

Red Tape Review Rule Report (Due: September 1, 20 23)

Department Name:	City Development Board	Date:	8/31/2023	Total Rule Count:	4
IAC #:	263	Chapter/ SubChapter/ Rule(s):	Chapter 4	Iowa Code Section Authorizing Rule:	17A.9, 368.10
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Pursuant to Iowa Code section 17A.9, a person may petition an agency for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the agency. These rules describe the process a person may use to make such a request.

Is the benefit being achieved? Please provide evidence.

Yes. The chapter outlines the process for petitioning the City Development Board (the “Board”) for a declaratory order.

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

A petitioner may incur some costs to prepare a petition for a declaratory order. Cities or other petitioners may require staff time to complete a petition for a declaratory order. Cities or other petitioners may rely on external service providers, such as lawyers, to complete a petition for a declaratory order and prepare any supporting documents. The amount of the costs will vary depending on the complexity of the issues and the compensation of such staff or service provider.

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

Pursuant to Iowa Code section 368.9, the Economic Development Authority (IEDA) provides office space and staff assistance to the board and budgets funds to cover expenses of the Board and committees created pursuant to chapter 368. The IEDA incurs staff time to review petitions and supporting documentation and time to prepare a response as set forth in Iowa Code section 17A.9, subsection 5.

Do the costs justify the benefits achieved? Please explain.

No additional costs are imposed by the rules chapter beyond the Board’s statutory obligations in 17A.9.

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 less restrictive alternatives were identified.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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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Yes.

The introductory language to the rules chapter should be updated to include the link to the Uniform Rules on Agency Procedure and to eliminate unnecessary words.

Rule 263.4.1 should be updated to remove unnecessary words.

Rule 263.4.2 should be updated to remove unnecessary words.

Rule 263.4.3 should be updated to remove unnecessary words.

Rule 263.4.5 should be updated to remove unnecessary words.

If the uniform rules are updated, additional updates to the chapter may be warranted.

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

No rules are proposed for repeal.

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

CHAPTER 4
DECLARATORY ORDERS

The city development board hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders which are printed in the first volume of the Iowa Administrative Code and available at <https://www.legis.iowa.gov/docs/publications/ACOD/767408.pdf>.

263—4.1(17A) Petition for declaratory order. In lieu of “(designate agency)”, insert “city development board”. In lieu of “(designate office)”, insert “City Development Board, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315”.

In lieu of “(AGENCY NAME)” as the caption on the petition form, insert “BEFORE THE CITY DEVELOPMENT BOARD”.

263—4.2(17A) Notice of petition. In lieu of “___ days (15 or less)”, insert “15 days”.

263—4.3(17A) Intervention.

4.3(1) In lieu of “___ days”, insert “15 days”.

263—4.5(17A) Inquiries. In lieu of “(designate official by full title and address)”, insert “City Development Board, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315”.

These rules are intended to implement Iowa Code section 17A. 9.

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

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	17*
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	0*

***Estimated. The reduction in word count and restrictive terms may be impacted by the board’s review of the proposed updates.**

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

No.