

495—31.4(17A) Notice of proposed rule making.**31.4(1) Contents.**

a. At least 35 days before the adoption of a rule, the agency shall cause Notice of Intended Action to be published in the Iowa Administrative Bulletin. The Notice of Intended Action shall include:

- (1) A brief explanation of the purpose of and the reason for the proposed rule;
- (2) A brief explanation of the principal reasons for the agency's failure to provide for a waiver in a rule and the reasons for overruling considerations urged against the rule;
- (3) The specific legal authority for the proposed rule;
- (4) Except to the extent impracticable, the text of the proposed rule;
- (5) Where, when, and how persons may present their views on the proposed rule;
- (6) Where, when, and how persons may request an oral proceeding on the proposed rule if the notice does not already provide for one; and
- (7) A fiscal impact statement as described under rule 495—31.7(17A,25B).

Where inclusion of the complete text of a proposed rule in the Notice of Intended Action is impracticable, the agency shall include in the notice a statement fully describing the specific subject matter of the omitted portion of the text of the proposed rule, the specific issues to be addressed by that omitted text of the proposed rule, and the range of possible choices being considered by the agency for the resolution of each of those issues.

b. If requested by an interested person, the agency shall issue a concise statement of the principal reasons for and against the rule adopted, pursuant to Iowa Code section 17A.4(2).

31.4(2) Incorporation by reference. A proposed rule may incorporate other materials by reference only if it complies with all of the requirements applicable to the incorporation by reference of other materials in an adopted rule that are contained in subrule 31.12(2).

31.4(3) Copies of notices. The agency shall submit a copy of the notice to the chairpersons and ranking members of the appropriate standing committees of the general assembly as required by Iowa Code section 17A.4(1)“*a.*”

[ARC 2981C, IAB 3/15/17, effective 4/19/17]