

CHAPTER 43
PETITIONS FOR RULEMAKING
[Prior to 3/12/97 see Employment Services[341] Ch 3]

871—43.1(17A,84A) Petition for rulemaking. Any person may file a petition for rulemaking with the department of workforce development at 1000 East Grand Avenue, Des Moines, Iowa 50319. A petition is deemed filed when it is received by that office. The agency should provide the petitioner with a file-stamped copy of the petition if the petitioner provides the agency an extra copy for this purpose. The petition must be emailed, typewritten, or legibly handwritten in ink, and should substantially conform to the following form:

DEPARTMENT OF WORKFORCE DEVELOPMENT		
Petition by (Name of Petitioner) for the (adoption, amendment, or repeal) of rules relating to (state subject matter).		PETITION FOR RULEMAKING

The petition should provide the following information:

1. A statement of the specific rulemaking action sought by the petitioner, including the text or a summary of the contents of the proposed rule or amendment to a rule, and, if it is a petition to amend or repeal a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.
2. A citation to any law deemed relevant to the agency’s authority to take the action urged or to the desirability of that action.
3. A brief summary of the petitioner’s arguments in support of the action urged in the petition.
4. A brief summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any class of persons, known by the petitioner to be affected by, or interested in, the proposed action that is the subject of the petition.
6. Any request by the petitioner for a meeting provided for by rule 871—43.4(17A,84A).

43.1(1) The petition should be dated and signed by the petitioner or the petitioner’s representative. It should also include the name, mailing address, and telephone number of the petitioner and petitioner’s representative, and a statement indicating the person to whom communications concerning the petition should be directed.

43.1(2) The agency may deny a petition because it does not substantially conform to the required form.

[ARC 8691C, IAB 12/25/24, effective 1/29/25]

871—43.2(17A,84A) Briefs. The petitioner may attach a brief to the petition in support of the action. The agency may request a brief from the petitioner or from any other person concerning the substance of the petition.

[ARC 8691C, IAB 12/25/24, effective 1/29/25]

871—43.3(17A,84A) Inquiries. Inquiries concerning the status of a petition for rulemaking may be made to Director, Department of Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

[ARC 8691C, IAB 12/25/24, effective 1/29/25]

871—43.4(17A,84A) Agency consideration.

43.4(1) Within 14 days after the filing of a petition, the agency should submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by the petitioner in the petition, the agency should schedule a brief and informal meeting between the petitioner and the agency, a member of the agency, or a member of the staff of the agency, to discuss the petition. The agency may request the petitioner to submit additional information or

argument concerning the petition. The agency may also solicit comments from any person on the substance of the petition. Any person may submit comments on the substance of the petition.

43.4(2) Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the agency should in writing, deny the petition and notify the petitioner of its action and the specific grounds for the denial, or grant the petition and notify the petitioner that it has instituted rulemaking proceedings on the subject of the petition. The petitioner is deemed notified of the denial or grant of the petition on the date when the agency mails or delivers the required notification to the petitioner.

43.4(3) Denial of the petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the agency's rejection of the petition.

[ARC 8691C, IAB 12/25/24, effective 1/29/25]

These rules are intended to implement Iowa Code chapters 17A and 84A.

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