

MANAGEMENT DEPARTMENT[541]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 541—Chapter 7
“Agency Procedure for Rulemaking”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 25B.6
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

Purpose and Summary

The proposed chapter clarifies rulemaking in regard 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 agency reaps the benefit of clear rulemaking 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 for the agency to follow appropriate rulemaking procedures.
 - Qualitative description of impact:
The proposed chapter makes rulemaking clearer for the public and easier to hold the Department accountable for its rules and rulemaking.
- Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
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 rulemaking procedures 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:

Rulemaking producers 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 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7 AGENCY PROCEDURE FOR RULEMAKING

The department of management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rulemaking which are published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf.

541—7.5(17A) Public participation.

7.5(1) *Written comments.* In lieu of the words “(identify office and address)”, insert “Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”.

7.5(5) *Accessibility.* In lieu of the words “(designate office and telephone number)”, insert “the department of management at 515.281.3322”.

541—7.6(17A) Regulatory analysis.

7.6(2) *Mailing list.* In lieu of the words “(designate office)”, insert “Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”.

541—7.10(17A) Exemptions from public rulemaking procedures.

7.10(1) *Omission of notice and comment.* The department may adopt a rule without publishing advance Notice of Intended Action in the Iowa Administrative Bulletin and without providing for written or oral public submissions prior to its adoption pursuant to Iowa Code section 17A.4(3)“a” when the statute so provides or with the approval of the administrative rules review committee.

7.10(2) *Public proceedings on rules adopted without them.* The department may, at any time, commence a standard rulemaking proceeding for the adoption of a rule that is identical or similar to a rule it adopts in reliance upon subrule 7.10(1). After a standard rulemaking proceeding commenced pursuant to this subrule, the department may either readopt the rule it adopted without benefit of all usual procedures on the basis of subrule 7.10(1), or may take any other lawful action, including the amendment or repeal of the rule in question, with whatever further proceedings are appropriate.

541—7.11(17A) Concise statement of reasons.

7.11(1) *General.* In lieu of the words “(specify office and address)”, insert “Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”.

These rules are intended to implement Iowa Code chapter 17A and section 25B.6.