Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 19
"Procedure for Rulemaking"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 262
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 262

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Board of Regents no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

In accordance with Executive Order 10, the Board proposes to rescind Chapter 19 and adopt a new chapter in lieu thereof. The new chapter incorporates by reference all such matters in Iowa Code chapter 17A that deal with rulemaking and petitions for rulemaking.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

No costs are known to be associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Persons submitting a petition for rulemaking or a waiver from administrative rules will benefit from this proposed chapter.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

This proposed rulemaking imposes no costs.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no increased implementation or enforcement costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable. This proposed chapter is required by statute.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Board has not identified any less costly methods or less intrusive methods.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered. This proposed chapter is required by statute.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 19 and adopt the following **new** chapter in lieu thereof:

CHAPTER 19
PROCEDURE FOR RULEMAKING

681—19.1(17A) Incorporation by reference. The state board of regents incorporates by this reference all such matters in Iowa Code chapter 17A that relate to procedures for rulemaking.

681—19.2(17A) Contact information.

19.2(1) *General.* Petitions for rulemaking and inquiries about rules being considered by the state board of regents and the rulemaking process may be directed to Board Counsel, Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322.

19.2(2) *Comments on proposed rules.* Any public comment on a Notice of Intended Action or similar document relating to rules may be directed to Board Counsel, Board of Regents, 11260 Auora Avenue, Urbandale, Iowa 50322, or as directed in the Notice of Intended Action or similar document.

19.2(3) *Petitions for rulemaking.* A petition for rulemaking that substantially conforms to the following form will be considered by the state board of regents:

STATE BOARD OF REGENTS

Petition by (Name of Petitioner) for the Adoption/Amendment/Repeal of (Cite rule involved).	}	PETITION FOR RULEMAKING

681—19.3(17A) Electronic submissions. The state board of regents encourages electronic submissions of documents under this chapter, including documents bearing electronic signatures.

These rules are intended to implement Iowa Code chapter 17A.

WAIVER FROM ADMINISTRATIVE RULES

681—19.4(17A) Definitions. For purposes of this chapter:

"Board" means the state board of regents.

"Person" means the same as defined in Iowa Code section 17A.2(9).

"Regent institution" means the University of Iowa, Iowa State University or the University of Northern Iowa.

"Waiver" means the same as defined in Iowa Code section 17A.9A(5).

681—19.5(17A) Applicability and authority. The board or the president of a regent institution or designee may grant a waiver of all or part of an administrative rule, if the waiver is consistent with Iowa Code section 17A.9A.

681—19.6(17A) Criteria for waiver. In response to a petition filed pursuant to this chapter, the board may in the board's sole discretion issue an order waiving in whole or in part the obligations of a rule if the board finds, based on clear and convincing evidence, all of the factors listed in Iowa Code section 17A.9A(2) and that any waiver from the obligations of the rule in the specific case would not harm other persons and would not adversely affect the public interest.

681—19.7(17A) Filing of petition. All petitions for waiver are submitted in writing. A petition for a waiver that pertains to a rule applicable to only a specific regent institution is submitted to the president of that institution. A petition for a waiver that pertains to a matter involving more than one regent institution, or the board or the board's staff, is submitted to the Executive Director, Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322. If the petition relates to a pending contested case, the petition is filed in the contested case proceeding, using the caption of the contested case.

681—19.8(17A) Content of petition. A petition for waiver includes the following information where applicable and known to the requester:

1. The name, address, and telephone number of the person requesting the waiver; the person's representative, if any; and the case number of any related contested case.
2. A description and citation of the specific rule from which a waiver is requested.
3. The specific waiver requested, including the precise scope and duration.
4. The relevant facts that the petitioner believes would justify a waiver under the criteria described in Iowa Code section 17A.9A(2). This statement will include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.
5. A history of any prior contacts between the board or regent institution and the petitioner relating to the regulated activity affected by the proposed waiver, including a description of each affected item held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity within the last five years.
6. Any information known to the requester regarding the board's or regent institution's treatment of similar cases.

7. The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

8. The name, address, and telephone number of any person with knowledge of relevant facts relating to the proposed waiver.

9. Signed releases of information authorizing persons with knowledge regarding the request to furnish the board or regent institution with information relevant to the waiver.

681—19.9(17A) Additional information. Prior to issuing an order granting or denying a waiver, the board or regent institution may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the board or regent institution may on the board's or regent institution's own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the board or regent institution.

681—19.10(17A) Notice. The board or regent institution will acknowledge receiving the petition and ensure that, within 30 days of receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is necessary by any provision of law. In addition, the board or regent institution may give notices to other persons. To accomplish this notice provision, the board or regent institution may obligate the petitioner to serve the notice on all persons to whom notice is necessary by any provision of law and provide a written statement to the board or regent institution attesting that notice has been provided.

681—19.11(17A) Hearing procedures. The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings apply in three situations:

1. To any petition for a waiver filed within a contested case,
2. When provided by rule or order, or
3. When required to do so by statute.

681—19.12(17A) Ruling. An order granting or denying a waiver will be in writing and include the reason for granting or denying the waiver and, if approved, the time period during which the waiver is effective.

19.12(1) *General.* The final decision on whether the circumstances justify the granting of a waiver is the sole discretion of the board or the president of the regent institution, based on the unique, individual circumstances set out in the petition. Petitions submitted in a contested case will be decided by the presiding officer in the contested case proceeding.

19.12(2) *Compliance with Iowa Code standards.* The board applies the standards and burdens in Iowa Code section 17A.9A(3).

19.12(3) *Administrative deadlines.* When the rule from which a waiver is sought establishes administrative deadlines, the board or president of a regent institution will balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

19.12(4) *Time for ruling.* The board or president of a regent institution will grant or deny a petition for a waiver as soon as practicable but, in any event, within 120 days of its receipt unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the board will grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the board or president of a regent institution to grant or deny a petition within the time period is deemed a denial of that petition by the board or president of the regent institution. However, the board or president of a regent institution remains responsible for issuing an order denying a waiver.

19.12(5) *Service of order.* Within seven days of its issuance, any order issued under this chapter is transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

681—19.13(17A) Public availability. The board and regent institutions will comply with the public availability and filing procedures of Iowa Code section 17A.9A(4).

681—19.14(17A) After issuance of a waiver.

19.14(1) *Cancellation.* A waiver issued pursuant to this chapter may be withdrawn, canceled, modified or revoked if, after appropriate notice and hearing, the board or regent institution issues an order finding any of the following:

a. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or

b. The alternative means for ensuring that the public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

c. The subject of the waiver order has failed to comply with all conditions contained in the order.

19.14(2) *Violations.* Violation of conditions in the waiver approval is the equivalent of violation of the particular rule for which the waiver is granted and is subject to the same remedies or penalties.

19.14(3) *Appeals.* Judicial review of the board or president of a regent institution decision may be taken in accordance with Iowa Code chapter 17A. Any request for an appeal from a decision by the presiding officer in a contested case proceeding that grants or denies a waiver may be made pursuant to the procedures provided for in rule 681—20.27(17A) or 681—20.28(17A) as applicable.

These rules are intended to implement Iowa Code section 17A.9A.