



MINUTES

JUNE 2020 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

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

Representative Megan Jones, Vice Chair
Representative Steven Holt
Representative Joe Mitchell
Representative Amy Nielsen
Representative Rick L. Olson

EX OFFICIO, NONVOTING MEMBER: Michael Boal, Deputy Legal Counsel, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048, and Kate O'Connor, Legal Counsel, 515.281.6329

BULLETINS NEEDED FOR THIS MEETING: 5/6/20, 5/20/20, 6/3/20

Procedural Business

Senator Brown convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 7:05 a. m. on Thursday, June 4, 2020. All members present were in attendance via a telecommunications connection. Senator Brown reviewed the procedures for conducting the meeting via videoconference. The minutes of the May 8, 2020, meeting were approved. The next meeting was scheduled for Tuesday, July 14, at 9:00 a. m. and will be conducted via a telecommunications connection. The meeting was adjourned at 7:55 p.m.

Fiscal Overview

Ms. Christin Mechler, Fiscal Legislative Analyst, presented the LSA fiscal report.

HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg, Julie Allison

ARC 5035C (AF), Child Care Assistance Plus Program—Eligibility, Income Guidelines, Age Groups, Rules 170.2(1)“a,” 170.4

In reference to the expected temporary decrease in caseloads projected for 2021, committee members asked how many families are expected to be affected and how those families may be impacted. Ms. Allison indicated that she did not have that data available at that moment, however, she explained that families on the current Child Care Assistance (CCA) Plus program transition off the program after 12 months. New families that apply for the program will be transitioned to the new CCA Plus program which does not have a 12-month time limit and remains ongoing until a family exceeds a specified income threshold. The department does not anticipate any ill effects for families. Ms. Allison stated that she will provide the committee with additional information.

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).

Ms. Freudenberg explained that the budget projections indicate that for the 2020 budget year the number of children going on the program will balance the number of the children going off the program, therefore, case levels will remain steady. In 2021, the first year of transition to the new program, a total of three children are projected to lose eligibility. In 2022, it is estimated that 70 more children will be added to the program than the number of children aging out of the program. In 2023, a net gain of 32 children is projected to be added to the program. In 2024, a net gain of 16 children is projected to be added to the program. Ms. Fruedenberg stated that overall the number of children joining the program will negate the effect of the number of children going off of the program.
No action taken on ARC 5035C.

INSURANCE DIVISION

Representing the agency: Doug Ommen

ARC 5045C (AF), Unfair Trade Practices—Standards for Annuity Agents and Securities Agents, Ch. 15

No discussion on ARC 5045C.

COLLEGE STUDENT AID COMMISSION

Representing the agency: Todd Brown

ARC 5031C (NOIA), Loan Repayment Programs—Definition of “Service Commitment Area,” Rules 24.2, 25.2, 26.2

No discussion on ARC 5031C.

WORKFORCE DEVELOPMENT DEPARTMENT

Representing the agency: David Steen

ARC 5037C (AF), Unemployment Insurance Benefits, Rules 24.13(1), 24.17(1)“d,” 24.19(2), 25.8(1)

No discussion on ARC 5037C.

SECRETARY OF STATE

Representing the agency: Eric Gookin

ARC 5036C (AF), Elections Technology Security, Rules 29.3(1), 29.4 - 29.6

Committee members asked what issues are being addressed by this rulemaking. Mr. Gookin explained that there is a wide range of skill sets and resources available throughout the 99 counties. The rulemaking creates a baseline for security and allows security weaknesses throughout the state to be isolated and addressed.

No action taken on ARC 5036C.

ARC 5041C (AF), Notarial Acts, Ch. 43

No discussion on ARC 5041C.

LABOR SERVICES DIVISION

Representing the agency: Kathleen Uehling

ARC 5040C (NOIA), Conveyances—Delay of ASME Enforcement Date, Rules 72.10(2), 73.1

No discussion on ARC 5040C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Susan Dixon

ARC 5038C (AF), Plumbing and Mechanical Systems Board — Licensing, Chs. 32, 60
No discussion on ARC 5038C.

NATURAL RESOURCE COMMISSION

Representing the agency: Tyler Harms, Chris Ensminger, Vince Evelsizer

ARC 5032C (NOIA), Deer Hunting By Residents, Rules 106.1, 106.2(5), 106.4(5), 106.6
No discussion on ARC 5032C.

ARC 5033C (NOIA), River Otters and Bobcats — Open Area, Seasonal Bag Limit, Rule 108.7
Committee members expressed appreciation for the careful population reviews by Mr. Evelsizer and asked if the otter and bobcat populations are expanding enough to add additional seasons in the future. Mr. Evelsizer indicated that seasons are added by watching the populations and both populations are trending in the right direction. Mr. Evelsizer stated that bobcats are expanding in range and distribution to eastern and northeastern Iowa.
No action taken on ARC 5033C.

ARC 5034C (NOIA), Wild Turkey Hunting — Archery-Only Season, Shotgun-or-Archery Quota, Rules 98.2(4)“b,”99.5(1)“e”
No discussion on ARC 5034C.

ENVIRONMENTAL PROTECTION COMMISSION

Representing the agency: Roger Bruner

ARC 5044C (NOIA), Aquatic Life Water Quality Criteria for Certain Metals, Rule 61.3(3)
Mr. John Riches, speaking on behalf of Arconic, a company that engineers and manufactures aluminum products, commented on the strong working relationship Arconic has with the Department of Natural Resources and the open conversations the company has had with Mr. Bruner. Mr. Riches expressed his appreciation for the change in language under the purpose and summary section which refers to the aluminum aquatic life water quality criteria in the form of bioavailable concentration values. Mr. Riches stated that the language provides clarity to footnote “r” in rule 61.3(3). Mr. Riches stated that businesses can work with the rulemaking, and the rulemaking also improves water quality in Iowa.
No action taken on ARC 5044C.

PROFESSIONAL LICENSURE DIVISION

Representing the agency: Steven Garrison

ARC 5043C (NOIA), Notice, Physician Assistants — Licensure, Practice, Discipline, Rules 326.1, 326.6, 326.15, 326.18, 326.19(3)“b,” 327.1, 327.4, 327.5, 327.6(2), 329.2(25)

Committee members stated that per a discussion with Mr. Tim Coonan, who spoke on behalf of the Iowa Physician Assistant Society, the language regarding the delegation of prescription authority to physician assistants that was included in 2020 Iowa Acts, Senate File 2357, had not been included in the rulemaking. Mr. Garrison indicated that if language from Senate File 2357, had been omitted from the rulemaking it was not intentional, and he is willing to consult with the Board of Physician Assistants to ensure the appropriate language is included in the rulemaking.

Mr. Coonan noted that Senate File 2357 struck the requirement that the supervising doctor’s name be on any prescription written by a physician’s assistant; however, that requirement remains in the rules. If that requirement is struck, the rulemaking will align with Senate File 2357. Mr. Coonan expressed his appreciation to the members of the committee that supported Senate File 2357 and to the LSA staff that drafted the bill.

No action taken on ARC 5043C.