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[HF 2343](#) – Statutory Construction, Explicit Delegation of Authority (LSB5734HV.1)  
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Fiscal Note Version – As amended and passed by the House

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**Description**

[House File 2343](#), as amended and passed by the House, prohibits State agencies from implementing or enforcing any standard, requirement, or threshold without clear authorization by statute, rule, or regulation. This includes any term or condition of a permit or license issued by an agency, unless the standard, requirement, or threshold is clearly required or permitted by a State statute, rulemaking adopted pursuant to Iowa Code chapter [17A](#), or federal statute or regulation, or is required by a court ruling, a State or federal executive order, a State or federal directive that would result in the gain or loss of specific funding, or a federal waiver.

**Background**

Iowa Code section [17A.23](#), relating to rulemaking construction and delegation of authority, states that a State agency shall only exercise the authority or discretion delegated or conferred upon the agency by law, and shall not expand or enlarge its authority or discretion beyond such delegated or conferred powers. Current law also states that this grant of rulemaking authority shall be construed narrowly, but provides no explicit prohibition on implementing or enforcing a rulemaking without authorization by statute, rule, or regulation.

**Assumptions**

- Departments are currently constructing rulemakings that assist in the implementation of existing State programs that rely, in whole or in part, on federal funding.
- Due to the broad scope of the proposed legislation and the extensive amount of rulemakings housed in the Iowa Administrative Code, it is not possible to determine the amount of time and cost a State agency may incur as a result of a complete review of the agency's rulemakings, and what effect the implementation of the proposed new legal standard may have on any associated State or federal funding.
- Under the current rulemaking process, State agencies work in cooperation with the Office of the Attorney General to construct individual rulemakings, relying on the Office to assist in matters of legal interpretation and enforcement.

**Fiscal Impact**

[House File 2343](#), as amended and passed by the House, does not have a fiscal impact.

**Sources**

Department of Agriculture and Land Stewardship  
Department of Public Safety  
Legislative Services Agency

/s/ Holly M. Lyons

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February 28, 2018