LIBRARIES AND INFORMATION SERVICES DIVISION[286]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 286—Chapters 1, 2, 3, 6, 7, 10, 11, and 12
"Agency Realignment"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.203(3) as amended by 2024 Iowa Acts, Senate File 2385

State or federal law(s) implemented by the rulemaking: Iowa Code sections 8A.104 and 8A.201 through 8A.234

Public Hearing

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

October 24, 2024	Room 310—Library Conference Room
1 p.m.	Ola Babcock Miller Building

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Administrative Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Tami Wiencek
Iowa Department of Administrative Services
1305 East Walnut Street, Third Floor
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

This proposed rulemaking is intended to rescind redundant and outdated Uniform Rules on Agency Procedure from the State Library of Iowa's rules (agency number [286]). In addition, the rulemaking rescinds State Library chapters regarding statewide programs, the Library Services and Technology Act Program, and the library's Internet Use Policy. Iowa Code section 8A.202 lists the Iowa Department of Administrative Services' duties and responsibilities pertaining to library services. These duties were moved to the Department through state government alignment in 2023. The State Library of Iowa's Uniform Rules on Agency Procedure are now redundant because the Department has the same set of rules. The other chapters under agency number [286] are also being rescinded as part of Executive Order 10 because of redundant and outdated language.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

No group of people will bear the cost because the uniform rules are being rescinded and will be shifted to the Department's existing rules (agency number [11]). Under the Department's rules, members of the public who interface with public records, waivers, declaratory orders, or petitions for rulemaking would potentially bear some cost. This would depend upon whether appropriate public records fees would be involved or whether members of the public would retain legal services.

No group of people will bear the cost of shifting rules addressing the State Library of Iowa's organization to the Department's rules.

The same can be said for rescinding program-related chapters and for the Internet Use Policy. Rules addressing these topics are proposed to be repromulgated under agency number [11].

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

All members of the public will benefit from the rescission of these Uniform Rules of Procedure chapters because this action will lead to a streamlined Iowa Administrative Code. The same can be said for the rescission of the State Library of Iowa rules addressing organization, programs, and its Internet Use Policy.

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 have been no waiver requests, declaratory order requests, or petition for rulemaking requests for the State Library of Iowa within at least the last ten years. Public record requests have also been minimal. For these reasons, the quantitative impact can only be described as de minimis. The impact is also minimal regarding organization, programs, and the Internet Use Policy.

- Qualitative description of impact:

This impact is de minimis for all chapters proposed to be rescinded.

3. Costs to the State:

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

There are no costs associated with rescinding the Uniform Rules of Procedure. Costs associated with the Department once all chapters under [286] are rescinded will include personnel costs. The tasks of administering these rules, should those tasks become necessary, are built into already existing personnel positions. There are no costs associated with rescinding any of the other chapters from [286].

- 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:

This rulemaking involves a shift of Uniform Rules of Procedure from one Iowa Administrative Code chapter to another so the costs remain the same. In addition, benefits include rescinding unnecessary duplication of rules and redundant or unnecessary language as that pertains to organization, programs, and Internet use.

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

This method involving rescission is the least costly and intrusive.

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:

Rescinding unnecessary chapters because of Iowa state government realignment is the optimal method under Executive Order 10. Rescinding rules with outdated language so those can be repromulgated under agency number [11] is also preferred.

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 chapters addressing uniform rules apply to all executive branch agencies, so a method of reducing an impact would not be practicable. These rules are necessary across all agencies. The rules covering organization, programs, and Internet use have no effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **286—Chapter 1**.

ITEM 2. Rescind and reserve **286—Chapter 2**.

ITEM 3. Rescind and reserve **286—Chapter 3**.

ITEM 4. Rescind and reserve **286—Chapter 6**.

ITEM 5. Rescind and reserve **286—Chapter 7**.

ITEM 6. Rescind and reserve **286—Chapter 10**.

ITEM 7. Rescind and reserve **286—Chapter 11**.

ITEM 8. Rescind and reserve **286—Chapter 12**.