

### Regulatory Analysis

Notice of Intended Action to be published: 493—Chapter 3  
“Declaratory Orders”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 13B.4(8)  
State or federal law(s) implemented by the rulemaking: Iowa Code section 13B.4 and chapter 815

#### *Public Hearing*

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

May 6, 2025  
2 p.m.

Via videoconference:  
[meet.google.com/gbm-frju-oxh](https://meet.google.com/gbm-frju-oxh)  
Or dial: (US) +1 563.293.1803  
PIN: 316 603 891#

#### *Public Comment*

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Office of the State Public Defender no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kurt Swaim, First Assistant State Public Defender  
6200 Park Avenue, Suite 100  
Des Moines, Iowa 50321  
Phone: 515.218.2445  
Email: [kswaim@spd.state.ia.us](mailto:kswaim@spd.state.ia.us)

#### *Purpose and Summary*

This proposed rulemaking repromulgates Chapter 3 pursuant to the requirements of Executive Order 10. Chapter 3 adopts the Declaratory Orders segments of the Uniform Rules on Agency Procedure and details amendments specific to the State Public Defender.

#### *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 expected additional costs to the State or individuals.
  - **Classes of persons that will benefit from the proposed rulemaking:**  
The Office of the State Public Defender, indigent persons represented by court-appointed attorneys, and the general public will benefit.
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:**  
Not applicable. There are no expected additional costs to the State or individuals.
  - **Qualitative description of impact:**  
Not applicable.
3. **Costs to the State:**
  - **Implementation and enforcement costs borne by the agency or any other agency:**  
There are no expected additional costs to the State. No changes have been made to the chapter.

- **Anticipated effect on state revenues:**  
There is no anticipated effect.
- 4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**  
Not applicable.
- 5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**  
Not applicable.
- 6. **Alternative methods considered by the agency:**
  - **Description of any alternative methods that were seriously considered by the agency:**  
No alternative methods were considered.
  - **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**  
No viable alternative was 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 expected impact on small business.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 493—Chapter 3 and adopt the following new chapter in lieu thereof:

CHAPTER 3  
DECLARATORY ORDERS

The state public defender adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published at [www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf) on the general assembly’s website.

**493—3.1(17A) Petition for declaratory order.** In lieu of the words “(designate agency)”, insert “state public defender”. In lieu of the words “(designate office)”, insert “the Office of the State Public Defender, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321”. In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE STATE PUBLIC DEFENDER

**493—3.2(17A) Notice of petition.** In lieu of the words “\_\_ days (15 or less)”, insert “15 days”. In lieu of the words “(designate agency)”, insert “state public defender”.

**493—3.3(17A) Intervention.**

**3.3(1)** In lieu of the words “within \_\_\_ days”, insert “within 15 days”. Strike the words “(after time for notice under X.2(17A))”. In lieu of the number “X.8(17A))”, insert “3.8(17A))”.

**3.3(2)** In lieu of the words “(designate agency)”, insert “state public defender”.

**3.3(3)** In lieu of the words “(designate office)”, insert “the Office of the State Public Defender, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321”. In lieu of the words “(designate agency)”, insert “state public defender”. In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE STATE PUBLIC DEFENDER

**493—3.4(17A) Briefs.** In lieu of the words “(designate agency)”, insert “state public defender”.

**493—3.5(17A) Inquiries.** In lieu of the words “(designate official by full title and address)”, insert “the State Public Defender, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321”.

**493—3.6(17A) Service and filing of petitions and other papers.**

**3.6(2)** In lieu of the words “(specify office and address)”, insert “the Office of the State Public Defender, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321”. In lieu of the words “(agency name)”, insert “state public defender”.

**3.6(3)** In lieu of the words “(uniform rule on contested cases X.12(17A))”, insert “rule 481—10.12(17A)”.

**493—3.7(17A) Consideration.** In lieu of the words “(designate agency)”, insert “state public defender”.

**493—3.8(17A) Action on petition.**

**3.8(1)** In lieu of the words “(designate agency head)”, insert “state public defender”.

**3.8(2)** In lieu of the words “(contested case uniform rule X.2(17A))”, insert “rule 481—10.1(10A)”.

**493—3.9(17A) Refusal to issue order.**

**3.9(1)** In lieu of the words “(designate agency)”, insert “state public defender”.

**493—3.12(17A) Effect of a declaratory order.** In lieu of the words “(designate agency)”, insert “state public defender”.

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