

KFI
4621.5
.B5
I66

1973

IOWA BILL DRAFTING GUIDE

For use in the preparation of legislative bills
and resolutions to be introduced during the
Sixty-Fifth General Assembly of the State of Iowa

Prepared and issued jointly by the
Iowa Legislative Service Bureau,
Office of the Secretary of the Senate,
Office of the Chief Clerk of the House of Representatives
and the
Office of the Code Editor

IOWA STATE LAW LIBRARY
State House
Des Moines, Iowa 50319

TABLE OF CONTENTS

<u>Subject</u>	<u>Page No.</u>
PREFACE	1
AUTHORITY TO ESTABLISH FORM AND STYLE	
Constitutional provisions	1
Statutory provisions	1
Rules of the House and Senate	3
AUTHORITY TO ESTABLISH RULES AFFECTING CONTENTS OF BILLS	
Constitutional provisions	7
Statutory provisions	7
Rules provisions	14
RULES OF STATUTORY CONSTRUCTION--COURT DECISIONS	
Interpretation of constitutional provisions	14
Presumption of constitutionality	15
Initiative and referendum	15
One subject--Expressed in title	15
Headnotes	15
Subject not in title	15
Code revision	16
Particular title provisions	16
Local and special laws	16
Construction of statutes	16
Tax statutes	16
Acts as whole	16
Reconciliation of acts or statutes	16
Definitions	17
Legislative history of Act	17
Conflicts--special control	17
Logical result	17
Retroactive statutes	17
Repeals by implication	17
Amended statutes	17
Expression of one excludes others	18
Special and general statutes--conflicts	18
Attorney general opinions	18

<u>Subject</u>	<u>Page No.</u>
Historical material	18
Penal statutes	18
Statutes with same subject matter	18
Publication clause	18
Singular includes plural	18
Rule of ejusdem generis	18
"May" and "Shall"	19
"All"	19
Adopting amended statutes	19
Conflicts--special legislation and last in time	19
Severability	19
Genders	19
Words and figures	19
"Preceding" and "following"	19
Present tense	20
WORD USAGE	
Usage of words--use and avoid using	21
Definitions	24
Sentences--subsections	25
Reference material	25
The draftsman	26
PARTS OF A BILL	
General	26
Explanations	26
Fiscal notes	26
Sponsorship	26
First page of bill--contents	27
Titles	27
Enacting and resolving clauses	28
Body of the bill	28
DRAFTING OF THE BILL--FORM	
Form of amendments to existing law	30
Citations	30
Striking all of sections	30
Amending subsections, paragraphs, subparagraphs, and parts of sections	31

<u>Subject</u>	<u>Page No.</u>
Amending unnumbered paragraphs	32
New law	32
New section being added to existing chapter	33
New subsections, paragraphs, subparagraphs	34
Alternative bill drafting style--exception to normal style. .	34
Headnotes	35
AMENDMENTS TO BILL	
Method	36
Numbering lines of amendments	37
Amendments to amendments	38
Amendments in general	38
Numbering amendments	38
REPEALS	
General	38
Express and implied repeals	39
ENROLLING OF BILLS APPROVED BY THE GENERAL ASSEMBLY	
Form	40
SPECIFIC PROVISIONS, STYLE, PUNCTUATION AND PREPARATION	
OF TYPED BILL	
General	42
Severability clause	42
Savings clause--"Grandfather clause"	42
Effective date clause	43
Resolutions	
Simple	44
Concurrent	44
Joint	44
Typing format	
General directions	45
Titles	45
Companion bills	45
Typing form of bill	45
Number of copies needed for introduction	45
Bill covers	46
Abbreviations	46
Numbers and figures	46

<u>Subject</u>	<u>Page No.</u>
Capital letters	46
Capital letters are not used for	47
Punctuation	47
Citation of statutes	47
Numbering pages	48
LEGISLATIVE BILL PROPOSALS	
General	49
Form	50
PROPER DESIGNATION OF STATE AND LOCAL OFFICES AND OFFICIALS	
Listing	51

APPENDIX

First page of a bill	1
Amendment of existing Code section	2
Amending by striking all of section	3
Amending subsections, paragraphs, subparagraphs	3
Amending unnumbered paragraph	4
Adding new law to the Code	4
Adding new subsection, paragraph, and subparagraph	5
Alternative bill drafting style	5
Amendments to bills	6
Amendments to amendments	7
Repeals	7
Enrolled bill	8
Resolutions	
Simple resolution	8
Memorial resolution	8
Concurrent resolution	9
Joint resolution	10
Spacing of typed bills	12
Examples of typed bills	13

P R E F A C E

This bill drafting guide is issued jointly by the Legislative Service Bureau, Legislative Council, Code Editor, Secretary of the Senate, and Chief Clerk of the House of Representatives. It is intended to serve as a guide for the proper preparation of bills and resolutions to be introduced and considered by the Sixty-fifth Iowa General Assembly. Bills and resolutions prepared pursuant to the guidelines contained in this document will, nevertheless, be reviewed by the Legislative Service Bureau and the proper officer of the house where such bills and resolutions are intended to be introduced. This guide has been developed for the use of bill drafters employed by the Legislative Service Bureau, the Code Editor, the two houses of the General Assembly and other persons who prepare legislation for consideration by the General Assembly. The guide, when properly followed, should enable a person to place in proper form any bill or resolution it is desired to introduce in the General Assembly. However, it should be kept in mind that the house of introduction is the final judge as to the adequacy of the preparation of a bill or resolution and a designated officer of the house of introduction will make a determination as to the adequacy of a bill or resolution before it is allowed to be introduced.

AUTHORITY IN REGARD TO FORMULATING AND
ESTABLISHING RULES AND REGULATIONS AS TO FORM AND
STYLE OF LEGISLATIVE BILLS AND RESOLUTIONS

The authority vesting the duty and authority for the formulation of rules for the form and style for the development of bills and resolutions is found in the Iowa Constitution, the Code of Iowa, and the rules governing the House of Representatives and Senate. Such authority is as follows:

1. CONSTITUTIONAL PROVISIONS.

Article III, Section 9. Authority of the houses. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the General Assembly of a free and independent State.

Article III, Section 15. Bills. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses.

Article III, Section 29. Acts--one subject--expressed in title. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Article VII, Section 7. Tax imposed distinctly stated. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

2. STATUTORY PROVISIONS--CODE 1973.

2.50. Power and duties of council. The powers and duties of the (Legislative) council shall include, but not be limited to, the following:

10. To establish rules for the style and format for drafting and preparing of legislative bills and resolutions.

17.18. Legislative bills. The bills introduced in the general assembly shall be printed on good paper. The style and format of such bills shall be specified by the rules but in the absence of such rules by the legislative council.

3.1. Form of bills. Bills designed to amend, revise, codify, or repeal a law:

1. Shall refer to the numbers of the sections or chapters of the Code to be amended or repealed, but it shall not be necessary to refer to such sections or chapters in the title.

2. Shall refer to the number and session of the general assembly and of the sections and chapters of the acts thereof to be amended in case the bill relates to a section or sections of an act not appearing in the Code or codified in a supplement to the Code.

3. All references to statutes shall be expressed in words, followed by the numerals in parentheses when specified in the bill drafting instructions promulgated by the legislative council, and if omitted the code editor in preparing acts for publication in the session laws shall supply the same.

4. The title to a bill shall contain a brief statement of the purpose of the bill, however all detailed matters properly connected with the subject so expressed may be omitted from the title.

3.2. Bill drafting instructions. The legislative council shall, in consultation with the director of the legislative service bureau and the code editor, promulgate rules and instructions for the drafting of legislative bills and resolutions not otherwise in conflict with the provisions of law and the rules of the senate and the house.

3.3. Head notes and historical references. Proper head notes may be placed at the beginning of a section of a bill, and at the end of the section there may be placed a reference to the section number of the Code, or any session law from which the matter of the bill was taken, but, except as provided in the Uniform Commercial Code, section 554.1109, neither said head notes nor said historical references shall be considered as a part of the law as enacted.

3.4. Bills--approval--passage over veto. If the governor approves a bill, he shall sign and date it; if he returns it with his objections and it afterwards passes as provided in the constitution, a certificate, signed by the presiding officer of each house in the following form, shall be endorsed thereon or attached thereto: "This bill, having been returned by the governor, with his objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this _____ day of _____."

3.5. Failure of governor to return bill. When a bill has passed the general assembly, and is not returned by the governor within three days as provided in the constitution, it shall be authenticated by the secretary of state indorsing thereon: "This bill, having remained with the governor three days (Sunday excepted), the general assembly being in session, has become a law this _____ day of _____,"

Secretary of State."

3.8. Publication of Acts. Acts which are to take effect from and after publication in newspapers shall be published in two or more papers.

3.9. Designation of papers. In case either or both of the papers named in the Act shall fail or decline to publish said Act as required therein, the secretary of state may designate another paper or papers in which publication shall be made, and if such papers are not designated in the Act, the same may be designated by the secretary of state, and the Act published accordingly.

3.12. Appropriation Acts--when effective. All annual appropriations shall be for the fiscal year beginning with July 1 and ending with June 30 of the succeeding year and when such appropriations are made payable quarterly, the quarters shall end with September 30, December 31, March 31, and June 30; but nothing in this section shall be construed as increasing the amount of any annual appropriation.

3. RULES OF THE HOUSE AND SENATE

Joint Rule 5. Printing and form of bills and other documents. Bills and joint resolutions shall be introduced, numbered, prepared, and printed as provided by law, or in the absence of such law, in a manner determined by the secretary of the senate and chief clerk of the House of Representatives.

All bills and joint resolutions introduced shall be in a form and number approved by the secretary of the senate and chief clerk of the house.

Before introduction all bills must be reviewed by the law clerk of that house.

Joint Rule 6. Companion bills. When identical bills are introduced in each house, they shall be called companion bills. Each house shall designate the sponsor in the usual way followed in parentheses by the sponsor of the companion bill in the other house. The house where the bill is first introduced shall print the complete text. The printed companion bill shall contain the title, enacting clause, and a statement that the bill is a companion bill. However, if the bill is not more than four pages in length, the complete text shall be printed in both houses.

Senate Rule 27. Method of introducing bills. All bills to be introduced in the senate shall be typed into proper form by the legislative service bureau and shall be filed with the secretary of the senate not later than 3:00 p.m.

Senate Rule 28. Time of introduction of bills. No bill shall be introduced in the senate after 4:00 p.m. on Friday of the seventh week of the first regular session of a general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time. After adjournment of the first regular session, bills may be prefiled at any time

before the convening of the second regular session. No bill shall be introduced after 4:00 p.m. on Friday of the second week of the second regular session of a general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time. However, standing committees may introduce bills at any time.

Senate Rule 29. Introduction, reading, and form of bills. Every senate bill shall be introduced by one or more senators or by any standing committee of the senate and shall at once be given its first reading. Every bill shall have received two readings before its passage. The object of every bill shall be expressed in its title.

Senate Rule 30. Explanations. No bill, except appropriations committee bills, shall be introduced unless a concise and accurate explanation is attached. The chief sponsor or a committee to which the bill has been referred may add a revised explanation at any time before the last reading, and it shall be included in the daily clip sheet.

Senate Rule 32. Resolutions.

1. A "senate resolution" is a resolution to be acted upon only by the senate which expresses sympathy or appreciation or is used for the appointment of special committees within the senate. A senate resolution requires the affirmative vote of a majority of the senators present and voting. It shall be filed with the secretary of the senate and printed in the journal.

2. A "concurrent resolution" is a resolution to be adopted by both houses of the general assembly which expresses the sentiment of the general assembly or deals with temporary legislative matters. It may authorize for any legislative purpose the expenditure of funds appropriated to the general assembly. A concurrent resolution is not limited to, but may provide for a joint convention of the general assembly, adjournment or recess of the general assembly, or requests to a state agency or to the general assembly or a committee. A concurrent resolution requires the affirmative vote of a majority of the senators present and voting. It shall be filed with the secretary of the senate and printed in the journal.

3. A "joint resolution" is a resolution which follows the same legislative procedures as a bill and requires for approval the affirmative vote of a constitutional majority of each house of the general assembly. A joint resolution which appropriates funds or enacts temporary laws must contain the clause "Be It Enacted by the General Assembly of the State of Iowa:", is equivalent to a bill, and must be transmitted to the governor for his approval. A joint resolution which proposes amendments to the Constitution of the State of Iowa, ratifies amendments to the Constitution of the United States, proposes a request to Congress or an agency of the government of the United States of America, proposes to Congress an amendment to the Constitution of the United States of America, or creates a special commission or committee must contain the clause

"Be It Resolved by the General Assembly of the State of Iowa:" and shall not be transmitted to the governor.

House Rule 26. Forms of bills and joint resolutions. Every house bill shall be introduced by one or more members or by any standing or specially authorized committee of the House. All bills and joint resolutions introduced shall be of typewritten copy with title, enacting clause, and body of bill as directed by the Chief Clerk of the House. One copy of each bill shall be presented in a bill cover and be accompanied by three correct copies thereof, and by three copies of the title alone on separate sheets of paper. No bill shall be introduced nor shall the Chief Clerk accept the same unless an adequate explanation thereof is included at the end of each bill; this provision shall not apply to appropriation bills for any agency or department of the state government.

House Rule 28. Time of introduction of bills. The final day for the introduction of bills shall be the fifty-seventh calendar day of the first regular session of a General Assembly unless a written request for drafting the bill has been filed with the Legislative Service Bureau before that time. After adjournment of the first regular session, bills may be prefiled at any time before the convening of the second regular session. No bill shall be filed after the fifteenth calendar day of the second regular session of a General Assembly unless a written request for drafting the bill has been filed with the Legislative Service Bureau before that time. However, standing committees may introduce bills at any time.

House Rule 29. Introduction and reading of bills. All bills and joint resolutions to be introduced in the House may be typed into proper form by the Legislative Service Bureau and shall be filed with the Chief Clerk not later than 4 o'clock on the preceding legislative day. When the time for introducing bills is reached in the regular order of business, the Chief Clerk will proceed in the same manner as if the bills were introduced from the floor. This rule does not deny a member the right to introduce a bill from the floor if the bill has previously been typed in proper form by the Legislative Service Bureau.

Every bill shall receive two readings but no bill shall receive its first and last readings on the same day.

A "reading of a bill" as required by these rules shall consist of a reading of the title and enacting clause unless otherwise demanded by a member.

House Rule 38. Endorsement of bills and other papers. All bills, resolutions, petitions, memorials or other papers shall be accompanied by the name of the member presenting the same.

The preceding constitutional provisions, statutes, and rules are the provisions which directly relate to the authority to provide for the form of bills and resolutions. It may at first

glance appear that there are certain contradictions between some of the provisions. However, construing all provisions together, it appears that the legislative council in consultation with the code editor is given the authority to promulgate rules and regulations for the drafting of bills and resolutions when such rules and regulations are not in conflict with constitutional and statutory provisions or the rules of the House and Senate.

The procedures followed in providing the guidelines contained in this publication are to provide such guidelines consistent with constitutional, statutory, and rule provisions and subject to the approval of the two houses of the General Assembly. Consultation with the proper officers has been carried out in all cases.

There are many other constitutional, statutory, and rule provisions which affect the contents of bills and resolutions, rather than the form. Such provisions and the construction placed upon them are discussed in the next division of this publication.

CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS AFFECTING
THE CONTENTS OF BILLS AND CONSTRUCTION OF SUCH PROVISIONS

There are many constitutional provisions, statutory provisions, and House and Senate rules governing the contents of bills and resolutions. Strict attention should be given to these provisions and the construction given to them by the Iowa Supreme Court and the courts of other states. This is particularly true in regard to those mandates contained in the Constitution. The rules of statutory construction contained in Chapter 4 of the Code of Iowa should be read carefully and followed since they provide very helpful guides which will simplify bill drafting. The same holds true with the rules of statutory construction handed down by the Iowa courts. The following is a list of the pertinent constitutional, statutory, and rules provisions. Excerpts as to the manner in which they have been construed by the courts follows the listing, as well as excerpts as to rules of statutory construction promulgated by the courts.

1. IOWA CONSTITUTIONAL PROVISIONS RELATING TO CONTENTS OF BILLS AND RESOLUTIONS.

Article I, Section 3. Religion. The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister or ministry.

Article I, Section 6. Laws uniform. All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.

Article I, Section 7. Liberty of speech and press. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No laws shall be passed to restrain or abridge the liberty of speech, or of the press.

Article I, Section 9. Right of trial by jury--due process of law. The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

Article I, Section 18. Drainage ditches and levees. Amendment of 1908. The general assembly, however, may pass laws permitting the owners of lands to construct drains, ditches, and levees for agriculture, sanitary or mining purposes across the lands of others, and provide for the organization of drainage districts, vest the proper authorities with power to construct and maintain

levees, drains and ditches and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The general assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches, and levees and prescribe the method of making such condemnation.

Article I, Section 21. Attainder--ex post facto law--obligation of contract. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Article III, Section 1. General assembly. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, and the style of every law shall be "Be It Enacted by the General Assembly of the State of Iowa:".

Article III, Section 15. Bills. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

Article III, Section 24. Appropriations. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Article III, Section 26. Time laws to take effect. No law of the general assembly, passed at a regular session, of a public nature, shall take effect until the first day of July next after the passage thereof. Laws passed at a special session, shall take effect ninety days after the adjournment of the general assembly by which they were passed. If the general assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.

Article III, Section 29. Acts--one subject--expressed in title. Every act shall embrace but one subject, and matters properly connected therewith; which subjects shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Article III, Section 30. Local or special laws--general and uniform--boundaries of counties. The general assembly shall not pass local or special laws in the following cases: for the assessment and collection of taxes for state, county, or road purposes; for laying out, opening, and working roads or highways; for changing the names of persons; for incorporation of cities and towns; for vacating roads, town plats, streets, alleys, or public squares; for locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the state; and no law

changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Article VIII, Section 1. Corporations--how created. No corporation shall be created by special laws; but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

Article VII, Section 8. Motor vehicle fees and taxes. Amendment of 1942. All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.

2. STATUTORY PROVISIONS RELATING TO CONTENTS OF BILLS AND RESOLUTIONS.

Selected statutory provisions affecting the contents of legislative bills follow. While many of these provisions do not dictate exactly what should be contained within a particular legislative bill, they do provide the rules for interpreting statutes which in turn dictate the manner of expressing and writing text of legislative bills and resolutions. Knowledge of the rules of statutory construction will help the bill drafter to properly frame the contents of a bill and express the intent of the legislation in a clear and uniform manner.

Section 4.1. Rules. In the construction of the statutes, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the general assembly, or repugnant to the context of the statute:

1. Repeal--effect of. The repeal of a statute does not revive a statute previously repealed, nor affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the statute repealed.

2. Words and phrases. Words and phrases shall be construed according to the context and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such meaning.

3. Number and gender. Unless otherwise specifically provided by law the singular includes the plural, and the plural includes the singular. Words of one gender include the other genders.

4. Joint authority. Words giving a joint authority to three or more public officers or other persons shall be construed as giv-

ing such authority to a majority of them, unless it be otherwise expressed in the Act giving the authority.

5. Highway--road. The words "highway" and "road" include public bridges, and may be held equivalent to the words "county way", "county road", "common road", and "state road".

6. Mentally ill. The words "mentally ill person" include mental retardates, lunatics, distracted persons, and persons of unsound mind.

7. Issue. The word "issue" as applied to descent of estates includes all lawful lineal descendants.

8. Land--real estate. The word "land" and the phrases "real estate" and "real property" include lands, tenements, hereditaments, and all rights thereto and interests therein, equitable as well as legal.

9. Personal property. The words "personal property" include money, goods, chattels, evidences of debt, and things in action.

10. Property. The word "property" includes personal and real property.

11. Month--year--A.D. The word "month" means a calendar month, and the word "year" and the abbreviation "A.D." are equivalent to the expression "year of our Lord."

12. Oath--affirmation. The word "oath" includes affirmation in all cases where an affirmation may be substituted for an oath, and in like cases the word "swear" includes "affirm".

13. Person. Unless otherwise provided by law "person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

14. Seal. Where the seal of a court, public office or officer, or public or private corporation, may be required to be affixed to any paper, the word "seal" shall include an impression upon the paper alone, as well as upon wax or a wafer affixed thereto.

15. State. The word "state", when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the said district and territories.

16. Town. The word "town" means an incorporated town, and may include cities.

17. Will. The word "will" includes codicils.

18. Written--in writing. The words "written" and "in writing" may include any mode of representing words and letters in

general use, except that signatures, when required by law, must be made by the writing or mark of the person.

19. Sheriff. The term "sheriff" may be extended to any person performing the duties of the sheriff, either generally or in special cases.

20. Deed--bond--indenture--undertaking. The word "deed" is applied to an instrument conveying lands, but does not imply a sealed instrument; and the words "bond" and "indenture" do not necessarily imply a seal, and the word "undertaking" means a promise or security in any form.

21. Executor--administrator. The term "executor" includes administrator, and the term "administrator" includes executor, where the subject matter justifies such use.

22. Numerals--figures. The Roman numerals and the Arabic figures are to be taken as parts of the English language.

23. Computing time--legal holidays. In computing time, the first day shall be excluded and the last included, unless the last falls on Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday, provided that, whenever by the provisions of any statute or rule prescribed under authority of a statute, the last day for the commencement of any action or proceedings, the filing of any pleading or motion in a pending action or proceedings, or the perfecting or filing of any appeal from the decision or award of any court, board, commission or official falls on a Saturday, a Sunday, the first day of January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the fourth Monday in October, the fourth Thursday in November, the twenty-fifth day of December, and the following Monday whenever any of the foregoing named legal holidays may fall on a Sunday, and any day appointed or recommended by the governor of Iowa or the president of the United States as a day of fasting or thanksgiving, the time therefor shall be extended to include the next day which is not a Saturday, Sunday or such day hereinbefore enumerated.

24. Consanguinity and affinity. Degrees of consanguinity and affinity shall be computed according to the civil law.

25. Clerk--clerk's office. The word "clerk" means clerk of the court in which the action or proceeding is brought or is pending; and the words "clerk's office" means his office.

26. Population. The word "population", where used in this Code or any statute hereafter passed, shall be taken to be that as shown by the last preceding national census, unless otherwise specially provided. However the population figure disclosed for any city or town as the result of a special federal census as modified as the result of consolidation or annexation in the manner provided in sections 312.3 and 123.53, shall be considered for no other purposes than the application of sections 123.53, 312.3 and 405.1.

27. If a statute refers to a series of numbers or letters, the first and the last numbers or letters are included.

28. "Child" includes child by adoption.

29. If there is a conflict between figures and words in expressing a number, the words govern.

30. "Preceding" and "following" when used by way of reference to a chapter or other part of a statute mean the next preceding or next following chapter or other part.

31. A quorum of a public body is a majority of the number of members fixed by statute.

32. "Rule" includes "regulation".

33. Words in the present tense include the future.

34. "United States" includes all the states.

35. The word "week" means seven consecutive days.

36. The word "year" means twelve consecutive months.

37. Unless otherwise specifically provided by the general assembly, whenever the following words are used in a statute enacted after July 1, 1971, their meaning and application shall be:

- a. The word "shall" imposes a duty.
- b. The word "must" states a requirement.
- c. The word "may" confers a power.

Section 4.2. Common law rule of construction. The rule of the common law, that statutes in derogation thereof are to be strictly construed, has no application to this Code. Its provisions and all proceedings under it shall be liberally construed with a view to promote its objects and assist the parties in obtaining justice.

Section 4.3. References to other statutes. Any statute which adopts by reference the whole or a portion of another statute of this state shall be construed to include subsequent amendments of the statute or the portion thereof so adopted by reference unless a contrary intent is expressed.

Section 4.4. Presumption of enactment. In enacting a statute, it is presumed that:

1. Compliance with the Constitutions of the state and of the United States is intended.
2. The entire statute is intended to be effective.
3. A just and reasonable result is intended.

4. A result feasible of execution is intended.

5. Public interest is favored over any private interest.

Section 4.5. Prospective statutes. A statute is presumed to be prospective in its operation unless expressly made retrospective.

Section 4.6. Ambiguous states--interpretation. If a statute is ambiguous, the court, in determining the intention of the legislature, may consider among other matters:

1. The object sought to be attained.
2. The circumstances under which the statute was enacted.
3. The legislative history.
4. The common law or former statutory provisions, including laws upon the same or similar subjects.
5. The consequences of a particular construction.
6. The administrative construction of the statute.
7. The preamble or statement of policy.

Section 4.7. Conflicts between general and special statutes. If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision.

Section 4.8. Irreconcilable statutes. If statutes enacted at the same or different sessions of the legislature are irreconcilable, the statute latest in date of enactment by the general assembly prevails. If provisions of the same Act are irreconcilable, the provision listed last in the Act prevails.

Section 4.9. Official copy prevails. If the language of the official copy of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the official copy prevails.

Section 4.10. Re-enactment of statutes--continuation. A statute which is re-enacted, revised or amended is intended to be a continuation of the prior statute and not a new enactment, so far as it is the same as the prior statute.

Section 4.11. Conflicting amendments to same statutes--interpretation. If amendments to the same statute are enacted at the same or different sessions of the general assembly, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amend-

ments are irreconcilable, the latest in date of enactment by the general assembly prevails.

Section 4.12. Acts or statutes are severable. If any provision of an Act or statute or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act or statute which can be given effect without the invalid provision or application, and to this end the provisions of the Act or statute are severable.

Section 4.13. General savings provision. The re-enactment, revision, amendment, or repeal of a statute does not affect:

1. The prior operation of the statute or any prior action taken thereunder;

2. Any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;

3. Any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal; or

4. Any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the statute had not been repealed or amended.

If the penalty, forfeiture, or punishment for any offense is reduced by a re-enactment, revision, or amendment of a statute, the penalty, forfeiture, or punishment if not already imposed shall be imposed according to the statute as amended.

3. RULES PROVISIONS RELATING TO CONTENTS OF BILLS AND RESOLUTIONS.

Joint Rule 6. Companion bills. When identical bills are introduced in each house, they shall be called companion bills. Each house shall designate the sponsor in the usual way followed in parentheses by the sponsor of the companion bill in the other house. The house where the bill is first introduced shall print the complete text. The printed companion bill shall contain the title, enacting clause, and a statement that the bill is a companion bill. However, if the bill is not more than four pages in length, the complete text shall be printed in both houses.

4. RULES OF STATUTORY CONSTRUCTION APPLIED BY COURTS TO CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS AND IN GENERAL.

The Iowa Supreme Court has ruled on the construction of the various constitutional mandates in regard to bill drafts and statutes in many instances. Hundreds of cases exist in regard to

word usage, common law rules, and rules of statutory construction. It is most important that a bill draftsman be aware of the manner in which the courts have ruled in regard to construing statutes, constitutional provisions, and word usage. The following are samples of court decisions construing the constitution and statutes. They are by no means a complete listing, but should aid the bill draftsman by informing him of the manner in which particular provisions have been construed by the courts.

Constitutionality presumed. Regularly enacted laws are presumed to be constitutional, and this presumption must be overcome by one attacking the statute by proving its invalidity beyond a reasonable doubt. 105 NW 2d 650. Courts are reluctant to declare a legislative enactment unconstitutional, and will do so only when the violation is clear, palpable and practically free from doubt. 113 NW 2d 724. All presumptions are in favor of the constitutionality of a statute and it will not be held invalid unless it is clear, plain and palpable that such a decision is required. 95 NW 2d 441.

Initiative and referendum. The legislature has no power to make the operation or repeal of a law dependent upon a vote of the people. 33 Iowa 134. Though the legislature cannot submit to a popular vote of the people the question whether or not an Act proposed by it shall become a law, an Act designed to affect only local government conditions, which is complete in itself, and requires nothing further to give it validity as a legislative act, may be submitted to the electors of a subdivision of the state, that they may determine on popular vote whether they will adopt these provisions. . . 137 Iowa 452.

One subject. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title . . .

Constitutional requirement that every Act shall embrace but one subject is not intended to prohibit any number of provisions in one bill having one general subject, fairly indicated by the title, and it is not necessary that the title be an index of the act nor that every provision of the several sections be enumerated in the title. 131 NW 2d 5.

The constitutional provision that every Act shall embrace but one subject shall receive a broad and liberal construction and not a narrow, technical, critical one. 131 NW 2d 5. This section is to be liberally construed so that one Act may embrace all matters reasonably connected with the subject expressed in the title and not utterly incongruous thereto.

Headnotes. The headnotes in the various codes form no part of the statutory law of the state. 284 NW 110. (NOTE: Headnotes of the Uniform Commercial Code, Chapter 554, are part of such Code. See Section 554.1109.)

Subject not in title. If an Act embraces a subject not expressed in the title, the Act will be void only as to so much thereof as is not thus expressed. 26 Iowa 340.

Code revision. A codification or revision does not relate to more than one subject, and a title expressing the subject is not sufficient for failure to specify each subject to which the statute, as revised, relates. 45 NW 2d 33.

A constitutional requirement that a bill shall have but one subject expressed in its title has been held either not to apply to codes or is liberally interpreted to sustain the validity of the title identifying a code. A restrictive title is not regarded as liberally as is a general one. The provisions of a bill which it does not fairly embrace cannot be given force.

NOTE: Particular title provisions. It is sometimes a good course of action to give particular attention to certain provisions which should be placed or emphasized within the title of a bill. Particular attention should be given to penalty provisions, since the courts usually apply a strict construction to penalty provisions, and there is danger that if a penalty provision is contained within a bill and not specifically mentioned within the title, it will be declared void. It is also a generally accepted practice to specify within a title that a bill has a particular effective date. Since bills without publication clauses become effective July first following the enactment of a particular bill, any deviation from such effective date should be specified within the title of a bill. It is also a good practice to provide in the title of a bill, which is not primarily an appropriation bill, that an appropriation is contained in the bill.

Local and special laws. Under this section the legislature was absolutely prohibited from passing special laws in the enumerated cases. 96 Iowa 521. Generally speaking, laws must be uniform in general and not special in character, but they are not required by the constitution to be general except where a general law can be made applicable. 140 Iowa 163. A statute is general and uniform in its operation, when it operates equally upon all persons who are brought within the relations and circumstances provided for.

Construction of statutes. Following are some statements of the courts of Iowa, and in some cases other courts, which relate to the manner in which statutes are to be construed. Many of these statements have been codified in Chapter 4 of the Code of Iowa.

1. Tax statutes. If the meaning of a taxing statute is uncertain, it must be construed strictly against the taxing authorities.

2. Construction of acts as a whole. All provisions or sections of a statute must be considered together in the light of all other provisions or sections, and, if at all possible, harmonized. Presumption in favor of constitutionality is especially strong where a statute was enacted to promote a public purpose.

3. Reconciliation of acts or statutes. A cardinal rule of statutory construction is that, if reasonably possible, effect

should be given every part of a statute. The general rule is that if by any fair and reasonable construction statutes dealing with the same subject matter may be reconciled, both shall stand.

4. Definitions. The legislature is its own lexicographer and common law dictionary, and prior definitions by the court must yield when the legislature by express enactment defines its own terms.

5. Legislative history of act. It is proper to resort to legislative history of an act when its meaning is doubtful, but the plain meaning of a statute cannot be affected by resorting to its legislative history.

6. Conflicts--special controls. Where there is conflict or ambiguity between a specific statute and a general statute, provisions of the special section control.

7. Logical result. If a statute is susceptible to more than one reasonable interpretation or application the court will be constrained to give to it the interpretation which will lead to a logical rather than an illogical result.

8. Retroactive statutes. The answer as to when a statute is to be considered retrospective or prospective is found in the intention of the legislature as expressed or as implied from what it has said thereon.

Statutes are presumed to be intended to operate prospectively only, and not retrospectively, however, if the intent to bring about retrospective operation clearly appears, the courts will not hesitate to so construe the statute. The courts have evolved a strict rule of construction against retrospective operation and indulge in the presumption the legislature intended its enactments to operate prospectively only. A statute will not be construed to be retroactive unless it is the intent of the legislature to make it so and such intent is clearly expressed. The fact that a statute carries an emergency clause making it effective immediately, which would be unnecessary if its operation were retrospective, is an indication the statute was intended to operate prospectively only.

9. Repeals by implication. Repeals by implication are not favored by the courts and will not be upheld unless the intent to repeal clearly and unmistakably appears from the language used and such holding is absolutely necessary, and if by any fair and reasonable construction prior or later statutes can be reconciled, both shall stand.

10. Amended statutes. As a general rule where a statute rewrites a former statute and states it "is amended to read as follows" all provisions in the original law not found in the amending act are repealed. An amended act is ordinarily construed as if the original statute had been repealed and a new and independent act in the amended form had been adopted in its stead, but where an

amendment leaves portions of the original act unchanged, such portions are continued in force, with the same meaning and effect they had before the amendment.

11. Expression of one excludes others. A rule of statutory construction is that the express mention of one thing implies the exclusion of the others.

12. Special and general statutes--conflicts. The rule that where a general provision of a statute conflicts with a special one the latter will prevail applies even though the special provision was passed before the general one. To determine the meaning of a statute as amended it is proper to consider the general ones when they cannot be reconciled. (Where a general statute, if standing alone, would include the same matter as a special statute and thus conflict with it, the special statute will be considered an exception to the general statute whether it was adopted before or after the general statute.)

13. Attorney general opinions. Opinions of the attorney general, while entitled to respectful consideration, are not binding upon the courts, whose duty it is to make independent inquiry as to the interpretation to be placed upon a statute.

14. Historical material. The terms of a statute are to be interpreted in the light of its historical background and the courts may avail themselves of such aid as may be afforded by historical facts, or by antecedent or a contemporaneous legislative history, or history of the statute.

15. Penal statutes. Penal statutes are strictly construed and doubts, if any, resolved in favor of the individual. Terms of a penal statute creating a new offense must be sufficiently explicit to inform those subject to it what conduct on their part will render them liable to its penalties. The legislature must inform the citizens with reasonable precision what acts it intends to prohibit so they may have a certain understandable rule of conduct and know what acts it is a duty to avoid.

16. Statutes with same subject matter. When statutes relate to the same subject matter, when they are in pari materia, they must be construed together.

17. Publication clause. Where a legislative enactment provided it shall be in full force from and after its publication, and its last publication was on April 30, 1953, it became effective on May 1, 1953.

18. Singular includes plural. The rule that words in a statute that imports the singular number may be extended to several persons or things is applicable when one amendment in school reorganization laws uses the singular and another amendment uses the plural.

19. Rule of ejusdem generis. Rule of ejusden generis is to the effect that where specific words of the same nature are used in

in a statute followed by the use of general ones, these general terms take their meaning from the specific ones not restricted to the same "genus", i.e., comprehend only those things of the same kind as the special ones.

20. "May" and "shall". The verb "may" usually is employed as implying permissive or discretionary rather than mandatory action or contact, and is never used properly in a denial, restriction, or limitation, except in connection with the word "not". In statutory interpretation the mandatory construction is rarely placed on the word "may". When a statute uses the word "shall" in directing a public body to do certain acts the word is to be construed as mandatory, not permissive, and excludes the idea of discretion.

21. "All". The word "all" is commonly understood and usually does not admit of an exception, addition or exclusion.

22. Adopting amended statutes. Whether the adopting statute adopts the general law or a specific statute, the rule is that it applies to later amendments or changes unless a contrary intent or inconsistency appears; and this may appear in the general reference statute, adopting statutes or in the adopted statute or statutes.

NOTE: There are other rules of statutory construction uniformly applied by the courts of the various states. The above rules are specific excerpts as applied by the courts of Iowa. The following are rules that have been applied by the courts of Iowa and other states and should be considered when drafting statutes.

Conflicts--special legislation and last in time. If a general provision conflicts with a special or local provision, both shall be construed, if possible so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails in exception to the general provision. If statutes enacted at the same or different sessions of the legislature are irreconcilable, the statute latest in date of enactment by the general assembly prevails. If provisions of the same act are irreconcilable, the provision listed last in the act prevails.

Severability. If any provision of a statute or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of the statute are severable.

Genders. Words of one gender include the other genders.

Words and figures. If there is a conflict between figures and words in expressing a number, the words govern.

"Preceding" and "following". "Preceding" and "following" when used by way of reference to a chapter or other part of a statute means the next preceding or next following chapter or other part.

Present tense. Words in the present tense include the future.

NOTE: These are basic rules of statutory construction which the bill draftsman should be aware of in drafting legislation. Particular use of words and clauses will be discussed later in this manual.

5. WORD USAGE.

In bill drafting the more simple the manner of expression, the more understandable is the draft. Thus avoiding many words when a few will suffice is a goal one should strive to meet. The use of synonyms, while good form in a literary composition, should be avoided since the courts will interpret words in their ordinary sense and once a word has been used within a statute to provide a certain meaning, the same word should be used in all cases to express that meaning.

As noted in the preceding enumerated rules of statutory construction, certain words will in most cases suffice to cover a number of situations. Thus the singular incorporates the plural, and the plural incorporates the singular. Words of the masculine gender include the female gender. The word "child" includes child by adoption and words in the present tense include the future. Other words covering several situations can be found in Chapter 4 of the Code.

Frequently bill draftsmen when referring to statutes feel compelled to use such words as "as amended" or "as heretofore or hereafter amended" or similar such phrases. Such words are definitely not needed when referring to a state statute because section 4.3 of the Code provides that "Any statute which adopts by reference the whole or a portion of another statute of this state shall be construed to include subsequent amendments of the statute or the portion thereof so adopted by reference unless a contrary intent is expressed." In addition, the courts have almost uniformly held that reference to any statute includes any amendments.

Certain words have traditionally been used in the drafting of legislation, which are not commonly used in other areas of writing and which are usually not used in normal conversations. It does not appear that it is necessary in most cases to use these words since words more common to normal conversation are available. The words "such", "said", "provided that", "heretofore", "heretofore", and the phrase "to the contrary notwithstanding" are examples of such words.

At least one treatise on bill drafting indicates that these words' sole function appears to be to make the statute sound legal, when this should not be the objective of the draftsman. The words "the", "however", "preceding", "following" and "regardless" are words which convey the same thought and are more commonly used.

There are exceptions to most every bill drafting rule and it is not the intent of this guide to promulgate rules to cover every situation. However, the majority of bill drafting projects can be most adequately performed pursuant to the suggestions contained in this guide. The draftsman should follow the rules of statutory construction in most cases, however, if he intends to provide for a situation different from that which might be affected by the rules of statutory construction, he should be very specific in his bill draft to make his intention clear.

The following is a list of words suggested for use in bill drafting, which it is hoped will provide more understandable language and aid the reader to better comprehend legislation. It is felt that such words will suffice in most instances.

Usage of words.

Avoid Using

Any or all
at the time
it is not unlawful to
in cases in which
in case of
shall be construed to mean
is defined to mean
shall mean
be and the same is hereby
aforesaid, aforementioned
beforementioned
said
same
party
and/or
wheresoever
whosoever
whatsoever

Use

either word, not both
when
it is lawful
when, where
when, where
means
means
means
is
the, that, those
the, that, those
the, that, those
it, he, him
person (unless referring to
party to a suit of action)
X or Y or both of them,
X or Y or either of them
wherever
whoever
whatever

Avoid Using

whomsoever

whensoever

provided further; provided
however; provided that

provided (conjunction)

hereinafter, hereinbefore,
hereinabove, above, below,
following, preceding

every person, all persons

null and void

absolutely null and void and
of no effect

it is his duty to

is required to

is directed to

is hereby authorized and it
shall be his duty to

is hereby vested with power and
authority and it shall be his
duty in carrying out the provi-
sions of this Act to

it is lawful to

is empowered to

is authorized to

is hereby authorized to

is entitled to

shall have the power to

be and the same is hereby

utilize (meaning to use)

Use

(Archaic; improper)

when, if

except, but, however -- or
start a new sentence

if, but

(These are objectionable when
referring to the position of
a section, or other statutory
provision. If reference is
necessary, specify the chap-
ter, or paragraph, section or
subsection by number.)

a person

void

void

shall

shall

shall

shall

shall

may

may

may

may

may

may

is

use

Avoid Using

employ (meaning to use)
constitute and appoint
is applicable
necessitate
render (meaning "to give")
formulate
means and includes

prior to
subsequent to
on or after
from and after
at such time as
during such time as
until such time as
unless and until

during the course of
for the duration of
forthwith
retain
preserve
possess

ordered, adjudged and
decreed

in cases in which
in case
in the event that
provisions of law

Use

use
appoint
applies
require
give
make
"means" or "includes" as
required

before
after
after
after
when
while
until
"unless" or "until" as
required

during
during
immediately
keep
keep
have

adjudged
when, where
if
if
law

Avoid Using

under the provisions of
feasible
in order to
for the reason that
each and all
each and every
sole and exclusive
full force and effect
bonds, notes, checks, drafts
and other evidences of in-
debtedness
the place of his abode
give consideration to
give recognition to
make application
make payment
make provision for
have knowledge of
have need of
or, in the alternative
evince
purchase
portion
now

Use

under
possible
to
because
(either word)
(either word)
exclusive
"force" or "effect"

evidences of indebtedness
his abode
consider
recognize
apply
pay
provide for
know
need
or
show
buy
part
(use a definite date)

Definitions. The use of definitions should be considered when drafting a bill. If the draftsman desires a particular word to have a particular meaning, a definition is essential. The length of bills can be reduced and made more clear through the use of definitions. For example, if the draftsman wishes to refer to facilities offering some type of medical service he will have in mind hospitals, nursing homes, mental health institutions, custodial homes, homes for the elderly and other similar

facilities. Rather than mentioning each individual facility many times within a bill, it is much clearer and provides a shorter bill draft if "medical facility" is defined to include all of the types of facilities and thereafter mention only the words "medical facility". If one of the types of facilities is to be excluded from a particular section of the bill, this can be done by merely stating, for example, "except nursing homes".

Definitions are useful to:

1. Limit or extend the meaning of a word, particularly if the word is used in other than its normal sense or has several meanings.
2. Translate technical terms or words of art into common language.
3. Avoid repetition of a phrase or term.

Definitions should not be used when a word has a clear and definite meaning since it is unnecessary and could lead to confusion.

Sentences--subsections. Bill sections and sentences should not be lengthy, since long sections and sentences are hard to understand. If a series is needed, the section may be divided into subsections, paragraphs or subparagraphs. The use of subsections is very helpful in allowing the reader to understand the complete components of the substance of the legislation. Subsections are easy to amend and should be encouraged when controversial legislation is being drafted which lends itself to the use of a large number of items which may be subject to many amendments.

Reference material. The draftsman must be familiar with the state and federal constitutions. The Constitution of Iowa contains many provisions which must be considered in drafting legislation. When drafting legislation, particularly legislation which will add new material to the Code of Iowa, the Code should be thoroughly researched for material pertaining to the subject matter of the legislation. A great many conflicts are created when a draftsman does not do a thorough job of researching the Code prior to writing a bill draft. Many persons, including lawyers, are surprised at the many diverse subjects contained in the Code of Iowa and reference to the Code should be the first step when drafting legislation.

The statutes of other states, uniform acts, suggested acts, bills previously introduced in Iowa, and model legislation are prime sources of legislation. The Council of State Governments, Advisory Commission on Intergovernmental Relations, Commissioners on Uniform State Laws, and particular occupational groups and associations have developed many statutes which can serve as the basis for legislation in Iowa. Problem areas in Iowa demanding legislation frequently have been problem areas in other states, and legislation designed to solve such problems may be available as a starting point. The draftsman should be cautioned that in using other states' and suggested legislation, changes will probably have to be made in order that the proposed legislation

will be adaptable to the state and the Code of Iowa. The changes may be in form or substance.

The draftsman. Determining the policy and objectives of legislation is the prerogative of the legislator. The draftsman's function is to determine the present laws affected, make proper amendments, devise actual statutory language, and place the bill draft in proper form. The draftsman may not express his personal ideas but must remain an impartial technician.

Upon the request of a legislator that a bill be drafted which is of doubtful constitutionality, the draftsman should inform the legislator of the constitutional problems and, if possible, devise a method of accomplishing the purpose of the bill which is constitutional. If the legislator nevertheless wishes to introduce the bill after the draftsman has suggested the constitutional difficulties, the draftsman should draft the bill in accordance with the legislator's instructions.

6. PARTS OF A BILL

General. A bill consists of three major parts: (1) the title; (2) the enacting clause; and (3) a body of provisions to be enacted. Each part is essential and must be complete. The proper form of the title and enacting clause are defined by law and the constitution and length of the body, while subject to certain rules of format, depends upon the purpose to be accomplished.

Explanations. House and Senate bills and joint resolutions proposing constitutional amendments must have explanations of their contents, which explanations follow the body of the document. An explanation of a bill written by a bill drafter should be factual, explaining exactly what the bill does, without attempting to comment upon its merits or editorializing. It is the task of the legislative sponsor to sell the bill on its merits within the proper committee or on the floor of the legislative chambers and the bill drafter, if requested to write the explanation, should not make any comments within the explanation as to the merits of the bill.

Fiscal notes. Senate and House bills are required to have fiscal notes attached to bills which would have an annual effect or a total effect within five years after enactment of fifty thousand dollars or more on the revenues, expenditures, or fiscal liability of the state or its political subdivisions. These rules do not apply to bills containing appropriations expressed in dollar amounts. Fiscal notes are to be attached to the bill following the explanation or printed in the daily clip sheet.

Sponsorship. Each bill must be sponsored by a legislator or several legislators, or a standing committee of the General Assembly. The sponsorship of the bill must be noted on the first page of the bill as well as the name of the legislative house where the bill is to be introduced. Each bill will receive a number at the time it is introduced.

First page of bill--contents. Each bill containing more than one section is required to have a first page which will contain only the name of the house where the bill is to be introduced, the sponsorship, the title of the bill, and the enacting clause. The first section of a bill containing more than one section will commence on page 2. The purpose of providing for page 1 in this form, rather than commencing section one of the bill immediately following the enacting clause, is to simplify the process of changing sponsorships, and titles on a finally typed bill prior to its introduction. In the past, adding additional sponsors and changing titles of bills has frequently required retyping bills because the additional language has run into the body of the bill. Through the use of a simplified page 1 it will be possible to add or delete sponsors on a finally typed bill prior to its introduction, or change titles, by merely changing the first page and substituting a new version, not retyping the entire bill. Samples of the various parts of a bill are contained in the appendix to this bill drafting guide.

Titles. As noted on pages 2 and 8 of this guide, the Constitution and statutes of Iowa require that every act shall embrace but one subject, and matters connected therewith; which subject shall be expressed in the title. Furthermore bills designed to amend, revise, and codify, or repeal a law must refer to the number of sections or chapters of the Code to be amended or repealed, but it shall not be necessary to refer to such sections or chapters in the title. The title of a bill shall contain a brief statement of the purpose of the bill, however all detail matters properly connected with the subject so expressed may be omitted from the title.

The above noted requirements have been liberally construed by the courts, however care must be taken in writing titles to legislative bills. Generally speaking titles should be broad, while at the same time giving notice of the general subject of the bill. This will allow for the insertion in the bill of provisions which have a natural connection with the subject matter of the bill while at the same time complying with the constitutional and statutory provisions. The title should not be an index or table of contents for the bill.

A title which details the provisions of a bill invites trouble since the unconscious omission of one detail from a specific title may result in such provision being declared void. On the other hand, legislators often request that a specific title be drawn to a bill in order to prevent amendments from being offered to the bill which are not germane to the subject matter of the bill. When such a request is made the bill drafter should be careful in writing the title.

As previously noted in this guide, it is often a good course of action to note in the title certain provisions that are contained in a bill. Thus a title may contain a general description of the contents of a bill followed by a statement that such a bill contains a particular provision. The type of provision that probably deserves the most emphasis is the penalty provision. The

courts of Iowa have been quite strict in holding that penalties must be noted within a title of a bill. Other provisions which should probably be noted are effective dates and appropriations.

Sections of the Code affected by the bill need not normally be noted in the title of the bill. It has been the practice in Iowa to omit references to sections in the title of the bill. Examples of titles can be found in the appendix.

Enacting and resolving clauses. The Constitution of Iowa requires that every bill contain an enacting clause. The enacting clause in Iowa is: "Be It Enacted by the General Assembly of the State of Iowa:" and failure to include the enacting clause on a bill voids the law. The enacting clause must be used in joint resolutions which contain an appropriation or otherwise enact law. Otherwise, joint resolutions generally use the style: "Be It Resolved by the General Assembly of the State of Iowa:". House or Senate resolutions use the style: "Be It Resolved by the (House) (Senate):". Concurrent resolutions use: "Be It Resolved by the (Senate) (House), the (House) (Senate) Concurring, That".

Body of the bill. The body of the bill is divided into sections. Normally a separate section of the bill is used for each section of the Code or session laws which is to be amended or each new section of the Code which is to be enacted.

Bill sections should be kept as short as possible. If a section is unusually long it should be divided into subsections. Long subsections may be divided into paragraphs and long paragraphs into subparagraphs. No further subdividing should be used. The sequence for Code sections and the manner of citing them are as follows:

<u>Name</u>	<u>Example</u>
Section	136.3
Subsection	2
Paragraph	a
Subparagraph	(3)

Use short, simple sentences if possible. Long, complex sentences are difficult to write, difficult to understand, and conducive to ambiguity. Sentences should be constructed so that the meaning does not depend on the placement of punctuation. This is a most difficult goal in many cases, however if possible this should be an objective of the bill drafter. Headnotes, catch words, and titles to sections are not part of the law. Headnotes, catch words, and titles are not always used in bill drafting, however they may be quite helpful in understanding the draft and serving as an index or guide for the reader. Care should be taken in writing headnotes, catch words, or titles to sections in order that the subject matter of the section is adequately expressed.

The body of a bill should be set forth in an orderly arrangement with the various sections of the bill in logical sequence. Generally sections of a bill are arranged according to

the numerical sequence of the Code sections being amended. Thus section 220.1 of the Code appears before section 236.1 of the Code within a bill draft. However, since clarity and understanding is the most important consideration, this guideline should not be followed in every case. When a bill incorporating new law with unnumbered Code sections, and old law with numbered Code sections is drafted, the draftsman must consider carefully the placement of the various sections. If the bulk of the substance of the draft is new law, and the amendments to the existing Code sections are merely complimentary to the new law, the new law should probably be arranged first in the bill. If the substance of the new law is an amendment to an existing Code provision or several existing Code provisions, and new provisions are merely complimentary to the amended Code sections, the new provisions should probably be arranged last in the bill. The important consideration is to allow the reader (legislator) to be informed of the primary substance of the bill early during his reading of the bill.

DRAFTING OF THE BILL -- FORM

1. AMENDMENTS TO EXISTING LAW

Form of amendments to existing law. The form for amending existing sections of the Code or session laws is to type the text of the section with the words to be stricken indicated by a line through such words, and the words to be added inserted in the proper place in the text of the section with lines underneath such words.

Citations. The Code section to be amended must be cited by number, for instance: Section three point two (3.2), Code 1973, is amended to read as follows:

Each regular session of the General Assembly shall be designated by the year in which it convenes and by a number with a new consecutive number assigned with the session beginning in each odd numbered year. A special session of the General Assembly shall be designated as an extraordinary session in the particular year of a numbered General Assembly. The session laws of each General Assembly shall be known and cited as "..... Session of the General Assembly, Chapter (or File No.), Section" (inserting the appropriate number).

Example.

1 Section 1. Section twelve point fourteen (12.14), Code 1973,
2 is amended to read as follows:
3 12.14 STATEMENT ITEMIZED. Each deposit shall be ~~accompanied~~
4 ~~by an itemized~~ submitted with a detailed statement of the sources
5 from which the money has been collected, the name of the person
6 collecting the money, and the funds to be credited, a ~~duplicate~~
7 copy of which shall, at the time, be filed with the comptroller.

The amending clause on lines 1 and 2 of the example should be specifically noted since amending clauses are quite important and other variations will be discussed later.

If punctuation is to be deleted, a strike through line should be placed through or above such punctuation. Thus a period would be struck as follows: to the comptroller.

Striking all of sections. If a section of existing law is substantially amended it may be the better course of action to completely strike the whole section and write in the new language. In this regard the amending clause is quite important because it tells the reader exactly that which is being done. Assuming section 12.14 of the Code is to be substantially rewritten and would result

in a mass of strike-throughs and underlines, the following form should be employed:

Example.

Striking whole section:

1 Section 1. Section twelve point fourteen (12.14), Code 1973,
2 is amended by striking the section and inserting in lieu thereof
3 the following:

4 12.14 STATEMENT REMITTED. Each deposit shall be remitted
5 to the state treasurer and deposited to the credit of the gen-
6 eral fund.

Such a form will require the reader to refer to the Code in order to determine the old law, and for this reason is not as advantageous as the use of the strike-through--underline method. However in the case of extremely long sections being replaced by short sections this style does have advantages.

Amending subsections, paragraphs, subparagraphs, and parts of sections. Since many sections in the Code of Iowa are extremely long, amendments may be made to parts of sections. This will not be difficult in the case of those sections which have numbered or lettered subsections, paragraphs, and subparagraphs.

Examples.

Subsections:

1 Section 1. Section two hundred sixty-two point thirty-nine
2 (262.39), subsection three (3), Code 1973, is amended to read
3 as follows:

4 3. From the income derived from gifts and bequests made to
5 the institutions under the control of ~~said-board~~ the department
6 of social services for dormitory purposes.

Paragraphs (lettered):

1 Section 1. Section two hundred seventy-five point eight
2 (275.8), subsection three (3), paragraph c, Code 1973, is
3 amended to read as follows:

4 c. A statement of the ~~assessed~~ market valuation of taxable
5 property located within such potential district.

Subparagraphs:

1 Section 1. Section five hundred eleven point eight (511.8),
2 subsection six (6), paragraph a, subparagraph one (1), Code
3 1973, is amended to read as follows:

4 (1) All of the obligations and preferred and common stocks
5 of the issuing corporation, if any, ~~prior-to~~ at the time of the
6 preferred stock being contracted for must be eligible as invest-
7 ments under this section as of the date of acquisition agreement
8 to purchase; and

Unnumbered paragraphs: When complete implementation of computerized drafting is accomplished, the computer will type all present provisions of law automatically and the typists will merely type the language being deleted and inserted. When the computer types present law, it will not be necessary to proofread such law and will be a rather fast process although it will make bills longer in length. However, since the complete computer program will not be implemented initially the typist will have to type out the complete text of the sections being amended. Since the Code of Iowa contains many lengthy sections and since in many cases only small amendments will be made to many lengthy sections, it will be proper at times to amend or add only a paragraph of a section. In many cases such paragraphs are not numbered or lettered in the Code. In anticipation of computer application, it will be necessary to give unnumbered paragraphs a number; a process similar to the previous method of bill drafting where line numbers were referred to as line such and such even though such lines are not numbered in the Code of Iowa. Care must be exercised in drafting the amending clause in order that proper notice may be given to the reader as to that provision which is to be amended.

Example.

Amending unnumbered paragraph:

1 Section 1. Section two hundred seventy-nine point seven
2 (279.7), unnumbered paragraph two (2), Code 1973, is amended to
3 read as follows:

4 ~~Any~~ An appointment by the school board to fill ~~any~~ a vacancy
5 in an elective office on or after the day notice has been given
6 for a special election to fill such vacancy as provided ~~herein~~
7 in this section shall be ~~null-and~~ void.

New law. Adding new chapters, sections, subsections, paragraphs, subparagraphs, and unnumbered paragraphs to the Code or sections of the Code will not require the use of underlines and strikes since no change to words of the Code are being made, only provisions are being added to the Code. However, in order to avoid confusion as to whether an existing section of the Code or session

laws is being amended, or a new section of law is being proposed to the Code of Iowa, the words "NEW SECTION." should be inserted after the bill section number when no chapter is specified to which the new section will be added, and such words should be added before the text of the section when a chapter number is designated in the amending clause. Note that the words "NEW SECTION." are both capitalized and underlined and a period follows the word "SECTION". If a new subsection, paragraph, subparagraph or unnumbered paragraph is being added the proper designation before the text of the amendment will be "NEW SUBSECTION.", "NEW PARAGRAPH.", "NEW SUBPARAGRAPH." or "NEW UNNUMBERED PARAGRAPH." as the case may be. Following such designation the new law need merely be stated in full without using underlines to denote that the material is new. The only time underlines and strike-throughs are used is when an existing provision of law is being amended. The use of the words "NEW SECTION." should not, however, be used when writing temporary sections of law or sections which will not be incorporated into the Code of Iowa. Effective date sections, publication sections, appropriation sections and similar temporary provisions will not carry the designation "NEW SECTION." since they are not new sections to the Code of Iowa but pertain primarily to implementation of the Act involved. Again, the amending clause, if used, is important. In many cases, particularly when adding new chapters, no amending clause will be needed and the Code Editor will place the new law in the proper place in the Code. Following are examples for adding new law to the Code.

Examples.

New sections:

1 Sec. 12. NEW SECTION. SNOWMOBILES--EQUIPMENT. Every snow-
2 mobile shall be equipped with at least one head lamp and one
3 tail lamp, and with brakes which conform to standards prescribed
4 by the commissioner of public safety.

New section being added to existing chapter:

1 Sec. 2. Chapter five hundred fifteen (515), Code 1973, is
2 amended by adding the following new section:
3 NEW SECTION. A third party making payment for ambulance
4 service shall make the payment either jointly to the person on
5 whose behalf the payment is made and to the person providing
6 the ambulance service, or directly to the person providing the
7 ambulance service.

Another method of adding new sections to a chapter is to specify the section number of the bill. This method, which is especially useful in a bill involving both new and old law, uses the following format:

Example.

1 Section 1. Chapter five hundred fifteen (515), Code 1973,
2 is amended by adding sections two (2) through six (6) of this
3 Act: (then proceed to specify the new sections)

4 Sec. 2. NEW SECTION. (Insert text)

5 Sec. 3. NEW SECTION. (Insert text)

New subsections, paragraphs, subparagraphs, unnumbered paragraphs. The addition of new subsections, paragraphs, subparagraphs, or unnumbered paragraphs does not differ greatly from adding new sections to a chapter. However, care must be taken to specifically identify that to which new material is being added.

Example.

1 Sec. 3. Section two hundred thirty-two point eighteen
2 (232.18), Code 1973, is amended by adding the following new
3 subsection:

4 NEW SUBSECTION. A facility approved by the department
5 of social services.

Note that no number is assigned to this subsection. It is the preferred practice not to assign a new number to the subsection, paragraph, or subparagraph being created. It should be remembered that other bills may also be creating new divisions of a section. Each bill could be assigned the same number, the result being that the Code Editor would have to change and rearrange the subsections. If several subsections or other divisions are added to a part of the Code, the Code Editor will assign proper numbers. This method is, of course, subject to qualification, particularly in the case where the order of the items within a part of the Code is important. In such case numbers or letters may be properly designated.

Alternative bill drafting style--exception to normal style. Certain bill drafts, because of length and the nature of the amendments being made, may require the use of a bill drafting style used in the General Assembly prior to 1971.

Governmental reorganization bills in particular, which by their nature are quite long, may call for the use of two bill drafting formats. Governmental reorganization bills frequently require new provisions of law which establish a new government agency or reassign duties from existing agencies. Generally such legislation takes the form of providing for a number of sections in the early part of the bill which comprise the substance of the legislation. Subsequent sections, and there may be hundreds of them, provide for corresponding amendments to the Code and usually involve a simple amendment such as a name change. In such instances it may be a more proper approach to merely cite the

sections where such corresponding amendments are to be made, and specify the line numbers and the words to be changed. This is the method of drafting previously used in Iowa and in this instance should provide the reader with a clear understanding of the nature of the amendment.

In instances where there are a great many changes of the same nature, it may be possible to cite in one section all sections of the Code to be changed and the nature of the change. The following is an example of such a procedure:

Example.

1 Section 100. Sections sixty-two point three (62.3), sixty-
2 two point four (62.4), eighty-two point one (82.1), and eighty-
3 two point two (82.2), Code 1973, are amended by striking from
4 such sections the words "Legislative Service Bureau" and insert-
5 ing in lieu thereof the words "Legislative Research Bureau".

NOTE: It should be noted that use of the two alternative bill drafting methods discussed will not be allowed without the prior approval of the Secretary of the Senate for Senate bills, or the Chief Clerk of the House for House bills.

Headnotes. It should be noted in the preceding examples that headnotes are used in some instances and not in others. The headnote is not part of the law, except in the Uniform Commercial Code (Chapter 554), but courts sometimes take notice of them to determine legislative intent. The use of the headnote in Iowa has in the past been optional. It will continue to be optional in many instances. When a new section is being drafted in the bill, the headnote should be included. If the headnote is included and one amendment has the effect of making the headnote misleading or inaccurate, the headnote should be amended in the same manner as the text of the section. For instance if a section of law pertaining to the licensing of dogs was changed to provide for the licensing of cats, the headnote should be changed as follows:

Example.

1 632.49 LICENSING OF ~~DOGS~~ CATS.

If the section was being amended to add cats to the licensing requirement the heading would be changed as follows:

1 632.49 LICENSING OF DOGS AND CATS.

Use of headnotes when adding new law. There are two schools of thought as to the use of headnotes when drafting chapters or sections which add new law to the Code. Some draftsmen feel that headnotes should not be contained in a draft because amendments to

the sections might destroy the accuracy of the headnote, particularly when through oversight the headnote is not amended. In such cases the Code Editor writes the headnotes when publishing the Code. Other draftsmen feel that headnotes should be included because they serve as an index to the bill and can be amended as easily as the bill itself. If a headnote is inaccurate, the Code Editor can make the proper change when publishing the Code. In any event, the use of headnotes is optional with the legislator or draftsman.

Headnotes should be brief but sufficient to give notice of the content of the section. Reference to the Code of Iowa for example is suggested. An example of instances where headnotes are useful would be a major tax bill. Tax legislation usually contains certain sections of prime interest to the legislator. Thus within a major tax bill a legislator would probably first desire to review sections pertaining to definitions, the tax imposed, the rates, and the exemptions. He would look for sections with the following type of headnotes:

DEFINITIONS

TAX IMPOSED

RATE OF TAX

EXEMPTIONS

Other sections would probably pertain to administration of the tax, which would be of secondary importance insofar as quickly learning or determining the essence of the proposal.

In many instances headnotes will not be included in the proposed legislation. It sometimes is the better course of action to allow the Code Editor to write the headnote after the bill has been approved by the General Assembly, rather than constantly amending the headnote during the passage of the bill through the General Assembly.

2. AMENDMENTS TO BILLS

The process of amending bills, which contain amendments to the Code, does not differ substantially from the method used in past sessions. In many instances amendments to bills will not require reference to the Code since the text of the bill will be a reproduction of the Code. Thus the amendment will be to the page and line number of the bill, no reference being made to the section being amended as contained in the Code. The following are examples of typical amendments to a bill amending section 81.11 of the Code.

Assuming House File 16 contains the following section:

1 Section 1. Section eighty-one point eleven (81.11), Code
2 1973, is amended to read as follows:

3 81.11 FEES TO TREASURER. All fees received by the depart-
4 ment or its agencies from the issuance of licenses and regis-
5 trations shall be deposited ~~monthly~~ quarterly with the treasurer
6 of state.

An amendment to the bill provision above might read as fol-
lows:

1 Amend House File 16 as follows:

2 1. Page 2, by inserting in line 4 before the word "or" the
3 words "of public safety".

4 2. Page 2, by striking from lines 4 and 5 the words "and
5 registrations".

6 3. Page 2, by inserting in line 6 before the period the
7 words "and credited to the road use tax fund".

Another type of amendment, which is somewhat difficult to understand and often results in mistakes, is the type of amendment where the object is to provide for no change in a portion of the proposed bill. For example if a legislator does not desire that section 81.11 (above) provide for a change from monthly deposit of fees to quarterly deposits, he would submit an amendment to line 5 above in the following form:

1 Amend House File 16 as follows:

2 Page 2, line 5, by striking the words "~~monthly~~ quarterly"
3 and inserting in lieu thereof the word "monthly".

THIS AMENDMENT IS CONFUSING AND CARE MUST BE TAKEN WHEN DRAFTING SIMILAR TYPE AMENDMENTS. THE OBJECT IS TO SHOW THAT NO CHANGE IS TO BE MADE AS TO WHEN FEES ARE TO BE DEPOSITED AND IN ORDER TO CARRY OUT THAT OBJECT THE PROPOSED CHANGES MUST BE REMOVED FROM THE BILL.

The proposed change is indicated in the bill by the words "~~monthly~~ quarterly" and thus removing such words and reinserting the word "monthly" with no strike-throughs accomplishes the object of making no change to the statute. This is a simple example. It must be remembered that if no change is desired, the words must be returned to the form which is found in the Code, i.e., no strike-throughs or underlines.

Numbering lines of amendments. It should be noted that the above example of an amendment provides line numbers for amendments.

In previous legislative sessions lines of amendments have not been numbered on the original amendment but have been numbered when printed in clip sheets. This practice has resulted in some confusion in the case when officials of the House or Senate have attempted to determine the placement of amendments being offered and there are no line numbers on the original amendment for reference. For this reason the Secretary of the Senate and Chief Clerk of the House of Representatives will develop a format for amendments which will provide for numbering lines of amendments. It is contemplated that the format will be substantially as indicated in the above example.

Amendments to amendments. Amendments to amendments, known as second degree amendments, should be drafted in the same manner as amendments to the bill. No amendments of a greater degree are allowed pursuant to the rules of the House and Senate.

Amendments in general. Amendments are sometimes difficult to draft. As increased use of data processing is utilized, certain uniform procedures will be mandatory in order to properly record changes within the memory bank of the computer. Amendments should be drafted listing the largest entity first. For example in amending a bill, the bill number should be mentioned first, the page number second, and the line number third. The various numbers should be listed as early as possible within the text of the amendment. The procedure of listing the largest entity first is also applicable to the bill draft. Chapters first, sections second, subsections third, and so on.

Numbering amendments. Amendments to bills will, in the future, be numbered. Many amendments are frequently drafted to a bill and identified by name of sponsor, date of publication in the journals, and other methods. In order to implement data processing applications and automatically incorporate amendments into the text of a bill, it is necessary that each amendment filed be assigned a number for identification purposes. The Chief Clerk of the House and the Secretary of the Senate will assign consecutive numbers to amendments at the time the amendments are filed. It should be noted that the assignment of numbers to amendments does not in any manner indicate the order in which such amendments may be considered. The numbering of amendments is for identification purposes only.

3. REPEALS.

General. When an entire act or section is abrogated and no new section is added to replace it, legislatures label the act accomplishing this result a repeal. When a provision is withdrawn from a section, the legislatures generally call the act an amendment, particularly when a provision is added to replace the one withdrawn. The distinction between repeals and amendments is sometimes subtle.

It has been a frequent practice in Iowa to provide for the repeal of a section and enactment of new language to take the place

of the section being repealed. Based upon the distinction between a repeal and an amendment as noted in the preceding paragraph, such a procedure results in an amendment rather than a repeal. Therefore, this manual does not provide for the clause "Section _____ is repealed and the following enacted in lieu thereof:". Instead it provides for the clause "Section _____ is amended by striking the section and enacting in lieu thereof the following:".

Express and implied repeals. According to legal authorities there are only two types of repeals: express and implied repeals. An express repeal generally identifies the provision of law to be repealed, leaving no uncertainty as to whether the statutes or parts of statutes designated have been repealed.

Example--express repeal.

- 1 Section 1. Section three hundred twenty point twenty
- 2 (320.20), Code 1973, is repealed.

The above example is the proper method for repealing a statute and any other method should be avoided.

Because in the course of enacting legislation in accord with the demands of society it is only natural that subsequent enactments should be declaratory of the intent to repeal pre-existing laws without mention or reference to such prior laws, a repeal may arise by necessary implication from the enactment of a subsequent act. The extent of the repeal of the prior law by a subsequent enactment poses the problem of implied repeals. Little difficulty is encountered in the interpretation of statutory provisions expressly repealing particular legislation or parts of statutes. Cases of implied repeals present a great many difficulties. "Repeals by implication are not favored by the courts and will not be upheld unless the intent to repeal clearly and unmistakably appears from the language used and such holding is absolutely necessary . . ." The preceding sentence is a pronouncement of the Iowa Supreme Court and certainly substantiates the viewpoint that repeals should be expressed.

A frequent procedure used by some bill draftsmen is to insert a provision in a bill to the effect that all acts or statutes in conflict with the bill are repealed. Many courts have held that an express general repealing clause to the effect that all inconsistent enactments are repealed, is in legal contemplation a nullity. Repeals must be either express or implied.

4. ENROLLING OF BILLS APPROVED BY THE GENERAL ASSEMBLY

The definition of enrollment differs somewhat from state to state. Generally enrollment refers to a bill which purports to have passed both houses of the legislature and which has been signed by the presiding officers of the two houses.

The term engrossment, which is frequently used interchangeably with enrollment, is generally construed to mean the process of

final authentication in a single house. The distinction between the terms is of little, if any, importance. As used in the guideline the term enrollment means the process of preparing a bill passed by the two houses of the General Assembly for the signature of the presiding officers of the two houses and the Governor.

The typing of the enrolled bill is performed by the Legislative Service Bureau. The Bureau receives its directions as to the material to be embodied in the enrolled bill from personnel of the house where the bill originated.

The Senate and House staff must determine the placement of the various amendments which are made to the legislative bills. The process of preparing the bills with all amendments in place for enrolling is generally called "building the bill" in Iowa. This process is also probably what is meant by the term "engrossment".

The Legislative Service Bureau prepares the enrolled bill in two different forms. The official enrolled bill, prepared for the signatures of presiding officers of the two houses, contains all strike-throughs and underlines which were contained in the bill as finally approved by the General Assembly. It is the form which is printed in the Session Laws. An example of a section which might be contained in an official enrolled bill follows:

Example.

1 Section 1. Section twelve point fourteen (12.14), Code 1973,
2 is amended as follows:
3 12.14 STATEMENT ITEMIZED. Each deposit shall be ~~accompanied~~
4 ~~by-an-itemized~~ submitted with a detailed statement of the sources
5 from which the money has been collected, the name of the person
6 collecting the money, and the funds to be credited, a ~~duplicate~~
7 copy of which shall, at the time, be filed with the comptroller.

The Legislative Service Bureau also prepares an enrolled bill with strike-throughs and underlines deleted. In other words it prepares a copy exactly as it will appear in the Code of Iowa except for editorial changes provided by the Code Editor. In preparing this copy the stricken words are deleted and the underlines are removed from the new language. This copy is not distributed but is maintained in the office of the Legislative Service Bureau in order that an updated copy of the new sections is available for amendment prior to the publication of the next Code of Iowa. The same section as above noted (with strike-throughs and underlines) will appear as follows in the Code of Iowa and is an example of the second form of enrollment performed by the Legislative Service Bureau for its own use:

Example.

1 Section 1. Section twelve point fourteen (12.14), Code 1973,
2 is amended as follows:
3 12.14 STATEMENT ITEMIZED. Each deposit shall be submitted
4 with a detailed statement of the sources from which the money
5 has been collected, the name of the person collecting the money,
6 and the funds to be credited, a copy of which shall, at the time,
7 be filed with the comptroller.

When the bill drafting system is fully computerized, the enrolling process will provide an automatic update of the Code on computer tape, particularly in the case of amendments to present law, and allow for a much faster printing process.

It should be noted that it frequently occurs that the same section of law is amended in several different bills without reference to each other. This fact will cause some problems to the Code Editor and the bill draftsman. All consistent amendments to the same section will have to be accounted for and when drafting an amendment to a section of law which has previously been amended and enacted several times, reference will have to be made to several sections of the session laws. The Code Editor when publishing the Code will have to consolidate the amendments to a section which has been amended more than once and printed in several different Acts in the session laws. Such a procedure is not unduly difficult when the amendments are consistent or are to different portions of a section. However, when amendments are inconsistent it may be necessary to obtain an Attorney General's Opinion to determine the manner in which a statute will be printed. Sometimes the dilemma can only be solved through a judicial determination or enactment of corrective legislation.

The most proper method of avoiding the problem of multiple amendments to the same section is to keep an accurate record of all sections being amended. If a section is amended during a session of the General Assembly, any subsequent bills containing the same section should be amended to reflect prior amendments. This is not always possible to do because many bills may be approved during the latter part of a session and it is difficult to index the various sections within such bills; or the amendments may be of such a controversial nature that legislators may not desire to add any further amendments to a bill than is necessary to accomplish the original purpose of the bill. When the bill drafting system is fully computerized, it is anticipated that the computer will index the various sections in the individual bills. If a section is contained in a bill under consideration, and was subject to action earlier during the session, the computer will provide information to the effect that the text of the bill being considered at a later date is not correct.

SPECIFIC PROVISIONS, STYLE, PUNCTUATION,
AND PREPARATION OF A TYPED BILL

1. GENERAL

Generally. When the language has been determined for a bill draft, the next step is establishing the format. Almost all bills will be typed by the Legislative Service Bureau and during such typing the bills will be reviewed, if for no other purpose than checking the style and format. In many instances a complete review as to language, usage, intent, citations, and or any other purpose will be performed. Mechanical errors will be corrected. If questions as to intent or language are detected, the sponsor or draftsman (if the bill has been drafted by persons other than those employed by the Service Bureau) may be contacted. The exact procedures are dependent upon the directions given to the Service Bureau.

Two absolute requirements which must be met in drafting a bill are the inclusion of the enacting clause and amendment to the 1973 Code of Iowa in the case of amendments to the permanent law. Temporary provisions of law are contained in the session laws. Titles are, of course, quite important.

Severability clause. There appear to be very few cases where it is necessary to provide a severability clause because the severability clause merely repeats that which is already judicially determined law and Chapter 4 of the Code provides for a general severability clause. A typical severability clause provides:

"If any provision of this Act or the application thereof to any person shall be invalid, such invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable."

This clause should not be used unless the legislator specifically requests it. There may be cases where a legislator would desire that if a provision of an Act is declared invalid, the whole Act should be declared invalid. Since such a situation is contrary to the normal manner of statutory construction and the Code of Iowa, it would be necessary in this case to specifically provide that if any portion of the Act is declared invalid the whole Act be void.

Savings clause--"Grandfather clause". A savings clause is a provision which provides that a change in the law accomplished by enactment of a bill shall not affect matters such as actions or proceedings already commenced, rights and duties that have matured, or penalties that were incurred prior to the effective date of the bill. The savings clause is not necessary since Chapter 4 of the Code provides a savings clause but the draftsman should be alert for situations where such a provision should be considered.

A type of savings clause is a clause often referred to as the "Grandfather" clause. The purpose of the grandfather clause is to insure that legislation acts prospectively and does not affect persons in a given situation. An example of a situation where a grandfather clause might be useful would be legislation that requires persons owning automobiles to install a particular safety device. If a situation existed where the safety device was impossible to install on cars of a certain age the following grandfather clause might be used:

"This Act shall not apply to persons owning automobiles manufactured prior to the year 1968."

Grandfather clauses are frequently used in licensing laws where new educational standards will be required for persons entering a field, and persons who have previously qualified and worked in the field will be exempt from the educational standards.

Effective date clause. Laws passed at a regular session of the General Assembly become effective on the following July first. However, if the General Assembly deems a law of immediate importance, the law may be made effective immediately by a clause stating the bill is of immediate importance and providing for its publication (Art. III, sec. 26, Constitution of Iowa). A bill may also be made effective at a time later than the constitutional effective date by a clause stating a later effective date. If the requesting legislator desires that the bill become effective as soon as possible prior to July first, use the following standard clause providing that the bill becomes effective upon publication:

1 Sec. _____. This Act, being deemed of immediate importance,
2 shall take effect and be in force from and after its publica-
3 tion in _____, a newspaper published in
4 _____, Iowa, and in _____, a
5 newspaper published in _____, Iowa.

If the requesting legislator desires that the bill become effective on a specific date prior to July first, use the following standard clauses:

(If it is desired that the Act take effect after publica-
tion but before July first, the following form may be used.)

1 Sec. _____. This Act shall take effect and be in force on
2 _____ after its publication in _____,
3 a newspaper published in _____, Iowa, and in
4 _____, a newspaper published in _____,
5 Iowa.

(If it is desired that the bill take effect before publication, that is retroactively, the following form may be used.)

1 Sec. _____. This Act shall take effect and be in force on
2 and retroactive to _____ after its publica-
3 tion in _____, a newspaper published in
4 _____, Iowa, and in _____, a
5 newspaper published in _____, Iowa.

If a legislator desires that a bill become effective subsequent to July first, the following form is suggested:

1 Sec. _____. The provisions of this Act shall become effec-
2 tive January 1, 1972.

Do not fill in the blanks listing newspapers of a publication clause unless directed to do so by the requesting legislator. Never use the publication clause unless specifically requested or unless the text of the bill clearly and definitely requires that the bill become immediately effective. One specific type of law, a legalizing act, by statute must have a provision in the publication clause that the publication is without expense to the state. Legalizing Acts must first be published within the territorial limits of the public corporation whose proceedings are to be legalized before introduction in the General Assembly. Although legalizing acts are often published in two newspapers after they have been approved by the General Assembly, Chapter 585 does not require such publication. If published the cost may be paid by the public corporate. (Chapter 585, Code of Iowa 1973.)

Resolutions. Resolutions are of three kinds: Simple (House or Senate), Concurrent (House or Senate), and Joint.

1. Simple resolutions (House or Senate) are used mainly to express sympathy or thanks or for appointment of a special committee and are acted on only by the house of the Legislature in which they originate.

2. Concurrent resolutions (House or Senate) are adopted by both houses of the General Assembly. The resolutions may be in the form of memorials to Congress, may provide for a joint meeting of both houses to hear some visiting speaker, may authorize expenditures of funds already appropriated to the General Assembly, may direct adjournments or recesses, may request legislative studies, or may be used for issuing administrative orders.

3. Joint resolutions have all the formalities of a bill and pass through all the stages of a bill. In addition to the ordinary use of a resolution, Joint Resolutions are employed for the enacting of temporary laws and for administrative orders, the creation of special commissions, and are always used to propose amendments to the State Constitution.

The use of Joint and Concurrent Resolutions is often confused, but the Concurrent is more appropriate for mere legislative directives since the resolution does not go through the process of a bill. Joint Resolutions appropriating money or otherwise enacting a law require the use of the same enacting clause as a bill instead of the "Be It Resolved by . . ." used for other resolutions.

2. TYPING FORMAT

General directions. All copies of a bill are typed on pre-numbered letter size paper as specified by the Legislative Service Bureau. See sample bills in the appendix for spacing requirements.

Titles. Three copies of the title of all bills are typed on extra sheets of paper. These "title sheets" do not need to be on a full-sized sheet of paper if the bill title is short. See sample title sheet in the appendix for directions.

Companion bills. When identical bills are introduced in each house, they are called companion bills. Each house shall designate the sponsor in the usual way followed in parentheses by the sponsor of the companion bill in the other house.

Typing form of bill. The appendix contains sample forms of final bill drafts. Note that the samples contain consecutively lined numbers for each line of the bill and title. These numbers are preprinted on special bill typing paper prepared for use of the Legislative Service Bureau for final typing of all bills.

1. First line of title, no indentation; all subsequent lines, indent.
2. No indentation for enacting clause.
3. Indent first line of each section.
4. Space and one-half body of bill.
5. Number pages at bottom.
6. Title pages and bill jackets need not be submitted to the Service Bureau with a bill draft. Bureau secretarial staff will type all title pages and bill jackets.
7. A companion bill is to be introduced in both houses with the names of the sponsors of the companion bill in each house. Each house shall designate the sponsor in the usual way followed in parentheses by the sponsor of the bill in the other house.

Number of copies needed for introduction.

<u>ITEM</u>	<u>HOUSE</u>	<u>SENATE</u>
Bills	Fourteen copies	Thirteen copies

<u>ITEM</u>	<u>HOUSE</u>	<u>SENATE</u>
Titles	Original and 1 copy on extra sheets of paper. Original and 2 copies on companion bills.	Original and 2 copies on extra sheets of paper. Original and 3 copies on companion bills.
Joint Resolutions	Fourteen copies	Thirteen copies
Concurrent Resolutions	Eleven copies	Eleven copies
Senate Resolutions		Original and 2 copies
House Resolutions	Original and 3 copies	
Amendments to bills, etc.	Six copies	Six copies

NOTE: All bills and joint resolutions are typed into final copy by the Legislative Service Bureau.

NOTE: Typists for Code Editor's office prepare one extra copy of all items for Code Editor's files.

Bill covers. The official bill or joint resolution requires covers. Type the name of the sponsor and title of the bill on the cover. A title which is too long may be shortened by single spacing and using just the descriptive part of the title. Do not fasten the cover to the bill. The fastening of the bill to the cover is done by the respective house.

Abbreviations. Do not use abbreviations in typing bills except that after section 1 of a bill, all other sections are entitled "Sec.".

Numbers. All numbers should be stated in words. Exceptions are: (1) citations and references to statutes which should be stated in both words and numerals; (2) appropriations bills and sections which should be expressed in both words and numerals; and (3) dates where a pure number is used. For example:

July 1, 1968
the first of July, 1968

Capital letters. Capital letters are used only for:

1. The first word of sentences or after a colon.

2. The first word of a subsection, paragraph, subparagraph.
3. Proper names.
4. The word "Code" and the word "Act" when referring to the Iowa Code or a particular legislative act.

Capital letters are not used for: Titles of names of state or federal officers, agencies, and departments unless used as a proper name. For example, the words "governor", "department of revenue", and "supreme court" are not capitalized. Neither are the words "section" or "chapter" capitalized in typing bills. The exception to this rule may be constitutional amendments if the section of the Constitution being amended capitalizes words such as "Governor", "Secretary of State", and "Supreme Court".

Punctuation. Punctuation is very important in amendments which insert or strike part of a Code section. If it is intended to strike or insert a punctuation mark along with the inserted or struck words, the punctuation mark must have a strike over it or through it, or an underline for an insertion. As a general rule punctuation should be used infrequently in bill drafting. It should only be used for a definite purpose, that being to indicate the intent of the Act.

Citation of statutes. Section 3.1, subsection 3, of the 1973 Code provides:

"3. All references to statutes shall be expressed in words, followed by the numerals in parentheses when specified in the bill drafting instructions promulgated by the legislative council,..."

The following rules will be in effect in regard to citations:

1. Enumeration of the section to be amended contained in amending clauses must be by both words and numbers. For example:

"Section three hundred point one (300.1), Code 1973, is amended to read as follows:"

2. If a citation to a part of the Code is within an amendment to the Code, the citation shall be doubled by use of words and figures. For example a citation to section 3.2 in an amendment to the Code would be as follows:

1 Sec. 2. Section three point one (3.1), Code 1973, is
2 amended to read as follows:
3 3.1 DUTIES. The director shall carry out all duties
4 provided by law and section three point two (3.2).

The reason for this procedure is to avoid errors in citations to the Code.

If no change is being made to a Code citation in a section of the Code being amended, no doubling of the citation should be made. The following example indicates a proposed amendment to a section of the Code where an existing citation is being changed and also where an existing citation is not being changed:

1 Sec. 2. Section one hundred forty-seven point one hundred
2 ten (147.110), Code 1973, is amended to read as follows:
3 147.110 INTERPRETATION. No provision of law in conflict
4 with any provision of sections 147.105 to ~~147.109~~ one hundred
5 forty-seven point one hundred twelve (147.112), inclusive, shall
6 have any effect thereon or upon the rights of any person licensed
7 under this title.

3. When new law is being written the references to sections should be doubled. For example:

1 Sec. 12. DUTIES. The director shall carry out all duties
2 provided by law and section three point two (3.2) of the Code.

4. When references to session laws are being made they should be doubled in all cases. For example:

1 Sec. ____ as provided in the Acts of
2 the 1973 Sixty-fourth General Assembly, chapter twelve (12),
3 section two (2).

5. It should be noted that the words "of the Code" only follow citations of the Code in new law, not in amendments to the Code. The reason for this procedure is that present Code provisions when citing section numbers of the Code do not use the words "of the Code" following the citation. The citation of a section number without any qualification in an Iowa Code section is always a reference to the Iowa Code and thus there is no need for the words "of the Code". References to federal statutes must, however, be very specific and should be doubled.

When writing new law, the references to the Code should be expressed in words and figures and followed by the words "of the Code" in order that it is clear the reference is not to a new section in the Act. When citing session laws the reference should be expressed in words and figures.

Numbering pages. All pages of a bill are numbered.

LEGISLATIVE BILL PROPOSALS

The drafting of legislative bills is sometimes a very time-consuming process. Many times bills are prepared for a legislator in order that he may present it to other legislators or a standing committee because he wants to determine if there appears to be support for the proposal. If the bill involves a great deal of time in preparation the legislator may not be able to make his proposal on a timely basis. Also a great deal of staff time may be involved in the preparation of a bill which does not have support which affects the preparation of other bills by the Legislative Service Bureau. Constituents of a legislator may also request that he introduce legislation without full knowledge of the mechanics of drafting such a bill or a determination of the ramifications of the proposal.

In order that a legislator or a standing committee may receive information relating to a proposed bill on a more timely basis, the Legislative Service Bureau will prepare "Legislative Bill Proposals" in lieu of drafting a bill when the legislator requests such a proposal to be prepared. The Legislative Bill Proposal is considered to have the same status as a bill request. If the legislator determines that there is a great deal of interest in his proposal he can then request that the bill be prepared, or a standing committee can make such request. The legislator is then assured that his bill has support before it is drafted and a great deal of staff time is saved.

The Legislative Service Bureau will do the necessary research required to determine how the bill will be drafted, the Code sections and chapters which have to be amended, the fiscal impact which may result from the proposal, and the problems involved in drafting the bill. This information will be compiled and on the following form for use by the legislator or legislative committee in presenting the proposed legislative bill:

LEGISLATIVE BILL PROPOSAL

Prepared by the Legislative
Service Bureau for:

Date: _____

1. This bill proposal relates to: _____

2. The purpose of this proposed bill is: _____

3. Research required: _____

4. Method to be used in development of the bill: _____

5. Code chapters or sections affected: _____

6. Fiscal impact of the bill: _____

7. Effective date: _____
8. Estimated time for preparation: _____

The Legislative Service Bureau
is authorized to proceed draft-
ing this Bill proposal.

(Signature)

PROPER DESIGNATION OF STATE AND LOCAL OFFICES
AND OFFICIALS

It is often necessary to refer to constitutional and statutory offices and officers. Frequently the reference by a bill draftsman is inaccurate. For example, the treasurer of state is often referred to as the state treasurer. In order to determine the official name of an office or official the proper constitutional or statutory provision creating the office or position should be reviewed. The following list of officials and offices is offered as a quick reference to many offices and officials.

CODE CITATIONS FOR CONSTITUTIONAL AND STATUTORY NAMES OF
OFFICIALS AND AGENCIES

Aeronautics	Iowa aeronautics commission (Sec. 328.2) director of aeronautics (Sec. 328.17)
Agriculture	department of agriculture (Sec. 149.4) secretary of agriculture (Sec. 159.5)
Air pollution	Iowa air pollution control commission (Sec. 136B.3) technical secretary (Sec. 136B.2)
Alcoholism	Iowa commission on alcoholism (Sec. 123A.2)
Attorney General	attorney general (Art. V., Sec. 12 of Con.; Ch. 13) department of justice (Sec. 13.1)
Auditor	auditor of state (Art. IV, Sec. 22 of Con.; Ch. 13)
Banking	superintendent of banking (Sec. 524.201) state banking board (Sec. 524.205) department of banking (Sec. 524.206)
Citizens' Aide (Ombudsman)	citizens' aide (Ch. 1123, Sec. 3, Acts of 64th G.A., 2nd Session)

Crime

Iowa crime commission
(Sec. 80C.2)
executive director of Iowa
crime commission
(Sec. 80C.6)

Commerce

Iowa state commerce commission
(Sec. 474.2)

comptroller

state comptroller
(Sec. 8.4)

Conservation

state conservation commission
(Sec. 107.1)
department of conservation
(Sec. 107.21)
state conservation director
(Sec. 107.11)

department of soil conservation
(Sec. 467A.4)
administrative officer
(Sec. 467A.4, subsec. 2)

County Officers

county attorney
(Amendment of 1884 of Constitution,
Sec. 12; Ch. 336)
county auditor
(Ch. 333)
clerk of the district court
(Ch. 606)
recorder, county recorder
(Ch. 335)
sheriff
(Ch. 337)
county treasurer
(Sec. 334.2)

county board of social welfare
(Sec. 234.1)

board of supervisors
(Sec. 331.1)

Defense

department of public defense
(Sec. 29.1)
military division, department
of public defense
(Sec. 29.2)
civil defense division, depart-
ment of public defense
(Sec. 29.3 and Sec. 29C.1)
civil defense advisory council
(Sec. 29C.2)
Iowa national guard
(Sec. 29A.2)

Defense (Cont.)

Iowa army national guard
(Sec. 29A.2)
Iowa air national guard
(Sec. 29A.2)
militia
(Art. VI, Section 1)
adjutant general
(Sec. 29A.11)

Education

department of public instruction
(Sec. 257.19)
state board of public instruction
(Sec. 257.1)
superintendent of public instruction
(Sec. 257.11)
state board of regents
(Sec. 262.1)

Environmental Quality

department of environmental quality
(Ch. 1119, Sec. 2, Acts of 64th
G.A., 2nd Session)
executive director of environmental
quality
(Ch. 1119, Sec. 2, Acts of 64th
G.A., 2nd Session)
air quality commission
(Ch. 1119, Sec. 4, Acts of 64th
G.A., 2nd Session)
chemical technology commission
(Ch. 1119, Sec. 4, Acts of 64th
G.A., 2nd Session)
water quality commission
(Ch. 1119, Sec. 4, Acts of 64th
G.A., 2nd Session)
solid waste disposal commission
(Ch. 1119, Sec. 4, Acts of 64th
G.A., 2nd Session)

General Services

department of general services
(Ch. 84, Sec. 2, Acts of 64th
G.A., 1st Session)
director
(Ch. 84, Sec. 2, Acts of 64th
G.A., 1st Session)
superintendent of printing
(Sec. 16.1)
state vehicle dispatcher
(Sec. 21.2)

Governor

governor
(Art. IV, Sec. 1 of Con; Ch. 7)
lieutenant governor
(Art. IV, Sec. 3 of Con.)

Health

state department of health
(Sec. 135.11)
commissioner of public health
(Sec. 135.2)

Higher Education

state board of regents
(Sec. 262.1)
higher education facilities commission
(Sec. 261.1)
university of northern Iowa
(Sec. 268.1)
state university of Iowa
(Art. IX, Sec. 11 of Con.; Sec. 262.7)
Iowa state university of science
and technology
(Sec. 262.7)
Iowa braille and sight-saving school
(Sec. 262.7)
state school for the deaf
(Sec. 262.7)
state sanatorium
(Sec. 262.7)
state hospital-school
(Sec. 262.7)

Highways

state highway commission
(Ch. 307)
Iowa highway safety patrol
(Sec. 80.4)

Insurance

commissioner of insurance
(Sec. 505.1)
insurance department of Iowa
(Sec. 505.1)

Judicial

supreme court
(Art. V, Sec. 1 of Constitution)
judges of the supreme court
(Art. V, sec. 2 of Constitution)
district court
(Art. V, Sec. 1 of Constitution;
Sec. 604.1)
district court associate judges
(Ch. 1124, Sec. 2, Acts of 64th
G.A., 2nd Session)
judicial magistrates
(Ch. 1124, Sec. 2, Acts of 64th
G.A., 2nd Session)
clerk of the district court
(Sec. 606.1)
code editor
(Sec. 14.1)
court administrator
(Sec. 685.6)

Labor

labor commissioner
(Sec. 91.1)
bureau of labor
(Sec. 91.1)
committee on child labor
(Sec. 92.21)
Occupational Safety and Health
Review Commission
(Ch. 1028, Sec. 11, Acts of 64th
G.A., 2nd Session)

Lieutenant Governor

lieutenant governor
(Art. IV, Sec. 3 of Constitution)

Legislature

general assembly
(Art. III, Sec. 1 of Constitution)
house of representatives
(Art. III, Sec. 1 of Constitution)
senate
(Art. III, Sec. 1 of Constitution)
chief clerk of the house
(Art. III, Sec. 7 of Con.; Ch. 2)
secretary of the senate
(Art. III, Sec. 7 of Con.; Ch. 2)
budget and financial control committee
(Sec. 2.41)
office of legislative fiscal director
(Sec. 2.46)
legislative fiscal director
(Sec. 2.46)
legislative council
(Sec. 2.49)
legislative service bureau
(Sec. 2.58)
director of legislative service bureau
(Sec. 2.59)

Liquor

Iowa beer and liquor control department
(Sec. 123.4)
Iowa beer and liquor control council
(Sec. 123.5)
director of beer and liquor control
(Sec. 123.10)
division of beer and liquor law
enforcement
(Sec. 80.25)

Merit

Iowa merit employment commission
(Sec. 19A.2)
Iowa merit employment department
(Sec. 19A.4)

Natural Resources

Iowa natural resources council
(Sec. 455A.3)
director
(Sec. 455A.9)

Planning

capitol planning commission
(Sec. 18A.1)
office for planning and programming
(Sec. 7A.1)

Public Safety

department of public safety
(Sec. 80.1)
commissioner of public safety
(Sec. 80.1)
Iowa highway safety patrol
(Sec. 80.4)
division of criminal investigation
and bureau of identification
(Sec. 80.17)
division of statistics and records
(Sec. 80.17)
division of highway safety and
uniformed forced
(Sec. 80.17)
division of fire protection
(Sec. 80.17)
division of inspection
(Sec. 80.17)
division of beer and liquor enforcement
(Sec. 80.25)
division of drug law enforcement
(Sec. 80.32)

Revenue

department of revenue
(Sec. 421.2)
director of revenue
(Sec. 421.2)

Safety

employment safety commission
(Sec. 88A.3)

Secretary of State

secretary of state
(Art. IV, Sec. 22 of Con.; Ch. 9)

Social Services

council on social services
(Sec. 217.2)
department of social services
(Sec. 217.1)
commissioner of social services
(Sec. 217.5)
county board of social welfare
(Sec. 234.1)

Soil Conservation

department of soil conservation
(Sec. 467A.4)
state soil conservation committee
(Sec. 467A.1)

Treasury

treasurer of state

(Art. IV, Sec. 22 of Constitution)

treasury

(Art. III, Sec. 23, Sec. 24 of Con.)

state treasury

(Sec. 12.2)

Unemployment

Iowa employment security commission

(Sec. 96.10)

Water Pollution

Iowa water pollution control commission

(Sec. 455B.3)

Commission on

Status of Women

commission on the status of women

(Ch. 1122, Sec. 1, Acts of 64th

G.A., 2nd Session)

Workmen's Compensation

industrial commissioner

(Sec. 86.1)

A P P E N D I X

SAMPLES OF BILLS, RESOLUTIONS, AND AMENDMENTS

Example

First page of a bill with more than one section:

HOUSE FILE 10

By DOE

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

A BILL FOR

1 An Act relating to the regulation and use of explosives and
2 providing penalties.

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

4

5

6 (If the bill contains only one section, section 1 will start
7 on this first page. If more than one section is contained in
8 the bill, section 1 commences on page 2.)

9

10

11

12

13

14

15

16

17

18

19

20

Example: Amendment of existing Code section

1 Section 1. Section twelve point fourteen (12.14), Code 1973,
2 is amended to read as follows:
3 12.14 STATEMENT ~~ITEMIZED~~ DETAILED. Each deposit shall
4 be ~~accompanied-by-an-itemized~~ submitted with a detailed state-
5 ment of the sources from which the money has been collected, the
6 name of the person collecting the money, and the funds to be
7 credited, a duplicate copy of which shall, at the time, be filed
8 with the comptroller.

9 EXPLANATION

10 This bill provides for submission of a detailed, rather than
11 an itemized, statement of collections which are submitted to
12 the state treasurer. It also provides that the name of the per-
13 son collecting funds must be submitted to the treasurer and that
14 a copy of the statement, rather than a duplicate, be filed with
15 the state comptroller.

NOTE: The above example should be examined for form only, not sub-
stance. The language with the strike-through is present language
which the bill proposes to delete from the Code and the underlined
language is new words to be added to the section. This section
usually would commence on page 2 of the bill. The explanation fol-
lows the last section of a bill. The first page would contain the
name of the House of introduction, the sponsor, title, and enacting
clause. It would probably be in the following form:

HOUSE FILE 16

By DOE, JONES, AND SMITH

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

A BILL FOR

1 An Act relating to the form of submitting deposits to the trea-
2 surer of state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Example

Amending section by striking all of contents:

1 Section 1. Section twelve point fourteen (12.14), Code
2 1973, is amended by striking the section and inserting in
3 lieu thereof the following:
4 12.14 STATEMENT REMITTED. Each deposit shall be remit-
5 ted to the state treasurer and deposited to the credit of the
6 general fund.

NOTE: The explanation has been omitted in this example. This type of bill drafting style should only be used when the amendments to a particular section are so substantial that using the strike-through--underline method may result in confusion. Otherwise the method on page 2 of the appendix should be used.

Example

Amending subsections, paragraphs, and subparagraphs

1. Subsections:

1 Section 1. Section two hundred sixty-two point thirty-nine
2 (262.39), subsection three (3), Code 1973, is amended to read
3 as follows:
4 3. From the income derived from gifts and bequests made to
5 the institutions under the control of ~~said-board~~ the department
6 of social services for dormitory purposes.

NOTE: The reader will have to refer to the Code to ascertain the lead-in sentence but there appears little sense in inserting the total text of a long section in order to amend only one subsection.

2. Paragraphs (lettered):

1 Sec. 2. Section two hundred seventy-five point eight (275.8),
2 subsection three (3), paragraph c, Code 1973, is amended to
3 read as follows:
4 c. A statement of the ~~assessed~~ market valuation of taxable
5 property located within such potential district.

3. Subparagraphs:

1 Sec. 3. Section five hundred eleven point eight (511.8),
2 subsection six (6), paragraph a, subparagraph one (1), Code
3 1973, is amended to read as follows:

4 (1) All of the obligations and preferred ~~and-common~~ stocks
5 of the issuing corporation, if any, ~~prior-to~~ at the time of the
6 preferred and common stock being contracted for must be eligible
7 as investments under this section as of the date of ~~acquisition~~
8 agreement to purchase; and

Example

Amending unnumbered paragraph:

1 Section 1. Section two hundred seventy-nine point seven
2 (279.7), unnumbered paragraph two (2), Code 1973, is amended
3 to read as follows:

4 ~~Any~~ An appointment by the school board to fill ~~any~~ a vacancy
5 in an elective office on or after the day notice has been given
6 for a special election to fill such vacancy as provided ~~herein~~
7 in this section shall be ~~null-and~~ void.

NOTE: Except in cases where a section is long and the amendments minor, this method should not be used. Normally the whole section should be displayed. The draftsman will have to decide the approach to be used and in many cases such decision will be based upon the information that a legislator can gain from seeing the section displayed.

Example

Adding new law to the Code

A. New section:

1 Sec. 12. NEW SECTION. SNOWMOBILES--EQUIPMENT. Every snow-
2 mobile shall be equipped with at least one head lamp and one
3 tail lamp, and with brakes which conform to standards prescribed
4 by the commissioner of public safety.

B. New section:

1 Chapter five hundred fifteen (515), Code 1973, is amended
2 by adding the following new section:
3 NEW SECTION. A third party making payment for ambulance ser-
4 vice shall make the payment either jointly to the person on whose
5 behalf the payment is made and to the person providing the ambu-
6 lance service, or directly to the person providing the ambulance
7 service.

NOTE: The headnote in example B is optional and in this case omitted. In example A the headnote is included, but is optional. Note that sections with only new law do not have underlines indicating the new law. Underlines are not necessary in such cases because no confusion will result between new and old law. The same rules for adding new sections apply to new chapters.

Adding new subsections, paragraphs, and subparagraphs:

1 Sec. 3. Section two hundred thirty-two point eighteen
2 (232.18), Code 1973, is amended by adding the following new
3 subsection:
4 NEW SUBSECTION. A facility approved by the department of
5 social services.

NOTE: New paragraphs, subparagraphs, and unnumbered new paragraphs will be added in the same manner as new subsections. Note that the new subsection is not numbered. The numbering should ordinarily be left for the Code Editor.

Alternative bill drafting style:

NOTE: This is the bill drafting style similar to that previously in use by the Iowa General Assembly. It will not be allowed without prior approval of the Secretary of the Senate for Senate bills, or Chief Clerk of the House for House bills. It should be used primarily for bills of exceptional length where the changes in the sections are primarily mechanical or are corresponding amendments to sections of the bill which contain the substance of the proposal and have been written in full. Examples of such bills are reorganization bills where name changes are required. If there are many sections which require the same change, for example a name change, the following form may be used with permission of the appropriate officers.

Example:

1 Sec. 12. Sections three point twelve (3.12), four point
2 thirteen (4.13), six point fourteen (6.14), nine point eight
3 (9.8), and twelve point thirteen (12.13), Code 1971, are
4 amended by striking from such sections the words "board of
5 control" and inserting in lieu thereof the words "department
6 of social services".

Amendments to bills. Amendments to bills will be by direct reference to the bill number, page of the bill, and line of the page, specifying exactly that which the amendment will accomplish. This method is substantially the same as methods used in the past sessions, the primary difference being that since the text of the section will appear in the bill, reference to the Code to ascertain the direct effect of the amendment will not be necessary in the majority of the cases.

Example: Assuming the section of the bill it is desired to amend is as follows:

1 Sec. 10. Section eighty-one point eleven (81.11), Code 1973,
2 is amended to read as follows:
3 81.11 FEES TO TREASURER. All fees received by the depart-
4 ment or its agencies from the issuance of licenses and registra-
5 tions shall be deposited ~~monthly~~ quarterly with the treasurer
6 of state.

If the legislator should desire to specify which department is intended in this bill, not to include registrations, not to require quarterly deposits, and to specify the fund of deposit, the following amendment might be used:

1 Amend House File 16 as follows:

2 1. Page 3, line 4, by inserting before the word "or" the
3 words "of public safety".

4 2. Page 3, lines 4 and 5, by striking the words "and reg-
5 istrations".

6 3. Page 3, line 5, by striking the words "~~monthly~~ quarterly"
7 and inserting in lieu thereof the word "monthly".

8 4. Page 3, line 6, by inserting after the word "state" the
9 words "and credited to the road use tax fund".

NOTE: Amendment number 3 removes the proposed change and indicates that the manner of depositing money will remain unchanged. Striking words with strike-throughs and underlines and inserting the word exactly as it appears in the Code is the correct procedure for this type of amendment.

Amendments to amendments. It if is desired to amend the amendment listed on page 6 the following form might be used:

1 Amend House amendment number ____ (assuming amendments will
2 be numbered in the future) to H.F. 16, found on page 42 of the
3 May 6, 1973 Senate Journal, by striking from line 9 the words
4 "road use tax" and inserting in lieu thereof the word "general".

SMITH of Jasper

If amendments are not numbered the same amendment to the amendment on page 6 might be as follows:

1 Amend the Smith amendment to House File 16, found on page
2 89 of the April 30, 1973 House Journal by striking from line
3 9 the words "road use tax" and inserting in lieu thereof the
4 word "general".

THOMAS A. JONES

Repeals.

Express repeals are written as follows:

1 Sec. 20. Section three hundred twenty point twenty (320.20),
2 Code 1973, is repealed.

If a number of sections are to be repealed they should be combined in one repealing section of the bill. Generally repealing sections are listed at the end of a bill.

1 Sec. 20. Sections three hundred twenty point twenty (320.20),
2 four hundred two point two (402.2), four hundred eleven point six
3 (411.6), Code 1973, are repealed.

Enrolled bill. Bills which have been passed by both houses of the General Assembly will be enrolled in the manner they will appear in the session laws.

Assuming the following section is approved by both Houses of the General Assembly, it will be enrolled as passed:

1 Section 1. Section twelve point fourteen (12.14), Code
2 1973, is amended to read as follows:

3 12.14 STATEMENT ~~ITEMIZED~~ DETAILED. Each deposit shall be
4 ~~accompanied-by-an-itemized~~ submitted with a detailed statement
5 of the sources from which the money has been collected, the
6 name of the person collecting the money, and the funds to be
7 credited, a ~~duplicate~~ copy of which shall, at the time, be
8 filed with the comptroller.

Resolutions

Example: Simple resolution

HOUSE RESOLUTION _____

By SMITH

1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the
2 Speaker of the House appoint a special bills committee of five
3 to serve until the regular standing committees are appointed
4 and organized to transact business. Said committee shall make
5 a study of such proposed bills as are referred to the committee
6 for consideration and action.

Example: Memorial resolutions

HOUSE MEMORIAL RESOLUTION _____

By

1 WHEREAS, The Honorable _____, of Madison
2 County, who was a member of the Forty-ninth and Fiftieth sessions
3 of the General Assembly, passed away on _____, 1968;
4 NOW THEREFORE,

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a com-
6 mittee of three be appointed by the Speaker of the House to
7 prepare suitable resolutions commemorating his life, character,
8 and service to the state.

Example: Concurrent resolutions

HOUSE CONCURRENT RESOLUTION NO. _____

By

1 WHEREAS, _____, National Commander
2 of the American Legion, will be in Des Moines on _____,
3 1965; NOW THEREFORE,
4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE
5 CONCURRING, That an invitation be extended to Mr. _____
6 to address a joint convention of both houses at 10:30 a.m. on
7 Monday, February ____, 1968.

SENATE CONCURRENT RESOLUTION NO. _____

By

1 WHEREAS, it is necessary that the county auditors be in-
2 formed of the proceedings of the Iowa General Assembly; and
3 WHEREAS, current copies of daily journals of the Iowa Gen-
4 eral Assembly contain the official proceedings of the General
5 Assembly, NOW THEREFORE,
6 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That
7 the Superintendent of Printing be instructed to mail to each
8 county auditor in the state one copy of the daily House and
9 Senate journals and one copy of each House and Senate bill of
10 the Sixty-fourth General Assembly as soon as printed, and that
11 the bills, with binders, be furnished to the county officers
12 free of charge.

Example: Joint Resolution Proposing a Constitutional Amendment First Time.

SENATE JOINT RESOLUTION _____

By _____

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to give the General Assembly the
3 authority to grant a divorce.

4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5 Section 1. The following amendment to the Constitution of
6 the State of Iowa is hereby proposed.

7 Section twenty-seven (27) of Article three (III) of the Con-
8 stitution of the State of Iowa is hereby repealed and the fol-
9 lowing adopted in lieu thereof:

10 Section 27. The General Assembly shall have the authority
11 to hear and grant a divorce upon appeal of two-thirds of the
12 Judges of the Supreme Court.

13 Sec. 2. The foregoing proposed amendment to the Constitu-
14 tion of the State of Iowa is hereby referred to the General
15 Assembly to be chosen at the next general election for members
16 of the General Assembly and the Secretary of State is directed
17 to cause the same to be published for three consecutive months
18 before the date of said election as provided by law.

NOTE: Since a joint resolution is to be treated in the same manner as a bill, it must have an explanation.

Section 2 is the provision for constitutional amendments being considered for the first time. If a proposed constitutional amendment has previously been approved by a General Assembly the following submission section should be used:

1 Sec. 2. The foregoing proposed amendment, having been
2 adopted and agreed to by the _____ General Assembly,
3 Second Session, thereafter duly published, and now adopted and
4 agreed to by the _____ General Assembly in this Joint
5 Resolution, shall be submitted to the people of the state of
6 Iowa at the general election in November of the year _____
7 _____ in the manner required by the
8 Constitution of the State of Iowa and the laws of the state
9 of Iowa.

(8 spaces)

HOUSE FILE _____

By SMITH

(Double space)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act creating a department of environmental quality and
2 specifying its powers, duties, and functions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

6-3/4"

65 characters

Examples of bills incorporating various types of amendments,
proposed new sections, and repeals.

SENATE FILE _____

By

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to, and providing criminal penalties for, the
2 illegal termination of a pregnancy.

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

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

S.F. _____

1 Section 1. NEW SECTION. DEFINITIONS. For the purposes
2 of this Act:

3 1. "Physician" means a person licensed to practice medi-
4 cine and surgery pursuant to chapter one hundred forty-eight
5 (148) of the Code, a person licensed to practice osteopathy
6 pursuant to chapter one hundred fifty (150) of the Code, or
7 a person licensed to practice osteopathic medicine and surgery
8 pursuant to chapter one hundred fifty A (150A) of the Code.

9 2. "Hospital" means a hospital licensed by the state de-
10 partment of health.

11 Sec. 2. NEW SECTION. UNLAWFUL TERMINATION OF PREGNANCY-
12 -PENALTY. Any person, other than a physician terminating
13 a pregnancy in a hospital, who willfully administers a drug
14 or other substance to a female person, or uses an instrument
15 or other means on a female person, with an intent to terminate
16 a pregnancy shall be guilty of a public offense. Any physi-
17 cian terminating the pregnancy of a female person after the
18 twentieth week of gestation shall be guilty of a public
19 offense.

20 Any person violating the provisions of this section shall
21 be punished by imprisonment in the penitentiary for not more
22 than fifteen years and a fine of not more than three thousand
23 dollars.

24 Sec. 3. NEW SECTION. REFUSAL TO PARTICIPATE. Nothing
25 in this Act shall require a hospital or a person to partici-
26 pate in the termination of a pregnancy. Refusal by a hospital
27 or a person to participate in the termination of a pregnancy
28 shall not form the basis for a claim for damages or for dis-
29 ciplinary or other recriminatory action.

30 Sec. 4. NEW SECTION. ADVERTISEMENT. No person shall
31 advertise or write or print a circular or handbill, card,
32 book, pamphlet, or advertisement or notice of any kind for
33 general distribution, giving information, directly or
34 indirectly, when, where, how, or by what means a pregnancy
35 may be terminated.

1 Sec. 5. Section one hundred forty-seven point fifty-six
2 (147.56), subsection six (6), Code 1973, is amended to read
3 as follows:

4 6. Procurement or aiding or abetting in the procurement
5 of a ~~criminal-abortion~~ termination of pregnancy in violation
6 of sections one (1), two (2), and three (3) of this Act.

7 Sec. 6. Section seven hundred seventy-three point thirty-
8 eight (773.38), subsection five (5), Code 1973, is amended
9 to read as follows:

10 5. An attempt to ~~commit-an-unlawful-miscarriage-of-a-woman~~
11 terminate a pregnancy in violation of sections one (1), two
12 (2), and three (3) of this Act, and the homicide resulting
13 from such attempt.

14 Sec. 7. Chapter seven hundred one (701), Code 1973, is
15 repealed.

16 EXPLANATION

17 This bill repeals chapter 701 of the Code relating to abor-
18 tion. It provides that termination of a pregnancy, other
19 than by a licensed physician and surgeon, osteopathic physi-
20 cian, or osteopathic physician and surgeon within a hospital
21 is illegal. No pregnancy shall be terminated after the twen-
22 tieth week of gestation. The penalty for an illegal termina-
23 tion of pregnancy of not more than a fine of \$3,000 and not
24 more than 15 years in the penitentiary is triple the present
25 penalty.

26 No woman can legally abort herself as the present law now
27 allows as ruled by the Iowa Supreme Court.

28 No hospital or person is required to participate in an
29 abortion.

30 Abortion advertising is prohibited.

31
32
33
34
35

HOUSE FILE _____

By _____

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to require annual inspection of motor vehicles as a
2 condition of registering or renewing registration of such
3 motor vehicles and providing a penalty.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

H.F. _____

1 Section 1. NEW SECTION. As used in this Act, unless the
2 context otherwise requires:

3 1. "Inspection certificate" means a motor vehicle inspec-
4 tion certificate, in the form prescribed pursuant to section
5 two (2) of this Act.

6 2. "Service agency" means any establishment regularly
7 engaged in the repair or maintenance of motor vehicles, and
8 may include the repair or maintenance department of any firm,
9 corporation, or association which owns and operates, or leases
10 to other operators, two or more motor vehicles.

11 3. "Service agent" means the owner, manager, service man-
12 ager, or other person having immediate supervisory responsi-
13 bility for performance of repair and maintenance services
14 upon motor vehicles in any service agency, or a competent
15 mechanic or other employee of a service agency who is quali-
16 fied to perform and is regularly engaged in the performance
17 of repair and maintenance services upon motor vehicles.

18 Sec. 2. NEW SECTION. The department of public safety
19 shall prepare and distribute to all service agencies so re-
20 questing, blank motor vehicle inspection certificate forms.
21 The forms shall provide for:

22 1. The name of the owner of the motor vehicle inspected.

23 2. A brief description of the motor vehicle inspected,
24 which shall include the vehicle identification number or mo-
25 tor number.

26 3. The name of the service agency where the inspection
27 is made.

28 4. Indication by the service agent completing the form
29 of the date on which inspection is performed, the repairs
30 necessary, if any, and the date such repairs are made, upon
31 each of the following components of the motor vehicle in-
32 spected:

33 a. Tires.

34 b. Brakes, including the parking or emergency brakes.

35 c. Steering.

- 1 d. Exhaust system.
- 2 e. Windshield, all other window glass, and mirrors.
- 3 f. Windshield wipers.
- 4 g. Lights, including directional signals.
- 5 h. Horn.
- 6 i. Engine.
- 7 j. Fuel system.

8 5. The service agent's opinion as to the motor vehicle's
9 general condition.

10 6. The service agent's signature and the date of inspec-
11 tion, which shall be directly preceded by a statement sub-
12 stantially to the effect that, to the best of the service
13 agent's knowledge, the motor vehicle described in the certi-
14 ficate is in safe operating condition as of the date of the
15 inspection.

16 7. The signature of the owner of the motor vehicle de-
17 scribed in the certificate or, in the case of a motor vehicle
18 owned by a corporation or which is a part of a fleet, the
19 signature of the assigned operator or of the person directly
20 responsible for assigning the motor vehicle to an operator.

21 Sec. 3. NEW SECTION. No person shall have a cause of
22 action against any service agent who has signed an inspection
23 certificate by reason of the motor vehicle described in the
24 inspection certificate being found in any way unsafe for oper-
25 ation at any time after the date the service agent signed
26 the inspection certificate, unless it is shown that the ser-
27 vice agent signed the inspection certificate in bad faith.

28 Sec. 4. Section three hundred twenty-one point twenty
29 (321.20), Code 1973, is amended by adding the following new
30 subsection:

31 NEW SUBSECTION. The application shall be accompanied by
32 a complete inspection certificate, in duplicate.

33 Sec. 5. Section three hundred twenty-one point thirty-
34 two (321.32), Code 1973, is amended to read as follows:

35 321.32 REGISTRATION CARD SIGNED, CARRIED, AND EXHIBITED.

H.F. _____

1 Every owner upon receipt of a registration card shall write
2 his signature thereon with pen and ink in the space provided.
3 Every such registration card shall at all times be carried
4 in the vehicle to which it refers and shall be displayed in
5 the container furnished or approved by the department. Such
6 certificate container shall be attached to the vehicle in
7 the driver's compartment so that same may be plainly seen
8 without entering the car. The duplicate inspection certi-
9 ificate, returned by the county treasurer with the registra-
10 tion certificate, shall at all times be carried in the vehicle
11 to which it refers and shall upon request be surrendered to
12 any law enforcement officer for his examination. The law
13 enforcement officer shall immediately return the inspection
14 certificate to the owner or operator of the motor vehicle
15 after the examination.

16 Sec. 6. Section three hundred twenty-one point forty
17 (321.40), Code 1973, is amended by adding the following new
18 subsection:

19 NEW SUBSECTION. No registration of a vehicle shall be
20 renewed for the year 1973 or any year thereafter unless the
21 application for renewal is accompanied by a completed inspec-
22 tion certificate.

23 EXPLANATION

24 This bill requires annual inspection of every motor vehicle
25 not more than 60 days before application is made for registra-
26 tion or renewal of registration of the motor vehicle. The
27 inspection will be performed by the garage, repair shop, or
28 service station of the vehicle owner's choice, at whatever
29 charge the operator of such establishment normally makes for
30 such service. The department of public safety will provide
31 the forms for certifying that the inspection has been made
32 and the motor vehicle is in safe operating condition, and
33 a complete form must be presented to the county treasurer
34 when application is made for registration or renewal. The
35 bill contains safeguards against fraudulent use of the

1 inspection certificate forms.

2 This motor vehicle inspection plan will tie inspection
3 to annual registration, and will in effect prevent the
4 registration of unsafe motor vehicles. It is believed this
5 approach will contribute to acceptance by the owner of each
6 motor vehicle of his responsibility for maintaining his ve-
7 hicle in safe operating condition.

8 The bill also avoids the designation by a state agency
9 of certain garages or service stations as official inspec-
10 tion stations, to the exclusion of other equally qualified
11 establishments.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

LSB 550
sq/jw/3