

CHAPTER 197
PETITION FOR RULE MAKING

[Prior to 7/19/95, see 261—Ch 2]

[Prior to 9/6/00, see 261—Ch 102]

[Prior to 7/4/07, see 261—Ch 171]

261—197.1(17A) Petition for rule making. Any person or state agency may file a petition for rule making with the authority at the Director’s Office, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315, Attn: Legal Counsel. Petitions for rule making may be delivered, mailed, or sent by email or other electronic means reasonably calculated to reach the intended recipient. A petition is deemed filed when it is received by the authority. The authority must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the authority an extra copy for this purpose. The petition must be typewritten, or legibly handwritten in ink, and must substantially conform to the following form:

BEFORE THE IOWA ECONOMIC DEVELOPMENT AUTHORITY	
Petition by (Name of Petitioner) for the (adoption, amendment, or repeal) of rules relating to (state subject matter).	}
	PETITION FOR RULE MAKING

The petition must provide the following information:

1. 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rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.
2. A citation to any law deemed relevant to the authority to take the action urged or to the desirability of that action.
3. A brief summary of 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 petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.
6. Any request by petitioner for a meeting provided for by subrule 197.4(1).

197.1(1) 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.

197.1(2) The authority may deny a petition because it does not substantially conform to the required form.

[ARC 5691C, IAB 6/16/21, effective 7/21/21]

261—197.2(17A) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The authority may request a brief from the petitioner or from any other person concerning the substance of the petition.

[ARC 5691C, IAB 6/16/21, effective 7/21/21]

261—197.3(17A) Inquiries. Inquiries concerning the status of a petition for rule making may be made to the address indicated in rule 261—197.1(17A).

[ARC 5691C, IAB 6/16/21, effective 7/21/21]

261—197.4(17A) Authority consideration.

197.4(1) Meeting. Upon request by the petitioner in the petition, the authority shall schedule a brief and informal meeting between the petitioner and authority staff to discuss the petition. The authority may request the petitioner to submit additional information or argument concerning the petition. The authority 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 authority by any person.

197.4(2) *Action on petition.* Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the authority shall, 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 it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when the authority mails or delivers the required notification to petitioner. The authority shall submit the petition and the disposition of the petition to the administrative rules review committee.

197.4(3) *Denial of petition for nonconformance with form.* 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 rejection of the petition.

[ARC 5691C, IAB 6/16/21, effective 7/21/21]

These rules are intended to implement Iowa Code section 17A.7.

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]

[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

[Filed 4/28/99, Notice 3/10/99—published 5/19/99, effective 6/23/99]

[Filed without Notice 8/18/00—published 9/6/00, effective 10/11/00]

[Filed emergency 6/15/07—published 7/4/07, effective 6/15/07]

[Filed 8/22/07, Notice 7/4/07—published 9/26/07, effective 10/31/07]

[Filed ARC 5691C (Notice ARC 5536C, IAB 3/24/21), IAB 6/16/21, effective 7/21/21]