

JAN 27 2006
STATE GOVERNMENT

HOUSE FILE 2162
BY UPMEYER, DIX, PAULSEN, DOLECHECK,
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ELGIN, ROBERTS, JENKINS,
HUSEMAN, HUTTER, BAUDLER,
TYMESON, CHAMBERS, WILDERDYKE,
ALONS, RAYHONS, HOFFMAN,
and HEATON

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:

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HF 2162

1 Section 1. Section 17A.23, unnumbered paragraph 3, Code
2 Supplement 2005, is amended to read as follows:

3 An agency shall have only that authority or discretion
4 delegated to or conferred upon the agency by law and shall not
5 expand or enlarge its authority or discretion beyond the
6 powers delegated to or conferred upon the agency. Unless
7 otherwise specifically provided by statute, a delegation of
8 rulemaking authority to a state agency shall be construed
9 narrowly.

10 EXPLANATION

11 This bill provides that grants of rulemaking authority to a
12 state agency are to be construed narrowly, unless the statute
13 itself provides otherwise. A narrow construction would
14 normally limit the discretion that an agency may exercise in
15 interpreting a statutory provision through rulemaking.

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