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SENATE FILE 2316
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 2216)

Passed Senate, Date 3-13-06 Passed House, Date 3-16-06
Vote: Ayes 49 Nays 1 Vote: Ayes 96 Nays 0
Approved March 29, 2006

A BILL FOR

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

SF 2316

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1 Section 1. Section 7.17, Code 2005, is amended to read as
2 follows:

3 7.17 OFFICE OF ADMINISTRATIVE RULES ~~CO-ORDINATOR~~
4 COORDINATOR.

5 1. The governor shall establish the office of the
6 administrative rules ~~co-ordinator~~ coordinator, and appoint its
7 staff, which shall be a part of the governor's office. The
8 administrative rules ~~co-ordinator~~ coordinator shall receive
9 all notices and rules adopted pursuant to chapter 17A and
10 provide the governor with an opportunity to review and object
11 to any rule as provided in chapter 17A.

12 2. ~~The~~ In consultation with the administrative rules ~~co-~~
13 ~~ordinator-in-consultation-with~~ coordinator, the administrative
14 code editor shall prescribe a uniform style and form by which
15 an agency shall prepare and file a rule pursuant to chapter
16 17A, which shall correlate each rule to a uniform numbering
17 system devised by the administrative ~~rules-co-ordinator~~ code
18 editor and which shall provide for electronic filing and
19 publication of the rules from the database used to produce the
20 official publications of the administrative rules of this
21 state. The administrative ~~rules-co-ordinator~~ code editor
22 shall review all submitted rules for style and form and notify
23 the administrative rules coordinator if a rule is not in
24 proper style or form as provided in section 2B.5, and may
25 return or revise a rule which is not in proper style and form.
26 ~~In-prescribing-the~~ The style and form, ~~the-administrative~~
27 ~~rules-co-ordinator~~ prescribed shall require that the agency
28 include a reference to the statute which the rules are
29 intended to implement.

30 Sec. 2. Section 17A.4, subsection 1, paragraph a, Code
31 2005, is amended to read as follows:

32 a. Give notice of its intended action by submitting ~~three~~
33 ~~copies-of~~ the notice to the administrative rules coordinator,
34 who and the administrative code editor. The administrative
35 rules coordinator shall assign an ARC number to each

1 rulemaking document ~~and forward two copies to the.~~ The
2 administrative code editor ~~for publication~~ shall publish each
3 notice meeting the requirements of this chapter in the Iowa
4 administrative bulletin created pursuant to section 17A.6.
5 Any notice of intended action shall be published at least
6 thirty-five days in advance of the action. The notice shall
7 include a statement of either the terms or substance of the
8 intended action or a description of the subjects and issues
9 involved, and the time when, the place where, and the manner
10 in which interested persons may present their views.

11 Sec. 3. Section 17A.5, subsection 1, Code 2005, is amended
12 to read as follows:

13 1. Each agency shall file in each rule adopted by the
14 agency with the office of the administrative rules coordinator
15 ~~three-certified-copies-of-each-rule-adopted-by-it~~ and provide
16 an exact copy to the administrative code editor. The
17 administrative rules coordinator shall assign an ARC number to
18 each rulemaking document ~~and forward two copies to the~~
19 ~~administrative-code-editor.~~ The administrative rules
20 coordinator shall keep a permanent register of the rules open
21 to public inspection. The administrative code editor shall
22 publish each rule adopted in accordance with this chapter in
23 the Iowa administrative code.

24 Sec. 4. Section 17A.6, subsection 2, Code 2005, is amended
25 to read as follows:

26 2. ~~Subject-to-the-direction-of~~ In consultation with the
27 administrative rules coordinator, the administrative code
28 editor shall cause the Iowa administrative code to be
29 compiled, indexed, and published in accordance with section
30 2.42 in a form containing all rules adopted and filed by each
31 agency. The administrative code editor further shall cause
32 publish supplements to the Iowa administrative code ~~to be~~
33 ~~published-as-determined-by-the-administrative-rules~~
34 ~~coordinator-and-the-administrative-rules-review-committee,~~
35 containing all rules filed for publication in the prior time

1 period. ~~The supplements shall be in such form that they may~~
2 ~~be inserted in the appropriate places in the permanent~~
3 ~~compilation.~~ The administrative rules coordinator code editor
4 shall devise a uniform numbering system for rules and may
5 renumber rules before publication to conform with the system.

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EXPLANATION

7 This bill relates to the filing of proposed and adopted
8 administrative rules by executive branch agencies with the
9 administrative rules coordinator. The bill strikes the
10 requirement that filings be accomplished through the
11 submission of printed copies of the filings, therefore
12 allowing for the submission of electronic filings. In
13 accordance with Code section 2B.5, the bill makes the
14 administrative code editor primarily responsible for assuring
15 that submitted rules are in the proper style and form but
16 retains the administrative code editor's responsibility to
17 notify the administrative rules coordinator if a rule is not
18 in proper style or form. The bill also requires the
19 administrative code editor to publish rules if the rules
20 submissions meet the filing requirements of Code chapter 17A.

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SENATE FILE 2316

AN ACT

RELATING TO THE PROCEDURES FOR FILING ADMINISTRATIVE RULES.

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

Section 1. Section 7.17, Code 2005, is amended to read as follows:

7.17 OFFICE OF ADMINISTRATIVE RULES CO-ORDINATOR
COORDINATOR.

1. The governor shall establish the office of the administrative rules co-ordinator coordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules co-ordinator coordinator shall receive all notices and rules adopted pursuant to chapter 17A and provide the governor with an opportunity to review and object to any rule as provided in chapter 17A.

2. ~~The In consultation with the~~ administrative rules co-ordinator-in-consultation-with coordinator, the administrative code editor shall prescribe a uniform style and form by which an agency shall prepare and file a rule pursuant to chapter 17A, which shall correlate each rule to a uniform numbering system devised by the administrative rules-co-ordinator code editor and which shall provide for electronic filing and publication of the rules from the database used to produce the official publications of the administrative rules of this state. The administrative rules-co-ordinator code editor shall review all submitted rules for style and form and notify the administrative rules coordinator if a rule is not in proper style or form as provided in section 2B.5, and may return or revise a rule which is not in proper style and form. ~~In-prescribing-the~~ The style and form, the administrative rules-co-ordinator prescribed shall require that the agency

include a reference to the statute which the rules are intended to implement.

Sec. 2. Section 17A.4, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. Give notice of its intended action by submitting ~~three copies of~~ the notice to the administrative rules coordinatory ~~who and the administrative code editor.~~ The administrative rules coordinator shall assign an ARC number to each rulemaking document ~~and forward two copies to the.~~ The administrative code editor for publication shall publish each notice meeting the requirements of this chapter in the Iowa administrative 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.

Sec. 3. Section 17A.5, subsection 1, Code 2005, is amended to read as follows:

1. Each agency shall file in each rule adopted by the agency with the office of the administrative rules coordinator ~~three-certified-copies-of-each-rule-adopted-by-it~~ and provide an exact copy to the administrative code editor. The administrative rules coordinator shall assign an ARC number to each rulemaking document ~~and forward two copies to the administrative-code-editor.~~ The administrative rules coordinator shall keep a permanent register of the rules open to public inspection. The administrative code editor shall publish each rule adopted in accordance with this chapter in the Iowa administrative code.

Sec. 4. Section 17A.6, subsection 2, Code 2005, is amended to read as follows:

2. ~~Subject-to-the-direction-of~~ In consultation with the administrative rules coordinator, the administrative code editor shall cause the Iowa administrative code to be

compiled, indexed, and published in accordance with section 2.42 in a form containing all rules adopted and filed by each agency. The administrative code editor further shall cause publish supplements to the Iowa administrative code ~~to-be published-as-determined-by-the-administrative-rules coordinator-and-the-administrative-rules-review-committee,~~ containing all rules filed for publication in the prior time period. ~~The-supplements-shall-be-in-such-form-that-they-may be-inserted-in-the-appropriate-places-in-the-permanent compilation.~~ The administrative ~~rules-coordinator~~ code editor shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2316, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2006

THOMAS J. VILSACK
Governor