

HISTORICAL DIVISION[223]

Regulatory Analysis

Notice of Intended Action to be published: 223—Chapters 35 and 39
“Rescission of State Historic Preservation Office Chapters”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.106A

State or federal law(s) implemented by the rulemaking: Iowa Code section 15.121

Public Hearing

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

July 16, 2026
9:15 to 9:30 a.m.

Via Microsoft Teams
Information about Teams participation
can be found at
opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Economic Development Authority (Authority) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: lisa.connell@iowaeda.com

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapters 35 and 39. Both chapters were adopted by the Department of Cultural Affairs (Department) pursuant to Iowa Code section 303.2 and chapter 303, subchapter II. The Department’s former responsibilities were divided between the Department of Administrative Services (DAS) and the Authority by 2023 Iowa Acts, Senate File 514. The legislation also discontinued some responsibilities of the Department.

Chapter 35 describes the general administration of the State Historic Preservation Office (SHPO). The chapter is proposed to be replaced with a new 261—Chapter 410 as part of a concurrent rulemaking (**RA 26-121**, IAB 6/24/26). Some relevant content from the chapter is also proposed to be incorporated into 261—Chapter 412 relating to the National Register of Historic Places and 261—Chapter 417 relating to the Certified Local Government program.

Chapter 39 describes an education program previously administered by the Department. 2023 Iowa Acts, Senate File 514, did not require DAS or the Authority to retain rules regarding education activities.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**

Rescinding the chapters does not impose any costs.

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

Rescinding the chapters for programs and activities that have been discontinued will provide clarity about the responsibilities of the Authority.

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:**

Rescinding the chapters does not impose any costs.

- **Qualitative description of impact:**

Rescinding the chapters for programs and activities that have been discontinued will provide clarity about the responsibilities of the Authority.

3. Costs to the State:

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

None.

- **Anticipated effect on State revenues:**

Rescinding the chapters has no anticipated impact on State revenues.

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

Rescinding the chapters does not impose any costs. Rescinding chapters for programs and activities that have been discontinued will provide clarity about the responsibilities of the Authority.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

6. Alternative methods considered by the agency:

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

The Authority did not consider any other methods.

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

The Authority did not consider any other methods.

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?

Rescinding the chapters does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **223—Chapter 35.**

ITEM 2. Rescind and reserve **223—Chapter 39.**