



# MINUTES

## SEPTEMBER 2019 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

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### MEMBERS PRESENT

Senator Waylon Brown, Vice Chair  
Senator Pam Jochum  
Senator Mark Costello  
Senator Robert Hogg  
Senator Zach Whiting

Representative Megan Jones, Chair  
Representative Steven Holt  
Representative Joe Mitchell  
Representative Amy Nielsen [by teleconference]  
Representative Rick L. Olson

EX OFFICIO, NONVOTING MEMBER: Sam Langholz, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048, and Amber Shanahan-Fricke, Legal Counsel, 515.725.7354

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### BULLETINS NEEDED FOR THIS MEETING: 5/8/19, 8/14/19, 8/28/19

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#### Procedural Business

Representative Jones convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 9:03 a.m. on Tuesday, September 10, 2019, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the August 12, 2019, meeting were approved. The next meeting was scheduled for Tuesday, October 8, 2019, at 9:00 a.m. at the State Capitol in Des Moines, Iowa. The committee also tentatively scheduled the January meeting for Friday, January 10, 2020, at 9:00 a.m. at the State Capitol in Des Moines, Iowa. The meeting was adjourned at 12:17 p.m.

#### Fiscal Overview

Ms. Christin Mechler, Fiscal Legislative Analyst, presented the LSA fiscal report. Committee members asked when ARC 4612C would become effective, and Mr. Ewing confirmed the effective date would be September 18, 2019. Committee members asked for clarification of the fiscal impact of eliminating the 200-separate-transaction threshold in ARC 4644C and why it caused a decrease in state revenue rather than an increase. Mr. Kent Ohms, LSA Fiscal Legislative Analyst, explained that while the sales threshold was removed, another threshold on the amount of dollars made on sales remained in place. Committee members asked what the dollar threshold is, and he stated it was \$100,000. Committee members asked if sellers could previously choose between the two thresholds, and he stated they could.

#### HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg, Marissa Eyanson

ARC 4600C (NOIA), Medical Assistance—Forms, Proposed Amendments to Rules 79.3(2)“d,” 79.8(1)“c,” 80.2(2)“b,” and 81.6(16)“g”(9)  
No discussion on ARC 4600C.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

ARC 4601C (NOIA), Public Assistance Program Evaluation, Proposed Amendments to Chapter 13  
No discussion on ARC 4601C.

ARC 4602C (NOIA), Child Abuse Mandatory Reporter Training for Child Care Providers, Proposed Amendments to Rules 109.7, 110.9, 110.10(1), and 120.10  
No discussion on ARC 4602C.

ARC 4603C (NOIA), Child Care Centers—Preinspection Visits, Regulatory Fees, Proposed Amendments to Rules 109.2 and 109.3  
No discussion on ARC 4603C.

ARC 4610C (AF), Resolution of Legal Settlement Disputes; Mental Health and Disability Services Redesign Transition Fund; Community Mental Health Center Waiver Request, Rescission of Chapters 15 and 23, Chapter 25, Division VII Title, and Rule 25.81  
Committee members expressed appreciation for the department removing unnecessary language but criticized the department for its untimeliness, noting that the implementing legislation was from 2012. Committee members confirmed with Ms. Freudenberg that these issues became apparent during a five-year review. Committee members inquired if there have been any problems with the delay in implementation of rules. Ms. Freudenberg indicated that there have been no problems because the outdated rules would be overridden by the current statute.  
No action taken on ARC 4610C.

ARC 4627C (NOIA), Healthy and Well Kids in Iowa (HAWK-I) Program, Proposed Amendments to Chapter 86  
No discussion on ARC 4627C.

ARC 4628C (NOIA), Brain Injury Waiver, Proposed Amendments to Rules 77.39, 77.52(3), 78.56(2), 83.81, and 83.82  
No discussion on ARC 4628C.

ARC 4629C (NOIA), Juvenile Detention and Shelter Care Homes, Child Foster Care Facilities, Residential Facilities for Children—Licensing and Regulation, Proposed Amendments to Chapters 105, 112, and 114–116  
No discussion on ARC 4629C.

ARC 4430C (AF), HCBS Waiver Services—Consumer Choices Option, Amendments to Chapters 78 and 79  
The committee conducted a special review of the rule, which was placed on session delay at the committee's June 11, 2019, meeting. Ms. Eyanson provided an update on the progress of structuring the systems to pay Veridian. She stated that the department is targeting January 1, 2020, to launch the post payment program. She stated that Iowa Medicaid also is working on disseminating information. Committee members thanked the department for working with Veridian to help people with disabilities. Committee members asked the department how the department would like to proceed. Ms. Eyanson requested that the delay be lifted so that the department can begin work relating to post payment.

**Session Delay Lifted**

A motion to lift the session delay passed on a voice vote, with eight members present.

**CHIEF INFORMATION OFFICER, OFFICE OF THE**

Representing the agency: Matt Behrens

ARC 4606C (AF), Broadband—Infrastructure, Targeted Service Areas, Project Certification, Grants Program, Amendments to Chapters 20–22  
No discussion on ARC 4606C.

## **CREDIT UNION DIVISION**

Representing the agency: Jessica Pollmeier

ARC 4632C (AF), Board of Directors Meetings; Branch Applications, Amendments to Rules 2.8, 2.9, and 6.1  
No discussion on ARC 4632C.

## **INSURANCE DIVISION**

Representing the agency: Andria Seip

ARC 4622C (NOIA), Surplus Lines, Risk Retention Groups and Purchasing Groups, Proposed Amendments to Chapter 21  
No discussion on ARC 4622C.

## **UTILITIES DIVISION**

Representing the agency: Matthew Oetker

ARC 4615C (AF), Assessments, Amendments to Rules 17.1–17.8, Rescission of Rule 17.9, and Adoption of Rules 17.10 and 17.11  
No discussion on ARC 4615C.

ARC 4616C (AF), Annual Reports, Amendments to Rules 23.1–23.3  
No discussion on ARC 4616C.

ARC 4645C (AF), Electric Interconnection of Distributed Generation Facilities, Amendment to Rules 45.1, 45.3(1), 45.5(10), and 45.6(2)  
No discussion on ARC 4645C.

## **LIBRARIES AND INFORMATION SERVICES DIVISION**

Representing the agency: Michael Scott

ARC 4605C (NOIA), Definition of “Public Library,” Proposed Amendment to Rule 1.1

Committee members inquired how many libraries would close under this rulemaking. Mr. Scott responded that eight libraries would potentially close if the rulemaking were adopted. Many committee members expressed disapproval of the rulemaking for penalizing libraries for not having paid staff and recommended that the rulemaking not include this provision. Committee members suggested that libraries should not be penalized for utilizing volunteers. Other committee members noted that the rulemaking does not prevent a library without paid staff from being a library; it merely provides that such a library cannot access state funding. Committee members noted that the term “paid staff” was not defined in the rulemaking and opined that the term could be interpreted creatively by cities to keep their libraries open while only paying their staff a nominal amount. Committee members conveyed that the state should be facilitating libraries, not stifling them through rulemaking. Mr. Scott suggested that these communities should utilize their limited funding to contract with a nearby community library in order to receive services.

Committee members inquired whether Mr. Scott had concerns regarding board members serving as paid staff, which is occurring in small communities. Mr. Scott responded that this is not common for a public library because a board seat is typically a mayoral appointment. Mr. Scott expressed that the concern would be a conflict of interest. Mr. Scott stated this would apply to approximately eight libraries.

In response to an inquiry from committee members, Mr. Scott stated that libraries which did not meet the definition of “public library” would be ineligible for funding through the Enrich Iowa Program which covers the following three elements: 1) direct state aid to public libraries, 2) an exchange program that allows an Iowa library card holder to use their library card at another Iowa library, and 3) the interlibrary loan program.

Mr. Scott mentioned that a circumstance existing in almost all eight libraries that could close under the proposed rulemaking is that the city is not adequately funding the library. Certain committee members encouraged the cities to increase funding for their local libraries. Other committee members asked if cities were withholding funding for their libraries due to lack of funds or due to improper activity by the local library.

Mr. Scott responded that in the one case he was aware of, the city council seemed to not be supportive of the library in general; in other cases, he was unsure. Committee members stated the rulemaking needs work and encouraged the division to revise the rulemaking prior to adoption.  
No action taken on ARC 4605C.

## **COLLEGE STUDENT AID COMMISSION**

Representing the agency: Todd Brown

ARC 4588C (NOIA), All Iowa Opportunity Scholarship Program, Proposed Amendment to Rule 8.2  
No discussion on ARC 4588C.

ARC 4594C (NOIA), Skilled Workforce Shortage Tuition Grant Program, Proposed Amendments to Chapter 23  
No discussion on ARC 4594C.

ARC 4595C (NOIA), Iowa National Guard Educational Assistance, Amendments to Chapter 20  
No discussion on ARC 4595C.

ARC 4607C (AF), Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program, Proposed Amendments to Chapter 15  
Committee members asked for clarification on the statutory problem underlying this rulemaking. Mr. Brown stated that the statute requires that a person enroll in a program of study immediately following graduation, but provides that a person is not officially in the program if the person is taking prerequisite courses for the program and then the person does not qualify for funding for the program.  
No action taken on ARC 4607C.

ARC 4608C (AF), Future Ready Iowa Skilled Workforce Grant Program, Amendments to Chapter 16  
No discussion on ARC 4608C.

## **INSPECTIONS AND APPEALS DEPARTMENT**

Representing the agency: Ashleigh Hackel

ARC 4589C (NOIA), Food and Consumer Safety; Food Establishment and Food Processing Plant Inspections, Proposed Amendments to Rules 30.2, 30.7, 30.9(2), and 31.1(4)  
Committee members and Ms. Hackel engaged in a discussion regarding whether the licensing requirement for food establishments had previously been inadvertently removed. Ms. Hackel confirmed that it had been removed inadvertently and was being reinserted at this time. She insisted that at no time was the licensing requirement changed under statute.

Committee members asked Ms. Hackel to explain the Iowa Code chapter 22 confidentiality provision. She explained that the administrative code provision is intended to implement Iowa Code section 22.7 (18). She stated that information or complaints become a confidential record. She stated that the rule was initiated after several instances of angry phone calls from individuals who had made complaints, had their personal information revealed through public records request, and been retaliated against. She said that the department realized that that Iowa Code section 22.7 (18) was triggered and this rulemaking is directing the department to implement that statutory requirement.

Committee members asked Ms. Hackel if whistleblower statutes fall under Iowa Code chapter 22 or under a separate chapter. She stated she did not think whistleblower statutes fall under Iowa Code chapter 22, but she was unsure.  
No action taken on ARC 4589C.

ARC 4590C (NOIA), Posted Rules for Games Other than Bingo and Raffles; Amusement Concessions, Proposed Amendments to Rules 100.8 and 101.1–101.4  
No discussion on ARC 4590C.

#### **ENVIRONMENTAL PROTECTION COMMISSION**

Representing the agency: Wendy Hieb

ARC 4609C (AF), NPDES General Permit No. 6, Amendment to Rule 64.15(6)  
No discussion on ARC 4609C.

#### **PHARMACY BOARD**

Representing the agency: Sue Mears

ARC 4591C (NOIA), Mandatory Training for Identifying and Reporting Abuse, Proposed Amendment to Rule 2.16  
No discussion on ARC 4591C.

ARC 4592C (NOIA), Temporary Designation of Controlled Substances — Synthetic Cannabinoids, Brexanolone, Solriamfetol, Proposed Amendments to Rule 10.39  
No discussion on ARC 4592C.

ARC 4593C (NOIA), Telepharmacy Practice, Proposed Amendments to Rules 13.4, 13.8, 13.9, 13.11 (1), 13.16, 13.17, and 13.21(1)  
No discussion on ARC 4593C.

#### **PUBLIC SAFETY DEPARTMENT**

Representing the agency: Chandlor Collins

ARC 4641C (AF), Fire Service Training Bureau; Fire Fighter Training, Certification, and Funds, Amendments to Chapters 53, 251, and 259  
No discussion on ARC 4641C.

ARC 4642C (AF), Safety Standards—Liquefied Petroleum Gas, Amendments to Rules 226.1, 226.4, 226.5, and 226.8  
No discussion on ARC 4642C.

#### **REVENUE DEPARTMENT**

Representing the agency: Tim Reilly

ARC 4614C (AF), Determination of Net Income—Like-Kind Exchanges of Personal Property, Adoption of Rules 40.83, 53.27, and 59.10

Committee members noted that the fiscal impact of the rulemaking is anticipated to be a reduction in state revenue of \$9 to \$10 million and asked how the rulemaking is affected by a federal statutory change that eliminated a tax exemption similar to the rulemaking. Mr. Reilly agreed with the point about the federal statutory change and explained that the fiscal impact should be short-term, as the rulemaking would only apply to the tax years beginning January 1, 2018, and January 1, 2019, after which the state would couple with federal law on this tax exemption. He stated he would check to make sure his explanation was correct.

No action taken on ARC 4614C.

ARC 4643C (AF), Sourcing of Taxable Services, Amendments to Rules 26.17(3) and 223.2  
No discussion on ARC 4643C.

ARC 4644C (AF), Remote Sales and Marketplace Sales, Adoption of Chapter 215

Committee members followed up on discussion during the fiscal overview earlier in the meeting by asking for an explanation of the fiscal impact of eliminating the 200-separate-transaction threshold. Mr. Reilly explained that the impact was estimated to be a decrease of approximately \$1 million going forward. Committee members asked for an example of a taxpayer who would be affected by the elimination of the threshold. Mr. Reilly explained that out-of-state small businesses who would not otherwise cross the existing \$100,000 threshold but would have sold 200 small value items through their own websites or otherwise not through a marketplace facilitator such as Amazon would be affected. Committee members asked, as an example, if a Nebraska resident who sells 250 decorations online but does not make \$100,000 in sales would not have to collect Iowa sales tax. Mr. Reilly agreed, provided that the person sells on their own website and does not make \$100,000 in sales. Committee members noted that the elimination of the threshold may be easier for the department to enforce, and Mr. Reilly agreed, noting that there would be fewer sellers who would need to register with the department.

No action taken on ARC 4644C.

**TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA**

Representing the agency: Deb Evans

ARC 4626C (NOIA), Education Telecommunications Council and Regional Telecommunications Councils, Proposed Rescission of Chapter 8 and Rules 1.4, 15.4, and 15.5

No discussion on ARC 4626C.

**TRANSPORTATION DEPARTMENT**

Representing the agency: Sara Siedsma

ARC 4623C (NOIA), OWI and Implied Consent, Proposed Amendments to Chapter 620

No discussion on ARC 4623C.

ARC 4624C (NOIA), Minors' School Licenses—Driving Distance Between Residence and School, Proposed Amendments to Rules 602.2 and 602.26

Committee members asked if the 50-mile driving distance referenced in the rulemaking is one way or both ways, and Ms. Siedsma explained that it is one way.

No action taken on ARC 4624C.

**VOTER REGISTRATION COMMISSION**

Representing the agency: Molly Widen

ARC 4646C (AF), Voter Registration Forms Produced by Electronic Poll Books, 2.17

Committee members asked if this rulemaking related to an issue previously raised by county auditors regarding special elections over the summer, and Ms. Widen confirmed, explaining that this was originally implemented through emergency rulemaking to allow county auditors to purchase electronic poll books. Committee members asked if the previous rulemaking was utilized during those special elections and if there was any feedback received on the rulemaking. Ms. Widen explained that Polk County and Linn County had utilized electronic poll books for elections over the summer under the emergency rulemaking and had been successful as far as she was aware. She noted that electronic poll books will be more widely used in the November city and school elections.

No action taken on ARC 4646C.

## **WORKFORCE DEVELOPMENT DEPARTMENT**

Representing the agency: Ryan West

ARC 4631C (NOIA), Claims for Unemployment Insurance Benefits — Verification of Claimant Identity, Proposed Amendment to Rule 24.3  
No discussion on ARC 4631C.

## **SCHOOL BUDGET REVIEW COMMITTEE**

Representing the agency: Thomas Cooley

ARC 4604C (NOIA), School District Requests for Modified Supplemental Amount; Hearing Procedures, Proposed Amendments to Rules 1.4(1), 4.6, 6.1, and 6.3  
No discussion on ARC 4604C.

## **EDUCATION DEPARTMENT**

Representing the agency: Nicole Proesch, Larry Bice, Max Christensen

ARC 4619C (FEAN), Standards for Teacher Intern Preparation Programs, Amendment to Rule 77.11(2)“c”  
No discussion on ARC 4619C.

ARC 4620C (FEAN), Standards for Preparation Examinations, Amendments to Rules 79.2, 79.10(4), 79.15(6), and 79.17(1)  
No discussion on ARC 4620C.

ARC 4636C (AF), Pupil Transportation, Amendments to Chapter 43  
Ms. Margaret Buckton, speaking on behalf of Rural School Advocates (RSA), expressed support for the rulemaking. She noted that RSA does not support the fee increase, but recognizes that the fee has not been increased in some time.  
No action taken on ARC 4636C.

ARC 4637C (AF), School Bus Construction Standards, Amendments to Chapter 44  
Committee members asked the department to verify that only newly purchased school buses would be required to have seat belts, and Mr. Christensen did so. Committee members asked if the number of pounds of force that would be executed on a seat belt on a school bus is the same amount as a regular personal vehicle, and he said it is. Committee members stated that seat belts are standard for school buses now, and thus the requirement may not be necessary.

Committee members questioned whether seat belts would be safe in the event of a bus being submerged in water, and Mr. Christensen explained that such incidents are historically very rare nationwide, with the last two occurring in 1985 and 2001. Committee members questioned whether seat belts would be safe in the event of a bus catching on fire, and Mr. Christensen explained that there is an average of one school bus fire a day nationwide, which statistically is very low. Committee members noted that there had recently been a school bus fire in Iowa, and it would be unfair to tell the family of a person on such a bus that such fires are unlikely.

Committee members asked if there would be training for school bus drivers regarding seat belts, and Mr. Christensen confirmed there would be. Committee members asked if there would be a knife or scissors on school buses to cut seat belts if need be, and he explained that each bus would have a seat belt cutter on board. Committee members asked if he would be receptive to requiring a second belt cutter on each bus for an adult other than the bus driver to use, and he expressed openness to that. Committee members asked how the belt cutters are secured, and he stated they are secured with Velcro in the driver’s area. Committee members asked if this could potentially mean that anyone could get access to the seat belt cutter, and he agreed.

Committee members asked what the requirements are for school bus driver physicals and if the department is considering revising them, as some states such as Maine are doing. Mr. Christensen explained that school bus drivers are subject to a physical through the state Department of

Transportation in accordance with federal requirements, which must be conducted by a certified medical professional. He noted that a background check is also required. Committee members asked how long a school bus driver physical is valid for, and he explained that a physical is valid for up to two years depending on limitations set by the medical professional. Committee members asked what proposals relating to school bus driver physicals have been considered. He explained that some school districts have proposed including physical fitness requirements, which is also what Maine is considering. He stated that the department has discussed this as well. Committee members noted that school bus drivers are often older persons, which should be considered when determining physical requirements, and he agreed. Ms. Proesch noted that physical requirements could also be a local decision, as some areas may have difficulty getting enough school bus drivers.

Committee members stated that keeping children safe should be the highest priority in these rules and acknowledged this was the department's highest priority as well.

Ms. Buckton made a public comment on behalf of RSA. She expressed support for the rulemaking, although she said she still had questions about it. She explained that research shows that seat belts on school buses make children better behaved, which means fewer accidents, and that existing compartmentalization built into school buses as a safety feature does not work if school buses are hit from the side or students are not in their seats. She explained that some school districts are concerned about the rulemaking because they view it as an unfunded mandate, but this is mitigated because the rulemaking only applies to school buses newly constructed after the effective date of the rulemaking, and many districts purchase school buses from other districts as needed. She further explained that school buses are purchased under the physical plant and equipment levy or the state penny for school infrastructure, so the funding does not compete with teachers, textbooks, and other matters important to education, which reduces, but does not eliminate, concerns over unfunded mandates. She stated that if the expense of the seat belt requirement becomes excessive, the amount of property tax relief in the state penny for school infrastructure may need to be revisited, as 30 percent of that goes toward property tax relief instead of helping schools respond to such unfunded mandates. She also noted that rural school districts have the hardest time retaining school bus drivers, and if student behavior improves due to seat belts, it may be easier to retain school bus drivers.

Ms. Emily Piper made a public comment on behalf of the Iowa Association of School Boards. She expressed support for the rulemaking and revisited school district liability for buses that do not have seat belts as discussed when the rulemaking was reviewed under notice. She explained that school boards could likely not just absolve themselves of such liability, but that a school board can adopt a policy specific to each vehicle rather than an across-the-board policy for all district vehicles, which may mitigate liability. She stated that school boards are comfortable with that and with moving forward with the rulemaking.

Mr. Chris Darling made a public comment on behalf of the Iowa Pupil Transportation Association. He explained that his group held a conference on the issue of school bus seat belts which included a bus crash demonstration. The demonstration included a side-by-side demonstration on a school bus with seat belts and one without seat belts. Thirty children in grades K-6 evacuated from each school bus with some instruction and a practice session beforehand. He stated that the evacuation of the school bus without seat belts took one minute, 10 seconds, while the evacuation of the school bus with seat belts took 44 seconds. He stated that a few more students evacuated through the front door of the school bus without seat belts, as opposed to the back door. He stated that students in Iowa are trained on school bus evacuations twice a year, so students would be trained on the use of seat belts in such situations.

Mr. Merrill Mueller, the transportation director for the Algona Community School District, also made a public comment. He expressed support for the rulemaking and stated that his district will be getting some new buses with seat belts soon. He stated that his district has had no disciplinary issues with seat belts thus far and children know how to utilize seat belts. He explained that a seat belt cutter is not a true knife because the shape of it is protective and does not allow for a real cutting edge. He stated it might be possible for a child to hurt their finger on one. He compared it to a letter opener. He stated that requiring two seat belt cutters is a good idea.

No action taken on ARC 4637C.

## **REGENTS BOARD**

Representing the agency: Kristin Bauer, Trevor Glanz

### **ARC 4630C (NOIA), Human Resources Management — Merit System Rules, Proposed Amendments to Chapter 3**

Committee members questioned whether an amendment relating to delays in the reinstatement of suspended merit increases from being applied based solely on seniority to also being based on performance undermined the concept of a merit system. Mr. Glanz explained that the rule had not been used in 20 years, and the board wanted to be able to consider outstanding performance by individual employees when reinstating merit increases. Committee members asked why the rulemaking allows management more flexibility to increase pay within a pay grade and whether this was contrary to the concept of a merit system. Mr. Glanz explained that the board has had issues retaining employees in positions such as skilled trades and would like the flexibility to handle issues such as counteroffers. Such issues would be decided by the merit system director with additional supervisor, management, and board office input and after-market analysis. If these recruitment issues are not resolved, he stated that operations may be placed at risk. He stated this amendment would not undermine the intent of the merit system.

Committee members asked why the board was pursuing the rulemaking now and what the basis of the rulemaking was, whether to conform to statutory changes, to exercise discretion provided by statute, or to carry out the executive branch administration's preferred approach regarding public employees. Ms. Bauer explained that the rulemaking was necessitated by recent statutory changes relating to the merit system and was based on a variety of factors used to determine what was best for the regents institutions, including those changes, prior rulemaking by the Department of Administrative Services (DAS) to implement the changes, and recommendations from work groups at each regents institution. She noted that the approach of the prior DAS rulemaking would not work for the board in all areas.

Committee members asked how work retention issues relate to the rulemaking and what worker retention issues regents institutions are facing. Ms. Bauer stated that Iowa State University had a number of new classifications due to worker shortages. Committee members stated that job protections for workers should be a focus in addition to recruiting new workers. Mr. Glanz explained that many of the amendments in the rulemaking are for the purpose of worker retention. Committee members asked if there is data on specific positions that are hard to recruit. Mr. Glanz explained that certain positions such as skilled trades, police officers, and health care professionals are harder to fill, and the rulemaking is intended to make the board's rules more closely align with how the institutions recruit. Committee members asked to see the data on specific positions that are hard to recruit, and Ms. Bauer agreed to provide it. Committee members stated that the rulemaking would probably be controversial, and the board would probably receive public comments.

No action taken on ARC 4630C.

## **RACING AND GAMING COMMISSION**

Representing the agency: Brian Ohorilko

### **ARC 4617C (NOIA), Sports Wagering; Fantasy Sports Contests, Amendments to Chapters 1, 3–6, and 8; Adoption of Chapters 13 and 14, also Filed Emergency ARC 4618C.**

No discussion on ARC 4617C or 4618C.

## **PUBLIC HEALTH DEPARTMENT**

Representing the agency: Susan Dixon, Angela Leek

### **ARC 4611C (AF), State Plumbing Code—Update of References to 2018 Edition of Uniform Plumbing Code, Amendments to Rules 25.1 and 25.3–25.5**

No discussion on ARC 4611C.

ARC 4613C (AF), State Mechanical Code—Adoption of 2018 International Mechanical Code by Reference, 61.2

Committee members asked if the code adopted by reference in the rulemaking is available in the State Law Library, and Ms. Dixon stated she believed it is.

No action taken on ARC 4613C.

ARC 4612C (AF), Radiological Health Programs—Fees, Amendments to Rules 38.8, 42.5–42.10, 42.12, and 42.13

Committee members asked why the department waited 20 years to raise these program fees when costs have risen over the same period of time and how the department expected affected facilities to deal with the increases when they already run on tight budgets. Ms. Dixon explained that it is always difficult to raise fees and the department waited as long as it could to do so. She further explained that the department had reached out to licensees to inform them about the increase and that because licensure is only required annually, licensees would have more time to budget for the increases. Committee members asked why the department did not take action on this matter sooner, and Ms. Dixon explained that the department was able to manage the program at current fee levels until now. Committee members asked if anything came up that required the fees to be increased this year. Ms. Leek stated that there are many challenges that go into rulemaking and fee increases are never popular, but the department is working on improving in this area.

No action taken on ARC 4612C.