

MANAGEMENT DEPARTMENT[541]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 541—Chapter 5
“Petitions for Rulemaking”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8.6
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 8

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 (Department) 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 the rulemaking procedure for the Department.

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. The proposed chapter strictly covers rulemaking procedures.
 - Classes of persons that will benefit from the proposed rulemaking:
Iowa citizens will gain underlying benefits from Department 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:
Department rulemaking procedure is not impacted or determined by financial losses.
 - Qualitative description of impact:
The Department amends its rules to provide clarity for the public.
- Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no anticipated costs.
 - Anticipated effect on state revenues:
There is no anticipated impact 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 Department 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. Rulemaking is vital to performing the services of the Department.

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

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 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5 PETITIONS FOR RULEMAKING

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

541—5.1(17A) Petition for rulemaking. In lieu of “(designate office)”, insert “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—5.3(17A) Inquiries. In lieu of “(designate official by full title and address)”, insert “Director, Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”.

These rules are intended to implement Iowa Code section 8.6 and chapter 17A.