

House File 853

H-8223

1 Amend House File 853 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 17A.19, subsection 10, paragraphs c and
5 1, Code 2026, are amended to read as follows:

6 c. Based upon an erroneous interpretation of a provision
7 of law ~~whose interpretation has not clearly been vested by a~~
8 ~~provision of law in the discretion of the~~ by an agency that is
9 not a licensing board as defined in section 272C.1.

10 1. (1) Based upon an erroneous interpretation of a
11 provision of law by a licensing board as defined in section
12 272C.1 if interpretation of the provision of law has not
13 clearly been vested by a provision of law in the discretion of
14 the licensing board.

15 (2) Based upon an irrational, illogical, or wholly
16 unjustifiable interpretation of a provision of law whose by a
17 licensing board as defined in section 272C.1 if interpretation
18 of the provision of law has clearly been vested by a provision
19 of law in the discretion of the agency licensing board.

20 Sec. 2. Section 17A.19, subsection 11, Code 2026, is amended
21 to read as follows:

22 11. In making the determinations required by subsection 10,
23 ~~paragraphs "a" through "n"~~ paragraph "1", the court shall do all
24 of the following:

25 a. Shall not give any deference to the view of the agency
26 licensing board with respect to whether particular matters have
27 been vested by a provision of law in the discretion of the
28 agency licensing board.

29 b. ~~Should~~ Shall not give any deference to the view of the
30 agency licensing board with respect to particular matters that
31 have not been vested by a provision of law in the discretion of
32 the agency licensing board.

33 c. Shall give appropriate deference to the view of the
34 agency licensing board with respect to particular matters that
35 have been vested by a provision of law in the discretion of the

1 ~~agency~~ licensing board.

2 Sec. 3. Section 17A.23, Code 2026, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 5. *a.* Notwithstanding any provision of the
5 Code or Acts to the contrary, a court, or a presiding officer
6 in a contested case or other administrative action subject to
7 this chapter, when interpreting a state statute or a rule or
8 other agency document subject to this chapter, shall not defer
9 to an interpretation of the statute, rule, or document by an
10 agency that is not a licensing board as defined in section
11 272.1, and must instead interpret the meaning and effect of the
12 statute, rule, or document de novo.

13 *b.* In an action brought by or against an agency that is not
14 a licensing board as defined in section 272C.1, the court or
15 officer, after applying all customary tools of interpretation,
16 must exercise any remaining doubt in favor of a reasonable
17 interpretation that limits agency authority.>

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