

# MANAGEMENT DEPARTMENT[541]

## Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 541—Chapter 6  
“Declaratory Orders”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.9  
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

## Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 18, 2023  
9 a.m.

State Capitol, G14  
1007 East Grand Avenue  
Des Moines, Iowa

## Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Management no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Gloria Van Rees  
Iowa Department of Management  
1007 East Grand Avenue, G13  
Des Moines, Iowa 50319  
Email: [gloria.vanrees@iowa.gov](mailto:gloria.vanrees@iowa.gov)

## Purpose and Summary

This proposed chapter clarifies declaratory orders in regards to uniform rules and agency procedure.

## Analysis of Impact

- Persons affected by the proposed rulemaking:
  - Classes of persons that will bear the costs of the proposed rulemaking:  
There is no cost to the public.
  - Classes of persons that will benefit from the proposed rulemaking:  
The Department reaps the benefit of clear declaratory procedures.
- Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
  - Quantitative description of impact:  
The proposed chapter makes it easier to follow declaratory orders by the Department.
  - Qualitative description of impact:  
Department staff have been proactive in removing outdated and obsolete language and requirements in this chapter.
- Costs to the State:
  - Implementation and enforcement costs borne by the agency or any other agency:  
Anticipated costs are minimal or nonexistent.
  - Anticipated effect on state revenues:  
There is no anticipated effect on state revenues.
- Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:  
Inaction is not an option. Department declaratory orders are vital to the execution of the Department’s purpose.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Rulemaking procedures are not costly for the agency or to state revenues. Amendments are proposed here to remove restrictive words and make rulemaking procedures much clearer.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

No alternative methods were considered.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Declaratory order rules are lean to begin with; therefore, no alternative methods were considered.

### Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The Department deals more closely with government entities throughout the state, with minimal interaction with small businesses. There is no impact on small business.

### Text of Proposed Rulemaking

ITEM 1. Rescind 541—Chapter 6 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 6 DECLARATORY ORDERS

The department of management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders which are published on the Iowa general assembly's website at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf).

**541—6.1(17A) Petition for declaratory order.** In lieu of “(designate agency)”, insert “department”. In lieu of “(designate office)”, insert “the Director’s Office, Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”. In lieu of “(AGENCY NAME)”, the heading on the petition form should read:

#### BEFORE THE DEPARTMENT OF MANAGEMENT

**541—6.2(17A) Notice of petition.** In lieu of “\_\_ days (15 or less)”, insert “15 days”. In lieu of “(designate agency)”, insert “the department”.

#### **541—6.3(17A) Intervention.**

**6.3(1)** In lieu of “within \_\_ days”, insert “within 15 days”. Strike “(after time for notice under X.2(17A))”. In lieu of “X.8(17A))”, insert “6.8(17A))”.

**6.3(2)** In lieu of “(designate agency)”, insert “the department”.

**6.3(3)** In lieu of “(designate office)”, insert “the Director’s Office, Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”. In lieu of “(designate agency)”, insert “department”. In lieu of “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE DEPARTMENT OF MANAGEMENT

**541—6.4(17A) Briefs.** In lieu of “(designate agency)”, insert “department”.

**541—6.5(17A) Inquiries.** In lieu of “(designate official by full title and address)”, insert “the Director, Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”.

**541—6.6(17A) Service and filing of petitions and other papers.**

**6.6(2)** In lieu of “(specify office and address)”, insert “the Director’s Office, Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”. In lieu of “(agency name)”, insert “department”.

**6.6(3)** In lieu of “(uniform rule on contested cases X.12(17A))”, insert “rule 481—10.12(17A)”.

**541—6.7(17A) Consideration.** In lieu of “(designate agency)”, insert “department”.

**541—6.8(17A) Action on petition.**

**6.8(1)** In lieu of “(designate agency head)”, insert “director”.

**6.8(2)** In lieu of “(contested case uniform rule X.2(17A))”, insert “rule 481—10.1(10A)”.

**541—6.9(17A) Refusal to issue order.**

**6.9(1)** In lieu of “(designate agency)”, insert “department”.

**541—6.12(17A) Effect of a declaratory order.** In lieu of “(designate agency)”, insert “department”.

These rules are intended to implement Iowa Code section 17A.9.