

CHAPTER 13
PETITIONS FOR RULE MAKING

[Prior to 11/26/03, see 351—Ch 8]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

351—13.1(68B) Petition for rule making.

13.1(1) *Who may file.* Any person may file a petition for rule making with the Iowa Ethics and Campaign Disclosure Board, 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319. A petition is deemed filed when it is received by the board. 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.

13.1(2) *Required information.* The petition must provide the following information:

- a. A statement that the document is a petition for rule making.
- b. A statement of the specific rule-making 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to amend or repeal a rule, a citation to the particular portion or portions of the rule proposed to be amended or repealed, together with a quotation of the relevant language.
- c. A citation to any law deemed relevant to the board's authority to take the action urged or to the desirability of that action.
- d. A brief summary of petitioner's arguments in support of the action urged in the petition.
- e. A brief summary of any data supporting the action urged in the petition.
- f. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action that is the subject of the petition.
- g. Any request by petitioner for a meeting between the petitioner and the board's executive director.

13.1(3) *Signature.* The petition shall be dated and signed by the petitioner or the petitioner's representative and shall include the name, mailing address, and telephone number of the petitioner and, if applicable, the petitioner's representative. A statement indicating the person to whom communications concerning the petition should be directed shall be included.

13.1(4) *Denial for incompleteness.* The board may deny a petition because it does not substantially comply with the requirements of this rule.

351—13.2(68B) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The board may request a brief from the petitioner or from any other person concerning the substance of the petition, including the board's legal counsel.

351—13.3(68B) Inquiries. Inquiries concerning the status of a petition for rule making may be made to the Iowa Ethics and Campaign Disclosure Board, 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319.

351—13.4(68B) Board consideration.

13.4(1) *Procedure.* Within 30 days after the filing of a petition or within 5 days following a regular meeting of the board at which the petition has been received and discussed, whichever is earlier, the board must 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 board must schedule a brief and informal meeting between the petitioner and the board, a member of the board, or a member of the staff of the board to discuss the petition. The board may request the petitioner to submit additional information or argument concerning the petition. The board may also solicit comments from any person on the substance of the petition. Any person may submit comments on the substance of the petition.

13.4(2) *Board response.* Within 90 days after the filing of the petition, or within any longer period agreed to by the petitioner, the board must either deny the petition or grant the petition. A notice of denial shall contain the specific reasons for the board's decision. Petitioner shall be deemed notified of the denial

or granting of the petition on the date when the board mails or delivers the required notification to petitioner.

13.4(3) *Refiling petition.* Denial of a petition because it does not substantially provide the required information in rule 351—13.1(68B) does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the board's denial of the petition.

These rules are intended to implement Iowa Code chapter 17A and Iowa Code section 68B.32A(1).

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