

193D—1.10(17A) Interim waivers and variances. In addition to the provisions of 193—Chapter 5, the following shall apply for interim rulings:

1.10(1) The board chairperson, or vice chairperson if the chairperson is not available, may rule on a petition for waiver or variance when it would not be timely to wait for the next regularly scheduled board meeting for a ruling from the board.

1.10(2) The board administrator shall, upon receipt of a petition that meets all applicable criteria established in 193—Chapter 5, present the request to the board chairperson or vice chairperson along with all pertinent information regarding established precedent for granting or denying such requests.

1.10(3) The chairperson or vice chairperson shall reserve the right to hold an electronic meeting of the board when prior board precedent does not clearly resolve the request, input of the board is deemed required and the practical result of waiting until the next regularly scheduled meeting would be a denial of the request due to timing issues.

1.10(4) A waiver report shall be placed on the agenda of the next regularly scheduled board meeting and recorded in the minutes of the meeting.

1.10(5) This rule on interim rulings does not apply if the waiver or variance was filed in a contested case.

[ARC 3097C, IAB 6/7/17, effective 7/12/17; ARC 5571C, IAB 4/21/21, effective 5/26/21]