

SENATE FILE 123

FILED JAN 22 1981

SENATE FILE 123

BY HOLDEN, PRIEBE AND TIEDEN

Passed Senate, Date 4-2-81 (p.1078) Passed House, Date _____
Vote: Ayes 42 Nays 8 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the types and form of administrative rules
2 to be promulgated, the rights of the public to participate
3 in the rule-making process, and the powers of the governor,
4 the administrative rules review committee, and the attorney
5 general in reviewing that process.

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

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1 Section 1. Section 17A.3, subsection 1, Code 1981, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. As soon as feasible and to the extent
4 practicable, adopt rules to codify principles of law or policy
5 lawfully declared by the agency as the basis for its decision
6 in particular cases.

7 Sec. 2. Section 17A.4, Code 1981, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. Upon the written request of an interested
10 person prior to or within thirty days after the effective
11 date of a rule, the agency shall issue a concise statement
12 of the principal reasons for and against the rule it adopted
13 and the reasons for overruling the considerations urged against
14 the rule. The agency shall issue the statement within thirty
15 days after receipt of the request or publication of the rule
16 in the Iowa administrative bulletin whichever is later. A
17 signed copy of the statement shall be filed with that rule
18 in the office of the administrative rules coordinator who
19 shall cause an indication that a statement has been filed
20 to be published in the Iowa administrative bulletin and in
21 the Iowa administrative code adjacent to that rule.

22 Sec. 3. Section 17A.4, subsection 1, Code 1981, is amended
23 by adding the following new lettered paragraph:

24 NEW LETTERED PARAGRAPH. Within three days after its
25 publication in the Iowa administrative bulletin, a copy of
26 the notice of proposed rule adoption shall be mailed to the
27 chairperson and ranking minority member of each committee
28 of the Iowa senate and house of representatives having
29 jurisdiction over the subject matter, at their state capitol
30 addresses during a legislative session and at their residence
31 addresses between legislative sessions, and to each person
32 who has made a timely written request to the agency for a
33 mailed copy of such notices. An agency may charge persons
34 other than members of the general assembly for the actual
35 cost of providing them individual mailed copies of those

1 notices. Inadvertent failure to mail notice of proposed rule
2 adoption to any person as required by this paragraph does
3 not invalidate a rule.

4 Sec. 4. Section 17A.4, subsection 1, paragraph b, Code
5 1981, is amended to read as follows:

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

31 Sec. 5. Section 17A.4, subsection 4, paragraph a, Code
32 1981, is amended to read as follows:

33 a. If the administrative rules review committee created
34 by section 17A.8, the governor or the attorney general finds
35 objection to all or some portion of a ~~proposed~~ rule because

1 that rule is ~~deemed-to-be-unreasonable,-arbitrary,-capricious~~
2 ~~or-otherwise-beyond-the-authority-delegated-to-the-agency~~
3 procedurally or substantively unlawful, the committee, governor
4 or attorney general may, in writing, notify the agency of
5 the objection ~~prior-to~~ within one year of the effective date
6 of ~~such-a~~ the rule stating the reasons for that action. In
7 ~~the-case-of-a-rule-issued-under-subsection-2,-or-a-rule-made~~
8 ~~effective-under-the-terms-of-section-17A-5,-subsection-2,~~
9 ~~paragraph-"b",-the-committee,-governor-or-attorney-general~~
10 ~~may-notify-the-agency-of-such-an-objection-within-seventy~~
11 ~~days-of-the-date-such-a-rule-became-effective.~~ The committee,
12 governor or the attorney general shall also promptly file
13 a ~~certified~~ signed copy of such an objection in the office
14 of the ~~code-editor~~ administrative rules coordinator within
15 the above time limits and a notice to the effect that an
16 objection has been filed shall be published in the next issue
17 of the Iowa administrative bulletin and in the Iowa
18 administrative code when that rule is printed in it. The
19 burden of proof shall then be on the agency in any proceeding
20 for judicial review or for enforcement of the rule heard
21 subsequent to the filing to establish that the rule or portion
22 of the rule timely objected to according to the above procedure
23 is ~~not-unreasonable,-arbitrary,-capricious-or-otherwise-beyond~~
24 ~~the-authority-delegated-to-it~~ procedurally or substantively
25 lawful.

26 Sec. 6. Section 17A.4, subsection 6, Code 1981, is amended
27 to read as follows:

28 6. The governor may rescind ~~an-adopted~~ all or a separate
29 and severable portion of a rule by executive order within
30 ~~thirty-five-days-of-the-publication~~ one year of the effective
31 date of the rule stating the reasons for the action. The
32 governor shall file the executive order in the office of the
33 administrative rules coordinator who shall provide a copy
34 ~~of-the-executive-order~~ to the Code editor ~~who shall include~~
35 ~~it-in-the-next~~ for publication of in the Iowa administrative

1 bulletin. The executive order shall be effective on the date
2 of its filing.

3 EXPLANATION

4 This bill revises several provisions of the rule-making
5 process under the Iowa Administrative Procedures Act.

6 Section 1 requires agencies to adopt rules to codify prin-
7 ciples declared by the agency to be the basis for a decision
8 in a case.

9 Sections 2 and 4 expand the time in which a statement of
10 reasons may be requested, specify the time in which an agency
11 must respond, and set this provision out in a separate subsec-
12 tion.

13 Section 3 requires that notices of rule-making be sent
14 to those who request and pay for this service and to the ap-
15 propriate committee chairpersons and ranking members of the
16 general assembly.

17 Section 5 provides that the objection power of the
18 administrative rules review committee, attorney general, and
19 governor is not limited to proposed rules and may be exercised
20 until one year after the rule's effective date.

21 Section 6 provides that the governor's power to rescind
22 a rule is not limited to the time of adoption but extends
23 to one year after the effective date of the rule. The governor
24 is also allowed to rescind a separate and severable portion
25 of a rule.

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SENATE CLIP SHEET

FEBRUARY 25, 1981

S-3092

SENATE FILE 123

1 Amend Senate File 123 as follows:

2 1. Page 1, by inserting after line 6 the following:

3 "Sec. 2. Section 17A.4, Code 1981, is amended

4 by adding the following new subsection:

5 NEW SUBSECTION. The general assembly may rescind

6 all or a separate and severable portion of a rule

7 by the passage of a concurrent resolution. The

8 concurrent resolution shall be filed with the

9 administrative rules coordinator and a copy provided

10 to the Code Editor for publication in the Iowa

11 administrative bulletin. The concurrent resolution

12 shall be effective on the date of filing."

13 2. Page 4, by inserting after line 2 the following:

14 "Sec. 7. Section 17A.8, subsection 9, Code 1981,

15 is amended to read as follows:

16 9. Upon a vote of two-thirds of its members, the

17 administrative rules review committee may delay the

18 effective date of a rule until the expiration of

19 ~~forty-five~~ ninety calendar days, excluding legal

20 holidays, during which the general assembly is in

21 regular session. If a rule is delayed during the

22 last twenty-one calendar days preceding the adoption

23 of a resolution for sine die adjournment of a regular

24 session, the ~~forty-five~~ ninety day period shall begin

25 to run upon the convening of the next regular session

26 of the general assembly. The committee shall refer

27 a rule whose effective date has been delayed to the

28 speaker of the house of representatives and the

29 president of the senate who shall refer the rule to

30 the appropriate standing committees of the general

31 assembly. If at the expiration of that period the

32 general assembly has not disapproved of the rule by

33 a joint resolution approved by the governor, the rule

34 shall become effective. If a rule is disapproved,

35 it shall not become effective and the agency shall

36 withdraw the rule. This section shall not apply to

37 rules made effective under section 17A.5, subsection

38 2, paragraph "b".

39 3. Page 4, by inserting after line 2 the following:

40 "Sec. 8. Chapter 17A, Code 1981, is amended by

41 adding the following new section:

42 NEW SECTION. A rule shall cease to be effective

3240- 43 upon the expiration of the third calendar year

44 following the year the rule became effective unless

45 the rule is renewed pursuant to this section. A rule

46 may be renewed by the adoption of a rule renewing

47 the rule by reference to its citation in the Iowa

48 administrative code. The renewal rule may renew more

49 than one rule. If an agency determines not to renew

50 a rule, it shall repeal the rule. If an agency

SENATE 2
FEBRUARY 25, 1981

S-3092
Page 2

1 determines to modify a rule, that rule shall not cease
2 to be effective until the modification becomes
3 effective or the rule-making proceeding is terminated.
4 Sec. 9. In order to implement section 8 of this
5 Act, each agency shall adopt a rule by January 1,
6 1982 designating which of its rules will cease to
7 be effective in the years 1982, 1983, and 1984."
8 4. By renumbering the sections and cross references
9 to conform with this amendment.

S-3092 FILED

BY EMIL J. HUSAK

FEBRUARY 24, 1981

*Adopted 4/1/81 (p. 1077)
with amendments by 3218, 3340*

SENATE FILE 123

S-3200

1 Amend Senate File 123 as follows:

- 2 1. Page 1, line 4, by striking the word "codify"
3 and inserting in lieu thereof the word "displace".
4 2. Page 1, line 6, by inserting after the word
5 "cases" the words "unless such a statement of general
6 applicability that implements or prescribes law or
7 policy would otherwise be excluded from the definition
8 of a rule by section 17A.2, subsection 7, paragraphs
9 a through k".
10 3. Page 1, by striking line 22 through page 2,
11 line 3.
12 4. By renumbering the sections to conform with
13 this amendment.

S-3200 FILED

BY EDGAR H. HOLDEN

MARCH 17, 1981

Adopted 4/2/81 (p. 1076)

1 Amend Senate File 123 as follows:
 2 1. Page 2, by inserting after line 30 the
 3 following:
 4 "Sec. ____ Section 17A.4, subsection 1, paragraph
 5 c, Code 1981, is amended to read as follows:
 6 c. ~~Upon the request of at least two members of~~
 7 ~~the administrative rules review committee publish~~
 8 Publish in the Iowa administrative bulletin an estimate
 9 of the economic impact of a the proposed rule upon
 10 ~~all persons affected by it and upon the agency itself.~~
 11 The statement shall include estimates of the cost
 12 of implementation by the agency including paperwork,
 13 the cost or benefit to persons directly affected by
 14 the proposed rule, and the impact of the proposed
 15 rule on competition and an open market for employment
 16 if applicable. The statement shall also contain a
 17 detailed description of the data and method used in
 18 making the estimates. If the agency determines that
 19 such an estimate cannot be formulated the reasons
 20 for impossibility of formulation shall be published
 21 instead of the estimate. An estimate shall be
 22 published at least fifteen days in advance of the
 23 adoption, amendment or repeal of the rule. In the
 24 case of a rule issued under subsection 2 or made
 25 effective under the provisions of section 17A.5,
 26 subsection 2, paragraph "b", an estimate, or the
 27 reasons for the impossibility of formulating an
 28 estimate shall be published within forty-five days
 29 of the request."
 30 2. By renumbering the sections to conform with
 31 this amendment.

S-3218 FILED

BY BOB RUSH

MARCH 18, 1981

Adopted 4/2/81 (p. 1077)

S-3340

SENATE FILE 123

1 Amend the Husak amendment S-3092, to Senate
 2 File 123 as follows:
 3 1. Page 1, line 43, by striking the word
 4 "third" and inserting in lieu thereof the word "fifth".

S-3340 FILED & ADOPTED

BY BERL E. PRIEBE

APRIL 2, 1981

(p. 1077)

SENATE FILE 123

S-3028

1 Amend Senate File 123 as follows:
2 1. Page 4, by inserting after line 2 the following:
3 "Sec. 7. Section 17A.19, subsection 2, Code 1981,
4 is amended to read as follows:
5 2. Proceedings for judicial review shall be
6 instituted by filing a petition either in Polk county
7 district court or in the district court for the county
8 in which the petitioner resides or has its principal
9 place of business. When a proceeding for judicial
10 review has been commenced, a court may, in the interest
11 of justice, transfer the proceeding to another county
12 where the venue is proper. Within ten days after
13 the filing of a petition for judicial review file
14 stamped copies of the petition shall be delivered
15 by personal service as in civil actions or mailed
16 by the petitioner to all parties named in the petition
17 and, if the petition involves review of agency action
18 in a contested case, all parties of record in that
19 case before the agency. Such personal service or
20 mailing shall be jurisdictional and shall be addressed
21 to the parties at their last known mailing address.
22 The delivery by personal service or mailing may be
23 made upon a party's attorney of record instead of
24 the party. Proof of mailing or personal service shall
25 be by affidavit. Any party of record in a contested
26 case before an agency wishing to intervene and
27 participate in the review proceeding thereon must
28 file an appearance within forty-five days from the
29 time the petition is filed."

S-3028 FILED

BY EDGAR H. HOLDEN

JANUARY 28, 1981

H/S 1/2/81 (p. 1077)

SENATE FILE 123

S-3029

1 Amend Senate File 123 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "cases" the words ", unless such a statement of general
4 applicability that implements, interprets, or
5 prescribes law or policy would otherwise be excluded
6 from the definition of rule by section 17A.2,
7 subsection 7".

S-3029 FILED

BY EDGAR H. HOLDEN

JANUARY 28, 1981

H/S 1/2/81 (p. 1076)

See State Gov. 4/8/81

Senate File 123 (Reassigned)

State Government: Carpenter, Chair; Clark of Cerro Gordo and Doderer.

SENATE FILE 123

BY HOLDEN PRIEBE AND TIEDEN

(AS AMENDED AND PASSED BY THE SENATE APRIL 2, 1981)

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

A BILL FOR

1 An Act relating to the types and form of administrative rules
2 to be promulgated, the rights of the public to participate
3 in the rule-making process, an the powers of the governor,
4 the administrative rules review committee, and the attorney
5 general in reviewing that process.

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

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_____ = New Language
by the Senate

* = Language Stricken
by the Senate

1 Section 1. Section 17A.3, subsection 1, Code 1981, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. As soon as feasible and to the extent
4 practicable, adopt rules to displace principles of law or
5 policy lawfully declared by the agency as the basis for its
6 decision in particular cases unless such a statement of general
7 applicability that implements or prescribes law or policy
8 would otherwise be excluded from the definition of a rule
9 by section 17A.2, subsection 7, paragraphs a through k.

10 Sec. 2. Section 17A.4, Code 1981, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. The general assembly may rescind all or
13 a separate and severable portion of a rule by the passage
14 of a concurrent resolution. The concurrent resolution shall
15 be filed with the administrative rules coordinator and a copy
16 provided to the Code Editor for publication in the Iowa
17 administrative bulletin. The concurrent resolution shall
18 be effective on the date of filing.

19 Sec. 3. Section 17A.4, Code 1981, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. Upon the written request of an interested
22 person prior to or within thirty days after the effective
23 date of a rule, the agency shall issue a concise statement
24 of the principal reasons for and against the rule it adopted
25 and the reasons for overruling the considerations urged against
26 the rule. The agency shall issue the statement within thirty
27 days after receipt of the request or publication of the rule
28 in the Iowa administrative bulletin whichever is later. A
29 signed copy of the statement shall be filed with that rule
30 in the office of the administrative rules coordinator who
31 shall cause an indication that a statement has been filed
32 to be published in the Iowa administrative bulletin and in
33 the Iowa administrative code adjacent to that rule.

* 34 Sec. 4. Section 17A.4, subsection 1, paragraph b, Code
35 1981, is amended to read as follows:

1 b. Afford all interested persons not less than twenty
 2 days to submit data, views or arguments in writing. If timely
 3 requested in writing by twenty-five interested persons, by
 4 a governmental subdivision, by the administrative rules review
 5 committee, by the administrative rules coordinator, by an
 6 agency, or by an association having not less than twenty-five
 7 members, the agency must give interested persons an opportunity
 8 to make oral presentation. The opportunity for oral
 9 presentation must be held at least twenty days after
 10 publication of the notice of its time and place in the Iowa
 11 administrative bulletin. The agency shall consider fully
 12 all written and oral submissions respecting the proposed rule.
 13 Within one hundred eighty days following either the notice
 14 published according to the provisions of subsection 1,
 15 paragraph "a" or within one hundred eighty days after the
 16 last date of the oral presentations on the proposed rule,
 17 whichever is later, the agency shall adopt a rule pursuant
 18 to the rule-making proceeding or shall terminate the proceeding
 19 by publishing notice of termination in the Iowa administrative
 20 bulletin. ~~If requested to do so by an interested person,~~
 21 ~~either prior to adoption or within thirty days thereafter,~~
 22 ~~the agency shall issue a concise statement of the principal~~
 23 ~~reasons for and against the rule it adopted, incorporating~~
 24 ~~therein the reasons for overruling considerations urged against~~
 25 ~~the rule.~~

26 Sec. 5. Section 17A.4, subsection 1, paragraph c, Code
 27 1981, is amended to read as follows:

28 c. Upon the request of at least two members of the
 29 administrative rules review committee publish Publish in the
 30 Iowa administrative bulletin an estimate of the economic
 31 impact of a the proposed rule upon all persons affected by
 32 it and upon the agency itself. The statement shall include
 33 estimates of the cost of implementation by the agency including
 34 paperwork, the cost or benefit to persons directly affected
 35 by the proposed rule, and the impact of the proposed rule

1 on competition and an open market for employment if applicable.
2 ~~The statement shall also contain a detailed description of~~
3 ~~the data and method used in making the estimates. If the~~
4 ~~agency determines that such an estimate cannot be formulated~~
5 ~~the reasons for impossibility of formulation shall be published~~
6 ~~instead of the estimate. An estimate shall be published at~~
7 ~~least fifteen days in advance of the adoption, amendment or~~
8 ~~repeal of the rule. In the case of a rule issued under~~
9 ~~subsection 2 or made effective under the provisions of section~~
10 ~~17A.5, subsection 2, paragraph "b", an estimate, or the reasons~~
11 ~~for the impossibility of formulating an estimate shall be~~
12 ~~published within forty-five days of the request.~~

13 Sec. 5. Section 17A.4, subsection 4, paragraph a, Code
14 1981, is amended to read as follows:

15 a. If the administrative rules review committee created
16 by section 17A.8, the governor or the attorney general finds
17 objection to all or some portion of a ~~proposed~~ rule because
18 ~~that rule is deemed-to-be-unreasonable,-arbitrary,-capricious~~
19 ~~or-otherwise-beyond-the-authority-delegated-to-the-agency~~
20 procedurally or substantively unlawful, the committee, governor
21 or attorney general may, in writing, notify the agency of
22 the objection ~~prior-to~~ within one year of the effective date
23 ~~of such-a~~ the rule stating the reasons for that action. ~~In~~
24 ~~the-case-of-a-rule-issued-under-subsection-2,-or-a-rule-made~~
25 ~~effective-under-the-terms-of-section-17A.5,-subsection-2,-~~
26 ~~paragraph-"b",-the-committee,-governor-or-attorney-general~~
27 ~~may-notify-the-agency-of-such-an-objection-within-seventy~~
28 ~~days-of-the-date-such-a-rule-became-effective.~~ The committee,
29 governor or the attorney general shall also promptly file
30 a ~~certified~~ signed copy of such an objection in the office
31 of the ~~Code-editor~~ administrative rules coordinator within
32 the above time limits and a notice to the effect that an
33 objection has been filed shall be published in the next issue
34 of the Iowa administrative bulletin and in the Iowa
35 administrative code when that rule is printed in it. The

1 burden of proof shall then be on the agency in any proceeding
2 for judicial review or for enforcement of the rule heard
3 subsequent to the filing to establish that the rule or portion
4 of the rule timely objected to according to the above procedure
5 is ~~not-unreasonable,-arbitrary,-capricious-or-otherwise-beyond~~
6 ~~the-authority-delegated-to-it~~ procedurally or substantively
7 lawful.

8 Sec. 7. Section 17A.4, subsection 6, Code 1981, is amended
9 to read as follows:

10 6. The governor may rescind an-adopted all or a separate
11 and severable portion of a rule by executive order within
12 thirty-five-days-of-the-publication one year of the effective
13 date of the rule stating the reasons for the action. The
14 governor shall file the executive order in the office of the
15 administrative rules coordinator who shall provide a copy
16 of-the-executive-order to the Code editor who shall include
17 it-in-the-next for publication of in the Iowa administrative
18 bulletin. The executive order shall be effective on the date
19 of its filing.

20 Sec. 8. Section 17A.3, subsection 9, Code 1981, is amended
21 to read as follows:

22 9. Upon a vote of two-thirds of its members, the
23 administrative rules review committee may delay the effective
24 date of a rule until the expiration of forty-five ninety
25 calendar days, excluding legal holidays, during which the
26 general assembly is in regular session. If a rule is delayed
27 during the last twenty-one calendar days preceding the adoption
28 of a resolution for sine die adjournment of a regular session,
29 the forty-five ninety day period shall begin to run upon the
30 convening of the next regular session of the general assembly.
31 The committee shall refer a rule whose effective date has
32 been delayed to the speaker of the house of representatives
33 and the president of the senate who shall refer the rule to
34 the appropriate standing committees of the general assembly.
35 If at the expiration of that period the general assembly has

1 not disapproved of the rule by a joint resolution approved
2 by the governor, the rule shall become effective. If a rule
3 is disapproved, it shall not become effective and the agency
4 shall withdraw the rule. This section shall not apply to
5 rules made effective under section 17A.5, subsection 2,
6 paragraph "b".

7 Sec. 9. Section 17A.19, subsection 2, Code 1981, is amended
8 to read as follows:

9 2. Proceedings for judicial review shall be instituted
10 by filing a petition either in Polk county district court
11 or in the district court for the county in which the petitioner
12 resides or has its principal place of business. When a
13 proceeding for judicial review has been commenced, a court
14 may, in the interest of justice, transfer the proceeding to
15 another county where the venue is proper. Within ten days
16 after the filing of a petition for judicial review the
17 petitioner shall serve by the means provided in the Iowa rules
18 of civil procedure for the personal service of an original
19 notice, or shall mail ~~file-stamped~~ copies of the petition
20 ~~shall-be-mailed-by-the-petitioner~~ to all parties named in
21 the petition and, if the petition involves review of agency
22 action in a contested case, all parties of record in that
23 case before the agency. Such personal service or mailing
24 shall be jurisdictional and ~~shall-be-addressed-to-the-parties~~
25 ~~at-their-last-known-mailing-address~~. The delivery by personal
26 service or mailing referred to in this subsection may be made
27 upon the party's attorney of record in the proceeding before
28 the agency. A mailing shall be addressed to the parties or
29 their attorney of record at their last known mailing address.
30 Proof of mailing shall be by affidavit. Any party of record
31 in a contested case before an agency wishing to intervene
32 and participate in the review proceeding thereon must file
33 an appearance within forty-five days from the time the petition
34 is filed.

35 Sec. 10. Chapter 17A, Code 1981, is amended by adding

1 the following new section:

2 NEW SECTION. A rule shall cease to be effective upon the
3 expiration of the fifth calendar year following the year the
4 rule became effective unless the rule is renewed pursuant
5 to this section. A rule may be renewed by the adoption of
6 a rule renewing the rule by reference to its citation in the
7 Iowa administrative code. The renewal rule may renew more
8 than one rule. If an agency determines not to renew a rule,
9 it shall repeal the rule. If an agency determines to modify
10 a rule, that rule shall not cease to be effective until the
11 modification becomes effective or the rule-making proceeding
12 is terminated.

13 Sec. 11. In order to implement section 10 of this Act
14 each agency shall adopt a rule by January 1, 1982 designating
15 which of its rules will cease to be effective in the years
16 1982, 1983, and 1984.

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SF 123
dsb/slc/26c

SENATE FILE 123

S-3332

1 Amend Senate File 123 as follows:

2 1. Page 4, by inserting after line 2 the following:

3 "Sec. 7. Section 17A.19, subsection 2, Code 1981,
4 is amended to read as follows:

5 2. Proceedings for judicial review shall be
6 instituted by filing a petition either in Polk county
7 district court or in the district court for the county
8 in which the petitioner resides or has its principal
9 place of business. When a proceeding for judicial
10 review has been commenced, a court may, in the interest
11 of justice, transfer the proceeding to another county
12 where the venue is proper. Within ten days after
13 the filing of a petition for judicial review the
14 petitioner shall serve by the means provided in the
15 Iowa rules of civil procedure for the personal service
16 of an original notice, or shall mail file-stamped
17 copies of the petition shall-be-mailed-by-the
18 petitioner to all parties named in the petition and,
19 if the petition involves review of agency action in
20 a contested case, all parties of record in that case
21 before the agency. Such personal service or mailing
22 shall be jurisdictional and-shall-be-addressed-to
23 the-parties-at-their-last-known-mailing-address.
24 The delivery by personal service or mailing referred
25 to in this subsection may be made upon the party's
26 attorney of record in the proceeding before the agency.
27 A mailing shall be addressed to the parties or their
28 attorney of record at their last known mailing address.
29 Proof of mailing shall be by affidavit. Any party
30 of record in a contested case before an agency wishing
31 to intervene and participate in the review proceeding
32 thereon must file an appearance within forty-five
33 days from the time the petition is filed."

S-3332 FILED

BY EDGAR H. HOLDEN

APRIL 1, 1981

Adopted 4/2/81 (p. 1077)