



State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

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EXECUTIVE ORDER NUMBER EIGHT

- WHEREAS, administrative rules are adopted to implement laws that protect the public health, safety, welfare and environment, and to ensure the efficient administration of state government; and
- WHEREAS, the Iowa Administrative Procedure Act was enacted on May 29, 1974 to provide a minimum procedural code for the operation of all state agencies when they take action affecting the rights and duties of the public; and
- WHEREAS, since 1974, there has been a steady growth in the number and complexity of administrative rules and their impact on businesses and the general public without a systematic state government-wide review of their need, effectiveness, reasonableness, clarity, potential conflicting requirements, and consistency with legislative intent; and
- WHEREAS, outdated, redundant, over-broad, unnecessary, or otherwise undesirable rules impose many costs on the public and state; and
- WHEREAS, this administration launched a quality and efficiency in government initiative on February 8, 1999, wherein a task force was assembled to prepare and submit a series of recommendations to the Governor on the creation of a process for reviewing and streamlining existing state regulations and the rule-making process as a whole; and
- WHEREAS, the task force has been charged with the task of preparing a series of recommendations for creating a system to improve the execution of state government, thereby benefiting the people of this state, and improving the state's economy; and
- WHEREAS, the successful identification and elimination of outdated, redundant, over-broad, ineffective, unnecessary, or otherwise undesirable rules will save members of the public and state government a substantial sum of money, reduce inconvenience and confusion, increase public confidence in state government, and better equip this state to deal fairly with its residents and meet the challenges of the twenty-first century.

NOW, THEREFORE, I, Thomas J. Vilsack, Governor of the State of Iowa, declare my commitment to better serve the people of the State of Iowa by conducting a comprehensive review of all state regulations on an open and systematic basis to ensure that they meet standards of need, reasonableness, effectiveness, clarity, fairness, stakeholder involvement, and consistency with legislative intent and statutory authority. To accomplish this purpose, I hereby order and direct that:

I. Regulatory Review

Upon the effective date of this executive order, each state agency, with the authority to adopt rules, as defined in Iowa Code section 17A.2(1), (10), shall begin a comprehensive review of all agency rules. Each state agency shall commence its review by developing a plan in consultation with major stakeholders and constituent groups. As part of its regulatory review, each agency shall also review existing policy and interpretive statements or similar documents to determine whether said documents must, by law, be adopted as rules.

II. Agency Plan for Regulatory Review

- A. The Agency Plan for Regulatory Review shall provide a realistic, workable, and effective scheme for the review of agency rules and for the identification and elimination, within the specified time period, of all rules of the agency that are outdated, redundant, over-broad, ineffective, unnecessary, or otherwise undesirable. The plan shall:

1. contain a schedule that lists when the review of each rule, or rule group will occur; and
2. state the method by which the agency will determine whether the rule under review meets the criteria listed in this executive order; and
3. provide a means for public participation in the review process and specify how interested persons may participate in the review; and
4. identify instances where the agency may require an exception to these regulatory review requirements; and
5. provide a process for on-going review of rules after the initial period for review outlined below has expired.

Each agency shall provide a copy of its approved plan to any person who has requested notification of agency rule making.

III. Criteria for Regulatory Review

Each agency shall consider the following criteria when reviewing its rules.

- A. Need. Is the rule necessary to comply with the statutes that authorize it? Is the rule obsolete, duplicative, or ambiguous to a degree that warrants repeal or revision? Have laws or other circumstances changed to the extent that the rule should be amended or repealed? Is the rule effective and necessary to protect or safeguard the health, welfare, or safety of the people of this state? Is the rule broader than necessary to accomplish its purpose or objective?
- B. Clarity. Is the rule written and organized in a clear and concise manner so that it can be readily understood by those to whom it applies?
- C. Intent and Statutory Authority. Is the rule consistent with the legislative intent of the statutes that authorize it? Is the rule based upon sufficient statutory authority? Is there a need to develop additional legislative authorization in order to protect the health, safety, and welfare of the people of this state?
- D. Cost. Have the qualitative and quantitative benefits of the rule been considered in relation to its costs? Do all of the qualitative and quantitative benefits exceed the costs of the rule?
- E. Fairness. Does the rule result in the equitable treatment of those required to comply with it, and those effected by the rules in other ways? Should it be

modified in any way to eliminate or minimize any disproportionate impacts on the regulated community? Should it be strengthened to provide additional protection to those effected by the rules?

IV. Schedule for Regulatory Review

- A. Agency plan. Each agency shall prepare a plan that sets out the method of its review. Each plan shall provide a detailed description of the methodology and explanation of the methodology and standards that the designated agency reviewers will employ for the purpose of completing the regulatory review. All plans shall be submitted to the Governor's Office no later than March 1, 2000. Each plan will be reviewed for content by the Administrative Rules Coordinator.
- B. Inventory. Each agency shall prepare a list that identifies, by topical area, the location (chapter, paragraph, etc.) in which the agency or agency rules are listed or mentioned (either directly or indirectly) in the Iowa Code and the Iowa Administrative Code. All inventory lists shall be submitted to the Governor's Office no later than November 1, 2000. Each inventory list will be reviewed for content by the Administrative Rules Coordinator.
- C. Assessment. Each agency shall review the statutes and rules listed in its inventory and identify those items that should be changed based upon the criteria set out in this Order. The assessment shall include a report, for each functional group of rules reviewed, a statement containing the following information in concise form:
 1. the rule grouping's objectives
 2. the rule grouping's effectiveness in achieving its objectives
 3. a description of the written criticisms, for each rule grouping, received by the agency during the previous five years, including a

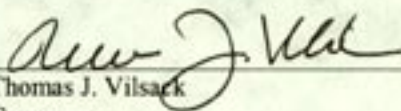
summary of petitions for waivers from the rule, to the extent that such records exist

Each assessment shall also include a written list of recommended modifications (rescind, rewrite, replace) which the agency believes will satisfy the criteria, and a written rationale for each recommendation. Active constituent group input at this step is critical and necessary. All assessments shall be submitted to the Governor's Office no later than November 1, 2001. Each Assessment will be reviewed for content by the Administrative Rules Coordinator.

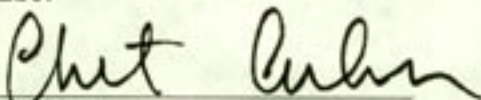
- D. Governor's Office Conference. The Administrative Rules Coordinator will meet with each agency to review the recommendations submitted and determine which recommendations to pursue. The Administrative Rules Coordinator shall approve the recommendations proposed by the agency, including agency prioritization for implementing its approved recommendations. All approved recommendations shall be recorded and quantified by the Administrative Rules Coordinator. The Governor's Office conference will be scheduled by the Administrative Rules Coordinator, but shall be held with each agency no later than March 1, 2002.
- E. Final Schedule Approval. Each agency shall prepare a schedule that identifies when the agency will complete the balance of its work for implementing its approved rule modifications. Each final schedule shall be approved by the Administrative Rules Coordinator. Agencies must take all steps necessary to secure final approval no later than July 1, 2002.
- F. Administrative Rules Review Committee Approval. Each agency is responsible for appearing before the Administrative Rules Review Committee on selected rule changes, within the deadlines set out in this Order.
- G. Final Report. Each agency shall prepare a final report that summarizes the results of this effort, and documents the rule changes that have been made pursuant to the agency's regulatory review. Each report shall be submitted to the Governor's Office for review no later than December 31, 2002.
- V. The adequacy of each agency's effort to complete a thorough regulatory review under this Order will be judged against the extent to which the agency appears to provide an efficacious and effective means with which to accomplish all of the objectives of this order within the time allotted.
- VI. Any new rules or significant amendments for which a notice of intent to adopt is filed after the effective date of this executive order shall be consistent with the principles and objectives of this order.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done at Des Moines this 14th of September in the year of our Lord one thousand nine hundred and ninety-nine.


Thomas J. Vilsack
Governor

ATTEST:


Chester J. Culver
Secretary of State