



# IOWA HOUSE DEMOCRATS

## BILL SUMMARY

# Statutory Authority for Rules HF 2343

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**Status of Bill:** House Floor  
**Committee:** Judiciary (14-6)

**Lead Democrat:** Rep. Bennett  
**Floor Manager:** Rep. Nunn

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### **Background**

Iowa Code Chapter 17A is the Iowa Administrative Procedure Act. This code section works in conjunction with the enabling legislation for each agency to allow for an agency's adoption and implementation of administrative rules. The Legislature may reverse or modify any rule through a joint resolution. The Governor has the constitutional authority to direct the operations of the executive branch, including direct control and oversight of the rulemaking process. Both the Governor and the Legislature have the right to rescind a rule.

The Administrative Rules Review Committee (ARRC) is a special legislative committee that provides general oversight of the rulemaking process. The committee is a joint Senate-House of Representatives committee that meets monthly to oversee rulemaking by executive branch agencies. ARRC may object to a rule, thereby removing the presumption of validity that courts grant to administrative rules, delay the effectiveness of a rule, or refer a rule, whether proposed or in effect, to the full General Assembly for further review. In addition, standing committee of the General Assembly may review rules at any time.

The Attorney General provides legal advice to most agencies, including regularly advising agencies on rulemaking matters. The Attorney General maintains a client-attorney relationship with government agencies. The Attorney general is also allowed to object to administrative rules under Iowa Code section 17A.4.

### **Bill Summary**

Prohibits an agency from implementing or enforcing any standard, requirement, or threshold unless it is explicitly required or explicitly permitted by a state statute, rule, or federal statute or regulation. This prohibition includes any term or condition of a license issued by the agency.