

CHAPTER 30
PETITIONS FOR RULE MAKING

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

495—30.1(17A) Petition for rule making.

30.1(1) Filing. Any person or agency may file a petition for adoption of rules or request for review of rules with the CEO, IPERS, 7401 Register Drive, P.O. Box 9117, Des Moines, Iowa 50306-9117. A petition is deemed filed when it is received by the agency. The agency shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the agency with an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)		
Petition by (Name of Petitioner) for the (adoption, amendment, or repeal) of rules relating to (state the subject matter).	}	PETITION FOR RULE MAKING

The petition must provide the following information:

- a. 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rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.
- b. A citation to any law deemed relevant to the agency's authority to take the action urged or to the desirability of that action.
- c. A brief summary of petitioner's arguments in support of the action urged in the petition.
- d. A brief summary of any data supporting the action urged in the petition.
- e. 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 which is the subject of the petition.
- f. Any request by petitioner for a meeting pursuant to rule 30.4(17A).

30.1(2) Content. The petition must be dated and signed by the petitioner or the petitioner's representative. It must 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.

30.1(3) Denial. The agency may deny a petition because it does not substantially conform to the required form.

495—30.2(17A) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The agency may request a brief from the petitioner or from any other person concerning the substance of the petition.

495—30.3(17A) Inquiries. Inquiries concerning the status of a petition for rule making may be made to the CEO, or designee, at the headquarters of the agency.

495—30.4(17A) Agency consideration.

30.4(1) 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. Also, comments on the substance of the petition may be submitted to the agency by any person. Upon request by petitioner in the petition, the agency must schedule a brief and informal meeting between the petitioner and the agency to discuss the petition.

Copies of the petition and accompanying information shall be submitted by the agency to the administrative rules coordinator and to the administrative rules review committee at the conclusion of the petition review.

30.4(2) Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the agency must, in writing, deny the petition and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that rule-making proceedings on the subject of the petition have begun. The petitioner shall be deemed notified of the denial or the granting of the petition on the date of notification or mailing by the agency to the petitioner.

30.4(3) Denial of a 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.

These rules are intended to implement Iowa Code chapters 17A and 97B.

[Filed 12/17/03, Notice 11/12/03—published 1/7/04, effective 2/11/04]

[Filed 4/7/06, Notice 3/1/06—published 4/26/06, effective 5/31/06]