

Senate File 65 - Introduced

SENATE FILE 65

BY CHELGREN, WHITVER,
COSTELLO, and GARRETT

A BILL FOR

1 An Act concerning state agency rulemaking procedures relative
2 to rules required pursuant to federal law.

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

1 Section 1. Section 17A.4, subsection 2, Code 2015, is
2 amended to read as follows:

3 2. An agency shall include in a preamble to each rule it
4 adopts a brief explanation of the principal reasons for its
5 action and, if applicable, a brief explanation of the principal
6 reasons for its failure to provide in that rule for the
7 waiver of the rule in specified situations if no such waiver
8 provision is included in the rule. In addition, if the rule
9 is required pursuant to federal law, the explanation shall
10 identify the federal law or regulation requiring the rule and
11 specify the consequences for failure to adopt the rule. ~~This~~
12 ~~The explanatory requirement does~~ requirements do not apply
13 when the agency adopts a rule that only defines the meaning of
14 a provision of law if the agency does not possess delegated
15 authority to bind the courts to any extent with its definition.
16 In addition, if requested to do so by an interested person,
17 either prior to adoption or within thirty days thereafter, the
18 agency shall issue a concise statement of the principal reasons
19 for and against the rule adopted, incorporating therein the
20 reasons for overruling considerations urged against the rule.
21 This concise statement shall be issued either at the time of
22 the adoption of the rule or within thirty-five days after the
23 agency receives the request.

24 EXPLANATION

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

27 This bill requires state agencies when adopting an
28 administrative rule required by federal law to include in the
29 brief explanation in the preamble to the rule the federal law
30 or regulation requiring the rule and the consequences for
31 failure to adopt the rule.