

681—19.10(17A) Exemptions from public rule-making procedures.

19.10(1) *Omission of notice and comment.* To the extent the board of regents for good cause finds that public notice and participation are unnecessary, impracticable, or contrary to the public interest in the process of adopting a particular rule, the board of regents may adopt that rule without publishing advance Notice of Intended Action in the Iowa Administrative Bulletin and without providing for written or oral public submissions prior to its adoption. The board of regents shall incorporate the required finding and a brief statement of its supporting reasons in each rule adopted in reliance upon this subrule.

19.10(2) *Categories exempt.* The following narrowly tailored categories of rules are exempt from the usual public notice and participation requirements because those requirements are unnecessary, impracticable, or contrary to the public interest with respect to each and every member of the defined class:

a. Rules relating to the care of patients or animals at medical or veterinary facilities operated by a regent institution, including rules regarding visitation and conduct of visitors at such facilities;

b. Rules relating to safety as applied to visitors in research laboratories, research farms and other research facilities;

c. Rules relating to the provision of educational services to persons not usually considered students, but who receive services like those available to students, such as conference attendees, persons receiving outreach and extension services, athletic camp attendees, persons taking academic tests or receiving academic evaluation, and persons attending special academic programs tailored to persons not enrolled as students;

d. Specific rules relating to safety or crowd management at ceremonial, celebratory, athletic, artistic, musical and similar events at a regent institution as long as the institution has adopted by formal rule making the general rules of conduct at such events; and

e. Rules relating to the use by the general public of the regent institutions' computing equipment, networks, software, electronic information resources, databases and the like.

19.10(3) *Public proceedings on rules adopted without them.* The board of regents may, at any time, commence a standard rule-making proceeding for the adoption of a rule that is identical or similar to a rule it adopts in reliance upon subrule 19.10(1). Upon written petition by a governmental subdivision, the administrative rules review committee, an agency, the administrative rules coordinator, an association having not less than 25 members, or at least 25 persons, the board of regents shall commence a standard rule-making proceeding for any rule specified in the petition that was adopted in reliance upon subrule 19.10(1). Such a petition must be filed within one year of the publication of the specified rule in the Iowa Administrative Bulletin as an adopted rule. The rule-making proceeding on that rule must be commenced within 60 days of the receipt of such a petition. After a standard rule-making proceeding commenced pursuant to this subrule, the board of regents may either readopt the rule it adopted without benefit of all usual procedures on the basis of subrule 19.10(1), or may take any other lawful action, including the amendment or repeal of the rule in question, with whatever further proceedings are appropriate.