonableness of price; the posting of security to accompany
6 a service provider proposal; the preference of Iowa-based
7 businesses if comparable in price; the disclosure of service
8 provider assignments; the inclusion of renewal options; the
9 imposition of liquidated damages and other penalties for
10 breach of any service provider requirement; and the rejection
11 of all service provider proposals and institution of a new
12 procurement process.

13 Sec. 6. NEW SECTION. 2E.6 SPECIAL DISTRIBUTION OF LEGAL
14 PUBLICATIONS -- RESTRICTIONS ON FREE DISTRIBUTIONS.

15 1. The legislative services agency shall make free
16 distribution of the printed versions of the official legal
17 publications listed in section 2E.5, subsection 2, subject to
18 payment of any routine distribution costs such as but not
19 limited to mailing and handling costs, to the three branches
20 of state government, to elected county officers, to county and
21 city assessors, to Iowa's congressional delegation, to federal
22 courts in Iowa and federal judges and magistrates for Iowa,
23 and to state and university depository libraries, the library
24 of congress, and the library of the United States supreme
25 court. Only such officers, offices, and agencies entitled to
26 or receiving free copies during the fiscal year beginning July
27 1, 2002, and ending June 30, 2003, shall be entitled to
28 continue to receive free copies in subsequent years, except
29 that successor and new officers, offices, and agencies shall
30 receive a reasonable number of free copies as determined by
31 the legislative services agency. Such officers, offices, and
32 agencies shall annually review the number of copies received
33 in the prior year to determine if the number of copies
34 received can be reduced and shall submit the information in a
35 report to the legislative services agency. The number of

1 copies received, once reduced, shall not be increased to the
2 previous level without the express consent of the legislative
3 services agency.

4 2. Each officer, office, or agency receiving one or more
5 free copies of a publication under this section shall only
6 receive up to the number of copies indicated free at the time
7 of initial distribution. If an officer, office, or agency
8 receiving one or more free copies of a publication under this
9 section desires additional copies beyond the number initially
10 received, the officer, office, or agency must request the
11 additional copies and pay the normal charge for such
12 publication.

13 3. If a version of a publication provided under this
14 section is available in an electronic format, the legislative
15 services agency may establish policies providing for the
16 substitution of an electronic version for the printed version
17 of the publication, and for the amount of payment, if any,
18 required for the electronic publication. The payment amount
19 shall not be more than established pursuant to section 2E.5
20 for the same publication. For the Iowa administrative code
21 and its supplements, the legislative services agency may
22 provide that the distribution requirement of this section is
23 met by distributing relevant portions of the Iowa
24 administrative code or its supplements in either a printed or
25 electronic format.

26 4. Notwithstanding any provision of this section to the
27 contrary, the legislative services agency may review the
28 publication costs and offsetting sales revenues relating to
29 legal publications in printed formats, and may establish
30 policies requiring payment from persons otherwise entitled to
31 receive them at no cost or at a price covering distribution
32 costs pursuant to subsection 1. The payment amount shall not
33 be more than established pursuant to section 2E.5 for the same
34 publication.

35 Sec. 7. NEW SECTION. 2E.7 STATE GOVERNMENT OVERSIGHT AND

1 PROGRAM EVALUATION.

2 1. The general assembly shall independently and
3 intensively review and oversee the performance of state
4 agencies in the operation of state programs to evaluate the
5 efficiency and effectiveness of the state programs and to
6 consider alternatives which may improve the benefits of such
7 programs or may reduce their costs to the citizens of the
8 state. The legislative services agency shall provide the
9 technical and professional support for the general assembly's
10 oversight responsibility.

11 2. The general assembly by concurrent resolution or the
12 legislative council may direct the legislative services agency
13 to conduct a program evaluation of any state agency. Upon the
14 passage of the concurrent resolution or receiving the
15 direction of the legislative council, the director of the
16 legislative services agency shall inform the chairpersons of
17 the committees responsible for appropriations of the
18 anticipated cost of the program evaluation and the number and
19 nature of any additional personnel needed to conduct the
20 program evaluation and shall notify the official responsible
21 for the program to be evaluated. The director, after
22 consulting with the responsible official and the entity
23 requesting the program evaluation, shall determine the goals
24 and objectives of the state agency or state program for the
25 purpose of the program evaluation.

26 3. In conducting the program evaluation, the legislative
27 services agency may make certain determinations including but
28 not limited to the following:

29 a. The organizational framework of the state agency, its
30 adequacy and relationship to the overall structure of state
31 government, and whether the program under the agency's
32 jurisdiction could be more effective if consolidated with
33 another program, transferred to another program, or modified,
34 or whether the program should be abolished.

35 b. Whether the state agency is conducting programs and

1 activities and expending funds appropriated to the state
2 agency in compliance with state and federal law and any
3 executive order of the governor, and whether statutory or
4 administrative rule changes are advisable.

5 c. Whether the state agency is conducting authorized
6 activities and programs pursuant to goals and objectives
7 established by statute or rule, specific legislative intent,
8 the budget, the governor, or a strategic or other long-range
9 plan, and whether alternatives which might produce the desired
10 results at a lower cost have been considered.

11 d. Whether the state agency is conducting programs and
12 activities and expending funds appropriated to the state
13 agency in an efficient and effective manner, has complied with
14 all applicable laws, and, if not, determine the causes for
15 such inefficiency, ineffectiveness, or noncompliance.

16 e. Relationships within and among other governmental
17 agencies and programs including financial exchanges,
18 coordination, inconsistent programs, and areas of duplication
19 or overlapping programs.

20 f. The productivity of the state agency's operations
21 measured in terms of cost-benefit relationships or other
22 accepted measures of effectiveness.

23 g. Other criteria determined by the director.

24 4. Upon the completion of the program evaluation and
25 preparation of a report on the evaluation, the legislative
26 services agency shall provide a copy of the report to the
27 governing official or board of the state agency and afford the
28 state agency a reasonable opportunity to respond to the
29 findings and recommendations of the report. The response
30 shall be included in the final version of the report released
31 to the general assembly or the legislative council. Until its
32 release the report shall be regarded as confidential by all
33 persons properly having custody of the report.

34 Sec. 8. NEW SECTION. 2E.8 SALES -- TAX EXEMPTION.

35 1. The legislative services agency and its legislative

1 information office may sell mementos and other items relating
2 to Iowa history and historic sites, the general assembly, and
3 the state capitol, on the premises of property under the
4 control of the legislative council, at the state capitol, and
5 on other state property.

6 2. The legislative services agency is not a retailer under
7 chapter 422 and the sale of items or provision of services by
8 the legislative services agency is not a retail sale under
9 chapter 422, division IV, and is exempt from the sales tax.

10 Sec. 9. Section 2.9, Code 2003, is amended to read as
11 follows:

12 2.9 JOURNALS -- BILLS AND AMENDMENTS.

13 1. a. The senate and house of representatives shall each
14 publish a daily journal of the transactions of their
15 respective bodies. The secretary of the senate and the chief
16 clerk of the house shall each determine the format and manner
17 of the journal's publication, the procurement procedures for
18 the journal's publication, and the journal's distribution for
19 their respective bodies.

20 b. The secretary of the senate and the clerk of the house
21 of representatives shall each preserve copies of the printed
22 daily journals of their respective bodies, as corrected,
23 certify to their correctness, and file them with the secretary
24 of state at the adjournment of each session of the general
25 assembly. The secretary of state shall ~~cause-the-journals-to~~
26 ~~be-bound-and-preserved-as~~ preserve the original journals of
27 the senate and the house in the manner specified by the
28 majority leader of the senate and speaker of the house.

29 2. a. The senate and house of representatives shall each
30 publish bills and amendments of their respective bodies. The
31 secretary of the senate and the chief clerk of the house shall
32 each determine the procurement procedures for the publication
33 of the bills and amendments and the distribution of the bills
34 and amendments for their respective bodies.

35 b. A bill that seeks to legalize the acts of any official

1 or board or other official body, in regard to any matter of
2 public nature or for any person or persons, company, or
3 corporation, shall not be considered by the senate or house of
4 representatives until the bill is published and distributed to
5 members of the general assembly, and the publication shall be
6 without expense to the state. The senate and house shall not
7 order any such bill published until the secretary of the
8 senate or chief clerk of the house has received a deposit to
9 cover the cost of the publication. The newspaper publication
10 of such bill shall be without expense to the state, and the
11 bill shall not be published in a newspaper until the costs of
12 the newspaper publication has been paid to the secretary of
13 state.

14 Sec. 10. Section 2.42, subsections 1, 2, 11, 12, 13, 14,
15 15, 16, 18, and 19, Code 2003, are amended to read as follows:

16 1. To establish policies for the operation of the
17 legislative ~~service-bureau, including the priority to be given~~
18 ~~to research requests and the distribution of research reports~~
19 services agency.

20 2. To appoint the director of the legislative ~~service~~
21 bureau services agency for such term of office as may be set
22 by the council.

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

26 12. To establish policies for the distribution of
27 information which is stored by the general assembly in an
28 electronic format, including the contents of statutes or
29 rules, other than value-added electronic publications as
30 provided in section ~~7A-22~~ 2E.5. The legislative council shall
31 establish payment rates that encourage the distribution of
32 such information to the public, including private vendors
33 reselling that information. The legislative council shall not
34 establish a price that attempts to recover more than is
35 attributable to costs related to reproducing and delivering

1 the information.

2 13. To establish policies with regard to the publishing of
3 printed and electronic versions of the Iowa administrative
4 code, the Iowa administrative bulletin, the Iowa Code, the
5 Iowa Code Supplement, and the ~~session-laws~~ Iowa Acts, or any
6 part of those publications. The publishing policies may
7 include, but are not limited to: the style and format to be
8 used; the frequency of publication; the contents of the
9 publications; the numbering system to be used in the Iowa
10 Code, the Iowa Code Supplement, and the ~~session-laws~~ Iowa
11 Acts; the preparation of editorial comments or notations; the
12 correction of errors; the type of print or electronic media
13 and data processing software to be used; the number of printed
14 volumes to be published; recommended revisions of the Iowa
15 Code, the Iowa Code Supplement, and the ~~session-laws~~ Iowa
16 Acts; the letting of contracts for the publication of the Iowa
17 administrative code, the Iowa administrative bulletin, the
18 Iowa court rules, the Iowa Code, the Iowa Code Supplement, and
19 ~~session-laws~~ the Iowa Acts; the pricing of the publications to
20 which section 22.3 does not apply; access to, and the use,
21 reproduction, legal protection, sale or distribution, and
22 pricing of related data processing software consistent with
23 chapter 22; and any other matters deemed necessary to the
24 publication of uniform and understandable publications.

25 ~~14.--To-establish-policies-for-the-operation-of-the~~
26 ~~legislative-fiscal-bureau.~~

27 ~~15.--To-appoint-the-director-of-the-legislative-fiscal~~
28 ~~bureau-for-such-term-of-office-as-may-be-set-by-the-council.~~

29 16. To hear and act upon appeals of aggrieved employees of
30 the legislative ~~service-bureau, legislative-fiscal-bureau,~~
31 ~~computer-support-bureau,~~ services agency and the office of the
32 citizens' aide pursuant to rules of procedure established by
33 the council.

34 ~~18.--To-establish-policies-for-the-operation-of-the~~
35 ~~computer-support-bureau.~~

1 ~~19---To-appoint-the-director-of-the-computer-support-bureau~~
2 ~~for-a-term-of-office-set-by-the-council.~~

3 Sec. 11. Section 2.45, subsection 2, Code 2003, is amended
4 to read as follows:

5 2. The legislative fiscal committee, composed of the
6 chairpersons or their designated committee member and the
7 ranking minority party members or their designated committee
8 member of the committees of the house and senate responsible
9 for developing a state budget and appropriating funds, the
10 chairpersons or their designated committee member and the
11 ranking minority party members or their designated committee
12 member of the committees on ways and means, and two members,
13 one appointed from the majority party of the senate by the
14 majority leader of the senate and one appointed from the
15 majority party of the house by the speaker of the house of
16 representatives. In each house, unless one of the members who
17 represent the committee on ways and means is also a member of
18 the legislative council, the person appointed from the
19 membership of the majority party in that house shall also be
20 appointed from the membership of the legislative council. The
21 ~~legislative-fiscal-committee-shall-determine-policies-for-the~~
22 ~~legislative-fiscal-bureau-and-shall-direct-the-administration~~
23 ~~of-performance-audits-and-visitations, subject-to-the-approval~~
24 ~~of-the-legislative-council.~~

25 Sec. 12. Section 2.56, Code 2003, is amended to read as
26 follows:

27 2.56 CORRECTIONAL IMPACT STATEMENTS.

28 1. Prior to debate on the floor of a chamber of the
29 general assembly, a correctional impact statement shall be
30 attached to any bill, joint resolution, or amendment which
31 proposes a change in the law which creates a public offense,
32 significantly changes an existing public offense or the
33 penalty for an existing offense, or changes existing
34 sentencing, parole, or probation procedures. The statement
35 shall include information concerning the estimated number of

1 criminal cases per year that the legislation will impact, the
2 fiscal impact of confining persons pursuant to the
3 legislation, the impact of the legislation upon existing
4 correctional institutions, community-based correctional
5 facilities and services, and jails, the likelihood that the
6 legislation may create a need for additional prison capacity,
7 and other relevant matters. The statement shall be factual
8 and shall, if possible, provide a reasonable estimate of both
9 the immediate effect and the long-range impact upon prison
10 capacity.

11 ~~2. a. The preliminary determination of whether a bill,~~
12 ~~joint resolution, or amendment appears to require a~~
13 ~~correctional impact statement shall be made by the legislative~~
14 ~~service bureau, which shall send a copy of the bill, joint~~
15 ~~resolution, or amendment, upon completion of the draft, to the~~
16 ~~legislative fiscal director for review, unless the requestor~~
17 ~~specifies the request is to be confidential.~~

18 b. 2. a. When a committee of the general assembly reports
19 a bill, joint resolution, or amendment to the floor, the
20 committee shall state in the report whether a correctional
21 impact statement is or is not required.

22 c. b. The legislative fiscal director services agency
23 shall review all bills and joint resolutions placed on the
24 calendar of either chamber of the general assembly, as well as
25 amendments filed to bills or joint resolutions on the
26 calendar, to determine whether a correctional impact statement
27 is required.

28 d. c. A member of the general assembly may request the
29 preparation of a correctional impact statement by submitting a
30 request to the legislative fiscal bureau services agency.

31 3. The legislative fiscal director services agency shall
32 cause to be prepared ~~and shall approve~~ a correctional impact
33 statement within a reasonable time after receiving a request
34 or determining that a proposal is subject to this section.
35 All correctional impact statements approved by the legislative

1 ~~fiscal-director services agency~~ shall be transmitted
 2 immediately to either the chief clerk of the house or the
 3 secretary of the senate, after notifying the sponsor of the
 4 legislation that the statement has been prepared, for
 5 publication ~~in-the-daily-clip-sheet~~. The chief clerk of the
 6 house or the secretary of the senate shall attach the
 7 statement to the bill, joint resolution, or amendment affected
 8 as soon as it is available.

9 4. The legislative ~~fiscal-director services agency~~ may
 10 request the cooperation of any state department or agency or
 11 political subdivision in preparing a correctional impact
 12 statement.

13 5. A revised correctional impact statement shall be
 14 prepared if the correctional impact has been changed by the
 15 adoption of an amendment, and may be requested by a member of
 16 the general assembly or be prepared upon a determination made
 17 by the legislative ~~fiscal-director services agency~~. However,
 18 a request for a revised correctional impact statement shall
 19 not delay action on the bill, joint resolution, or amendment
 20 unless so ordered by the presiding officer of the chamber.

21 Sec. 13. Section 2B.1, Code 2003, is amended to read as
 22 follows:

23 2B.1 IOWA CODE AND ADMINISTRATIVE CODE DIVISIONS---
 24 EDITORS.

25 ~~1--The-Iowa-Code-and-administrative-code-divisions-are~~
 26 ~~established-within-the-legislative-service-bureau.~~

27 ~~2-~~ 1. The director of the legislative ~~service-bureau~~
 28 services agency shall appoint the Iowa Code editor and the
 29 administrative code editor, subject to the approval of the
 30 legislative council, as provided in section 2.42. The Iowa
 31 Code editor and the administrative code editor shall serve as
 32 ~~the-heads-of-their-respective-divisions,~~ at the pleasure of
 33 the director of the legislative ~~service-bureau,~~ and subject to
 34 ~~the-approval-of-the-legislative-council~~ services agency.

35 ~~3-~~ 2. The Iowa Code and administrative code ~~divisions~~

1 editors are responsible for the editing, compiling, and
2 proofreading of the publications they prepare, as provided in
3 this chapter. The Iowa Code division editor is entitled to
4 the temporary possession of the original enrolled Acts and
5 resolutions as necessary to prepare them for publication.

6 Sec. 14. Section 2B.5, Code 2003, is amended to read as
7 follows:

8 2B.5 DUTIES OF ADMINISTRATIVE CODE DIVISION EDITOR.

9 The administrative code division editor shall:

10 1. Cause the Iowa administrative bulletin and the Iowa
11 administrative code to be published as provided in chapter
12 17A.

13 2. Cause the Iowa court rules to be published and
14 distributed, as directed by the supreme court after
15 consultation with the legislative council. The Iowa court
16 rules shall consist of all rules prescribed by the supreme
17 court. ~~The court rules shall be published in loose-leaf form~~
18 ~~and supplements shall be prepared and distributed as directed~~
19 ~~by the supreme court.~~ The Iowa court rules and supplements to
20 the court rules shall be priced as provided in section ~~7A-22~~
21 2E.5.

22 3. Cause to be published annually ~~in pamphlet form~~ a
23 correct list of state officers and deputies, members of boards
24 and commissions, judges justices of the supreme court,
25 appellate judges of the court of appeals, and judges of the
26 district courts including district associate judges and
27 judicial magistrates, and members of the general assembly.
28 The offices of the governor and secretary of state shall
29 cooperate in the preparation of the list. ~~This pamphlet shall~~
30 ~~be published as soon after July 1 as it becomes apparent that~~
31 ~~it will be reasonably current.~~

32 4. Notify the administrative rules coordinator if a rule
33 is not in proper style or form.

34 5. Perform other duties as directed by the director of the
35 legislative ~~service-bureau~~ services agency, the legislative

1 council, or the administrative rules review committee and as
2 provided by law.

3 Sec. 15. Section 2B.6, Code 2003, is amended to read as
4 follows:

5 2B.6 DUTIES OF IOWA CODE ~~DIVISION~~ EDITOR.

6 The Iowa Code ~~division~~ editor shall:

7 1. Submit recommendations as the Iowa Code editor deems
8 proper to each general assembly for the purpose of amending,
9 revising, codifying, and repealing portions of the statutes
10 which are inaccurate, inconsistent, outdated, conflicting,
11 redundant, or ambiguous, and present the recommendations in
12 bill form to the appropriate committees of the general
13 assembly.

14 2. Cause the annual ~~session-laws~~ Iowa Acts to be
15 published, as provided in section 2B.10, including copies of
16 all Acts and joint resolutions passed at each session of the
17 general assembly.

18 3. Cause the Iowa Code and Iowa Code Supplement to be
19 published as provided in section 2B.12.

20 4. Perform other duties as directed by the director of the
21 legislative ~~service-bureau~~ services agency or the legislative
22 council and as provided by law.

23 Sec. 16. Section 2B.10, subsection 5, Code 2003, is
24 amended to read as follows:

25 5. The enrolling clerks of the house and senate shall
26 arrange for the Iowa Code ~~division~~ editor to receive suitable
27 copies of all Acts and resolutions as soon as they are
28 enrolled.

29 Sec. 17. Section 2B.12, subsection 6, paragraph f, Code
30 2003, is amended to read as follows:

31 f. The Constitution of the State of Iowa, original and
32 codified versions.

33 Sec. 18. Section 2B.13, Code 2003, is amended to read as
34 follows:

35 2B.13 EDITORIAL POWERS AND DUTIES.

1 1. The Iowa Code editor in preparing the copy for an
2 edition of the Iowa Code or a Iowa Code Supplement,~~and the~~
3 ~~administrative code editor in preparing the copy for an~~
4 ~~edition of the Iowa administrative code or bulletin shall not~~
5 alter the sense, meaning, or effect of any Act of the general
6 assembly, but may:

7 a. Correct manifestly misspelled words and grammatical and
8 clerical errors, including punctuation ~~but without changing~~
9 ~~the meaning,~~ and change capitalization, spelling, and
10 punctuation for purposes of uniformity and consistency in Code
11 language.

12 b. Correct internal references to sections which are cited
13 erroneously or have been repealed, and amended, or renumbered.

14 c. Substitute the proper chapter, section, subsection, or
15 other statutory reference for the term "this Act" or
16 references to another Act of the general assembly when there
17 appears to be no doubt as to the proper method of making the
18 substitution.

19 d. Substitute the proper date for references to the
20 effective or applicability dates of an Act when there appears
21 to be no doubt as to the proper method of making the
22 substitution.

23 e. Correct names of agencies, officers, or other entities
24 ~~which have been changed,~~ when there appears to be no doubt as
25 to the proper methods method of making the corrections
26 correction. The Code editor shall maintain a record of the
27 corrections made under this paragraph. The record shall be
28 available to the public.

29 e. f. Transfer, divide, or combine sections or parts of
30 sections and add or amend headnotes to sections and
31 subsections. Pursuant to section 3.3, the headnotes are not
32 part of the law.

33 g. Change words that designate one gender to reflect both
34 genders when the provisions apply to both genders.

35 h. If any Code section or part of a Code section, or any

1 Act of the general assembly which is intended to be codified,
2 is amended by more than one Act or more than one provision in
3 an Act of the general assembly, and the amendments do not
4 expressly refer to or amend one of the other Acts or Act
5 provisions in question, harmonize the amendments, if possible,
6 so that effect may be given to each and incorporate the
7 amendments as harmonized in the Code section. If amendments
8 made by several Acts are irreconcilable, unless one of the
9 amendments repeals or strikes the language in question, the
10 Iowa Code editor shall codify the amendment that is latest in
11 date of enactment by the general assembly. If amendments made
12 by provisions within an Act are irreconcilable, unless one of
13 the amendments repeals or strikes the language in question,
14 the Iowa Code editor shall codify the provision listed last in
15 the Act. If one of the amendments repeals or strikes the
16 language in question, the Iowa Code editor shall codify the
17 amendment that repeals or strikes the language.

18 ~~2. The Iowa Code editor may prepare and publish comments~~
19 ~~deemed necessary for a proper explanation of the manner of~~
20 ~~printing a section or chapter of the Iowa Code.~~

21 ~~3. The Iowa Code editor, in preparing the copy for an~~
22 ~~edition of the Iowa Code or a Code Supplement, and the~~
23 ~~administrative code editor in preparing the copy for an~~
24 ~~edition of the Iowa administrative code, shall edit the copy~~
25 ~~in order that words which designate one gender are changed to~~
26 ~~reflect both genders when the provisions of law apply to~~
27 ~~persons of both genders.~~

28 2. The administrative code editor in preparing the copy
29 for an edition of the Iowa administrative code or bulletin
30 shall not alter the sense, meaning, or effect of any rule, but
31 may:

32 a. Correct misspelled words and grammatical and clerical
33 errors, including punctuation, and change capitalization,
34 spelling, and punctuation for purposes of uniformity and
35 consistency.

1 b. Correct references to rules or sections which are cited
2 erroneously or have been repealed, amended, or renumbered.

3 c. Correct names of agencies, officers, or other entities
4 when there appears to be no doubt as to the proper method of
5 making the correction.

6 d. Transfer, divide, or combine rules or parts of rules
7 and add or amend catchwords to rules and subrules.

8 e. Change words that designate one gender to reflect both
9 genders when the provisions apply to both genders.

10 f. Perform any other editorial tasks required or
11 authorized by section 17A.6.

12 3. The Iowa Code editor may, in preparing the copy for an
13 edition of the Iowa Code or Iowa Code Supplement, establish
14 standards for and change capitalization, spelling, and
15 punctuation in any Code provision for purposes of uniformity
16 and consistency in Code language. The administrative code
17 editor may establish standards for capitalization, spelling,
18 and punctuation for purposes of uniformity and consistency in
19 the administrative code.

20 4. The Iowa Code editor shall seek direction from the
21 senate committee on judiciary and the house committee on
22 judiciary when making Iowa Code or Iowa Code Supplement
23 changes, and the administrative code editor shall seek
24 direction from the administrative rules review committee and
25 the administrative rules coordinator when making Iowa
26 administrative code changes, which appear to require
27 substantial editing and which might otherwise be interpreted
28 to exceed the scope of the authority granted in this section.

29 5. The Iowa Code editor may prepare and publish comments
30 deemed necessary for a proper explanation of the manner of
31 printing a section or chapter of the Iowa Code. The Iowa Code
32 editor shall maintain a record of all of the corrections made
33 under subsection 1. The Iowa Code editor and the
34 administrative-code-editor shall also maintain a separate
35 record of the changes made under this-section subsection 1,

1 paragraphs "b" through "h". The record records shall be
2 available to the public.

3 6. The Iowa Code editor and the administrative code editor
4 shall not make editorial changes which go beyond the authority
5 granted in this section or other law.

6 7. The effective date of all editorial changes in an
7 edition of the Iowa Code or a Iowa Code Supplement is the
8 effective date of the selling-price Iowa Code editor's
9 approval of the final press proofs for the statutory text
10 contained within that publication as-established-by-the
11 legislative-council-or-the-legislative-council's-designee.
12 The effective date of all editorial changes for the Iowa
13 administrative code is the date those changes are published in
14 the Iowa administrative code.

15 Sec. 19. Section 2B.17, subsections 3 and 5, Code 2003,
16 are amended to read as follows:

17 3. The official printed versions of the Iowa Code, Code
18 Supplement, and ~~session-laws~~ Iowa Acts published under
19 authority of the state are the only authoritative publications
20 of the statutes of this state. ~~No-other~~ Other publications of
21 the statutes of the state shall not be cited in the courts or
22 in the reports or rules of the courts. The Iowa Code editor
23 is the custodian of the official printed versions of the Iowa
24 Code, Iowa Code Supplement, and Iowa Acts and may attest to
25 and authenticate any portion of those official printed
26 versions for purposes of admitting a portion of the official
27 printed version in any court or office of any state,
28 territory, or possession of the United States or in a foreign
29 jurisdiction.

30 5. The printed version of the Iowa administrative code is
31 the permanent publication of administrative rules in this
32 state and the Iowa administrative bulletin and the Iowa
33 administrative code published pursuant to chapter 17A are the
34 official publications of the administrative rules of this
35 state, and are the only authoritative publications of the

1 administrative rules of this state. Other publications of the
2 administrative rules of this state shall not be cited in the
3 courts or in the reports or rules of the courts. The Iowa
4 administrative code editor is the custodian of the official
5 printed versions of the Iowa administrative code and the Iowa
6 administrative bulletin and may attest to and authenticate any
7 portion of those official printed versions for purposes of
8 admitting a portion of the official printed version in any
9 court or office of any state, territory, or possession of the
10 United States or in a foreign jurisdiction.

11 Sec. 20. Section 2B.21, Code 2003, is amended to read as
12 follows:

13 2B.21 AVAILABILITY OF PARTS OF THE IOWA CODE AND
14 ADMINISTRATIVE CODE.

15 The Iowa Code division editor and the administrative code
16 division editor, in accordance with policies established by
17 the legislative council, may cause parts of the Iowa Code or
18 administrative code to be made available for the use of public
19 officers and other persons. This authority shall be exercised
20 in a manner planned to avoid delay in the other publications
21 of the divisions editors.

22 Sec. 21. Section 7E.6, subsection 7, Code 2003, is amended
23 by striking the subsection.

24 Sec. 22. Section 8.22A, subsection 1, Code 2003, is
25 amended to read as follows:

26 1. The state revenue estimating conference is created
27 consisting of the governor or the governor's designee, the
28 director of the legislative ~~fi~~scal-bureau services agency or
29 the director's designee, and a third member agreed to by the
30 other two.

31 Sec. 23. Section 15A.9, subsection 11, Code 2003, is
32 amended by striking the subsection.

33 Sec. 24. Section 17A.6, subsection 1, unnumbered paragraph
34 1, Code 2003, is amended to read as follows:

35 The administrative code editor shall cause the Iowa

1 administrative bulletin to be published in ~~a printed form~~
2 accordance with section 2.42 at least every other week, unless
3 the administrative code editor and the administrative rules
4 review committee determine that an alternative publication
5 schedule is preferable. ~~An electronic version of the Iowa~~
6 ~~administrative bulletin may also be published as provided in~~
7 ~~section 2.42.~~ The Iowa administrative bulletin shall contain
8 all of the following:

9 Sec. 25. Section 17A.6, subsections 2, 3, and 5, Code
10 2003, are amended to read as follows:

11 2. Subject to the direction of the administrative rules
12 coordinator, the administrative code editor shall cause the
13 Iowa administrative code to be compiled, indexed, and
14 published in accordance with section 2.42 in a ~~printed loose-~~
15 ~~leaf~~ form containing all rules adopted and filed by each
16 agency. The administrative code editor further shall cause
17 ~~loose-leaf~~ supplements to the Iowa administrative code to be
18 published as determined by the administrative rules
19 coordinator and the administrative rules review committee,
20 containing all rules filed for publication in the prior time
21 period. The supplements shall be in such form that they may
22 be inserted in the appropriate places in the permanent
23 compilation. The administrative rules coordinator shall
24 devise a uniform numbering system for rules and may renumber
25 rules before publication to conform with the system. ~~An~~
26 ~~electronic version of the Iowa administrative code may also be~~
27 ~~published as provided in section 2.42.~~

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

1 copy of the omitted rule may be obtained.

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

7 5. The Iowa administrative code, its supplements, and the
8 Iowa administrative bulletin shall be made available upon
9 request to all persons who subscribe to any of them through
10 ~~the-state-printing-division. Copies-of-this-code-so-made~~
11 ~~available-shall-be-kept-current-by-the-division.~~

12 Sec. 26. Section 17A.8, subsection 10, Code 2003, is
13 amended by striking the subsection.

14 Sec. 27. Section 18.3, subsection 3, Code 2003, is amended
15 to read as follows:

16 3. Administering the provisions of sections 18.26 to
17 ~~18-103~~ 18.100.

18 Sec. 28. Section 18.28, Code 2003, is amended to read as
19 follows:

20 18.28 "PRINTING" DEFINED.

21 As used in chapter 7A and sections 18.26 to ~~18-103~~ 18.100,
22 "printing" means the reproduction of an image from a printing
23 surface made generally by a contact impression that causes a
24 transfer of ink, the reproduction of an impression by a
25 photographic process, or the reproduction of an image by
26 electronic means and shall include binding and may include
27 material, processes, or operations necessary to produce a
28 finished printed product, but shall not include binding,
29 rebinding or repairs of books, journals, pamphlets, magazines
30 and literary articles by any library of the state or any of
31 its offices, departments, boards and commissions held as a
32 part of their library collection.

33 Sec. 29. NEW SECTION. 18.28A LEGISLATIVE BRANCH
34 EXCLUDED.

35 This chapter does not apply to the printing contracts or

1 procedures of the legislative branch.

2 Sec. 30. Section 18.30, Code 2003, is amended to read as
3 follows:

4 18.30 CONTRACTS WITH STATE INSTITUTIONS.

5 The director may, without advertising for bids, enter into
6 contracts or make provision for doing any of the work coming
7 under the provisions of chapter 7A and sections 18.26 to
8 ~~18.103~~ 18.100 at any school or institution under the ownership
9 or control of the state. The work shall be done under
10 conditions substantially the same as those provided for in the
11 case of contracts with individuals and the same standard of
12 quality or product shall be required.

13 Sec. 31. Section 18.50, Code 2003, is amended to read as
14 follows:

15 18.50 EMERGENCY CONTRACTS.

16 The director may at any time award a separate printing
17 contract or may authorize an assistant to award a separate
18 printing contract for any work and materials or printing
19 supplies within the provisions of chapter 7A and sections
20 18.26 to ~~18.103~~ 18.100 which are not included in current
21 printing contracts or which cannot properly be made the
22 subject of a general contract. A separate printing contract
23 must have been duly solicited by the director from vendors
24 engaged in the kind of work under consideration who have
25 indicated a desire to bid on the class of work to be
26 performed.

27 Sec. 32. Section 18.59, subsection 5, Code 2003, is
28 amended to read as follows:

29 5. To avoid duplication, overlapping, and redundancy of
30 pamphlets and publications, other than legislative branch
31 publications and official documents and books and publications
32 authorized by ~~chapters-2B-and~~ chapter 7A, to examine the
33 contents of proposed pamphlets or publications and to approve
34 or disapprove such pamphlets or publications only for such
35 reason; and to effectuate this power, the director shall adopt

1 rules for its administration.

2 Sec. 33. Section 18.75, subsections 6 and 8, Code 2003,
3 are amended to read as follows:

4 ~~6. Have legal custody of all Codes, session laws, books of~~
5 ~~annotations, tables of corresponding sections, publications,~~
6 ~~except premium lists published by the Iowa state fair board,~~
7 ~~containing reprints of statutes or administrative rules, or~~
8 ~~both, reports of state departments, and reports of the supreme~~
9 ~~court, and sell, account for, and distribute the same as~~
10 ~~provided by law. However, the legislative service bureau~~
11 ~~shall solicit and process orders for the distribution of all~~
12 ~~printed Codes, session laws, administrative codes and~~
13 ~~bulletins, court rules, and the state roster.~~

14 8. By November 1 of each year supply a report which
15 contains the name, gender, county, or city of residence when
16 possible, official title, salary received during the previous
17 fiscal year, base salary as computed on July 1 of the current
18 fiscal year, and traveling and subsistence expense of the
19 personnel of each of the departments, boards, and commissions
20 of the state government except personnel who receive an annual
21 salary of less than one thousand dollars. The number of the
22 personnel and the total amount received by them shall be shown
23 for each department in the report. All employees who have
24 drawn salaries, fees, or expense allowances from more than one
25 department or subdivision shall be listed separately under the
26 proper departmental heading. On the request of the
27 administrator, the head of each department, board, or
28 commission shall furnish the data covering that agency. The
29 report shall be distributed upon request ~~without charge~~
30 electronically to each caucus of the general assembly, the
31 legislative ~~service bureau, the legislative fiscal bureau~~
32 services agency, the chief clerk of the house of
33 representatives, and the secretary of the senate. Copies of
34 the report shall be made available to other persons in both
35 ~~print or~~ electronic medium, upon payment of a fee if

1 appropriate, which shall not exceed the cost of providing the
2 copy of the report. Sections 22.2 through 22.6 apply to the
3 report. All funds from the sale of the report shall be
4 deposited in the general fund. Requests for publications
5 shall be handled only upon receipt of postage by the
6 administrator.

7 Sec. 34. Section 22.3A, subsection 2, paragraph a, Code
8 2003, is amended to read as follows:

9 a. The amount charged for access to a public record shall
10 be not more than that required to recover direct publication
11 costs, including but not limited to editing, compilation, and
12 media production costs, incurred by the government body in
13 developing the data processing software, and preparing the
14 data processing software for transfer to the person. The
15 amount shall be in addition to any other fee required to be
16 paid under this chapter for the examination and copying of a
17 public record. If a person accesses a public record stored in
18 an electronic format that does not require formatting,
19 editing, or compiling to access the public record, the charge
20 for providing the accessed public record shall not exceed the
21 reasonable cost of accessing that public record. The
22 government body shall, if requested, provide documentation
23 which explains and justifies the amount charged. This
24 paragraph shall not apply to any publication for which a price
25 has been established pursuant to another section, including
26 section ~~7A-22~~ 2E.5.

27 Sec. 35. Section 25B.5, Code 2003, is amended to read as
28 follows:

29 25B.5 COST ESTIMATES -- NOTATION IN ACTS.

30 1. When a bill or joint resolution is requested, the
31 legislative ~~service-bureau~~ services agency shall make an
32 initial determination of whether the bill or joint resolution
33 may impose a state mandate. If a state mandate may be
34 included, that fact shall be included in the explanation of
35 the bill or joint resolution.

1 2. If a bill or joint resolution may include a state
2 ~~mandate, a copy of the prepared draft shall be sent to~~ the
3 legislative ~~fiscal bureau which~~ services agency shall
4 determine if the bill or joint resolution contains a state
5 mandate. If the bill or joint resolution contains a state
6 mandate and is still eligible for consideration during the
7 legislative session for which the bill or joint resolution was
8 drafted, the legislative ~~fiscal bureau~~ services agency shall
9 prepare an estimate of the amount of costs imposed.

10 3. If a bill or joint resolution containing a state
11 mandate is enacted, unless the estimate already on file with
12 the house of origin is sufficient, the legislative ~~fiscal~~
13 ~~bureau~~ services agency shall prepare a final estimate of
14 additional local revenue expenditures required by the state
15 mandate and file the estimate with the secretary of state for
16 inclusion with the official copy of the bill or resolution to
17 which it applies. A notation of the filing of the estimate
18 shall be made in the Iowa Acts of the general assembly
19 published pursuant to chapter 2B.

20 Sec. 36. Section 97D.4, subsection 4, unnumbered paragraph
21 2, Code 2003, is amended to read as follows:

22 Administrative assistance shall be provided by the
23 legislative ~~service bureau and the legislative fiscal bureau~~
24 services agency.

25 Sec. 37. Section 256.53, Code 2003, is amended to read as
26 follows:

27 256.53 STATE PUBLICATIONS.

28 Upon issuance of a state publication in any format, a state
29 agency shall deposit with the division at no cost to the
30 division, seventy-five copies of the publication or a lesser
31 number if specified by the division, except as provided in
32 section 2E.6.

33 Sec. 38. Section 331.502, subsection 3, Code 2003, is
34 amended by striking the subsection.

35 Sec. 39. Section 602.1204, subsection 3, Code 2003, is

1 amended to read as follows:

2 3. The supreme court shall compile and publish all
3 procedures and directives relating to the supervision and
4 administration of the internal affairs of the judicial branch,
5 and shall distribute a copy of the compilation and all
6 amendments to each operating component of the judicial branch.
7 ~~Copies-also-shall-be-distributed-to-agencies-referred-to-in~~
8 ~~section-18-97-upon-request.~~

9 Sec. 40. Sections 2.14, 2.16, 2.35, 2.45, 2.61, 2D.3, 3.2,
10 7A.11, 15E.111, 23A.2A, 28B.1, 28B.4, 42.2, 42.3, 42.6, 49.7,
11 275.23A, 331.209, and 602.4202, Code 2003, are amended by
12 striking from the sections the words "legislative service
13 bureau" and "bureau" when referring to the legislative service
14 bureau and inserting in lieu thereof the words "legislative
15 services agency".

16 Sec. 41. Sections 2.46, 2.51, 2B.10, 7E.5A, 8.23, 8.35A,
17 8.44, 8.46, 8.55, 8.61, 8.62, 8E.209, 8E.301, 12E.13, 14B.103,
18 14B.105, 14B.206, 15.113, 15.343, 18.16A, 18.16B, 80E.1,
19 97B.17, 135.11, 161D.8, 161D.13, 217.12, 237.18, 255.24A,
20 260C.66, 261.22, 261.25, 262.64A, 262A.13, 263A.11, 263A.13,
21 266.39D, 266.39F, 292.2, 294A.19, 307.20, 307.40, 307.46,
22 307.47, 327J.3, 384.3, 403.23, 404A.5, 421.17, 422.72,
23 455B.183A, 455G.4, 505.7, 524.207, 533.67, 602.1301, 602.1302,
24 602.8108, 904.116, 904.706, 905.6, 905.8, and 906.5, Code
25 2003, are amended by striking from the sections the words
26 "legislative fiscal bureau" and inserting in lieu thereof the
27 words "legislative services agency".

28 Sec. 42. CODE EDITOR'S DIRECTIVE. The Code editor shall
29 correct any references to the legislative services agency as
30 the successor to the legislative service bureau, legislative
31 fiscal bureau, and computer support bureau, including
32 grammatical constructions, anywhere else in the Iowa Code, in
33 any bills awaiting codification, and in any bills enacted by
34 the Eightieth General Assembly, 2003 Regular Session.

35 Sec. 43. Sections 2.48, 2.49, 2.50, 2.52, 2.55, 2.55A,

1 2.58, 2.59, 2.60, 2.64, 2.65, 2.66, 2.67, 2.100, 2.101, 2.102,
2 2.103, 2.104, 7A.15, 7A.16, 7A.17, 7A.18, 7A.19, 7A.21, 7A.22,
3 7A.25, 7A.26, 18.86, 18.87, 18.88, 18.89, 18.90, 18.95, 18.96,
4 18.97, 18.97A, 18.101, 18.102, and 18.103, Code 2003, are
5 repealed.

6 Sec. 44. EFFECTIVE DATE. This Act, being deemed of
7 immediate importance, takes effect upon enactment.

8 EXPLANATION

9 This bill relates to legislative branch consolidation of
10 certain of its functions.

11 CONSOLIDATED AGENCY. The bill creates a single,
12 nonpartisan legislative services agency by combining the
13 functions and duties of the legislative service bureau,
14 legislative fiscal bureau, and legislative computer support
15 bureau. The bill provides for continued oversight of the new
16 agency by the legislative council. State agencies are
17 required to provide information, including certain
18 confidential information, needed by the agency to fulfill its
19 responsibilities. The director retains subpoena authority to
20 enforce access to such information. Employees of the
21 legislative services agency are protected from being compelled
22 to give testimony or to appear and produce documentary
23 evidence in a judicial or quasi-judicial proceeding if the
24 testimony or documentary evidence sought relates to a
25 legislative duty or act performed by the employee.

26 LEGISLATIVE SERVICE BUREAU FUNCTIONS. The bill transfers
27 the legislative service bureau's legal analysis, legal
28 drafting, congressional and legislative redistricting, legal
29 publications, standing, statutory, and interim committee
30 staffing, legislative information, legislative visitor
31 protocol, and capitol tour guide responsibilities to the new
32 agency. With respect to legal and legislative analysis, the
33 bill preserves the current statutory requirement that such
34 analysis not contain public policy recommendations. Legal
35 analysis is required to be provided through the exercise of

1 attorney-employees' independent, professional judgment.

2 LEGISLATIVE FISCAL BUREAU FUNCTIONS. The bill transfers
3 the legislative fiscal bureau's state expenditure, revenue,
4 and budget review and analysis, fiscal note preparation,
5 revenue and budget, statutory, standing committee and
6 subcommittee, and interim committee staffing, and program
7 evaluation responsibilities to the new agency. With respect
8 to the budget and revenue committees, the bill preserves the
9 current statutory authority of the legislative fiscal bureau
10 to advise the committees when requested, and to make inquiries
11 and suggestions with respect to state agency budget hearings.
12 The bill strikes the requirement of the legislative fiscal
13 bureau to conduct every five years an economic cost-benefit
14 analysis of each quality jobs enterprise zone.

15 COMPUTER SUPPORT BUREAU FUNCTIONS. The bill transfers the
16 computer support bureau's legislative computer systems
17 responsibilities to the new agency.

18 ADMINISTRATIVE RULES REVIEW COMMITTEE LEGAL ASSISTANCE.
19 The bill transfers to the new agency the responsibility of
20 providing legal assistance to the administrative rules review
21 committee.

22 OFFICIAL LEGAL PUBLICATIONS AND PROCUREMENT. The bill
23 authorizes the legislative services agency to set prices for
24 publication of the official versions of the Iowa Code, Iowa
25 Code Supplement, Iowa Acts, Iowa court rules, Iowa
26 administrative bulletin, and Iowa administrative code. The
27 bill updates the editorial powers and duties of the Iowa Code
28 and administrative code editors in Code chapters 2B and 7E.
29 The effective date for editorial changes to the Iowa Code is
30 set on the date of approval by the Iowa Code editor of the
31 final press proofs for the statutory text of the Iowa Code.
32 The statutory provisions governing the distribution of these
33 official printed legal publications at no cost or at a price
34 covering distribution costs to state and local public
35 officials and offices are amended to continue providing the

1 distribution of these publications while attempting to
2 substitute more electronic publications for the printed
3 publications. The authorization to require some payment for
4 otherwise no-cost or distribution-cost copies is retained for
5 the legislative services agency. Procurement authority is
6 provided for the legislative services agency. The current
7 sales tax exemption for certain items sold by the legislative
8 service bureau is applied to items sold or services provided
9 by the legislative services agency.

10 SENATE AND HOUSE PUBLICATIONS. The bill provides that the
11 senate and house of representatives shall each publish and
12 determine procurement procedures for the publication of their
13 journals, bills, and amendments, and determine their
14 distribution. The bill repeals provisions in Code chapters 7A
15 and 18 relating to the state printing administrator's
16 responsibility for printing journals and bills and relating to
17 specific distribution requirements for the journals, official
18 registers, and bills with respect to members of the general
19 assembly, libraries, newspapers, county auditors, and the
20 public.

21 NONPARTISANSHIP AND LEGISLATIVE PRIVILEGES. Employees of
22 the new agency are prohibited from participating in partisan
23 political activities and shall not be identified as advocates
24 or opponents of issues subject to legislative debate except as
25 otherwise provided by law or by the legislative council.
26 Services provided by the new agency are required to be
27 provided in a manner so as to preserve the independence of the
28 general assembly as a constitutional body and to protect the
29 legislative privileges of the members and employees.

30 DIRECTOR OF CONSOLIDATED AGENCY. The director of the
31 agency is to be appointed by the legislative council. The
32 director supervises all functions and employees and outside
33 service providers of the new agency.

34 The director of the new agency or the director's designee
35 is named a member of the state revenue estimating conference

1 in Code chapter 8 and of the petroleum underground storage
2 tank fund board as is currently the case with the director of
3 the legislative fiscal bureau.

4 CODE REFERENCES AMENDED. Additional references in the Code
5 to the three separate legislative agencies are changed by an
6 alternative drafting style that references all Code sections
7 in which the current agency names are to be changed to the new
8 agency's name.

9 References to the legislative service bureau relate to the
10 following subject matters in the following Code sections:
11 performance of legislative functions, including legislative
12 standing committee staffing, drafting of state agency and
13 governor bills, preparation of legal and legislative research,
14 communications review committee staffing, employment of a
15 legislative branch protocol officer, bill drafting protocols,
16 filing of documents with the general assembly, private
17 industry competition notations in bills, interstate
18 cooperation commission staffing and expenses, congressional
19 and legislative redistricting, county, city, and school
20 district redistricting assistance, and supreme court rule
21 drafting protocols (Code sections 2.14, 2.16, 2.35, 2.61,
22 2D.3, 3.2, 7A.11, 23A.2A, 28B.1, 28B.4, 42.2, 42.3, 42.6,
23 49.7, 275.23A, 331.209, and 602.4202); and receipt of
24 information or reports (Code section 15E.111).

25 References to the legislative fiscal bureau relate to the
26 following subject matters in the following Code sections:
27 performance of legislative functions, including state mandate
28 notation, legislative visitation committee staffing, lease-
29 purchase notifications, confidential receipt of IPERS
30 information, access to tax information, petroleum underground
31 storage tank fund board membership (Code sections 2.51, 2B.10,
32 8.22A, 8.23, 8.35A, 8.46, 97B.17, 422.72, and 455G.4); and
33 receipt of notification of executive and judicial branch
34 actions; receipt of information, reports, or formal
35 submissions; and required consultation or coordination (Code

1 sections 2.46, 7E.5A, 8.23, 8.35A, 8.44, 8.46, 8.55, 8.61,
2 8.62, 8E.209, 8E.301, 12E.13, 14B.103, 14B.105, 14B.206,
3 15.113, 15.343, 18.16A, 18.16B, 80E.1, 135.11, 161D.8,
4 161D.13, 217.12, 237.18, 255.24A, 260C.66, 261.22, 261.25,
5 262.64A, 262A.13, 263A.11, 263A.13, 266.39D, 266.39F, 292.2,
6 294A.19, 307.20, 307.40, 307.46, 307.47, 327J.3, 384.3,
7 403.23, 404A.5, 421.17, 455B.183A, 505.7, 524.207, 533.67,
8 602.1301, 602.1302, 602.8108, 904.116, 904.706, 905.6, 905.8,
9 and 906.5).

10 REPEALS. The bill repeals numerous sections in Code
11 chapter 2 relating to the general assembly, the contents of
12 which are transferred, for the most part, to new Code chapter
13 2E. The bill also repeals several sections in Code chapters
14 7A and 18 relating to official publications, the contents of
15 which are transferred, in part, to new Code chapter 2E.

16 EFFECTIVE DATE. The bill takes effect upon enactment.

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