

IOWA PUBLIC INFORMATION BOARD[497]

Adopted and Filed Without Notice

Pursuant to the authority of 2012 Iowa Acts, chapter 1115, section 9, the Iowa Public Information Board hereby amends Chapter 1, “Organization and General Administration,” Chapter 3, “Declaratory Orders,” Chapter 4, “Contested Cases,” Chapter 5, “Petitions for Rule Making,” Chapter 6, “Agency Procedure for Rule Making,” and Chapter 7, “Fair Information Practices,” Iowa Administrative Code.

These amendments to the rules insert the Board’s address, e-mail address, and fax number, the telephone number of its office and the Board’s Web address that were unavailable at the time these rules were Adopted and Filed as **ARC 0741C** in the May 15, 2013, Iowa Administrative Bulletin.

In compliance with Iowa Code section 17A.4(3), the Board finds that notice and public participation in the adoption of these amendments are unnecessary and impractical because these amendments merely make changes to insert actual information where appropriate in these chapters where there now appears “[address],” “[e-mail address],” “[fax number],” “[telephone number],” and “[Web address].”

In compliance with 2013 Iowa Acts, House File 586, section 1, the Administrative Rules Review Committee at its September 10, 2013, meeting reviewed the Board’s findings and the amendments and approved the adoption of this rule making.

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

These amendments are intended to implement 2012 Iowa Acts, chapter 1115, section 3.

These amendments will become effective on November 20, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 1.1(8) as follows:

**1.1(8)** The board is available to assist in achieving compliance with open meetings and public records laws in alternative ways. Information is available on the board’s Web site at ~~[Web address]~~ <https://ipib.iowa.gov/>. The members of governmental bodies and the public may call the board for informal answers to questions during office hours from 8 a.m. to 4:30 p.m. on Monday through Friday at ~~[telephone number]~~ (515)725-1781. Written guidance about compliance with the open meetings and public records laws may be provided by advisory opinions (see rules 497—1.2(84GA,ch1115) and 497—1.3(84GA,ch1115)) or by declaratory orders (see rules 497—3.1(84GA,ch1115) to 497—3.8(84GA,ch1115)). In addition, complaints may be filed alleging violations of open meetings or public records laws under rule 497—2.1(84GA,ch1115).

ITEM 2. Amend subrule 1.3(1) as follows:

**1.3(1)** Requests for board advisory opinions may be mailed to the Iowa Public Information Board, ~~[address]~~ Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. Requests may also be submitted by fax to ~~[fax number]~~ (515)725-1789 or by e-mail to ~~[e-mail address]~~ [ipib@iowa.gov](mailto:ipib@iowa.gov).

ITEM 3. Amend subrule 1.3(4) as follows:

**1.3(4)** Board advisory opinions are open records and shall be made available at the board office and via the board’s Web site at ~~[Web address]~~ <https://ipib@iowa.gov/>.

ITEM 4. Amend rule 497—3.1(17A), introductory paragraph, as follows:

**497—3.1(17A) Petition for declaratory order.** Any person may file a petition with the board for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the board, at Iowa Public Information Board, ~~[address]~~ Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. A petition is deemed filed when it is received by that office. The board shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

ITEM 5. Amend subrule 3.3(3), introductory paragraph, as follows:

**3.3(3)** A petition for intervention shall be filed at Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. Such a petition is deemed filed when it is received by that office. The board will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A petition for intervention must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

ITEM 6. Amend rule 497—3.5(17A) as follows:

**497—3.5(17A) Inquiries.** Inquiries concerning the status of a declaratory order proceeding may be made to the board's executive director at Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319.

ITEM 7. Amend subrule 3.6(2) as follows:

**3.6(2) Filing—when required.** All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. All petitions, briefs, or other papers that are required to be served upon a party shall be filed simultaneously with the board.

ITEM 8. Amend subrule 4.11(3) as follows:

**4.11(3) Filing—when required.** After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding shall be filed with the board at [address] Iowa Public Information Board, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. All pleadings, motions, documents or other papers that are required to be served upon a party shall be filed simultaneously with the Iowa public information board.

ITEM 9. Amend rule 497—5.1(17A), introductory paragraph, as follows:

**497—5.1(17A) Petition for rule making.** Any person or agency may file a petition for rule making with the board at Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. A petition is deemed filed when it is received by the board. The board must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

ITEM 10. Amend rule 497—5.3(17A) as follows:

**497—5.3(17A) Inquiries.** Inquiries concerning the status of a petition for rule making may be made to the board at Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319.

ITEM 11. Amend subrule 6.5(1) as follows:

**6.5(1) Written comments.** For at least 20 days after publication of the Notice of Intended Action, persons may submit argument, data, and views, in writing, on the proposed rule. Such written submissions should identify the proposed rule to which they relate and should be submitted to Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319, or the person designated in the Notice of Intended Action.

ITEM 12. Amend subrule 6.5(5) as follows:

**6.5(5) Accessibility.** The board shall schedule oral proceedings in rooms accessible to and functional for persons with physical disabilities. Persons who have special requirements should contact the board's executive director at [telephone number] (515)725-1781 in advance to arrange access or other needed services.

ITEM 13. Amend subrule 6.6(2), introductory paragraph, as follows:

**6.6(2) Mailing list.** Small businesses or organizations of small businesses may be registered on the board's small business impact list by making a written application addressed to Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. The application for registration shall state:

ITEM 14. Amend subrule 6.11(1) as follows:

**6.11(1) General.** When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the board shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. The request should indicate whether the statement is sought for all or only a specified part of the rule. Requests will be considered made on the date received.

ITEM 15. Amend subrule 7.3(1) as follows:

**7.3(1) Location of record.** A request for access to a board record shall be directed to the Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. If the requested record is not on file in the board office, the custodian will arrange for it to be retrieved from state archives and made available in the board office.

ITEM 16. Amend subrule 7.3(2) as follows:

**7.3(2) Office hours.** Records of the board shall be made available during customary office hours of 8 a.m. to 4:30 p.m. on Monday through Friday, excluding Saturdays, Sundays, and legal holidays. Records made available via the board's Web site at [~~Web address~~] <https://ipib@iowa.gov/> are available at all hours and on all days.

ITEM 17. Amend rule 497—7.6(17A,22) as follows:

**497—7.6(17A,22) Procedure by which additions, dissents or objections may be entered into certain records.** Except as otherwise provided by law, the subject shall have the right to have a written statement of additions, dissents or objections entered into the record. The subject shall send the statement to the Executive Director, Iowa Public Information Board, [address] Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. The statement shall be dated and signed by the subject and shall include the subject's current address and telephone number.

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