

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

**Proposing rulemaking related to agency procedure for rulemaking
and providing an opportunity for public comment**

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 4, “Agency Procedure for Rule Making,” and to adopt a new Chapter 4, “Agency Procedure for Rulemaking,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 17A.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 17A.3; 2023 Iowa Acts, Senate File 514; and Executive Order 10 (January 10, 2023).

Purpose and Summary

This proposed rulemaking repromulgates Chapter 4 under the title “Agency Procedure for Rulemaking” and implements Iowa Code section 17A.3 and 2023 Iowa Acts, Senate File 514, in accordance with the goals and directives of Executive Order 10 (January 10, 2023). Through this rulemaking, the Department adopts the Uniform Rules on Agency Procedure for agency rulemaking, addressing public comment prior to filing a Notice of Intended Action, addressing contents of the Notice of Intended Action and Regulatory Analysis, the timeline for the adoption of rules, and identifying rulemaking records required to be kept by the agency. This chapter is intended to be applicable to any division, board, or commission within the Department that has its own rulemaking authority and has not adopted its own rules governing procedures for rulemaking. This rulemaking will allow the Department to increase efficiencies and standardize Department processes.

A Regulatory Analysis related to this rulemaking was published in the Iowa Administrative Bulletin on December 13, 2023, and a public hearing on the Regulatory Analysis was held on January 3, 2024. The Department received no public comments, and no changes from the Regulatory Analysis have been made.

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 481—Chapter 6.

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 March 20, 2024. Comments should be directed to:

Ashleigh Hackel
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: ashleigh.hackel@dia.iowa.gov

Public Hearing

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

March 18, 2024 11:20 to 11:40 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa
March 20, 2024 11:20 to 11:40 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa

Persons who wish to make oral comments at a public hearing 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 a public hearing 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 481—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

The department of inspections, appeals, and licensing adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to agency procedure for rulemaking, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website. References to "the agency" include the department or any division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A, unless the division, board, or commission has separate rulemaking authority and has adopted rules governing procedures for rulemaking.

481—4.3(17A) Public rulemaking docket.

4.3(2) Anticipated rulemaking. In lieu of the words "(commission, board, council, director)", insert "director, board, commissioner, or the like, as applicable".

481—4.4(17A) Notice of proposed rulemaking.

4.4(3) Notices mailed. In lieu of the words "(specify time period)", insert "one calendar year".

481—4.5(17A) Public participation.

4.5(1) Written comments. Strike the words "(identify office and address) or".

4.5(5) Accessibility. In lieu of the words "(designate office and telephone number)", insert "the department, board, commissioner, or the like, as applicable".

481—4.6(17A) Regulatory analysis.

4.6(2) *Mailing list.* In lieu of the words “(designate office)”, insert “the department, division, board, commissioner, or the like, as applicable”.

481—4.11(17A) Concise statement of reasons.

4.11(1) *General.* In lieu of the words “(specify the office and address)”, insert “the department or board, as applicable”.

481—4.13(17A) Agency rulemaking record.

4.13(2) *Contents.* Amend paragraph “c” by inserting “director, board, commissioner, or the like, as applicable” in lieu of “(agency head)”.

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