



## Agency Definition

The Iowa Administrative Procedure Act (IAPA), governs rulemaking, contested cases, and other action by agencies, as defined in Iowa Code §17A.2(1). The definition of an agency is both inclusive and exclusive in its coverage. The IAPA defines an “agency” as “each board, commission, department, officer or other administrative office or unit of the state.” This language is inclusive because it applies to any administrative unit, regardless of its name or its location within a larger agency.

At the same time, the IAPA definition of an “agency” is exclusive because it excludes certain groups from its coverage. “Agency” does not cover the general assembly, the judicial department or any of its components, the office of consumer advocate, the governor, or a political subdivision of the state or its offices and units.

The judicial department has a complete exemption for the courts themselves and any agencies within that branch of government. The Iowa General Assembly and the Governor have less encompassing exemptions which do not specifically exempt agencies housed within those two bodies. The Office of Consumer Advocate, a division within the Department of Justice, is excluded as well.

The words “of the state” exclude any unit of local government such as cities, counties or school boards. As a result, the rulemaking process applies only to state agencies.

Because the definition applies only to an “administrative office or unit,” it excludes purely advisory bodies that do not engage in any administrative functions that affect the public.

## Quorum Requirement for Agency Action

For agencies that are headed by a board, commission, or other multimember body, the quorum requirement in §17A.2(1) can be significant. This requirement states that: “Unless provided otherwise by statute, no less than two-thirds of the members eligible to vote of a multimember agency constitute a quorum authorized to act in the name of the agency.”

The words “no less” mean that any fractions are to be rounded up to the nearest whole number, not rounded off. For example, in a five-member board, two-thirds translates into 3.33 members. This is rounded up to four members, not down to three. This means the board cannot move forward with rulemaking or other actions without meeting the quorum requirement.

**LSA Contact:** Jack Ewing, Administrative Code Editor, Legal Services,  
515.281.6048, [jack.ewing@legis.iowa.gov](mailto:jack.ewing@legis.iowa.gov)