

MAR 5 2004
Place On Calendar

HOUSE FILE 2468
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 650)

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

A BILL FOR

1 An Act to limit the period of effectiveness for an administrative
2 rule adopted without a notice of intended action and
3 opportunity for public participation.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

HF 2468

1 Section 1. Section 17A.4, subsection 2, Code Supplement
2 2003, is amended to read as follows:

3 2. When an agency for good cause finds that notice and
4 public participation would be unnecessary, impracticable, or
5 contrary to the public interest, the provisions of subsection
6 1 shall be inapplicable. The agency shall incorporate in each
7 rule issued in reliance upon this provision either the finding
8 and a brief statement of the reasons for the finding, or a
9 statement that the rule is within a very narrowly tailored
10 category of rules whose issuance has previously been exempted
11 from subsection 1 by a special rule relying on this provision
12 and including such a finding and statement of reasons for the
13 entire category. ~~If the administrative rules review committee
14 by a two-thirds vote, the governor, or the attorney general
15 files with the administrative code editor an objection to the
16 adoption of any rule pursuant to this subsection, that rule
17 shall cease to be effective one hundred eighty days after the
18 date the objection was filed. A copy of the objection,
19 properly dated, shall be forwarded to the agency at the time
20 of filing the objection.~~ In any action contesting a rule
21 adopted pursuant to this subsection, the burden of proof shall
22 be on the agency to show that the procedures of subsection 1
23 were impracticable, unnecessary, or contrary to the public
24 interest and that, if a category of rules was involved, the
25 category was very narrowly tailored. A rule adopted pursuant
26 to this subsection shall remain in effect for a maximum period
27 of time of one hundred eighty days, unless a shorter period of
28 time is specified in the rule.

29 EXPLANATION

30 This bill limits the period of effectiveness for any rule
31 adopted without public notice and opportunity for public
32 participation to 180 days. The agency would, within that
33 period of time, have the opportunity to adopt a replacement
34 rule using the notice provisions of Code section 17A.4.

35

Chair: Manternach
Dennis
Mascher

Succeeded By
S 02468

HSB 650
STATE GOVERNMENT

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ELGIN)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to limit the period of effectiveness for an administrative
2 rule adopted without a notice of intended action and
3 opportunity for public participation.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 17A.4, subsection 2, Code Supplement
2 2003, is amended to read as follows:

3 2. When an agency for good cause finds that notice and
4 public participation would be unnecessary, impracticable, or
5 contrary to the public interest, the provisions of subsection
6 1 shall be inapplicable. The agency shall incorporate in each
7 rule issued in reliance upon this provision either the finding
8 and a brief statement of the reasons for the finding, or a
9 statement that the rule is within a very narrowly tailored
10 category of rules whose issuance has previously been exempted
11 from subsection 1 by a special rule relying on this provision
12 and including such a finding and statement of reasons for the
13 entire category. ~~If the administrative rules review committee
14 by a two-thirds vote, the governor, or the attorney general
15 files with the administrative code editor an objection to the
16 adoption of any rule pursuant to this subsection, that rule
17 shall cease to be effective one hundred eighty days after the
18 date the objection was filed. A copy of the objection,
19 properly dated, shall be forwarded to the agency at the time
20 of filing the objection.~~ In any action contesting a rule
21 adopted pursuant to this subsection, the burden of proof shall
22 be on the agency to show that the procedures of subsection 1
23 were impracticable, unnecessary, or contrary to the public
24 interest and that, if a category of rules was involved, the
25 category was very narrowly tailored. A rule adopted pursuant
26 to this subsection shall remain in effect for a maximum period
27 of time of one hundred eighty days, unless a shorter period of
28 time is specified in the rule.

29

EXPLANATION

30 This bill limits the period of effectiveness for any rule
31 adopted without public notice and opportunity for public
32 participation to 180 days. The agency would, within that
33 period of time, have the opportunity to adopt a replacement
34 rule using the notice provisions of Code section 17A.4.

35