

CHAPTER 10
RULE MAKING

[Prior to 3/20/91, Corrections Department[291]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

201—10.1(17A,904) Commencement of rule making. The department shall give notice of its intention to adopt, amend or repeal a rule by publishing the text of the proposed change, or a summary of the issues and subject matter to be considered and the time, place and manner in which interested persons may comment upon the proposal, in the Iowa Administrative Bulletin. The notification shall state either the text of the proposed rule or the subject matter of the proposed rule, a summary of changes from the existing rule, if any, and the location and telephone number where people may obtain the actual text. The notice shall also include the name and address of a person to whom interested persons may present written views and arguments, and the deadline by which these submissions may be submitted.

201—10.2(17A) Exemption from rule making. The department finds that policies, procedures and statements which relate only to inmates of a penal institution shall be exempted from the rule-making process as provided in Iowa Code section 17A.2(7) “k.”

Policies and procedures governing activities of incarcerated inmates are located in the departmental manual and in institutional manuals.

201—10.3(17A) Copies of proposed rules. A trade or occupational association, which has registered its name and address with the department of corrections, may receive, by mail, copies of proposed rules. Registration of the association’s name and address with the department is accomplished by written notification to the Director of Corrections, Department of Corrections, 510 East 12th Street, Des Moines, Iowa 50319. In the written notification, the association must designate the type of proposed rules and the number of copies of each rule it wishes to receive. A charge will be assessed pursuant to 201—subrule 5.3(7).

This rule does not prevent an association which has registered with the department in accordance with this rule from changing its designation of types of proposed rules or number of copies of proposed rules which the association desires to receive. If an association makes such change designation, it must do so by written notification to the director of corrections.

This rule is intended to implement Iowa Code sections 17A.4 and 22.11.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

201—10.4(17A) Oral presentations. When requested by the persons or groups enumerated in Iowa Code section 17A.4(1) “b,” an opportunity for an oral presentation shall be scheduled. The request must be received at the department office within 20 days of the publication of the notice of intended action and must identify the proposed rule subject to the request by ARC number and by the specific citation to the proposed rule upon which presentations are to be made. A separate request shall be made for proposed rule(s) under each notice.

10.4(1) Notice. When so requested under the provisions of this rule or in the director’s discretion, the director shall schedule an opportunity for oral presentations by publishing a notice of the opportunity in the Iowa Administrative Bulletin, which shall refer to the ARC number and citation of the proposed rule, and which shall give the public not less than 20 days’ notice of the date, time and place of the meeting. Additional notice shall be mailed to all persons who have requested the opportunity for an oral presentation and to the news media when requested.

10.4(2) Conduct of meetings. The director or designee shall serve as the presiding officer at the meetings. At the commencement of the meeting, any person wishing to make an oral presentation shall advise the presiding officer of the person’s name, address and affiliation.

a. At the commencement of the meeting the presiding officer shall give a brief synopsis of the proposed rule, a statement of the statutory authority and the reasons for the proposed rule. The presiding officer may limit individual presentations to five minutes each.

contain the text or substance of the proposed amendment or any reasons for the proposed amendment or fails to include copies of any cited statute, rule or evidence, the petition may be rejected and returned to the petitioner along with the reasons for the rejection. Petitioner may then correct the reasons for the rejection and refile the petition. A petition in substantial compliance with the recommended form shall be filed and stamped.

10.8(2) *Department action.* Within 60 days of the filing of a petition, the director shall grant the petition and commence rule making, or deny the petition and notify the petitioner in writing of the grounds for the denial.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

These rules are intended to implement Iowa Code sections 17A.3, 17A.4, 17A.6, 17A.7 and 904.108.

[Filed emergency 9/9/83—published 9/28/83, effective 10/1/83]

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[Filed ARC 3929C (Notice ARC 3806C, IAB 5/23/18), IAB 8/1/18, effective 9/5/18]¹

¹ September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.