

**CHAPTER 35****LEGISLATIVE BRANCH FUNCTIONS —  
SERVICES, STAFF, SALES, AND PUBLICATIONS***H.F. 636*

**AN ACT** relating to legislative branch consolidation of functions by combining the legislative service bureau, legislative fiscal bureau, and legislative computer support bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date.

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

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

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

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

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

b. State government oversight and performance evaluation.

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

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

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

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

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

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

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

Sec. 2. NEW SECTION. 2E.2 DIRECTOR — DUTIES.

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

2. The director shall do all of the following:

- a. Employ persons with expertise to perform the legal, fiscal, technical, and other functions which are required to be performed by the legislative services agency by this chapter or are assigned to the legislative services agency by the legislative council or the general assembly.
- b. Supervise all employees of the legislative services agency, including the legal counsel designated to provide legal assistance to the administrative rules review committee, and supervise any outside service providers retained by the legislative services agency.
- c. Supervise all expenditures of the agency.
- d. Supervise the legal and fiscal analysis and legal publication functions of the agency.
- e. Supervise the government oversight and program evaluation functions of the agency.
- f. Supervise the committee staffing functions of the agency.
- g. Supervise the computer systems services functions of the agency.
- h. Supervise the legislative and library information, legislative visitor protocol, and capitol tour guide functions of the agency.
- i. Perform other functions as assigned to the director by the legislative council or the general assembly.

Sec. 3. NEW SECTION. 2E.3 INFORMATION ACCESS — CONFIDENTIALITY — SUBPOENAS.

1. a. The director and agents and employees of the legislative services agency, with respect to the agency's provision of services relating to fiscal analysis of legislation, state expenditure, revenue, and budget review, state government oversight and performance evaluation, and staffing of revenue and budget committees, shall at all times have access to all agencies, offices, boards, and commissions of the state and its political subdivisions and private organizations providing services to individuals under contracts with state agencies, offices, boards, or commissions and to the information, records, instrumentalities, and properties used in the performance of such entities' statutory duties or contractual arrangements. All such entities and the described private organizations shall cooperate with the director, and shall make available to the director such information, records, instrumentalities, and properties upon request.

b. If the information sought by the legislative services agency, with respect to the agency's provision of services described in paragraph "a", is required by law to be kept confidential, the agency shall have access to the information, but shall maintain the confidentiality of the information and is subject to the same penalties as the lawful custodian of the information for dissemination of the information. However, the legislative services agency shall not have access to tax return information except for individual income tax sample data as provided in section 422.72, subsection 1.

c. The director may issue subpoenas for production of any information, records, instrumentalities, or properties to which the director is authorized to have access under paragraph "a". If any person subpoenaed refuses to produce the information, records, instrumentalities, or properties, the director may apply to the district court having jurisdiction over that person for the enforcement of the subpoena.

2. The director and agents and employees of the legislative services agency, with respect to the agency's provision of services relating to legal analysis, drafting, and publications, staffing of subject matter standing and statutory committees, and provision of legislative information to the public, may call upon any agency, office, board, or commission of the state or any of its political subdivisions or private organizations providing services to individuals under contracts with a state agency, office, board, or commission for such information and assistance as may be needed in the provision of services described in this subsection. Such information and assistance shall be furnished within the resources and authority of such agency, office, board, or commission. This requirement of furnishing such information and assistance shall not be construed to require the production or opening of any public records which are required by law to be kept private or confidential.

3. The director, an agent or former agent, and an employee or former employee of the legislative services agency shall not be compelled to give testimony or to appear and produce

documentary evidence in a judicial or quasi-judicial proceeding if the testimony or documentary evidence sought relates to a legislative duty or act concerning the consideration or passage or rejection of proposed legislation performed by the director, agent, or employee. An order or subpoena purporting to compel testimony or the production of documentary evidence protected under this subsection is unenforceable.

Sec. 4. NEW SECTION. 2E.4 SPECIFIC SERVICES — PUBLIC POLICY RECOMMENDATIONS RESTRICTED.

The legislative services agency shall provide the following specific services:

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

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

3. Fiscal analysis of legislation, and state expenditure, revenue, and budget review. The director of the agency or the director's designee may make recommendations to the general assembly concerning the state's expenditures and revenues.

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

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

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

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

8. Provision of staffing services including but not limited to preparation of legal and legislative analysis for the administrative rules review committee.

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

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

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

Sec. 5. NEW SECTION. 2E.5 OFFICIAL LEGAL AND OTHER PUBLICATIONS — PROCUREMENTS.

1. The legislative services agency shall publish the official legal publications of the state as provided in chapter 2B. The legislative services agency shall have legal custody of the publications and shall provide for the warehousing, sale, and distribution of the publications. The legislative services agency shall retain or cause to be retained a number of old editions of the publications but may otherwise distribute or cause to be distributed old editions of the publications to any person upon payment by the person of any distribution costs.

2. The printed versions of the publications listed in this subsection shall be sold at a price to be established by the legislative services agency. In determining the prices, the legislative services agency shall consider the costs of printing, binding, distribution, and paper stock, compilation and editing labor costs, and any other associated costs. The legislative services

agency shall also consider the number of volumes or units to be printed, sold, and distributed in the determination of the prices.

- a. The Iowa Code.
- b. The Iowa Code Supplement.
- c. The Iowa Acts.
- d. The Iowa court rules.
- e. The Iowa administrative code.
- f. The Iowa administrative bulletin.

3. The legislative services agency shall compile for publication and distribute in odd-numbered years the Iowa official register. The register shall contain historical, political, and other information and statistics of general value but shall not contain information or statistics of a partisan character. The print and electronic versions of the register need not contain the same information and statistics but shall be published to provide the greatest access to such information and statistics at the most reasonable cost as determined by the legislative services agency. The different versions of the register may be distributed free of charge, may be distributed free of charge except for postage and handling charges, or may be sold at a price to be established by the legislative services agency.

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

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

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

1. The legislative services agency shall make free distribution of the printed versions of the official legal publications listed in section 2E.5, subsection 2, subject to payment of any routine distribution costs such as but not limited to mailing and handling costs, to the three branches of state government, to elected county officers, to county and city assessors, to Iowa's congressional delegation, to federal courts in Iowa and federal judges and magistrates for Iowa, and to state and university depository libraries, the library of congress, and the library of the United States supreme court. Only such officers, offices, and agencies entitled to or receiving free copies during the fiscal year beginning July 1, 2002, and ending June 30, 2003, shall be entitled to continue to receive free copies in subsequent years, except that successor and new officers, offices, and agencies shall receive a reasonable number of free copies as determined by the legislative services agency. Such officers, offices, and agencies shall annually review the number of copies received in the prior year to determine if the number of copies received can be reduced and shall submit the information in a report to the legislative services agency. The number of copies received, once reduced, shall not be increased to the previous level without the express consent of the legislative services agency.

2. Each officer, office, or agency receiving one or more free copies of a publication under this section shall only receive up to the number of copies indicated free at the time of initial distribution. If an officer, office, or agency receiving one or more free copies of a publication

under this section desires additional copies beyond the number initially received, the officer, office, or agency must request the additional copies and pay the normal charge for such publication.

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

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

Sec. 7. NEW SECTION. 2E.7 STATE GOVERNMENT OVERSIGHT AND PROGRAM EVALUATION.

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

2. The general assembly by concurrent resolution or the legislative council may direct the legislative services agency to conduct a program evaluation of any state agency. Upon the passage of the concurrent resolution or receiving the direction of the legislative council, the director of the legislative services agency shall inform the chairpersons of the committees responsible for appropriations of the anticipated cost of the program evaluation and the number and nature of any additional personnel needed to conduct the program evaluation and shall notify the official responsible for the program to be evaluated. The director, after consulting with the responsible official and the entity requesting the program evaluation, shall determine the goals and objectives of the state agency or state program for the purpose of the program evaluation.

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

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

b. Whether the state agency is conducting programs and activities and expending funds appropriated to the state agency in compliance with state and federal law and any executive order of the governor, and whether statutory or administrative rule changes are advisable.

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

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

e. Relationships within and among other governmental agencies and programs including

financial exchanges, coordination, inconsistent programs, and areas of duplication or overlapping programs.

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

g. Other criteria determined by the director.

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

Sec. 8. NEW SECTION. 2E.8 SALES — TAX EXEMPTION.

1. The legislative services agency and its legislative information office may sell mementos and other items relating to Iowa history and historic sites, the general assembly, and the state capitol, on the premises of property under the control of the legislative council, at the state capitol, and on other state property.

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

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

2.9 JOURNALS — BILLS AND AMENDMENTS.

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

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

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

b. A bill that seeks to legalize the acts of any official or board or other official body, in regard to any matter of public nature or for any person or persons, company, or corporation, shall not be considered by the senate or house of representatives until the bill is published and distributed to members of the general assembly, and the publication shall be without expense to the state. The senate and house shall not order any such bill published until the secretary of the senate or chief clerk of the house has received a deposit to cover the cost of the publication. The newspaper publication of such bill shall be without expense to the state, and the bill shall not be published in a newspaper until the costs of the newspaper publication has been paid to the secretary of state.

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

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

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

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

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

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

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

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

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

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

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

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

2. The legislative fiscal committee, composed of the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees of the house and senate responsible for developing a state budget and appropriating funds, the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees on ways and means, and two members, one appointed from the majority party of the senate by the majority leader of the senate and one appointed from the majority party of the house by the speaker of the house of representatives. In each house, unless one of the members who represent the committee on ways and means is also a member of the legislative council, the person appointed from the membership of the majority party in that house shall also be appointed from the membership of the legislative council. ~~The legislative fiscal committee shall determine policies for the legislative fiscal bureau and shall direct the administration of performance audits and visitations, subject to the approval of the legislative council.~~

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

2.56 CORRECTIONAL IMPACT STATEMENTS.

1. Prior to debate on the floor of a chamber of the general assembly, a correctional impact

statement shall be attached to any bill, joint resolution, or amendment which proposes a change in the law which creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures. The statement shall include information concerning the estimated number of criminal cases per year that the legislation will impact, the fiscal impact of confining persons pursuant to the legislation, the impact of the legislation upon existing correctional institutions, community-based correctional facilities and services, and jails, the likelihood that the legislation may create a need for additional prison capacity, and other relevant matters. The statement shall be factual and shall, if possible, provide a reasonable estimate of both the immediate effect and the long-range impact upon prison capacity.

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

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

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

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

3. The legislative ~~fiscal director~~ services agency shall cause to be prepared ~~and shall approve~~ a correctional impact statement within a reasonable time after receiving a request or determining that a proposal is subject to this section. All correctional impact statements approved by the legislative ~~fiscal director~~ services agency shall be transmitted immediately to either the chief clerk of the house or the secretary of the senate, after notifying the sponsor of the legislation that the statement has been prepared, for publication ~~in the daily clip sheet~~. The chief clerk of the house or the secretary of the senate shall attach the statement to the bill, joint resolution, or amendment affected as soon as it is available.

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

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

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

2B.1 IOWA CODE AND ADMINISTRATIVE CODE DIVISIONS — EDITORS.

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

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

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



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

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

The administrative code ~~division~~ editor shall:

1. Cause the Iowa administrative bulletin and the Iowa administrative code to be published as provided in chapter 17A.
2. Cause the Iowa court rules to be published and distributed, as directed by the supreme court after consultation with the legislative council. The Iowa court rules shall consist of all rules prescribed by the supreme court. ~~The court rules shall be published in loose-leaf form and supplements shall be prepared and distributed as directed by the supreme court.~~ The Iowa court rules and supplements to the court rules shall be priced as provided in section ~~7A.22~~ 2E.5.
3. Cause to be published annually ~~in pamphlet form~~ a correct list of state officers and deputies, members of boards and commissions, ~~judges~~ justices of the supreme ~~court~~, ~~appellate judges of the court of appeals~~, and ~~judges of the~~ district courts including district associate judges and judicial magistrates, and members of the general assembly. The offices of the governor and secretary of state shall cooperate in the preparation of the list. ~~This pamphlet shall be published as soon after July 1 as it becomes apparent that it will be reasonably current.~~
4. Notify the administrative rules coordinator if a rule is not in proper style or form.
5. Perform other duties as directed by the director of the legislative ~~service bureau~~ services agency, the legislative council, or the administrative rules review committee and as provided by law.

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

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

The Iowa Code ~~division~~ editor shall:

1. Submit recommendations as the Iowa Code editor deems proper to each general assembly for the purpose of amending, revising, codifying, and repealing portions of the statutes which are inaccurate, inconsistent, outdated, conflicting, redundant, or ambiguous, and present the recommendations in bill form to the appropriate committees of the general assembly.
2. Cause the annual ~~session laws~~ Iowa Acts to be published, as provided in section 2B.10, including copies of all Acts and joint resolutions passed at each session of the general assembly.
3. Cause the Iowa Code and Iowa Code Supplement to be published as provided in section 2B.12.
4. Perform other duties as directed by the director of the legislative ~~service bureau~~ services agency or the legislative council and as provided by law.

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

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

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

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

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

2B.13 EDITORIAL POWERS AND DUTIES.

1. The Iowa Code editor in preparing the copy for an edition of the Iowa Code or a Iowa Code Supplement, ~~and the administrative code editor in preparing the copy for an edition of the Iowa administrative code or bulletin~~ shall not alter the sense, meaning, or effect of any Act of the general assembly, but may:
  - a. Correct manifestly misspelled words and grammatical and clerical errors, including punctuation ~~but without changing the meaning, and change capitalization, spelling, and punctuation for purposes of uniformity and consistency in Code language.~~
  - b. Correct internal references to sections which are cited erroneously or have been repealed, ~~and~~ amended, or renumbered.

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

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

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

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

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

h. If any Code section or part of a Code section, or any Act of the general assembly which is intended to be codified, is amended by more than one Act or more than one provision in an Act of the general assembly, and the amendments do not expressly refer to or amend one of the other Acts or Act provisions in question, harmonize the amendments, if possible, so that effect may be given to each and incorporate the amendments as harmonized in the Code section. If amendments made by several Acts are irreconcilable, unless one of the amendments repeals or strikes the language in question, the Iowa Code editor shall codify the amendment that is latest in date of enactment by the general assembly. If amendments made by provisions within an Act are irreconcilable, unless one of the amendments repeals or strikes the language in question, the Iowa Code editor shall codify the provision listed last in the Act. If one of the amendments repeals or strikes the language in question, the Iowa Code editor shall codify the amendment that repeals or strikes the language.

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

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

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

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

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

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

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

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

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

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

4. The Iowa Code editor shall seek direction from the senate committee on judiciary and the house committee on judiciary when making Iowa Code or Iowa Code Supplement changes, and the administrative code editor shall seek direction from the administrative rules review

committee and the administrative rules coordinator when making Iowa administrative code changes, which appear to require substantial editing and which might otherwise be interpreted to exceed the scope of the authority granted in this section.

5. The Iowa Code editor may prepare and publish comments deemed necessary for a proper explanation of the manner of printing a section or chapter of the Iowa Code. The Iowa Code editor shall maintain a record of all of the corrections made under subsection 1. The Iowa Code editor and the administrative code editor shall also maintain a separate record of the changes made under this section subsection 1, paragraphs "b" through "h". The record records shall be available to the public.

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

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

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

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

5. The printed version of the Iowa administrative code is the permanent publication of administrative rules in this state and the Iowa administrative bulletin and the Iowa administrative code published pursuant to chapter 17A are the official publications of the administrative rules of this state, and are the only authoritative publications of the administrative rules of this state. Other publications of the administrative rules of this state shall not be cited in the courts or in the reports or rules of the courts. The Iowa administrative code editor is the custodian of the official printed versions of the Iowa administrative code and the Iowa administrative bulletin and may attest to and authenticate any portion of those official printed versions for purposes of admitting a portion of the official printed version in any court or office of any state, territory, or possession of the United States or in a foreign jurisdiction.

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

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

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

Sec. 21. Section 7D.6, Code 2003, is amended to read as follows:

7D.6 REPORT FOR — OFFICIAL REGISTER.

The secretary shall, as soon as practicable after January 1 of each odd-numbered year, prepare a report of the proceedings of the executive council for the two preceding calendar years. ~~Said~~ The report shall include a statement of:

1. The official canvass of the votes cast at the last general election.
2. Other acts of ~~said~~ the council that are of general interest.

~~Said~~ The report shall may be published in the Iowa official register as provided in section 2E.5.

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

Sec. 23. Section 8.22A, subsection 1, Code 2003, is amended to read as follows:

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

Sec. 24. Section 9F.4, Code 2003, is amended to read as follows:

9F.4 PUBLICATION IN ~~—~~ OFFICIAL REGISTER.

The ~~state printing administrator shall~~ legislative services agency may publish said ~~the~~ federal census report and certificate aforesaid in full in each copy of the Iowa official register as provided in section 2E.5.

Sec. 25. Section 9F.5, Code 2003, is amended to read as follows:

9F.5 EVIDENCE.

Said ~~The~~ certified census records in the office of the secretary of state, ~~and said authorized publications, including the certificates attached thereto,~~ shall be competent evidence of all matters therein contained.

Sec. 26. Section 15A.9, subsection 11, Code 2003, is amended by striking the subsection.

Sec. 27. Section 17A.4, Code 2003, is amended by adding the following new subsection:

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

Sec. 28. Section 17A.6, subsection 1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

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

Sec. 29. Section 17A.6, subsections 2, 3, and 5, Code 2003, are amended to read as follows:

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

3. The administrative code editor may omit or cause to be omitted from the Iowa administra-

tive code or bulletin any rule the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if the rule in ~~printed or~~ processed form is made available on application to the adopting agency at no more than its cost of reproduction, and if the Iowa administrative code or bulletin contains a notice stating the specific subject matter of the omitted rule and stating how a copy of the omitted rule may be obtained.

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

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

Sec. 30. Section 17A.8, subsection 10, Code 2003, is amended by striking the subsection.

Sec. 31. Section 18.3, subsection 3, Code 2003, is amended to read as follows:

3. Administering the provisions of sections 18.26 to ~~18.103~~ 18.100.

Sec. 32. Section 18.28, Code 2003, is amended to read as follows:

18.28 "PRINTING" DEFINED.

As used in chapter 7A and sections 18.26 to ~~18.103~~ 18.100, "printing" means the reproduction of an image from a printing surface made generally by a contact impression that causes a transfer of ink, the reproduction of an impression by a photographic process, or the reproduction of an image by electronic means and shall include binding and may include material, processes, or operations necessary to produce a finished printed product, but shall not include binding, rebinding or repairs of books, journals, pamphlets, magazines and literary articles by any library of the state or any of its offices, departments, boards and commissions held as a part of their library collection.

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

This chapter does not apply to the printing contracts or procedures of the legislative branch.

Sec. 34. Section 18.30, Code 2003, is amended to read as follows:

18.30 CONTRACTS WITH STATE INSTITUTIONS.

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

Sec. 35. Section 18.50, Code 2003, is amended to read as follows:

18.50 EMERGENCY CONTRACTS.

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

Sec. 36. Section 18.59, subsection 5, Code 2003, is amended to read as follows:

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

Sec. 37. Section 18.75, subsections 6 and 8, Code 2003, are amended to read as follows:

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

8. By November 1 of each year supply a report which contains the name, gender, county, or city of residence when possible, official title, salary received during the previous fiscal year, base salary as computed on July 1 of the current fiscal year, and traveling and subsistence expense of the personnel of each of the departments, boards, and commissions of the state government except personnel who receive an annual salary of less than one thousand dollars. The number of the personnel and the total amount received by them shall be shown for each department in the report. All employees who have drawn salaries, fees, or expense allowances from more than one department or subdivision shall be listed separately under the proper departmental heading. On the request of the administrator, the head of each department, board, or commission shall furnish the data covering that agency. The report shall be distributed upon request ~~without charge~~ electronically to each caucus of the general assembly, the legislative service bureau, ~~the legislative fiscal bureau~~ services agency, the chief clerk of the house of representatives, and the secretary of the senate. Copies of the report shall be made available to other persons in ~~both print or~~ electronic medium, upon payment of a fee if appropriate, which shall not exceed the cost of providing the copy of the report. Sections 22.2 through 22.6 apply to the report. All funds from the sale of the report shall be deposited in the general fund. Requests for publications shall be handled only upon receipt of postage by the administrator.

Sec. 38. Section 22.3A, subsection 2, paragraph a, Code 2003, is amended to read as follows:

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

Sec. 39. Section 25B.5, Code 2003, is amended to read as follows:

25B.5 COST ESTIMATES — NOTATION IN ACTS.

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

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

3. If a bill or joint resolution containing a state mandate is enacted, unless the estimate

already on file with the house of origin is sufficient, the legislative ~~fiscal bureau~~ services agency shall prepare a final estimate of additional local revenue expenditures required by the state mandate and file the estimate with the secretary of state for inclusion with the official copy of the bill or resolution to which it applies. A notation of the filing of the estimate shall be made in the Iowa Acts of the general assembly published pursuant to chapter 2B.

Sec. 40. Section 97D.4, subsection 4, unnumbered paragraph 2, Code 2003, is amended to read as follows:

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

Sec. 41. Section 256.53, Code 2003, is amended to read as follows:

256.53 STATE PUBLICATIONS.

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

Sec. 42. Section 331.502, subsection 3, Code 2003, is amended by striking the subsection.

Sec. 43. Section 602.1204, subsection 3, Code 2003, is amended to read as follows:

3. The supreme court shall compile and publish all procedures and directives relating to the supervision and administration of the internal affairs of the judicial branch, and shall distribute a copy of the compilation and all amendments to each operating component of the judicial branch. ~~Copies also shall be distributed to agencies referred to in section 18.97 upon request.~~

Sec. 44. Sections 2.14, 2.16, 2.35, 2.45, 2.61, 2D.3, 3.2, 7A.11, 15E.111, 23A.2A, 28B.1, 28B.4, 42.2, 42.3, 42.6, 49.7, 275.23A, 331.209, and 602.4202, Code 2003, are amended by striking from the sections the words "legislative service bureau" and "bureau" when referring to the legislative service bureau and inserting in lieu thereof the words "legislative services agency".

Sec. 45. Sections 2.46, 2.51, 2B.10, 7E.5A, 8.23, 8.35A, 8.44, 8.46, 8.55, 8.61, 8.62, 8E.209, 8E.301, 12E.13, 14B.103, 14B.105, 14B.206, 15.113, 15.343, 18.16A, 18.16B, 80E.1, 97B.17, 135.11, 161D.8, 161D.13, 217.12, 237.18, 255.24A, 260C.66, 261.22, 261.25, 262.64A, 262A.13, 263A.11, 263A.13, 266.39D, 266.39F, 292.2, 294A.19, 307.20, 307.40, 307.46, 307.47, 327J.3, 384.3, 403.23, 404A.5, 421.17, 422.72, 455B.183A, 455G.4, 505.7, 524.207, 533.67, 602.1301, 602.1302, 602.8108, 904.116, 904.706, 905.6, 905.8, and 906.5, Code 2003, are amended by striking from the sections the words "legislative fiscal bureau" and inserting in lieu thereof the words "legislative services agency".

Sec. 46. CODE EDITOR'S DIRECTIVE. The Code editor shall correct any references to the legislative services agency as the successor to the legislative service bureau, legislative fiscal bureau, and computer support bureau, including grammatical constructions, anywhere else in the Iowa Code, in any bills awaiting codification, and in any bills enacted by the Eightieth General Assembly, 2003 Regular Session.

Sec. 47. Sections 2.48, 2.49, 2.50, 2.52, 2.55, 2.55A, 2.58, 2.59, 2.60, 2.64, 2.65, 2.66, 2.67, 2.100, 2.101, 2.102, 2.103, 2.104, 7A.15, 7A.16, 7A.17, 7A.18, 7A.19, 7A.20, 7A.21, 7A.22, 7A.25, 7A.26, 9.6, 18.86, 18.87, 18.88, 18.89, 18.90, 18.95, 18.96, 18.97, 18.97A, 18.101, 18.102, and 18.103, Code 2003, are repealed.

Sec. 48. PREVAILING PROVISIONS. The provisions of this Act regarding the publication and distribution of the Iowa official register shall prevail over any conflicting provisions of any other Act enacted by the Eightieth General Assembly, 2003 Regular Session.

Sec. 49. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 14, 2003

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## CHAPTER 36

### COUNTY, CITY, AND SCHOOL CONTRACTS — PROHIBITED INTEREST EXCEPTIONS

S.F. 272

**AN ACT** relating to conflicts of interest in public contracts.

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

Section 1. Section 279.7A, Code 2003, is amended to read as follows:

279.7A INTEREST IN PUBLIC CONTRACTS PROHIBITED — EXCEPTIONS.

A member of the board of directors of a school corporation shall not have an interest, direct or indirect, in a contract for the purchase of goods, including materials and profits, and the performance of services for the director's school corporation. A contract entered into in violation of this section is void. This section does not apply to contracts for the purchase of goods or services which benefit a director, or to compensation for part-time or temporary employment which benefits a director, if the benefit to the director does not exceed two thousand five hundred dollars in a fiscal year, and contracts made by a school board, upon competitive bid in writing, publicly invited and opened. This section does not apply to a contract that is a bond, note, or other obligation of a school corporation if the contract is not acquired directly from the school corporation, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract, or to a contract in which a director has an interest solely by reason of employment if the contract is made by competitive bid in writing, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this section does not apply to a contract for professional services not customarily awarded by competitive bid.

Sec. 2. Section 331.342, subsection 4, Code 2003, is amended to read as follows:

4. Contracts in which a county officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8, or both, if the contracts are made by competitive bid, publicly invited and opened, and or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this subsection does not apply to a contract for professional services not customarily awarded by competitive bid.

Sec. 3. Section 331.342, Code 2003, is amended by adding the following new subsection:

**NEW SUBSECTION.** 11. A contract that is a bond, note, or other obligation of the county and the contract is not acquired directly from the county, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract.