

**Senate File 216 - Introduced**

SENATE FILE 216

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**A BILL FOR**

1 An Act relating to the fiscal impact on cities of  
2 administrative rules adopted by the environmental protection  
3 commission.

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

1 Section 1. Section 455B.104, Code 2015, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. *a.* By January 1, 2016, the department  
4 shall submit a regulatory fiscal impact on cities report to the  
5 governor and the general assembly. The report shall analyze  
6 the fiscal impact of rules adopted by the commission on cities  
7 over a ten-year period. At a minimum, the report shall analyze  
8 in a summary format the rules adopted by the commission in each  
9 chapter of the Iowa administrative code. For each chapter, at  
10 a minimum, the department shall provide a description of the  
11 probable quantitative and qualitative impact of the chapter,  
12 economic or otherwise, upon affected cities, including a  
13 description of the nature and amount of all of the different  
14 kinds of costs that would be incurred in complying with the  
15 chapter over a ten-year period.

16 *b.* As part of a notice of intended action or rule filed  
17 without notice submitted pursuant to section 17A.4 by the  
18 commission, the department shall submit to the commission  
19 for inclusion in the notice a statement regarding the fiscal  
20 impact of the proposed rule on cities. The statement shall  
21 analyze the fiscal impact of the proposed rule on cities over a  
22 ten-year period. The department shall provide a description  
23 of the probable quantitative and qualitative impact of the  
24 proposed rule, economic or otherwise, upon affected cities,  
25 including a description of the nature and amount of all of the  
26 different kinds of costs that would be incurred in complying  
27 with the proposed rule over a ten-year period.

28 Sec. 2. Section 455B.105, subsection 3, Code 2015, is  
29 amended to read as follows:

30 3. Adopt, modify, or repeal rules necessary to implement  
31 this chapter, chapter 459, chapter 459A, and chapter 459B, and  
32 the rules deemed necessary for the effective administration  
33 of the department. When the commission proposes or adopts  
34 rules to implement a specific federal environmental program  
35 and the rules impose requirements more restrictive than the

1 federal program being implemented requires, the commission  
2 shall identify in its notice of intended action or adopted rule  
3 preamble each rule that is more restrictive than the federal  
4 program requires and shall state the reasons for proposing  
5 or adopting the more restrictive requirement. In addition,  
6 the commission shall include with its reasoning a financial  
7 impact statement detailing the general impact upon the affected  
8 parties. The commission shall include in a notice of intended  
9 action or rule filed without notice the fiscal impact statement  
10 submitted by the department pursuant to section 455B.104,  
11 subsection 5. It is the intent of the general assembly that  
12 the commission exercise strict oversight of the operations of  
13 the department. The rules shall include departmental policy  
14 relating to the disclosure of information on a violation  
15 or alleged violation of the rules, standards, permits, or  
16 orders issued by the department and keeping of confidential  
17 information obtained by the department in the administration  
18 and enforcement of this chapter, chapter 459, chapter 459A,  
19 and chapter 459B. Rules adopted by the executive committee  
20 before January 1, 1981, shall remain effective until modified  
21 or rescinded by action of the commission.

22 EXPLANATION

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

25 This bill relates to the fiscal impact on cities of  
26 administrative rules adopted by the environmental protection  
27 commission.

28 The bill requires the department of natural resources to  
29 submit a regulatory fiscal impact on cities report to the  
30 governor and the general assembly by January 1, 2016. The  
31 report may be submitted in a summary format and shall provide  
32 a description of the probable quantitative and qualitative  
33 impact of each chapter of administrative rules adopted by the  
34 environmental protection commission, economic or otherwise,  
35 upon affected cities, including a description of the nature and

1 amount of all of the different kinds of costs that would be  
2 incurred in complying with each chapter over a 10-year period.  
3 The bill requires the department to provide the commission  
4 with a fiscal impact statement for inclusion in a notice of  
5 intended action. The statement shall analyze the fiscal impact  
6 of the proposed rule on cities over a 10-year period.