

Senate File 2370 - Introduced

SENATE FILE 2370
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3119)

A BILL FOR

1 An Act concerning the executive branch rulemaking process and
2 other agency functions and related matters.

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

DIVISION I

RULEMAKING AND RELATED MATTERS

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2
3 Section 1. Section 2B.5A, subsection 4, Code 2024, is
4 amended by striking the subsection.

5 Sec. 2. Section 8A.206, subsection 2, paragraph b, Code
6 2024, is amended to read as follows:

7 b. Maintain, as an integral part of the law library, reports
8 of various boards and agencies~~;~~ copies of journals of the
9 senate and house of representatives; electronic access to
10 bills, journals, and other information relating to current or
11 proposed legislation, copies of; and electronic access to the
12 Iowa administrative bulletin and Iowa administrative code ~~and,~~
13 ~~consistent with section 17A.6, subsection 3, copies of any~~
14 ~~publications incorporated by reference in the bulletin or code.~~

15 Sec. 3. Section 10A.506, subsection 10, Code 2024, is
16 amended by striking the subsection.

17 Sec. 4. Section 17A.3, subsection 1, paragraphs a, b, and c,
18 Code 2024, are amended by striking the paragraphs.

19 Sec. 5. Section 17A.4, subsection 1, unnumbered paragraph
20 1, Code 2024, is amended to read as follows:

21 Prior to the adoption, amendment, or repeal of any rule an
22 agency shall submit the proposed rulemaking for preclearance to
23 the administrative rules coordinator in the manner prescribed
24 by the administrative rules coordinator and do all of the
25 following:

26 Sec. 6. Section 17A.4, subsection 3, paragraph a, Code 2024,
27 is amended to read as follows:

28 a. When the statute so provides, or with the approval of
29 the administrative rules review committee, if the committee
30 finds good cause that notice and public participation would be
31 unnecessary, impracticable, or contrary to the public interest,
32 the provisions of subsection 1 shall be inapplicable. However,
33 the requirement for prior submission to the administrative
34 rules coordinator for preclearance shall remain applicable.

35 Sec. 7. Section 17A.4A, subsections 1 and 5, Code 2024, are

1 amended to read as follows:

2 1. An agency shall issue a regulatory analysis of a proposed
3 rule that complies with subsection 2, paragraph paragraphs
4 "a" and "b", ~~if, within thirty-two days after the published~~
5 ~~notice of proposed rule adoption, a written request for the~~
6 ~~analysis is submitted to the agency by the administrative rules~~
7 ~~review committee or the administrative rules coordinator. An~~
8 ~~agency shall issue a regulatory analysis of a proposed rule~~
9 ~~that complies with subsection 2, paragraph "b", if the rule~~
10 ~~would have a substantial impact on small business and if,~~
11 ~~within thirty-two days after the published notice of proposed~~
12 ~~rule adoption, a written request for analysis is submitted to~~
13 ~~the agency by the administrative rules review committee, the~~
14 ~~administrative rules coordinator, at least twenty-five persons~~
15 ~~signing that request who each qualify as a small business or~~
16 ~~by an organization representing at least twenty-five such~~
17 ~~persons. If a rule has been adopted without prior notice and~~
18 ~~an opportunity for public participation in reliance upon prior~~
19 ~~to submitting a notice of intended action to the administrative~~
20 ~~rules coordinator and the administrative code editor pursuant~~
21 ~~to section 17A.4, subsection 3 1, the written request for an~~
22 ~~analysis that complies with subsection 2, paragraph "a" or "b",~~
23 ~~may be made within seventy days of publication of the rule.~~

24 5. The agency shall not submit a notice of intended action
25 to the administrative rules coordinator and the administrative
26 code editor pursuant to section 17A.4, subsection 1, paragraph
27 "a", for a proposed rule until the conclusion of the opportunity
28 for oral presentation required by subsection 4 and preclearance
29 by the administrative rules coordinator as required by section
30 17A.4, subsection 1. In the case of a rule adopted without
31 prior notice and an opportunity for public participation in
32 reliance upon section 17A.4, subsection 3, the ~~summary must~~
33 ~~be published within~~ agency shall have until seventy days of
34 after the request adoption to submit a regulatory analysis
35 as described in subsection 4 for publication in the Iowa

1 administrative bulletin. If a rule adopted in reliance upon
2 section 17A.4, subsection 3, will be published in the Iowa
3 administrative bulletin concurrently with a corresponding
4 notice of intended action, a separate regulatory analysis for
5 the notice of intended action is not required.

6 Sec. 8. Section 17A.4A, subsection 2, paragraph a,
7 unnumbered paragraph 1, Code 2024, is amended to read as
8 follows:

9 ~~Except to the extent that a written request for a regulatory~~
10 ~~analysis expressly waives one or more of the following, the~~ The
11 regulatory analysis must contain all of the following:

12 Sec. 9. Section 17A.4A, subsection 4, Code 2024, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:

15 4. The agency shall submit the regulatory analysis to the
16 administrative code editor, who shall publish it in the Iowa
17 administrative bulletin. The regulatory analysis shall include
18 a statement of either the terms or substance of the agency's
19 intended action or a description of the subjects and issues
20 involved. The agency shall afford all interested persons not
21 less than twenty days to submit data, views, or arguments in
22 writing, and the regulatory analysis shall include the time
23 when, the place where, and the manner in which interested
24 persons may do so. The agency shall give interested persons
25 an opportunity to make oral presentation on the regulatory
26 analysis. The opportunity for oral presentation shall be held
27 at least twenty days after publication of its time and place in
28 the Iowa administrative bulletin.

29 Sec. 10. Section 17A.4A, subsection 6, Code 2024, is amended
30 by striking the subsection.

31 Sec. 11. Section 17A.6, subsection 3, Code 2024, is amended
32 to read as follows:

33 3. An agency that adopts standards by reference to
34 another publication shall ~~deliver a printed copy of~~ post
35 the publication, or the relevant part of the publication,

1 containing the standards ~~to the administrative code editor who~~
2 ~~shall deposit the copy in the state law library which shall~~
3 ~~make it available for inspection and reference on the agency's~~
4 ~~internet site.~~ The agency may instead deposit a printed copy
5 of the publication, or the relevant part of the publication, in
6 the state law library directly An agency shall not post a link
7 for this purpose to an internet site that is not maintained by
8 the agency. If a posted publication or part of a publication
9 varies from the publication or part adopted by reference as
10 described in subsection 5, the adoption by reference described
11 in subsection 5 shall control. This subsection does not apply
12 to a publication that is a federal statute or regulation.

13 Sec. 12. Section 17A.7, subsection 2, Code 2024, is amended
14 to read as follows:

15 2. Beginning ~~July~~ January 1, ~~2012~~ 2027, ~~over each five-year~~
16 ~~period of time, an~~ each agency shall conduct an ongoing and
17 comprehensive review of all of the agency's rules. The goal of
18 the review is the identification and elimination of all rules
19 of the agency that are outdated, redundant, or inconsistent or
20 incompatible with statute or its own rules or those of other
21 agencies. Over each five-year period of time, an agency
22 ~~shall commence its review by developing a plan of review in~~
23 ~~consultation with major stakeholders and constituent groups~~
24 perform a retrospective analysis that includes a comprehensive
25 evaluation and rigorous cost-benefit analysis of each existing
26 chapter of rules to determine whether the benefits the rules
27 are intended to achieve are being realized, whether those
28 benefits justify the costs imposed by the rules, and whether
29 there are less restrictive alternatives to accomplish those
30 benefits. When the agency completes the five-year review of
31 the agency's ~~own~~ rules, the agency shall provide a written
32 summary of the results to the administrative rules coordinator
33 and the administrative rules review committee. The summary
34 shall include all of the following for each chapter of rules:
35 a. The intended benefits of the rules and if the benefits

1 are being achieved.

2 b. The costs imposed by the rules and if the costs are
3 justified by the benefits identified in paragraph "a".

4 c. Less restrictive alternatives to the rules and an
5 analysis of how other states regulate the activities addressed
6 by the chapter.

7 Sec. 13. Section 17A.7, Code 2024, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 3. a. Each chapter of rules is rescinded
10 five years after the date on which the chapter as a whole
11 became effective. A chapter rescinded in this manner ceases
12 to be effective as of the date of rescission. Before or after
13 such rescission occurs, the agency that adopted the chapter
14 may adopt the chapter anew after completing a retrospective
15 analysis as described in subsection 2. Such adoption shall be
16 subject to this chapter. An agency adopting a chapter anew
17 as described in this subsection shall do so from a zero base.
18 Adoption of a chapter anew as described in this subsection
19 shall not include notation in a rulemaking document published
20 in the Iowa administrative bulletin of additions to or
21 deletions from the language of the prior chapter. For purposes
22 of this subsection, "zero base" means adoption of a chapter
23 anew without merely adopting the prior language of the chapter
24 and without any presumption in favor of utilizing the prior
25 language when the chapter is adopted anew.

26 b. The effective date of adoption, amendment, or rescission
27 of individual rules or portions of rules in a chapter, and the
28 date of any changes to the chapter or rules or portions of
29 rules in the chapter pursuant to section 2B.13, shall not be
30 considered when determining the effective date of the chapter
31 as a whole for purposes of this subsection. The date of
32 rescission of a chapter under paragraph "a" shall not be altered
33 if such date falls on a Saturday, Sunday, or holiday.

34 c. (1) If a chapter has been rescinded under this
35 subsection, the agency that adopted the chapter shall notify

1 the administrative code editor in writing of the rescission.
2 The administrative rules coordinator may notify the
3 administrative code editor in writing on behalf of the agency.

4 (2) As soon as practicable after receiving such
5 notification, the administrative code editor shall publish
6 notice of the rescission in the Iowa administrative bulletin
7 and, no sooner than two weeks after such publication, remove
8 the chapter from the Iowa administrative code.

9 *d.* When a chapter of rules becoming effective as a whole is
10 published in the Iowa administrative code, the administrative
11 code editor shall include the next rescission date of the
12 chapter, as provided in this subsection, with the chapter.

13 *e.* For a chapter of rules that most recently became
14 effective as a whole prior to January 1, 2023, the effective
15 date of the chapter shall be deemed January 1, 2023, for
16 purposes of this subsection. For a chapter that most recently
17 became effective as a whole on or after January 1, 2023, the
18 date of rescission pursuant to this subsection shall be based
19 on the most recent effective date of the chapter as a whole.

20 Sec. 14. Section 17A.19, subsection 10, paragraphs b, c, l,
21 and m, Code 2024, are amended to read as follows:

22 *b.* Beyond the authority explicitly delegated to the agency
23 by any provision of law or in violation of any provision of
24 law.

25 *c.* Based upon an erroneous interpretation of a provision of
26 law whose interpretation has not ~~clearly~~ explicitly been vested
27 by a provision of law in the discretion of the agency.

28 *l.* Based upon an irrational, illogical, or wholly
29 unjustifiable interpretation of a provision of law whose
30 interpretation has ~~clearly~~ explicitly been vested by a
31 provision of law in the discretion of the agency.

32 *m.* Based upon an irrational, illogical, or wholly
33 unjustifiable application of law to fact that has ~~clearly~~
34 explicitly been vested by a provision of law in the discretion
35 of the agency.

1 Sec. 15. Section 17A.19, subsection 11, paragraphs a, b, and
2 c, Code 2024, are amended to read as follows:

3 a. Shall not give any deference to the view of the agency
4 with respect to whether particular matters have been explicitly
5 vested by a provision of law in the discretion of the agency.

6 b. Should not give any deference to the view of the
7 agency with respect to particular matters that have not been
8 explicitly vested by a provision of law in the discretion of
9 the agency.

10 c. Shall give appropriate deference to the view of the
11 agency with respect to particular matters that have been
12 explicitly vested by a provision of law in the discretion of
13 the agency.

14 Sec. 16. Section 17A.23, subsections 3 and 4, Code 2024, are
15 amended to read as follows:

16 3. a. An agency shall have only that authority or
17 discretion explicitly delegated to or explicitly conferred
18 upon the agency by law and shall not expand or enlarge its
19 authority or discretion beyond the powers explicitly delegated
20 to or explicitly conferred upon the agency. Unless otherwise
21 ~~specifically~~ explicitly provided in statute, a grant of
22 rulemaking authority shall be construed narrowly.

23 b. Rulemaking authority is explicitly delegated to or
24 explicitly conferred on an agency as follows:

25 (1) An agency may adopt rules interpreting the provisions
26 of any statute enforced or administered by the agency if a
27 statute explicitly grants the agency rulemaking authority over
28 the statutory provision; however, a rule is not valid if the
29 rule exceeds the bounds of correct interpretation. All of the
30 following apply to the adoption of a rule interpreting the
31 provisions of a statute enforced or administered by an agency:

32 (a) A statutory or nonstatutory provision containing a
33 statement or declaration of legislative intent, purpose,
34 findings, or policy does not delegate rulemaking authority to
35 or confer rulemaking authority on the agency, or augment the

1 agency's rulemaking authority, beyond the rulemaking authority
2 that is explicitly delegated to or explicitly conferred on the
3 agency by a statute.

4 (b) A statutory provision describing the agency's general
5 powers or duties does not delegate rulemaking authority to
6 or confer rulemaking authority on the agency, or augment the
7 agency's rulemaking authority, beyond the rulemaking authority
8 that is explicitly delegated to or explicitly conferred on the
9 agency by a statute.

10 (c) A statutory provision containing a specific standard,
11 requirement, or threshold does not delegate to or confer on the
12 agency the authority to adopt, enforce, or administer a rule
13 that contains a standard, requirement, or threshold that is
14 more restrictive than the standard, requirement, or threshold
15 contained in the statutory provision.

16 (2) An agency may prescribe forms and procedures in
17 connection with any statute enforced or administered by the
18 agency if the agency considers such prescription necessary to
19 effectuate the purpose of the statute, but this subparagraph
20 does not authorize the imposition of a substantive requirement
21 in connection with a form or procedure.

22 (3) An agency authorized to exercise discretion in deciding
23 individual cases may formalize the general policies evolving
24 from the agency's decisions by adopting the general policies
25 as rules that the agency shall follow until such rules are
26 amended or repealed. A rule adopted in accordance with this
27 subparagraph is valid only to the extent that the agency
28 has discretion to base an individual decision on the policy
29 expressed in the rule.

30 (4) An agency may adopt rules implementing or interpreting
31 a statute that the agency will enforce or administer after
32 enactment of the statute but prior to the statute's effective
33 date. A rule adopted under this subparagraph shall not take
34 effect prior to the effective date of the statute that the rule
35 implements or interprets.

1 4. An agency shall not implement or enforce any standard,
2 requirement, or threshold, including any term or condition of a
3 permit or license issued by the agency, unless that standard,
4 requirement, or threshold is ~~clearly~~ explicitly required or
5 ~~clearly~~ explicitly permitted by a state statute, rule adopted
6 pursuant to this chapter, or a federal statute or regulation,
7 or is explicitly required by a court ruling, a state or federal
8 executive order, a state or federal directive that would result
9 in the gain or loss of specific funding, or a federal waiver.

10 Sec. 17. NEW SECTION. **17A.24 Uniform rules on agency**
11 **procedure.**

12 1. The administrative rules coordinator may adopt uniform
13 rules on agency procedure that are suitable for general
14 applicability to agencies. Such adoption and such rules
15 shall be subject to this chapter. Such rules may address the
16 subjects of agency procedures for rulemaking, petitions for
17 rulemaking, waiver of rules, declaratory orders, contested
18 cases, and fair information practices.

19 2. If an agency does not have rules in effect that address
20 a subject provided in subsection 1, and uniform rules on agency
21 procedure addressing the subject are in effect, such uniform
22 rules shall apply to the agency as though the agency had
23 adopted them.

24 3. An agency may adopt rules providing for additions,
25 exceptions, or amendments to a uniform rule on agency procedure
26 that, pursuant to subsection 2, is applicable to the agency.

27 4. This section does not apply to uniform rules on agency
28 procedure published prior to January 1, 2024, and does not
29 affect the validity of rules that have adopted such uniform
30 rules by reference.

31 5. The attorney general shall assist the administrative
32 rules coordinator in implementation of this section upon
33 request.

34 Sec. 18. Section 89.5, subsection 3, Code 2024, is amended
35 by striking the subsection.

1 purposes:

2 Sec. 25. Section 29C.20, subsection 1, paragraph a,
3 subparagraph (6), subparagraph division (b), Code 2024, is
4 amended to read as follows:

5 (b) Upon application by a governmental subdivision in
6 such an area, accompanied by a showing of obligations and
7 expenditures necessitated by an actual or potential disaster
8 in a form and with further information the ~~executive council~~
9 department requires, the aid may be made in the discretion of
10 the ~~executive council~~ department and, if made, shall be in the
11 nature of a loan up to a limit of seventy-five percent of the
12 showing of obligations and expenditures. The loan, without
13 interest, shall be repaid by the maximum annual emergency
14 levy authorized by [section 24.6](#), or by the appropriate levy
15 authorized for a governmental subdivision not covered by
16 section 24.6. The aggregate total of loans shall not exceed
17 one million dollars during a fiscal year. A loan shall not be
18 for an obligation or expenditure occurring more than two years
19 previous to the application.

20 Sec. 26. Section 29C.20, subsection 1, paragraph b, Code
21 2024, is amended to read as follows:

22 *b.* When a state department or agency requests that moneys
23 from the contingent fund be expended to repair, rebuild, or
24 restore state property injured, destroyed, or lost by fire,
25 storm, theft, or unavoidable cause, or to repair, rebuild,
26 or restore state property that is fiberoptic cable and that
27 is injured or destroyed by a wild animal, or to purchase a
28 police service dog for the department of corrections when such
29 a dog is injured or destroyed, or for payment of the expenses
30 incurred by and claims of a homeland security and emergency
31 response team when acting under the authority of [section 29C.8](#),
32 the ~~executive council~~ department shall consider the original
33 source of the funds for acquisition of the property before
34 authorizing the expenditure. If the original source was other
35 than the general fund of the state, the department or agency

1 shall be directed to utilize moneys from the original source if
2 possible. The ~~executive council~~ department shall not authorize
3 the repairing, rebuilding, or restoring of the property from
4 the disaster aid contingent fund if it determines that moneys
5 from the original source are available to finance the project.

6 Sec. 27. Section 29C.20, subsections 2, 3, 4, and 5, Code
7 2024, are amended to read as follows:

8 2. The proceeds of such loan shall be applied toward the
9 payment of costs and obligations necessitated by such actual or
10 potential disaster and the reimbursement of local funds from
11 which such expenditures have been made. Any such project for
12 repair, rebuilding, or restoration of state property for which
13 no specific appropriation has been made, shall, before work is
14 begun, be subject to approval or rejection by the ~~executive~~
15 ~~council~~ department.

16 3. If the president of the United States, at the request of
17 the governor, has declared a major disaster to exist in this
18 state, the ~~executive council~~ department may make financial
19 grants to meet disaster-related necessary expenses, serious
20 needs, or hazard mitigation projects of local governments and
21 eligible private nonprofit agencies adversely affected by the
22 major disaster if those expenses or needs cannot otherwise be
23 met from other means of assistance. The amount of the grant
24 shall not exceed ten percent of the total eligible expenses and
25 is conditional upon the federal government providing at least
26 seventy-five percent for public assistance grants and at least
27 fifty percent for hazard mitigation grants of the eligible
28 expenses.

29 4. If the president, at the request of the governor,
30 has declared a major disaster to exist in this state, the
31 ~~executive council~~ department may make financial grants to
32 meet disaster-related necessary expenses or serious needs of
33 individuals or families adversely affected by a major disaster
34 which cannot otherwise adequately be met from other means
35 of assistance. The amount of a financial grant shall not

1 exceed the maximum federal authorization in the aggregate to
2 an individual or family in any single major disaster declared
3 by the president. All grants authorized to individuals and
4 families will be subject to the federal government providing
5 no less than seventy-five percent of each grant and the
6 declaration of a major disaster in the state by the president
7 of the United States.

8 5. If the president, at the request of the governor, has
9 declared a major disaster to exist in this state, the ~~executive~~
10 ~~council~~ department may lease or purchase sites and develop
11 such sites to accommodate temporary housing units for disaster
12 victims.

13 Sec. 28. Section 103.31, subsection 6, Code 2024, is amended
14 to read as follows:

15 6. The board shall establish an internet-based licensure
16 verification database for access by a state or local inspector
17 for verification of licensee status. The database shall
18 include the name of every person licensed under [this chapter](#)
19 and a corresponding licensure number. However, the licensee's
20 home address, home telephone number, and other personal
21 information as determined by rule shall be confidential.

22 Inspectors shall be authorized to request the name and
23 license number of any person working at a job site subject to
24 inspection for verification of licensee status. Licensees
25 under [this chapter](#) shall be required to carry a copy of their
26 current license and photo identification at all times when
27 employed on a job site for compliance with [this subsection](#).

28 Sec. 29. Section 105.20, subsection 5, paragraph a, Code
29 2024, is amended to read as follows:

30 ~~a. The board shall establish continuing education~~
31 ~~requirements pursuant to [section 272C.2](#).~~ The basic continuing
32 education requirement for renewal of a license shall be the
33 completion, during the immediately preceding license term, of
34 the number of classroom hours of instruction required by the
35 board in courses or seminars which have been approved by the

1 board. The board shall require at least eight classroom hours
2 of instruction during each three-year licensing term.

3 Sec. 30. Section 256.7, subsection 6, Code 2024, is amended
4 to read as follows:

5 6. Hear appeals of persons aggrieved by decisions of boards
6 of directors of school corporations under [chapter 290](#) and
7 other appeals prescribed by law in a manner consistent with
8 chapter 17A. The state board may review the record and shall
9 review the proposed decision of the director of the department
10 of education or the administrative law judge employed by
11 the division of administrative hearings created by section
12 10A.801 and designated for any appeals heard and decided by
13 the director under [chapter 290](#) pursuant to section 17A.15,
14 subsection 3, and may affirm, modify, or vacate the decision,
15 or may direct a rehearing before the director.

16 Sec. 31. Section 272C.1, subsection 6, Code 2024, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *ag.* The real estate appraiser examining
19 board, created pursuant to chapter 543D.

20 Sec. 32. Section 272C.2, subsection 1, Code 2024, is amended
21 to read as follows:

22 1. Each licensing board ~~shall~~ may require and issue rules
23 for continuing education requirements as a condition to license
24 renewal.

25 Sec. 33. Section 272C.2, subsection 2, unnumbered paragraph
26 1, Code 2024, is amended to read as follows:

27 The rules ~~shall~~ may create continuing education requirements
28 at a minimum level prescribed by each licensing board. These
29 boards may also establish continuing education programs
30 to assist a licensee in meeting such continuing education
31 requirements. ~~Such~~ If adopted, such rules shall also:

32 Sec. 34. Section 290.5, Code 2024, is amended to read as
33 follows:

34 **290.5 Decision of state board — rules for appeals.**

35 The decision of the state board shall be final. The state

1 board may adopt rules of procedure for hearing appeals which
2 shall include the power to delegate the actual hearing of
3 the appeal to the director of the department of education or
4 the director's designee, and members of the director's staff
5 designated by the director. The record of appeal so heard
6 shall be available to the state board, and, if required by
7 section 256.7, subsection 6, the decision recommended by the
8 director of the department of education or the designated
9 administrative law judge shall be approved by the state board
10 in the manner provided in ~~section 256.7, subsection 6~~ therein.

11 Sec. 35. Section 450.6, subsection 2, Code 2024, is amended
12 by striking the subsection.

13 Sec. 36. Section 455B.133, subsections 1 and 2, Code 2024,
14 are amended to read as follows:

15 1. Develop comprehensive plans and programs for the
16 abatement, control, and prevention of air pollution in this
17 state, recognizing varying requirements for different areas
18 in the state. The plans may include emission limitations,
19 schedules and timetables for compliance with the limitations,
20 measures to prevent the significant deterioration of air
21 quality and other measures as necessary to assure attainment
22 and maintenance of ambient air quality standards. The
23 commission is not required to use air dispersion modeling as
24 a basis for making its findings under this subsection for a
25 minor source or minor modification of a major stationary source
26 unless modeling is specifically provided for under the federal
27 Clean Air Act as amended through January 1, 1991, rules adopted
28 under this chapter, or a federal or state agreement.

29 2. Adopt, amend, or repeal rules pertaining to the
30 evaluation, abatement, control, and prevention of air
31 pollution. The rules may include those that are necessary
32 to obtain approval of the state implementation plan under
33 section 110 of the federal Clean Air Act as amended through
34 January 1, 1991. The commission is not required to adopt rules
35 that use air dispersion modeling for a minor source or minor

1 modification of a major stationary source unless modeling is
2 specifically required by the federal Clean Air Act as amended
3 through January 1, 1991, or a federal or state agreement.

4 Sec. 37. Section 455B.134, subsection 3, Code 2024, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *g.* The department is not required to use
7 air dispersion modeling as a basis for making its findings
8 under this subsection for a minor source or minor modification
9 of a major stationary source unless modeling is specifically
10 provided for under the federal Clean Air Act as amended through
11 January 1, 1991, rules adopted under this chapter, or a federal
12 or state agreement.

13 Sec. 38. Section 509A.5, subsection 2, Code 2024, is amended
14 to read as follows:

15 2. Any interest earnings from investments or time deposits
16 of the funds under the control of the ~~state executive council~~
17 department of administrative services shall be deposited to the
18 credit of these funds.

19 Sec. 39. Section 509A.11, subsection 1, Code 2024, is
20 amended to read as follows:

21 1. "*Governing body*" means the ~~executive council of the state~~
22 director of the department of administrative services, the
23 school boards of school districts, and the superintendent or
24 other person in charge of an institution supported in whole or
25 in part by public funds.

26 Sec. 40. Section 543D.7, Code 2024, is amended to read as
27 follows:

28 **543D.7 Certification process.**

29 Applications for original certification, renewal
30 certification, and examinations shall be made ~~in writing~~ to the
31 board ~~on forms approved by~~ through the board board's electronic
32 system.

33 Sec. 41. Section 543D.9, Code 2024, is amended to read as
34 follows:

35 **543D.9 Education and experience requirement.**

1 The board shall determine what real estate appraisal or
2 real estate appraisal review experience and what education
3 shall be required to provide appropriate assurance that
4 an applicant for certification is competent to perform the
5 certified appraisal work which is within the scope of practice
6 defined by the board. All experience required for initial
7 certification shall be performed as a registered associate
8 real estate appraiser acting under the direct supervision of
9 a certified real estate appraiser who meets the supervisory
10 requirements established by applicable federal authorities or
11 federal law, rule, or policy in effect at the time the hours
12 of experience are claimed, except as the board may provide by
13 rule. Subject to requirements or limitations established by
14 applicable federal authorities or federal law, rule, or policy,
15 hours qualifying for experience in a bordering state will
16 be considered qualifying hours for experience in this state
17 without requiring a waiver or authorization from the board in
18 accordance with rules and standards adopted by the board, ~~as~~
19 ~~long as a majority of qualifying hours are completed in this~~
20 ~~state.~~ Qualifying hours completed in a bordering state shall
21 be under the direct supervision of a certified real estate
22 appraiser with active certification in that bordering state.
23 The board shall prescribe a required minimum number of tested
24 hours of education relating to the provisions of [this chapter](#),
25 the uniform appraisal standards, and other rules issued in
26 accordance with [this chapter](#).

27 Sec. 42. Section 543D.13, Code 2024, is amended to read as
28 follows:

29 **543D.13 Principal place of business.**

30 1. Each certified real estate appraiser shall advise the
31 board of the address of the appraiser's principal place of
32 business ~~and all other addresses at which the appraiser is~~
33 ~~currently engaged in the business of preparing real estate~~
34 ~~appraisal reports.~~

35 2. When a certified real estate appraiser changes the

1 appraiser's principal place of business, the appraiser
2 shall immediately ~~give written notification of the~~ submit an
3 application for a change to the board and apply for an amended
4 certificate of address through the board's electronic system.

5 3. Each certified real estate appraiser shall notify the
6 board of the appraiser's current residence address. Residence
7 addresses on file with the board are exempt from disclosure as
8 public records unless the residence address is the address of
9 the appraiser's principal place of business.

10 Sec. 43. Section 543D.14, Code 2024, is amended to read as
11 follows:

12 **543D.14 Certificate.**

13 A certificate issued under **this chapter** shall bear the
14 ~~signature or facsimile signature~~ name of the member or names
15 of the members of the board as designated by the board and a
16 certificate number assigned by the board.

17 Sec. 44. Section 543D.16, subsections 2 and 3, Code 2024,
18 are amended to read as follows:

19 2. The basic continuing education requirement for renewal
20 of certification shall be the completion, before June 30 of
21 the year in which the appraiser's certificate expires, of
22 the number of hours of instruction required by the appraiser
23 qualifications board of the appraisal foundation in courses or
24 seminars which have received the preapproval of the board.

25 3. The provisions of **section 272C.2, subsection 4**, shall
26 only apply to a certified real estate appraiser or an associate
27 real estate appraiser to the extent consistent with the
28 policies adopted by the ~~appraisal~~ appraiser qualifications
29 board of the appraisal foundation.

30 Sec. 45. Section 543D.20, subsection 1, paragraph c, Code
31 2024, is amended to read as follows:

32 c. The person is solely providing administrative services,
33 such as taking photographs, preparing charts, or typing
34 reports, and is not providing real estate appraisal assistance
35 in developing the analysis, valuation, opinions, or conclusions

1 associated with the appraisal assignment. Such a person shall
2 only enter a dwelling if supervised by the appraiser.

3 Sec. 46. Section 543D.20, subsection 2, Code 2024, is
4 amended to read as follows:

5 2. The board shall establish by rule the terms and
6 conditions of the registration of associate real estate
7 appraisers, including the educational and other prerequisites
8 to registration, the fees for registration and the renewal
9 of registration, and the continuing education requirements
10 for renewal of registration. The board shall consider and
11 may incorporate any guidelines recommended by the ~~appraisal~~
12 appraiser qualifications board of the appraisal foundation
13 relating to associate real estate appraisers.

14 Sec. 47. Section 543D.22, subsection 1, paragraph a, Code
15 2024, is amended to read as follows:

16 a. Subject to paragraphs "b" and "c", the board may require
17 a national criminal history check through the federal bureau of
18 investigation for applicants for certification or registration,
19 or for persons certified or registered under [this chapter](#),
20 if needed for credibility, to comply with federal law or
21 regulation, or the policies of the ~~appraisal qualification~~
22 appraiser qualifications board of the appraisal foundation.
23 The board may alternatively require a national criminal
24 history check through the nationwide mortgage licensing system
25 and registry, as defined in [section 535D.3](#), when conducting
26 background investigations under [this section](#), if authorized by
27 applicable federal law or regulation.

28 Sec. 48. Section 668A.1, subsection 2, paragraph b, Code
29 2024, is amended to read as follows:

30 b. If the answer or finding pursuant to [subsection 1](#),
31 paragraph "b", is negative, and if the claim is not against
32 any physician and surgeon, osteopathic physician and surgeon,
33 dentist, podiatric physician, optometrist, pharmacist,
34 chiropractor, physician assistant, or nurse, licensed under
35 chapter 147, or a hospital licensed under [chapter 135B](#),

1 arising out of patient care, and if the claim is not part of
2 a civil action involving the operation of a commercial motor
3 vehicle, then after payment of all applicable costs and fees,
4 an amount not to exceed twenty-five percent of the punitive or
5 exemplary damages awarded may be ordered paid to the claimant,
6 with the remainder of the award to be ordered paid into a
7 civil reparations trust fund administered by the state court
8 administrator. Funds placed in the civil reparations trust
9 shall be ~~under the control and supervision of the executive~~
10 council equally distributed each fiscal year to the department
11 of health and human services and the department of insurance
12 and financial services, and shall be disbursed only for
13 purposes of indigent civil litigation programs or insurance
14 assistance programs.

15 EXPLANATION

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

18 This bill concerns the executive branch rulemaking process
19 and other agency functions and related matters.

20 DIVISION I — EXECUTIVE BRANCH RULEMAKING AND RELATED
21 MATTERS.

22 PRECLEARANCE OF RULEMAKING. The division requires that
23 agencies submit proposed rulemaking to the administrative rules
24 coordinator for preclearance in the manner prescribed by the
25 administrative rules coordinator before the rulemaking is
26 submitted for publication in the Iowa administrative bulletin
27 (bulletin) as a notice of intended action. This requirement
28 also applies to rules adopted without prior notice and an
29 opportunity for public participation (emergency rules).

30 REGULATORY ANALYSIS OF RULES. The division modifies
31 procedures and requirements for regulatory analyses of proposed
32 rules under Code section 17A.4A. The division requires that
33 agencies issue regulatory analyses of all proposed rules,
34 rather than upon request of specified entities as required
35 under current law. The division requires that before a notice

1 of intended action is published in the bulletin, the agency
2 shall submit a regulatory analysis of the content of the notice
3 for publication in the bulletin. The regulatory analysis must
4 include a statement of either the terms or substance of the
5 agency's intended action or a description of the subjects and
6 issues involved. The regulatory analysis must also provide
7 20 days for interested persons to submit data, views, or
8 arguments in writing and give interested persons an opportunity
9 to make oral presentation that is held at least 20 days after
10 publication of the time and place in the bulletin.

11 An agency shall not submit a notice of intended action
12 for publication in the bulletin until the conclusion of the
13 opportunity for oral presentation and preclearance by the
14 administrative rules coordinator. In the case of an emergency
15 rule, the agency shall have until 70 days after the adoption to
16 submit a regulatory analysis for publication in the bulletin.
17 If an emergency rule will be published in the bulletin
18 concurrently with a corresponding notice of intended action, a
19 separate regulatory analysis for the notice is not required.

20 MATERIALS IN STATE LAW LIBRARY — ADOPTIONS BY REFERENCE.
21 The division strikes a requirement that printed copies of
22 publications containing standards adopted by reference by
23 agencies, other than federal statutes and regulations, be
24 deposited in the state law library. The division instead
25 requires an agency to post such materials on the agency's
26 internet site. The division prohibits posting a link for
27 this purpose to an internet site that is not maintained by
28 the agency. If a posted publication or part of a publication
29 varies from the publication or part as adopted by reference by
30 an agency under current law, the adoption by reference shall
31 control, rather than the post by the agency.

32 The division additionally provides that the state law
33 library shall maintain electronic access to the Iowa
34 administrative bulletin, Iowa administrative code, bills, and
35 other information relating to current or proposed legislation,

1 rather than paper copies of such materials as required by
2 current law.

3 FIVE-YEAR REVIEW AND RESCISSION OF RULES. The division
4 modifies the ongoing five-year review of rules required under
5 Code section 17A.7, subsection 2. The division changes the
6 beginning of the review period from July 1 to January 1. The
7 division requires that the review include a retrospective
8 analysis that includes a comprehensive evaluation and rigorous
9 cost-benefit analysis of each existing chapter of rules as
10 specified in the division. The division specifies content that
11 must be included in review summaries, which relates to costs,
12 benefits, and less restrictive alternatives to the rules. The
13 division strikes a requirement that agencies commence the
14 review by developing a plan of review in consultation with
15 major stakeholders and constituent groups.

16 The division establishes a process for ongoing rescission of
17 rules in the Iowa administrative code. The division provides
18 that each chapter of rules is rescinded five years after the
19 date on which the chapter as a whole became effective. A
20 chapter rescinded in this manner ceases to be effective as
21 of the date of rescission. Before or after the rescission,
22 the agency that adopted the chapter may adopt the chapter
23 anew after completing a retrospective analysis as described
24 in the division. An agency adopting a chapter anew shall
25 do so from a zero base, which is defined as adoption of a
26 chapter anew without merely adopting the prior language of the
27 chapter and without any presumption in favor of utilizing the
28 prior language when the chapter is adopted anew. Adoption
29 of a chapter anew shall not include notation in a rulemaking
30 document published in the bulletin of additions to or deletions
31 from the language of the prior chapter.

32 The division provides that the effective date of adoption,
33 amendment, or rescission of individual rules or portions of
34 rules in a chapter shall not be considered when determining the
35 effective date of the chapter as a whole for purposes of the

1 ongoing rescission process.

2 If a chapter has been rescinded under this process, the
3 agency that adopted the chapter shall notify the administrative
4 code editor in writing of the rescission. The administrative
5 rules coordinator may notify the administrative code editor in
6 writing on behalf of the agency. As soon as practicable after
7 receiving such notification, the administrative code editor
8 shall publish notice of the rescission in the bulletin and,
9 no sooner than two weeks after such publication, remove the
10 chapter from the Iowa administrative code. When a chapter of
11 rules becoming effective as a whole is published in the Iowa
12 administrative code, the division requires the administrative
13 code editor to include the next rescission date of the chapter.

14 For a chapter of rules that most recently became effective
15 as a whole prior to January 1, 2023, the effective date of the
16 chapter shall be deemed January 1, 2023, for purposes of the
17 ongoing rescission process. For a chapter that most recently
18 became effective as a whole on or after January 1, 2023, the
19 date of rescission shall be based on the most recent effective
20 date of the chapter as a whole.

21 The division exempts certain rules adopted by the
22 environmental protection commission relating to water quality
23 standards, pretreatment standards, and effluent standards from
24 the ongoing five-year rules review and rescission processes.

25 DELEGATION OF AUTHORITY TO AGENCIES. The division provides
26 standards for agency rulemaking authority. Rulemaking
27 authority is explicitly delegated to or explicitly conferred on
28 an agency as provided in the division. The division provides
29 that an agency may adopt rules interpreting the provisions
30 of any statute enforced or administered by the agency if a
31 statute explicitly grants the agency rulemaking authority over
32 the statutory provision, but a rule is not valid if the rule
33 exceeds the bounds of correct interpretation. The division
34 provides standards for adoption of a rule interpreting the
35 provisions of a statute enforced or administered by an agency.

1 The division provides that a statutory or nonstatutory
2 provision containing a statement or declaration of legislative
3 intent, purpose, findings, or policy does not delegate
4 rulemaking authority to or confer rulemaking authority on an
5 agency, or augment the agency's rulemaking authority, beyond
6 the rulemaking authority that is explicitly delegated to or
7 explicitly conferred on the agency by a statute.

8 The division provides that a statutory provision describing
9 an agency's general powers or duties does not delegate
10 rulemaking authority to or confer rulemaking authority on the
11 agency, or augment the agency's rulemaking authority, beyond
12 the rulemaking authority that is explicitly delegated to or
13 explicitly conferred on the agency by a statute.

14 The division provides that a statutory provision containing
15 a specific standard, requirement, or threshold does not
16 delegate to or confer on an agency the authority to adopt,
17 enforce, or administer a rule that contains a standard,
18 requirement, or threshold that is more restrictive than the
19 standard, requirement, or threshold contained in the statutory
20 provision.

21 The division authorizes an agency to prescribe forms
22 and procedures in connection with any statute enforced or
23 administered by the agency if the agency considers it necessary
24 to effectuate the purpose of the statute, but this provision
25 does not authorize the imposition of a substantive requirement
26 in connection with a form or procedure.

27 The division provides that an agency authorized to exercise
28 discretion in deciding individual cases may formalize the
29 general policies evolving from its decisions by adopting the
30 policies as rules that the agency shall follow until such rules
31 are amended or repealed. A rule adopted in this manner is
32 valid only to the extent that the agency has discretion to base
33 an individual decision on the policy expressed in the rule.

34 The division authorizes an agency to adopt rules
35 implementing or interpreting a statute that it will enforce

1 or administer after enactment of the statute but prior to the
2 statute's effective date. Such a rule shall not take effect
3 prior to the effective date of the statute that it implements
4 or interprets.

5 The division modifies various references in Code chapter 17A
6 to delegations of authority to agencies and judicial review
7 thereof to specify that such delegations are only valid if the
8 delegation is explicit.

9 The division strikes language requiring agencies to adopt
10 rules providing a description of the organization of the
11 agency, the methods by which and location where the public
12 may obtain information or make submissions or requests, and
13 related matters; rules of practice setting forth the nature and
14 requirements of all formal and informal procedures available
15 to the public; and rules embodying appropriate standards,
16 principles, and procedural safeguards that the agency will
17 apply to the law it administers.

18 UNIFORM RULES ON AGENCY PROCEDURE. The division authorizes
19 the administrative rules coordinator to adopt uniform rules on
20 agency procedure that are suitable for general applicability
21 to agencies. Such adoption and such rules shall be subject
22 to Code chapter 17A. Such rules may address the subjects of
23 agency procedures for rulemaking, petitions for rulemaking,
24 waiver of rules, declaratory orders, contested cases, and fair
25 information practices.

26 If an agency does not have rules in effect that address these
27 subjects, and uniform rules on agency procedure addressing the
28 subject are in effect, such uniform rules shall apply to the
29 agency as though the agency had adopted them. The division
30 authorizes an agency to adopt rules providing for additions,
31 exceptions, or amendments to a uniform rule on agency procedure
32 applicable to the agency.

33 The portions of the division addressing uniform rules on
34 agency procedure do not apply to uniform rules on agency
35 procedure published prior to January 1, 2024, and do not

1 affect the validity of rules that have adopted such uniform
2 rules by reference. Uniform rules on agency procedure were
3 originally published in 1985 and updates were published in
4 1999. The division requires the attorney general to assist
5 the administrative rules coordinator in implementation of the
6 uniform rules on agency procedure as provided in the division
7 upon request.

8 DIVISION II — EXECUTIVE BRANCH AGENCY FUNCTIONS.

9 DUTIES OF EXECUTIVE COUNCIL. The division modifies
10 various duties carried out by the executive council. Duties
11 relating to the contingent fund for disaster aid shall
12 instead be carried out by the department of homeland security
13 and emergency management. For purposes of group insurance
14 for state employees, the director of the department of
15 administrative services is designated as a governing body under
16 Code chapter 509A rather than the executive council. Funds in
17 the civil reparations trust fund shall be equally distributed
18 each fiscal year to the department of health and human services
19 and the department of insurance and financial services rather
20 than under the control and supervision of the executive
21 council. The division strikes a provision authorizing the tax
22 liability of a beneficiary, heir, surviving joint tenant, or
23 other transferee to be paid in whole or in part by the transfer
24 of real property or tangible personal property to the state
25 or a political subdivision of the state to be used for public
26 purposes upon the approval of the executive council.

27 APPEALS TO STATE BOARD OF EDUCATION. The division provides
28 that administrative appeals heard by the state board of
29 education shall be heard in a manner consistent with Code
30 chapter 17A, including that the state board will only review
31 a proposed decision by the director of the department of
32 education or an administrative law judge on the board's own
33 motion or if the decision is appealed.

34 ELECTRICAL EXAMINING BOARD — CONFIDENTIALITY OF LICENSEE
35 PERSONAL INFORMATION. The division provides that the home

1 address, home telephone number, and other personal information,
2 as determined by rule, of licensees of the electrical examining
3 board shall be confidential for purposes of the board's
4 licensure verification database.

5 LICENSING BOARDS — CONTINUING EDUCATION. The division
6 strikes a requirement that licensing boards subject to Code
7 chapter 272C require and issue rules for continuing education
8 requirements as a condition to license renewal. The division
9 makes such rulemaking discretionary.

10 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES —
11 ENVIRONMENTAL PROTECTION COMMISSION — AIR QUALITY — AIR
12 DISPERSION MODELING. For purposes of plans, programs, and
13 rules of the environmental protection commission relating to
14 the evaluation, abatement, control, and prevention of air
15 pollution, and permits for the construction or operation of
16 new, modified, or existing air contaminant sources and for
17 related control equipment, the division provides that the
18 commission is not required to use air dispersion modeling
19 unless modeling is specifically provided for under the federal
20 Clean Air Act as amended through January 1, 1991, rules adopted
21 by the commission, or a federal or state agreement.

22 REAL ESTATE APPRAISER EXAMINING BOARD FUNCTIONS. The
23 division specifies that the real estate appraiser examining
24 board is a licensing board for purposes of Code chapter 272C,
25 relating to regulation of licensed professions and occupations.
26 The division modifies various requirements relating to
27 regulation of real estate appraisers by the board under Code
28 chapter 543D.

29 The division provides that specified matters required to be
30 carried out in writing shall be carried out through the board's
31 electronic system.

32 The division strikes a requirement that a majority of
33 qualifying hours be completed in Iowa for purposes of hours of
34 qualifying experience in a bordering state for certification
35 as a real estate appraiser that will be considered qualifying

1 hours for experience in Iowa without requiring a waiver or
2 authorization from the board.

3 The division strikes a requirement that a certified real
4 estate appraiser advise the board of addresses at which the
5 appraiser is currently engaged in the business of preparing
6 real estate appraisal reports other than the appraiser's
7 principal place of business.

8 The division provides that a certified real estate
9 appraiser's residence address is not exempt from disclosure as
10 a public record if the residence address is the address of the
11 appraiser's principal place of business.

12 The division strikes a requirement that a certificate
13 issued under Code chapter 543D bear the signature or facsimile
14 signature of the member or members of the board and instead
15 provides that a certificate need only include the name of the
16 member or members.

17 The division specifies that the number of hours of
18 instruction that satisfy the basic continuing education
19 requirement for renewal of a real estate appraiser
20 certification is the number of hours required by the appraiser
21 qualifications board of the appraisal foundation rather than
22 the real estate appraiser examining board.

23 The division provides that a person who assists a certified
24 real estate appraiser in the development or reporting of an
25 appraisal assignment that is required to be performed by a
26 certified real estate appraiser by providing administrative
27 services, and not providing real estate appraisal assistance,
28 shall only enter a dwelling if supervised by the appraiser.

29 The division corrects erroneous references to the name of
30 the appraiser qualifications board of the appraisal foundation.