

Senate File 533

S-3311

1 Amend Senate File 533 as follows:

2 1. Page 22, after line 31 by inserting:

3 <Sec. _____. NEW SECTION. **17A.4B Negotiated**
4 **rulemaking.**

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

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

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

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

50 5. Unless otherwise provided by statute, following

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

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

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

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

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

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

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

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

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

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

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

41 (1) The need for the rule.

42 (2) The clarity of the rule.

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

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

46 (5) The fairness of the rule.

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

1 2. By renumbering as necessary.

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