

CHAPTER 5
AGENCY PROCEDURE FOR RULE MAKING

The state public defender adopts the agency procedure for rule making segment of the Uniform Rules on Agency Procedure printed in the first volume of the Iowa Administrative Code with the following amendments.

493—5.3(17A) Public rule-making docket.

5.3(2) *Anticipated rule making.* In lieu of the words “(commission, board, council, director)”, insert “state public defender”.

493—5.4(17A) Notice of proposed rule making.

5.4(3) *Copies of notices.* In lieu of the words “(specify time period)”, insert “one calendar year”.

493—5.5(17A) Public participation.

5.5(1) *Written comments.* Strike the words “(identify office and address) or”.

5.5(5) *Accessibility.* In lieu of the words “(designate office and telephone number)”, insert “the office of the state public defender at (515)242-6158”.

493—5.6(17A) Regulatory analysis.

5.6(2) *Mailing list.* In lieu of the words “(designate office)”, insert “the Office of the State Public Defender, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0087”.

493—5.10(17A) Exemptions from public rule-making procedures.

5.10(2) *Categories exempt.* In lieu of the words “(List here narrowly drawn classes of rules where such an exemption is justified and a brief statement of the reasons for exempting each of them)”, insert the following:

“a. Rules which are mandated by federal law or regulation in any situation where the department has no option but to adopt specified rules or where federal funding is contingent upon the adoption of the rules;

“b. Rules which implement recent legislation when a statute provides for an effective date which does not allow for the usual notice and public participation requirements;

“c. Rules which confer a benefit or remove a restriction on licensees, the public or some segment of the public;

“d. Rules which are necessary because of imminent peril to the public health, safety or welfare; and

“e. Nonsubstantive rules intended to correct typographical errors, incorrect citations, or other errors in existing rules.”

493—5.11(17A) Concise statement of reasons.

5.11(1) *General.* In lieu of the words “(specify the office and address)”, insert “the Office of the State Public Defender, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0087”.

493—5.13(17A) Agency rule-making record.

5.13(2) *Contents.*

c. In lieu of the words “(agency head)”, insert “state public defender”.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202, and Iowa Code section 25B.6.

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