

CHAPTER 4 RULE MAKING

Chapter exempt from chapter rescission pursuant to Iowa Code section 17A.7

141—4.1(2C) Applicability.

4.1(1) *Procedure exempt from Iowa Code chapter 17A.* Pursuant to Iowa Code section 2C.9(6), the promulgation of rules relating to the organization, operation, and procedures of the office of ombudsman is exempt from the provisions of Iowa Code chapter 17A, the Iowa Administrative Procedure Act.

4.1(2) *Definition.* As used in this chapter, “agency” means the office of the ombudsman.

[Adopted and published 10/26/16 pursuant to Iowa Code section 2C.9(5), effective 11/1/16]

141—4.2(2C) Adoption of rule.

4.2(1) *Time of adoption.* The agency may adopt a rule at any time.

4.2(2) *Manner of adoption.* The agency is exempt from the procedural requirements for rule making in Iowa Code section 17A.4. The agency shall file each rule the agency adopted with the administrative code editor, who shall publish the rule in the Iowa Administrative Code. The agency shall file the rule for publication as soon as practicable after adoption of the rule.

4.2(3) *Review by service committee.* The agency may submit a proposed rule to the service committee of the legislative council for the committee’s review and comment before the rule is adopted and published. If the agency submits a proposed rule to the service committee, the agency shall provide the text of the rule and include a preamble containing:

- a. A statement of the purpose of the rule;
- b. A reference to all rules repealed, amended, or suspended by the rule; and
- c. A reference to the specific statutory or other authority authorizing adoption of the rule.

4.2(4) *Publication in Iowa Administrative Bulletin.* The agency may submit an adopted rule to the administrative rules review committee and request that the adopted rule be published in the Iowa Administrative Bulletin.

4.2(5) *Exempt from governor’s review.* An adopted rule of the agency is not subject to review by the governor and may not be rescinded by executive order of the governor.

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141—4.3(2C) Contents, style, and form of rule.

4.3(1) *Contents.* Each rule adopted by the agency shall contain the text of the rule and, in addition:

- a. The date the agency adopted the rule.
- b. A reference to the specific statutory or other authority authorizing adoption of the rule; and
- c. The effective date of the rule.

4.3(2) *Incorporation by reference.* The agency may incorporate, by reference in an adopted rule, and without causing publication of the incorporated matter in full, all or any part of a code, standard, rule, or other matter if the agency determines that the incorporation of its text in the agency-adopted rule would be unduly cumbersome, expensive, or otherwise inexpedient.

a. The reference in the agency-adopted rule shall fully and precisely identify the incorporated matter by location, title, citation, date, and edition, if any; shall briefly indicate the precise subject and the general contents of the incorporated matter; and shall state that the adopted rule does not include any later amendments or editions of the incorporated matter.

b. The agency may incorporate such matter by reference in an adopted rule only if the source from which the matter originated makes copies of it readily available to the public. The agency shall retain permanently a copy of any material incorporated by reference in a rule of the agency. The rule shall state how and where copies of the incorporated matter may be obtained at cost from the agency or the originating source.

4.3(3) *References to materials not published in full.* When the administrative code editor decides to omit the full text of an adopted rule because publication of the full text would be unduly cumbersome,

expensive, or otherwise inexpedient, the agency shall submit to the administrative code editor for inclusion in the Iowa Administrative Code a summary statement describing the specific subject matter of the omitted material.

a. This summary statement shall include the title and a brief description sufficient to inform the public of the specific nature and subject matter of the adopted rule and of significant issues involved in the rule. The statement shall also describe how a copy of the full text of the adopted rule, including any unpublished matter and any matter incorporated by reference, may be obtained from the agency. The agency will provide a copy of that full text at actual cost upon request.

b. At the request of the administrative code editor, the agency shall provide a proposed statement explaining why publication of the full text would be unduly cumbersome, expensive, or otherwise inexpedient.

4.3(4) *Style and form.* In preparing its rules for publication in the Iowa Administrative Code, the agency shall follow the uniform numbering system, form and style prescribed by the administrative code editor.

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These rules are intended to implement Iowa Code section 2C.9(6).

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