

### Regulatory Analysis

Notice of Intended Action to be published: 497—Chapter 3  
“Declaratory Orders”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 23  
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 23 and  
Executive Order 10

### *Public Hearing*

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

June 3, 2025  
9 to 9:30 a.m.

Via virtual meeting/videoconference:  
[meet.google.com/hvc-wmba-kem](https://meet.google.com/hvc-wmba-kem)  
Or dial: 518.759.2454  
Passcode: 264 086 811#

### *Public Comment*

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Public Information Board no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kimberly Murphy  
Iowa Public Information Board  
510 East 12th Street  
Jessie M. Parker Building, East  
Des Moines, Iowa 50319  
Phone: 515.393.7664  
Email: [kim.murphy@iowa.gov](mailto:kim.murphy@iowa.gov)

### *Purpose and Summary*

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding declaratory orders. To satisfy these obligations, the Board promulgated Chapter 3 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General’s Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is proposing to rescind Chapter 3 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

### *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 expected additional cost to the State, government bodies, or individuals.

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

Citizens of the State and government bodies subject to Iowa Code chapters 21 and 22 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:**

No quantitative impact is expected. The Board will still operate consistent with Iowa Code chapter 17A and the scope of authority granted pursuant to Iowa Code chapter 23.

- **Qualitative description of impact:**

No qualitative impact is expected.

**3. Costs to the State:**

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

No costs will be borne by any agency. The Board will still operate consistent with Iowa Code chapters 17A and 23.

- **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:**

Not applicable. The Board will still operate consistent with Iowa Code chapter 17A and the scope of authority granted pursuant to Iowa Code chapter 23.

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

Not applicable.

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

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

Not applicable.

- **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?**

Not applicable.

*Text of Proposed Rulemaking*

ITEM 1. Rescind and reserve **497—Chapter 3.**