

TREASURER OF STATE[781]

Notice of Intended Action

Proposing rule making related to waivers and providing an opportunity for public comment

The Treasurer of State hereby proposes to amend Chapter 19, “Waiver and Variance Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 17A.9A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.9A.

Purpose and Summary

This proposed rule making amends Chapter 19 to implement Iowa Code section 17A.9A. The changes call for deletion of the word “variance” when the word is used in relation to “waiver.”

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

This rule making does not provide for a waiver of its terms.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Office of the Treasurer of State no later than 4:30 p.m. on June 8, 2021. Comments should be directed to:

Karen Austin
Office of the Treasurer of State
State Capitol, Room 114
1007 East Grand Avenue
Des Moines, Iowa 50319
Email: karen.austin@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **781—Chapter 19**, title, as follows:

WAIVER AND VARIANCE RULES

ITEM 2. Amend rule 781—19.1(17A) as follows:

781—19.1(17A) Definition. For purposes of this chapter, a “waiver” or “variance” means action by the agency which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person. ~~For simplicity, the term “waiver” shall include both a “waiver” and a “variance.”~~

ITEM 3. Amend rule 781—19.4(17A) as follows:

781—19.4(17A) Criteria for waiver or variance. In response to a petition completed pursuant to rule 781—19.6(17A), the agency may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the agency finds, based on clear and convincing evidence, all of the following:

1. to 4. No change.

ITEM 4. Amend rule 781—19.12(17A) as follows:

781—19.12(17A) Summary reports Submission of waiver information. ~~Semiannually~~ Within 60 days of granting or denying a waiver, the agency shall prepare a summary report make a submission on the Internet site established pursuant to Iowa Code section 17A.9A for the submission of waiver information identifying the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the agency's actions on waiver requests. If practicable, the report shall detail the extent to which the granting of a waiver has established a precedent for additional waivers and the extent to which the granting of a waiver has affected the general applicability of the rule itself. Copies of this report shall be available for public inspection and shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.