

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to agency procedure for rulemaking

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

Legal Authority for Rulemaking

This rulemaking is adopted 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 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 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.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 21, 2024, as **ARC 7647C**. Public hearings were held on March 18 and 20, 2024, at 11:20 a.m. at 6200 Park Avenue, Suite 100, Des Moines, Iowa. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 27, 2024.

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.

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).

Effective Date

This rulemaking will become effective on May 22, 2024.

The following rulemaking action is adopted:

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.

[Filed 3/27/24, effective 5/22/24]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/17/24.