

House Amendment 3511

Amendment Text

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1 1 Amend the amendment, [H-3327](#), to [House File 166](#) as
1 2 follows:
1 3 #1. By striking page 1, line 4, through page 3,
1 4 line 49, and inserting the following:
1 5 "Section 1. NEW SECTION. 17A.30 PRIVATE FARM
1 6 PROPERTY REGULATORY FLEXIBILITY ANALYSIS.
1 7 1. For the purpose of this section, unless the
1 8 context otherwise requires:
1 9 a. "Farmer" means a person who owns private farm
1 10 property.
1 11 b. "Inverse condemnation" means the reduction in
1 12 the fair market value of private farm property by more
1 13 than fifty percent due to a proposed rule.
1 14 c. "Private farm property" means any real
1 15 property, including farm dwellings, improvements,
1 16 buildings, and structures, in this state owned by a
1 17 person other than the state, a political subdivision,
1 18 or other governmental entity which is used in
1 19 connection with the production of agricultural
1 20 commodities, including, but not limited to, the
1 21 raising, harvesting, drying, or storage of crops; the
1 22 maintenance of pasture or grassland; the care or
1 23 feeding of livestock including poultry; the production
1 24 of eggs or milk; and the production of fruit or other
1 25 horticultural crops.
1 26 2. If an agency proposes a rule which may impact
1 27 private farm property as an inverse condemnation, the
1 28 agency shall comply with the additional notice
1 29 provisions of subsection 3 and the analysis
1 30 requirements of subsection 4.
1 31 3. If a proposed rule may impact private farm
1 32 property as an inverse condemnation, the agency shall
1 33 include in its notice of intended agency action
1 34 pursuant to section 17A.4, in the Iowa administrative
1 35 bulletin that the proposed rule-making may be an
1 36 inverse condemnation. The agency shall notify farm
1 37 organizations who have registered with the agency
1 38 requesting notification.
1 39 4. An agency shall issue a regulatory flexibility
1 40 analysis of a proposed rule, if the agency finds that
1 41 the proposed rule may impact private farm property as
1 42 an inverse condemnation, or if within twenty days
1 43 after the published notice of the proposed rule
1 44 adoption, a written request for the analysis is filed
1 45 with the appropriate agency by the administrative
1 46 rules review committee, the governor, a political
1 47 subdivision, at least twenty-five farmers, or a
1 48 registered organization representing at least twenty-
1 49 five farmers.
1 50 The agency in its regulatory flexibility analysis
2 1 shall consider each of the following methods for
2 2 reducing the impact of the proposed rule on private
2 3 farm property:
2 4 a. Establishing less stringent compliance or
2 5 reporting requirements in the rule for farmers.
2 6 b. Establishing less stringent schedules or
2 7 deadlines in the rule for compliance or reporting

2 8 requirements for farmers.
2 9 c. Consolidating or simplifying the rule's
2 10 compliance or reporting requirements for farmers.
2 11 d. Establishing performance standards to replace
2 12 design or operational standards in the rule for
2 13 private farm property.
2 14 e. Exempting private farm property from any or all
2 15 requirements of the rule.
2 16 f. The nature of any reports and the estimated
2 17 cost of their preparation by farmers which would be
2 18 required to comply with the rule.
2 19 g. The nature and estimated cost of other measures
2 20 or investments that would be required by farmers to
2 21 comply with the rule.
2 22 h. The nature and estimated cost of any
2 23 professional, legal, consulting, or accounting
2 24 services which farmers would incur to comply with the
2 25 rule.
2 26 i. The probable costs to the agency and to any
2 27 other agency of the implementation and enforcement of
2 28 the proposed rule and any anticipated effect on state
2 29 revenue.
2 30 j. A comparison of the probable costs and benefits
2 31 of the proposed rule to the probable costs and
2 32 benefits of inaction.
2 33 k. A determination of whether less costly methods
2 34 or less intrusive methods exist for achieving the
2 35 purpose of the proposed rule.
2 36 l. A description of any alternative methods for
2 37 achieving the purpose of the proposed rule that were
2 38 seriously considered by the agency and the reasons
2 39 they were rejected in favor of the proposed rule.

2 40 5. A concise summary of the regulatory flexibility
2 41 analysis must be published in the Iowa administrative
2 42 bulletin twenty days prior to the adoption of the
2 43 proposed rule. The summary shall contain the place
2 44 where and the time when interested persons may make an
2 45 oral presentation on the analysis; and where persons
2 46 may obtain a full text of the analysis for the cost of
2 47 reproduction. If the agency has made a good faith
2 48 effort to comply with the requirements of subsections
2 49 3 and 4, the rule may not be invalidated on the ground
2 50 that the contents of the regulatory flexibility

3 1 analysis are insufficient or inaccurate.
3 2 6. The agency shall reduce the impact by using a
3 3 method provided or requested under subsection 4 if it
3 4 finds that the methods are legal and feasible in
3 5 meeting the statutory objectives which are the basis
3 6 of the proposed rule.

3 7 Sec. 2. Section [17A.32](#), Code 1995, is amended to
3 8 read as follows:

3 9 17A.32 TIME LIMIT APPLICABLE TO EMERGENCY RULES.
3 10 A rule of an emergency nature adopted under section
3 11 17A.4, subsection 2, or made effective under the
3 12 provisions of section 17A.5, subsection 2, paragraph
3 13 b, is not subject to the provisions of section [17A.30](#)
3 14 or [17A.31](#) until ninety days have elapsed from the day
3 15 of the emergency rule's publication. If subsections 3
3 16 and 4 of section [17A.30](#) or subsections 3 and 4 of
3 17 [17A.31](#) have not been complied with within this ninety-
3 18 day period, the rule is void.

3 19 Sec. 3. Section [17A.33](#), Code 1995, is amended to
3 20 read as follows:

3 21 17A.33 REVIEW BY ADMINISTRATIVE RULES REVIEW
3 22 COMMITTEE.

3 23 The administrative rules review committee shall
3 24 review existing rules, as time permits, to determine

3 25 if there are adverse or beneficial effects from these
3 26 rules. The committee shall give a high priority to
3 27 rules that are referred to it by twenty-five or more
3 28 farmers or a registered farm organization as provided
3 29 in section 17A.30 or a small business as defined in
3 30 section 17A.31. The review of these rules shall be
3 31 forwarded to the appropriate standing committees of
3 32 the house and senate. " "

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3 36 [BERNAU](#) of Story

3 37 [HF 166](#).712 76

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