

JAN 18 2001
LOCAL GOVERNMENT

HOUSE FILE 66
BY CORMACK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a state-county relations committee.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 66

1 Section 1. NEW SECTION. 17B.1 STATE-COUNTY RELATIONS
2 COMMITTEE.

3 1. There is created the state-county relations committee.
4 The committee shall be bipartisan and shall be composed of the
5 following members:

6 a. Five senators appointed by the majority leader of the
7 senate.

8 b. Five representatives appointed by the speaker of the
9 house.

10 2. A committee member shall be appointed prior to the
11 adjournment of a regular legislative session convened in an
12 odd-numbered year. The term of office shall be for four years
13 beginning May 1 of the year of appointment. However, a member
14 shall serve until a successor is appointed. A vacancy on the
15 committee shall be filled by the original appointing authority
16 for the remainder of the term. A vacancy shall exist whenever
17 a committee member ceases to be a member of the house from
18 which the member was appointed.

19 3. A committee member shall be paid the per diem specified
20 in section 2.10, subsection 5, for each day in attendance and
21 shall be reimbursed for actual and necessary expenses. There
22 is appropriated from money in the general fund not otherwise
23 appropriated an amount sufficient to pay costs incurred under
24 this section.

25 4. The committee shall choose a chairperson from its
26 membership and prescribe its rules of procedure. The
27 committee may employ a secretary or may appoint the
28 administrative code editor or a designee to act as secretary.
29 Notwithstanding section 13.7, the committee may employ
30 necessary legal and technical staff.

31 5. A regular committee meeting shall be held at the seat
32 of government on the second Monday of each month. Unless
33 impracticable, in advance of each such meeting the subject
34 matter to be considered shall be published in the Iowa
35 administrative bulletin. A special committee meeting may be

1 called by the chairperson at any place in the state and at any
2 time. Unless impracticable, in advance of each special
3 meeting notice of the time and place of such meeting and the
4 subject matter to be considered shall be published in the Iowa
5 administrative bulletin.

6 Sec. 2. NEW SECTION. 17B.2 DUTIES OF COMMITTEE.

7 1. a. The state-county relations committee shall meet for
8 the purpose of selectively reviewing rules, whether proposed
9 or in effect. A rule is subject to review by the committee if
10 the rule imposes a mandate on local governments for which no
11 state funds have been appropriated to pay for implementation
12 and a request for review has been made with the committee by a
13 county board of supervisors. A regular or special committee
14 meeting shall be open to the public and an interested person
15 may be heard and present evidence. The committee may require
16 a representative of an agency whose rule or proposed rule is
17 under consideration to attend a committee meeting.

18 b. The committee may refer a rule to the speaker of the
19 house and the president of the senate at the next regular
20 session of the general assembly. The speaker and the
21 president shall refer such a rule to the appropriate standing
22 committee of the general assembly.

23 c. If the committee finds objection to a rule, it may
24 utilize the procedure provided in section 17A.4, subsection 4.
25 In addition or in the alternative, the committee may include
26 in the referral, under paragraph "b", a recommendation that
27 this rule be overcome by statute. If the committee of the
28 general assembly to which a rule is referred finds objection
29 to the referred rule, it may recommend to the general assembly
30 that this rule be overcome by statute. This section shall not
31 be construed to prevent a committee of the general assembly
32 from reviewing a rule on its own motion.

33 d. Upon a vote of two-thirds of its members, the state-
34 county relations committee may delay the effective date of a
35 rule until the adjournment of the next regular session of the

1 general assembly. The committee shall refer a rule whose
2 effective date has been delayed to the speaker of the house of
3 representatives and the president of the senate who shall
4 refer the rule to the appropriate standing committees of the
5 general assembly. A standing committee shall review a rule
6 within twenty-one days after the rule is referred to the
7 committee by the speaker of the house of representatives or
8 the president of the senate and shall take formal committee
9 action by sponsoring a joint resolution to disapprove the
10 rule, by proposing legislation relating to the rule, or by
11 refusing to propose a joint resolution or legislation
12 concerning the rule. The standing committee shall inform the
13 state-county relations committee of the committee action taken
14 concerning the rule. If the general assembly has not
15 disapproved of the rule by a joint resolution, the rule shall
16 become effective. The speaker of the house of representatives
17 and the president of the senate shall notify the
18 administrative code editor of the final disposition of each
19 rule delayed pursuant to this subsection. If a rule is
20 disapproved, it shall not become effective and the agency
21 shall rescind the rule. This section shall not apply to rules
22 made effective under section 17A.5, subsection 2, paragraph
23 "b".

24 2. The state-county relations committee shall conduct a
25 continuing study of the feasibility and cost of county
26 consolidation and reorganization. Every two years the
27 committee shall submit a report to the general assembly
28 detailing its findings. The report shall include cost
29 comparisons and service provision comparisons between the
30 current system of county governance and reorganization
31 alternatives studied by the committee.

32 3. The state-county relations committee is authorized to
33 seek from the general assembly legislation that would further
34 expand the powers and duties of the committee.

35 Sec. 3. NEW SECTION. 17B.3 REVIEW BY STATE-COUNTY

1 RELATIONS COMMITTEE.

2 The state-county relations committee shall review existing
3 rules, as time permits, to determine if there are adverse or
4 beneficial effects from these rules. The committee shall give
5 a high priority to rules that are referred to it by a county
6 board of supervisors. The review of these rules shall be
7 forwarded to the appropriate standing committees of the house
8 and senate.

9 Sec. 4. Section 17A.4, subsection 2, Code 2001, is amended
10 to read as follows:

11 2. When an agency for good cause finds that notice and
12 public participation would be unnecessary, impracticable, or
13 contrary to the public interest, the provisions of subsection
14 1 shall be inapplicable. The agency shall incorporate in each
15 rule issued in reliance upon this provision either the finding
16 and a brief statement of the reasons for the finding, or a
17 statement that the rule is within a very narrowly tailored
18 category of rules whose issuance has previously been exempted
19 from subsection 1 by a special rule relying on this provision
20 and including such a finding and statement of reasons for the
21 entire category. If the administrative rules review committee
22 by a two-thirds vote, the state-county relations committee by
23 a two-thirds vote, the governor, or the attorney general files
24 with the administrative code editor an objection to the
25 adoption of any rule pursuant to this subsection, that rule
26 shall cease to be effective one hundred eighty days after the
27 date the objection was filed. A copy of the objection,
28 properly dated, shall be forwarded to the agency at the time
29 of filing the objection. In any action contesting a rule
30 adopted pursuant to this subsection, the burden of proof shall
31 be on the agency to show that the procedures of subsection 1
32 were impracticable, unnecessary, or contrary to the public
33 interest and that, if a category of rules was involved, the
34 category was very narrowly tailored.

35 Sec. 5. Section 17A.4, subsection 4, paragraph a, Code

1 2001, is amended to read as follows:

2 a. If the administrative rules review committee created by
3 section 17A.8, the state-county relations committee, the
4 governor, or the attorney general finds objection to all or
5 some portion of a proposed or adopted rule because that rule
6 is deemed to be unreasonable, arbitrary, capricious, or
7 otherwise beyond the authority delegated to the agency, the
8 committee, governor, or attorney general may, in writing,
9 notify the agency of the objection. In the case of a rule
10 issued under subsection 2, or a rule made effective under
11 section 17A.5, subsection 2, paragraph "b", either of the
12 committee committees, the governor, or the attorney general
13 may notify the agency of such an objection. The committee,
14 governor, or attorney general shall also file a certified copy
15 of such an objection in the office of the administrative code
16 editor and a notice to the effect that an objection has been
17 filed shall be published in the next issue of the Iowa
18 administrative bulletin and in the Iowa administrative code
19 when that rule is printed in it. The burden of proof shall
20 then be on the agency in any proceeding for judicial review or
21 for enforcement of the rule heard subsequent to the filing to
22 establish that the rule or portion of the rule timely objected
23 to according to the above procedure is not unreasonable,
24 arbitrary, capricious, or otherwise beyond the authority
25 delegated to it.

26 Sec. 6. Section 17A.4, subsection 5, Code 2001, is amended
27 to read as follows:

28 5. Upon the vote of two-thirds of its members the
29 administrative rules review committee or the state-county
30 relations committee may delay the effective date of a rule
31 seventy days beyond that permitted in section 17A.5, unless
32 the rule was promulgated under section 17A.5, subsection 2,
33 paragraph "b". This provision shall be utilized by the
34 committee committees only if further time is necessary to
35 study and examine the rule. Notice of an effective date that

1 was delayed under this provision shall be published in the
2 Iowa administrative code and bulletin.

3 Sec. 7. Section 17A.4A, subsection 1, Code 2001, is
4 amended to read as follows:

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

27 Sec. 8. Section 17A.4A, subsection 2, paragraph a,
28 subparagraph (3), Code 2001, is amended to read as follows:

29 (3) The probable costs to the agency and to any other
30 agency of the implementation and enforcement of the proposed
31 rule and any anticipated effect on state revenues or, in the
32 case of a rule reviewed by the state-county relations
33 committee, local government revenues.

34 Sec. 9. Section 17A.8, subsection 6, Code 2001, is amended
35 to read as follows:

1 6. The committee shall meet for the purpose of selectively
2 reviewing rules, whether proposed or in effect. However, a
3 proposed rule for which a request for review has been received
4 by the state-county relations committee shall not be reviewed
5 by the administrative rules review committee until the state-
6 county relations committee has completed its review of the
7 proposed rule. A regular or special committee meeting shall
8 be open to the public and an interested person may be heard
9 and present evidence. The committee may require a
10 representative of an agency whose rule or proposed rule is
11 under consideration to attend a committee meeting.

12 EXPLANATION

13 This bill establishes the state-county relations committee.
14 The committee is bipartisan with five members appointed by the
15 majority leader of the senate and five members appointed by
16 the speaker of the house. The committee is required to meet
17 on the second Monday of each month.

18 The committee has authority to review a rule that imposes
19 an unfunded mandate on local governments if review of the rule
20 has been requested by a county board of supervisors. The bill
21 provides that the administrative rules review committee shall
22 not first review any proposed rule for which a request for
23 review has been received by the state-county relations
24 committee. The state-county relations committee has the same
25 authority as the administrative rules review committee to
26 refer a rule to the general assembly, to object to a rule, to
27 delay implementation of a rule, and to review existing rules
28 at the committee's discretion.

29 The bill also provides that the state-county relations
30 committee is to conduct a continuing study of county
31 consolidation and reorganization. The committee is to report
32 its findings every two years to the general assembly.

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