

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 481—Chapter 2
“Petitions for Rulemaking”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.7.

State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.7 and 2023 Iowa Acts, Senate File 514.

Public Hearing

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

January 3, 2024
10 a.m.

6200 Park Avenue
Des Moines, Iowa

Public Comment

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

Ashleigh Hackel
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.250.3746
Email: ashleigh.hackel@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates 481—Chapter 2, “Petitions for Rulemaking,” and implements Iowa Code section 17A.7 and 2023 Iowa Acts, Senate File 514, in accordance with the goals and directives of Executive Order 10 (January 10, 2023). Iowa Code section 17A.7 requires agencies to “prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition.” The rules are intended to provide standard procedures for the public to petition the Department, including any division, board, or commission within the Department that has its own rulemaking authority, to initiate a rulemaking. The rules also provide direction for inquiries on previously filed petitions for rulemaking and the Department’s obligation to respond to petitions on rulemaking.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Individuals interested in petitioning the Department to initiate a rulemaking and the Department will bear the costs.

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

Individuals interested in petitioning the Department to initiate a rulemaking and the Department 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:

There are minimal costs to an individual who petitions the Department to initiate a rulemaking. Such costs include preparing a written communication to the Department concerning the request and providing any follow-up information requested by the Department. Petitions for rulemaking are relatively rare. From FY 2016 through FY 2023, the Department received only one petition for rulemaking.

- Qualitative description of impact:

These proposed rules provide clarity as to the form and process for petitions for rulemaking and its consideration and disposition by the Department.

3. Costs to the State:

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

There are no specific enforcement costs borne by the agency emanating from these proposed rules. Any costs associated with this chapter are attributable to the Department's statutory duty to respond to petitions for rulemaking pursuant to Iowa Code section 17A.7.

- Anticipated effect on state revenues:
None.

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

There are no specific costs associated with the proposed rulemaking. The benefits include clear and consistent implementation of Iowa Code section 17A.7.

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

In adopting by reference the Uniform Rules on Agency Procedure, the Department has already taken a minimally restrictive path in implementing its statutory duty under Iowa Code section 17A.7. Furthermore, the Department is updating this chapter in accordance with the government realignment implemented by 2023 Iowa Acts, Senate File 514, and has thus proposed rules that would allow any division, board, or commission under the administrative authority of the Department to rely on this chapter rather than promulgating its own administrative chapter to implement Iowa Code section 17A.7. This rulemaking could reduce the overburdening text of the Iowa Administrative Code.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:
See response to section 5 above.
- Reasons why alternative methods were rejected in favor of the proposed rulemaking:
See response to section 5 above.

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?

This proposed rulemaking is not believed to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
PETITIONS FOR RULEMAKING

The department adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to petitions for rulemaking, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website. References to "the agency" within any uniform rule include the department and any division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A, unless a division, board, or commission has separate rulemaking authority and has adopted rules governing petitions for rulemaking.

481—2.1(17A) Petition for rulemaking. In lieu of the words “the agency (designate office)”, insert “the department or specific division, board, or commission within the department where the petition is directed, as applicable”. In lieu of the words “(AGENCY NAME)”, insert the department or specific division, board, or commission within the department where the petition is directed.

481—2.3(17A) Inquiries. Inquiries concerning the status of a petition for rulemaking may be made to the department or applicable division, board, or commission as provided on the department’s website.

These rules are intended to implement Iowa Code section 17A.7.