

## PART B: RULE-WRITING GUIDE

### Introduction

This part of the handbook identifies the types of rule-making documents; describes the components of rule-making documents, rules, and rule chapters; and explains in detail how to write a rule-making document and how to make nonsubstantive changes to rules outside the rule-making process.

### Contents

Writing New Rule-Making Documents .....	B-2
Types of Rule-Making Documents .....	B-3
Parts of a Rule-Making Document .....	B-3
Preamble .....	B-3
Parts of All Preambles .....	B-4
<i>Bold Note</i> .....	B-4
<i>Citation of Chapters Affected</i> .....	B-4
<i>Legal Authority for Rule Making</i> .....	B-4
<i>State or Federal Laws Implemented</i> )....	B-5
<i>Purpose and Summary</i> .....	B-5
<i>Statement of the Fiscal Impact of the Rule Making</i> .....	B-5
<i>Statement of the Impact on Jobs</i> .....	B-6
<i>Waiver Information</i> .....	B-6
<i>Review of the Rule Making by the Administrative Rules Review Committee</i> .....	B-6
<i>Rule-Making Actions (not based on info input on filing form)</i> .....	B-6
Parts of the Preamble Specific to a Notice of Intended Action .....	B-7
<i>Public Comment</i> .....	B-7
<i>Public Hearing</i> .....	B-7
<i>Emergency Rule Making Adopted by Reference</i> .....	B-8
Parts of the Preamble Specific to an Adopted and Filed .....	B-8
<i>Public Comment and Changes to Rule Making</i> .....	B-8
<i>Adoption of Rule Making</i> .....	B-10

*Effective Date (based on info input here on "Filing Info" tab of filing form) .....*

<i>Effective Date</i> .....	B-10
Parts of the Preamble Specific to an Adopted and Filed Emergency .....	B-10
<i>Reason for Adoption of Rule Making Without Prior Notice and Opportunity for Public Participation</i> .....	B-10
<i>Reason for Waiver of Normal Effective Date</i> .....	B-10
<i>Effective Date</i> .....	B-11
<i>Concurrent Publication of Notice of Intended Action</i> .....	B-11
Parts of the Preamble Specific to an Adopted and Filed Emergency After Notice .....	B-11
Parts of the Preamble Specific to an Amended Notice of Intended Action .....	B-12
Parts of the Preamble Specific to a Notice of Termination .....	B-12
<i>Reason for Termination</i> .....	B-12
Body .....	B-13
Deciding Whether to Amend a Rule or Draft a New Rule .....	B-13
Drafting a New Rule or Chapter .....	B-13
Assigning a Number to a New Rule .....	B-14
<i>Renumbering</i> .....	B-14
<i>Allowing for Future Growth</i> .....	B-14
Basics of Drafting Amendments and Rules .....	B-14
<i>Basic Mechanics</i> .....	B-15
<i>Additional Pointers</i> .....	B-15
Amending Existing Rules .....	B-16
<i>Amendment Breadth</i> .....	B-16
<i>Striking and Underscoring</i> .....	B-16

<i>Other Aspects of Amending Existing Rules</i> .....	B-16	<i>Writing Catchwords</i> .....	B-25
<b>Adding New Content</b> .....	B-16	<b>Headings</b> .....	B-25
<b>Guidelines for Adding New Rule Parts</b> ....	B-17	<b>Definitions</b> .....	B-25
<i>Restructuring</i> .....	B-17	<b>Changes from the Notice</b> .....	B-26
<i>Parallel Structure</i> .....	B-19	<b>Implementation Sentences</b> .....	B-28
<i>Amending Punctuation</i> .....	B-20	<b>Using the Rule-Drafting Template</b> .....	B-30
<b>Rescinding Existing Rules or Chapters</b> ....	B-21	<b>Overview</b> .....	B-30
<i>Reserving a Rescinded Rule or Chapter</i> .....	B-21	<b>Instructions for Using the Rule-Drafting Template</b> .....	B-30
<i>Replacing a Rescinded Rule or Chapter</i> .....	B-22	<b>Final Checklist</b> .....	B-38
<i>Renumbering</i> .....	B-22	<b>Special Types of Amendments and Rules</b> ...	B-38
<b>Rescinding Part of a Rule</b> .....	B-22	<b>Adoption by Reference</b> .....	B-38
<b>Leaving Text Unamended</b> .....	B-23	<i>Basics of Adoption by Reference</i> .....	B-38
<b>Catchwords</b> .....	B-24	<i>How to Adopt by Reference</i> .....	B-39
<i>Catchwords for Rules</i> .....	B-24	<b>Nonsubstantive Updates to Rules Outside the Rule-Making Process</b> .....	B-39
<i>Catchwords for Rule Parts</i> .....	B-24	<b>Uniform Rules</b> .....	B-40

## Writing New Rule-Making Documents

This guide will help you in creating rule-making documents. New rule-making documents can establish new rules or amend or rescind existing rules.

To write a new rule-making document, you will need:

- Copies of the relevant statutes or legislation and your agency’s current rules available on the [Iowa Law and Rules](#) page on the Iowa Legislature website.
- Examples of your agency’s other *published* rule-making documents available in the [Rules Tracker](#) on the Iowa Legislature website.
- This [Parts of a Rule](#) document as a visual guide to the different parts of a rule and this [Organization of Administrative Rules](#) document as a visual guide to the organization and hierarchy of administrative rule chapters.
- The Rule-Drafting Template available in the [Rule Writer Tool Kit](#) on the Iowa Legislature website. See also “[Using the Rule-Drafting Template](#)” later in this document.

## Types of Rule-Making Documents

The two primary rule-making documents agencies use in the normal rule-making process are:

- [Notice of Intended Action](#)
- [Adopted and Filed](#)

Other types of rule-making documents include:

- [Adopted and Filed Emergency](#)
- [Adopted and Filed Emergency After Notice](#)
- [Amended Notice of Intended Action](#)
- [Notice of Termination](#)

For more information about the types of rule makings, see “What are the different types of rule-making documents?” in the “Basics” section of the [FAQ document](#).

## Parts of a Rule-Making Document

Most rule-making documents have two parts:

- Preamble
  - This is the introduction to the rule making.
  - It contains specific required information, which is entered in the Rules Management System submission filing form.
  - The preamble is automatically generated in the Rules Management System. You do not have to write it yourself.
- Body
  - This contains the rules and amendments.
  - The body shows the changes that will be made to the agency’s existing rules and new rules that will be adopted.
  - The Rules Management System does not generate the body of a rule-making document. Agency staff members write the body of rule-making documents themselves.

### Preamble

Every rule-making document has a preamble. You do not have to write the preamble yourself. When you submit a rule-making document in the [Rules Management System \(RMS\)](#), RMS automatically generates the preamble using the content you supply in the individual text entry boxes on the RMS filing form. This filing form can be saved for your records.

It is important to fill out the RMS filing form accurately and completely so that the correct information will be generated in the preamble of your document. For an explanation of what information to include in the text boxes of the form and how the content is generated based on your input on the filing form, see the sections on parts of the preamble below.

## Parts of All Preambles

All preambles contain the following sections:

***Bold Note (not based on info input on filing form; entered by Publications Editing Office editors)***

The bolded heading at the top of a rule making, directly under the name of the agency, is informally called the “bold note.” This heading states the general topic of the rule making and, for Notice of Intended Action rule makings, states that the public may provide comments on the rule making. An example is below.

**Proposing rule making related to the all Iowa opportunity scholarship program  
and providing an opportunity for public comment**

***Citation of Chapters Affected (based on info input [here](#) on “Filing Info” tab of filing form)***

The first paragraph of the preamble cites the number and title of each existing chapter proposed for amendment or rescission and each new chapter to be added. When you fill out the Chapters Affected portion of the RMS filing form, be sure to select or add each chapter in your rule making and to link each chapter to the proper action (i.e., amend, rescind, or adopt new).

***Legal Authority for Rule Making (based on info input [here](#) on “Filing Info” tab of filing form)***

The Legal Authority for Rule Making sentence states the chapter(s) or section(s) of the Iowa Code or Iowa Acts that gives the agency the authority to adopt rules. Citations of rule making authority should be as specific as possible.

At times, a statutory provision will specifically direct an agency to adopt rules on a narrow subject. If there is no such statutory provision, a chapter or other major portion of the Iowa Code may include a general grant of rule-making authority to implement that chapter or portion. If the legal authority for rule making cannot be readily found, it can be helpful to determine which rule-making entity will be proposing or adopting the rule and find the statute that empowers that entity to make rules, either on the subject at issue or generally.

If the rule making will implement one or more provisions of the Iowa Code, consult that statute and related statutes to determine which rule-making entity has been delegated rule-making authority for that provision. If an explicit delegation of rule-making authority cannot be located, at times a rule-making entity may have a general delegation of rule-making authority in a subject area or for a particular portion of the Iowa Code that would implicitly cover the provision at issue. Bear in mind that a single provision may implicate multiple rule-making entities. Also, bear in mind that an agency’s rule-making authority may not always be located in the same chapter of the Iowa Code as the provision an agency is implementing with a particular rule.

If a rule making will implement a federal law or regulation, court ruling, or other legal requirement, first find out whether that legal authority provides clear direction as to which rule-making entity should implement the requirement. If there is no clear direction, consult state law on the same subject matter to determine whether state law has established which rule-making entity has the responsibility to implement that legal requirement or to make policy on that subject matter.

If a determination as to the correct legal authority for rule making cannot be made, consult agency counsel or the Administrative Code Editor.

***State or Federal Laws Implemented (based on info input [here](#) on “Filing Info” tab of filing form)***

The State or Federal Law Implemented sentence states the chapter(s) or section(s) of the Iowa Code, Iowa Acts, or other law that rule making is implementing.

An agency’s intent in rule making often provides guidance as to what statute the agency is implementing. If an agency is complying with a recent statutory change, the statute making the change is the statute being implemented. If an agency is revising practices relating to an existing program or agency function, the statutory source of that program or function, even if that statute is unchanged, is the statute being implemented. If the agency is revising its internal operation or organization, the agency’s enabling legislation, or possibly Iowa Code section [17A.3\(1\)](#), is likely the statute being implemented.

If a determination as to the correct statute cannot be made, consult agency counsel or the Administrative Code Editor.

***Purpose and Summary (based on info input [here](#) on “Filing Info” tab of filing form)***

The “Purpose and Summary” section should include an explanation of the amendments in the rule-making document. The explanation should be as concise as possible but also complete and accurate, explaining exactly what the rule making as a whole does or what the individual items in the rule making do.

The Purpose and Summary may also explain the reasons for the rule making. For example, possible reasons for rule making may include:

- Recently enacted legislation necessitates changes to the rules.
- Updates are needed to a federal regulation or industry code adopted by reference.
- Updates are needed as a result of your agency’s five-year review of rules.
- A change to rules was requested by the public in a successful petition for rule making (see your agency’s Uniform Rules chapter on this topic).
- The rules must be changed to comply with federal requirements.

You can compose your Purpose and Summary at the time you fill in the related text box in the RMS filing form, but if your Purpose and Summary is long or complex, you may prefer to write it in Microsoft Word instead. Then you can copy and paste the Purpose and Summary from your Microsoft Word document into the text entry box in the RMS filing form.

**Note:** If your Purpose and Summary paragraphs include tables of data or images, save them in a separate document and upload that document along with your rule-making document in the “Rule Changes & Compilation” tab of the filing form (RMS doesn’t accommodate images or tables well). Leave a note in the “Notes to Editors” section of the filing form to let Publications Editing Office staff know that the tables or images will need to be added to the preamble during the editing process.

***Statement of the Fiscal Impact of the Rule Making (based on info input [here](#) on “Fiscal Impact” tab on filing form)***

Iowa Code section [17A.4](#) requires a [fiscal impact](#) analysis for all administrative rule filings with an annual impact of \$100,000 or an impact of \$500,000 over five years. Iowa Code section [25B.6](#) requires a fiscal impact statement to be submitted when impacts for political subdivisions exceed the same limits. The agency is responsible for estimating fiscal impacts to all affected persons, including the agency, county, and local governments.

***Statement of the Impact on Jobs (based on info input [here](#) on “Filing Info” tab of filing form)***

This section informs the public of the potential effect the rule making may have on jobs in the state. Agencies should use whatever resources they have available to determine the jobs impact of their rule making. It is often difficult to calculate an exact number of jobs, so it may be necessary to describe the impact in more general terms, along with the agency’s rationale for the description. The following boilerplate language is used in RMS for rule makings that will not have a jobs impact:

After analysis and review of this rule making, no impact on jobs has been found.

***Waiver Information (based on info input [here](#) on “Filing Info” tab of filing form)***

This section tells the public whether or not the rules in the rule making may be waived and, if they may be waived, where to find the procedures for requesting a [waiver](#).

Waivers may be granted at the agency’s discretion and are subject to the requirements of Iowa Code section [17A.9A](#). An agency cannot waive a statutory requirement. Waivers must provide the narrowest possible exception to the rule and cannot be permanent unless the requestor can show that a temporary waiver would be impractical. Waivers must be reported in the Rules Management System, but they are not considered rule filings and are published on the Iowa Legislature’s website, not in the Iowa Administrative Bulletin.

If you do not supply your own waiver language in the text entry box of the RMS filing form, the following boilerplate waiver language will be used in its place:

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the [agency] for a waiver of the discretionary provisions, if any.

If using the boilerplate, add a citation to your agency’s waiver rule or chapter to the end of the boilerplate sentence (for example, add “, pursuant to rule 123—4.5(17A)” after “if any” in the text entry box).

***Review of the Rule Making by the Administrative Rules Review Committee (not based on info input on filing form)***

This is a statement included in every preamble to inform the public of the Administrative Rules Review Committee, its meeting schedule, and its role in overseeing rule making. It is boilerplate text and does not require any input on the agency’s part. It is not generated by any answer provided on the Rules Management System filing form.

***Rule-Making Actions (not based on info input on filing form)***

This is the last sentence of the preamble and is automatically generated at the end of the preamble. This sentence simply introduces the item or items (i.e., the body of the rule making) that follow. The sentence reads as follows:

The following rule-making action is [or “actions are”] proposed [or “adopted”]:

If there is more than one item the plural “actions are” is used; the use of the word “proposed” or “adopted” depends on whether the rule making is a Notice of Intended Action or Adopted and Filed. The sentence is omitted from rule makings that do not have an item or items, such as a Notice of Termination.

### **Parts of the Preamble Specific to a Notice of Intended Action**

In addition to the above sections included in all preambles, the preamble of a Notice of Intended Action will have the following sections:

#### ***Public Comment (based on info input [here](#) on “Filing Info” tab of filing form)***

This section informs the public of how, where, and when the public may comment on the rule making. Every Notice of Intended Action must allow for a period of public comment. The deadline for comment can be no sooner than 20 days after the date the Notice is published in the Iowa Administrative Bulletin, and can be later than 20 days at the agency’s discretion.

Agencies are required to provide a point of contact and a means of contact for public comment. Providing a means of contact for written comments is required, while including an additional means of contact for oral comment is optional. Email addresses are encouraged but not required. Specific names for contacts (instead of simply the name of the agency) are encouraged but not required.

#### ***Public Hearing (based on info input [here](#) on “Filing Info” tab of filing form)***

This section informs the public of one of the following:

If a public hearing is scheduled, this section informs the public of when and where the public hearing will be held and how to request special accommodations to attend.

If a public hearing is not scheduled, this section informs the public of that fact as well as how to request a hearing. The following boilerplate statement is published in any Notice of Intended Action for which a public hearing has not been scheduled:

No public hearing is scheduled at this time. As provided in Iowa Code section [17A.4\(1\)“b,”](#) an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

A public hearing may be held no sooner than 20 days after notice of the time and location of the hearing is published in the Iowa Administrative Bulletin (IAB), and may be later than 20 days at the agency’s discretion.

A public hearing is not necessarily required. Scheduling a public hearing about a Notice of Intended Action is initially a discretionary decision by the agency. However, an agency must schedule a public hearing if the agency receives a timely request of 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, another agency, or an association having not less than 25 members.

All public hearings must be announced in a Notice of Intended Action in the IAB. If an agency schedules a public hearing initially, the information on the hearing is included in the preamble of the Notice. If a hearing is requested later, an agency must publish an [Amended Notice of Intended Action](#) in another Iowa Administrative Bulletin, which delays adoption of the rule making.

Agency practices regarding public hearings vary. Some agencies schedule public hearings for all Notices of Intended Action, some schedule them only upon request, and some decide on a case-by-case basis.

When scheduling a public hearing, consider the dates and times in which the public would be available to attend. Most public hearings are scheduled on weekdays during the day. A public hearing should not be scheduled on a holiday.

Click [here](#) for an example of a preamble in a published Notice of Intended Action.

If a Notice of Intended Action is part of an emergency rule making, or “[double barrel](#),” its preamble will have the following section:

***Emergency Rule Making Adopted by Reference (indicated by checkmark of box [here](#) on filing form)***

This section informs the public that the proposed rule making described in the preamble of the Notice of Intended Action has already been adopted through the emergency rule-making process. The section explains that the Notice of Intended Action is being published so that the public can comment on the emergency rule making and that the content of the Adopted and Filed Emergency rule making is adopted by reference. The content is adopted by reference to save space rather than reprinting the text.

**NOTE:** If a Notice is part of a “double barrel,” it is necessary to check the relevant checkbox in the filing form when submitting the Notice in the Rules Management System. This causes boilerplate text to be generated to fill in this section. The boilerplate text reads as follows:

This proposed rule making is also published herein as an Adopted and Filed Emergency rule making (see **ARC [number]**, IAB [date]). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rule making, whose subject matter is hereby adopted by reference.

Click [here](#) for an example of a preamble in a published Notice of Intended Action that is part of a double barrel.

**Parts of the Preamble Specific to an Adopted and Filed**

In addition to the [sections included in all preambles](#), the preamble of an Adopted and Filed rule making will have the following sections:

***Public Comment and Changes to Rule Making (based on info input [here](#) on “Filing Info” tab of filing form)***

This section provides details about the publication of the Notice, including whether comments were received and whether a public hearing was held. If comments were received, this section contains a description of the comments.

Public comments can be described individually or summarized as the agency deems appropriate. Agencies at times publish public comments on their own websites and include a link in the preamble rather than summarizing all of the comments.

Example of public comments described individually:

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 8, 2019, as **ARC 4421C**. A public hearing was held on May 28, 2019, at the Wallace State Office Building, Des Moines, Iowa. Two people attended the public hearing.

Public comments were received from the Iowa Environmental Council, which requested that the Department of Natural Resources maintain the prohibition on discharge of drilling fluid and drilling mud and also add requirements for discharges immediately upslope of receiving streams.

No revisions were made to GP6 in response to public comments. No changes from the Notice have been made.



Example of summarized public comments:

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 7, 2021, as **ARC 5554C**. A public hearing was held on April 28, 2021, at 8:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. Four comments were received, all of which were supportive of the rule making. One change from the Notice has been made. New paragraph 123.4(1)“g” in Item 1 has been revised to allow for a client’s verbal or written consent to a service or services through a telehealth appointment.

Example of public comments published on the agency’s website and including a link:

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 13, 2017, as **ARC 3309C**. A public hearing was held on October 10, 2017. Comments received during the public hearing related to the vagueness of the required federal language. The comments and responses may be obtained by contacting the Department’s Storm Water Coordinator, Joe Griffin, at [joe.griffin@dnr.iowa.gov](mailto:joe.griffin@dnr.iowa.gov) and at (515)725-8417, or on the Department’s website: [www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Storm-Water](http://www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Storm-Water). Changes from the Notice were made to move the effective dates of the general permits back one month.

This section also describes any changes made from the Notice of Intended Action. If there were no changes, it includes the boilerplate language “No changes from the Notice have been made.”

In the case of substantive changes, describe changes with sufficient detail for the public to understand what has been changed. Nonsubstantive changes need not be described in detail.

Example of a description of substantive changes from the Notice:

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 14, 2018, as **ARC 3623C**. A public hearing was held on March 6, 2018, at 12 noon in Conference Room 3 E&W, Wallace State Office Building, Des Moines, Iowa. No comments were received at the public hearing.

Ninety-five individuals submitted comments during the public comment period. The most common comment was a request for later Canada goose hunting seasons. In addition to the rule-making public comment period, the Department held its annual wildlife listening session (WLS) at 19 locations across the state on February 21, 2018. The WLS is an opportunity for all types of hunters and trappers to provide general input on any wildlife-related topic. Although all comments are considered, the comments from the WLS and the rule-making process are tracked separately because many of those who commented at the WLS also submitted a comment during this multiple-species rule-making process. At the WLS, 315 comments relating to waterfowl seasons in Iowa were received. Approximately one-third of the comments focused on Canada geese, and the majority asked for a later end date for the season. Approximately one-third were not specific to a species but asked for later seasons and the creation of a new “River Zone.” The remaining comments were related to the early teal season or the general duck season.

Changes from the Notice of Intended Action have been made. In review of the scientific data and public input, the Commission revised subrules 91.3(2) to 91.3(4) to increase the previously proposed final split in the 107-day Canada goose season to 10 days (formerly 3 days) for all zones. This change will bring the final day of the Canada goose season to January 12, 2019, in the North Zone; January 19, 2019, in the South Zone; and January 26, 2019, in the Missouri River Zone. Also, subrule 91.1(5) has been revised to reference the daily bag limits adopted by the USFWS as published in the Federal Register.

Example of a description of nonsubstantive changes from the Notice:

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 13, 2019, as **ARC 4277C**. A public hearing was held on March 5, 2019, from 10 a.m. to 12 noon in Conference Room 4 West, Wallace State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made, except to update references to the Soil Conservation and Water Quality Division within the Iowa Department of Agriculture.

***Adoption of Rule Making (based on info input [here](#) on “Filing Info” tab of filing form)***

This section includes a sentence stating the date on which the rule making was adopted and identifies the entity that adopted the rule making.

The date of adoption for an Adopted and Filed rule making may be no sooner than 35 days after publication of the related Notice of Intended Action in the Iowa Administrative Bulletin.

The entity adopting the rule making should be the same entity given the authority for rule making in the Iowa Code sections cited in the “Legal Authority for Rule Making” section of the preamble. That entity is often a multimember body, such as a board or commission; a state official, such as the Insurance Commissioner; or the state agency itself. If the rule making is adopted by a multimember body such as a board or commission, the date of adoption is the date on which the rule making was presented to the body and put to a vote.

***Effective Date (based on info input [here](#) on “Filing Info” tab of filing form)***

This section states the date on which the rule making will become effective. The date can be no sooner than 35 days after publication of the Adopted and Filed rule making in the Iowa Administrative Bulletin.

Click [here](#) for an example of a preamble in a published Adopted and Filed rule making.

***Parts of the Preamble Specific to an Adopted and Filed Emergency***

In addition to the [sections included in all preambles](#) and the “Adoption of Rule Making” section described above, an Adopted and Filed Emergency will have the following sections (including an “Effective Date” section, which will have a different date than the date described above for an Adopted and Filed rule making):

***Reason for Adoption of Rule Making Without Prior Notice and Opportunity for Public Participation (based on info input [here](#) on “Filing Info” tab of filing form)***

This section states one of the following:

- The agency has authority as provided in statute or legislation to bypass the Notice of Intended Action process. (Click [here](#) for examples of this type of statutory language.)
- The agency has the approval of the Administrative Rules Review Committee to do so.

***Reason for Waiver of Normal Effective Date (based on info input [here](#) on “Filing Info” tab of filing form)***

This section states the agency’s specific reason for making the effective date of the Adopted and Filed Emergency rule making sooner than the legally required 35 days after the rule-making’s publication in the

IAB. This section also must cite the related provision in the Iowa Code (i.e., Iowa Code section [17A.5\(2\)“b”\(1\)\(a\), \(b\), or \(c\)](#)) that justifies the waiver of the normal effective date and explain how the provision applies to the rule making.

Example:

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a) and (b), the Board finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on July 8, 2021, because 2021 Iowa Acts, Senate File 532, includes language for emergency rule making, which allows the SPR to be established in a timely manner to accommodate the start of the academic year. There is a significant benefit to the public, because the earlier effective date will allow applicants to obtain the SPR prior to the start of the academic year so that essential mental health services can be provided to Iowa students immediately.

The above example cites two Iowa Code provisions justifying the waiver. It also includes an explanation of how both provisions apply to the rule making and justify the waiver.

***Effective Date (based on info input [here](#) on “Filing Info” tab of filing form)***

The section cites the date on which the Adopted and Filed Emergency rule making becomes effective. Because the normal effective date is waived, the effective date for the rule making may be the date on which the rule filing is submitted in the Rules Management System and accepted by the Administrative Rules Coordinator. Alternatively, it may be a later date.

If the document is part of a “[double barrel](#)” rule making, the preamble will also have the following section a section on “Concurrent Publication of Notice of Intended Action” (see below).

***Concurrent Publication of Notice of Intended Action (based on checkbox marked [here](#) on “Filing Info” tab of the related Notice of Intended Action filing form)***

This section states that although the rule making was adopted through the emergency rule-making process, the regular rule-making process has also begun and a Notice of Intended Action is also published so that the public can comment on the rule making as part of the regular process. This section contains boilerplate text, which reads as follows:

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC [number]** to allow for public comment.

Click [here](#) for an example of a preamble in a published Adopted and Filed Emergency rule making.

**Parts of the Preamble Specific to an Adopted and Filed Emergency After Notice**

In addition to the [sections included in all preambles](#), an Adopted and Filed Emergency After Notice rule making will contain the same “Public Comment and Changes to Rule Making” section as a regular Adopted and Filed rule making. It will also contain the same “Reason for Waiver of Normal Effective Date” section and “Effective Date” section as an Adopted and Filed Emergency rule making.

Click [here](#) for an example of a preamble in a published Adopted and Filed Emergency After Notice rule making.

### **Parts of the Preamble Specific to an Amended Notice of Intended Action**

An agency may amend a Notice of Intended Action to add a public hearing, to extend the public comment period, to make additional changes to the proposed amendments, or for a combination of the above reasons. An Amended Notice of Intended Action that makes additional changes to the amendments proposed in the Notice of Intended Action contains the same sections as the Notice of Intended Action rule making. It also contains a section that explains the reason for the Amended Notice of Intended Action and is based on info input [here](#) on the Filing Info tab of the filing form. If the Amended Notice of Intended Action *only* adds a public hearing, the introductory paragraphs of the Amended Notice provide details about the public hearing and, because no changes are made to the amendments proposed in the Notice, the body of the Noticed rule making is omitted from the Amended Notice.

Example of the introductory paragraphs of an Amended Notice of Intended Action that only adds a public hearing:

#### **Amended Notice of Intended Action**

##### **Providing for a public hearing on rule making related to marketable food products for human consumption**

The Notice of Intended Action published in the Iowa Administrative Bulletin on May 5, 2021, as **ARC 5614C** proposes to amend Chapter 230, “Exemptions Primarily Benefiting Manufacturers and Other Persons Engaged in Processing,” Iowa Administrative Code. In order to receive oral comments concerning **ARC 5614C**, the Revenue Department hereby gives notice that a public hearing will be held as follows:

July 8, 2021  
1:30 to 2:30 p.m.

Room 430, Fourth Floor  
Hoover State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Click [here](#) for an example of a preamble in a published Amended Notice of Intended Action that makes additional changes to the amendments proposed in the Notice of Intended Action.

### **Parts of the Preamble Specific to a Notice of Termination**

A Notice of Termination rule making will have the same sections as [those included in all preambles](#), except for the “Waivers” section. It will also contain the following section:

#### ***Reason for Termination (based on info input [here](#) on “Filing Info” tab of filing form)***

This section will explain why the agency is terminating the rule making. An agency may terminate a Notice of Intended Action for any reason the agency deems appropriate.

Example of a Reason for Termination section:

### *Reason for Termination*

The Division is terminating this rule making because the proposed movement of fee amounts from statute to rules was not included in the passed legislation. The proposed fee amount changes were included in the passed legislation.

Click [here](#) for an example of a preamble in a published Notice of Termination.

## **Body**

The body of the rule-making document contains the rules and amendments themselves, organized into [items](#), which are arranged by rule number order. Each item has an item statement that introduces the content of the amendment or rule.

The following sections contain resources and information related to various aspects of drafting the body of the rule-making document. It is strongly recommended that you use the Rule-Drafting Template as the tool for creating the items in the body of your rule-making document. For more information on the template, see "[Using the Rule-Drafting Template](#)" later in this document.

## **Deciding Whether to Amend a Rule or Draft a New Rule**

Whether to amend an existing chapter, rule, or part of a rule or to rescind and replace it is a judgment call on the part of the rule writer. Where minimal changes to a rule are needed, deleting the chapter, rule, or part and starting over may not be necessary. Where more extensive changes are necessary, or a reorganization of a chapter is desired, deleting and starting over may enhance readability compared to using numerous strikes and underscores. On the other hand, deleting and starting over will make it more difficult for the reader to discern exactly how a chapter, rule, or part of a rule has changed, reducing transparency. In that case, it can be helpful to add a detailed description in the preamble's Purpose and Summary of the changes reflected in the new chapter, rule, or part of a rule.

Click [here](#) for an example of a preamble's Purpose and Summary that includes a detailed description of the differences between a rescinded chapter and the new chapter that replaces it.

## **Drafting a New Rule or Chapter**

When drafting an administrative rule, it is helpful to do the following:

- Examine any existing rules on the same or a similar subject. This can be a useful starting point.
- Identify those who will be affected by the rule. It is sometimes helpful to seek input from affected parties prior to drafting an administrative rule.
- Determine the purpose, intended results, or objectives of the rule.
  - Try also to identify whether the intent of the rule is to restrict activities or to provide a benefit.
  - State the conditions under which the restrictions apply or the benefits are bestowed.
- Define key terms. Defined terms can provide clarity for the reader and make the rule more concise.
- Outline the organization of the rule. Preparing an outline of the subject of the rule or chapter can provide for clearer writing and a more efficient use of time.

The most common method for drafting a rule is to begin with the general purpose and scope of the rule and then to define the terms used.

A well-written rule is consistent in form, simple, and clear. Follow these guidelines when writing rules:

- Use defined words and phrases consistently throughout. Avoid use of synonyms, always using the same word in all cases to express a certain meaning.
- Use language that is formal but simple and direct. Use familiar words and phrases that best express the intended meaning. Language should be free of slang, overly technical language, and legal jargon where possible.
- Ensure that the intended meaning of the sentence is clear. Sentences in a rule should be short. Avoid confusing structure or misplaced modifiers. Use pronouns sparingly and only if their meaning is unambiguous.

Click [here](#) for an example of a published rule that reflects the guidance above, and see the [Parts of a Rule](#) document for a visual guide to the parts of an administrative rule. For additional guidance about the style used in administrative rules, see [Part C](#) of this handbook.

## Assigning a Number to a New Rule

### *Renumbering*

When adding a new rule, make sure that there is a gap in numbering in the existing rules for the addition of a new rule. In the Iowa Administrative Code, rules and chapters are only given whole numbers. Unlike in the Iowa Code, the Iowa Administrative Code contains no lettered rules or chapters, such as “17A.”

Therefore, if a newly added rule needs to precede one or more rules that already exist, it will be necessary to draft an [item](#) to renumber the existing rules. Then the new rule can be assigned the number that was previously assigned to an existing one.

Here is an example of how renumbering is used to allow the addition of a new rule:

ITEM 1. Renumber rules **123—4.1(17A)** to **123—4.4(17A)** as **123—4.2(17A)** to **123—4.5(17A)**.

ITEM 2. Adopt the following **new** rule 123—4.1(17A):

For more information related to renumbering, see the “Restructuring” section later in this document.

### *Allowing for Future Growth*

When adopting a new rule or chapter, consider if it is likely that additional, related rules will be adopted in the future. If it is likely, then it may be helpful to include a series of reserved rules in the new chapter or to add an item to the rule-making document that reserves unused rule numbers within an existing chapter for future use.

Here is an example of how unused rules may be reserved for future use when a new rule is being adopted:

ITEM 1. Adopt the following **new** rule 123—4.5(17A):

ITEM 2. Reserve rules **123—4.6** to **4.8**.

## Basics of Drafting Amendments and Rules

### *Basic Mechanics*

- For simple amendments to a rule, create items in the Rule-Drafting Template directly. **Use the striking and underscoring format buttons** on the template ribbon.
- **IMPORTANT: Do not use Track Changes or autonumbering in a rule-making document. All changes to existing rule language must be shown by using striking and underscoring formatting.**
- All existing rule text must be accounted for, and changes to it must be shown accurately.
  - Strike text to be removed from the rule; do not delete existing rule language.
  - Any new text, even new punctuation, must be added and then formatted with underscoring.
  - If incorrect basic material is used or if existing text is altered in any way other than by using striking and underscoring, mistakes could be printed in the Iowa Administrative Bulletin or Iowa Administrative Code.
- Items containing only new text, such as a new rule, chapter, or subpart, can be created and drafted in the Rule-Drafting Template since it is a Word product.

### *Additional Pointers*

- When drafting multiple complex amendments to an existing chapter or rule, it may be useful to prepare a preliminary draft by writing amendments on a copy of the current version of the chapter.
  - This practice can help with visualizing and organizing changes before drafting the amendments in the Rule-Drafting Template.
  - Either printing out a paper copy or marking up an electronic copy/PDF can be helpful.
  - It is best to use the original version of the chapter or rule. Do not retype the content in the chapter or use a copy typed or revised by others, due to the chance of errors or misrepresenting the content of the rule.
  - When adding extensive material to a chapter or rule, indicate the new material in a separate insert and indicate the point of insert on the copy.
  - Remember that inserted new material to the chapter or rule must be underlined unless the new part is going to be added as a separate item containing only that new text. Similarly, material to be deleted must be stricken unless the stricken material is going to be removed by using a “Rescind” item type in the template.
  - Once you have a sense of where material is to be added or removed and generally how the amended or new wording will read, return to the template to draft your items and change the text as shown in your marked-up chapter.
- Rules and rule subparts should not be lengthy, since long rules and sentences are harder to understand. If a series is needed, the content can be divided into subrules, paragraphs, or subparagraphs. The use of these subparts is helpful in allowing the reader to understand the complete components of the rule.
- If you are copying material from the Iowa Code or another source and adding it in rules, be sure to make coordinating changes to words and cross-references in the text so that the text fits the

context of a rule. For instance, references such as “this section” should be changed to a complete Iowa Code reference (e.g., “Iowa Code section 17A.3”) or to a rule reference (e.g., “this rule,” “this subrule”).

## Amending Existing Rules

### *Amendment Breadth*

In general, a part of a rule is easier to amend than an entire rule or chapter, and amending narrowly is preferred unless providing context is important for your audience. If more than one part of the same rule is to be amended, amending the rule may be preferable, rather than having a separate item to amend each part of the rule. The unamended parts of the rule may be marked as “No change” if providing context is not a consideration (see “Leaving Text Unamended” below). Additionally, consecutive rules or parts of rules (e.g., subrules 1.2(3) to 1.2(6)) may be amended in the same item or in separate items. Subrules that are not consecutive (e.g., subrules 1.2(3) and 1.2(5)), however, should be amended in separate items. This guideline also applies to items that adopt new or rescind rules or parts of rules.

### *Striking and Underscoring*

The following guidelines apply to striking and underscoring

- Stricken text precedes underscored text. For example:
  - a. ~~The licensee shall provide an individual certificate of completion issued to the licensee or evidence of successful completion of the course from~~ by the course sponsor. ~~These documents~~ This document must contain the course date, title, contact hours, sponsor and licensee’s name.
- If any existing word or its style (e.g., capitalized or lowercase) is to be changed, the word must be changed by means of striking/underscoring.
- Every existing or added word or punctuation mark in an existing rule must be accounted for and can only be changed by striking/underscoring. Show stricken words rather than deleting any words. Add new words only by showing them with underscoring.
- Strike and underscore whole words and numbers, rather than parts of words or numbers. For example: Strike ~~words~~, not words. Underscore words, not ~~words~~.

### *Other Aspects of Amending Existing Rules*

For guidance on adding new content to an existing rule or rescinding or restructuring part of an existing rule as part of the amending process, see the sections “Guidelines for Adding New Rule Parts” and “Rescinding a Rule Part” below.

## Adding New Content

When writing an [item](#) that includes only new text, such as a new chapter or rule, underscoring the text is unnecessary since all the text in the item is new. The word "**new**" is included in the [item statement](#) to indicate this.



When drafting new list content, it is preferable to end the items in the list with periods rather than semicolons to avoid the need for adjusting punctuation when future content is added or removed. To convey the idea that all the items in the list are included, use a phrase like “all of the following” or “including but not limited to the following” in the introduction. To convey that not all of the items are included, use a phrase like “one of the following” or “one or more of the following.”

**NOTE:** Do not use autonumbering when drafting new rule content. To turn off automatic bullets and numbering in Word:

- Go to File > Options > Proofing.
- Select “AutoCorrect Options,” and then select the “AutoFormat As You Type” tab.
- Select and clear “Automatic bulleted lists” and “Automatic numbered lists.”
- Press OK.

## Guidelines for Adding New Rule Parts

### *Restructuring*

“Restructuring” means reorganizing or changing the letters or numbers assigned to rules or rule parts. If a newly added rule or rule part needs to precede one or more rules or rule parts that already exist, it will be necessary to use an item to renumber the existing rules or parts. Then the new rule or part can be assigned the number that was previously assigned to the existing one.

If a new part is added as an amendment within a rule, you can restructure the other parts of the rule within a single item. In the example below, paragraph “b” is relettered as “c” to make room for a new paragraph “b”:

ITEM 1. Amend subrule 1.4(3) as follows:

**1.4(3)** *State accounting enterprise.* The state accounting enterprise was created to provide for the efficient management and administration of the financial resources of state government. The chief operating officer, appointed by the director, heads the enterprise. The following have been functions are carried out within the state accounting enterprise:

*a. Accounting and daily processing.* Accounting and daily processing includes the functions of daily processing, income offset, and financial systems.

*b. Auditing.* Auditing includes the periodic review of agencies expenditures.

~~*b. c.*~~ *Other functions.* The state accounting enterprise also includes financial reporting, the I/3 program team, and centralized payroll.

The benefit to restructuring in one item, as shown above, is that all the context can be shown.

When restructuring by amending the text, restructure by changing the number or letter rather than the existing rule content. Restructuring the letter or number is more efficient and avoids giving the mistaken impression that existing text is new (because it has been stricken and then added back in a different location).

Below is an example of changing the existing rule content. As can be seen, this amendment repeats too much content. **Avoid** restructuring in this way.

ITEM 1. Amend subrule 1.4(3) as follows:

**1.4(3) State accounting enterprise.** The state accounting enterprise was created to provide for the efficient management and administration of the financial resources of state government. The chief operating officer, appointed by the director, heads the enterprise. The following have been functions are carried out within the state accounting enterprise:

*a. Accounting and daily processing.* Accounting and daily processing includes the functions of daily processing, income offset, and financial systems.

~~*b. Other functions.* The state accounting enterprise also includes financial reporting, the I/3 program team, and centralized payroll.~~

*b. Auditing.* Auditing includes the periodic review of agencies expenditures.

~~*c. Other functions.* The state accounting enterprise also includes financial reporting, the I/3 program team, and centralized payroll.~~

As an alternative to restructuring by amending the text, for a more concise method that uses less space, you can use multiple items to restructure the rule, one part at a time. In the example below, the same text is amended as in the first example above, with the same outcome. However, rather than showing all the text, the rule making uses one item to reletter paragraph “b” as paragraph “c” and another item to show new paragraph “b.”

ITEM 1. Reletter paragraph **1.4(3)“b”** as **1.4(3)“c.”**

ITEM 2. Adopt **new** paragraph **1.4(3)“b”** as follows:

*b. Auditing.* Auditing includes the periodic review of agencies expenditures.

Be aware that when restructuring using this alternative method, the renumbering of a subrule must remain within the same rule and the relettering of a paragraph must remain within the same subrule. For example, subrule 1.4(3) cannot be renumbered as 1.5(3) and paragraph 1.4(3)“b” cannot be relettered as 1.4(4)“b.” If you need to move a subrule or paragraph into a different rule or subrule, you must create items rescinding the original and inserting it in its new location.

**NOTE:** Whenever the numbering or lettering within a rule or chapter is changed by an item, any cross-references to the restructured numbers or letters need to be updated in items within the rule making as well. The best way to find the cross-references is to open a PDF of your agency’s rules using the Quick Search function on the Iowa Legislature’s [Administrative Rules web page](#) and then using Ctrl + F to search for instances of the restructured number or letter. The arrow in the screenshot below shows the Quick Search function on the web page:

# RULE WRITER HANDBOOK

## PART B: RULE-WRITING GUIDE

The Iowa Legislature > Iowa Law & Rules > Iowa Administrative Rules

**Iowa Administrative Rules**

Overview  
Administrative rules implement or interpret law, prescribe policy, or describe the organization, procedure, or practice requirements of an executive branch agency.

**Iowa Administrative Code (IAC)** (Current & Archive) - Composite of all adopted administrative rules organized by publication date (Official - PDF format and Unofficial - PDF and RTF formats).

**Administrative Rules by Effective Date** - Administrative rules organized by agency with effective dates noted.

**Iowa Administrative Code Index** - Index of general subject matters and concepts within the Iowa Administrative Code.

**Iowa Administrative Bulletin (IAB) and IAC Supplement** (Current & Archive) - Biweekly notice of all proposed and adopted changes to administrative rules and biweekly compilation of replacement IAC chapters (Official Version - PDF format).

**Iowa Administrative Code**  
Quick Search  
e.g., 11, 11.1, 11.1.1

**Rule-Making Document**  
Quick Search  
ARC e.g., 1000

**Agency, Chapter, or Rule By Publication & Effective Dates**  
Quick Search  
e.g., 11, 11.1, 11.1.1

Rules Tracker

The next screenshot shows an example of searching for a number within an agency's rules:

Iowa Legislature - Iowa Administr... x 441.pdf

legis.iowa.gov/docs/iac/agency/441.pdf

79.1(4) 1/2

441.pdf 1 / 1839 99%

IAC 7/28/21 Human Services[441] Analysis, p.1

**HUMAN SERVICES DEPARTMENT[441]**  
Rules transferred from Social Services Department[770] to Human Services Department[498], see 1983 Iowa Acts, Senate File 464, effective July 1, 1983.  
Rules transferred from agency number [498] to [441] to conform with the reorganization numbering scheme in general, IAC Supp. 2/11/87.

TITLE 1  
GENERAL DEPARTMENTAL PROCEDURES

CHAPTER 1  
DEPARTMENTAL ORGANIZATION AND PROCEDURES

1.1(17A) Director  
1.2(17A) Council  
1.3(17A) Organization at state level  
1.4(17A) Field operations structure  
1.5 Reserved  
1.6(17A) Mental health and developmental disabilities commission  
1.7(17A) Governor's developmental disabilities council (governor's DD council)  
1.8(17A,217) Waivers of administrative rules (hereinafter referred to as exceptions to policy)  
1.9 Reserved  
1.10(17A,514I) HAWK-1 board

CHAPTER 2  
CONTRACTING OUT DEPARTMENT OF HUMAN SERVICES  
EMPLOYEES AND PROPERTY

2.1(23A,225C) Definitions  
2.2(23A,225C) Contracts for use of the services of department employees  
2.3(23A,225C) Contract provisions

### Parallel Structure

When adding new parts to a rule, make sure the new parts fit within the structure of the rule and are parallel to the other related parts. Parallel means that the parts are all phrased and structured in a similar way.

The parts should all complete any introductory language. In other words, if the part completes a sentence, the completed sentence should make sense grammatically. If necessary, the introductory language can be amended to ensure parallel structure.

The subrule shown in the example below contains introductory language (i.e., the language preceding the paragraphs) followed by four paragraphs that connect to and complete the introductory language:

**2.4(6)** Notwithstanding any other provision, the following information will not be considered confidential by the department:

- a.* Emission data.
- b.* Analytical results of monitoring or public water supply systems.
- c.* Name and address of any permit applicant.
- d.* NPDES permits and effluent data.

When a new paragraph “e” is added to the subrule above, the new paragraph “e” should be parallel to the other paragraphs and make sense in connection with the introductory language.

The below item is **parallel** and is **correct**:

ITEM 2. Adopt the following **new** paragraph **2.4(6)“e”**:

- e.* Department inspection reports.

The below item is **not parallel** and is **incorrect**:

ITEM 2. Adopt the following **new** paragraph **2.4(6)“e”**:

- e.* Department inspection reports shall not be considered confidential.

### ***Amending Punctuation***

When adding new parts to a rule, check whether the punctuation in the preceding part needs to be adjusted. The subrule in the example below uses semicolons after each paragraph, with a period after the final paragraph:

**2.4(6)** Notwithstanding any other provision, the following information will not be considered confidential by the department:

- a.* Emission data;
- b.* Analytical results of monitoring or public water supply systems;
- c.* Name and address of any permit applicant; and
- d.* NPDES permits and effluent data.

When a new final paragraph is added at the end, the punctuation in the existing final two paragraphs needs to be amended. The amendments to the subrule should strike the incorrect punctuation in the existing paragraphs before adding the new paragraph.

The below item **amends the punctuation** and is **correct**:

ITEM 2. Amend subrule 2.4(6) as follows:

**2.4(6)** Notwithstanding any other provision, the following information will not be considered confidential by the department:

- a. Emission data;
- b. Analytical results of monitoring or public water supply systems;
- c. Name and address of any permit applicant; ~~and~~
- d. NPDES permits and effluent data- ; and
- e. Department inspection reports.

The below item **fails** to amend the punctuation and is **incorrect**:

ITEM 2. Adopt **new** paragraph 2.4(6)**“e”** as follows:

- e. Department inspection reports.

## Rescinding Existing Rules or Chapters

### *Reserving a Rescinded Rule or Chapter*

When a rule or, especially, a chapter is rescinded, the item statement for the rescission will typically include the words “Rescind and reserve.” “Reserve” means that the number for the rule or chapter is set aside and not used. The point of reserving the number of the rule or chapter is to avoid the need for renumbering subsequent rules or chapters that follow the rescinded rule or chapter.

Below is an example of an item rescinding and reserving a chapter:

ITEM 2. Rescind and reserve **123—Chapter 2**.

For the [engrossment](#) of a “rescind and reserve” type of item, the content of the rule or chapter will be removed from the Iowa Administrative Code, but the rule [catchwords](#) and number or chapter title and number will remain.

Details about the rescission, including the Adopted and Filed rule making’s ARC number, publication date, and effective date, will be included after the rule catchwords or chapter title as a record of the rescission in the Iowa Administrative Code. This included data is called a “rescinded line.”

Below is an example of a rescinded line in the Iowa Administrative Code:

**261—55.6(15) Award agreement. Rescinded ARC 5907C, IAB 9/22/21, effective 10/27/21.**

### **Replacing a Rescinded Rule or Chapter**

If the rescinded rule or chapter will be replaced by a new rule or chapter with the same number, the item statement will include both the rescission of the existing rule or chapter and the adoption of the replacement rule or chapter. This type of item is often called “rescind and replace.”

Below is an example of an item statement for an item rescinding a rule and adopting another in its place, or “rescinding and replacing” a rule:

ITEM 3. Rescind rule 123—3.5(17A) and adopt the following **new** rule in lieu thereof:

### **Renumbering**

When a rule is rescinded, subsequent rules are often renumbered. When this happens, the rule making will include an item rescinding the rule and a second item renumbering the subsequent rules.

An example is below:

ITEM 4. Rescind rule **123—4.1(17A)**.

ITEM 5. Renumber rules **123—4.2(17A)** to **123—4.4(17A)** as **123—4.1(17A)** to **123—4.3(17A)**.

### **Rescinding Part of a Rule**

When part of a rule, such as a paragraph, is rescinded, that rule part may be reserved or replaced as described in “Rescinding Existing Rules or Chapters” above.

If an existing part of a rule located organizationally before other existing parts is rescinded but not reserved or replaced, it will be necessary to renumber/reletter the parts that follow the rescinded part.

You may restructure the other parts of the rule within one item if the rescinded part is stricken as an amendment within a rule.

In the example below, paragraph “b” is stricken, and as a result, paragraph “c” is relettered to become new paragraph “b”:

ITEM 1. Amend subrule 1.4(3) as follows:

**1.4(3) State accounting enterprise.** The state accounting enterprise was created to provide for the efficient management and administration of the financial resources of state government. The chief operating officer, appointed by the director, heads the enterprise. The following have been functions are carried out within the state accounting enterprise:

*a. Accounting and daily processing.* Accounting and daily processing includes the functions of daily processing, income offset, and financial systems.

~~*b. Auditing.* Auditing includes the periodic review of agencies expenditures.~~

*e. b. Other functions.* The state accounting enterprise also includes financial reporting, the I/3 program team, and centralized payroll.

Alternatively, you may add an additional item to your rule-making document to renumber/reletter the existing parts that come after the rescinded one. In the example below, the same text is amended as above, with the same outcome. However, rather than showing all the text, the rule making uses one item to rescind paragraph “b” and another item to reletter paragraph “c” as paragraph “b.”

ITEM 1. Rescind paragraph 1.4(3)“b.”

ITEM 2. Reletter paragraph 1.4(3)“c” as 1.4(3)“b.”

For additional pointers on restructuring, see “Restructuring” under “Guidelines for Adding New Rule Parts” above.

### Leaving Text Unamended

If some parts of an amended rule are not being amended, there are two ways to indicate this:

- The unamended text can be shown as normal with no strikes or underscores. This option is best if you want to provide context for the amendments that are being made.
- Alternatively, you have the option of marking the unamended part as “no change” to avoid having to show the unamended text. The benefit to this option is that it makes rule makings more concise and takes up less space.

Any lettered or numbered part of a rule may be marked as “no change.” However, note that it is not possible to mark introductory or unlettered/unnumbered paragraphs or definitions as “no change.”

Example of an item in which the unamended text is shown:

ITEM 2. Amend rule 645—4.11(272C) as follows:

**645—4.11(272C) Audit of continuing education.** The board may ~~select licensees a licensee for~~ audit a licensee following license renewal.

**4.11(1)** Licensees shall provide information to the board for auditing purposes as follows:

*a.* The licensee shall provide an individual certificate of completion issued to the licensee ~~or evidence of successful completion of the course from~~ by the course sponsor. ~~These documents~~ This document must contain the course date, title, contact hours, sponsor and licensee’s name.

*b.* Information identified in paragraph 4.11(1)“a” must be submitted within 30 days after the date on the letter of notification of the audit. Extension of time may be granted on an individual basis.

**4.11(2)** For auditing purposes, all licensees must retain the information identified in paragraph 4.11(1)“a” for two years after the biennium has ended.

Example of the same item with the unamended text marked as “no change”:

ITEM 2. Amend rule 645—4.11(272C) as follows:

**645—4.11(272C) Audit of continuing education.** The board may ~~select licensees a licensee for~~ audit a licensee following license renewal.

**4.11(1)** Licensees shall provide information to the board for auditing purposes as follows:

*a.* The licensee shall provide an individual certificate of completion issued to the licensee ~~or evidence of successful completion of the course from~~ by the course sponsor. ~~These documents~~ This document must contain the course date, title, contact hours, sponsor and licensee's name.

*b.* No change.

**4.11(2)** No change.

## Catchwords

Catchwords are key words or phrases included at the beginning of rules and some rule parts. They introduce or summarize the key point or main idea of a rule or rule part. Catchwords are not a legally enforceable part of the rules; they function to improve organization.

### *Catchwords for Rules*

Every rule must have catchwords. Rule catchwords are always in bold.

### *Catchwords for Rule Parts*

Catchwords are optional for the parts of a rule (i.e., subrules, lettered paragraphs). However, catchwords for parts of a rule in long rules should be used where possible because they improve the comprehensibility of the rule and can serve as a guide for the reader.

Generally, if catchwords are included in one part of a rule, they should be added to all the parts of that type (i.e., all subrules or all paragraphs). If all the rule parts with the same level of hierarchy have catchwords, all of those catchwords are in italics. Otherwise, if some of the rule parts have catchwords but some do not, then none of the catchwords are italicized.

When adding new rule parts to an existing rule, follow these guidelines for catchwords.

- If existing rule parts have catchwords, include catchwords for any newly added part. For example, if existing subrules 1.1(1) to 1.1(5) have catchwords, and new subrule 1.1(6) is being added, then new subrule 1.1(6) should have catchwords too.
- If a rule part is being added that does not have catchwords (i.e., does not follow the above guideline), the existing catchwords will be deitalicized when the new rule part is incorporated into the rule.
- If catchwords don't seem appropriate for the new rule part, this may be an indication of an organizational issue with the new content. Make sure the new content relates to the broad subject of the rule. Also consider whether the new content should be added to an existing rule part on the same subject rather than creating a new rule part.



### **Writing Catchwords**

Follow these guidelines when writing catchwords:

- Make sure that the subject matter of the rule or rule part is adequately expressed in the catchwords.
- Catchwords should be brief but sufficient to provide a guide to the content of the rule or rule part.
- Catchwords are often unneeded for lettered paragraphs and subparagraphs, since content at that rule level often consists of a list of items or a series of sentence fragments that complete introductory language. In those circumstances, adding catchwords can confuse the intended meaning.
- Catchwords should generally not be added if the content that follows the catchwords is not a complete sentence.

### **Headings**

Headings can be used for organization between or within chapters. See the [Organization of Administrative Rules](#) document for types and examples of headings.

Headings take the form of a short phrase describing the content of the rules that follow. Headings are written in small caps and centered over the text underneath.

Example:

ALLOCATION AND APPORTIONMENT

**701—59.25(422) Basis of franchise tax.** Iowa Code section 422.60 imposes a franchise tax on financial institutions (as defined in 701—subrule 57.1(2)) for the privilege of doing business within the state. The tax is measured by net income. For financial institutions subject to the tax, the tax is levied and collected only on income which may accrue or be recognized to the financial institutions from business done or carried on in the state plus net income from certain sources without the state which by rule follows the commercial domicile of the financial institution.

Note that headings cannot precede a reserved rule or chapter. For a heading to be used, there must be content in the rule or chapter.

### **Definitions**

Rules can be made clearer or their length reduced through the use of definitions. Definitions are useful to:

- Limit or extend the meaning of a word, particularly if the word is used in ways other than its normal sense or has several meanings.
- Make a term or phrase clearer when the writer uses a term or phrase that is commonly understood but has slight variations in meaning.
- Translate technical terms or terms of art into common language.

- Avoid repetition of a phrase or term.

Often, a chapter in the Iowa Administrative Code will include a rule dedicated to definitions of specific terms used in the chapter. Some agencies even have an entire chapter of definitions that applies to all the agency's rules. Your document will be clearer if, after familiarizing yourself both with your agency's defined terms as well as defined terms in the statute being implemented, you define specific terms and use them consistently and accurately.

Consider adding a new definition if you want a particular term to have a specific meaning other than its usual meaning. A new definition is essential if the term or phrase to be used is not commonly understood or does not have a generally accepted meaning. In contrast, commonly understood words need not be defined.

Keep in mind the following additional guidelines for writing definitions:

- If a definition applies to only one rule, it should be located in that rule.
- A definition should not include substantive requirements.
- Once a word is defined, the writer must be careful to use the word as defined.
- It is not necessary to repeat a definition once a word has been defined.
- When a rule is revised to change a defined term, the writer should be especially careful to change the defined term every time it appears in the agency's rules.

As an example of a helpful use of definitions, when writing a rule, a writer may wish to refer to facilities offering some type of medical service. The rule might cover hospitals, nursing homes, mental health institutions, custodial homes, homes for the elderly and other similar facilities.

Rather than mentioning each individual facility many times within a rule, the rule writer can shorten the rule by including a definition of the term "medical facility." The rule writer would define the term "medical facility" to mean all of the types of facilities listed above, but the rule would only need to use the term "medical facility" in order to refer to all those facility types.

If one type of facility is to be excluded from a particular part of the rule, the rule writer can simply add this exclusion to the definition. For example, the writer could define "medical facility" as follows:

*"Medical facility"* means facilities offering medical services, including hospitals, nursing homes, mental health institutions, custodial homes, homes for the elderly and other similar facilities, except nursing homes.

### **Changes from the Notice**

["Changes from the Notice"](#) refers to changing the rules or amendments from how they were published in the Notice of Intended Action so that they are different in the Adopted and Filed. If you need to make changes from the Notice, revise the Adopted and Filed rules and amendments so that they read the way you want them to be published in the Iowa Administrative Bulletin (i.e., with the changes from the Notice of Intended Action incorporated in them).

To input changes in the body of the Adopted and Filed rule making, follow this process:

- For any existing IAC text, make sure to strike/underscore to make additional changes so that the amended text will read the way you want.

- Strike existing IAC text you want to remove.
- For an “amend” item, delete any underscored (i.e., new) text that you do not want to keep, instead of striking the underscored text.
- For an item that contains only new text, simply revise the text so that it reads the way you intend. Do not use striking or underscoring.
- If you are not adopting an item that was proposed in the Notice or if you are adding a new item, remove or add the item as necessary and renumber any subsequent items.
- In the appropriate text entry box of the Rules Management System filing form, describe the changes from the Notice you have made. That description will then appear in the “Public Comment and Changes to Rule Making” section of the published Adopted and Filed.

Example of an item that has been changed after publication of the Notice:

Item as proposed in the Notice:

ITEM 3. Amend rule 645—4.13(272C) as follows:

**645—4.13(272C) Grounds for disciplinary action.** The board may take formal disciplinary action on any of the following grounds:

1. Failure to cooperate with a board audit.
2. Failure to meet the continuing education requirement for licensure.
3. Falsification of information on the license renewal form.
4. Falsification of continuing education information.
5. Failure to inform the board of a felony arrest.

Same item in which changes from the Notice (in paragraphs “3” and “5”) have been made to add or remove text as necessary:

ITEM 3. Amend rule 645—4.13(272C) as follows:

**645—4.13(272C) Grounds for disciplinary action.** The board may take formal disciplinary action on any of the following grounds:

1. Failure to cooperate with a board audit.
2. Failure to meet the continuing education requirement for licensure.
3. Falsification of information on the license application or renewal form.
4. Falsification of continuing education information.
5. Failure to inform the board of a misdemeanor arrest and conviction relating to practice of the profession or of any felony arrest.

### Implementation Sentences

An implementation sentence cites the statute or statutes the rule is intended to carry out. The implementation sentence should cite the Iowa Code statute, Executive Order, or federal statute or regulation implemented by the rule.

In accordance with Iowa Code section 2B.5A(2), an implementation sentence must be included at the end of each rule in a chapter in the Iowa Administrative Code. Alternatively, a chapter can end with a single comprehensive implementation sentence that covers all the rules within a chapter if all the rules in the chapter implement the same statutes.

An implementation sentence is also included in the preamble of each rule-making document in the “State or Federal Law Implemented” section.

Example of an implementation sentence in the preamble of a rule-making document:

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 261; 2021 Iowa Acts, Senate File 285; and 2021 Iowa Acts, House File 868.

Example of a comprehensive implementation sentence for 701—Chapter 216, “Bundled Transactions,” in which all the rules in the chapter implement a single Iowa Code section pertaining to that topic:

These rules are intended to implement Iowa Code section 423.2(8).

Example of a chapter in which each rule has an implementation sentence citing the specific statutes the rule implements:

CHAPTER 380  
MOTOR VEHICLES OPERATED BY AN AUTOMATED DRIVING SYSTEM

**761—380.1(321) Applicability.** This chapter applies to driverless-capable motor vehicles operated by an automated driving system and system-equipped driverless-capable vehicles, which shall be regulated exclusively by the department under Iowa Code section 321.519.

This rule is intended to implement Iowa Code sections 321.514 to 321.519.

**761—380.2(321) Definitions.** The definitions in Iowa Code section 321.514 are adopted and incorporated herein. In addition:

*“ADS-equipped vehicle”* means the same as a driverless-capable vehicle as defined in this chapter.

*“Conventional human driver”* means the same as defined in Iowa Code section 321.514 but does not include a driverless-capable vehicle user.

*“Driverless-capable vehicle”* as defined in Iowa Code section 321.514 means the vehicle meets one of the following classifications:

1. Level 3—conditional driving automation. The vehicle is capable of achieving the sustained and specific performance of the entire dynamic driving task as provided in the operational design domain. An SAE Level 3 vehicle must have a conventional human driver present in the vehicle capable of responding to a request to intervene issued by the automated driving system, as well as to dynamic driving task performance-relevant system failures in other vehicle systems.

2. Level 4—high driving automation. The vehicle is capable of achieving the sustained and specific performance of the entire dynamic driving task as provided in the operational design domain. An SAE Level 4 vehicle does not require a conventional human driver and does not require a driverless-capable vehicle user present in the vehicle or performing remote operation to respond to a request to intervene issued by the automated driving system. A Level 4 vehicle is capable of fallback to a minimal risk condition without human intervention.

3. Level 5—full driving automation. The vehicle is capable of achieving the sustained and unconditional performance of the entire dynamic driving task. An SAE Level 5 vehicle is capable of performing all driving functions under all conditions. A Level 5 vehicle does not require a conventional human driver and does not require a driverless-capable vehicle user present in the vehicle. A Level 5 vehicle is capable of fallback to a minimal risk condition without human intervention.

*“Driverless-capable vehicle user”* means a natural person who does not control the in-vehicle accelerating, braking, steering, and transmission gear selection input devices in order to operate a motor vehicle and who is not otherwise expected to respond to a request to intervene issued by the automated driving system of a driverless-capable vehicle.

*“Functional highway classifications”* means the process by which streets and highways are grouped into classes, or systems, according to the character of service the street or highway is intended to provide, and may include but not be limited to a functional highway classification established under 23 CFR Section 470.105.

*“Operational design domain”* means the same as defined in Iowa Code section 321.514 and can be either a specific document or set of documents, including electronic documentation, defining the domain under which an automated driving system is designed to properly operate.

*“Public highways”* means the same as “street” or “highway” as defined in Iowa Code section 321.1.

*“SAE”* means society of automotive engineers, which is an international association reputed for its standards development efforts, including its efforts to standardize definitions of driving automation systems.

This rule is intended to implement Iowa Code sections 321.1 and 321.514 and 23 CFR Section 470.105.

**761—380.3(17A) Information and addresses.** Information and forms pertaining to driverless-capable vehicle testing permits and vehicle registration and operational restrictions issued by the department or

a county treasurer for a driverless-capable vehicle may be obtained in the form and manner prescribed by the department by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3264; by email at [vsusto@iowadot.us](mailto:vsusto@iowadot.us); or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

This rule is intended to implement Iowa Code section 17A.3.

**761—380.4(321) Identification of driverless-capable vehicles in registration.** The classification level of a driverless-capable vehicle subject to registration under 761—Chapter 400 shall be listed in the department's records system established under Iowa Code section 321.31.

This rule is intended to implement Iowa Code sections 321.20, 321.31, 321.515 and 321.519.

**761—380.5(321) Operational restrictions.** The department may impose operational restrictions on a driverless-capable vehicle as provided in rule 761—400.21(321) as a condition of registration of the vehicle.

This rule is intended to implement Iowa Code sections 321.515 and 321.519.

**761—380.6(321) Identification of driverless-capable vehicle networks.** A person seeking to operate a for-hire, driverless-capable vehicle network in Iowa, including an on-demand driverless-capable vehicle network, may be required to submit to the department the operational design domain or any other documentation required by the department to assess the operational capabilities for any driverless-capable vehicle to be used in the driverless-capable vehicle network as part of the application for the applicable permit under rule 761—524.3(325A) or 761—540.4(321N).

This rule is intended to implement Iowa Code sections 321.518 and 321.519.

## Using the Rule-Drafting Template

### Overview

This Word-based template is downloadable and accessible both through the Rules Management System and through the [Rule Writer Tool Kit](#) on the Iowa Legislature website. This template should also be used to draft the body of rule-making documents and to draft editorial change documents.

Advantages to using the Rule-Drafting Template to draft rules include:

- Easy access to your agency's current, accurate rules.
- Predrafted [item statements](#) that conform to the ones used in the Iowa Administrative Bulletin.
- Predrafted frameworks for new rules that can be copied and modified as needed to fit the rule you are drafting and that have the proper formatting (e.g., bold and italics) used in the Iowa Administrative Bulletin and Iowa Administrative Code.
- Easy access to the rtf of the published Notice (or other rule making), which makes preparing your Adopted and Filed document simple and fast.

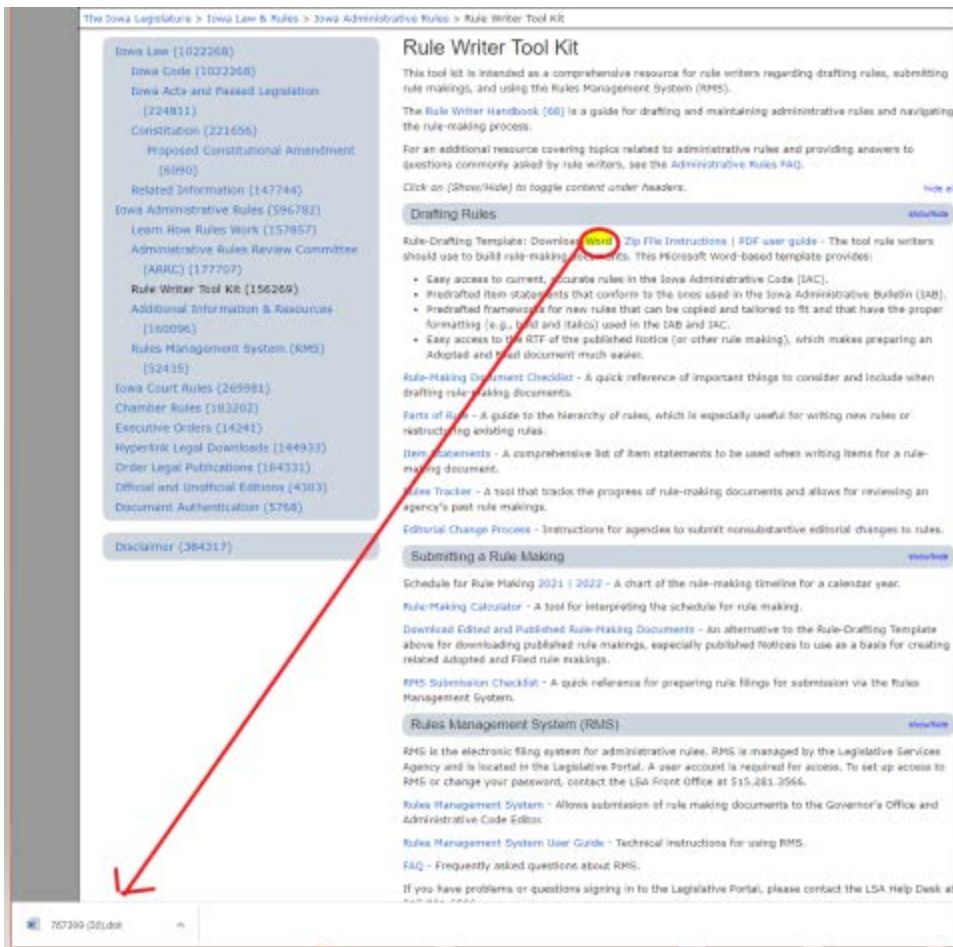
### Instructions for Using the Rule-Drafting Template

Instructions for using the Rule-Drafting Template are available on the Iowa Legislature website's Rule Writer Tool Kit and in the Rules Management System. Below is a brief explanation of how to use the template:

1. Download the Word template from the [Rule Writer Tool Kit](#) web page or the Rules Management System. The downloaded document may appear at the bottom of the web page, as shown:

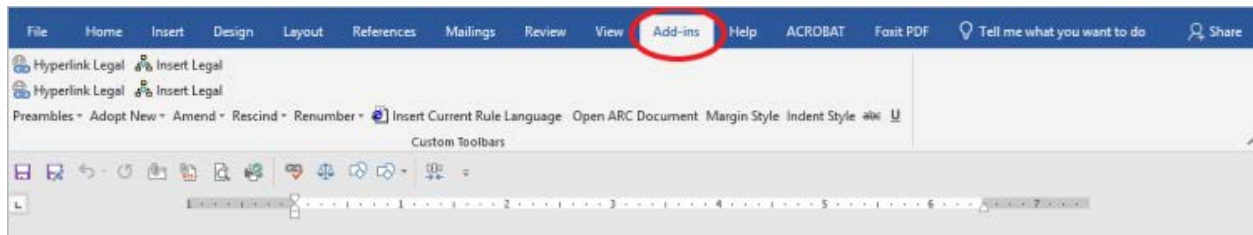
# RULE WRITER HANDBOOK

## PART B: RULE-WRITING GUIDE



2. Upon opening the template, you will see a blank page with a toolbar and a series of tabs at the top. Click on the “Add-ins” tab to access the template tools. If you see a yellow security warning about macros, press “Enable content.”

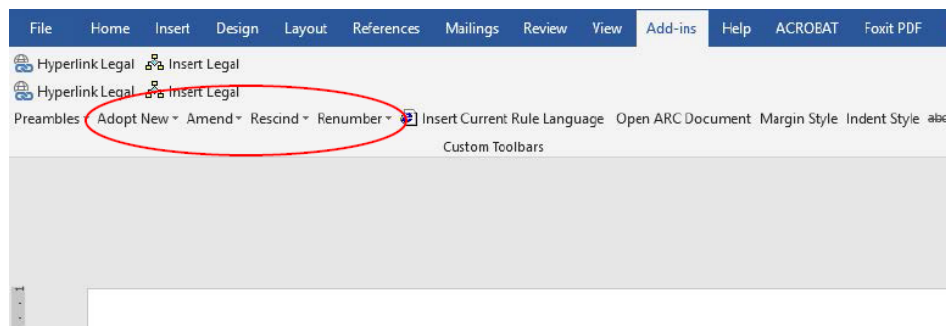
For information on how to use the template to prepare an Adopted and Filed rule making skip to **paragraph 8**.



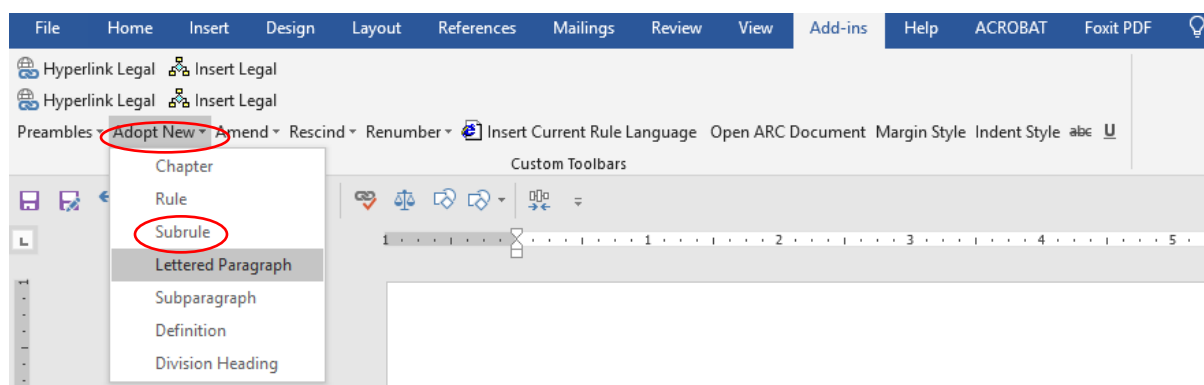
3. Since the preamble of the rule making is created as part of the submission in the Rules Management System, you may disregard the “Preambles” option on the template ribbon and begin by selecting the item type for your first item.

# RULE WRITER HANDBOOK

## PART B: RULE-WRITING GUIDE



4. If you are drafting a new rule or chapter, select the “Adopt New” dropdown menu and the rule type (i.e., chapter, rule, or rule subpart) you are drafting.



The item statement, correctly worded and formatted, followed by a formatted framework for the new rule type will generate in the Word document. Fill in the needed text by clicking on highlighted text and typing over it. You can also copy and paste parts of the framework to fit the structure of your rule (paste as “keep source formatting”). You can copy and paste in text from existing rules if needed. To bring in existing rule text for copy and pasting purposes, press the “Insert Current Rule Language” button on the template ribbon and fill in the fields of the dialog box.

Below are the item statement and framework that appear when “Adopt New” and “Subrule” are selected:

ITEM {item number}. Adopt the following new subrule(s) {chapter number}  
 .{rule number}({subrule number}):  
 {chapter number}.{rule number}({subrule number}) {Catchwords [if any].}  
 {insert new text}  
 {paragraph letter}. {insert new text}  
 ({subparagraph number}) {insert new text}  
 ({subparagraph number}) {insert new text}  
 {paragraph letter}. {insert new text}



# RULE WRITER HANDBOOK

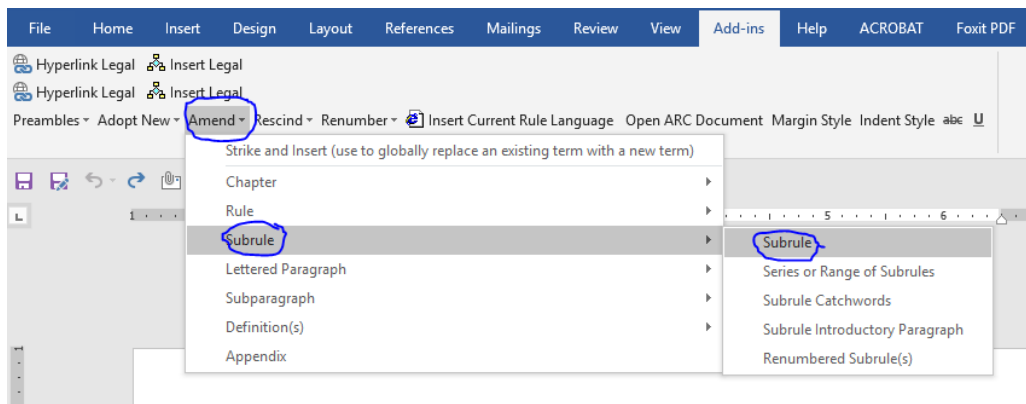
## PART B: RULE-WRITING GUIDE

Select the highlighted text and type in the correct information (e.g., enter “1” where it says “item number” for Item 1):

ITEM: {item number}. Adopt the following **new** subrule(s) {chapter number} {rule number}({subrule number}):¶  
{chapter number}.{rule number}({subrule number}) {Catchwords [if any]}.  
{insert new text}¶  
{paragraph letter}. {insert new text}¶  
( {subparagraph number} ) {insert new text}¶  
( {subparagraph number} ) {insert new text}¶  
{paragraph letter}. {insert new text}¶

**NOTE:** For items that contain only new text, such as the one above, there is no need to underscore the text. The item statement indicates the new text by using the bolded and underscored word “**new**.”

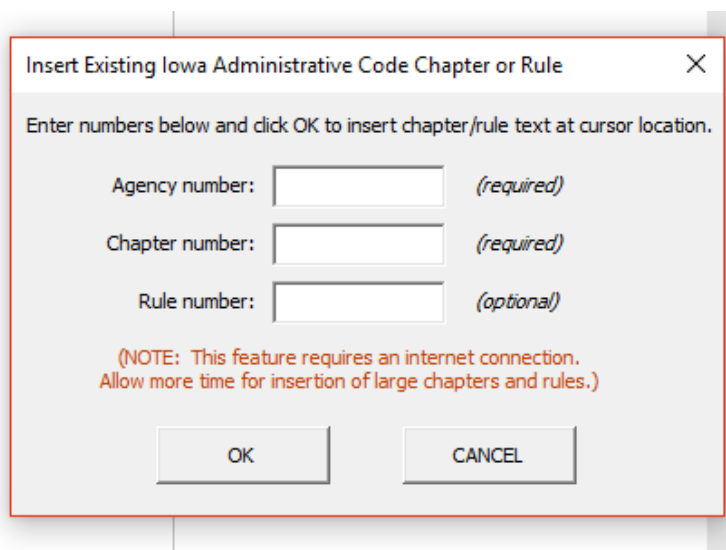
5. If you are amending a rule or rule subpart, select the “Amend” dropdown menu and the type of rule or subpart you are amending. Please note that although it is an option on the dropdown menu, amending an entire chapter in one item is not recommended because of potential difficulties with text-processing and engrossing the amendments.



This will generate an item statement framework for you to fill in, along with instructions to add the content for the rule or subpart you are amending:

ITEM {item number}. Amend subrule {chapter number}.{rule number}  
{subrule number} as follows:  
{insert content from IAC; use strike/underscore to show amendments}

To open a copy of the rules and insert the text needed for your item, use your cursor to select the yellow-highlighted “insert content ... amendments” statement and then select “Insert Current Rule Language” button on the template ribbon and fill in the fields in the dialog box and press OK. The content (rule level or chapter level) will generate in lieu of the highlighted statement beneath the item statement.



The text of the rule you selected will appear with correct formatting. If you are amending only a subpart of the rule, delete the unneeded parts of the rule so that only the part you are amending remains. Also delete any rule history or chapter history lines that appear.

If you are unsure about how the various parts of a rule are organized, see the document [“Parts of a Rule”](#) on the Rule Writer Tool Kit page of the Iowa Legislature website.

Following is an example of an “amend subrule 4.10(1)” item in which the text of the rule was generated by using the dialog box above. Shading has been added to the rule text to show the parts of the rule text the rule writer should delete so that only the text of subrule 4.10(1) remains.

ITEM 1. Amend subrule 4.10(1) as follows:

~~11—4.10 (8A,22) Routine use.~~

~~4.10(1) Defined. “Routine use” means the disclosure of a record without the consent of the subject or subjects for a purpose which is compatible with the purpose for which the record was collected. “Routine use” includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.~~

~~4.10(2) To the extent allowed by law, the following uses are considered routine uses of all records under the jurisdiction of the department:~~

~~a. Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may upon request of any officer or employee, or on the custodian’s own initiative, determine what constitutes legitimate need to use confidential records.~~

~~b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.~~

~~c. Disclosure to the department of inspections and appeals for matters in which it is performing services or functions on behalf of the department.~~

~~d. Transfers of information within the department, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.~~

~~e. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the department is operating a program lawfully.~~

~~[ARC 1568C, IAB 8/6/14, effective 9/10/14]~~

Delete

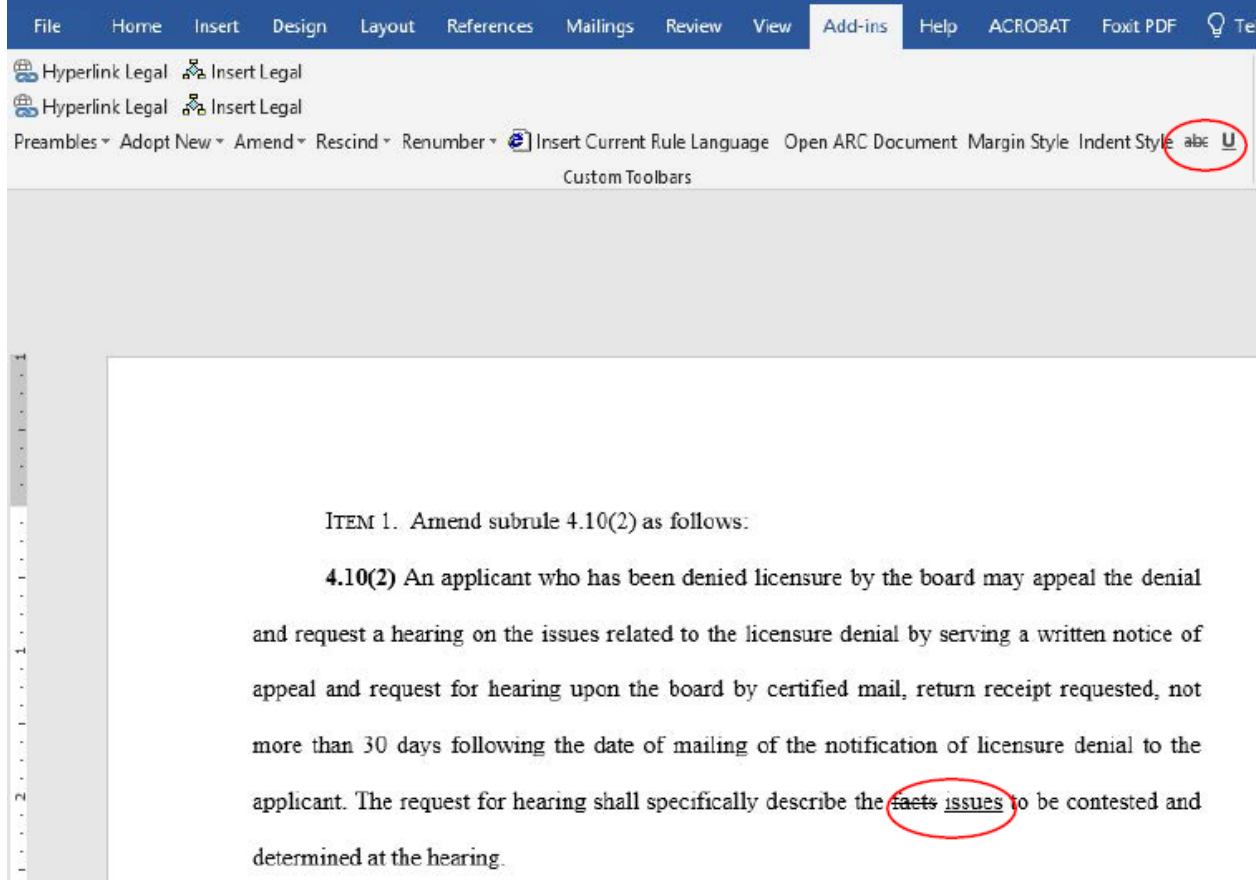
Use the strike and underscore buttons on the template ribbon to amend text. Stricken (removed) text should precede underscored (added) text. Strike or underscore whole words and numbers, not single letters or digits.

**NOTE:** Do not use Microsoft Word’s Track Changes function instead of striking and underscoring. The editors in the Publications Editing Office will return documents containing Track Changes to the author.

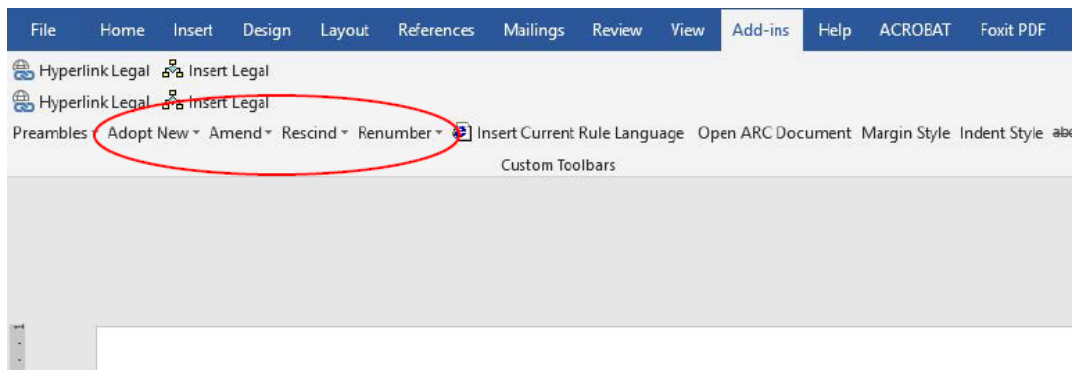
Below is an example of text that has been correctly amended using the strike and underscore buttons.

# RULE WRITER HANDBOOK

## PART B: RULE-WRITING GUIDE



6. To create other types of items, use the appropriate dropdown menus on the template ribbon. The Rule-Drafting Template accommodates most types of items. If you need assistance, contact the Publication Editing Office.



7. When you have finished creating all the items for the body of your rule-making document and saved the document, review the document for accuracy. You may find it helpful to complete the [rule-making document checklist](#) included on the [Rule Writer Tool Kit](#) page on the Iowa Legislature’s website. When the document is ready, upload it as part of your submission in the Rules Management System.

# RULE WRITER HANDBOOK

## PART B: RULE-WRITING GUIDE

Filing Info | Fiscal Impact | **Rule Changes & Compilation**

**Preamble**

Optional: Upload supporting attachment(s) for preamble.

No file chosen

*Non-text attachments (e.g., tables, images) to be inserted in generated preamble.*

Comments/instructions regarding placement of attachment(s)

**Upload Rule Changes**

No file chosen

*Please ensure that the attached document does not contain Track Changes.*

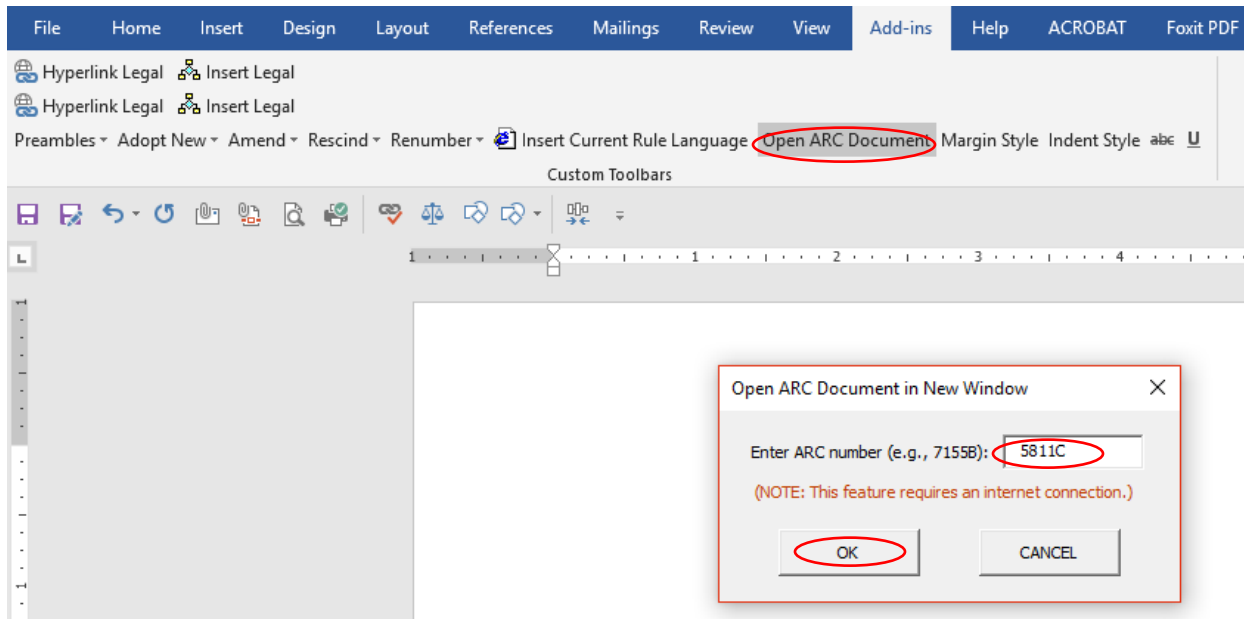
**Comments to editors**

**Submit for filing**

Check this box to verify all information is complete and accurate, then click **Submit Filing** to submit your filing for publication. Notice of Intended Action filings will be forwarded to the Governor's Office for review and preclearance. All other filings will be forwarded to the Publications Editing Office (Admin Code) for publication in the Iowa Administrative Bulletin and Supplement.

Please note: After submission of this filing, if you wish to transmit additional information or change information for this filing, please contact the Publications Editing Office (Admin Code).

8. To prepare an Adopted and Filed rule-making document, click on the "Open ARC Document" button on the template ribbon, enter the ARC number of the related published Notice of Intended Action in the dialog box, and press OK. The template will automatically fill in the Notice's content for use in preparing your Adopted and Filed rule making.



Delete the Notice preamble content, and format the remaining text as double-spaced. If the body of the Adopted and Filed rule making will be identical to that of the Notice, use “Save as” to save the new document and upload it to your Adopted and Filed submission in the Rules Management System (see **paragraph 7** above). If the body of the Adopted and Filed rule making will have changes, you will need to input the changes as explained in the “Changes from the Notice” section above and then save and submit the new document.

## Final Checklist

This [rule-making document checklist](#) is a useful tool for making sure every step has been completed before submitting a rule-making document.

## Special Types of Amendments and Rules

### Adoption by Reference

#### *Basics of Adoption by Reference*

Adoption by reference, also called incorporation by reference, is a legal tool that allows an agency to take a standard published by another entity and make it an enforceable part of the agency’s rules without reprinting the entire text of the standard in the agency’s rules.

When deciding whether to use adoption by reference, consider:

- The statutory parameters.
- The importance of the adopted material to the rule.
- The need to enforce standards as part of the rule.
- The availability of the material adopted by reference.

The advantages of adopting standards by reference include:

- Eliminating errors that may be introduced when material is transcribed into rule format.
- Encouraging consistency in the state’s implementation of the external requirements.
- Simplifying updates, making it only necessary change a single date or similar reference instead of updating vast amounts of text.
- Eliminating the expense of republishing material that is already publicly available.

The Iowa Administrative Code does not contain the actual text of every administrative rule. A large amount of rule making either implements verbatim federal regulations or implements various types of national codes, such as the National Building Code or National Electrical Code. In these cases, the code is actually published through other sources. Often, especially with engineering or similar codes, the material is used by a highly specialized and limited readership. In those cases, drafting the actual language into Iowa rules would be impracticable; so the solution is to adopt a rule that references the material by a citation and a reference to the code’s location.

Iowa Code section [17A.6\(2\)](#) specifically requires that an agency that adopts material by reference must provide a copy of the publication containing the standards to the Administrative Code Editor. The Administrative Code Editor deposits the copy in the State Law Library, where it is available for inspection

and reference. Iowa Code section [17A.6\(3\)](#) provides for alternative procedures if the material in question is proprietary.

### ***How to Adopt by Reference***

When writing a rule and adopting a standard by reference, keep the following guidelines in mind:

- Make sure to explicitly state that the material is “adopted by reference” and state the date, issue, or version of the material being incorporated. Keep in mind that the courts have at times invalidated prospective adoption by reference; therefore, phrases like “as amended” or “including future amendments” should be avoided.
- Be as specific as possible in describing the material to be adopted, and check citations for accuracy.
- When an agency updates an adoption by reference (for example, changes a year from 2018 to 2020 on a document adopted by reference), whether federal or private, the preamble should provide information about the substance of the updates in the document.
- Adoptions by reference of private documents must include a [date certain](#), edition number, or similar time-limited reference. Dates certain for adoptions by reference of federal law or regulations are optional but recommended.
  - A date certain may be the date the material is published, the date it is made effective or any other date that ties the material to a specified point in time.
  - The effect is that the adoption by reference does not include any later amendments to the adopted material.

### **Nonsubstantive Updates to Rules Outside the Rule-Making Process**

Changes to an agency’s address, phone number, or other contact information, or other nonsubstantive editorial changes to an agency’s rules, may be made by submitting an editorial change document. This process allows agencies to make certain limited, nonsubstantive corrections or updates to rules in a quicker fashion without going through the rule-making process. The changes are not published in the Iowa Administrative Bulletin or reviewed by the Administrative Rules Review Committee (ARRC).

Instructions for submitting such changes in the Rules Management System are found [here](#). These changes are structured as items just as they would be if they were included in a rule-making document, and they should be drafted using the Rule-Drafting Template.

The changes are incorporated and published in the Iowa Administrative Code, typically on the publication date you select when you submit the document in the Rules Management System. If a large volume of rule-making documents is received for that publication date, the Publications Editing Office may return your submission to you to resubmit for the next publication date.

Below is a summary of some actions in rules that can be carried out through an editorial change document pursuant to Iowa Code section [2B.13](#). Any action that would alter the sense, meaning, or effect of a rule cannot be done through this process. A single editorial change document can include multiple editorial changes, and editorial change documents may be submitted on an ongoing basis. If

substantive changes also need to be made to a rule, however, consider making the nonsubstantive changes together with the substantive changes in a rule-making document.

- Update the address, phone number, fax number, or email address of an agency, officer, or other entity.
- Correct the name of an agency, officer, or other entity.
- Correct capitalization, spelling, and punctuation errors, as well as other nonsubstantive grammatical and clerical errors.
- Correct references to rules or Code sections that are cited erroneously or have been repealed, amended, or renumbered.

For questions about whether a particular action can be carried out using this process, contact the Administrative Code Editor.

### Uniform Rules

The [Uniform Rules on Agency Procedure](#) (also called “Uniform Rules”) are a set of rules establishing an agency procedure for rule making, among other processes. The intention of the Uniform Rules is that all agencies follow substantially similar procedures for rule making and some other administrative processes.

Most existing agencies have adopted the Uniform Rules in full or by reference. For agencies adopting the Uniform Rules by reference, any exceptions to the Uniform Rules should be set out as shown below:

**CHAPTER 2**  
**PETITIONS FOR RULE MAKING**  
[Prior to 5/16/90, see Professional Teaching Practices Commission[287] Ch 1]

The board of educational examiners hereby adopts the petitions for rule making segments of the Uniform Administrative Rules which are published at [www.legis.iowa.gov/docs/publications/ACOD/767403.pdf](http://www.legis.iowa.gov/docs/publications/ACOD/767403.pdf) on the General Assembly’s website, with the following amendments:

**282—2.1(17A) Petition for rule making.** In lieu of the words “(designate office)”, insert “The Board of Educational Examiners, 701 East Court Avenue, Suite A, Des Moines, Iowa 50309”. In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

**“BOARD OF EDUCATIONAL EXAMINERS”**  
[ARC 5320C, IAB 12/16/20, effective 1/20/21]

**282—2.3(17A) Inquiries.** Inquiries concerning the status of a petition for rule making may be made to the Executive Director of the Board of Educational Examiners, 701 East Court Avenue, Suite A, Des Moines, Iowa 50309.  
[ARC 5320C, IAB 12/16/20, effective 1/20/21]

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

Any adoption of the Uniform Rules chapter on fair information practices should include in the preamble of its rule making a cross reference to Iowa Code section [22.11](#) in addition to the citation of the agency’s specific rule-making authority.