

IOWA ADVANCE FUNDING AUTHORITY[285]

[Prior to 5/10/95, see Iowa Advance Funding Authority[515]]

CHAPTER 1

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285—1.1(7E,257C) Location. The Iowa advance funding authority (“authority”) is located at the offices of the Iowa Finance Authority, Suite 250, 100 East Grand Avenue, Des Moines, Iowa 50309, telephone: (515)281-4990.

285—1.2(7E,257C) Business hours. The business hours for the authority are 8 a.m. to 5 p.m. Monday through Friday except for legal holidays.

285—1.3(7E,257C) Authority board. The authority is governed by a five-member board. The members are the treasurer of state, the director of the department of education, the director of the department of management, and two members appointed by the governor. The three state officials are authorized to designate representatives to serve on the board for them. The members of the board annually elect a chairperson, vice chairperson and secretary and such other officers as they determine are necessary.

285—1.4(7E,257C) Authority staff. The executive director and staff of the Iowa finance authority serve as the executive director and staff of the authority.

285—1.5(7E,257C) Board meetings. Meetings of the authority board shall be held at the call of the chairperson or when a majority of the members so request. Three members of the board constitute a quorum.

285—1.6(7E,257C) Duties of the authority. The authority is directed by state law to establish a statewide advance funding program for Iowa schools to alleviate their cash flow difficulties and to improve their financial well-being.

285—1.7(7E,257C) Information and forms. Information, applications and forms may be obtained from the authority. All submissions shall be made to the authority.

285—1.8(17A) Petition to promulgate, amend or repeal a rule. An interested person or legal entity may petition the authority requesting promulgation, amendment or repeal of a rule. The petition shall be in writing, signed by or on behalf of the petitioner and shall contain a statement of:

1. The rules sought to be promulgated, amended or repealed. A rule proposed to be amended shall be stated in full with proposed deletion enclosed in brackets and proposed additions underlined.
2. Factual rationale for the proposed action.
3. Any propositions of law to be asserted.
4. Factual account of impact on petitioner of proposed action.
5. Name and address of petitioner and any other person or entity known to be interested in the rule sought to be adopted, amended or repealed.

The petition should be typed or printed, and captioned BEFORE THE IOWA ADVANCE FUNDING AUTHORITY, and shall be deemed filed when received by the executive director. Upon receipt of the petition, the executive director shall:

1. Within ten days, mail a copy of the petition to any parties named therein. The petition shall be deemed served on the date of mailing to the last known address of the party being served.
2. Submit petition to the authority at the next scheduled meeting, with recommended action.
3. Within 60 days after the date of receipt of petition, either deny the petition or initiate rule-making proceedings in accord with Iowa Code chapter 17A.

In the event of denial of a petition, the authority shall issue an order setting forth the reasons for denial of the petition. The order shall be mailed to the petitioner and all other persons upon whom a copy of the petition was served.

285—1.9(17A) Request for oral presentation concerning intended rule making. Twenty-five interested persons, a governmental subdivision, the administrative rules review committee, an agency, or an association having not less than 25 members may make written request for oral presentation concerning an intended rule making. The request shall state:

1. Name, address and telephone number of each person or agency party to the request.
2. The number and title of the proposed rule as given in the notice of intended action.
3. The general content of the oral presentation.

Receipt and acceptance of such requests shall be promptly acknowledged by the authority. Not less than 20 days after publication of notice of intended action, the authority shall allow oral presentations as requested, at the time when, and the place where stated in the publication of notice of intended action.

If requested to do so by an interested person, either prior to adoption or within 30 days thereafter, the authority shall issue a concise statement of the principal reasons for and against the rule adopted, incorporating therein the reasons for overruling considerations urged against the rule.

285—1.10(17A) Declaratory rulings. The authority shall provide declaratory rulings as to the applicability of any statutory provision, rule or other written statement of law or policy, decision or order when petitioned to do so by the public where, in the judgment of the authority, it is necessary or helpful for them to conduct their affairs in accordance with the law.

Requests for declaratory rulings shall be made to the executive director in writing.

Within 30 days after submission of a request for declaratory ruling, the authority shall issue a written ruling on the rule, statute or policy in question.

The authority may decline to rule when, in the judgment of the authority, the ruling would be beyond the authority's realm of authority, when no clear answer is determinable, or when the issue presented is pending resolution by a court of Iowa or by the attorney general.

285—1.11(17A) Procedure for informal settlements in contested cases. Unless precluded by statute, informal settlement of disputes over rules of the authority that may otherwise result in contested case proceedings as prescribed in Iowa Code section 17A.12 shall be encouraged.

All such informal settlements shall be made by the executive director subject to ratification by the authority, and by the parties contesting the rule in question. The settlement shall be expressed in a written stipulation representing an informed mutual consent.

These rules are intended to implement Iowa Code sections 7E.7, 17A.3, 17A.9, 17A.10 and 257C.6.

[Filed 9/6/85, Notice 7/31/85—published 9/25/85, effective 10/30/85]

[Filed 4/12/95, Notice 2/15/95—published 5/10/95, effective 6/14/95]