

House File 2200 - Introduced

HOUSE FILE 2200

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A BILL FOR

1 An Act providing for legislative and gubernatorial approval of
2 administrative rules.

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

1 Section 1. Section 17A.5, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. Commencing July 1, 2012, a rulemaking
4 action to adopt, amend, or repeal a rule shall be effective for
5 only one year after the effective date of such action, unless
6 such action is approved by a joint resolution or bill passed by
7 the general assembly and approved by the governor.

8 a. An agency shall submit a rulemaking action to adopt,
9 amend, or repeal a rule to the president of the senate and the
10 speaker of the house of representatives at the next regular
11 session of the general assembly. The president and the speaker
12 shall refer such action to the appropriate standing committees
13 of the general assembly.

14 b. A standing committee shall review such rulemaking
15 actions referred to the committee and may take formal committee
16 action by sponsoring a joint resolution or bill to approve
17 the rulemaking actions. Rulemaking actions may be approved
18 either individually or grouped together in one or more joint
19 resolutions or bills.

20 c. If a joint resolution or bill is not enacted to approve
21 such a rulemaking action within the one-year period, the
22 president of the senate and the speaker of the house of
23 representatives shall notify the agency and the administrative
24 code editor. The administrative code editor shall promptly
25 remove from the Iowa administrative code a rule or portion of a
26 rule that has expired pursuant to this subsection.

27 d. The expiration of a rule pursuant to this subsection
28 does not restore any rule language that existed prior to the
29 original rulemaking action. The agency may readopt that
30 prior rule language, without notice or opportunity for public
31 participation, effective immediately upon filing with the
32 administrative rules coordinator.

33

EXPLANATION

34 This bill provides that any new agency rulemaking action
35 to adopt, amend, or repeal a rule will expire one year after

1 the rule's effective date, unless that rule is approved by
2 a joint resolution or bill, approved by the governor. Each
3 agency adopting, amending, or repealing a rule must submit such
4 a rulemaking action to the president of the senate and the
5 speaker of the house of representatives at the next regular
6 legislative session. The rulemaking action is to be forwarded
7 to the appropriate standing committee, which may sponsor a
8 joint resolution or bill to approve the rulemaking action.
9 Rulemaking actions may be approved either individually or
10 grouped together in one or more joint resolutions or bills.

11 If a joint resolution or bill is not enacted to approve the
12 rulemaking action within the one-year period, the president
13 of the senate and the speaker of the house of representatives
14 shall notify the agency and the administrative code editor.
15 The administrative code editor shall promptly remove from the
16 Iowa administrative code the rule or portion of the rule that
17 has expired.

18 The agency is permitted to replace the expired rule
19 language with the prior language of that rule, using emergency
20 rulemaking procedures.