

House File 137

HOUSE FILE _____
BY STRUYK, HUSER, and MERTZ

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

A BILL FOR

1 An Act relating to the review of administrative rules by standing
2 committees of the general assembly.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1485YH 82
5 jr/sh/8

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1 1 Section 1. Section 2.42, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 17. To establish policies with regard to
1 4 the review of administrative rules by the standing committees
1 5 of the senate and house of representatives. These policies
1 6 may include but are not limited to assigning agency rules or
1 7 specific topics to particular standing committees and
1 8 establishing a timetable for the conduct of reviews.
1 9 Sec. 2. NEW SECTION. 2.52 REGULATORY REVIEW.
1 10 1. The legislative council may institute no more than two
1 11 regulatory reviews annually. A review may consist of the
1 12 administrative rules of a specific state agency or it may
1 13 consist of selective rules from several agencies which relate
1 14 to a specific subject matter.
1 15 The legislative council shall select the appropriate
1 16 standing committee of the senate or house of representatives
1 17 to conduct the review and establish a timetable for the
1 18 conduct and completion of the review. Notice of a regulatory
1 19 review proceeding and the timetable for that review shall be
1 20 published in the Iowa administrative bulletin.
1 21 2. The standing committee shall conduct the regulatory
1 22 review in one or more public meetings, within the time frame
1 23 established by the legislative council, and in compliance with
1 24 any other requirements specified by the legislative council.
1 25 a. An agency whose rules are subject to a review shall
1 26 designate a representative to participate in the review and
1 27 assist the standing committee as needed.
1 28 b. To the extent practicable, the standing committee shall
1 29 conduct the review in consultation with the affected agency,
1 30 major stakeholders and constituent groups, and the
1 31 administrative rules review committee.
1 32 3. The standing committee shall review rules as follows:
1 33 a. To determine whether they are within the statutory
1 34 authority of the agency and within the legislative intent of
1 35 that statute.
2 1 b. To determine whether the rules are effective and
2 2 efficient in attaining the intended results.
2 3 c. To determine whether the rules impose any undue burden
2 4 on the persons subject to the rules.
2 5 4. At the conclusion of the review, the standing committee
2 6 shall prepare a report summarizing its findings and making any
2 7 recommendations that the standing committee deems appropriate.
2 8 a. Recommendations may include but are not limited to
2 9 revisions to the statutory authority of an agency, the
2 10 nullification of a rule, or the amendment of a rule.
2 11 b. The report shall be filed with the legislative council.
2 12 5. The standing committee may sponsor legislation to
2 13 implement its recommendations. Such legislation cannot be
2 14 amended except pursuant to corrective or nonsubstantive
2 15 amendments filed by the standing committee of the senate or
2 16 house of representatives which sponsored or was assigned the
2 17 bill. The consideration of such legislation is not subject to
2 18 any time restrictions relating to committee passage and
2 19 consideration of bills, except as specifically provided by a
2 20 joint rule of the senate and house of representatives.

EXPLANATION

2 21
2 22 This bill empowers the legislative council to institute two
2 23 administrative rules regulatory reviews each year. A review
2 24 may examine the rules of a specific state agency or it may
2 25 examine selective rules from several agencies which relate to
2 26 a specific subject matter. The purpose of the review is to
2 27 ensure that agency rules are within the statutory authority of
2 28 the agency and within the legislative intent of the statute,
2 29 that the rules are effective and efficient, and that the rules
2 30 do not impose an undue burden.
2 31 The review will be conducted by a standing committee of the
2 32 senate or house of representatives, as designated by the
2 33 legislative council. The standing committee may sponsor
2 34 legislation to implement its recommendations. The legislation
2 35 cannot be amended substantively and is not subject to the
3 1 legislative timetable for the passage of bills, except as
3 2 specifically provided in joint rule.
3 3 LSB 1485YH 82
3 4 jr:rj/sh/8