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)

[= New Language by the House
* = Language Stricken by the House

A BILL FOR

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

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

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

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

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

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

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

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

an agency shall do one of the following:

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

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

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

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

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