

# House File 269 - Introduced

HOUSE FILE \_\_\_\_\_  
BY UPMEYER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the burden of proof in judicial review of  
2 certain rulemaking proceedings.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1913HH 82  
5 jr/je/5

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1 1 Section 1. Section 17A.3, subsection 1, paragraph c, Code  
1 2 2007, is amended to read as follows:  
1 3 c. As soon as feasible and to the extent practicable,  
1 4 adopt rules, in addition to those otherwise required by this  
1 5 chapter, embodying appropriate standards, principles, and  
1 6 procedural safeguards that the agency will apply to the law it  
1 7 administers. The burden of proof shall be on the agency in  
1 8 any proceeding for judicial review to establish that  
1 9 rulemaking was not feasible and practicable.

1 10 EXPLANATION

1 11 Current Code language requires Iowa agencies to adopt  
1 12 rules, when feasible and practicable, establishing standards,  
1 13 principles, and procedural safeguards. When a person seeks  
1 14 judicial review of an agency rulemaking action, that person  
1 15 bears the burden of proof to establish that the rule or the  
1 16 rulemaking procedure was not lawful. This bill reverses that  
1 17 burden of proof in situations where the issue on review is  
1 18 whether it was feasible and practicable for an agency to  
1 19 promulgate a rule.  
1 20 LSB 1913HH 82  
1 21 jr:nh/je/5