

3 "The superintendent of printing" and inserting in lieu thereof the  
4 following: "The secretary of the senate and the chief clerk of the  
5 house".

Approved April 11, 1963.

## CHAPTER 66

### ADMINISTRATIVE RULES

#### H. F. 17

AN ACT relating to rules of administrative agencies.

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

1 Chapter seventeen A (17A), Code 1962, is hereby repealed and sec-  
2 tions one (1) through fifteen (15) of this Act are enacted in lieu  
3 thereof:

1 SECTION 1. As used in this Act:

2 1. "Administrative agency" or "agency" means any state board,  
3 commission, bureau, division, officer, or department which has state-  
4 wide jurisdiction, except those in the legislative or judicial depart-  
5 ments.

6 2. "Person" includes individuals, associations, partnerships, and  
7 corporations.

8 3. "Rule" means any rule, regulation, order, or standard, of general  
9 application or the amendment, supplement, or revision of any rule,  
10 regulation, order, or standard of general application, and rules of  
11 administrative procedure issued by any agency under authority of  
12 law.

13 "Rule" does not include rules or regulations relating solely to the  
14 internal operation of the agency nor rules adopted relating to the  
15 management, discipline or release of any person committed to any  
16 state institution, nor rules of an agency which may be necessary dur-  
17 ing emergencies such as floods, epidemics, invasion, or other disasters.

18 4. "Temporary rule" means a rule which has a duration of no longer  
19 than six months.

1 SEC. 2. There is hereby created a bipartisan legislative committee  
2 of six (6) members which shall be designated the departmental rules  
3 review committee. The committee shall be composed of three (3)  
4 members of the senate to be appointed by the president of the senate  
5 and three (3) members of the house to be appointed by the speaker  
6 of the house. Members shall be appointed prior to the adjournment  
7 of each regular biennial session and shall serve for two-year terms  
8 beginning May 1 after the convening of the general assembly in  
9 regular session; provided, however, that members shall serve until  
10 their successors are appointed. Vacancies on the committee shall be  
11 filled by the original appointing authority. A vacancy shall exist

12 whenever a committee member ceases to be a member of the general  
13 assembly.

1 SEC. 3. The committee shall choose a chairman from its members  
2 and prescribe its rules of procedure. Regular meetings of the commit-  
3 tee shall be held at the seat of government on the second Tuesday in  
4 July and on the second Tuesday of each second month thereafter  
5 during the interim between regular sessions to review all proposed  
6 departmental rules and make recommendations to the department pro-  
7 posing each such rule. The chairman may call special meetings at any  
8 time and at any place in the state and cause notice thereof to be pub-  
9 lished in a newspaper of general circulation in the area affected by  
10 the rule. All said meetings, regular or special, shall be open to the  
11 public and any interested person may be heard and present evidence.  
12 If any agency shall conduct a public hearing in regard to any rule such  
13 agency shall notify the members of the departmental rules review  
14 committee ten (10) days prior to such hearing.

1 SEC. 4. Members of the committee shall receive a per diem of  
2 thirty (30) dollars per day for each day in attendance and shall be  
3 reimbursed for the actual necessary expenses incurred by them in the  
4 discharge of their duties. All such expenses and expense of publica-  
5 tion shall be provided for by the budget and financial control commit-  
6 tee from the contingent fund provided for the budget and financial  
7 control committee.

1 SEC. 5. Any agency empowered by law to make rules shall submit  
2 a copy of each proposed rule, in the style and form prescribed by the  
3 code editor, to the attorney general, and shall submit six (6) copies  
4 of such proposed rule to the chairman of the departmental rules  
5 review committee.

1 SEC. 6. Within sixty (60) days after receiving such copy of a  
2 proposed rule, the attorney general shall give to the agency in writing  
3 his advisory opinion on the form and legality of the proposed rule.  
4 If the attorney general fails to render an opinion within sixty (60)  
5 days after receiving such copy, the agency may proceed as if an  
6 opinion had been given.

1 SEC. 7. If the departmental rules review committee finds objection  
2 to a proposed rule, it shall report such finding to the agency proposing  
3 the rule together with its recommendations on how the objectionable  
4 part may be corrected. If the committee finds no objection to a pro-  
5 posed rule, it may at any time report such finding to the agency, but  
6 shall not be required to do so. If the committee does not report any  
7 finding to the agency within sixty (60) days after receiving such  
8 copies, the agency may proceed as if a finding had been reported.

1 SEC. 8. Four (4) copies of all proposed rules shall be filed with the  
2 secretary of state. There shall be attached to each such copy of any  
3 proposed rule, (a) a copy of the attorney general's opinion rendered  
4 pursuant to this Act or a statement that the proposed rule was sub-

5 mitted to the attorney general on a stated date and that the attorney  
6 general did not render an opinion thereon within sixty (60) days after  
7 such date, and (b) a copy of the finding of the departmental rules  
8 review committee rendered pursuant to this Act or a statement that  
9 six (6) copies of the proposed rule were submitted to the chairman of  
10 the departmental rules review committee on a stated date and that the  
11 committee did not report any finding to the agency within sixty (60)  
12 days after receiving such copies. Temporary rules shall become effective  
13 upon filing. Other rules, unless otherwise provided for, shall not  
14 become effective until thirty (30) days after such filing, but a later  
15 effective date may be specified in the rule. The secretary of state shall  
16 endorse upon the copies of rules so filed the date of filing and the date  
17 of the attorney general's opinion and index one (1) copy in the files of  
18 his office, transmit one (1) copy to the code editor, and transmit two  
19 (2) copies to the chairman of the departmental rules review committee.  
20

1 SEC. 9. If any agency amends, supplements, or revises a proposed  
2 rule at the request of or pursuant to the recommendation of the attorney  
3 general or the departmental rules review committee, such amendment,  
4 supplement, or revision shall be part of the proposed rule but  
5 shall be clearly described in an attachment to the proposed rule as  
6 filed with the secretary of state. Any other amendment, supplement,  
7 or modification of a proposed rule shall be regarded as a new proposed  
8 rule and shall be subject to the procedure provided in this Act.

1 SEC. 10. All rules hereafter filed as provided in section eight (8)  
2 of this Act shall be referred by the chairman of the departmental  
3 rules review committee to the speaker of the house and the president  
4 of the senate of the next regular session of the general assembly, who  
5 shall refer rules to the appropriate committees of the general assembly.  
6

7 If the committee to which a departmental rule has been referred,  
8 finds objection to such rule, it may report such finding to the general  
9 assembly together with its suggestion for the general assembly to  
10 proceed by law to overcome the objection. Any committee of the  
11 general assembly may at any time consider any departmental rule previously  
12 filed and, if it finds such rule objectionable, proceed as above.

1 SEC. 11. Nothing contained in this Act shall adversely affect the  
2 substantive rights of any person arising out of or affected by any  
3 rules adopted by any agency, including the right to review by the  
4 courts. Reporting, referral, and filing of rules pursuant to this Act,  
5 any action or inaction by the departmental rules review committee on  
6 any rule, and any inaction by the general assembly on any rule, shall  
7 not be construed as approval or enactment of any rule by the general  
8 assembly.

1 SEC. 12. Each agency shall, within ten (10) days of filing with the  
2 secretary of state, mail a copy of each rule filed to the office of the  
3 clerk of the supreme court and to the office of the clerk of each district  
4 court. The agency shall mail a copy of such rule to any person

5 requesting same, within ten (10) days after receipt of such request.  
6 Failure to comply with this section shall not affect the validity of any  
7 rule unless such failure shall have been willful.

1 SEC. 13. Any person substantially interested in or affected in his  
2 person or property by a rule adopted by an agency may petition for a  
3 reconsideration of such rule or for an amendment or modification  
4 thereof by filing two (2) copies of a petition with the attorney gen-  
5 eral. Such petition shall set forth a clear, concise description of the  
6 facts and the grounds upon which such action is sought. Upon filing  
7 of such petition, the attorney general shall forthwith transmit one (1)  
8 copy of the petition to the agency which shall grant to the petitioners  
9 a public hearing within sixty (60) days. The agency shall give the  
10 petitioners twenty (20) days notice by certified mail of the time and  
11 place of such hearing.

1 SEC. 14. Each agency promulgating professional and regulatory  
2 examining and licensing rules or rules of limited application shall  
3 cause the same to be published in pamphlet form.

1 SEC. 15. Nothing in this chapter shall be construed as giving any  
2 additional power to any agency to make rules.

1 SEC. 16. Section fourteen point three (14.3), Code 1962, is hereby  
2 amended by adding the following subsection:

3 "Prescribe a uniform style in which administrative rules shall be  
4 prepared, and a standard form to be used in filing rules pursuant to  
5 chapter seventeen A (17A) of the Code. Such form shall contain a  
6 provision for a reference to be made by the agency for each rule pro-  
7 posed by it to the line, sentence, section or paragraph of the statute  
8 which the rule is intended to implement."

1 SEC. 17. Section fourteen point thirteen (14.13), Code 1962, is  
2 hereby amended by inserting in line two (2) after the word "Code"  
3 the words "and the Iowa departmental rules".

1 SEC. 18. Chapter fourteen (14), Code 1962, is hereby amended by  
2 adding the following section:

3 "The volume of rules and regulations published by the code editor  
4 shall be sold and distributed by the superintendent of printing in the  
5 same manner as Codes and session laws."

1 SEC. 19. Section eighty-nine point four (89.4), Code 1962, is here-  
2 by amended by striking from line eight (8) the words "and regula-  
3 tions".

1 SEC. 20. Section ninety-six point eleven (96.11), Code 1962, is  
2 hereby amended as follows:

3 1. Amend subsection one (1) by striking from lines ten (10),  
4 eleven (11) and twelve (12) the words "publication in the manner,  
5 not inconsistent with the provisions of this chapter, which the com-

6 mission shall prescribe" and inserting in lieu thereof "compliance  
7 with chapter seventeen A (17A) of the Code".

8 2. Amend subsection two (2) as follows:

9 a. By striking from lines five (5), six (6), seven (7) and eight (8)  
10 the words "General rules shall become effective ten (10) days after  
11 filing with the secretary of state and publication in one or more news-  
12 papers of general circulation in this state."

13 b. By striking from lines thirteen (13), fourteen (14), and fifteen  
14 (15) the words "and shall become effective in the manner and at the  
15 time prescribed by the commission".

1 SEC. 21. Section one hundred point one (100.1), subsection five  
2 (5), Code 1962, is hereby amended by striking from lines seven (7)  
3 and (8) the words "and approval thereof by the attorney general".

1 SEC. 22. Section one hundred seven point twenty-five (107.25),  
2 Code 1962, is hereby amended by striking all after the word "con-  
3 cerned" in line three (3) and inserting in lieu thereof a period (.).

1 SEC. 23. Section one hundred thirty-five point eleven (135.11),  
2 subsection eight (8), Code 1962, is hereby amended by striking all  
3 after the period (.) in line five (5).

1 SEC. 24. Sections one hundred thirty-five point thirty (135.30)  
2 and one hundred thirty-five point thirty-one (135.31), Code 1962, are  
3 hereby repealed.

1 SEC. 25. Sections one hundred fifty-nine point seven (159.7) and  
2 one hundred fifty-nine point eight (159.8), Code 1962, are hereby  
3 repealed.

1 SEC. 26. Section one hundred sixty-three point six (163.6), Code  
2 1962, is hereby repealed.

1 SEC. 27. Section one hundred seventy point thirty-eight (170.38),  
2 Code 1962, is hereby amended by striking from lines seven (7) and  
3 eight (8) the words "and approval thereof by the attorney general".

1 SEC. 28. Section two hundred three A point fifteen (203A.15),  
2 subsection three (3), Code 1962, is hereby amended by striking all  
3 after the period (.) in line six (6).

1 SEC. 29. Section three hundred twenty-two point thirteen  
2 (322.13), Code 1962, is hereby amended by striking from lines thir-  
3 teen (13) and fourteen (14) the words ", and published in an Iowa  
4 newspaper having a general circulation in this state".

1 SEC. 30. Section three hundred twenty-eight point twelve  
2 (328.12), subsection three (3), Code 1962, is hereby amended by  
3 striking the last sentence.

1 SEC. 31. Section four hundred thirty-four point eleven (434.11),  
2 Code 1962, is hereby amended as follows:

3 1. In lines six (6) and seven (7), strike the words "from the time  
4 they are so communicated" and insert in lieu thereof the following:  
5 "as provided in chapter seventeen A (17A) of the Code".

6 2. Strike all of said section after line ten (10) and insert in lieu  
7 thereof the following: "in the manner prescribed by chapter seven-  
8 teen A (17A) of the Code."

1 SEC. 32. Section four hundred thirty-eight point ten (438.10),  
2 Code 1962, is hereby amended as follows:

3 1. In line seven (7), strike the words "from the time they are so  
4 communicated" and insert in lieu thereof the following: "as provided  
5 in chapter seventeen A (17A) of the Code".

6 2. Strike all of said section after the word "requirements" in line  
7 ten (10) and insert in lieu thereof the words "in the manner pre-  
8 scribed by chapter seventeen A (17A) of the Code."

1 SEC. 33. The code editor may notify any agency whose rules are  
2 not in the proper style and form as prescribed by him. Six (6) months  
3 after an agency receives such notification, the rules of that agency  
4 shall be of no further force and effect unless redrafted in the pre-  
5 scribed style and form and filed with the secretary of state and the  
6 code editor.

1 SEC. 34. In all cases where any administrative agency has re-  
2 ported or filed any rule, regulation, or amendment pursuant to sec-  
3 tions seventeen A point two (17A.2) or seventeen A point three  
4 (17A.3), Code 1962, such reporting or filing and any inaction by the  
5 general assembly shall not be construed as approval or enactment of  
6 any rule, regulation, or amendment by the general assembly, anything  
7 in section seventeen A point two (17A.2), Code 1962, to the contrary  
8 notwithstanding.

1 SEC. 35. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in *The Mus-*  
3 *catine Journal*, a newspaper published in Muscatine, Iowa, and in *The*  
4 *Mount Pleasant News*, a newspaper published in Mount Pleasant,  
5 Iowa.

Approved May 16, 1963.

I hereby certify that the foregoing Act, House File 17, was published in *The Mus-*  
*catine Journal*, Muscatine, Iowa, May 22, 1963, and in *The Mount Pleasant News*, Mount  
Pleasant, Iowa, May 20, 1963.

MELVIN D. SYNHORST, *Secretary of State.*