

House File 436 - Introduced

HOUSE FILE _____
BY UPMEYER

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

A BILL FOR

1 An Act relating to the scope of rulemaking authority delegated to
2 an administrative agency.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1864YH 83
5 jr/rj/5

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1 1 Section 1. Section 17A.23, unnumbered paragraph 3, Code
1 2 2009, is amended to read as follows:
1 3 An agency shall have only that authority or discretion
1 4 delegated to or conferred upon the agency by law and shall not
1 5 expand or enlarge its authority or discretion beyond the
1 6 powers delegated to or conferred upon the agency. Unless
1 7 otherwise specifically provided by statute, a delegation of
1 8 rulemaking authority to a state agency shall be construed
1 9 narrowly.

EXPLANATION

1 10 This bill provides that grants of rulemaking authority to a
1 11 state agency are to be construed narrowly, unless the statute
1 12 itself provides otherwise. A narrow construction would
1 13 normally limit the discretion that an agency may exercise in
1 14 interpreting a statutory provision through rulemaking.
1 15 LSB 1864YH 83
1 16 jr/rj/5
1 17