

Senate Study Bill 3142 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to the operation of state government,
2 including the review and sunset of state boards and
3 agencies, the regulation of professions and occupations,
4 and investigations conducted by state boards, and including
5 effective date provisions.

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

DIVISION I

REGULATION OF PROFESSIONS

Section 1. NEW SECTION. **272C.12 Definitions.**

For the purposes of this subchapter:

1. "*Health profession board*" means an entity regulating, licensing, or certifying a profession regulated pursuant to Title IV, subtitle 3.

2. "*Nonhealth profession*" means a profession regulated by this state other than provided in Title IV, subtitle 3.

3. "*Regulated health profession*" means a profession regulated pursuant to Title IV, subtitle 3.

4. "*Unregulated health profession*" means a profession pursuant to Title IV, subtitle 3, that is not currently regulated by any entity of this state.

5. "*Unregulated nonhealth profession*" means a profession that is not currently regulated by any entity of this state that is not an unregulated health profession.

Sec. 2. NEW SECTION. **272C.13 Regulation of unregulated health professions.**

1. An unregulated health profession shall not be subject to regulation by any entity of this state for the purpose of prohibiting competition but only for the exclusive purpose of protecting the public interest. All proposed legislation to regulate an unregulated health profession shall be reviewed by the general assembly to determine that all of the following conditions are met:

a. There is credible evidence that the unregulated practice of the unregulated health profession will clearly harm or endanger the public health, safety, or welfare and the potential for harm is easily recognizable and not remote.

b. The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability.

c. The public cannot be effectively protected by other means in a more cost-efficient manner.

1 2. Prior to considering proposed legislation to regulate an
2 unregulated health profession for passage to the floor of the
3 senate or the house of representatives, a legislative committee
4 to which proposed legislation to regulate an unregulated
5 health profession has been referred shall consider whether the
6 conditions in subsection 1 have been met. If the committee
7 finds that the conditions in subsection 1 have been met, the
8 committee shall consider whether the legislation is the least
9 restrictive method of regulation to address the specific harm
10 or danger identified in this subsection.

11 *a.* If existing common law and statutory civil actions and
12 criminal prohibitions are not sufficient to eradicate existing
13 harm, the legislation shall provide for stricter civil actions
14 and criminal prohibitions.

15 *b.* If a service is being performed for individuals that
16 involves a hazard to the public health, safety, or welfare, the
17 legislation shall impose inspection requirements and enable an
18 appropriate state entity to respond to a violation by seeking
19 injunctive relief in court.

20 *c.* If the threat to the public health, safety, or welfare
21 is relatively small as a result of the operation of the
22 unregulated health profession, the legislation shall implement
23 a system of registration.

24 *d.* If a consumer may have a substantial basis for relying
25 on the services of a practitioner of an unregulated health
26 profession, the legislation shall implement a system of
27 certification.

28 *e.* If the legislative committee determines that adequate
29 regulation cannot be achieved by means other than licensing,
30 the legislation shall implement a system of licensing.

31 3. The legislative committee shall submit its findings
32 regarding whether the proposed legislation meets the conditions
33 in subsections 1 and 2 to the president of the senate and the
34 speaker of the house of representatives, who shall make the
35 findings available to each member of the general assembly.

1 Sec. 3. NEW SECTION. 272C.14 Proposed regulation of
2 unregulated health professions — written reports.

3 1. A member of the general assembly introducing proposed
4 legislation to regulate an unregulated health profession
5 shall submit with the legislation a report addressing the
6 requirements contained in subsection 2. The report shall be
7 submitted to the president of the senate and the speaker of the
8 house of representatives and made available on the internet
9 site of the general assembly.

10 2. The report shall address all of the following and
11 identify the source of all information contained in the report:

12 *a.* Why regulation is necessary including all of the
13 following:

14 (1) The nature of the potential harm to the public if the
15 unregulated health profession is not regulated and the extent
16 to which there is a threat to the public health, safety, or
17 welfare.

18 (2) The extent to which consumers need and will benefit
19 from a method of regulation, including the identification
20 of competent practitioners and typical employers in the
21 profession.

22 (3) The extent of autonomy a practitioner has, as indicated
23 by the extent to which the profession calls for the exercise
24 of independent judgment and the extent to which a practitioner
25 is supervised.

26 *b.* The efforts made to address the problem addressed by the
27 legislation including all of the following:

28 (1) Voluntary efforts, if any, undertaken by members of the
29 profession.

30 (2) Recourse to, and the extent of use of, applicable law
31 and whether the law could be amended to control the problem.

32 *c.* The alternatives considered including all of the
33 following:

34 (1) Regulation of business employers or practitioners
35 rather than employee practitioners.

1 (2) Regulation of the program or service rather than
2 individual practitioners.

3 (3) Registration of all practitioners.

4 (4) Certification of all practitioners.

5 (5) Other viable alternatives.

6 (6) If licensing is sought, why licensing would serve to
7 protect the public interest.

8 d. The benefit to the public if regulation is granted
9 including all of the following:

10 (1) The extent to which the incidence of specific problems
11 present in the unregulated health profession can reasonably be
12 expected to be reduced by regulation.

13 (2) Whether the public can identify qualified
14 practitioners.

15 (3) The extent to which the public can be confident that
16 qualified practitioners are competent including all of the
17 following:

18 (a) The composition, powers, duties, and practices of the
19 proposed regulatory entity.

20 (b) Whether current practitioners of an unregulated health
21 profession will be allowed to continue to practice and whether
22 they will be required to meet the qualifications for the
23 regulated health profession.

24 (c) The nature of the standards proposed for registration,
25 certification, or licensure as compared with the standards in
26 other jurisdictions.

27 (d) Whether the proposed regulatory entity would be
28 authorized to enter into reciprocity agreements with other
29 jurisdictions.

30 (e) The nature and duration of any training and experience
31 required, whether applicants will be required to pass an
32 examination, and whether there will be alternative methods to
33 enter the health profession.

34 (4) Assurances from the public that practitioners have
35 maintained their competence including all of the following:

1 (a) Whether a registration, certificate, or license will
2 include an expiration date.

3 (b) Whether the renewal of a registration, certificate,
4 or license will be based only on payment of a fee or whether
5 renewal will involve reexamination, peer review, or other
6 enforcement.

7 e. The extent to which regulation might harm the public
8 including all of the following:

9 (1) The extent to which regulation will restrict entry into
10 the profession including all of the following:

11 (a) Whether the proposed standards are more restrictive
12 than necessary to ensure a practitioner's safe and effective
13 performance in the practice of the profession.

14 (b) Whether the proposed legislation requires registered,
15 certified, or licensed practitioners in other jurisdictions
16 who relocate to this state to qualify in the same manner as
17 other applicants if the other jurisdiction has substantially
18 equivalent requirements for registration, certification, or
19 licensure.

20 (2) Whether there are professions similar to the
21 unregulated health profession that should be included in, or
22 portions of the unregulated health profession that should be
23 excluded from, the proposed legislation.

24 f. The maintenance of professional standards including all
25 of the following:

26 (1) Whether effective quality assurance standards exist
27 in the profession such as legal requirements associated with
28 specific programs that define or enforce standards or a code
29 of ethics.

30 (2) How the proposed legislation will ensure quality,
31 including whether a code of ethics will be adopted and the
32 grounds for suspension or revocation of a registration,
33 certificate, or license.

34 g. A description of the group proposed for regulation,
35 including a list of associations, organizations, and other

1 professional groups representing practitioners in this state,
2 an estimate of the number of practitioners in each professional
3 group, and whether the professional groups represent different
4 levels of practice.

5 *h.* The expected costs of regulation, including the impact of
6 costs on the public and costs imposed on this state.

7 Sec. 4. NEW SECTION. **272C.15 Proposed increased regulation**
8 **of regulated health professions — written reports.**

9 1. A member of the general assembly introducing proposed
10 legislation to expand the scope of practice of a regulated
11 health profession shall submit with the legislation a report
12 addressing the requirements contained in subsection 2. The
13 report shall be submitted to the president of the senate and
14 the speaker of the house of representatives and made available
15 on the internet site of the general assembly.

16 2. The report shall address all of the following and
17 identify the source of all information contained in the report:

18 *a.* Why an expanded scope of practice for the regulated
19 health profession is beneficial, including the extent to which
20 health care consumers need and will benefit from safe, quality
21 health care from practitioners within the expanded scope of
22 practice.

23 *b.* Whether expanding the scope of practice of practitioners
24 in the regulated health profession will require practitioners
25 to have didactic and clinical education from accredited
26 professional schools or training from recognized programs that
27 prepare them to perform within the proposed expanded scope of
28 practice, and specific educational or training requirements for
29 that proposed expanded scope of practice.

30 *c.* Whether the subject matter of the proposed expanded scope
31 of practice is currently tested by nationally recognized and
32 accepted examinations for applicants for professional licensure
33 and the details of the examination relating to the expanded
34 scope of practice.

35 *d.* The extent to which the proposed expanded scope

1 of practice will impact the practice of practitioners
2 currently licensed in this state or the entry into practice
3 of practitioners who have relocated from other states with
4 substantially equivalent requirements for registration,
5 certification, or licensure in this state.

6 *e.* The extent to which implementing the proposed expanded
7 scope of practice may result in savings or a cost to this state
8 and to the public.

9 *f.* The relevant regulated health profession licensure laws,
10 if any, in this state and other states.

11 *g.* Recommendations, if any, the applicable regulatory entity
12 or entities, the department of public health, and accredited
13 educational or training programs.

14 3. *a.* Prior to considering proposed legislation to
15 expand the scope of practice of a regulated health profession
16 for passage to the floor of the senate or the house of
17 representatives, a legislative committee to which proposed
18 legislation has been referred shall consider all of the
19 following:

20 (1) Whether the expansion of a regulated health
21 profession's scope of practice is only for the purpose of
22 protecting the public from a specific harm or danger.

23 (2) Whether the addition of adequately trained
24 practitioners providing an expanded range of health care
25 services will have a beneficial effect on the public and
26 increase access to safe, quality health care.

27 (3) Whether any changes in the entity regulating the
28 regulated health profession are necessary to protect the
29 public.

30 *b.* The legislative committee shall not consider competition
31 with or from other regulated health professions or whether a
32 practitioner will be able to obtain health insurance coverage
33 for the proposed expanded scope of practice.

34 Sec. 5. NEW SECTION. 272C.16 Continuing education
35 requirements — evidence of efficacy.

1 A member of the general assembly introducing proposed
2 legislation to impose or increase a continuing education
3 requirement on a regulated health profession shall submit with
4 the legislation evidence that such a requirement has proven
5 effective for the health profession. The evidence shall be
6 submitted to the president of the senate and the speaker of the
7 house of representatives and made available on the internet
8 site of the general assembly.

9 Sec. 6. NEW SECTION. 272C.17 Regulation of unregulated
10 nonhealth professions.

11 1. An unregulated nonhealth profession shall not be
12 regulated except for the exclusive purpose of protecting the
13 public interest. All proposed legislation to regulate an
14 unregulated nonhealth profession shall be reviewed by the
15 legislative committee to which the proposed legislation is
16 referred to ensure that all of the following requirements are
17 met:

18 a. The unregulated practice of the nonhealth profession can
19 clearly harm the public health, safety, or welfare.

20 b. The actual or anticipated public benefit of the
21 regulation clearly exceeds the costs imposed by the regulation
22 on consumers, businesses, and individuals.

23 c. The public needs and can reasonably be expected
24 to benefit from an assurance of initial and continuing
25 professional ability.

26 d. The public cannot be effectively protected by private
27 certification or other alternatives.

28 2. If a legislative committee finds that the proposed
29 legislation satisfies the conditions in subsection 1, the
30 committee shall examine data from multiple sources and shall
31 consider evidence of actual harm to the public related to
32 the unregulated nonhealth profession being considered for
33 regulation. The evidence may include industry association
34 data; federal, state, and local government data; business
35 reports; complaints to law enforcement, relevant state

1 agencies, and the better business bureau; and data from
2 agencies in other states with and without similar systems of
3 regulation.

4 3. If, after consideration of evidence pursuant to
5 subsection 2, the legislative committee finds that it is
6 necessary to regulate an unregulated nonhealth profession, the
7 committee shall review the proposed legislation to determine
8 whether it is the least restrictive regulation necessary and
9 whether the regulation protects a discrete interest group from
10 economic competition.

11 4. The legislative committee shall submit its findings
12 regarding whether the proposed legislation meets the
13 requirements of subsections 1, 2, and 3 to the president of the
14 senate and the speaker of the house of representatives, who
15 shall make the findings available to each member of the general
16 assembly.

17 Sec. 7. NEW SECTION. 272C.18 Proposed regulation of
18 unregulated nonhealth professions — written reports.

19 1. A member of the general assembly introducing legislation
20 to regulate an unregulated nonhealth profession shall submit
21 with the legislation a report addressing the requirements
22 contained in subsection 2. The report shall be submitted to
23 the president of the senate and the speaker of the house of
24 representatives and made available on the internet site of the
25 general assembly.

26 2. The report shall address all of the following and
27 identify the source of all information contained in the report:

28 a. Why regulation is necessary including what particular
29 problem regulation would address.

30 b. The efforts made to address the problem.

31 c. The alternatives considered.

32 d. The benefit to the public of regulating the profession.

33 e. The extent to which regulation might harm the public.

34 f. The maintenance of professional standards including all
35 of the following:

1 (1) Whether effective quality assurance standards exist
2 in the profession such as legal requirements associated with
3 specific programs that define or enforce standards or a code
4 of ethics.

5 (2) How the proposed legislation will assure quality
6 including the extent to which a code of ethics will be
7 adopted and the grounds for the suspension or revocation of a
8 registration, certificate, or license.

9 g. A description of the profession proposed for regulation,
10 including a list of associations, organizations, and other
11 professional groups representing practitioners in this state,
12 an estimate of the number of practitioners in each profession,
13 and whether the professional groups represent different levels
14 of practice.

15 h. The expected costs of regulation, including the impact of
16 costs on the public and costs imposed on this state.

17 DIVISION II

18 STATE BOARD AND AGENCY SUNSET — SCHEDULE — REVIEW

19 Sec. 8. NEW SECTION. 4A.1 Short title.

20 This chapter shall be known as and may be cited as the "*Iowa*
21 *Occupational Sunset Act*".

22 Sec. 9. NEW SECTION. 4A.2 Definitions.

23 As used in this chapter, unless the context otherwise
24 requires:

25 1. "*Board*" means any department, commission, institution,
26 bureau, office, or other agency of the executive branch that
27 issues a license in Iowa.

28 2. "*Board review criteria*" means the criteria required to be
29 considered under section 4A.5.

30 3. "*Committee*" means the sunset advisory committee created
31 pursuant to section 4A.3.

32 4. "*Sunset*" means the termination of all activities of a
33 board.

34 5. "*Sunset review*" means the process of review of a board by
35 the committee pursuant to section 4A.5.

1 Sec. 10. NEW SECTION. **4A.3 Sunset advisory committee**
2 **established.**

3 1. A sunset advisory committee is established which shall
4 carry out the functions provided in this chapter and in chapter
5 4B.

6 2. *a.* The committee shall consist of three members of the
7 senate appointed by the majority leader of the senate, two
8 members of the senate appointed by the minority leader of the
9 senate, three members of the house of representatives appointed
10 by the speaker of the house of representatives, two members of
11 the house of representatives appointed by the minority leader
12 of the house of representatives, and one ex officio, nonvoting
13 member appointed by the governor.

14 *b.* Notwithstanding section 2.32A, members shall be appointed
15 no later than the first day of the first regular session of
16 each general assembly and shall serve for terms ending upon
17 the convening of the following general assembly or when their
18 successors are appointed, whichever is later. A vacancy shall
19 be filled in the same manner as the original appointment
20 and shall be for the remainder of the unexpired term of the
21 vacancy.

22 3. The committee shall elect a chairperson and vice
23 chairperson. The committee shall prescribe its rules of
24 procedure.

25 4. The members of the committee shall be reimbursed for
26 actual and necessary expenses incurred in the performance
27 of their duties and shall be paid a per diem as specified
28 in section 2.10 for each day in which they engaged in the
29 performance of their duties. However, per diem compensation
30 and expenses shall not be paid when the general assembly is
31 actually in session at the seat of government. Expenses and
32 per diem shall be paid from funds appropriated pursuant to
33 section 2.12.

34 5. Administrative assistance shall be provided by the
35 legislative services agency and by staff of each caucus of the

1 general assembly.

2 Sec. 11. NEW SECTION. **4A.4 Sunset of boards.**

3 1. A board shall be scheduled to sunset on December 31
4 of the fifth calendar year after the date the board was
5 created or last renewed, or on December 31, 2026, whichever
6 is later, subject to a review pursuant to section 4A.5,
7 and on December 31 every five calendar years thereafter if
8 renewed, and if not renewed, a board shall sunset on June 30
9 of the following calendar year after the board is scheduled
10 to sunset. The sunset of a board under this subsection shall
11 allow an individual to engage in a profession, occupation, or
12 occupational activity previously licensed by the board without
13 a license, notwithstanding any law requiring an individual to
14 possess a license to engage in that profession, occupation, or
15 occupational activity.

16 2. The treasurer of state shall not authorize the
17 expenditure of any moneys for a board on or after the date of
18 a board's sunset.

19 3. The procedure for a board that has sunset shall be
20 the same as provided for the sunset of an agency pursuant to
21 section 4B.6.

22 4. A board may be renewed by the enactment of a law that
23 continues the statutes creating, empowering, governing, or
24 regulating the board. The amendment of a statute creating,
25 empowering, governing, or regulating a board from the time the
26 board was last reviewed pursuant to section 4A.5 and the time
27 the board is next scheduled to be reviewed shall not change the
28 next scheduled review date of the board unless the amendment
29 expressly so provides.

30 5. Notwithstanding subsections 1 through 3, a board that
31 performs functions other than licensure or regulation that
32 sunsets pursuant to subsections 1 through 3 shall continue in
33 existence and shall continue to perform a board's functions,
34 and shall continue to receive funds designated for the board
35 by law.

1 Sec. 12. NEW SECTION. **4A.5 Sunset reviews.**

2 1. Prior to the date on which a board is scheduled to
3 sunset, the committee shall review the usefulness, performance,
4 and efficacy of the board. The committee shall hold hearings
5 to receive the testimony of the public and of the chief
6 executive officer of the board. After completing a review, the
7 committee shall prepare and publish a report of its findings
8 and recommendations as provided in section 4A.6.

9 2. The legislative services agency shall establish a
10 schedule for the committee to review each board such that the
11 committee reviews approximately one-fifth of all boards each
12 calendar year and each board has been reviewed once between
13 the calendar years 2021 and 2026, and in each five-year period
14 after the date a board has been renewed. The committee may
15 modify the schedule as necessary to facilitate the efficient
16 administration of the committee, but in no case shall more than
17 five calendar years pass before a board is subject to a sunset
18 review.

19 3. A board that is scheduled for review shall submit a
20 report to the committee prior to the date that it is scheduled
21 for review that includes all of the following information:

22 *a.* The board's primary purpose and its goals and objectives.

23 *b.* The board's past and anticipated workload, the number of
24 staff required to complete that workload, and the board's total
25 number of staff.

26 *c.* The board's past and anticipated budgets and its sources
27 of funding.

28 *d.* The number of members that compose the governing board or
29 other governing entity of the board and member compensation,
30 if any.

31 4. A board subject to review shall bear the burden of
32 demonstrating to the committee a public need for its continued
33 existence. In determining whether a board has met that
34 burden, the committee shall consider all of the following, as
35 applicable:

1 *a.* Whether continuation of the board is necessary to protect
2 the health, safety, or welfare of the public, and if so,
3 whether the board's authority is narrowly tailored to protect
4 against present, recognizable, and significant harms to the
5 health, safety, or welfare of the public.

6 *b.* Whether the public could be protected or served in an
7 alternate or less restrictive manner.

8 *c.* Whether the board serves a specific private interest.

9 *d.* Whether rules adopted by the board are consistent with
10 the legislative mandate of the board as expressed in the
11 statutes that created and empowered the board.

12 *e.* The extent to which the board's jurisdiction and programs
13 overlap or duplicate those of other boards, the extent to which
14 the board coordinates with those other boards, and the extent
15 to which the board's programs could be consolidated with the
16 programs of other state departments or boards.

17 *f.* The number of other states that regulate the occupation,
18 whether a license is required to engage in the occupation in
19 other states, whether the initial licensing and license renewal
20 requirements for the occupation are substantially equivalent
21 in every state, and the amount of regulation exercised by the
22 board compared to the regulation, if any, in other states.

23 *g.* The extent to which significant changes in the board's
24 rules could prevent an individual licensed in this state from
25 practicing, or allow an individual licensed in this state to
26 practice, the same occupation in another jurisdiction without
27 obtaining an occupational license for that occupation in that
28 other jurisdiction.

29 *h.* Whether the board recognizes national uniform licensure
30 requirements for the occupation.

31 *i.* Whether private contractors could be used, in an
32 effective and efficient manner, either to assist the board in
33 the performance of its duties or to perform the board's duties
34 in place of the board.

35 *j.* Whether the operation of the board has inhibited economic

1 growth, reduced efficiency, or increased government costs.

2 *k.* An assessment of the authority of the board regarding
3 fees, inspections, enforcement, and penalties.

4 *l.* The extent to which the board has permitted qualified
5 applicants to serve the public.

6 *m.* The extent to which the board has allowed individuals to
7 practice elements of the occupation without a license.

8 *n.* The cost-effectiveness of the board in terms of the
9 number of employees, services rendered, and administrative
10 costs incurred, both past and present.

11 *o.* Whether the board's operation has been impeded or
12 enhanced by existing statutes and procedures and by budgetary,
13 resource, and personnel practices.

14 *p.* Whether the board has recommended statutory changes to
15 the general assembly that would benefit the public rather than
16 the individuals regulated by the board, if any, and whether the
17 board's recommendations and other policies have been adopted
18 and implemented.

19 *q.* Whether the board has required any individuals subject to
20 the board's regulations to report to the board the impact of
21 board rules and decisions on the public as they affect service
22 costs and service delivery.

23 *r.* Whether individuals regulated by the board, if any, have
24 been required to assess problems in their business operations
25 that affect the public.

26 *s.* Whether the board has encouraged public participation in
27 its rulemaking and decision making.

28 *t.* The efficiency with which formal public complaints filed
29 with the board have been processed to completion.

30 *u.* Whether the purpose for which the board was created has
31 been fulfilled, has changed, or no longer exists.

32 *v.* Whether federal law requires that the board be renewed
33 in some form.

34 *w.* An assessment of the administrative hearing process of
35 the board if the board has an administrative hearing process,

1 and whether the hearing process is consistent with due process
2 rights.

3 *x.* Whether the requirement for an occupational license
4 is consistent with the principles expressed in section 4C.2,
5 serves a meaningful, defined public interest, and provides the
6 least restrictive form of regulation that adequately protects
7 the public interest.

8 *y.* The extent to which licensing ensures that practitioners
9 have occupational skill sets or competencies that are
10 substantially related to protecting consumers from present,
11 significant, and substantiated harms that threaten the public
12 health, safety, or welfare, and the impact that those criteria
13 have on applicants for a license, particularly those with
14 moderate or low incomes, seeking to enter the occupation or
15 profession.

16 *z.* The extent to which the requirement for the occupational
17 license stimulates or restricts competition, affects consumer
18 choice, and affects the cost of services.

19 *aa.* An assessment of whether changes are needed in the
20 enabling laws of the board in order for the board to comply
21 with the criteria listed in this subsection.

22 **Sec. 13. NEW SECTION. 4A.6 Reports of the committee.**

23 1. After completing a review of a board pursuant to section
24 4A.5, the committee shall prepare and submit a report of its
25 findings and recommendations by December 21. A report may
26 include findings and recommendations for more than one board.
27 Copies of the report shall be submitted to the president of
28 the senate, the speaker of the house of representatives, the
29 governor, and each affected board, and shall be made publicly
30 available on the internet site of the general assembly. The
31 committee shall present its recommendations to the general
32 assembly in the form of a bill submitted under a procedure or
33 rule permitting no amendments by either house, except those of
34 a purely corrective nature.

35 2. Recommendations of the committee shall indicate how or

1 whether implementation of the recommendations would do each of
2 the following:

- 3 a. Improve efficiency in the management of state government.
- 4 b. Improve services rendered to citizens of the state.
- 5 c. Simplify and improve preparation of the state budget.
- 6 d. Conserve the natural resources of the state.
- 7 e. Promote the orderly growth of the state and its
8 government.
- 9 f. Promote occupational regulations to increase economic
10 opportunities, encourage competition, and encourage innovation.
- 11 g. Provide for the least restrictive regulations by
12 repealing current regulations and replacing them with less
13 restrictive regulations that are consistent with the principles
14 expressed in section 4C.2.
- 15 h. Improve the effectiveness of the services performed by
16 the boards of the state.
- 17 i. Avoid duplication of effort by state agencies or boards.
- 18 j. Improve the organization and coordination of the state
19 government.

20 Sec. 14. NEW SECTION. **4B.1 Short title.**

21 This chapter shall be known and may be cited as the "*Iowa*
22 *Sunset Act*".

23 Sec. 15. NEW SECTION. **4B.2 Definitions.**

24 For the purposes of this chapter:

- 25 1. "*Agency*" means any department, commission, board,
26 institution, bureau, office, or other agency of the executive
27 branch, except that "*agency*" does not include a "*board*" as
28 defined in section 4A.2.
- 29 2. "*Committee*" means the sunset advisory committee
30 established pursuant to section 4A.3.
- 31 3. "*Sunset*" means the termination of all activities of an
32 agency.

33 Sec. 16. NEW SECTION. **4B.3 Sunset of state agencies.**

34 1. Unless renewed pursuant to subsection 2, an agency shall
35 sunset as provided in section 4B.6 on December 31, 2026, or as

1 provided by a statute enacted pursuant to subsection 2.

2 2. Prior to the date on which an agency is scheduled to
3 sunset, the general assembly may renew the existence of an
4 agency by passage of a bill that schedules the agency for
5 an additional review in no less than five but no more than
6 ten calendar years from the review date. A bill scheduling
7 an agency for additional review may also amend or repeal
8 the statute creating and empowering the agency or enact a
9 new statute to improve agency usefulness, performance, or
10 effectiveness.

11 Sec. 17. NEW SECTION. **4B.4 Sunset review of state agencies.**

12 1. Prior to the date on which an agency is scheduled to
13 sunset, the committee shall review the usefulness, performance,
14 and efficacy of the agency. The committee shall hold hearings
15 to receive the testimony of the public and of the chief
16 executive officer of the agency. After completing a review,
17 the committee shall prepare and publish a report of its
18 findings and recommendations as provided in section 4B.4.

19 2. The legislative services agency shall establish a
20 schedule for the committee to review each agency such that the
21 committee reviews approximately one-fifth of all agencies each
22 calendar year and each agency has been reviewed once between
23 the calendar years 2021 and 2026, and in each five-year period
24 after the date a board has been renewed. The committee may
25 modify the schedule as necessary to facilitate the efficient
26 administration of the committee, but in no case shall more than
27 five years pass before a board is subject to a sunset review.

28 3. An agency that is scheduled for review shall submit a
29 report to the committee prior to the date that it is scheduled
30 for review that includes all of the following information:

31 a. The agency's primary purpose and its goals and
32 objectives.

33 b. The agency's past and anticipated workload, the number
34 of staff required to complete that workload, and the agency's
35 total number of staff.

1 *c.* The agency's past and anticipated budgets and its sources
2 of funding.

3 *d.* The number of members that compose the governing board or
4 other governing entity of the agency and member compensation,
5 if any.

6 4. An agency subject to review shall bear the burden of
7 demonstrating to the committee a public need for its continued
8 existence. In determining whether an agency has met that
9 burden, the committee shall consider all of the following, as
10 applicable:

11 *a.* The cost-effectiveness of the agency in terms of the
12 number of employees, services rendered, and administrative
13 costs incurred, both past and present.

14 *b.* The extent to which the agency has operated in the
15 public interest, and whether its operation has been impeded or
16 enhanced by existing statutes and procedures and by budgetary,
17 resource, and personnel practices.

18 *c.* Whether the agency has recommended statutory changes to
19 the general assembly that would benefit the public as opposed
20 to the individuals regulated by the agency, if any, and whether
21 its recommendations and other policies have been adopted and
22 implemented.

23 *d.* Whether the agency has required any individuals it
24 regulates to report to the board the impact of agency rules
25 and decisions on the public as they affect service costs and
26 service delivery.

27 *e.* Whether individuals regulated by the agency, if any, have
28 been required to assess problems in their business operations
29 that affect the public.

30 *f.* Whether the agency has encouraged public participation in
31 its rulemaking and decision making.

32 *g.* The efficiency with which formal public complaints filed
33 with the agency have been processed to completion.

34 *h.* Whether the programs or services of the agency duplicate
35 or overlap those of other agencies.

1 *i.* Whether the purpose for which the agency was created has
2 been fulfilled, has changed, or no longer exists.

3 *j.* Whether federal law requires that the agency be renewed
4 in some form.

5 *k.* Changes needed in the enabling laws of the agency in
6 order for the agency to comply with the criteria listed in this
7 subsection.

8 Sec. 18. NEW SECTION. **4B.5 Reports of the committee.**

9 1. After completing a review of all agencies pursuant to
10 section 4B.4, the committee shall prepare and submit a report
11 of its findings and recommendations by December 21. Copies of
12 the report shall be submitted to the president of the senate,
13 the speaker of the house of representatives, the governor, and
14 each affected agency, and shall be made publicly available on
15 the internet site of the general assembly. As part of the
16 report, the committee shall recommend to the general assembly,
17 in the form of a bill submitted under a procedure or rule
18 permitting no amendments by either house, except those of a
19 purely corrective nature, one or more of the following:

20 *a.* Amend or repeal the statutes that created and empowered
21 the agency to abolish or terminate the agency.

22 *b.* Amend or repeal the statutes that created and empowered
23 the agency or enact new statutes to terminate the agency, to
24 transfer the responsibilities of the agency to another agency,
25 or to improve the usefulness, performance, or effectiveness of
26 the agency.

27 *c.* Amend or repeal the statutes that created and empowered
28 two or more agencies or enact new statutes to reorganize or
29 transfer the agencies and thereby improve agency usefulness,
30 performance, or effectiveness.

31 *d.* Amend the statutes that created and empowered the agency
32 to continue the agency for not less than five years but not
33 more than ten years.

34 2. The recommendations of the committee shall indicate how
35 or whether implementation of the recommendations would do each

1 of the following:

- 2 *a.* Improve efficiency in the management of state government.
- 3 *b.* Improve services rendered to citizens of the state.
- 4 *c.* Simplify and improve preparation of the state budget.
- 5 *d.* Conserve the natural resources of the state.
- 6 *e.* Promote the orderly growth of the state and its
- 7 government.
- 8 *f.* Improve the effectiveness of services rendered to the
- 9 state.
- 10 *g.* Avoid duplication of effort by state agencies or boards.
- 11 *h.* Improve the organization and coordination of the state
- 12 government.

13 3. The department of management, department of
14 administrative services, auditor of state, legislative services
15 agency, and any other agency shall supply, upon the request
16 of the committee, any material necessary for completion of a
17 report and its recommendations.

18 Sec. 19. NEW SECTION. **4B.6 Procedures for agencies that**
19 **sunset — continuing obligations.**

20 1. *a.* An agency that has sunset may continue in existence
21 to conclude its business until July 1 of the fiscal year
22 following the fiscal year in which the agency was sunset.
23 Unless otherwise provided by law, the sunset of an agency does
24 not reduce or otherwise limit the powers and authority of the
25 agency during the concluding year.

26 *b.* An agency shall terminate all activities on or before
27 the date specified in paragraph "a". Unless otherwise provided
28 by law, all rules adopted by the agency shall be void on that
29 date.

30 2. *a.* Any unobligated or unexpended appropriations of an
31 agency that has sunset shall lapse and revert to the general
32 fund of the state on the date specified in subsection 1.

33 *b.* Except as provided by subsection 4 or as otherwise
34 provided by law, all moneys in a dedicated fund of an agency
35 that has sunset shall be transferred to the general fund of the

1 state on the date specified in subsection 1. Any portion of a
2 law dedicating moneys to a specific fund of an agency that is
3 sunset is void on the date specified in subsection 1.

4 3. Unless the governor designates an appropriate agency
5 as described in subsection 4, the property and records in the
6 custody of an agency that has sunset shall be transferred to
7 the department of administrative services on the date specified
8 in subsection 1. If the governor designates an appropriate
9 agency as described in subsection 4, the property and records
10 shall be transferred to the designated agency.

11 4. *a.* In recognition of the state's continuing obligation
12 to pay bonded indebtedness and all other obligations, including
13 lease, contract, and other written obligations, incurred by
14 an agency that has sunset, the sunset of the agency shall not
15 impair or impede payment of bonded indebtedness and all other
16 obligations, including lease, contract, and other written
17 obligations, in accordance with their terms.

18 *b.* If an agency that has sunset has outstanding bonded
19 indebtedness or other outstanding obligations, including lease,
20 contract, or other written obligations, the bonds and all other
21 such obligations remain valid and enforceable in accordance
22 with their terms and remain subject to all applicable terms and
23 conditions of the laws and proceedings authorizing the bonds
24 and all other such obligations. The governor shall designate
25 an appropriate agency to continue to carry out all covenants
26 contained in the bonds and in all other such obligations, and
27 the proceedings authorizing them, including the issuance of
28 bonds, and the performance of all other obligations necessary
29 to complete the construction of projects or the performance of
30 the other obligations. The designated agency shall provide
31 payment from the sources of payment of the bonds in accordance
32 with the terms of the bonds and shall provide payment from the
33 sources of payment from all other obligations in accordance
34 with their terms, whether from taxes, revenues, or otherwise,
35 until the bonds and interest on the bonds are performed and

1 paid in full. If the terms of the obligations so provide, all
2 funds established by law or proceedings authorizing the bonds
3 or authorizing the other obligations shall remain with the
4 treasurer of state or previously designated trustees. If the
5 terms of the obligations do not provide that the funds remain
6 with the treasurer of state or previously designated trustees,
7 the funds shall be transferred to the designated agency.

8 Sec. 20. NEW SECTION. **4B.7 Agencies and employees to**
9 **provide assistance to committee.**

10 1. Agencies and employees of agencies shall assist the
11 committee in gathering information necessary to carry out the
12 committee's functions pursuant to this chapter upon request.

13 2. In carrying out the committee's functions pursuant
14 to this chapter, the committee or the committee's staff may
15 inspect the records, documents, files, or other information of
16 any agency. If material sought by the committee is required
17 by law to be kept confidential, the committee and committee
18 staff shall have access to the material, but shall maintain the
19 confidentiality of the material.

20 Sec. 21. NEW SECTION. **4B.8 Department of workforce**
21 **development to assist displaced agency employees.**

22 If an employee is discharged because the agency employing
23 the employee sunsets, the affected agency and the department of
24 workforce development shall make a reasonable effort to assist
25 the discharged employee in obtaining new employment.

26 Sec. 22. NEW SECTION. **4B.9 Activities of the general**
27 **assembly not restricted.**

28 This chapter shall not be construed to restrict the general
29 assembly from doing any of the following:

30 1. Enacting an agency sunset at a date earlier than required
31 under this chapter.

32 2. Considering any other legislation concerning an agency
33 subject to this chapter.

34 Sec. 23. NEW SECTION. **4C.1 Definitions.**

35 For the purposes of this chapter:

1 1. "*Certification*" means a voluntary program in which
2 a private organization or the state grants nontransferable
3 recognition to an individual who meets personal qualifications
4 established by the private organization or state law.

5 2. "*Lawful occupation*" means a course of conduct, pursuit,
6 or profession that includes the sale of goods or services that
7 are not themselves illegal to sell irrespective of whether
8 the individual selling the goods or services is subject to an
9 occupational regulation.

10 3. "*Least restrictive regulation*" means the public policy of
11 relying on one of the following, listed from the least to the
12 most restrictive, as a means of consumer protection:

13 a. Market competition.

14 b. Third-party or consumer-created ratings and reviews.

15 c. Private certifications.

16 d. Actions under section 714H.5.

17 e. Actions under section 714.16.

18 f. Regulation of the process of providing the specific goods
19 or services to consumers.

20 g. Inspections.

21 h. Bonding or insurance.

22 i. Registrations.

23 j. Government certifications.

24 k. Occupational licenses, including specialty occupational
25 licenses for medical reimbursement.

26 4. "*Occupational license*" means a government permission slip
27 to work that is a nontransferable authorization in law that an
28 individual must possess in order to perform a lawful occupation
29 for compensation based on meeting personal qualifications
30 established by statute or by a rule authorized by statute.

31 "*Occupational license*" does not include a commercial or other
32 driver's license.

33 5. "*Occupational licensing board*" means any board,
34 commission, committee, or council, or any other similar state
35 public body, and any agency, division, or office of state

1 government, that issues an occupational license.

2 6. "*Occupational regulation*" means a statute, policy, rule,
3 practice, or other state law requiring an individual to possess
4 certain personal qualifications to use an occupational title or
5 work in a lawful occupation. "*Occupational regulation*" includes
6 a registration, certification, and occupational license.
7 "*Occupational regulation*" excludes a business license, facility
8 license, building permit, or zoning and land use regulation,
9 except to the extent those laws regulate an individual's
10 personal qualifications to perform a lawful occupation, and
11 excludes a commercial or other driver's license.

12 7. "*Personal qualifications*" means criteria related to an
13 individual's personal background and characteristics including
14 completion of an approved educational program, satisfactory
15 performance on an examination, work experience, other evidence
16 of attainment of requisite skills or knowledge, moral standing,
17 criminal history, and completion of continuing education.

18 8. "*Registration*" means a requirement to give notice to the
19 government that may include the individual's name and address,
20 the individual's agent for service of process, the location of
21 the activity to be performed, and a description of the service
22 the individual provides. "*Registration*" does not include
23 personal qualifications but may require a bond or insurance.

24 9. "*Specialty occupational license for medical reimbursement*"
25 is a nontransferable authorization in law for an individual
26 to qualify for payment or reimbursement from a government
27 agency for providing identified medical services based on
28 meeting personal qualifications established in law which may be
29 recognized by a private company.

30 Sec. 24. NEW SECTION. 4C.2 Occupational regulation
31 principles.

32 With respect to the occupational regulation of individuals,
33 all of the following shall be policies of this state:

34 1. Occupational regulations shall be construed and applied
35 to increase economic opportunities, promote competition, and

1 encourage innovation.

2 2. If the state finds it is necessary to displace
3 competition, the state shall use the least restrictive
4 regulation to protect consumers from present, significant,
5 and substantiated harms that threaten public health, safety,
6 or welfare. The policy of employing the least restrictive
7 regulation shall presume that market competition and private
8 remedies are sufficient to protect consumers. If necessary,
9 regulations shall be tailored to meet the predominate
10 identified need to protect consumers as follows:

11 a. If a regulation is intended to protect consumers against
12 fraud, the appropriate state action shall be to strengthen
13 powers under deceptive trade practices acts.

14 b. If a regulation is intended to protect consumers against
15 unsanitary facilities and general health, safety, or welfare
16 concerns, the appropriate state action shall be to require
17 periodic inspections.

18 c. If a regulation is intended to protect a consumer against
19 potential damages to a third party who is not a party to a
20 contract between the seller and buyer, and other types of
21 externalities, the appropriate state action shall be to require
22 bonding or insurance.

23 d. If a regulation is intended to protect a consumer against
24 potential damages by transient providers, the appropriate state
25 action shall be to require registration with the secretary of
26 state.

27 e. If a regulation is intended to protect a consumer
28 against asymmetrical information between the seller and buyer,
29 the appropriate state action shall be to offer voluntary
30 certification, unless appropriate, privately offered voluntary
31 certification for the relevant occupation is available.

32 f. If a regulation is intended to facilitate governmental
33 reimbursement for providing medical services for an emerging
34 medical specialty, the appropriate state action shall be
35 to require a specialty occupational license for medical

1 reimbursement. A person shall not be required to hold a
2 specialty occupational license for medical reimbursement in
3 order to lawfully provide a medical service for an emerging
4 medical specialty; however, a person providing a medical
5 service for an emerging medical specialty without a specialty
6 occupational license for medical reimbursement shall not
7 receive governmental reimbursement for providing that service.
8 A specialty occupational license for medical reimbursement
9 shall not restrict governmental reimbursement for services
10 similar to the regulated service that may be provided by other
11 regulated persons.

12 *g.* If a regulation is required to perform services
13 regulated by both federal laws and the laws of this state,
14 the appropriate state action shall be to require the state
15 to recognize an individual's occupational license from
16 another state or territory of the United States to allow that
17 individual to practice in this state.

18 3. An occupational regulation may be enforced against an
19 individual only to the extent the individual sells goods and
20 services that are included explicitly in the statute that
21 defines the occupation's scope of practice.

22 4. This chapter shall not restrict an occupational
23 licensing board from requiring, as a condition of licensure
24 or renewal of licensure, that an individual's personal
25 qualifications include obtaining or maintaining certification
26 from a private organization that credentials individuals in the
27 relevant occupation.

28 **Sec. 25. NEW SECTION. 4C.3 Local licensing — preemption.**

29 This chapter preempts any ordinance or other local law or
30 regulation which conflicts with or is inconsistent with any
31 policy of the state expressed in this chapter by any political
32 subdivision that regulates an occupation that is also regulated
33 by the state.

34 **Sec. 26. REPEAL.** Section 2.69, Code 2020, is repealed.

35

DIVISION III

1 ACCOUNTABLE GOVERNMENT ACT REPORTS

2 Sec. 27. Section 8E.210, Code 2020, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 1A. In addition to the requirements
5 of subsection 1, an agency's annual performance report
6 shall include a description of how the agency improved
7 efficiency, modernized processes, eliminated duplication and
8 outdated processes, reduced costs, increased accountability,
9 expanded the use of technology, and incorporated productivity
10 improvement measures. The section of the annual performance
11 report addressing the factors listed in this subsection shall
12 be submitted to the state government committee of each chamber
13 of the general assembly and made publicly available on the
14 internet site of the general assembly.

15 DIVISION IV

16 PROFESSIONAL LICENSING BOARD INVESTIGATIONS

17 Sec. 28. Section 272C.3, subsection 1, paragraph d, Code
18 2020, is amended to read as follows:

19 *d.* Determine in any case whether an investigation, or
20 further investigation, or a disciplinary proceeding is
21 warranted. ~~Notwithstanding the provisions of [chapter 17A](#),~~
22 ~~a determination by a licensing board that an investigation~~
23 ~~is not warranted or that an investigation should be closed~~
24 ~~without initiating a disciplinary proceeding is not subject~~
25 ~~to judicial review pursuant to [section 17A.19](#)~~ Notwithstanding
26 any other provision of law, if a board determines that there
27 is no probable cause to believe that an asserted violation has
28 occurred, the complaint shall be returned to the complainant
29 with a statement specifying the reasons for rejection
30 sufficient to enable the complainant to review the agency's
31 determination.

32 DIVISION V

33 ADMINISTRATIVE RULES REVIEW COMMITTEE REVIEW OF ENTRY
34 REGULATIONS

35 Sec. 29. NEW SECTION. 17A.35 Review of occupational entry

1 regulations.

2 1. For purposes of this section, unless the context
3 otherwise requires:

4 a. "Entry regulation" means any rule adopted pursuant to
5 chapter 17A by a licensing board for the purpose of regulating
6 an occupational or professional group, including but not
7 limited to any rule prescribing qualifications or requirements
8 for a person's entry into, or continued participation in, any
9 business, trade, profession, or occupation in this state.

10 b. "Licensing board" or "board" means the same as defined
11 in section 272C.1.

12 2. A licensing board shall designate any entry regulation
13 filed with the administrative rules coordinator and
14 administrative code editor pursuant to section 17A.4 or 17A.5
15 as an entry regulation in the preamble.

16 3. The administrative rules review committee, when
17 reviewing a rule pursuant to section 17A.8, subsection 6, that
18 is designated as an entry regulation by a licensing board,
19 shall consider the following factors when reviewing the rule:

20 a. Whether the entry regulation is required by state or
21 federal law.

22 b. Whether the entry regulation is necessary to protect the
23 public health, safety, or welfare.

24 c. Whether the purpose or effect of the entry regulation is
25 to unnecessarily inhibit competition or arbitrarily deny entry
26 into a business, trade, profession, or occupation.

27 d. Whether the intended purpose of the entry regulation
28 could be accomplished by less restrictive or burdensome means.

29 e. Whether the entry regulation is outside of the scope of
30 the licensing board's statutory authority to adopt rules.

31 4. The administrative rules review committee, when
32 considering the factors provided in subsection 3, shall not
33 give deference to a statement or interpretation made by a
34 licensing board regarding an entry regulation, statute, or
35 other legal authority.

1 5. If the administrative rules review committee disapproves
2 of an entry regulation after consideration of the factors
3 provided in subsection 3, the committee may take any action on
4 the rule otherwise permitted to the committee.

5 6. a. No later than December 31, 2020, each licensing board
6 shall submit to the administrative rules review committee a
7 list of all entry regulations adopted by the board that are in
8 effect as of the date of submission.

9 b. The administrative rules review committee shall review
10 all entry regulations submitted to the committee pursuant
11 to paragraph "a" by December 31, 2024. The committee shall
12 prescribe a schedule for such review and shall update the
13 schedule as necessary. The schedule shall be posted by the
14 legislative services agency on the general assembly's internet
15 site.

16 Sec. 30. APPLICABILITY. Section 17A.35, subsection
17 2, as enacted by this Act, applies to rules filed with the
18 administrative rules coordinator and administrative code editor
19 pursuant to section 17A.4 or 17A.5, for publication in an Iowa
20 administrative bulletin published on or after July 29, 2020.

21 DIVISION VI

22 EFFECTIVE DATE

23 Sec. 31. EFFECTIVE DATE. This Act, being deemed of
24 immediate importance, takes effect upon enactment.

25 EXPLANATION

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

28 This bill relates to the operation of state government,
29 including the review and sunset of state boards and agencies
30 and the regulation of professions. The bill is organized into
31 divisions.

32 DIVISION I — REGULATION OF PROFESSIONS. The division
33 relates to the regulation of professions. The bill requires
34 a legislative committee reviewing legislation to impose
35 regulations on a health profession that is not currently

1 subject to regulation by the state to verify that: the
2 unregulated practice of the profession will clearly harm or
3 endanger the public, the public will benefit from assurances
4 of professional ability, and the public cannot be effectively
5 protected in a more cost-efficient manner. The legislative
6 committee must then verify that the legislation is the least
7 restrictive method of regulation to protect the public. After
8 completing its review, the bill requires the committee to
9 submit its findings to the president of the senate and speaker
10 of the house of representatives, who shall make the findings
11 available to each member of the general assembly.

12 The bill requires a member of the general assembly
13 introducing legislation to regulate an unregulated health
14 profession to submit a report with the legislation addressing
15 why the regulation is necessary, the efforts that have been
16 made to address the problem, the alternatives considered,
17 the benefits and harms to the public from regulation, the
18 maintenance of professional standards, and shall include a
19 description of the profession proposed for regulation and the
20 expected costs of regulation. The report shall be submitted
21 to the president of the senate and the speaker of the house of
22 representatives, and shall be made publicly available on the
23 internet site of the general assembly.

24 The bill requires a member of the general assembly
25 introducing legislation to expand the scope of practice of
26 a regulated health profession to submit a report addressing
27 why the expanded scope of practice is beneficial, whether
28 practitioners currently have or will be required to obtain
29 training because of the expanded scope of practice, whether the
30 new practice is currently tested by a nationally recognized
31 examination, the extent to which the expanded scope of practice
32 will impact the practice of professionals currently in the
33 state or who relocate to the state, the costs or savings
34 from the expanded scope of practice, relevant laws in other
35 states, and any recommendations from regulatory entities. The

1 report shall be submitted to the president of the senate and
2 the speaker of the house of representatives, and shall be
3 made publicly available on the internet site of the general
4 assembly. A legislative committee reviewing such legislation
5 shall consider whether the scope of practice is being expanded
6 only to protect the public, whether the expansion of services
7 will benefit the public, and whether any changes to the entity
8 regulating the profession are necessary. The committee shall
9 not consider competitive implications of expanding the scope
10 of practice.

11 The bill requires a member of the general assembly
12 introducing legislation to impose or increase a continuing
13 education requirement on a health profession to submit evidence
14 of the efficacy of the requirement to the president of the
15 senate and the speaker of the house of representatives. The
16 evidence shall also be made publicly available on the internet
17 site of the general assembly.

18 The bill requires a legislative committee reviewing
19 legislation to impose a regulation on an unregulated nonhealth
20 profession to consider whether the unregulated practice of the
21 profession can clearly harm the public, whether the benefits
22 of regulation clearly exceeds the costs imposed on consumers,
23 and whether the public needs assurances of professional
24 ability. If the committee finds in the affirmative with
25 respect to the preceding factors, the committee shall examine
26 data to find evidence of actual harm to the public related
27 to the unregulated nonhealth profession being considered
28 for regulation. If the committee finds that regulation is
29 necessary, the committee shall review the legislation to
30 determine whether it is the least restrictive regulation
31 necessary to protect the public and that it is not being
32 imposed to protect a profession from economic competition. The
33 committee shall submit its findings to the president of the
34 senate and the speaker of the house of representatives, who
35 shall make the findings available to each member of the general

1 assembly.

2 The bill requires a member of the general assembly
3 introducing legislation to regulate an unregulated nonhealth
4 profession to submit a report addressing why regulation
5 is necessary, the efforts made to address the problem, the
6 alternatives considered, the benefits and harm to the public,
7 the maintenance of professional standards, the professional
8 groups proposed for regulation, and the expected costs of
9 regulation.

10 DIVISION II — STATE BOARD AND AGENCY SUNSET REVIEW. This
11 division relates to the sunset of state boards and agencies.
12 The bill defines "sunset" as the cessation of all activities
13 of a board or agency. The bill creates a sunset advisory
14 committee (the committee) consisting of three members of the
15 senate appointed by the majority leader of the senate, two
16 members of the senate appointed by the minority leader of the
17 senate, three members of the house of representatives appointed
18 by the speaker of the house of representatives, and two members
19 of the house of representatives appointed by the minority
20 leader of the house of representatives. The bill includes
21 rules for the operation of the committee.

22 The bill creates a process for the sunset of all boards that
23 license, register, or certify a profession in the state. The
24 bill sets a schedule to sunset all such boards on December
25 31 of the fifth calendar year after the date the board was
26 created or last renewed, or on December 31, 2026, whichever is
27 later, subject to the committee's review, and on December 31
28 every five calendar years thereafter if renewed. A board that
29 has been scheduled to sunset shall sunset on June 30 of the
30 following year. Once a board has sunset, any individual may
31 practice a profession previously licensed by the board without
32 obtaining a license. If a board performs functions other than
33 licensing, it may continue to perform those functions. The
34 sunset of a board may be prevented by the passage of a bill
35 continuing the existence of the board.

1 Prior to the date on which a board is scheduled to sunset,
2 the bill requires the committee to review the usefulness,
3 performance, and efficacy of the board. The legislative
4 services agency shall create a schedule, which the committee
5 may revise, for review of approximately one-fifth of all boards
6 each calendar year in each five-year period.

7 A board that is subject to review shall submit a report to
8 the committee prior to the date the board is scheduled for
9 a sunset review that includes certain information specified
10 in the bill, and shall bear the burden of demonstrating a
11 continued public need for its existence. The bill provides
12 several factors for the committee to consider.

13 After completing a review, the committee shall prepare
14 a report of its findings and recommendations, which report
15 may include findings and recommendations for more than one
16 board. The committee shall present its findings to the general
17 assembly in the form of a bill. The committee shall include
18 with its recommendations an explanation of the benefits of
19 implementing the recommendations.

20 The division also requires the committee to review all
21 agencies of the state. The bill sets the initial date for
22 the scheduling of the sunset process for December 31, 2026.
23 An agency may be prevented from sunseting by enactment of a
24 statute continuing the existence of the agency, which shall
25 also schedule an additional review of the agency in no less
26 than five but no more than ten years from the date of the
27 review. Agencies shall be reviewed in a similar manner as
28 provided for boards in the bill, and the committee shall submit
29 a report containing its findings and recommendations for each
30 agency. The recommendations of the committee shall be in
31 the form of a bill submitted to the general assembly. The
32 bill requires agency employees to assist the committee in the
33 execution of its duties.

34 The division includes provisions for the sunset of agencies.
35 An agency that has sunset may continue in existence until July

1 1 of the fiscal year following the fiscal year in which it
2 sunset in order to conclude its business. During this period,
3 the agency has the same powers and authorities it had before
4 it sunset. On or before July 1, the agency shall terminate all
5 activities, and all rules adopted by the agency shall become
6 void unless otherwise provided by law. The bill includes
7 instructions for the disposition of the funds, records, and
8 property of an agency that has sunset, and provides that the
9 sunset of an agency does not eliminate any claims pending
10 against the agency.

11 The division requires the department of workforce
12 development to assist agency employees discharged because they
13 were employed by an agency that has sunset in obtaining new
14 employment.

15 The division does not restrict the general assembly from
16 taking any other action with respect to regulating agencies.

17 The division creates principles for the imposition of
18 professional regulations. The principles created by the
19 bill include a policy of enacting the least restrictive
20 regulation necessary to protect the public, encouraging
21 economic opportunities and competition, providing guidance
22 for determining what style of regulation is appropriate, and
23 enforcing an occupational regulation against an individual only
24 to the extent that it is explicitly provided for by a statute.
25 The bill does not prohibit a licensing board from requiring
26 licensees to obtain credentials from private organizations.
27 The bill enacts a rule of construction that any law of a
28 political subdivision regulating a profession that is also
29 regulated by the state shall be preempted if it is inconsistent
30 with the principles expressed in the bill.

31 The division repeals the Code section creating the state
32 government efficiency review committee.

33 DIVISION III — ACCOUNTABLE GOVERNMENT ACT REPORTS. The
34 division relates to accountable government Act reports
35 submitted by agencies. The bill requires such reports

1 to include descriptions of how the agency has improved
2 efficiency, modernized processes, eliminated duplication and
3 outdated processes, reduced costs, increased accountability,
4 expanded the use of technology, and incorporated productivity
5 improvement measures. This portion of the report shall be
6 submitted to the state government committee of both chambers of
7 the general assembly and posted publicly on the internet site
8 of the general assembly.

9 DIVISION IV — PROFESSIONAL LICENSING BOARD INVESTIGATIONS.

10 This division relates to investigations by professional
11 licensing boards. The bill strikes the provision that a
12 determination by a licensing board that an investigation is not
13 warranted or should be closed without a disciplinary hearing
14 is not subject to judicial review. However, the bill requires
15 a board that determines that no probable cause exists for
16 an asserted violation to return the complaint asserting the
17 violation to the complainant with a statement specifying the
18 reasons for rejection of the complaint.

19 DIVISION V — ADMINISTRATIVE RULES REVIEW COMMITTEE

20 REVIEW OF ENTRY REGULATIONS. This division requires the
21 administrative rules review committee (ARRC), when reviewing an
22 entry regulation, to consider certain factors specified in the
23 bill.

24 The bill defines "entry regulation" as any rule adopted
25 pursuant to Code chapter 17A by a licensing board for the
26 purpose of regulating an occupational or professional
27 group, including but not limited to any rule prescribing
28 qualifications or requirements for a person's entry into, or
29 continued participation in, any business, trade, profession, or
30 occupation in this state.

31 The bill provides that the ARRC shall not give deference to a
32 statement or interpretation made by a licensing board regarding
33 an entry regulation, statute, or other legal authority when
34 considering the factors. If the ARRC disapproves of an entry
35 regulation after consideration of the factors provided in

1 the bill, the ARRC may take any action on the rule otherwise
2 permitted to the ARRC.

3 The bill requires each licensing board to submit to the
4 ARRC no later than December 31, 2020, a list of all entry
5 regulations adopted by the board that are in effect as of the
6 date of submission.

7 The bill requires the ARRC to review all submitted entry
8 regulations by December 31, 2024, and to establish and update a
9 schedule for such review. The schedule shall be posted on the
10 general assembly's internet site by the legislative services
11 agency.

12 The bill requires that an entry regulation be designated as
13 such in the preamble to the entry regulation, beginning with
14 the July 29, 2020, Iowa administrative bulletin.

15 DIVISION VI — EFFECTIVE DATE. The bill takes effect upon
16 enactment.