

FEB 2 2006
STATE GOVERNMENT

HOUSE FILE 2223
BY UPMEYER

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

A BILL FOR

1 An Act relating to the legislative review of administrative
2 rules, and rescinding all rules every five years.

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

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HF 2223

1 Section 1. Section 17A.4, subsection 1, paragraph a, Code
2 2005, is amended to read as follows:

3 a. Give notice of its intended action by submitting three
4 copies of the notice to the administrative rules coordinator,
5 who shall assign an ARC number to each rulemaking document and
6 forward two copies to the administrative code editor for
7 publication in the Iowa administrative bulletin created
8 pursuant to section 17A.6. The agency shall also submit a
9 copy of the notice to the speaker of the house or
10 representatives and the president of the senate who shall
11 refer the rules to the appropriate standing committees of the
12 general assembly for additional study. Any notice of intended
13 action shall be published at least thirty-five days in advance
14 of the action. The notice shall include a statement of either
15 the terms or substance of the intended action or a description
16 of the subjects and issues involved, and the time when, the
17 place where, and the manner in which interested persons may
18 present their views.

19 Sec. 2. Section 17A.5, subsection 1, Code 2005, is amended
20 to read as follows:

21 1. Each agency shall file in the office of the
22 administrative rules coordinator three certified copies of
23 each rule adopted by it. The administrative rules coordinator
24 shall assign an ARC number to each rulemaking document and
25 forward two copies to the administrative code editor. The
26 administrative rules coordinator shall keep a permanent
27 register of the rules open to public inspection. The agency
28 shall also submit a copy of the adopted rule to the speaker of
29 the house of representatives and the president of the senate
30 who shall refer the rule to the appropriate standing
31 committees of the general assembly for additional study.

32 Sec. 3. Section 17A.5, Code 2005, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 3. An administrative rule is rescinded
35 five years after the initial effective date of the rule,

1 excluding the effective dates of later amendments. For rules
2 that are in effect on July 1, 2006, the rescission date is July
3 1, 2011.

4 Sec. 4. Section 17A.6, subsection 3, unnumbered paragraph
5 2, Code 2005, is amended to read as follows:

6 The administrative code editor shall omit or cause to be
7 omitted from the Iowa administrative code any rule or portion
8 of a rule nullified by the general assembly pursuant to
9 Article III, section 40, of the Constitution of the State of
10 Iowa, and shall publish notice of such nullification in the
11 bulletin.

12 Sec. 5. NEW SECTION. 17A.8A LEGISLATIVE REVIEW OF RULES.

13 The standing committees of the house of representatives and
14 senate may review any administrative rule. If reviewed, the
15 standing committee reviewing the rule shall report to the
16 house of representatives or senate its findings and
17 recommendations concerning its review. If ordered by the
18 speaker of the house of representatives or the president of
19 the senate, the report of the committee shall be printed in
20 the journal.

21 EXPLANATION

22 This bill requires administrative agencies to submit copies
23 of all proposed and adopted administrative rules to the
24 general assembly and would allow standing committees of the
25 house of representatives and senate to review any
26 administrative rule. As part of the rulemaking process, no
27 rule could remain in effect for more than five years.

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