

1 SEC. 3. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
2 twenty-nine (29), section two (2), amending section seventeen point twenty-two  
3 (17.22) of the Code, is amended to read as follows:

4 Sec. 2. Section seventeen point twenty-two (17.22), *unnumbered paragraph one*  
5 *(1)*, Code 1975, is amended to read as follows:

6 **17.22 Price.** Said publications shall be sold at a price to be established by  
7 dividing the ~~total cost only~~, of printing, binding, *distribution* and paper stock by  
8 the total number printed of each edition.

Approved April 7, 1976

## CHAPTER 1063

### IOWA ADMINISTRATIVE CODE

S. F. 1288

AN ACT relating to the economic impact of an administrative rule modifying provisions of the Iowa administrative procedure Act, limiting the duration of an emergency rule, relating to the duties of the Code editor in publishing the Iowa administrative code, relating to the duties of the superintendent of printing in distributing the Iowa administrative code, and providing staff for the administrative rules review committee.

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

1 SECTION 1. Section seventeen A point four (17A.4), subsections one (1) and  
2 two (2), Code 1975, are amended to read as follows:

3 1. Prior to the adoption, amendment, or repeal of any rule an agency shall:

4 a. Give notice of its intended action by ~~causing a notice~~ *submitting two copies of*  
5 *the notice to the Code editor* to be published in the "Iowa Administrative Code"  
6 *created pursuant to section seventeen A point six (17A.6) of the Code.* Any notice of  
7 intended action shall be published at least thirty-five days in advance of the  
8 action. The notice shall include a statement of either the terms or substance of the  
9 intended action or a description of the subjects and issues involved, and the time  
10 when, the place where, and the manner in which interested persons may present  
11 their views thereon.

12 b. Afford all interested persons ~~reasonable opportunity~~ *not less than twenty days*  
13 *to submit data, views or arguments in writing.* If timely requested in writing by  
14 twenty-five interested persons, by a governmental subdivision, by the  
15 administrative rules review committee, by an agency, or by an association having  
16 not less than twenty-five members, the agency must give interested persons an  
17 opportunity to make oral presentation according to agency rules which give the  
18 public ~~adequate~~ *not less than twenty days* notice of the time when and the place  
19 where oral presentation may be made, and which provide for the presentation  
20 prior to agency action on the rule which is the subject of the proceeding. The  
21 agency shall consider fully all written and oral submissions respecting the  
22 proposed rule. Within one hundred eighty days following either the notice  
23 published according to the provisions of subsection 1, paragraph "a" or *within one*  
24 *hundred eighty days after* the last date of the oral presentations on the proposed  
25 rule, whichever is later, the agency shall adopt a rule pursuant to the rule-making  
26 proceeding or shall terminate the proceeding *by publishing notice of termination in*  
27 *the Iowa Administrative Code.* If requested to do so by an interested person, either  
28 prior to adoption or within thirty days thereafter, the agency shall issue a concise  
29 statement of the principal reasons for and against the rule it adopted,  
30 incorporating therein the reasons for overruling considerations urged against the  
31 rule.

32 c. Upon the request of at least two members of the administrative rules review  
 33 committee publish in the "Iowa Administrative Code" an estimate of the economic  
 34 impact of the proposed rule adoption, amendment, or repeal upon all persons affected  
 35 by it and upon the agency itself. If the agency determines that such an estimate  
 36 cannot be formulated the reasons for impossibility of formulation shall be published  
 37 instead of the estimate. An estimate shall be published at least fifteen days in advance  
 38 of the adoption, amendment or repeal of the rule. In the case of a rule issued under  
 39 subsection two (2) or made effective under the provisions of section seventeen A point  
 40 five (17A.5), subsection two (2), paragraph b of the Code, an estimate, or the reasons  
 41 for the impossibility of formulating an estimate shall be published within thirty days of  
 42 the request.

43 2. When an agency for good cause finds that notice and public participation  
 44 would be impracticable, unnecessary, or contrary to the public interest, the  
 45 provisions of subsection 1 shall be inapplicable if the rule which is so adopted  
 46 provides by its own terms that it shall be effective for only one hundred eighty  
 47 specified days. If an agency for good cause finds that notice and public participation  
 48 would be unnecessary, subsection one (1) shall be inapplicable. The agency shall  
 49 incorporate in each rule issued in reliance upon this provision either the finding  
 50 and a brief statement of the reasons therefor, or a statement that the rule is within  
 51 a very narrowly tailored category of rules whose issuance has previously been  
 52 exempted from subsection 1 by a special rule relying on this provision and  
 53 including such a finding and statement of reasons for the entire category. In any  
 54 action contesting a rule adopted pursuant to this subsection, the burden of proof  
 55 shall be on the agency to show that the procedures of subsection 1 were  
 56 impracticable, unnecessary, or contrary to the public interest and that, if a  
 57 category of rules was involved, the category was very narrowly tailored.

1 SEC. 2. Section seventeen A point four (17A.4), Code 1975, is amended by  
 2 adding the following new subsection:

3 5. Upon the vote of two-thirds of its members the administrative rules review  
 4 committee may delay the effective date of a rule seventy days beyond that  
 5 permitted in section seventeen A point five (17A.5), unless the rule was  
 6 promulgated under section seventeen A point five (17A.5), subsection two (2),  
 7 paragraph "b". This provision shall be utilized by the committee only if further  
 8 time is necessary to study and examine the rule. Notice of an effective date that  
 9 was delayed under this provision shall be published in the Iowa Administrative  
 10 Code.

1 SEC. 3. Section seventeen A point five (17A.5), Code 1975, is amended to read  
 2 as follows:

3 **17A.5 Filing and taking effect of rules.**

4 1. Each agency shall file in the office of the secretary of state a *three* certified  
 5 ~~copy~~ *copies* of each rule adopted by it, ~~including all rules as defined in this~~  
 6 ~~chapter existing on July 1, 1975. Two copies of each rule shall be forwarded to the~~  
 7 ~~Code editor.~~ The secretary of state shall keep a permanent register of the rules  
 8 open to public inspection. ~~Rules presently on file in the office of the secretary of~~  
 9 ~~state need not be refiled.~~

10 2. Each rule hereafter adopted is effective thirty-five days after filing, as  
 11 required in this section, and indexing and publication as required by section  
 12 17A.6, except that:

13 a. If a later date is required by statute or specified in the rule, the later date is  
 14 the effective date.

15 b. Subject to applicable constitutional or statutory provisions, a rule becomes  
 16 effective immediately upon filing with the secretary of state, or at a subsequent  
 17 stated date prior to indexing and publication, or at a stated date less than thirty-  
 18 five days after filing, indexing and publication, if the agency finds:

19 (1) That a statute so provides;

20 (2) That the rule confers a benefit or removes a restriction on the public or  
21 some segment thereof; or

22 (3) That this effective date is necessary because of imminent peril to the public  
23 health, safety or welfare. In any subsequent action contesting the effective date of  
24 a rule promulgated under this paragraph, the burden of proof shall be on the  
25 agency to justify its finding. The agency's finding and a brief statement of the  
26 reasons therefor shall be filed with and made a part of the rule. Prior to indexing  
27 and publication, the agency shall make reasonable efforts to make known to the  
28 persons who may be affected by it a rule made effective under the terms of this  
29 paragraph.

1 SEC. 4. Section seventeen A point six (17A.6), subsections one (1) and three  
2 (3), Code 1975, are amended to read as follows:

3 1. The Code editor shall cause to be compiled, indexed and published in loose  
4 leaf form all rules adopted by each agency and notice of all proposed rule-making  
5 by each agency. The Code editor further shall cause to be ~~distributed~~ *published*  
6 supplements to this publication at least every other week which supplements shall  
7 contain, in such a form that they may be filed in the appropriate places in the  
8 compilation, all rules and notice of proposed rules filed for publication in the  
9 prior two weeks. The Code editor shall devise a uniform numbering system for  
10 rules and may renumber rules before publication to conform with the system.

11 3. This publication, which shall be known as the "Iowa Administrative Code",  
12 shall be made available upon request to all persons who subscribe ~~thereto~~ *to it*  
13 *through the state printing division. Copies of this Code so made available shall be kept*  
14 *current by the division.*

1 SEC. 5. Section seventeen A point eight (17A.8), Code 1975, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. Notwithstanding section thirteen point seven (13.7) of the  
4 Code, the committee may employ necessary legal and technical staff.

1 SEC. 6. Section eighteen point ninety-seven (18.97), Code 1975, as amended by  
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-two (72),  
3 is amended by striking unnumbered paragraph one (1), and inserting in lieu  
4 thereof the following:

5 The superintendent of printing shall make free distribution of the Code, rules  
6 of civil procedure, supreme court rules, the Acts of each general assembly, and  
7 upon request, the Iowa Administrative Code as follows:

1 SEC. 7. Chapter one hundred forty-seven (147), Code 1975, is amended by  
2 adding the following new section:

3 NEW SECTION. The examining boards for the various professions shall  
4 promulgate all necessary and proper rules to implement and interpret the  
5 provisions of this chapter and chapters one hundred forty-eight (148), one  
6 hundred forty-eight A (148A), one hundred forty-eight B (148B), one hundred  
7 forty-nine (149), one hundred fifty (150), one hundred fifty A (150A), one  
8 hundred fifty-one (151), one hundred fifty-two (152), one hundred fifty-three  
9 (153), one hundred fifty-four (154), one hundred fifty-four A (154A), one hundred  
10 fifty-four B (154B), one hundred fifty-five (155), and one hundred fifty-six (156)  
11 of the Code.

Approved June 23, 1976