

Red Tape Review Rule Report (Due: September 1, 2024)

Department Name:	DAS	Date:	7/19/2024	Total Rule Count:	13
IAC #:	286	Chapter/ SubChapter/ Rule(s):	Chapter 11	Iowa Code Section Authorizing Rule:	8A.104(5) 8A.203(3) as amended by 2024 Iowa Acts, SF 2385
Contact Name:	Tami Wiencek	Email:	Tami.wiencek@iowa.gov	Phone:	(515)725-2017

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This chapter covers Declaratory Orders which is part of the set of Uniform Rules on Agency Procedure. This set was written and included in the Iowa Administrative Code to provide a standard and efficient platform for rule topics relevant to the entire executive branch.

Is the benefit being achieved? Please provide evidence.

The benefit has been achieved in that the State Library of Iowa relied on this chapter to provide standard procedures while it was part of the Department of Education before state government alignment.

What are the costs incurred by the public to comply with the rule?

There are no costs incurred by the public because a Declaratory Order has not been necessary for the State Library of Iowa. It's possible an individual/group asking for a Declaratory Order could incur attorney costs in the process.

What are the costs to the agency or any other agency to implement/enforce the rule?

Agency attorney costs could be incurred if a Declaratory Order would be necessary, however, this would fall into an attorney's general duties, thus costs would be present even without this task. The same would go for potential involvement of the department's administrative rules coordinator.

Do the costs justify the benefits achieved? Please explain.

If there were costs, those would be justified because Declaratory Orders can arise as a matter of the course of doing business as a state. The Uniform Rules on Agency Procedure are all considered necessary for this reason.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

No. The Uniform Rules of Agency Procedure were specifically written to provide consistency and efficiency in the administrative code for executive branch agencies.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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This chapter is redundant and unnecessary because through SF514, the state government alignment bill of 2023, the State Library of Iowa was incorporated into the Department of Administrative Services (DAS). DAS was created in 2003 and has had its own Uniform Rules of Agency Procedure ever since. Now these DAS rules can cover the library. No need to duplicate. DAS IAC 11 – 8 covers Declaratory Orders.

RULES PROPOSED FOR REPEAL (list rule number[s]):

IAC 286 – 11.1(17A) through 11.13(17A)

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

N/A

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	13
Proposed word count reduction after repeal and/or re-promulgation	1,830
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	24

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.