

Senate File 471

S-3141

1 Amend Senate File 471 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 17A.4B Negotiated
5 rulemaking.

6 1. An agency shall create a negotiated rulemaking
7 group if required by statute. An agency may, on
8 its own motion or upon request, create a negotiated
9 rulemaking group if the agency determines that a
10 negotiated rulemaking group can adequately represent
11 the interests that will be significantly affected
12 by a draft rule proposal and that it is feasible and
13 appropriate in the particular rulemaking. Notice of
14 the creation of a negotiated rulemaking group shall
15 be published in the Iowa administrative bulletin.
16 Upon establishing a negotiated rulemaking group,
17 the agency shall also specify a time frame for group
18 deliberations.

19 2. Unless otherwise provided by statute, the
20 agency shall appoint a sufficient number of members
21 to the group so that a fair cross section of opinions
22 and interests regarding the draft rule proposal
23 is represented. One person shall be appointed to
24 represent the agency. The group shall select its own
25 chairperson and adopt its rules of procedure. All
26 meetings of the group shall be open to the public.
27 A majority of the membership constitutes a quorum.
28 Members shall not receive any per diem payment but
29 shall be reimbursed for all necessary expenses. Any
30 vacancy shall be filled in the same manner as the
31 initial appointment.

32 3. Prior to the publication of a notice of intended
33 action, the group shall consider the terms or substance
34 of the rule drafted by the agency and shall attempt to
35 reach a consensus concerning the draft rule proposal.

36 4. If a group reaches a consensus on a draft rule
37 proposal, the group shall transmit to the agency a
38 report containing the consensus on the draft rule
39 proposal. If the group does not reach a consensus on a
40 draft rule proposal within the specified time frame,
41 the group shall transmit to the agency a report stating
42 that inability to reach a consensus and specifying any
43 areas in which the group reached a consensus. The
44 group may include in a report any other information,
45 recommendations, or materials that the group considers
46 appropriate. Any group member may include as an
47 addendum to the report additional information,
48 recommendations, or materials. A report issued under
49 this subsection shall not be considered final agency
50 action for purposes of judicial review.

1 5. Unless otherwise provided by statute, following
2 a negotiated rulemaking group consideration of a draft
3 rule proposal, the agency may commence rulemaking as
4 provided in section 17A.4. The group is automatically
5 abolished upon the agency's adoption of the rule
6 pursuant to the provisions of section 17A.5.

7 Sec. 2. Section 17A.7, subsection 2, Code 2011, is
8 amended by striking the subsection and inserting in
9 lieu thereof the following:

10 2. Over a five-year period of time, an agency
11 shall conduct an ongoing and comprehensive review of
12 all of the agency's rules. The goal of the review
13 is the identification and elimination of all rules of
14 the agency that are outdated, redundant, overbroad,
15 ineffective, unnecessary, or otherwise undesirable.
16 An agency shall commence its review by developing a
17 plan of review in consultation with major stakeholders
18 and constituent groups. As part of its review, an
19 agency shall review existing policy and interpretive
20 statements or similar documents to determine whether
21 it would be necessary or appropriate to adopt these
22 statements or documents as rules.

23 a. An agency shall establish its five-year plan for
24 review of its rules and publish the plan in the Iowa
25 administrative bulletin.

26 b. An agency's plan for review shall do all of the
27 following:

28 (1) Contain a schedule that lists when the review
29 of each rule or rule group will occur.

30 (2) State the method by which the agency will
31 determine whether the rule under review meets the
32 criteria listed in this section.

33 (3) Provide a means for public participation in the
34 review process and specify how interested persons may
35 participate in the review.

36 (4) Identify instances where the agency may require
37 an exception to the review requirements.

38 (5) Provide a process for ongoing review of rules
39 after the initial five-year review period has expired.

40 c. An agency shall consider all of the following
41 criteria when reviewing its rules:

42 (1) The need for the rule.

43 (2) The clarity of the rule.

44 (3) The intent and legal authority for the rule.

45 (4) The qualitative and quantitative benefits and
46 costs of the rule.

47 (5) The fairness of the rule.

48 d. When an agency completes its five-year review of
49 its rules, the agency shall provide a summary of the
50 results to the administrative rules coordinator and the

1 administrative rules review committee.

2 Sec. 3. RED TAPE INTERIM STUDY COMMISSION.

3 1. The legislative council is requested
4 to establish an interim study commission to
5 comprehensively review all rules and regulations
6 in order to assess the effects of such rules and
7 regulations on Iowa's economy and to determine
8 whether the resulting burdens on small businesses and
9 workers outweigh the intended benefits. The study
10 commission shall also review the application processes
11 for permits, grants, and tax credits to ensure the
12 processes are streamlined.

13 2. The study commission should submit a report to
14 the general assembly by December 15, 2011.>

15 2. Title page, by striking line 1 and inserting <An
16 Act relating to the review of administrative rules and
17 application processes.>

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