

4-7-97 Referred back
state court.

FILED MAR 12 1997

SENATE FILE **423**
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 192)

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. E.
423

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11 rescinded to the speaker of the house of representatives and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17 If a rule has been delayed and prospectively rescinded by the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21 shall be rescinded upon the adjournment of the next regular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23 and prospectively rescinded by the administrative rules review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28 the final disposition of each rule delayed, rescinded, or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32 and prospectively rescinded by the administrative rules review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".

2 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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SENATE FILE 423

S-3243

1 Amend Senate File 423 as follows:

2 1. By striking page 1, line 3, through page 2,
3 line 1, and inserting the following:

4 "9. Upon a vote of two-thirds of its members, the
5 administrative rules review committee may delay the
6 effective date of a rule until the adjournment of the
7 next regular session of the general assembly. The
8 committee shall refer a rule whose effective date has
9 been delayed to the speaker of the house of
10 representatives and the president of the senate who
11 shall refer the rule to the appropriate standing
12 committees of the general assembly. A standing
13 committee shall review a rule within twenty-one days
14 after the rule is referred to the committee by the
15 speaker of the house of representatives or the
16 president of the senate and may sponsor a joint
17 resolution to disapprove of the rule or take any other
18 action authorized by law. The standing committee
19 shall inform the administrative rules review committee
20 of any committee action taken concerning the rule. If
21 the general assembly has not disapproved of the rule
22 by a joint resolution, the rule shall become
23 effective. The speaker of the house of
24 representatives and the president of the senate shall
25 notify the administrative code editor of the final
26 disposition of each rule delayed pursuant to this
27 subsection. If a rule is disapproved, it shall not
28 become effective and the agency shall rescind the
29 rule. This section shall not apply to rules made
30 effective under section 17A.5, subsection 2, paragraph
31 "b".

32 2. Title page, line 1, by striking the words
33 "prospective rescission" and inserting the following:
34 "delay".

By JOHN P. KIBBIE

S-3243 FILED MARCH 26, 1997