Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 1
"Administration"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.104(5)

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A and 68B and section 17A.13 and 2023 Iowa Acts, Senate File 514

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

February 12	6200 Park Avenue, Suite 100
12:30 p.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Inspections, Appeals, and Licensing no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Ashleigh Hackel
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.250.3746
Email: ashleigh.hackel@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapter 1, "Administration," updating this chapter to account for structural changes emanating from the government realignment enacted by 2023 Iowa Acts, Senate File 514. The proposed revisions also further the goals and directives of Executive Order 10 (January 10, 2023).

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

All Iowans benefit from updated and accurate rules describing the administrative structure of the Department.

2. **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:**

There are no costs associated with this proposed rulemaking.

- **Qualitative description of impact:**

In this rulemaking, the Department is proposing eliminating outdated and unnecessary rules concerning the administration of the Department. The proposed rulemaking reduces confusion regarding current structure, removes statutory redundancies, and updates basic departmental

information and procedures, including revising official contact information and applicable citations for the director's authority to issue administrative subpoenas.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Administrative procedures contained in this chapter are a part of the Department's standard business operations and absorbed in the general cost of administering the work of the Department.

- **Anticipated effect on state revenues:**

There is no anticipated effect on state revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

There are no costs associated with this rulemaking, and the benefits include maintaining updated and accurate rules describing the administrative structure and functioning of the Department.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly or intrusive methods exist.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods have been identified.

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

No alternative methods have been identified.

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?

There is no anticipated impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ADMINISTRATION

481—1.1(10A) Definitions. For purposes of this chapter, the definitions set forth in Iowa Code section 10A.101 are incorporated herein.

481—1.2(10A) Organization.

1.2(1) *Overview of the department.* The department of inspections, appeals, and licensing is established by Iowa Code section 10A.102 and was created for the purpose of coordinating and conducting various audits, appeals, hearings, inspections, investigations, and licensing activities related to the operations of the executive branch of state government and administering the laws relating to employment safety, labor standards, and workers' compensation. The department's mission is to achieve compliance through education, regulation, and due process for a safe and healthy Iowa.

1.2(2) *Director and delegation of director authority.* The director of the department is appointed in accordance with Iowa Code section 10A.102. The director may designate employee(s) to administer the department in the director's absence. The director may also delegate the director's authority to administer the department to other employees as determined necessary for efficient and effective department operations. Delegations of the director's authority will be documented by the department.

1.2(3) *Divisions.* The department is comprised of divisions as described in Iowa Code section 10A.106 and on the department's website. The director may, from time to time, reorganize the department into administrative divisions to most efficiently and effectively carry out the department's responsibilities, as permitted by law. Reorganization may include creating new divisions, eliminating existing divisions, or combining divisions as the director deems necessary. Nothing herein prevents flexibility in interdepartmental operations or forbids divisional allocations of duties in the discretion of the director.

1.2(4) *Attached units.* The state public defender, racing and gaming commission, Iowa office of civil rights, and employment appeal board operate as attached units to the department for administrative support in accordance with Iowa Code chapter 10A and their authorizing statutes.

481—1.3(10A) Information. The general public may obtain information about the department by contacting the department at its offices located at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321; by telephone at 515.281.3425; or through its website at dial.iowa.gov. The department maintains additional contact information for divisions and programs on its website.

481—1.4(10A,17A) Subpoenas.

1.4(1) *Issuance of subpoenas.* The director, or designee of the director, is authorized to issue subpoenas in accordance with the provisions of Iowa Code sections 10A.104(6), 10A.209, and 17A.13. In connection with audits, appeals, investigations, inspections, hearings, and any other permissible matters conducted by the department, the director, or designee of the director, may, upon written request or the director's own initiative, issue the following:

a. Subpoenas duces tecum for the production and delivery of books, papers, records, and other real evidence; and

b. Subpoenas for the appearance of persons to provide statements, statements under oath, and depositions.

1.4(2) *Contents of subpoenas.* Each subpoena shall contain the following:

a. The name and address of the person to whom the subpoena is directed;

b. The date, time, and location for the appearance of the person;

c. A description of the books, papers, records, or other real evidence requested;

d. The date, time, and location for production, inspections, or copying of the books, papers, records, or other real evidence;

e. The signature and address of the director or designee;

f. The name, address, and telephone number of a department employee who can be contacted for purposes of providing clarification or assistance in compliance with the subpoena;

g. The date of issuance; and

h. A return of service.

1.4(3) *Motions to quash or modify subpoena.* A person who desires to challenge a subpoena directed to that person must, within ten days after service of the subpoena, or before the time specified

for compliance, if such time is less than ten days, file with the director a motion to quash or modify the subpoena. Upon receipt of a timely motion to quash or modify a subpoena, the director or the director's designee may issue a decision or request an administrative law judge to issue a decision. Oral argument may be scheduled and conducted at the discretion of the director, the director's designee, or the administrative law judge. The director, the director's designee, or the administrative law judge may quash or modify the subpoena, deny the motion, or issue other appropriate orders. A person who is aggrieved by a ruling of an administrative law judge and who desires to challenge that ruling must appeal the ruling to the director by serving the director, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge. The decision of the director or the director's designee is final for purposes of judicial review.

1.4(4) *Failure to comply with subpoena.* If the person to whom the subpoena is directed refuses or fails to obey the subpoena, the director, or the director's designee, may cause a petition to be filed in the Iowa district court seeking an order for the person's compliance.

481—1.5(10A,68B) Consent for the sale of goods and services. An official or employee of the department shall not directly or indirectly sell or lease any goods, real estate, or services to individuals, associations, or corporations subject to the regulatory authority of the official's or employee's agency except as provided by Iowa Code section 68B.4 and rule 351—6.11(68B).

These rules are intended to implement Iowa Code chapters 10A, 17A, and 68B.