

JAN 31 1978
Place On Calendar

Reprinted 2/78

HOUSE FILE 2099

BY COMMITTEE ON STATE GOVERNMENT
(Formerly Study Bill 337)

Passed House, Date 2-6-78 (p 340) Passed Senate, Date _____
Vote: Ayes 82 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the publication of administrative rules.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3

HOUSE FILE 2099

H-5200

- 1 Amend House File 2099 as follows:
 2 1. Page 5, by striking lines 30 through 34 and
 3 inserting in lieu thereof the following: "distributed
 4 with each order for purchase of the Code ~~and the price~~
 5 ~~set for the Code and administrative code as provided~~
 6 ~~above shall include the cost of both the Code and~~
 7 ~~administrative code. However, the~~ The Iowa
 8 administrative code ~~or, its supplements, the Iowa~~".
 9 2. Page 6, by striking lines 8 and 9 and inserting
 10 in lieu thereof the following: "distribution ~~of the~~
 11 ~~Iowa administrative code or its supplements.~~"

H-5200 FILED, ADOPTED BY MONROE of Des Moines
FEBRUARY 6, 1978 (*p 337*)

16

HOUSE FILE 2099

H-5193

- 1 Amend House File 2099 as follows:
 2 1. Page 1, by striking lines 21 through 27 and
 3 inserting in lieu thereof the following: "than twenty-
 4 five members, the agency must give interested persons
 5 an opportunity to make oral presentation according
 6 ~~to agency rules which give the public not less than~~
 7 ~~twenty days notice of the time when and the place~~
 8 ~~where oral presentation may be made, and which provide~~
 9 ~~for the presentation prior to agency action on the~~
 10 ~~rule which is the subject of the proceeding. The~~
 11 opportunity for oral presentation must be held at
 12 least twenty days after publication of the notice
 13 of its time and place in the Iowa administrative
 14 bulletin. The agency shall consider fully".

H-5193 FILED - *Adopted* BY MONROE of Des Moines
FEBRUARY 2, 1978 (*p 339*)

1 Section 1. Section seventeen A point four (17A.4),
2 subsections one (1), four (4), and five (5), Code 1977, are
3 amended to read as follows:

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

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

16 b. Afford all interested persons not less than twenty
17 days to submit data, views or arguments in writing. If timely
18 requested in writing by twenty-five interested persons, by
19 a governmental subdivision, by the administrative rules review
20 committee, by an agency, or by an association having not less
21 than twenty-five members, the agency must give interested
22 persons an opportunity to make oral presentation according
23 to agency rules which give the public not less than twenty
24 days notice of the time when and the place where oral
25 presentation may be made, and which provide for the
26 presentation prior to agency action on the rule which is the
27 subject of the proceeding. The agency shall consider fully
28 all written and oral submissions respecting the proposed rule.
29 Within one hundred eighty days following either the notice
30 published according to the provisions of subsection 1,
31 paragraph "a" or within one hundred eighty days after the
32 last date of the oral presentations on the proposed rule,
33 whichever is later, the agency shall adopt a rule pursuant
34 to the rule-making proceeding or shall terminate the proceeding
35 by publishing notice of termination in the Iowa administrative

1 ~~code~~ bulletin. If requested to do so by an interested person,
2 either prior to adoption or within thirty days thereafter,
3 the agency shall issue a concise statement of the principal
4 reasons for and against the rule it adopted, incorporating
5 therein the reasons for overruling considerations urged against
6 the rule.

7 c. Upon the request of at least two members of the adminis-
8 trative rules review committee publish in the Iowa
9 administrative ~~code~~ bulletin an estimate of the economic
10 impact of ~~the a~~ proposed rule ~~adoption, amendment, or repeal~~
11 upon all persons affected by it and upon the agency itself.
12 If the agency determines that such an estimate cannot be
13 formulated the reasons for impossibility of formulation shall
14 be published instead of the estimate. An estimate shall be
15 published at least fifteen days in advance of the adoption,
16 amendment or repeal of the rule. In the case of a rule issued
17 under subsection 2 or made effective under the provisions
18 of section 17A.5, subsection 2, paragraph "b", an estimate,
19 or the reasons for the impossibility of formulating an estimate
20 shall be published within ~~thirty~~ forty-five days of the
21 request.

22 4. a. If the administrative rules review committee created
23 by section 17A.8 or the attorney general finds objection to
24 all or some portion of a proposed rule because that rule is
25 deemed to be unreasonable, arbitrary, capricious or otherwise
26 beyond the authority delegated to the agency, the committee
27 or attorney general may, in writing, notify the agency of
28 the objection prior to the effective date of such a rule.
29 In the case of a rule issued under subsection 2, or a rule
30 made effective under the terms of section 17A.5, subsection
31 2, paragraph "b", the committee or attorney general may notify
32 the agency of such an objection within seventy days of the
33 date such a rule became effective. The committee or the
34 attorney general shall also file a certified copy of such
35 an objection in the office of the secretary of state within

1 the above time limits and a notice to the effect that an
2 objection has been filed shall be published in the next
3 ~~supplement-to~~ issue of the "Iowa-Administrative-Code" Iowa
4 administrative bulletin and in the Iowa administrative code
5 when that rule is printed in it. The burden of proof shall
6 then be on the agency in any proceeding for judicial review
7 or for enforcement of the rule heard subsequent to the filing
8 to establish that the rule or portion of the rule timely
9 objected to according to the above procedure is not
10 unreasonable, arbitrary, capricious or otherwise beyond the
11 authority delegated to it.

12 b. If the agency fails to meet the burden of proof
13 prescribed for a rule objected to according to the provisions
14 of paragraph "a" of this subsection, the court shall declare
15 the rule or portion of the rule objected to invalid and
16 judgment shall be rendered against the agency for court costs.
17 Such court costs shall include a reasonable attorney fee and
18 shall be payable by the state comptroller from the support
19 appropriations of the agency which issued the rule in question.

20 5. Upon the vote of two-thirds of its members the admin-
21 istrative rules review committee may delay the effective date
22 of a rule seventy days beyond that permitted in section 17A.5,
23 unless the rule was promulgated under section 17A.5, subsec-
24 tion 2, paragraph "b". This provision shall be utilized by
25 the committee only if further time is necessary to study and
26 examine the rule. Notice of an effective date that was de-
27 layed under this provision shall be published in the Iowa
28 administrative code and bulletin.

29 Sec. 2. Section seventeen A point five (17A.5), subsec-
30 tion two (2), unnumbered paragraph one (1), Code 1977, is
31 amended to read as follows:

32 Each rule hereafter adopted is effective thirty-five days
33 after filing, as required in this section, and indexing and
34 publication ~~as required by section 17A.67~~ in the Iowa
35 administrative bulletin except that:

1 Sec. 3. Section seventeen A point six (17A.6), Code 1977,
2 is amended by adding the following new subsection:

3 NEW SUBSECTION. The Code editor shall cause the "Iowa
4 Administrative Bulletin" to be published in pamphlet form
5 at least every other week containing the following:

6 a. Notices of intended action and adopted rules prepared
7 in such a manner so that the text of a proposed or adopted
8 rule shows the text of any existing rule being changed and
9 the change being made.

10 b. All proclamations and executive orders of the governor
11 which are general and permanent in nature.

12 c. Other materials deemed fitting and proper by the
13 administrative rules review committee.

14 Sec. 4. Section seventeen A point six (17A.6), Code 1977,
15 is amended to read as follows:

16 17A.6 PUBLICATION OF RULES.

17 1. The Code editor shall cause the "Iowa Administrative
18 Code" to be compiled, indexed and published in loose-leaf
19 form containing all rules adopted and filed by each agency
20 ~~and-notice-of-all-proposed-rule-making-by-each-agency.~~ The
21 Code editor further shall cause loose-leaf supplements to
22 the Iowa administrative code to be published ~~supplements-to~~
23 ~~this-publication~~ at least every other week ~~which-supplements~~
24 ~~shall-contain~~, in such a form that they may be filed in the
25 appropriate places in the compilation, containing all rules
26 ~~and-notice-of-proposed-rules~~ filed for publication in the
27 prior two weeks. The Code editor shall devise a uniform
28 numbering system for rules and may renumber rules before
29 publication to conform with the system.

30 2. The Code editor may omit or cause to be omitted from
31 the ~~publication~~ Iowa administrative code or bulletin any rule
32 the publication of which would be unduly cumbersome, expensive
33 or otherwise inexpedient, if the rule in printed or processed
34 form is made available on application to the adopting agency
35 at no more than its cost of reproduction, and if the

1 ~~publication~~ Iowa administrative code or bulletin contains
2 a notice stating the specific subject matter of the omitted
3 rule and stating how a copy thereof may be obtained.

4 3. ~~This publication, which shall be known as the "Iowa~~
5 ~~Administrative Code"~~ The Iowa administrative code, its
6 supplements, and the Iowa administrative bulletin shall be
7 made available upon request to all persons who subscribe to
8 it any of them through the state printing division. Copies
9 of this Code so made available shall be kept current by the
10 division.

11 4. All expenses incurred by the Code editor under this
12 section shall be defrayed under the provisions of section
13 14.22.

14 Sec. 5. Section seventeen A point eight (17A.8), subsection
15 five (5), Code 1977, is amended to read as follows:

16 5. A regular committee meeting shall be held at the seat
17 of government on the second Tuesday of each month. Unless
18 impracticable in advance of each such meeting the subject
19 matter to be considered shall be published in the Iowa
20 administrative ~~code~~ bulletin. A special committee meeting
21 may be called by the chairperson at any place in the state
22 and at any time. Unless impracticable, in advance of each
23 special meeting notice of the time and place of such meeting
24 and the subject matter to be considered shall be published
25 in the Iowa administrative ~~code~~ bulletin.

26 Sec. 6. Section seventeen point twenty-two (17.22),
27 unnumbered paragraph two (2), Code 1977, is amended to read
28 as follows:

29 The Iowa administrative code ~~shall~~ and bulletin may be
30 distributed with each order for purchase of the Code and the
31 price set for the Code, and administrative code and bulletin
32 as provided above shall include the cost of both the Code,
33 and administrative code and bulletin. However In addition,
34 the Iowa administrative code ~~or,~~ its supplements, the Iowa
35 administrative bulletin or the Code may be distributed

1 separately. There shall be established ~~a-price~~ separate
2 prices for the Iowa administrative code ~~and-a-separate-price,~~
3 for its supplements, for the Iowa administrative bulletin
4 and for the Code. The price charged for the Iowa
5 administrative code, ~~or~~ its supplements or the Iowa
6 administrative bulletin shall represent the cost of compiling
7 and indexing plus the amount charged for the printing and
8 distribution of the Iowa administrative code, ~~or~~ its
9 supplements or the Iowa administrative bulletin.

10 Sec. 7. Section eighteen point ninety-seven (18.97),
11 unnumbered paragraph one (1), Code 1977 Supplement, is
12 amended to read as follows:

13 The superintendent of printing shall make free distribution
14 of the Code, rules of civil procedure, rules of appellate
15 procedure, supreme court rules, the Acts of each general
16 assembly, and, upon request, the Iowa administrative code,
17 its supplements, and the Iowa administrative bulletin as
18 follows:

19 Sec. 8. This Act, being deemed of immediate importance,
20 shall take effect and be in force from and after its publica-
21 tion in the Eldora Herald-Ledger, a newspaper published in
22 Eldora, Iowa, and in The Record, a newspaper published in
23 Cedar Falls, Iowa.

24 EXPLANATION

25 The bill establishes an Iowa administrative bulletin
26 published biweekly in pamphlet form. The bulletin would con-
27 tain the notices of intended action, adopted rules, executive
28 orders, and other material. The loose-leaf supplements to
29 the Iowa administrative code would also be published biweekly
30 and would contain only the adopted rules.

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LSB 3478H
dsb/rh/8A

HOUSE FILE 2099

By COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House)

Substituted for S.F. 2023 2/20

Passed House, Date 2-6-78 (p. 340) Passed Senate, Date 2-20-78 (p. 346)

Vote: Ayes 82 Nays 0 Vote: Ayes 43 Nays 7

Approved April 17 1978

A BILL FOR

1 An Act relating to the publication of administrative rules.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Certification of publication 5/1 (p. 2101)

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House Amendments _____

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1 Section 1. Section seventeen A point four (17A.4),
2 subsections one (1), four (4), and five (5), Code 1977, are
3 amended to read as follows:

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

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

16 b. Afford all interested persons not less than twenty
17 days to submit data, views or arguments in writing. If timely
18 requested in writing by twenty-five interested persons, by
19 a governmental subdivision, by the administrative rules review
20 committee, by an agency, or by an association having not less
21 than twenty-five members, the agency must give interested
22 persons an opportunity to make oral presentation according
23 ~~to-agency-rules-which-give-the-public-not-less-than-twenty~~
24 ~~days-notice-of-the-time-when-and-the-place-where-oral~~
25 ~~presentation-may-be-made,-and-which-provide-for-the~~
26 ~~presentation-prior-to-agency-action-on-the-rule-which-is-the~~
27 ~~subject-of-the-proceeding.~~ The opportunity for oral
28 presentation must be held at least twenty days after
29 ~~publication of the notice of its time and place in the Iowa~~
30 ~~administrative bulletin.~~ The agency shall consider fully
31 all written and oral submissions respecting the proposed rule.
32 Within one hundred eighty days following either the notice
33 published according to the provisions of subsection 1,
34 paragraph "a" or within one hundred eighty days after the
35 last date of the oral presentations on the proposed rule,

1 whichever is later, the agency shall adopt a rule pursuant
2 to the rule-making proceeding or shall terminate the proceeding
3 by publishing notice of termination in the Iowa administrative
4 ~~code~~ bulletin. If requested to do so by an interested person,
5 either prior to adoption or within thirty days thereafter,
6 the agency shall issue a concise statement of the principal
7 reasons for and against the rule it adopted, incorporating
8 therein the reasons for overruling considerations urged against
9 the rule.

10 c. Upon the request of at least two members of the adminis-
11 trative rules review committee publish in the Iowa
12 administrative ~~code~~ bulletin an estimate of the economic
13 impact of the a proposed rule adoption, amendment, or repeal
14 upon all persons affected by it and upon the agency itself.
15 If the agency determines that such an estimate cannot be
16 formulated the reasons for impossibility of formulation shall
17 be published instead of the estimate. An estimate shall be
18 published at least fifteen days in advance of the adoption,
19 amendment or repeal of the rule. In the case of a rule issued
20 under subsection 2 or made effective under the provisions
21 of section 17A.5, subsection 2, paragraph "b", an estimate,
22 or the reasons for the impossibility of formulating an estimate
23 shall be published within ~~thirty~~ forty-five days of the
24 request.

25 4. a. If the administrative rules review committee created
26 by section 17A.8 or the attorney general finds objection to
27 all or some portion of a proposed rule because that rule is
28 deemed to be unreasonable, arbitrary, capricious or otherwise
29 beyond the authority delegated to the agency, the committee
30 or attorney general may, in writing, notify the agency of
31 the objection prior to the effective date of such a rule.
32 In the case of a rule issued under subsection 2, or a rule
33 made effective under the terms of section 17A.5, subsection
34 2, paragraph "b", the committee or attorney general may notify
35 the agency of such an objection within seventy days of the

1 date such a rule became effective. The committee or the
2 attorney general shall also file a certified copy of such
3 an objection in the office of the secretary of state within
4 the above time limits and a notice to the effect that an
5 objection has been filed shall be published in the next
6 supplement-to issue of the "Iowa-Administrative-Code" Iowa
7 administrative bulletin and in the Iowa administrative code
8 when that rule is printed in it. The burden of proof shall
9 then be on the agency in any proceeding for judicial review
10 or for enforcement of the rule heard subsequent to the filing
11 to establish that the rule or portion of the rule timely
12 objected to according to the above procedure is not
13 unreasonable, arbitrary, capricious or otherwise beyond the
14 authority delegated to it.

15 b. If the agency fails to meet the burden of proof
16 prescribed for a rule objected to according to the provisions
17 of paragraph "a" of this subsection, the court shall declare
18 the rule or portion of the rule objected to invalid and
19 judgment shall be rendered against the agency for court costs.
20 Such court costs shall include a reasonable attorney fee and
21 shall be payable by the state comptroller from the support
22 appropriations of the agency which issued the rule in question.

23 5. Upon the vote of two-thirds of its members the admin-
24 istrative rules review committee may delay the effective date
25 of a rule seventy days beyond that permitted in section 17A.5,
26 unless the rule was promulgated under section 17A.5, subsec-
27 tion 2, paragraph "b". This provision shall be utilized by
28 the committee only if further time is necessary to study and
29 examine the rule. Notice of an effective date that was de-
30 layed under this provision shall be published in the Iowa
31 administrative code and bulletin.

32 Sec. 2. Section seventeen A point five (17A.5), subsec-
33 tion two (2), unnumbered paragraph one (1), Code 1977, is
34 amended to read as follows:

35 Each rule hereafter adopted is effective thirty-five days

1 after filing, as required in this section, and indexing and
2 publication ~~as required by section 17A.6,~~ in the Iowa
3 administrative bulletin except that:

4 Sec. 3. Section seventeen A point six (17A.6), Code 1977,
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. The Code editor shall cause the "Iowa
7 Administrative Bulletin" to be published in pamphlet form
8 at least every other week containing the following:

9 a. Notices of intended action and adopted rules prepared
10 in such a manner so that the text of a proposed or adopted
11 rule shows the text of any existing rule being changed and
12 the change being made.

13 b. All proclamations and executive orders of the governor
14 which are general and permanent in nature.

15 c. Other materials deemed fitting and proper by the
16 administrative rules review committee.

17 Sec. 4. Section seventeen A point six (17A.6), Code 1977,
18 is amended to read as follows:

19 17A.6 PUBLICATION OF RULES.

20 1. The Code editor shall cause the "Iowa Administrative
21 Code" to be compiled, indexed and published in loose-leaf
22 form containing all rules adopted and filed by each agency
23 ~~and notice of all proposed rule making by each agency.~~ The
24 Code editor further shall cause loose-leaf supplements to
25 the Iowa administrative code to be published ~~supplements to~~
26 ~~this publication~~ at least every other week ~~which supplements~~
27 ~~shall contain,~~ in such a form that they may be filed in the
28 appropriate places in the compilation, containing all rules
29 ~~and notice of proposed rules~~ filed for publication in the
30 prior two weeks. The Code editor shall devise a uniform
31 numbering system for rules and may renumber rules before
32 publication to conform with the system.

33 2. The Code editor may omit or cause to be omitted from
34 the ~~publication~~ Iowa administrative code or bulletin any rule
35 the publication of which would be unduly cumbersome, expensive

1 or otherwise inexpedient, if the rule in printed or processed
2 form is made available on application to the adopting agency
3 at no more than its cost of reproduction, and if the
4 ~~publication~~ Iowa administrative code or bulletin contains
5 a notice stating the specific subject matter of the omitted
6 rule and stating how a copy thereof may be obtained.

7 3. ~~This publication, which shall be known as the "Iowa~~
8 ~~Administrative Code",~~ The Iowa administrative code, its
9 supplements, and the Iowa administrative bulletin shall be
10 made available upon request to all persons who subscribe to
11 ~~it~~ any of them through the state printing division. Copies
12 of this Code so made available shall be kept current by the
13 division.

14 4. All expenses incurred by the Code editor under this
15 section shall be defrayed under the provisions of section
16 14.22.

17 Sec. 5. Section seventeen A point eight (17A.8), subsection
18 five (5), Code 1977, is amended to read as follows:

19 5. A regular committee meeting shall be held at the seat
20 of government on the second Tuesday of each month. Unless
21 impracticable in advance of each such meeting the subject
22 matter to be considered shall be published in the Iowa
23 administrative ~~code~~ bulletin. A special committee meeting
24 may be called by the chairperson at any place in the state
25 and at any time. Unless impracticable, in advance of each
26 special meeting notice of the time and place of such meeting
27 and the subject matter to be considered shall be published
28 in the Iowa administrative ~~code~~ bulletin.

29 Sec. 6. Section seventeen point twenty-two (17.22),
30 unnumbered paragraph two (2), Code 1977, is amended to read
31 as follows:

32 The Iowa administrative code ~~shall~~ and bulletin may be
33 distributed with each order for purchase of the Code and the
34 price set for the Code and administrative code as provided
35 above shall include the cost of both the Code and

1 ~~administrative-code.~~ However, the The Iowa administrative
2 code or, its supplements, the Iowa administrative bulletin
3 or the Code may be distributed separately. There shall be
4 established ~~a-price~~ separate prices for the Iowa administrative
5 code ~~and-a-separate-price,~~ for its supplements, for the Iowa
6 administrative bulletin and for the Code. The price charged
7 for the Iowa administrative code, or its supplements or the
8 Iowa administrative bulletin shall represent the cost of
9 compiling and indexing plus the amount charged for the printing
10 and distribution of-the-Iowa-administrative-code-or-its
11 supplements.

12 Sec. 7. Section eighteen point ninety-seven (18.97),
13 unnumbered paragraph one (1), Code 1977 Supplement, is amended
14 to read as follows:

15 The superintendent of printing shall make free distribution
16 of the Code, rules of civil procedure, rules of appellate
17 procedure, supreme court rules, the Acts of each general
18 assembly, and, upon request, the Iowa administrative code,
19 its supplements, and the Iowa administrative bulletin as
20 follows:

21 Sec. 8. This Act, being deemed of immediate importance,
22 shall take effect and be in force from and after its publica-
23 tion in the Eldora Herald-Ledger, a newspaper published in
24 Eldora, Iowa, and in The Record, a newspaper published in
25 Cedar Falls, Iowa.

26 EXPLANATION

27 The bill establishes an Iowa administrative bulletin
28 published biweekly in pamphlet form. The bulletin would con-
29 tain the notices of intended action, adopted rules, executive
30 orders, and other material. The loose-leaf supplements to
31 the Iowa administrative code would also be published biweekly
32 and would contain only the adopted rules.

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35

HOUSE FILE 2099

AN ACT

RELATING TO THE PUBLICATION OF ADMINISTRATIVE RULES.

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

Section 1. Section seventeen A point four (17A.4), subsections one (1), four (4), and five (5), Code 1977, are amended to read as follows:

1. Prior to the adoption, amendment, or repeal of any rule an agency shall:
 - a. Give notice of its intended action by submitting two copies of the notice to the Code editor to be published in the "Iowa Administrative Code Bulletin" created pursuant to section 17A.6. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon.
 - b. Afford all interested persons not less than twenty days to submit data, views or arguments in writing. If timely requested in writing by twenty-five interested persons, by a governmental subdivision, by the administrative rules review committee, by an agency, or by an association having not less than twenty-five members, the agency must give interested persons an opportunity to make oral presentation according to agency rules which give the public not less than twenty days notice of the time when and the place where oral presentation may be made, and which provide for the presentation prior to agency action on the rule which is the subject of the proceeding. The opportunity for oral presentation must be held at least twenty days after publication of the notice of its time and place in the Iowa administrative bulletin. The agency shall consider fully

all written and oral submissions respecting the proposed rule. Within one hundred eighty days following either the notice published according to the provisions of subsection 1, paragraph "a" or within one hundred eighty days after the last date of the oral presentations on the proposed rule, whichever is later, the agency shall adopt a rule pursuant to the rule-making proceeding or shall terminate the proceeding by publishing notice of termination in the Iowa administrative code bulletin. If requested to do so by an interested person, either prior to adoption or within thirty days thereafter, the agency shall issue a concise statement of the principal reasons for and against the rule it adopted, incorporating therein the reasons for overruling considerations urged against the rule.

- c. Upon the request of at least two members of the administrative rules review committee publish in the Iowa administrative code bulletin an estimate of the economic impact of the a proposed rule adoption-amendment-or-repeal upon all persons affected by it and upon the agency itself. If the agency determines that such an estimate cannot be formulated the reasons for impossibility of formulation shall be published instead of the estimate. An estimate shall be published at least fifteen days in advance of the adoption, amendment or repeal of the rule. In the case of a rule issued under subsection 2 or made effective under the provisions of section 17A.5, subsection 2, paragraph "b", an estimate, or the reasons for the impossibility of formulating an estimate shall be published within thirty forty-five days of the request.

4. a. If the administrative rules review committee created by section 17A.8 or the attorney general finds objection to all or some portion of a proposed rule because that rule is deemed to be unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to the agency, the committee or attorney general may, in writing, notify the agency of the objection prior to the effective date of such a rule. In the case of a rule issued under subsection 2, or a rule

made effective under the terms of section 17A.5, subsection 2, paragraph "b", the committee or attorney general may notify the agency of such an objection within seventy days of the date such a rule became effective. The committee or the attorney general shall also file a certified copy of such an objection in the office of the secretary of state within the above time limits and a notice to the effect that an objection has been filed shall be published in the next ~~supplement to~~ issue of the "Iowa-Administrative-Code" Iowa administrative bulletin and in the Iowa administrative code when that rule is printed in it. The burden of proof shall then be on the agency in any proceeding for judicial review or for enforcement of the rule heard subsequent to the filing to establish that the rule or portion of the rule timely objected to according to the above procedure is not unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to it.

b. If the agency fails to meet the burden of proof prescribed for a rule objected to according to the provisions of paragraph "a" of this subsection, the court shall declare the rule or portion of the rule objected to invalid and judgment shall be rendered against the agency for court costs. Such court costs shall include a reasonable attorney fee and shall be payable by the state comptroller from the support appropriations of the agency which issued the rule in question.

5. Upon the vote of two-thirds of its members the administrative rules review committee may delay the effective date of a rule seventy days beyond that permitted in section 17A.5, unless the rule was promulgated under section 17A.5, subsection 2, paragraph "b". This provision shall be utilized by the committee only if further time is necessary to study and examine the rule. Notice of an effective date that was delayed under this provision shall be published in the Iowa administrative code and bulletin.

Sec. 2. Section seventeen A point five (17A.5), subsection two (2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

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Sec. 3. Section seventeen A point six (17A.6), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The Code editor shall cause the "Iowa Administrative Bulletin" to be published in pamphlet form at least every other week containing the following:

a. Notices of intended action and adopted rules prepared in such a manner so that the text of a proposed or adopted rule shows the text of any existing rule being changed and the change being made.

b. All proclamations and executive orders of the governor which are general and permanent in nature.

c. Other materials deemed fitting and proper by the administrative rules review committee.

Sec. 4. Section seventeen A point six (17A.6), Code 1977, is amended to read as follows:

17A.6 PUBLICATION OF RULES.

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

2. The Code editor may omit or cause to be omitted from the ~~publication~~ Iowa administrative code or bulletin any rule the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if the rule is printed or processed

form is made available on application to the adopting agency at no more than its cost of reproduction, and if the publication Iowa administrative code or bulletin contains a notice stating the specific subject matter of the omitted rule and stating how a copy thereof may be obtained.

3. ~~This publication which shall be known as the "Iowa Administrative Code"~~, The Iowa administrative code, its supplements, and the Iowa administrative bulletin shall be made available upon request to all persons who subscribe to it any of them through the state printing division. Copies of this Code so made available shall be kept current by the division.

4. All expenses incurred by the Code editor under this section shall be defrayed under the provisions of section 14.22.

Sec. 5. Section seventeen A point eight (17A.8), subsection five (5), Code 1977, is amended to read as follows:

5. A regular committee meeting shall be held at the seat of government on the second Tuesday of each month. Unless impracticable in advance of each such meeting the subject matter to be considered shall be published in the Iowa administrative code bulletin. A special committee meeting may be called by the chairperson at any place in the state and at any time. Unless impracticable, in advance of each special meeting notice of the time and place of such meeting and the subject matter to be considered shall be published in the Iowa administrative code bulletin.

Sec. 6. Section seventeen point twenty-two (17.22), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

The Iowa administrative code ~~shall~~ and bulletin may be distributed with each order for purchase of the Code ~~and the price set for the Code and administrative code as provided above shall include the cost of both the Code and administrative code.~~ However, the The Iowa administrative code or its supplements, the Iowa administrative bulletin or the Code may be distributed separately. There shall be

established ~~a price separate prices~~ for the Iowa administrative code and a separate price, for its supplements, for the Iowa administrative bulletin and for the Code. The price charged for the Iowa administrative code, or its supplements or the Iowa administrative bulletin shall represent the cost of compiling and indexing plus the amount charged for the printing and distribution ~~of the Iowa administrative code or its supplements.~~

Sec. 7. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1977 Supplement, is amended to read as follows:

The superintendent of printing shall make free distribution of the Code, rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code, its supplements, and the Iowa administrative bulletin as follows:

Sec. 8. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Eldora Herald-Ledger, a newspaper published in Eldora, Iowa, and in The Record, a newspaper published in Cedar Falls, Iowa.

DALE H. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2099, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved April 17, 1978

ROBERT D. RAY
Governor