# HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]



## Regulatory Analysis

Notice of Intended Action to be published: 605—Chapters 2 through 6
"Uniform Rules on Agency Procedure"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 29C
State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File 2370

*Public Hearing*

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

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| September 23, 2025<br>9:30 a.m. | Geode Room<br>7900 Hickman Road, Suite 500<br>Windsor Heights, Iowa<br>Via videoconference<br>meet.google.com/oqm-wujn-dif<br>Phone: 475.277.0077<br>PIN: 619 998 977# |

*Public Comment*

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

Blake DeRouchey
7900 Hickman Road, Suite 500
Windsor Heights, Iowa 50324
Phone: 515.323.4232
Email: blake.derouchey@iowa.gov

*Purpose and Summary*

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 2 and adopt a new chapter in lieu thereof. The chapter describes the structure and guidelines in which local emergency management is administered throughout the State.

The new chapter eliminates language that is overly restrictive or obsolete and shortens the chapter. This rulemaking also proposes to rescind Chapters 3 through 6.

*Analysis of Impact*

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

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

There is no direct cost associated with the proposed rulemaking.

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

All individuals within the State benefit from a well-run and organized emergency management program.

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 is no quantitative description; this chapter simply provides organizational structure for the Department, including universal rules for agencies.

- **Qualitative description of impact:**

There is no qualitative impact; this chapter simply provides organizational structure for the Department, including universal rules for agencies.

3. **Costs to the State:**

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

There are no costs to the State or the Department associated with this rulemaking.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking ensures the Department has basic structure and has no costs associated with it.

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

The Department seeks to implement these rules as minimally intrusively and prescriptively as possible while still maintaining the responsibilities of maintaining a well-run emergency management program throughout the State.

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

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

None were considered.

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

Not applicable.

*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 rulemaking has little to no impact on small businesses other than on their ability to bid on projects funded through the available grants.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 605—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
UNIFORM RULES ON AGENCY PROCEDURE

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

**605—2.1(17A,29C) Petitions for rulemaking.** The Iowa department of homeland security and emergency management 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:

**2.1(1)** In lieu of the words "(agency name)", insert "Iowa department of homeland security and emergency management".

**2.1(2)** In lieu of the words "(designate office)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

**2.1(3)** In lieu of the words "(designate official by full title and address)", insert "Director, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

**605—2.2(17A,29C) Declaratory orders.** The Iowa department of homeland security and emergency management 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:

**2.2(1)** In lieu of the words "(agency name)" or "(designate agency)", insert "Iowa Department of Homeland Security and Emergency Management".

**2.2(2)** In lieu of the words "(designate office)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

**2.2(3)** In lieu of the words "(designate official by full title and address)", insert "Director, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

**2.2(4)** In lieu of the words "Within ____ days (15 or less)" found in rule X.2, insert "Within 15 days".

**2.2(5)** In lieu of the words "within ____ days of the filing of a petition" in rule X.3(1), insert "within 20 days of the filing of a petition".

**605—2.3(17A,29C) Agency procedure for rulemaking.** The Iowa department of homeland security and emergency management 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:

**2.3(1)** In lieu of the words "(commission, board, council, director)", insert "director".

**2.3(2)** In lieu of the words "(specify time period)", insert "one year".

**2.3(3)** In lieu of the words "(identify office and address)", insert "Director, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

**2.3(4)** In lieu of the words "(designate office and telephone number)", insert "the director at 515.725.3231".

**2.3(5)** In lieu of the words "(designate office)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

**2.3(6)** In lieu of the words "(specify the office and address)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

**2.3(7)** In lieu of the words "(agency head)", insert "director".

**605—2.4(17A,29C) Fair information practices.** The Iowa department of homeland security and emergency management 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:

**2.4(1)** In lieu of the words "(official or body issuing these rules)", insert "Iowa Department of Homeland Security and Emergency Management".

**2.4(2)** In lieu of the words "(insert agency head)", insert "director".

**2.4(3)** In lieu of the words "(insert agency name and address)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

**2.4(4)** 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 the words "at any time from 9 a.m. to 12 noon and from 1 to 4 p.m., Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time".

**2.4(5)** In lieu of the words "(specify time period)", insert the words "30 minutes".

**2.4(6)** In lieu of the words "(designate office)", insert the words "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

**2.4(7)** Delete the words "(and, where applicable, the time period during which the record may be disclosed)".

**2.4(8)** Delete the words "(Additional requirements may be necessary for special classes of records.)."

**2.4(9)** Delete the words "(Each agency should revise its forms to provide this information.)".

**2.4(10)** Federal records.

*a.* For federal records maintained by the department, a subject will provide a Privacy Act release in accordance with the requirements of Title 5 United States Code, Section 552, in writing, and signed by the subject of the record.

*b.* For federal records and forms, the United States government's determination of routine use and the consequences of failure to provide required or optional information as requested shall be provided to the supplier of the information.

*c.* Pursuant to Iowa Code section 22.9, the department finds that maintenance, use, or disclosure of federal records described in this rule, except as allowed by federal law and regulation, would result in denial of United States government funds, services and essential information that would otherwise definitely be available and that have been available to the department in the past. The department has authority to enter into agreements and contracts to obtain funds pursuant to Iowa Code chapter 29C. The department makes such agreements and contracts with the Federal Emergency Management Agency (FEMA) under the authority of Public Law 93-288 (The Robert T. Stafford Disaster Relief and Emergency Assistance Act) and an Emergency Management Performance Grant Agreement that specify categories of records and information that must be kept confidential. In addition, 44 CFR 5.71 specifies categories of records that are exempt from disclosure under 5 U.S.C. 552. These records include those containing personally identifiable information concerning applicants to individual assistance and mitigation assistance programs that are administered by the state under a presidentially declared disaster. Nuclear Regulatory Commission Title 10 CFR 73.21 relates to the physical protection of nuclear power plants and materials. This regulation requires that certain information contained in plans and documents on file with the department be kept confidential and include information concerning the physical protection at fixed sites; physical protection in transit; inspections, audits and evaluations; and correspondence insofar as it contains safeguards information.

**605—2.5(17A,29C) Contested cases.** The Iowa department of homeland security and emergency management 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:

**2.5(1)** In lieu of the words "(agency name)" or "agency", insert "the Iowa department of homeland security and emergency management".

**2.5(2)** In lieu of the words "(designate official)", insert "director".

**2.5(3)** In lieu of the words "(specify rule number)", insert "rule".

**2.5(4)** In lieu of the words "(agency to designate person to whom violations should be reported)", insert "director".

**2.5(5)** In lieu of the words "(board, commission, director, as appropriate)", insert "the director".

These rules are intended to implement Iowa Code chapters 17A and 29C.

ITEM 2. Rescind and reserve **605—Chapter 3**.

ITEM 3. Rescind and reserve **605—Chapter 4**.

ITEM 4. Rescind and reserve **605—Chapter 5**.

ITEM 5. Rescind and reserve **605—Chapter 6**.