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SENATE FILE 192
BY KIBBIE

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

A BILL FOR

1 An Act relating to the prospective rescission of administrative
2 rules by the administrative rules review committee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 192

1 Section 1. Section 17A.8, subsection 9, Code 1997, is
2 amended to read as follows:

3 9. Upon a vote of two-thirds of its members, the
4 administrative rules review committee may delay the effective
5 date of a rule until the adjournment of the next regular
6 session of the general assembly or may delay the effective
7 date of a rule and prospectively rescind the rule upon the
8 adjournment of the next regular session of the general
9 assembly. The committee shall refer a rule whose effective
10 date has been delayed or a rule both delayed and prospectively
11 rescinded to the speaker of the house of representatives and
12 the president of the senate who shall refer the rule to the
13 appropriate standing committees of the general assembly. If
14 the rule is delayed by the committee pursuant to this
15 subsection and the general assembly has not disapproved of the
16 rule by a joint resolution, the rule shall become effective.
17 If a rule has been delayed and prospectively rescinded by the
18 administrative rules review committee pursuant to this
19 subsection and a statute voiding the action to delay and
20 prospectively rescind the rule has not been enacted, the rule
21 shall be rescinded upon the adjournment of the next regular
22 session of the general assembly. If a rule has been delayed
23 and prospectively rescinded by the administrative rules review
24 committee pursuant to this subsection and a statute approving
25 the rule has been enacted, the rule shall become effective.
26 The speaker of the house of representatives and the president
27 of the senate shall notify the administrative code editor of
28 the final disposition of each rule delayed, rescinded, or
29 approved pursuant to this subsection. If a rule is
30 disapproved by joint resolution, it shall not become effective
31 and the agency shall rescind the rule. If a rule is delayed
32 and prospectively rescinded by the administrative rules review
33 committee and in action of the general assembly, it shall not
34 become effective and is rescinded by operation of law. This
35 section shall not apply to rules made effective under section

1 17A.5, subsection 2, paragraph "b".

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EXPLANATION

3 This bill provides that, upon a two-thirds vote, the
4 administrative rules review committee can delay the effective
5 date of a proposed administrative rule and rescind the
6 proposed rule effective upon the adjournment of the next
7 session of the legislature unless the legislature voids the
8 delay and prospective rescission of the rule by statute.
9 Under current law, the administrative rules review committee
10 can merely delay the effective date of a rule until
11 adjournment of the next session of the legislature with the
12 rule becoming effective at that time unless the legislature,
13 by joint resolution, disapproves the rule.

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