

CHAPTER 5
 PETITIONS FOR RULE MAKING
 [Prior to 3/30/94, see 210—Chapter 4]

141—5.1(17A) Petition for rule making.

5.1(1) Definition. As used in this chapter, “agency” means the office of the citizens’ aide/ombudsman.

5.1(2) Filing. Any interested person may file a petition for rule making with the agency. A petition is deemed filed when it is received by the agency. The petition may be delivered in person or mailed to the Office of Citizens’ Aide/Ombudsman, Ola Babcock Miller Building, 1112 E. Grand Avenue, Des Moines, Iowa 50319.

5.1(3) Form. The petition must be typewritten or legibly handwritten, and substantially conform to the following form:

Office of the Citizens’ Aide/Ombudsman		
Petition by (Name of Petitioner))	
for the (adoption, amendment, or repeal))	PETITION FOR
of rules relating to)	RULE MAKING
(state subject matter).)	

1. The text or summary of the contents of the proposed rule or amendment, or the rule sought to be repealed.
2. The reasons for seeking the requested action.
3. A brief summary of petitioner’s arguments and any relevant data or evidence in support of the action urged in the petition. (Attach copies of any supporting documents to the petition.)
4. Any request by petitioner for a meeting provided for by rule 5.2(17A).
5. The signature, mailing address, and telephone number of the petitioner or the petitioner’s representative.

5.1(4) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition.

141—5.2(17A) Agency consideration.

5.2(1) Informal meeting. If requested in the petition, the agency shall schedule a brief and informal meeting between the petitioner and the citizens’ aide/ombudsman or a member of the staff to discuss the petition.

5.2(2) Additional information. The agency may request the petitioner, within 14 days of the filing of the petition, to submit additional information concerning the petition. The agency may also solicit or receive comments from any person regarding the subject of the petition.

5.2(3) Action on petition. Within 60 days after filing of the petition, or within any longer period agreed to by the petitioner, the agency shall either deny the petition and notify the petitioner of the denial and the grounds for the denial, or grant the petition, notify the petitioner that the petition has been granted, and adopt a rule on the subject of the petition. Petitioner is deemed notified on the date the agency mails or delivers the required notification to the petitioner.

a. The petition shall be denied if it is determined the petition does not substantially comply with the required form, the petition does not disclose sufficient reasons to justify the commencement of rule-making proceedings, or other good reason exists for the denial.

b. A denial of the petition because it does not substantially comply with the required form does not preclude the petitioner from filing a new petition on the same subject which seeks to eliminate the grounds for the agency’s rejection of the petition.

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

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