

February 4, 1965.
Place on Calendar.

House File 170
By JUDICIARY COMMITTEE.
(Judiciary Committee.)

Passed House, Date 2-11-65 Passed Senate, Date 4/19

Vote: Ayes 111 Nays 1 Vote: Ayes 52 Nays 0

Approved May 3, 1965

passed House as amended 4/23 (99-0) passed on file 2/11
Judiciary 2/12
referred as unfinished business 4/13

A BILL FOR

An Act relating to the rules of administrative agencies.

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

1 Section 1. Section one (1) of chapter sixty-six (66), Acts
2 60th General Assembly is amended by inserting in line nine (9)
3 after the word "supplement," the words "repeal or rescission".

1 Sec. 2. Section five (5) of chapter sixty-six (66), Acts
2 60th General Assembly is amended by adding after the word "rule."
3 in line two (2) the words "temporary or permanent,".

1 Sec. 3. Section seven (7) of chapter sixty-six (66), Acts
2 60th General Assembly is amended by striking from line seven (7)
3 the word and figures "sixty (60)" and inserting in lieu thereof
4 the words and figures "sixty-five (65)".

1 Sec. 4. Section eight (8) of chapter sixty-six (66), Acts
2 60th General Assembly is hereby repealed and the following en-
3 acted in lieu thereof:

4 "Sec. 8. Four original copies of all rules shall be filed
5 with the secretary of state. There shall be attached to each
6 such copy of any rule, (1) a statement of approval by the attor-
7 ney general as to form and legality rendered pursuant to this
8 Act or a statement that the proposed rule was submitted to the
9 attorney general on a stated date and that the attorney general
10 did not render an opinion thereon within sixty days after such

11 date, and (2) a statement of the finding of the departmental
12 rules review committee rendered pursuant to this Act or a state-
13 ment that six copies of the proposed rule were submitted to the
14 members of the departmental rules review committee on a stated
15 date and that the committee did not report any finding to the
16 agency within sixty-five days after receiving such copies. Rules,
17 unless otherwise provided for, shall not become effective until
18 thirty days after such filing, but a different date may be spec-
19 ified in the rule. The secretary of state shall endorse upon
20 the copies of rules so filed the date of filing and index one
21 copy in the files of his office, transmit one copy to the code
22 editor, and transmit two copies to the chairman of the depart-
23 mental rules review committee.”

1 Sec. 5. Section fourteen point three (14.3), Code 1962, is
2 amended by inserting in subsection seven (7) line fourteen (14)
3 after the word “application” the words “and temporary rules”.

EXPLANATION OF HOUSE FILE 170

This act would clarify the procedure for adoption of rules by state departments.

HOUSE FILE 170

1 Amend House File 170 as follows:
2 1. Amend section 1 by striking from line 3 the words "repeal or
3 recession" and inserting in lieu thereof the words "repeal,
4 recession."
5 2. By striking from section 4, lines 4 through 23, and inserting
6 in lieu thereof the following:
7 "Sec. 3. Four (4) copies of all proposed rules shall be filed with
8 the secretary of state. There shall be attached to each copy of
9 any proposed temporary rule a statement that the proposed rule was
10 submitted to the chairman of the departmental rules review committee
11 and to the attorney general in accordance with section five (5)
12 of this chapter and the date which each was submitted.
13 Temporary rules shall not become effective until ten (10) days
14 after the date of filing with the secretary of state, but a later
15 date may be specified in the rule.
16 "There shall be attached to each copy of any proposed permanent
17 rule, (1) a copy of the attorney general's opinion rendered pur-
18 suant to this Act or a statement that the proposed rule was sub-
19 mitted to the attorney general on a stated date and that the
20 attorney general did not render an opinion thereon within sixty
21 (60) days after such date, and (2) a copy of the finding of the
22 departmental rules review committee rendered pursuant to this Act
23 or a statement that six (6) copies of the proposed rule were sub-
24 mitted to the chairman of the departmental rules review committee
25 on a stated date and that the committee did not report any finding
26 to the agency within sixty-five (65) days after receiving such
27 copies.
28 "Permanent rules, unless otherwise provided, shall not become
29 effective until thirty (30) days after such filing but a different
30 date may be specified in the rule. The secretary of state shall
31 endorse upon the copies of rules so filed the date of filing and
32 index one (1) copy in the files of his office, transmit one (1)
33 copy to the code editor, and transmit two (2) copies to the chair-
34 man of the departmental rules review committee."

Filed and adopted.

April 19, 1965. *House concurred 4/23*

By SHIRLEY.

IN REPLY TO THE HOUSE OF REPRESENTATIVES

AND TO THE SENATE OF THE STATE OF MONTANA
I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as filed in the office of the Secretary of State of Montana on the 19th day of April, 1965.