

**House File 854 - Reprinted**

HOUSE FILE 854

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 809)

(SUCCESSOR TO HSB 264)

(As Amended and Passed by the House April 6, 2021)

**A BILL FOR**

1 An Act providing for delinquency fees for executive branch  
2 agencies for untimely rulemaking in certain circumstances  
3 and including effective date and retroactive applicability  
4 provisions.

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

1 Section 1. Section 17A.4, Code 2021, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 10. *a.* For purposes of this subsection,  
4 *"provision of an Act of the general assembly that expressly*  
5 *requires rulemaking"* means a provision within the text of an Act  
6 of the general assembly that explicitly requires rulemaking,  
7 without reference to any statutory provision that is not  
8 included in the text of the Act.

9 *b.* (1) If an agency submits written notification to the  
10 administrative rules review committee pursuant to subsection  
11 9, paragraph *"a"*, subparagraph (2), for a provision of an Act  
12 of the general assembly that expressly requires rulemaking by  
13 the agency, the committee may, by a majority vote, reject the  
14 notification.

15 (2) The committee may, by a majority vote, find that an  
16 agency did not make a timely submission for a provision of an  
17 Act of the general assembly that expressly requires rulemaking  
18 by the agency as required pursuant to subsection 9, paragraph  
19 *"a"*.

20 *c.* If the administrative rules review committee rejects a  
21 written notification for a provision of an Act of the general  
22 assembly that expressly requires rulemaking by an agency, or  
23 if the committee finds that an agency did not make a timely  
24 submission for a provision of an Act of the general assembly  
25 that expressly requires rulemaking by the agency as required  
26 pursuant to subsection 9, paragraph *"a"*, the committee may,  
27 by a majority vote, impose a delinquency fee on the agency of  
28 one thousand dollars per Act. The committee shall provide a  
29 representative of the agency an opportunity to address the  
30 committee concerning the rejection or lack of submission before  
31 imposing such a fee. The committee shall notify the agency in  
32 writing of the amount of the fee and the Acts of the general  
33 assembly for which the fee was imposed.

34 *d.* No later than fourteen calendar days after receiving  
35 written notice of a delinquency fee pursuant to paragraph *"c"*,

1 an agency shall do one of the following:

2 (1) Remit the amount of such fee to the treasurer of  
3 state who shall deposit the moneys in the general fund of  
4 the state and provide written notification to the committee  
5 that the remittance was paid. The agency shall only pay such  
6 remittance from funds available for support, maintenance, or  
7 other administrative costs of the agency. The agency shall not  
8 pay such remittance from funds allocated for any program or  
9 nonadministrative duty or function of the agency.

10 (2) Submit a notice of intended action to the administrative  
11 rules coordinator and the administrative code editor pursuant  
12 to subsection 1 for the required rulemaking and provide written  
13 notification to the committee that the submission was made.

14 e. If the committee has not received written notification  
15 from an agency that either of the actions required pursuant  
16 to paragraph "d" were carried out within the period provided  
17 in paragraph "d", the committee shall provide a written  
18 notification to the department of management. The department  
19 shall then transfer the amount of unpaid delinquency fees  
20 due from any funds available to the agency for support,  
21 maintenance, or other administrative costs to the general fund.

22 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
23 importance, takes effect upon enactment.

24 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
25 retroactively to any provision of an Act enacted on or after  
26 January 11, 2021.