

March 16, 1951.
Passed on File.

House File 606
By JUDICIARY 1.

Passed House, Date

Vote: Ayes..... Nays.....

Passed Senate, Date

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act relating to the adoption, amendment, revision, or repeal of rules and regulations adopted by administrative agencies as defined herein and to the publication and distribution of said rules and regulations.

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

1 Section 1. As used in this Act the following words and
2 phrases shall have the meanings respectively ascribed to them.

3 1. "Administrative agency" or "agency" means each state
4 board, commission, bureau, division, or department, other than
5 a court, having statewide jurisdiction.

6 2. "Person" includes individuals, associations, partner-
7 ships, and corporations.

8 3. "Rules and regulations" include rules, regulations
9 and amendments thereto of general application and rules of
10 administrative procedure issued under authority of law but
11 shall not include rules and regulations adopted relating solely
12 to the internal operation of the agency nor to rules and
13 regulations adopted relating to the management, discipline,
14 or release of any person committed to any state institution.

1 Sec. 2. Wherever in the statutes any administrative agency.

2 is empowered to make rules and regulations, said agency shall
3 proceed as follows:

4 1. A copy of the proposed rule or regulation before
5 adoption shall be forwarded to the attorney general who shall
6 within twenty days, approve or disapprove of the form and
7 legality thereof.

8 2. If the attorney general approves of the proposed rule
9 or resolution the agency shall give notice, by mail, of a public
10 hearing thereon and the time and place thereof, to all persons
11 or groups who have registered their names with the secretary of
12 state for that purpose. Notice of the hearing shall also be
13 published at least once in a daily newspaper of general
14 circulation in the county where the hearing will be held. Said
15 hearing shall be at least thirty days after giving of said
16 notice. No rule or regulation shall be adopted by any agency
17 without said public hearing nor become effective until ninety
18 days after filing in the office of the secretary of state.

19 3. If the attorney general disapproves of the form or
20 legality of any proposed rule or regulation he shall state in
21 writing his reasons therefor, and the administrative agency shall
22 then not proceed until the reasons for his objections have been
23 removed. If the attorney general fails to approve or disapprove
24 within twenty days the agency may proceed as though he had
25 approved.

1 Sec. 3. When a rule or regulation adopted as provided in
2 section two (2) is filed in the office of the secretary of state,

3 he shall make an original copy thereof in substantially the same
4 manner that acts of the General Assembly are enrolled, endorse
5 thereon the time and date of filing in his office, and deposit
6 and index the same in the files of his office.

1 Sec. 4. The secretary of state shall furnish a copy of
2 every rule and regulation, filed in his office, to the code
3 editor.

1 Sec. 5. Each administrative agency shall mail a copy of
2 each of its rules and regulations to the office of the clerk
3 of each district court, to the secretary of the state bar
4 association and to each district and supreme court judge.

1 Sec. 6. Any group of twenty or more persons substantially
2 interested or affected in their rights of person or property by
3 a rule or regulation adopted by any administrative agency may
4 petition to the attorney general for a reconsideration of such
5 rule or regulation or for an amendment or modification thereof.
6 Such petition shall set forth a clear, concise description of
7 the facts and the grounds upon which such action is sought.
8 Upon filing of such petition the attorney general shall cause
9 the agency to grant the petitioners a public hearing as provided
10 in subsection two (2) of section two (2).

1 Sec. 7. Within six months after the effective date of this
2 act every administrative agency shall file its rules and regula-
3 tions, existing on that date in the office of the secretary of
4 state, who shall proceed therewith as provided in sections three
5 (3) and four (4). After the expiration of said period any rule

6 or regulation not so filed shall be of no further force or effect.

1 Sec. 8. Section fourteen point three (14.3), Code 1950,
2 is amended by adding a new subsection as follows:

3 "Prepare the manuscript copy, and cause to be printed by
4 the state superintendent of printing, a volume in each even-
5 numbered year which shall contain the permanent rules and
6 regulations of general application having the force and effect
7 of law, promulgated by each state board, commission, bureau,
8 division or department, other than a court, having statewide
9 jurisdiction and authority to make such rules. The code editor
10 may omit from said volume all rules and regulations applying
11 to professional and regulatory examining and licensing provisions
12 and any rules and regulations of limited application. The code
13 editor may make reference in the volume as to where said omitted:
14 rules and regulations may be procured."

1 Sec. 9. Each administrative agency promulgating professional
2 and regulatory examining and licensing rules and regulations and
3 each agency promulgating rules and regulations of limited
4 application shall cause the same to be published in pamphlet
5 form for distribution upon demand.

1 Sec. 10. The volume of rules and regulations published by
2 the code editor shall be sold and distributed by the superintendent
3 of printing in the same manner as codes and session laws.

EXPLANATION

This bill sets up a uniform procedure for the adoption, amendment, revision or repeal of rules and regulations of administrative agencies for the protection of the public.