

Senate File 366 - Introduced

SENATE FILE 366
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 232)

A BILL FOR

1 An Act requiring periodic review of administrative rules by
2 administrative agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.7, subsection 2, Code 2011, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 2. Over a five-year period of time, an agency shall conduct
5 an ongoing and comprehensive review of all of the agency's
6 rules. The goal of the review is the identification and
7 elimination of all rules of the agency that are outdated,
8 redundant, overbroad, ineffective, unnecessary, or otherwise
9 undesirable. An agency shall commence its review by developing
10 a plan of review in consultation with major stakeholders and
11 constituent groups. As part of its review, an agency shall
12 review existing policy and interpretive statements or similar
13 documents to determine whether it would be necessary or
14 appropriate to adopt these statements or documents as rules.

15 a. An agency shall establish its five-year plan for review
16 of its rules and publish the plan in the Iowa administrative
17 bulletin.

18 b. An agency's plan for review shall do all of the
19 following:

20 (1) Contain a schedule that lists when the review of each
21 rule or rule group will occur.

22 (2) State the method by which the agency will determine
23 whether the rule under review meets the criteria listed in this
24 section.

25 (3) Provide a means for public participation in the review
26 process and specify how interested persons may participate in
27 the review.

28 (4) Identify instances where the agency may require an
29 exception to the review requirements.

30 (5) Provide a process for ongoing review of rules after the
31 initial five-year review period has expired.

32 c. An agency shall consider all of the following criteria
33 when reviewing its rules:

34 (1) The need for the rule.

35 (2) The clarity of the rule.

1 (3) The intent and legal authority for the rule.

2 (4) The qualitative and quantitative benefits and costs of
3 the rule.

4 (5) The fairness of the rule.

5 *d.* When an agency completes its five-year review of its
6 rules, the agency shall provide a summary of the results to the
7 administrative rules coordinator and the administrative rules
8 review committee.

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EXPLANATION

10 This bill requires that each state agency review all of its
11 administrative rules on a five-year cycle. The plan for this
12 review must be developed in consultation with stakeholders
13 and constituent groups. The goal of the review is the
14 identification and elimination of all rules of the agency that
15 are outdated, redundant, overbroad, ineffective, unnecessary,
16 or otherwise undesirable.