

CHAPTER 9.

ATTORNEY GENERAL.

S. F. 131.

AN ACT to repeal sections two hundred eight (208), two hundred nine (209), and two hundred ten (210) of the code, relating to the office and duties of the attorney general, and to enact substitutes therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Repeal. That sections two hundred eight (208), two hundred nine (209), and two hundred ten ((210) of the code be and the same are hereby repealed, and the following enacted in lieu thereof:

SEC. 2. Department of justice. There shall be at the seat of government a department to be known as the department of justice, and the attorney general shall be the head thereof.

SEC. 3. Attorney general—duties. It shall be the duty of the attorney general:

1. *To appear for state in supreme court.* To appear for the state, prosecute and defend all causes in the supreme court in which the state is a party or interested.

2. *To appear for state in other courts.* When requested to do so by the governor, executive council, or general assembly, or when in his judgment the interests of the state require it, he shall appear for the state before any other court or tribunal, prosecute or defend all actions and proceedings, civil or criminal, in which the state may be a party or interested.

3. *To give written opinions.* When requested, he shall give his opinion in writing upon all questions of law submitted to him by the general assembly, or either house thereof, the governor, lieutenant-governor, speaker of the house, auditor, secretary of state, treasurer, superintendent of public instruction, executive council, board of control, chairman railroad commissioners, food and dairy commissioner, commissioner bureau labor statistics, adjutant general, president and secretary department of agriculture, president commission of pharmacy, state librarian, state mine inspector, secretary state board of health, state veterinary surgeon, president state board of dental examiners, state fish and game warden, and to the heads of any other state departments now existing, or hereafter created.

4. *To prepare drafts for contracts, etc.—biennial report.* He shall, when required, prepare drafts for contracts, forms and other writings which may be required for the use of the state; and shall report to the governor, preceding each general assembly, the condition of his office, opinions rendered, and business transacted of public interest.

5. *To exercise supervisory powers over county attorneys.* To exercise supervisory powers over county attorneys in all matters pertaining to the duties of their offices, and from time to time require of them reports as to the condition of public business entrusted to their charge.

6. *To appear for state officers.* To prosecute or defend all actions and proceedings brought by or against any state officer in his official capacity.

7. *To account for money received.* To promptly account for all moneys received by him belonging to the people of the state, or received in his official capacity, and pay the same into the state treasury.

8. *To keep record of opinions and register of actions.* To keep, in proper books, a record of all official opinions, and a register of all actions prosecuted and defended by him, and of all proceedings had in relation thereto, which books shall be delivered to his successor.

9. *To perform other duties.* To perform all such other and further duties as are now, or may hereafter be enjoined upon him by law.

SEC. 4. Special counsel. No compensation shall hereafter be allowed to any person for services as an attorney or counselor to any department of the state government, or the heads thereof, or to any state boards or commissions, except in cases specially authorized by law, and then only on the certificate of the attorney general that such services were actually rendered, and that the same could not be performed by the officers of the department of justice, provided, however, that in any case where the attorney general is an interested party, the executive council may employ special counsel and audit and pay a reasonable compensation for legal services rendered by him.

SEC. 5. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 20, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 10.

SCHEDULE OF TIMES OF HOLDING TERMS OF COURT.

S. F. 65.

AN ACT to repeal the law as it appears in section two hundred thirty-two (232) of the supplement to the code, 1907, and enact a substitute therefor, relating to the schedule of times of holding terms of court.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Repeal — judges to prepare schedule — printing — distribution. That the law as it appears in section two hundred thirty-two (232) of the supplement to the code 1907 be repealed and the following enacted in lieu thereof:

“On or before the first day of October in each odd-numbered year the judges shall meet in their respective districts and determine the times and places of holding their courts during the two succeeding calendar years. The plan or schedule thus agreed upon, or ordered by the chief justice of the supreme court when they cannot agree, shall be forthwith forwarded by the district judges to the secretary of state and the clerk of the district court in each county in such district, and the clerk shall file the same and enter it of record in the journal of the court. The secretary of state shall, within ten days after receiving said orders, or before the first Monday in December after said orders are made, prepare a tabular statement of the times of holding the several courts, as fixed by the several orders in his office, and have printed five thousand copies thereof, which shall be distributed as follows: One copy to each state officer, each county auditor and sheriff, two copies to each judge of the district and superior courts, ten copies each to the state library, the library of the law department of the state university, and the state historical society, thirty-five hundred copies to the clerks of the district court, in proportion to the population of the county, for gratuitous distribution among the attorneys of the county, and the residue for free distribution under the supervision of the secretary of state. In preparing said plan or schedule, the judges shall so arrange if practicable, that each judge shall hold at least one term of court during the year in each of the several counties of his district.”

Approved February 10, A. D. 1909.