



Petition for Rulemaking

Introduction. Iowa Code §17A.7

Iowa Code section 17A creates a formal application process allowing any interested person to request that an agency adopt, amend or repeal a rule. Any individual can make the request and there is no requirement that the petitioner has a real and direct interest or show that some legal right exists. Moreover, there is no requirement that an individual use this process prior to seeking other judicial remedies. While an agency cannot be compelled to change its rule, the receiving agency is required to respond to the petition within sixty days. The petition process requires only that an agency give “fair consideration” to the request. This process encourages an agency to reconsider its existing administrative rules. Rules do not always achieve the intended results. The petition process allows individuals to demand that the agency reexamine its rule and respond to criticisms and suggestions concerning its future. Once efficient policies become obsolete or outdated; the petition process provides individuals with the ability to bring these issues to the attention of the agency and to encourage a periodic rule, “housecleaning.”

Petition Format and Agency Consideration

A set of uniform rules, published in volume one of the Iowa Administrative Code (IAC) suggests a format for the petition process which has been largely adopted throughout state government. The document must identify the petitioner, both by name and address; and his or her interest in the matter at issue; a real and direct interest is not required. the petition should also include the actual text of the proposed change and the arguments and evidence that support the request for change.

Within sixty days of the request the agency must either commence rulemaking or deny the petition stating its reasons for that action. The agency is not required by statute to hold a formal hearing on this petition, but the uniform rules do call for the opportunity for an informal meeting to discuss or clarify the issues. The agency is free to decide the matter based on the information contained in the petition, but it is also free to supplement that information with any other source it chooses. Even if the agency commences rulemaking based on the petition, the agency is not required to complete rulemaking on the proposal. The agency may choose to put a proposal under notice and then make whatever modifications may be desirable after a full public comment.

Periodic Agency Review

The Governor’s Administrative Rules Coordinator may require that an agency review a specified rule and issue a report on its findings. This mechanism allows anyone who believes that a regulatory program is obsolete or ineffectual to request that the Governor’s office order a full review of the program. The agency is then required to analyze the effectiveness of its rule and the criticisms that have been received concerning that rule. Reviews may be requested on a five year cycle.

Rulemaking Resources



The Administrative Rules Review Committee (ARRC) cannot demand that an agency review its rules but the ARRC does have independent power to review rules under Iowa Code section 17A.8(6) to ensure those regulations do not become stale or obsolete.

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