

## Red Tape Review Rule Report (Due: September 1, 2025)

<b>Department Name:</b>	Iowa Public Information Board	<b>Date:</b>	April 23, 2025	<b>Total Rule Count:</b>	4
<b>IAC #:</b>	497	<b>Chapter/ SubChapter/ Rule(s):</b>	1	<b>Iowa Code Section Authorizing Rule:</b>	23
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

### What is the intended benefit of the rule?

Chapter 1 was promulgated to provide an overview of the Agency's organization and general administration. Chapter 1 also includes requirements for Advisory Opinions. This Chapter is being rescinded due to duplication with already existing law. Portions of the Chapter related to Advisory Opinions are relocated to a new Chapter 11.

### Is the benefit being achieved? Please provide evidence.

Yes, the benefit is being achieved. The Iowa Public Information Board successfully operates pursuant to Iowa Code Chapter 23. The board description in Chapter 1 is duplicative to Iowa Code and is being removed.

In addition, the Iowa Public Information continues to process requests for Advisory Opinions. This is an important function of the Iowa Public Information Board and assists government bodies and citizens to comply with and understand transparency laws. The majority of the work done by the Iowa Public Information Board is based on complaints and education, however, the Iowa Public Information Board received and processed 16 Advisory Opinions in 2024.

### What are the costs incurred by the public to comply with the rule?

There are no costs incurred by the public to comply with this rule. All services provided by the Iowa Public Information Board are provided to citizens with no charge. The Iowa Public Information Board is designed to be a free and easily accessible way for citizens to raise and resolve complaints against government bodies related to transparency.

### What are the costs to the agency or any other agency to implement/enforce the rule?

This rule is being rescinded. There are no costs to the agency or any other agency.

### Do the costs justify the benefits achieved? Please explain.

As indicated above, there are no costs associated with this rule.

### Are there less restrictive alternatives to accomplish the benefit? ☐ YES ☒ NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

This rule is being rescinded due to duplication. There is no less restrictive alternative.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]**

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Rule 1.1 is redundant with Iowa Code Chapter 23.  
Rule 1.4 is redundant with state board requirements.  
  
These rules will be rescinded.

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

The full Chapter 1 will be repealed. (Rules 1.1 – 1.4)

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

Rules 1.2 and 1.3 related to Advisory Opinions will be revised and moved to a new Chapter 11 dedicated exclusively to requests for Advisory Opinions. Please see Chapter 11, below.

***\*For rules being re-promulgated with changes, you may attach a document with suggested changes.***

**METRICS**

<b>Total number of rules repealed:</b>	<b>4</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>733</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>24</b>

**ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?**

N/A

**CHAPTER 11  
ADVISORY OPINION PROCEDURES**

**497–11.1(23) Scope and applicability.** This chapter applies to Public Information Board advisory opinions.

**497–11.2(23) Requirements for requesting advisory opinions.**

**11.2(1) Jurisdiction.** The board shall accept requests for advisory opinions only pertaining to Iowa Code chapters 21 and 22, or rules adopted thereunder. The board shall not have jurisdiction over the judicial or legislative branches of state government or any entity, officer, or employee of those branches, or over the governor or the office of the governor.

**11.2(2) Who may request an advisory opinion.** Any person may request an advisory opinion construing or applying Iowa Code chapters 21 and 22. The board shall not issue an opinion to an unauthorized third party. The board may on its own motion issue opinions without receiving a formal request.

**11.2(3) Form of request.** The request for an advisory opinion shall pose specific legal questions and shall describe any specific facts relating to the questions posed. A request for an advisory opinion shall be submitted in writing and on a form designated by the board. A request for an advisory opinion may also be accepted without

using the designated form if the request for an advisory opinion contains the elements of information required by the designated form.

**497—11.3(23) Processing of advisory opinions.** After receiving an advisory opinion request, the board's executive director shall cause to be prepared a draft advisory opinion for board review. If the same or similar issue has been addressed in an opinion of a court, or in an attorney general's opinion, or in another prior advisory opinion, the executive director may respond to the requester by sending a copy of the prior opinion.

**497—11.4(23) Timing of advisory opinions.** The board aspires to issue advisory opinions within 30 days after a formal request is made.

**497—11.5(23) Approval of advisory opinions.** Upon an affirmative vote of a majority of the board, the executive director shall issue an advisory opinion on behalf of the board. Advice contained in a board opinion rendered to a government official or a lawful custodian of a public record, if followed, constitutes a defense for the government official or lawful custodian before the board to a subsequent complaint that is based on the same facts and circumstances.

**11.5(1) Advice on routine matters.** Board staff may provide written advice on routine matters. However, such advice is not an advisory opinion.

**11.5(2) Modification or reconsideration requested.** A person who receives an advisory opinion may, within 30 days after the issuance of the advisory opinion, request modification or reconsideration of the advisory opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request.

**11.5(3) Modification or reconsideration by board.** The board may modify or reconsider an advisory opinion on its own motion within 30 days after the issuance of an advisory opinion.

**497—11.6(23) Declaratory Orders.** Nothing in this rule precludes a person who has received an advisory opinion or advice from petitioning for a declaratory order pursuant to Iowa Code section 17A. The board may refuse to issue a declaratory order to a person who has previously received an advisory opinion on the same question, unless the requester demonstrates a significant change in circumstances from those in the advisory opinion.