

FILED FEB 11 1971

See County Govt. - Pass 3/3, 1/25

SENATE FILE **203**

By COMMITTEE ON COUNTY GOVERNMENT

Passed Senate, Date 2-25-71 Passed House, Date 1-28-72
Vote: Ayes 37 Nays 10 Vote: Ayes 80 Nays 4
Approved 2-17-72

*motion to reconsider, NJ, 7nd.g. 218 - 1/28/72
withdrewn 2/2 (261)*

A BILL FOR

1 An Act relating to administrative rules and regulations.

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

3 Section 1. Chapter seventeen A (17A), Code 1971, is amended
4 by adding the following new section:

5 "1. In the event any departmental rule, except internal
6 operation rules or temporary rules, does not have an advisory
7 opinion by the attorney general, unless the attorney general
8 failed to render an opinion as provided by section seventeen A
9 point six (17A.6) of the Code or it does not have the approval
10 of the departmental rules review committee, then the department
11 or agency prescribing, promulgating, or enforcing such rule shall
12 have the burden of proof to establish that such rule is not
13 arbitrary, unreasonable, or capricious.

14 2. If the department or agency fails to meet the proof, as
15 provided in subsection one (1) of this section, or the court
16 finds that such rule is arbitrary, unreasonable, or capricious,
17 judgment shall be rendered against the department or agency for
18 court costs which will include a reasonable attorney fee to be
19 fixed by the court hearing such action, payable by the state
20 comptroller from the support appropriations to the department
21 or agency making the rule."

EXPLANATION

22
23 This bill is designed to place responsibility on departments
24 adopting rules to protect the public from unwarranted and capricious
25 rules and to limit their invasion of legislative prerogative.

- 1 Amend Senate File 203 as follows:
2 1. Page 1, line 13 by striking the word ", unreasonable,".
3 2. Page 1, line 16 by striking the word ", unreasonable,".

Filed - *Lost 2/23*
February 18, 1971

By DeKOSTER

SENATE FILE 203

- 1 Amend Senate File 203 by striking from line 19 the word
2 "state" and all of lines 20 and 21, and inserting in lieu
3 thereof the following: "director of the department or agency
4 making the rule."

Filed And Withdrawn
February 24, 1971

By BALLOUN

SENATE FILE 203

- 1 Amend Senate File 203 as follows:
2 1. Page 1, line 6, by striking the word "an" and insert-
3 ing in lieu thereof the words "a favorable".
4 2. Page 1, by striking the words "or it does not have
5 the approval of the departmental rules review committee"
6 on lines 9 and 10.

Filed
February 24, 1971

By GLENN

SENATE FILE 203

- 1 Amend Senate File 203 as follows:
2 Page 1, by adding after line 21 the following
3 section:
4 "Sec. 2. Section seventeen A point one (17A.1),
5 subsection three (3), unnumbered paragraph one (1), is
6 amended as follows:
7 "Rule" means any rule, regulation, order, or
8 standard, of general application or the amendment, supple-
9 ment, repeal, rescission, or revision of any rule,
10 regulation, order, or standard of general application, and
11 rules of administrative procedure issued by any agency
12 under authority of law. "Rule" includes any departmental
13 requirement by an agency that a person must complete or
14 fill out a form for any purpose, excluding competitive or
15 qualification test. However said forms shall not be
16 reprinted in the volume of departmental rules or
17 supplements. For the purpose of section 17A.5 copies of
18 a proposed form shall be submitted."

Filed and Lost
February 25, 1971

By DODERER

SENATE FILE 203

- 1 Amend Senate File 203, page 1, as follows:
- 2 1. Line 13, by striking the word, "unreasonable",
- 3 and by inserting in lieu thereof the word, "illegal".
- 4 2. Line 16, by striking the word "unreasonable"
- 5 and by inserting in lieu thereof the word, "illegal".

Filed and Adopted
February 25, 1971

By GAUDINEER

SENATE FILE 203

- 1 Amend Senate File 203 by adding after line 21 the
- 2 following new section:
- 3 Sec. 2. The rules review committee may upon
- 4 its own motion require that a department meet with
- 5 it to discuss and review rules already promulgated
- 6 and inforce and thereafter render to such
- 7 department an advisory opinion requesting that such
- 8 rules be amended or revised.

Filed
March 1, 1971

By SCHROEDER of Pottawattamie
District 54

with decision 1/28/72

House

SENATE FILE 203

1 Amend Senate File 203 as follows:
2 Page 1, by adding after line 21 the following
T. 3 section:
4 "Sec. 2. Section seventeen A point one (17A.1),
5 subsection three (3), unnumbered paragraph one (1), is
6 amended as follows:
7 "Rule" means any rule, regulation, order, or
8 standard, of general application or the amendment, supple-
9 ment, repeal, rescission, or revision of any rule,
10 regulation, order, or standard of general application, and
11 rules of administrative procedure issued by any agency
12 under authority of law. "Rule" includes any requirement
13 by an agency that a person must complete or fill out a
14 form for any purpose. For the purpose of section 17A.5
15 copies of a proposed form shall be submitted."

Filed, Adopted, Reconsidered and Withdrawn By DODERER
February 25, 1971

SENATE FILE 203

1 Amend Senate File 203 by adding after line 21 the follow-
2 ing new section:
3 Sec. 2. The rules review committee may upon its own
4 motion require that a department meet with it to discuss and
5 review rules already promulgated and in force and thereafter
6 render to such department an advisory opinion requesting that
7 such rules be amended or revised.

Filed and Lost
February 25, 1971

By SCHABEN

SENATE FILE 203

1 Amend Senate File 203, line 7, by adding after the
2 comma the word "or".

Filed and Adopted
February 25, 1971

By COLEMAN

SENATE FILE 203

1 Amend Senate File 203 as follows:
2 1. Page 1, line 15, by striking the words "or the court",
3 and by striking all of line 16.

Filed and Lost
February 25, 1971

By GLENN