

2/8/96 Do Pass

JAN 25 1996
STATE GOVERNMENT

HOUSE FILE 2106
BY COON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to agency rules, by providing for the periodic
2 review of the rules.

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

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HF 2106

1 Section 1. NEW SECTION. 17A.34 REVIEW OF RULES BY
2 AGENCIES.

3 1. Each agency shall adopt rules establishing procedures
4 for persons to file complaints regarding any rule adopted by
5 the agency. The agency shall maintain a record of the
6 complaints received, and at least once each year, the agency
7 shall review those rules subject to a complaint to determine
8 whether any new rule should be adopted, or an existing rule
9 amended or repealed. In conducting the review, the agency
10 shall prepare a written report summarizing its finding,
11 supporting reasons, and any proposed course of action. For
12 each rule subject to complaint, the report must include, at
13 least once every seven years, a concise statement of all of
14 the following:

15 a. The number of complaints filed regarding the rule,
16 including a summary of criticisms of the rule received during
17 the previous seven years and any petition received by the
18 agency relating to the amendment or repeal of the rule, as
19 provided in section 17A.7.

20 b. The rule's effectiveness in achieving its objectives,
21 including a summary of any available data supporting the
22 agency's conclusions.

23 c. Alternative solutions considered by the agency to
24 address complaints regarding the rule, reasons alternative
25 solutions were rejected, or changes made in the rules in
26 response to complaints and the reasons for the changes.

27 2. An agency shall submit a copy of the report to the
28 administrative rules review committee as provided by the
29 committee. The Iowa administrative code editor may publish
30 the dates for each agency's submission of a report in the Iowa
31 administrative bulletin or the Iowa administrative code.

32 EXPLANATION

33 This bill provides that each agency must adopt rules
34 establishing procedures for persons to file complaints
35 regarding any rule adopted by the agency. The bill provides

1 that an agency must maintain a record of the complaints
2 received, and at least once a year, review those rules and
3 prepare a written report summarizing its finding, supporting
4 reasons, and any proposed course of action. The report must
5 include, at least once every seven years, a concise statement
6 describing the number of complaints filed, a summary of
7 criticisms, the rule's effectiveness in achieving its
8 objectives, and alternative solutions considered by the agency
9 to address complaints. The bill provides that an agency shall
10 submit a copy of the report to the administrative rules review
11 committee, and the Iowa administrative code editor may publish
12 the dates for each agency's submission of a report in the Iowa
13 administrative bulletin or the Iowa administrative code.

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HOUSE FILE 2106
FISCAL NOTE

A fiscal note for House File 2106 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2106 requires all agencies to maintain a record of complaints regarding any rule adopted by the agency, and to review and summarize these complaints at least once each year. The summary must contain the agency finding about the rule, its supporting reasons, and any proposed course of action. The bill also requires agencies to prepare at least once every seven years a summary of criticisms received about the rule, an assessment of the rule's effectiveness in achieving its objectives, and a review of alternative solutions considered by the agency to address complaints. The bill requires agencies to submit a copy of the report to the Administrative Rules Review Committee.

Fiscal Impact: House File 2106 is not expected to have a significant fiscal effect. The number of complaints that will be received under the rules that will be adopted by each agency is not known. It is expected that most complaints will address a comparatively few rules, and that most administrative rules will generate no complaints. It is estimated that the additional administrative burdens that are generated by House File 2106 will be absorbed by existing staff who are already responsible for developing and monitoring the administrative rules for their agency.

Sources: Administrative Rules Coordinator
Administrative Rules Review Committee
Legislative Service Bureau

(LSB 3784hh, JMN)

FILED FEBRUARY 26, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR