

MANAGEMENT DEPARTMENT[541]

Adopted and Filed

Rulemaking related to agency procedure for rulemaking

The Department of Management hereby rescinds Chapter 7, “Agency Procedure for Rule Making,” and adopts a new Chapter 7, “Agency Procedure for Rulemaking,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 17A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and section 25B.6.

Purpose and Summary

This chapter clarifies uniform rules and agency procedure in regard to rulemaking.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 15, 2023, as **ARC 7116C**. Public hearings were held on December 6, 2023, at 1 p.m. and December 8, 2023, at 1 p.m. in Room G14, State Capitol, 1007 East Grand Avenue, Des Moines, Iowa. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on December 20, 2023.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 541—1.3(8).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on February 14, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 541—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
AGENCY PROCEDURE FOR RULEMAKING

The department of management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rulemaking, which are published on the Iowa general assembly’s website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf.

541—7.5(17A) Public participation.

7.5(1) Written comments. In lieu of the words “(identify office and address)”, insert “Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”.

7.5(5) Accessibility. In lieu of the words “(designate office and telephone number)”, insert “the department of management at 515.281.3322”.

541—7.6(17A) Regulatory analysis.

7.6(2) Mailing list. In lieu of the words “(designate office)”, insert “Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”.

541—7.10(17A) Exemptions from public rulemaking procedures.

7.10(1) Omission of notice and comment. The department may adopt a rule without publishing advance Notice of Intended Action in the Iowa Administrative Bulletin and without providing for written or oral public submissions prior to its adoption pursuant to Iowa Code section 17A.4(3) “a” when the statute so provides or with the approval of the administrative rules review committee.

7.10(2) Public proceedings on rules adopted without them. The department may, at any time, commence a standard rulemaking proceeding for the adoption of a rule that is identical or similar to a rule it adopts in reliance upon subrule 7.10(1). After a standard rulemaking proceeding commenced pursuant to this subrule, the department may either readopt the rule it adopted without benefit of all usual procedures on the basis of subrule 7.10(1), or may take any other lawful action, including the amendment or repeal of the rule in question, with whatever further proceedings are appropriate.

541—7.11(17A) Concise statement of reasons.

7.11(1) General. In lieu of the words “(specify office and address)”, insert “Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015”.

These rules are intended to implement Iowa Code chapter 17A and section 25B.6.

[Filed 12/20/23, effective 2/14/24]

[Published 1/10/24]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/10/24.