

Regulatory Analysis

Notice of Intended Action to be published: 547—Chapters 2 and 6
“Uniform Rules on Agency Procedure”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

August 1, 2025
11 a.m.

Room G14
1007 East Grand Avenue
Des Moines, Iowa

Public Comment

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

Brad Horn, General Counsel
Department of Management
1007 East Grand Avenue, Room G13
Des Moines, Iowa 50319
Phone: 515.414.6187
Email: brad.horn@dom.iowa.gov

Purpose and Summary

As part of the Department’s review of administrative rules pursuant to Executive Order 10, the Department proposes to rescind all rules addressing the standard Administrative Procedure Act obligations under Iowa Code chapter 17A and adopt the Uniform Rules on Agency Procedure published by the Legislative Services Agency on the General Assembly’s website. This greatly simplifies the County Finance Committee’s administrative rules and is expected to result in more consistent treatment of such issues across the Department’s administrative rules. This proposed Regulatory Analysis rescinds Chapter 6 and then repromulgates the Uniform Rules on Agency Procedure as new Chapter 2.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

The proposed rules do not add costs or burden on taxpayers or the Department. The proposal likely lowers compliance costs on the Department and the taxpayers because of more consistent treatment of such issues across the Department’s body of administrative rules.

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

The taxpayers and the Department will benefit from the proposed rules because of the consistency of the rules across the Department in this regard.

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:**

The rules as proposed would greatly simplify Chapter 2 by significantly lowering the word count and making it easier for taxpayers to comply with the common rules.

- **Qualitative description of impact:**

Taxpayers as well as Department staff should benefit qualitatively by having a consistent body of administrative rules used to address the Administrative Procedure Act obligations of Iowa Code chapter 17A.

3. **Costs to the State:**

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

There are no implementation or enforcement costs borne by anyone related to this change in rules.

- **Anticipated effect on State revenues:**

There should be no impact on State revenues. In theory, simplification of the rules could have a positive impact on Department compliance obligation costs, but it should be expected that the potential savings would be quite small in this regard.

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

Inaction would not be permissible because this chapter must be addressed pursuant to Executive Order 10. Department rules are necessary to implement Iowa Code chapter 17A, so no alternatives are readily available.

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

No less costly methods or less intrusive methods are readily available. This adoption of the Uniform Rules on Agency Procedure is the least intrusive method of proceeding.

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

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

As noted, no alternatives are available.

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

No alternative methods of compliance are available.

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?

The rules as proposed would have no impact on small business other than possibly making compliance costs slightly less.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 547—Chapter 2:

CHAPTER 2

UNIFORM RULES ON AGENCY PROCEDURE

The committee hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

547—2.1(17A,22) Fair information practices. The committee hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.1(1) In lieu of the words “(official or body issuing these rules)”, insert “committee”.

2.1(2) In lieu of the word “agency”, insert “committee”, unless further specified in this rule.

2.1(3) In lieu of the words “(insert agency head)”, insert “chairperson of the committee”.

2.1(4) In lieu of the words “(insert agency name and address)”, insert “the committee at the committee's mailing address”.

2.1(5) In lieu of the words “(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays”.

2.1(6) In lieu of the words “(specify time period)”, insert “30 minutes”.

2.1(7) Delete the sentence “(An agency wishing to deal with search fees authorized by law should do so here.)”.

2.1(8) In lieu of the words “(designate office)”, insert “the committee's secretary”.

2.1(9) In lieu of the words “(and, where applicable, the time period during which the record may be disclosed)”, insert “and, where applicable, the time period during which the record may be disclosed”.

2.1(10) In lieu of the sentence “(Additional requirements may be necessary for special classes of records.)”, insert “Additional obligations may be necessary for special classes of records.”.

2.1(11) Delete the sentence “(Each agency should revise its forms to provide this information.)”.

547—2.2(17A,22) Additional fair information practices—uses and disclosures of information.

2.2(1) General. Committee records are open for public inspection and copying unless otherwise provided by applicable law.

2.2(2) Uses and disclosures of individually identifiable information. To the extent allowed by law, uses or disclosures of confidential records may occur with or without the consent of the subject. Types of uses or disclosures that occur without the subject's consent include but are not necessarily limited to the following:

a. Use or disclosure for a routine use in relation to the work of the committee as long as such use or disclosure is made subject to the same confidentiality obligations imposed on the committee.

b. Use or disclosure for statistical research purposes or reporting as long as the information is deidentified in advance.

c. Use or disclosure for civil or criminal law enforcement activities to the extent authorized by law.

d. Disclosure to an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual.

e. Disclosure to the legislative services agency under Iowa Code section 2A.3.

f. Use or disclosure in the course of employee disciplinary proceedings.

g. Use or disclosure in response to a court order or subpoena.

2.2(3) Complaints to public officials. A letter from a subject of a confidential record held by the committee to a public official that seeks the official's intervention on behalf of the subject in a matter

that involves the committee will, to the extent permitted by law, be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

2.2(4) Release to subject. The subject of a confidential record may submit a request to review confidential records about that person. However, the committee need not release the record to the subject to the extent that the record is confidential under applicable law. Records that may be declared confidential include but are not necessarily limited to records that are predecisional draft documents, peace officers' investigative reports, records that are subject to the attorney-client privilege, and records that are subject to the attorney work product doctrine. When a record has multiple identifiable subjects with interest in the confidentiality of the record, the committee may take reasonable steps to protect confidential information relating to another subject.

547—2.3(17A) Petitions for rulemaking. The committee hereby 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 on the general assembly's website. For purposes of this rule, the following designations are made:

2.3(1) In lieu of the word "agency", insert "committee".

2.3(2) In lieu of the words "(designate office)", insert "committee's mailing address".

2.3(3) In lieu of the words "designate official by full title and address", insert "chairperson of the committee at the committee's mailing address".

547—2.4(17A) Declaratory orders. The committee hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.4(1) In lieu of the words "designate agency", insert "committee", unless further specified in this rule.

2.4(2) In lieu of the words "designate office", insert "the committee's mailing address".

2.4(3) Delete the sentence "(An agency may wish to describe here a simplified alternative petition form that would be more appropriate for some members of its clientele in light of their particular circumstances.)".

2.4(4) In lieu of the words "Within ____ days (15 or less)" found in rule X.2, insert "Within 15 days".

2.4(5) In lieu of the words "within ____ days of the filing of a petition" in rule X.3(1), insert "within 15 days of the filing of a petition".

2.4(6) In lieu of the words "(after time for notice under X.2(17A))", insert "15 days following receipt of notice from the committee that a petition has been filed".

2.4(7) In lieu of the words "(agency name)", insert "committee".

2.4(8) In lieu of the words "(specify office and address)", insert "the committee at the committee's mailing address".

2.4(9) In lieu of the words "(designate agency head)", insert "the chairperson of the committee".

2.4(10) In lieu of the words "(uniform rule on contested cases X.12(17A))" and "(contested case uniform rule X.2(17A))", insert "the committee's contested case rule".

2.4(11) Delete the sentence "(The agency may specify any provisions of Iowa Code sections 17A.10 through 17A.18 on contested case proceedings to apply to proceedings for declaratory orders.)".

2.4(12) Delete the sentence "(Where the agency's experience enables it to define in advance other specific reasons for refusing to issue a declaratory order, it should include them here.)".

2.4(13) In lieu of the words "(who consent to be bound)", insert "who consent to be bound".

2.4(14) At the end of rule X.12, add the following: "The final ruling of the committee is subject to review pursuant to the committee's contested case rules.".

547—2.5(17A) Committee procedure for rulemaking. The committee hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

- 2.5(1)** In lieu of the words “(commission, board, council, director)”, insert “committee”.
- 2.5(2)** In lieu of the word “agency”, insert “committee”, unless further specified in this rule.
- 2.5(3)** In lieu of the words “(specify time period)”, insert “one calendar year”.
- 2.5(4)** In lieu of the words “(identify office and address)”, insert “the secretary at the committee's mailing address”.
- 2.5(5)** In lieu of the words “(designate office and telephone number)”, insert “the secretary at 515.281.3322”.
- 2.5(6)** In lieu of the words “(designate office)”, insert “the committee's mailing address”, unless further specified in this rule.
- 2.5(7)** Delete rule X.10(17A).
- 2.5(8)** In lieu of the words “(specify the office and address)”, insert “the committee's mailing address”.
- 2.5(9)** In lieu of the words “(agency head)”, insert “chairperson of the committee”.
- 2.5(10)** Delete the sentences “(Alternatively, the agency can maintain the file indefinitely.)” and “(*NOTE: Alternatively to X.13(2)“j” and the amendment of X.13(4), an agency could keep a separate file of significant written criticisms to rules and maintain those for five years.)”.
- 2.5(11)** In lieu of the words “(at actual cost)”, insert “at actual cost”.

547—2.6(17A) Contested cases. The committee hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to contested cases, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

- 2.6(1)** In lieu of the words “(agency name)” or “agency”, insert “committee”.
- 2.6(2)** In lieu of the words “(designate official)”, insert “chairperson”.
- 2.6(3)** In lieu of the words “(specify rule number)”, insert “rule”.
- 2.6(4)** Delete paragraph X.5(1)“c”.
- 2.6(5)** Delete the words “(e.g., agency head, members of multimembered agency head, administrative law judge from the department of inspections and appeals)”.
- 2.6(6)** Delete the words “(or such other time period the agency designates)”.
- 2.6(7)** In lieu of the words “(or its designee)”, insert “or its designee”.
- 2.6(8)** Delete the sentence “(The agency may specify other good cause by rule.)”.
- 2.6(9)** Delete subrule X.6(4).
- 2.6(10)** In lieu of the words “(specify office and address)”, insert “the committee's secretary at the committee's mailing address”.
- 2.6(11)** In lieu of the words “(designate office)”, insert “committee's secretary”.
- 2.6(12)** Delete the words “(or other time period designated by the agency)”.
- 2.6(13)** In lieu of the words “Iowa Rule of Civil Procedure 237”, insert “Iowa Rules of Civil Procedure, Division IX, Subdivision D”.
- 2.6(14)** In lieu of the words “(45 days)”, insert “45 days”.
- 2.6(15)** In lieu of the words “(15 days)”, insert “15 days”.
- 2.6(16)** In lieu of the words “(20 days)”, insert “20 days”.
- 2.6(17)** Delete the words “(or other period of time specified by statute or rule)”.
- 2.6(18)** Delete the words “(or other time specified by the agency)”.
- 2.6(19)** In lieu of the words “(but, unless the defaulting party has appeared, it cannot exceed the relief demanded)”, insert “but, unless the defaulting party has appeared, it cannot exceed the relief demanded”.

2.6(20) In lieu of the words “(or disclosed)”, insert “or disclosed”.

2.6(21) In lieu of the words “(agency to designate person to whom violations should be reported)”, insert “the chairperson of the committee”.

2.6(22) In lieu of the words “(board, commission, director)”, insert “committee”, unless further specified in this rule.

2.6(23) In lieu of the words “(of the presiding officer)”, insert “of the presiding officer”.

2.6(24) In lieu of the words “(the agency) (or a quorum of the agency)”, insert “the committee”.

2.6(25) In lieu of the words “(board, commission, director, as appropriate)”, insert “committee”.

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

ITEM 2. Rescind and reserve **547—Chapter 6**.