

State Government  
Doderer, Chairperson  
Kelly  
Coleman

**FILED JAN 10 1978**

SENATE FILE 2028

By REDMOND

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the provisions of the Iowa Administrative  
2 Procedures Act.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section seventeen A point seven (17A.7), Code  
2 1977, is amended to read as follows:

3 17A.7 PETITION FOR ADOPTION OF RULES. An interested  
4 person may petition an agency requesting the promulgation,  
5 amendment or repeal of a rule. Each agency shall prescribe  
6 by rule the form for petitions and the procedure for their  
7 submission, consideration and disposition. Such rule shall  
8 require the petitioner to submit the substance of requested  
9 change in the rules but shall not require the petitioner to  
10 submit a draft of the requested change in the rules. Within  
11 sixty days after submission of a petition, the agency either  
12 shall deny the petition in writing on the merits, stating  
13 its reasons for the denial, or initiate rule-making proceedings  
14 in accordance with section 17A.4, or issue a rule if it is  
15 not required to be issued according to the procedures of  
16 section 17A.4, subsection 1.

17 Sec. 2. Section seventeen A point seventeen (17A.17),  
18 subsection two (2), Code 1977, is amended to read as follows:

19 2. Unless required for the disposition of ex parte matters  
20 specifically authorized by statute, parties or their  
21 representatives in a contested case shall not communicate,  
22 directly or indirectly, in connection with any issue of fact  
23 or law in that contested case, with individuals assigned to  
24 render a proposed or final decision or to make findings of  
25 fact and conclusions of law in that contested case, except  
26 upon notice and opportunity for all parties to participate  
27 as shall be provided for by agency rules. The agency's rules  
28 may shall require the recipient of a prohibited communication  
29 to submit the communication if written or a summary of the  
30 communication if oral for inclusion in the record of the  
31 proceeding. As sanctions for violations, the rules may shall  
32 provide for a decision against a party who violates the rules;  
33 for censuring, suspending or revoking a privilege to practice  
34 before the agency; and for censuring, suspending or dismissing  
35 agency personnel.

EXPLANATION

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Section 1 of the bill prohibits agencies from requiring that a person petitioning for a change in the rules submit a draft of the rule change desired.

Section 2 of the bill requires the inclusion of ex parte communications in the record of the proceeding and requires the promulgation of rules regarding sanctions for violations of the rules.