

# INSPECTIONS AND APPEALS DEPARTMENT[481]

## Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 481—Chapter 4  
“Agency Procedure for Rulemaking”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.3

State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.3 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  
Department of Inspections, Appeals, and Licensing  
6200 Park Avenue  
Des Moines, Iowa 50321  
Phone: 515.250.3746  
Email: [ashleigh.hackel@dia.iowa.gov](mailto:ashleigh.hackel@dia.iowa.gov)

## Purpose and Summary

This proposed rulemaking repromulgates 481—Chapter 4, “Agency Procedure for Rulemaking,” and implements Iowa Code section 17A.3 and 2023 Iowa Acts, Senate File 514, in accordance with the goals and directives of Executive Order 10 (January 10, 2023). Through this rulemaking, the Department adopts the Uniform Rules on Agency Procedure for agency rulemaking, addressing public comment prior to filing a Notice of Intended Action, addressing contents of the Notice of Intended Action and Regulatory Analysis, the timeline for the adoption of rules, and identifying rulemaking records required to be kept by the agency. This chapter is intended to be applicable to any division, board, or commission within the Department that has its own rulemaking authority and has not adopted its own rules governing procedures for rulemaking. This rulemaking will allow the Department to increase efficiencies and standardize Department processes.

## Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Department and board staff review may assist in the rulemaking process of the agency by maintaining the required anticipated rulemaking and pending rulemaking dockets and assisting with publication of Notices. These staff functions are within the ordinary role of staff and do not incur any additional expenses for the Department to implement. Individuals interested in participating in the rulemaking process may bear some de minimis costs to participate.

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

The agency and public benefit from this rulemaking because the rulemaking gives the agency a uniform process to create rules and also provides for public participation in the rulemaking process. It is beneficial for the agency to have a mechanism to create rules necessary to carry out its functions, but it also is beneficial for the public to have a mechanism to provide feedback on the agency’s proposals prior to a rule being adopted.

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:

This proposed rulemaking does not have any direct costs to the general public or the agency. The agency staff assist in the rulemaking process, but these staff functions are within the ordinary role of staff and do not incur any additional expenses for the Department to implement. 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.

- Qualitative description of impact:

With the government realignment, new divisions, boards, and commissions with independent rulemaking authority joined what is now the Department of Inspections, Appeals, and Licensing (DIAL), and those divisions, boards, and commissions with independent rulemaking authority would have had their own Iowa Administrative Code chapter related to this topic. The Department is using this opportunity to create one chapter that can be applicable to all divisions, boards, and commissions under the administrative authority of the Department to increase efficiencies and standardize processes.

3. Costs to the State:

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

Costs to the agency are the staff needed to assist with the rulemaking procedures, such as maintaining the rulemaking docket, publishing notices, and drafting rulemaking documents. All costs are directly associated with the Department's general functions and duties as an agency subject to Iowa Code chapter 17A. This proposed rulemaking does not add to the costs of the Department.

- Anticipated effect on state revenues:

There is no anticipated impact from this proposed rulemaking on state revenues.

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

There are no specific financial costs to implement or enforce this proposed rulemaking outside of any costs associated with the Department's statutory duties pursuant to Iowa Code chapter 17A. The costs of this rulemaking are directly associated with the Department's general functions. This rulemaking does not add to the costs of the Department or public in excess of general functions.

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 duties pursuant to Iowa Code chapter 17A. The Department has not identified a more cost-effective or less intrusive method for this proposed rulemaking. The contents of this rulemaking are largely dictated by Iowa Code chapter 17A. 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 on this topic. This could reduce the overburdening text of the Iowa Administrative Code, increase efficiencies, and standardize Department processes.

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

#### Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 4 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 4 AGENCY PROCEDURE FOR RULEMAKING

The department of inspections, appeals, and licensing adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to agency procedure for rulemaking, which are published at [www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf) on the Iowa general assembly's website. References to “the agency” include the department or any division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A, unless the division, board, or commission has separate rulemaking authority and has adopted rules governing procedures for rulemaking.

#### **481—4.3(17A) Public rulemaking docket.**

**4.3(2) *Anticipated rulemaking.*** In lieu of the words “(commission, board, council, director)”, insert “director, board, commissioner, or the like, as applicable”.

#### **481—4.4(17A) Notice of proposed rulemaking.**

**4.4(3) *Notices mailed.*** In lieu of the words “(specify time period)”, insert “one calendar year”.

#### **481—4.5(17A) Public participation.**

**4.5(1) *Written comments.*** Strike the words “(identify office and address) or”.

**4.5(5) *Accessibility.*** In lieu of the words “(designate office and telephone number)”, insert “the department, board, commissioner, or the like, as applicable”.

#### **481—4.6(17A) Regulatory analysis.**

**4.6(2) *Mailing list.*** In lieu of the words “(designate office)”, insert “the department, division, board, commissioner, or the like, as applicable”.

#### **481—4.11(17A) Concise statement of reasons.**

**4.11(1) *General.*** In lieu of the words “(specify the office and address)”, insert “the department or board, as applicable”.

#### **481—4.13(17A) Agency rulemaking record.**

**4.13(2) *Contents.*** Amend paragraph “c” by inserting “director, board, commissioner, or the like, as applicable” in lieu of “(agency head)”.

These rules are intended to implement Iowa Code chapter 17A and section 25B.6.