

House File 292 - Introduced

HOUSE FILE 292

BY DOLECHECK

A BILL FOR

1 An Act relating to requests for agency action involving rules
2 affecting livestock production, and including effective date
3 provisions.

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

1 Section 1. Section 17A.7, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. To the extent that a provision in this
4 section conflicts with a provision in section 17A.7A, the
5 provision in section 17A.7A prevails.

6 Sec. 2. NEW SECTION. **17A.7A Petition for adoption of rules
7 and request for review of rules — livestock production.**

8 1. As used in this section, "*regulatory burden*" includes
9 but is not limited to an issue affecting the health, treatment,
10 or use of livestock; a condition or activity occurring on land
11 used for the production of livestock, including but not limited
12 to the breeding, care, feeding, or housing of livestock; manure
13 management; or the disposal of a livestock carcass.

14 2. This section applies to a request for an agency action
15 submitted pursuant to section 17A.7, relating to the regulatory
16 burden placed upon a livestock producer, including a petition
17 to an agency requesting the adoption, amendment, or repeal
18 of a rule or a written request to the administrative rules
19 coordinator for an agency to conduct a formal review of a rule
20 of that agency. The administrative rules coordinator may
21 submit a request made under this section to the agency for a
22 decision.

23 3. The request shall be denied within the time period set
24 out in section 17A.7, if all of the following apply:

25 a. It is more likely than not that any action to adopt,
26 amend, or repeal a rule resulting from the petition or review
27 would increase the regulatory burden placed upon a livestock
28 producer.

29 b. The request is not accompanied by credible data. In
30 order to be credible, data must include facts, measurements,
31 or statistics that are collected and analyzed using objective
32 methods that are generally scientifically accepted. Data is
33 not credible if an agency would not rely upon it alone to
34 adopt, amend, or repeal a rule.

35 4. This section applies notwithstanding any contrary

1 provision in section 17A.7.

2 5. This section does not apply if the agency or
3 administrative rules coordinator determines that an action to
4 adopt, amend, or repeal a rule resulting from the petition
5 or review would substantially decrease the regulatory burden
6 placed upon a livestock producer and any increase in the
7 regulatory burden placed upon the livestock producer would be
8 minimal.

9 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 REQUESTS FOR AGENCY ACTION. The "Iowa Administrative
13 Procedure Act" allows a person to submit a request for agency
14 action to adopt, amend, or repeal a rule (Code section 17A.7).
15 The request may be in the form of a petition submitted to the
16 agency. Generally, the agency must either deny the request
17 or initiate rulemaking procedures. A request may also be
18 submitted by a person, association, agency, or political
19 subdivision to the administrative rules coordinator to order
20 the agency to conduct a review and determine whether a rule
21 should be amended or repealed or a new rule adopted.

22 REQUESTS INVOLVING LIVESTOCK PRODUCTION. This bill provides
23 special procedures for a request that would increase the
24 regulatory burden placed upon a livestock producer. In that
25 case, the agency or administrative rules coordinator must deny
26 the request unless it is accompanied by credible data collected
27 and analyzed using generally accepted scientific methods. The
28 bill provides that the administrative rules coordinator may
29 defer the decision to the agency. The bill's provisions do not
30 apply even if the agency or administrative rules coordinator
31 determines that there would be an increase in the regulatory
32 burden, so long as the increase would be minimal and would be
33 offset by a substantial decrease in the livestock producer's
34 regulatory burden.