

MANAGEMENT DEPARTMENT[541]

Notice of Intended Action

**Proposing rulemaking related to declaratory orders
and providing an opportunity for public comment**

The Department of Management hereby proposes to rescind Chapter 6, “Declaratory Orders,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 17A.9.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

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

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 541—1.3(8).

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on December 6, 2023. Comments should be directed to:

Gloria Van Rees
Iowa Department of Management
State Capitol, Room 13
1007 East Grand Avenue
Des Moines, Iowa 50319
Email: gloria.vanrees@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 6, 2023
1 to 2 p.m.

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

December 8, 2023
1 to 2 p.m.

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

Persons who wish to make oral comments at the public hearings may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the public hearings and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

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.

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.