

House Study Bill 646 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act requiring state agencies to commence rulemaking within
2 certain time periods in certain circumstances and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.4, Code 2016, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 10. *a.* If an agency determines that
4 rulemaking by the agency is required or necessary in order
5 to implement or administer a provision of an Act of the
6 general assembly, the agency shall commence such rulemaking in
7 accordance with the following requirements:

8 (1) If a provision of an Act enacted during a regular
9 session of the general assembly is effective on or before July
10 1 of the calendar year in which the Act is enacted, the agency
11 shall submit a notice of intended action to the administrative
12 rules coordinator and the administrative code editor pursuant
13 to subsection 1 no later than the deadline established by the
14 administrative code editor for submission of such documents
15 for publication in the last issue of the Iowa administrative
16 bulletin to be published in October of that calendar year.

17 (2) If a provision of an Act enacted during a regular
18 session of the general assembly is effective after July 1 of
19 the calendar year in which the Act is enacted, the agency
20 shall provide written notification to the administrative rules
21 review committee no later than November 1 of that calendar
22 year stating when the agency intends to submit a notice of
23 intended action to the administrative rules coordinator and
24 the administrative code editor pursuant to subsection 1. The
25 agency shall submit such a notice of intended action no later
26 than ninety days after the provision is effective.

27 (3) For a provision of an Act enacted during a special
28 session of the general assembly, the agency shall submit
29 a notice of intended action to the administrative rules
30 coordinator and the administrative code editor pursuant to
31 subsection 1 no later than ninety days after the provision is
32 effective.

33 *b.* An agency may submit a notice of intended action on
34 a date later than required by paragraph "a" if a statute so
35 provides or if the administrative rules review committee

1 authorizes by a majority vote of its members a later submission
2 date. The administrative rules review committee may include
3 as part of its authorization a date by which the agency must
4 submit the notice of intended action.

5 c. This subsection shall not be construed to authorize an
6 agency to file a rule without notice pursuant to subsection 3,
7 paragraph "a". An agency utilizing the procedures provided in
8 subsection 3, paragraph "a", to file a rule without notice shall
9 also submit a notice of intended action to the administrative
10 rules coordinator and the administrative code editor pursuant
11 to subsection 1 as required by this subsection if applicable.

12 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
13 immediate importance, takes effect upon enactment.

14 Sec. 3. APPLICABILITY. This Act applies to any rulemaking
15 commenced on or after the effective date of this Act that
16 implements provisions of Acts enacted on or after the effective
17 date of this Act.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill requires a state agency, which determines that
22 rulemaking by the agency is required or necessary in order to
23 implement or administer a provision of an Act of the general
24 assembly, to commence such rulemaking in accordance with
25 certain requirements contained in the bill.

26 Rulemaking is generally commenced when an agency submits
27 a notice of intended action pursuant to Code section 17A.4,
28 subsection 1. Such notices are published in the Iowa
29 administrative bulletin. The Iowa administrative bulletin is
30 published on a biweekly basis pursuant to Code section 2B.5A.

31 For a provision of an Act enacted during a regular session
32 of the general assembly that is effective on or before July
33 1 of the calendar year in which the Act is enacted, the bill
34 requires an agency to submit a notice of intended action to
35 the administrative rules coordinator and the administrative

1 code editor no later than the deadline established by the
2 administrative code editor for submission of such documents
3 for publication in the last issue of the Iowa administrative
4 bulletin to be published in October of that calendar year.
5 The deadline established by the administrative code editor
6 for submission of documents for publication in the last issue
7 of the Iowa administrative bulletin to be published in the
8 month of October generally falls on a date in the period from
9 September 29 through October 12.

10 For a provision of an Act enacted during a regular session
11 of the general assembly that is effective after July 1 of
12 the calendar year in which the Act is enacted, the bill
13 requires an agency to provide written notification to the
14 administrative rules review committee no later than November
15 1 of that calendar year stating when the agency intends to
16 submit a notice of intended action to the administrative rules
17 coordinator and the administrative code editor. The bill
18 requires the agency to submit such a notice of intended action
19 no later than 90 days after the provision is effective.

20 For a provision of an Act enacted during a special session
21 of the general assembly, the bill requires an agency to
22 submit a notice of intended action to the administrative rules
23 coordinator and the administrative code editor no later than 90
24 days after the provision is effective.

25 The bill permits an agency to submit a notice of intended
26 action on a date later than required by the bill if a statute
27 so provides or if the administrative rules review committee
28 authorizes by a majority vote of its members a later submission
29 date. The bill permits the administrative rules review
30 committee to include as part of its authorization a date by
31 which the agency must submit the notice of intended action.

32 The bill shall not be construed to authorize an agency
33 to file a rule without notice pursuant to Code section
34 17A.4, subsection 3, paragraph "a". An agency utilizing
35 the procedures provided in Code section 17A.4, subsection

1 3, paragraph "a", to file a rule without notice shall also
2 submit a notice of intended action to the administrative rules
3 coordinator and the administrative code editor pursuant to
4 Code section 17A.4, subsection 1, as required by the bill if
5 applicable.

6 The bill takes effect upon enactment.

7 The bill applies to any rulemaking commenced on or after the
8 effective date of the bill that implements provisions of Acts
9 enacted on or after the effective date of the bill.