

House Amendment to
Senate File 2039

S-5188

1 Amend Senate File 2039, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

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

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

9 1. (1) Based upon an erroneous interpretation of a
10 provision of law by a licensing board as defined in section
11 272C.1 if interpretation of the provision of law has not
12 clearly been vested by a provision of law in the discretion of
13 the licensing board.

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

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

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

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

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

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

1 2. Page 1, after line 8 by inserting:
2 <Sec. _____. Section 17A.23, Code 2026, is amended by adding
3 the 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.>
18 3. Title page, by striking lines 1 and 2 and inserting <An
19 Act relating to administrative and judicial proceedings>
20 4. By renumbering as necessary.