

CHAPTER 1018

DEPARTMENTAL RULES FILED WITHOUT APPROVAL

S. F. 203

AN ACT relating to administrative rules and regulations.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter seventeen A (17A), Code 1971, is amended
2 by adding the following new section:

3 "1. In the event any departmental rule, except internal operation
4 rules or temporary rules, does not have an advisory opinion by the
5 attorney general, or unless the attorney general failed to render an
6 opinion as provided by section seventeen A point six (17A.6) of the
7 Code or it does not have the approval of the departmental rules review
8 committee, then the department or agency prescribing, promulgating,
9 or enforcing such rule shall have the burden of proof to establish that
10 such rule is not arbitrary, illegal, or capricious.

11 2. If the department or agency fails to meet the proof, as provided
12 in subsection one (1) of this section, or the court finds that such rule
13 is arbitrary, illegal, or capricious, judgment shall be rendered against
14 the department or agency for court costs which will include a reason-
15 able attorney fee to be fixed by the court hearing such action, payable
16 by the state comptroller from the support appropriations to the
17 department or agency making the rule."

Approved February 17, 1972.

CHAPTER 1019

CODE CORRECTIONS

H. F. 1203

AN ACT relating to erroneous and obsolete references in the Code of Iowa.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section twenty-one point four (21.4), Code 1971, as
2 amended by chapter eighty-seven (87), section one (1) and chapter
3 eighty-four (84), section seventy-five (75), Acts of the Sixty-fourth
4 General Assembly, First Session, is amended to read as follows:

5 21.4 **Private use—rate for state business.** No state officer or em-
6 ployee shall use any state-owned motor vehicle for his own personal
7 private use, nor shall he be compensated for driving his own motor
8 vehicle except if such is done on state business with the approval of
9 the state ~~car~~ vehicle dispatcher, and in such case he shall not receive
10 more than ten cents per mile. However, the state ~~car~~ vehicle dis-
11 patcher may delegate authority to officials of the state, and depart-
12 ment heads, for the use of private vehicles on state business up to six
13 thousand miles per year. When a state ~~car~~ motor vehicle has been
14 assigned to a state officer or employee he shall not collect mileage for

15 the use of his personal vehicle unless the state vehicle assigned to him
16 is not useable.

17 This section shall not apply to elected officers of the state, judges of
18 the district court, judges of the supreme court, or officials and em-
19 ployees of the state whose mileage is paid by other than state agencies.

1 SEC. 2. Section two hundred seventy-eight point one (278.1),*
2 Code 1971, as amended by chapter one hundred sixty-three (163), sec-
3 tion one (1), Acts of the Sixty-fourth General Assembly, First Session,
4 is amended by striking subsection eleven (11).

1 SEC. 3. Section three hundred twenty-one point one hundred sixty-
2 five (321.165), Code 1971, is amended to read as follows:

3 321.165 **Manufacture by state.** ~~In lieu of purchasing under com-~~
4 ~~petitive bids the~~ *The* commissioner shall have authority to arrange
5 with the director of the division of corrections of the department of
6 social services to furnish such supplies as may be made at the state
7 institutions.

1 SEC. 4. Section five hundred fifteen A point fourteen (515A.14),
2 Code 1971, is amended to read as follows:

3 515A.14 **False or misleading information.** No person or organiza-
4 tion shall willfully withhold information from, or knowingly give
5 false or misleading information to, the commissioner, any statistical
6 agency designated by the commissioner, any rating organization, or
7 any insurer, which will affect the rates or premiums chargeable under
8 this chapter. A violation of this section shall subject the one guilty
9 of such violation to the penalties provided in section ~~515A.16~~ 515A.17.

1 SEC. 5. Section four hundred four point eight (404.8), Code 1971,
2 is amended by striking subsection six (6).

1 SEC. 6. Section six hundred thirty-three point two hundred ninety-
2 five (633.295), the last unnumbered paragraph, Code 1971, is amended
3 to read as follows:

4 Subscribed and sworn to before me this day of,
5 19.....

6
7
8 (Seal) Notary Public in and for the
9 County of
State of

1 SEC. 7. Sections three hundred twenty-one point one hundred
2 sixty-four (321.164), three hundred twenty-one point two hundred
3 forty-seven (321.247), four hundred thirty-two point five (432.5),
4 four hundred thirty-two point eight (432.8), four hundred seventy-
5 nine point eighty-nine (479.89), four hundred seventy-nine point
6 ninety (479.90), and four hundred seventy-nine point ninety-two
7 (479.92), Code 1971, are repealed.

Approved April 1, 1972.

*See also ch. 1016, §10.