

FILED FEB 13 1990

SENATE FILE 2318
BY COMMITTEE ON JUDICIARY
Approved (p. 44)
(SUCCESSOR TO SSB 249)

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

A BILL FOR

1 An Act relating to the definition of agency under the
2 administrative procedure Act.

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

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SC 2318

1 Section 1. Section 17A.2, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. "Agency" means each board, commission, department,
4 officer, or other administrative office or unit of the state.
5 "Agency" does not mean the general assembly, or any of its
6 agencies, staffs, committees, or other components; the
7 judicial department or any of its components; the office of
8 consumer advocate; the governor; or a political subdivision
9 of the state or its offices and units. Unless provided
10 otherwise by statute, no less than two-thirds of the members
11 eligible to vote of a multimember agency constitute a quorum
12 authorized to act in the name of the agency.

13 EXPLANATION

14 This bill expands the exclusionary provisions relating to
15 the general assembly within the definition of "agency" for
16 purposes of the Iowa administrative procedure Act. "General
17 assembly" is expanded to include any of its agencies, staffs,
18 committees, or other components. This change is in response
19 to the recent district court decision in Citizens'
20 Aide/Ombudsman v. Sheriff Robert Rolfes, where the court
21 construed "general assembly" not to include any of the "sub-
22 units of the general assembly". This result means that these
23 "sub-units" are potentially subject to chapter 17A.

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DOYLE, CH.
HORN
GENTLEMAN

SSB 249
JUDICIARY

SENATE FILE 2318
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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