

JAN 25 2005
STATE GOVERNMENT

HOUSE FILE 134
BY J.K. VAN FOSSEN

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

A BILL FOR

1 An Act requiring special notice and analysis for any rulemaking
2 having a substantial impact on small business.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 134

1 Section 1. Section 17A.4, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. Any notice of intended action or rule
4 filed without notice pursuant to subsection 2, which may have
5 a substantial impact on small business, as defined in section
6 17A.4A, subsection 7, shall summarize that impact in the
7 preamble of the notice of intended action or the preamble of a
8 rule filed without notice. The notice of intended action
9 shall not be adopted until at least twenty days after a
10 regulatory analysis has been completed as provided in section
11 17A.4A, subsection 1, and has been published in the Iowa
12 administrative bulletin. For a rule filed without notice, the
13 analysis must be completed and published in the Iowa
14 administrative bulletin within seventy days of the publication
15 of the rule filed without notice.

16 Sec. 2. Section 17A.4A, subsection 1, Code 2005, is
17 amended to read as follows:

18 1. An agency shall issue a regulatory analysis of a
19 proposed rule or rule that is filed without notice that
20 complies with subsection 2, paragraph "a", if, within thirty-
21 two days after the published notice of proposed rule adoption,
22 a written request for the analysis is submitted to the agency
23 by the administrative rules review committee or the
24 administrative rules coordinator. An agency shall
25 automatically issue a regulatory analysis of a proposed rule
26 or rule that is filed without notice that complies with
27 subsection 2, paragraph "b", if the rule would have a
28 substantial impact on small business ~~and-if,-within-thirty-two~~
29 ~~days-after-the-published-notice-of-proposed-rule-adoption,-a~~
30 ~~written-request-for-analysis-is-submitted-to-the-agency-by-the~~
31 ~~administrative-rules-review-committee,-the-administrative~~
32 ~~rules-coordinator,-at-least-twenty-five-persons-signing-that~~
33 ~~request-who-each-qualify-as-a-small-business-or-by-an~~
34 ~~organization-representing-at-least-twenty-five-such-persons.~~
35 ~~If-a-rule-has-been-adopted-without-prior-notice-and-an~~

1 opportunity-for-public-participation-in-reliance-upon-section
2 17A.47-subsection-27-the-written-request-for-an-analysis-that
3 complies-with-subsection-27-paragraph-"a"-or-"b",-may-be-made
4 within-seventy-days-of-publication-of-the-rule.

5 EXPLANATION

6 Under current law there are two types of regulatory
7 analyses of administrative rules, a more general regulatory
8 analysis and a very specific small business regulatory
9 analysis. Each type of analysis has a somewhat different
10 format and is requested in a different manner. They are not
11 provided automatically for every rulemaking. A regulatory
12 analysis can be requested by the administrative rules review
13 committee or the administrative rules coordinator. A small
14 business analysis can be requested by those same entities, but
15 it can also be requested by a petition signed by at least 25
16 persons who each qualify as a small business or by an
17 organization representing at least 25 such persons.

18 This bill requires that any agency rulemaking, which has a
19 substantial impact on small business, must indicate that fact
20 in the preamble of the notice of intended action. The bill
21 also requires the preparation of a small business regulatory
22 analysis for every notice of intended action, or rule filed
23 without notice, that may have a substantial impact on small
24 business. The substantial impact standard is currently the
25 standard used in Code chapter 17A to trigger a small business
26 analysis. The bill, however, no longer requires a request to
27 trigger the analysis. Under the bill a notice of intended
28 action cannot be adopted until at least 20 days after the
29 analysis has been prepared and published in the Iowa
30 administrative bulletin. In the case of emergency rules,
31 which are made effective without notice, the analysis must be
32 prepared and published within 70 days of publication of the
33 rule.

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