

CHAPTER 3
RULEMAKING

[Prior to 10/8/86, Commerce Commission[250]]

199—3.1(17A,474,476) Purpose and scope.

3.1(1) Scope. These rules govern the practice and procedure in all rulemaking proceedings of the board.

3.1(2) Rules of construction. If any provision of a rule or the application of a rule to any person or circumstance is itself or through its enabling statute held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without the invalid provision or application, and to this end, the provisions of the rule are severable.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

199—3.2(17A,474,476) Initial stakeholder input. In addition to seeking information by other methods, the board may solicit comments from the public on the subject matter of possible rulemaking by issuing an order through its electronic filing system or by causing notice of the subject matter to be published in the Iowa Administrative Bulletin, indicating where, when, and how persons may comment.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

199—3.3(17A,474,476) Petition for adoption of rules.

3.3(1) Petitions. Any interested person may petition the board for the adoption, amendment, or repeal of a rule pursuant to Iowa Code section 17A.7.

3.3(2) Stakeholder comments. Other interested persons may file written comments containing data, views, or arguments concerning the petition within 20 days of the filing of the petition. Reply comments may be filed within 27 days of the filing of the petition. The board may allow additional time for filing comments and reply comments at its discretion.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

199—3.4(17A,474,476) Commencement of proceedings. Rulemaking proceedings are commenced upon written order of the board.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

199—3.5(17A,474,476) Rulemaking oral presentation.

3.5(1) Requests. If an oral presentation is not scheduled by the board, any interested person may file a request for an oral presentation.

3.5(2) Written appearance. Any interested person may participate in rulemaking oral presentations in person or by counsel.

3.5(3) Oral presentations. Participants in rulemaking oral presentations may submit exhibits and present oral statements of position, which may include data, views, comments, or arguments concerning the proposed adoption, amendment, or repeal of the rule. Oral statements are not made under oath and are not subject to cross-examination.

3.5(4) Comments and limitations. The board may, in its discretion, permit reply comments and request the filing of written comments subsequent to the adjournment of the oral presentation. The board may limit the time of any oral presentation and the length of any written presentation.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

199—3.6(17A,474) Review of rules. To facilitate the five-year review provisions of Iowa Code section 17A.7(1), the board will review a portion of its chapters each fiscal year over each five-year period under the following schedule:

3.6(1) In fiscal year 2018 and every fifth year thereafter, the board will review Chapters 1 through 9 of its rules.

3.6(2) In fiscal year 2019 and every fifth year thereafter, the board will review Chapters 10 through 18 of its rules.

3.6(3) In fiscal year 2020 and every fifth year thereafter, the board will review Chapters 19 through 27 of its rules.

3.6(4) In fiscal year 2021 and every fifth year thereafter, the board will review Chapters 28 through 36 of its rules.

3.6(5) In fiscal year 2022 and every fifth year thereafter, the board will review Chapters 37 through 45 of its rules.

3.6(6) If the board adopts additional chapters in its rules, such chapters will be reviewed every fifth fiscal year from the fiscal year in which they are made effective.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

These rules are intended to implement Iowa Code sections 17A.4 through 17A.7, 474.5, and 476.2.

[Filed 2/11/76, Notice 7/14/75—published 2/23/76, effective 3/29/76]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 10/7/83, Notice 8/3/83—published 10/26/83, effective 11/30/83]

[Filed 11/4/83, Notice 8/31/83—published 11/23/83, effective 1/1/84]

[Filed 11/16/84, Notice 9/12/84—published 12/5/84, effective 1/16/85]

[Filed 4/5/85, Notice 2/27/85—published 4/24/85, effective 5/29/85]

[Filed 7/12/85, Notice 6/5/85—published 7/31/85, effective 9/4/85]

[Filed 9/6/85, Notice 6/19/85—published 9/25/85, effective 10/30/85]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Published 6/17/98 to update name and address of board]

[Filed 11/24/99, Notice 8/11/99—published 12/15/99, effective 1/19/00]

[Filed ARC 3502C (Notice ARC 3326C, IAB 9/27/17), IAB 12/6/17, effective 1/10/18]

[Filed ARC 7748C (Notice ARC 7577C, IAB 2/7/24), IAB 4/3/24, effective 5/8/24]