

**Senate File 281 - Introduced**

SENATE FILE 281

BY BROWN

**A BILL FOR**

1 An Act relating to the adoption by executive branch agencies of  
2 standards by reference to certain publications and including  
3 effective date provisions.

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

DIVISION I

LIMITATION ON ADOPTION OF STANDARDS BY REFERENCE

1  
2 Section 1. Section 17A.6, Code 2021, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 4. An agency which adopts standards by  
5 reference to another publication shall comply with section  
6 17A.6C if applicable.

7  
8 Sec. 2. NEW SECTION. 17A.6C **Limitation on adoption of**  
9 **standards by reference.**

10 1. For purposes of this section, "*publication*" includes a  
11 successor publication to a publication previously adopted by  
12 reference, but does not include a publication by the executive,  
13 legislative, or judicial branches, or any component thereof, or  
14 a federal publication.

15 2. On and after the effective date of this Act, an agency  
16 shall not, by rule, adopt a standard by reference to another  
17 publication, or a new edition, amendment, or other update  
18 to such a standard previously adopted by reference, unless  
19 adoption of the specific standard, edition, amendment, or  
20 other update is explicitly authorized by a bill enacted by the  
21 general assembly.

22 3. This section does not apply to adoption of a standard by  
23 reference to another publication if such adoption is explicitly  
24 required by federal law.

25 4. This section shall not be construed to affect the  
26 validity of the adoption of a standard adopted by an agency  
27 prior to the effective date of this Act. This section shall  
28 not be construed to authorize an agency to adopt, by means  
29 other than rulemaking, a standard by reference to another  
30 publication if such adoption is not otherwise authorized by  
31 state or federal law.

32 DIVISION II

33 2020 NATIONAL ELECTRICAL CODE

34 Sec. 3. Section 103.6, subsection 1, paragraph a, Code 2021,  
35 is amended to read as follows:

1 a. Adopt rules pursuant to [chapter 17A](#) and in doing so  
2 shall be governed by the minimum standards set forth in the  
3 ~~most current~~ 2020 publication of the national electrical code  
4 issued and adopted by the national fire protection association,  
5 and without amendments, ~~to the code,~~ which code ~~and amendments~~  
6 shall be filed in the offices of the state law library and the  
7 board and shall be a public record. ~~The board shall adopt~~  
8 ~~rules reflecting updates to the code and amendments to the~~  
9 ~~code.~~ The board shall ~~promulgate and~~ adopt rules establishing  
10 wiring standards that protect public safety and health and  
11 property and that apply to all electrical wiring which is  
12 installed subject to [this chapter](#).

13 Sec. 4. Section 103.10, subsection 2, Code 2021, is amended  
14 to read as follows:

15 2. In addition, an applicant shall meet examination  
16 criteria based upon the ~~most recent~~ national electrical code  
17 adopted pursuant to [section 103.6](#) and upon electrical theory,  
18 as determined by the board.

19 DIVISION III

20 CORRESPONDING AMENDMENTS

21 Sec. 5. Section 88A.3, subsection 1, Code 2021, is amended  
22 to read as follows:

23 1. The commissioner shall adopt rules pursuant to chapter  
24 17A for the safe installation, repair, maintenance, use,  
25 operation, and inspection of amusement devices, amusement  
26 rides, concession booths, and related electrical equipment at  
27 carnivals and fairs to the extent necessary for the protection  
28 of the public. The rules shall be based on generally accepted  
29 engineering standards and shall be concerned with, but not  
30 necessarily limited to, engineering force stresses, safety  
31 devices, and preventive maintenance. If standards are  
32 available in suitable form, the standards may be incorporated  
33 by reference if authorized pursuant to section 17A.6C. The  
34 rules shall provide for the reporting of accidents and injuries  
35 incurred from the operation of amusement devices or rides,

1 concession booths, or related electrical equipment.

2 Sec. 6. Section 89A.3, subsection 3, Code 2021, is amended  
3 to read as follows:

4 3. The safety board shall adopt rules for conveyances  
5 according to the applicable provisions of the American  
6 society of mechanical engineers safety codes for elevators  
7 and escalators, A17.1 and A17.3, as the safety board deems  
8 necessary. In adopting rules the safety board may adopt the  
9 American society of mechanical engineers safety codes, or any  
10 part of the codes, by reference, if authorized pursuant to  
11 section 17A.6C.

12 Sec. 7. Section 99D.23, subsection 1, Code 2021, is amended  
13 to read as follows:

14 1. The commission shall employ one or more chemists or  
15 contract with a qualified chemical laboratory to determine by  
16 chemical testing and analysis of saliva, urine, blood, hair,  
17 or other excretions or body fluids whether a substance or drug  
18 has been introduced which may affect the outcome of a race or  
19 whether an action has been taken or a substance or drug has  
20 been introduced which may interfere with the testing procedure.  
21 The commission shall adopt rules under [chapter 17A](#) concerning  
22 procedures and actions taken on positive drug reports. The  
23 commission may adopt by reference nationally recognized  
24 standards as determined by the commission if authorized  
25 pursuant to section 17A.6C or may adopt any other procedure  
26 or standard. The commission has the authority to retain and  
27 preserve by freezing, test samples for future analysis.

28 Sec. 8. Section 103A.8, subsection 1, Code 2021, is amended  
29 to read as follows:

30 1. Provide uniform standards and requirements for  
31 construction, construction materials, and equipment through  
32 the adoption by reference, if authorized pursuant to section  
33 17A.6C, of applicable national codes where appropriate and  
34 providing exceptions when necessary. The rules adopted shall  
35 include provisions imposing requirements reasonably consistent

1 with or identical to recognized and accepted standards  
2 contained in performance criteria.

3 Sec. 9. Section 103A.8B, Code 2021, is amended to read as  
4 follows:

5 **103A.8B Sustainable design or green building standards.**

6 The commissioner, after consulting with and receiving  
7 recommendations from the department of natural resources,  
8 shall adopt rules pursuant to **chapter 17A** specifying standards  
9 and requirements for sustainable design and construction.  
10 The standards and requirements shall be based upon or  
11 incorporating nationally recognized ratings, certifications,  
12 or classification systems, and procedures relating to  
13 documentation of compliance, in accordance with section  
14 17A.6C if applicable. The standards and requirements shall  
15 be incorporated into the state building code established in  
16 section 103A.7, but in lieu of general applicability shall  
17 apply to construction projects only if such applicability is  
18 expressly authorized by statute, or as established by another  
19 state agency by rule.

20 Sec. 10. Section 105.4, subsection 1, paragraph a, Code  
21 2021, is amended to read as follows:

22 a. The board shall establish by rule a plumbing installation  
23 code governing the installation of plumbing in this state.  
24 Consistent with fire safety rules and standards promulgated by  
25 the state fire marshal, and if authorized pursuant to section  
26 17A.6C, the board shall adopt the most current version of the  
27 uniform plumbing code and the international mechanical code,  
28 as the state plumbing code and the state mechanical code, to  
29 govern the installation of plumbing and mechanical systems in  
30 this state. ~~The board shall adopt the current version of each~~  
31 ~~code within six months of its being released. The board may~~  
32 ~~adopt amendments to each code by rule.~~ The board shall work  
33 in consultation with the state fire marshal to ensure that  
34 proposed amendments do not conflict with the fire safety rules  
35 and standards promulgated by the state fire marshal. The state

1 plumbing code and the state mechanical code shall be applicable  
2 to all buildings and structures owned by the state or an agency  
3 of the state and in each local jurisdiction.

4 Sec. 11. Section 135.11, subsection 26, Code 2021, is  
5 amended to read as follows:

6 26. In consultation with the advisory committee for  
7 perinatal guidelines, develop and maintain the statewide  
8 perinatal program based on the recommendations of the American  
9 academy of pediatrics and the American college of obstetricians  
10 and gynecologists contained in the most recent edition of  
11 the guidelines for perinatal care, and shall adopt rules in  
12 accordance with [chapter 17A](#) to implement those recommendations.  
13 Such adoption shall be in accordance with section 17A.6C  
14 if applicable. Hospitals within the state shall determine  
15 whether to participate in the statewide perinatal program,  
16 and select the hospital's level of participation in the  
17 program. A hospital having determined to participate in the  
18 program shall comply with the guidelines appropriate to the  
19 level of participation selected by the hospital. Perinatal  
20 program surveys and reports are privileged and confidential  
21 and are not subject to discovery, subpoena, or other means  
22 of legal compulsion for their release to a person other than  
23 the affected hospital, and are not admissible in evidence in a  
24 judicial or administrative proceeding other than a proceeding  
25 involving verification of the participating hospital under this  
26 subsection.

27 Sec. 12. Section 135C.9, subsection 2, Code 2021, is amended  
28 to read as follows:

29 2. The rules and standards promulgated by the fire marshal  
30 pursuant to [subsection 1](#), paragraph ["b"](#), of [this section](#)  
31 shall be substantially in keeping with the latest generally  
32 recognized safety criteria for the facilities covered, of which  
33 the applicable criteria recommended and published from time  
34 to time by the national fire protection association shall be  
35 prima facie evidence. The rules and standards promulgated by

1 the fire marshal shall be promulgated in consultation with the  
2 department and in accordance with section 17A.6C if applicable  
3 and shall, to the greatest extent possible, be consistent with  
4 rules adopted by the department under [this chapter](#).

5 Sec. 13. Section 135C.14, unnumbered paragraph 1, Code  
6 2021, is amended to read as follows:

7 The department shall, in accordance with [chapter 17A](#)  
8 and with the approval of the state board of health, adopt  
9 and enforce rules setting minimum standards for health care  
10 facilities. In so doing, the department, with the approval  
11 of the state board of health, and if authorized pursuant  
12 to section 17A.6C, may adopt by reference, with or without  
13 amendment, nationally recognized standards and rules, which  
14 shall be specified by title and edition, date of publication,  
15 or similar information. The rules and standards required by  
16 this section shall be formulated in consultation with the  
17 director of human services or the director's designee, with the  
18 state fire marshal, and with affected industry, professional,  
19 and consumer groups, and shall be designed to further the  
20 accomplishment of the purposes of [this chapter](#) and shall relate  
21 to:

22 Sec. 14. Section 148F.3, subsection 2, Code 2021, is amended  
23 to read as follows:

24 2. Adoption of rules to establish accepted standards of  
25 orthotic and prosthetic scope of practice, including the  
26 classification of devices and supervision of nonlicensed  
27 caregivers. Any changes to the nationally accepted standards  
28 by the American board for certification in orthotics,  
29 prosthetics and pedorthics which impact scope of practice may  
30 be approved by the board along with the adoption of rules as  
31 required in [this section](#) in accordance with section 17A.6C if  
32 applicable.

33 Sec. 15. Section 214A.2, subsection 1, Code 2021, is amended  
34 to read as follows:

35 1. The department shall adopt rules pursuant to chapter

1 17A for carrying out [this chapter](#). The rules may include but  
2 are not limited to specifications relating to motor fuel,  
3 including but not limited to renewable fuel such as ethanol  
4 blended gasoline, biobutanol blended gasoline, biodiesel,  
5 biodiesel blended fuel, and motor fuel components such as an  
6 oxygenate. In the interest of uniformity, the department shall  
7 adopt by reference other specifications relating to tests and  
8 standards for motor fuel, including renewable fuel and motor  
9 fuel components, established by the United States environmental  
10 protection agency and A.S.T.M. international. The department  
11 shall comply with section 17A.6C, if applicable, when making  
12 such an adoption by reference.

13 Sec. 16. Section 231B.2, subsection 1, unnumbered paragraph  
14 1, Code 2021, is amended to read as follows:

15 The department shall establish by rule, in accordance with  
16 chapter 17A, minimum standards for certification and monitoring  
17 of elder group homes. The department may adopt by reference,  
18 with or without amendment, nationally recognized standards  
19 and rules for elder group homes if authorized pursuant to  
20 section 17A.6C. The standards and rules shall be formulated  
21 in consultation with affected state agencies and affected  
22 industry, professional, and consumer groups; shall be designed  
23 to accomplish the purposes of [this chapter](#); and shall include  
24 but not be limited to rules relating to all of the following:

25 Sec. 17. Section 231C.3, subsection 1, unnumbered paragraph  
26 1, Code 2021, is amended to read as follows:

27 The department shall establish by rule in accordance  
28 with [chapter 17A](#) minimum standards for certification and  
29 monitoring of assisted living programs. The department may  
30 adopt by reference with or without amendment, nationally  
31 recognized standards and rules for assisted living programs if  
32 authorized pursuant to section 17A.6C. The rules shall include  
33 specification of recognized accrediting entities and provisions  
34 related to dementia-specific programs. The standards and  
35 rules shall be formulated in consultation with affected state



1 agencies and affected industry, professional, and consumer  
2 groups; shall be designed to accomplish the purposes of  
3 this chapter; and shall include but are not limited to rules  
4 relating to all of the following:

5     Sec. 18. Section 231D.2, subsection 2, Code 2021, is amended  
6 to read as follows:

7     2. The department shall establish, by rule in accordance  
8 with [chapter 17A](#), a program for certification and monitoring  
9 of and complaint investigations related to adult day services  
10 programs. The department, in establishing minimum standards  
11 for adult day services programs, may adopt by rule in  
12 accordance with [chapter 17A](#), nationally recognized standards  
13 for adult day services programs if authorized pursuant to  
14 section 17A.6C. The rules shall include specification of  
15 recognized accrediting entities. The rules shall include  
16 a requirement that sufficient staffing be available at all  
17 times to fully meet a participant's identified needs. The  
18 rules shall include a requirement that no fewer than two  
19 staff persons who monitor participants as indicated in each  
20 participant's service plan shall be awake and on duty during  
21 the hours of operation when two or more participants are  
22 present. The rules and minimum standards adopted shall be  
23 formulated in consultation with affected state agencies and  
24 affected industry, professional, and consumer groups and shall  
25 be designed to accomplish the purpose of [this chapter](#).

26     Sec. 19. Section 508.36, subsection 4, paragraph a,  
27 subparagraph (3), subparagraph division (c), Code 2021, is  
28 amended to read as follows:

29     (c) Any ordinary mortality table, adopted after 1980 by the  
30 national association of insurance commissioners, if authorized  
31 pursuant to section 17A.6C, that is approved by rule adopted by  
32 the commissioner for use in determining the minimum standard  
33 of valuation for such policies.

34     Sec. 20. Section 508.36, subsection 4, paragraph b,  
35 subparagraph (2), Code 2021, is amended to read as follows:

1 (2) For policies issued on or after the operative date of  
2 section 508.37, subsection 6, paragraph "b", the commissioners  
3 1961 standard industrial mortality table, or any industrial  
4 mortality table adopted after 1980 by the national association  
5 of insurance commissioners, if authorized pursuant to section  
6 17A.6C, that is approved by rule adopted by the commissioner  
7 for use in determining the minimum standard of valuation for  
8 such policies.

9 Sec. 21. Section 508.36, subsection 4, paragraph e,  
10 subparagraph (1), subparagraph division (a), Code 2021, is  
11 amended to read as follows:

12 (a) For policies or contracts issued on or after January  
13 1, 1966, the tables of period 2 disablement rates and the  
14 1930 to 1950 termination rates of the 1952 disability study  
15 of the society of actuaries, with due regard to the type of  
16 benefit, or any tables of disablement rates and termination  
17 rates adopted after 1980 by the national association of  
18 insurance commissioners and, if authorized pursuant to section  
19 17A.6C, approved by rule adopted by the commissioner for use  
20 in determining the minimum standard of valuation for such  
21 policies.

22 Sec. 22. Section 508.36, subsection 4, paragraph f,  
23 subparagraph (1), subparagraph division (a), Code 2021, is  
24 amended to read as follows:

25 (a) For policies issued on or after January 1, 1966, the  
26 1959 accidental death benefits table, or any accidental death  
27 benefits table adopted after 1980 by the national association  
28 of insurance commissioners and, if authorized pursuant to  
29 section 17A.6C, approved by rule adopted by the commissioner  
30 for use in determining the minimum standard of valuation for  
31 such policies.

32 Sec. 23. Section 508.36, subsection 5, paragraph a,  
33 subparagraph (2), subparagraph division (a), subparagraph  
34 subdivision (ii), Code 2021, is amended to read as follows:

35 (ii) An individual annuity mortality table, adopted after

1 1980 by the national association of insurance commissioners  
2 and, if authorized pursuant to section 17A.6C, approved by rule  
3 adopted by the commissioner for use in determining the minimum  
4 standard of valuation for such contracts.

5 Sec. 24. Section 508.36, subsection 5, paragraph a,  
6 subparagraph (3), subparagraph division (a), subparagraph  
7 subdivision (ii), Code 2021, is amended to read as follows:

8 (ii) An individual annuity mortality table adopted after  
9 1980 by the national association of insurance commissioners  
10 and, if authorized pursuant to section 17A.6C, approved by rule  
11 adopted by the commissioner for use in determining the minimum  
12 standard of valuation for such contracts.

13 Sec. 25. Section 508.36, subsection 5, paragraph a,  
14 subparagraph (5), subparagraph division (a), subparagraph  
15 subdivision (ii), Code 2021, is amended to read as follows:

16 (ii) A group annuity mortality table adopted after 1980 by  
17 the national association of insurance commissioners and, if  
18 authorized pursuant to section 17A.6C, approved by rule adopted  
19 by the commissioner for use in determining the minimum standard  
20 of valuation for such annuities and pure endowments.

21 Sec. 26. Section 508.37, subsection 7, paragraph h,  
22 subparagraphs (6), (7), (8), and (9), Code 2021, are amended  
23 to read as follows:

24 (6) For policies issued prior to the operative date of  
25 the valuation manual, any commissioners standard ordinary  
26 mortality tables adopted after 1980 by the national association  
27 of insurance commissioners and, if authorized pursuant to  
28 section 17A.6C, approved by rule adopted by the commissioner  
29 for use in determining the minimum nonforfeiture standard may  
30 be substituted for the commissioners 1980 standard ordinary  
31 mortality table with or without ten-year select mortality  
32 factors or for the commissioners 1980 extended term insurance  
33 table.

34 (7) For policies issued on or after the operative date of  
35 the valuation manual, the valuation manual shall provide the

1 commissioners standard mortality table for use in determining  
2 the minimum forfeiture standard that may be substituted for  
3 the commissioners 1980 standard ordinary mortality table  
4 with or without ten-year select mortality factors or for the  
5 commissioners 1980 extended term insurance table. If the  
6 commissioner approves by rule in accordance with section 17A.6C  
7 the commissioners standard ordinary mortality table adopted by  
8 the national association of insurance commissioners for use in  
9 determining the minimum nonforfeiture standard for policies  
10 or contracts issued on or after the operative date of the  
11 valuation manual, then that minimum nonforfeiture standard  
12 supersedes the minimum nonforfeiture standard provided by the  
13 valuation manual.

14 (8) Any industrial mortality tables adopted after 1980  
15 by the national association of insurance commissioners and,  
16 if authorized pursuant to section 17A.6C, approved by rule  
17 adopted by the commissioner for use in determining the minimum  
18 nonforfeiture standard may be substituted for the commissioners  
19 1961 standard industrial mortality table or the commissioners  
20 1961 industrial extended term insurance table.

21 (9) For policies issued on or after the operative date  
22 of the valuation manual, the valuation manual shall provide  
23 the commissioners standard ordinary mortality table for use  
24 in determining the minimum nonforfeiture standard that may be  
25 substituted for the commissioners 1961 standard industrial  
26 mortality table or the commissioners 1961 industrial extended  
27 term insurance table. If the commissioner approves by rule  
28 in accordance with section 17A.6C any commissioners standard  
29 industrial mortality table adopted by the national association  
30 of insurance commissioners for use in determining the minimum  
31 nonforfeiture standard for policies issued on or after the  
32 operative date of the valuation manual, then that minimum  
33 nonforfeiture standard supersedes the minimum nonforfeiture  
34 standard provided by the valuation manual.

35 Sec. 27. Section 514C.12, subsection 1, Code 2021, is

1 amended to read as follows:

2 1. Notwithstanding [section 514C.6](#), a person who provides  
3 an individual or group policy of accident or health insurance  
4 or individual or group hospital or health care service  
5 contract issued pursuant to [chapter 509](#), [509A](#), [514](#), or [514A](#)  
6 or an individual or group health maintenance organization  
7 contract issued and regulated under [chapter 514B](#), which is  
8 delivered, amended, or renewed on or after July 1, 1996, and  
9 which provides maternity benefits, which are not limited to  
10 complications of pregnancy, or newborn care benefits, shall not  
11 terminate inpatient benefits or require discharge of a mother  
12 or the newborn from a hospital following delivery earlier  
13 than determined to be medically appropriate by the attending  
14 physician after consultation with the mother and in accordance  
15 with guidelines adopted by rule by the commissioner. The  
16 guidelines adopted by rule shall be consistent with or, if  
17 authorized pursuant to section 17A.6C, may adopt by reference  
18 the guidelines for perinatal care established by the American  
19 academy of pediatrics and the American college of obstetricians  
20 and gynecologists which provide that when complications are not  
21 present, the postpartum hospital stay ranges from a minimum  
22 of forty-eight hours for a vaginal delivery to a minimum of  
23 ninety-six hours for a cesarean birth, excluding the day of  
24 delivery. The guidelines adopted by rule by the commissioner  
25 shall also provide that in the event of a discharge from  
26 the hospital prior to the minimum stay established in the  
27 guidelines, a postdischarge follow-up visit shall be provided  
28 to the mother and newborn by providers competent in postpartum  
29 care and newborn assessment if determined medically appropriate  
30 as directed by the attending physician, in accordance with the  
31 guidelines.

32 Sec. 28. Section 514C.22, subsection 4, Code 2021, is  
33 amended to read as follows:

34 4. The commissioner, by rule, shall define the biologically  
35 based mental illnesses identified in [subsection 3](#). Definitions

1 established by the commissioner shall be consistent with  
2 definitions provided in the most recent edition of the American  
3 psychiatric association's diagnostic and statistical manual of  
4 mental disorders, as such definitions may be amended from time  
5 to time. The commissioner may adopt the definitions provided  
6 in such manual by reference, if authorized pursuant to section  
7 17A.6C.

8 Sec. 29. Section 514C.27, subsection 4, Code 2021, is  
9 amended to read as follows:

10 4. The commissioner, by rule, shall define "*mental illness*"  
11 consistent with definitions provided in the most recent edition  
12 of the American psychiatric association's diagnostic and  
13 statistical manual of mental disorders, as the definitions may  
14 be amended from time to time. The commissioner may adopt the  
15 definitions provided in such manual by reference, if authorized  
16 pursuant to section 17A.6C.

17 Sec. 30. Section 514C.28, subsection 2, paragraph c, Code  
18 2021, is amended to read as follows:

19 c. "*Autism spectrum disorders*" means any of the pervasive  
20 developmental disorders including autistic disorder, Asperger's  
21 disorder, and pervasive developmental disorders not otherwise  
22 specified. The commissioner, by rule, shall define "*autism*  
23 *spectrum disorders*" consistent with definitions provided in the  
24 most recent edition of the American psychiatric association's  
25 diagnostic and statistical manual of mental disorders, as such  
26 definitions may be amended from time to time. The commissioner  
27 may adopt the definitions provided in such manual by reference,  
28 if authorized pursuant to section 17A.6C.

29 Sec. 31. Section 515.63, subsection 15, Code 2021, is  
30 amended to read as follows:

31 15. All other information as required by the national  
32 association of insurance commissioners' annual statement blank.  
33 The annual statement blank shall be prepared in accordance with  
34 instructions prescribed by the commissioner. All financial  
35 information reflected in the annual report shall be kept and

1 prepared in accordance with accounting practices and procedures  
2 prescribed by the commissioner. The commissioner may adopt  
3 by reference the annual statement handbook and the accounting  
4 practices and procedures manual of the national association of  
5 insurance commissioners, in accordance with section 17A.6C if  
6 applicable.

7 Sec. 32. Section 515E.3, subsection 1, Code 2021, is amended  
8 to read as follows:

9 1. To be organized as a risk retention group in this  
10 state, the group must be organized and licensed as a liability  
11 insurance company authorized by the insurance laws of this  
12 state. Except as provided elsewhere in [this chapter](#), a risk  
13 retention group organized in this state must comply with  
14 all of the laws, rules, and requirements applicable to a  
15 liability insurer organized in this state. Additionally,  
16 a risk retention group organized in this state must comply  
17 with [section 515E.4](#). These requirements do not exempt a risk  
18 retention group from a duty imposed by any other law or rule  
19 of the state. Before it may offer insurance in any state,  
20 a risk retention group shall also submit for approval to the  
21 commissioner of insurance of this state a plan of operation  
22 or a feasibility study, and revisions of the plan or study  
23 within ten days of any change. The name under which a risk  
24 retention group may be chartered and licensed shall be a brief  
25 description of its membership followed by the phrase "risk  
26 retention group" and, unless its membership consists solely of  
27 insurers, shall not include the terms "insurance", "mutual",  
28 "reciprocal", or any similar term. A risk retention group  
29 chartered in this state shall file with the division and the  
30 national association of insurance commissioners an annual  
31 statement blank prepared in accordance with instructions  
32 prescribed by the commissioner. All financial information  
33 reflected in the annual statement shall be kept and prepared in  
34 accordance with accounting practices and procedures prescribed  
35 by the commissioner. The commissioner may adopt by reference

1 the annual statement handbook and the accounting practices and  
2 procedures manual of the national association of insurance  
3 commissioners, in accordance with section 17A.6C if applicable.

4 Sec. 33. Section 542.3, subsection 1, paragraph b, Code  
5 2021, is amended to read as follows:

6 b. The standards specified in this subsection are those  
7 standards adopted ~~by the board, by rule,~~ by reference, in  
8 accordance with section 17A.6C, to the standards developed for  
9 general application by the American institute of certified  
10 public accountants, the public company accounting oversight  
11 board, or other recognized national accountancy organization.

12 DIVISION IV

13 EFFECTIVE DATE

14 Sec. 34. EFFECTIVE DATE. This Act, being deemed of  
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the adoption by executive branch  
20 agencies of standards by reference to other publications.

21 The bill prohibits an agency, on and after the effective date  
22 of the bill, from adopting, by rule, a standard by reference  
23 to another publication, or a new edition, amendment, or other  
24 update to such a standard previously adopted by reference,  
25 unless adoption of the specific standard, edition, amendment,  
26 or other update is explicitly authorized by a bill enacted by  
27 the general assembly.

28 The bill defines "publication" to include a successor  
29 publication to a publication previously adopted by reference,  
30 but not a publication by the executive, legislative, or  
31 judicial branches, or any component thereof, or a federal  
32 publication.

33 The bill does not apply to adoption of a standard by  
34 reference to another publication if such adoption is explicitly  
35 required by federal law.



1 The bill shall not be construed to affect the validity of  
2 the adoption of a standard adopted by an agency prior to the  
3 effective date of the bill. The bill shall not be construed to  
4 authorize an agency to adopt, by means other than rulemaking, a  
5 standard by reference to another publication if such adoption  
6 is not otherwise authorized by state or federal law.

7 The bill makes corresponding amendments to statutory  
8 language regarding adoption of standards by reference to  
9 various publications.

10 The bill strikes language requiring the electrical examining  
11 board to adopt rules based on minimum standards set forth in  
12 the most current publication of the national electrical code  
13 issued and adopted by the national fire protection association  
14 and amendments to the code and instead provides that such rules  
15 shall be based on the 2020 publication of the code without  
16 amendments.

17 The bill takes effect upon enactment.