



# MINUTES

## JULY 2020 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

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### MEMBERS PRESENT

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

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### BULLETINS NEEDED FOR THIS MEETING: 6/17/20, 7/1/20

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#### Procedural Business

Representative Jones convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 9 a.m. on Tuesday, July 14, 2020. All members present were in attendance via a telecommunications connection. The minutes of the June 4, 2020, meeting were approved. The next meeting was scheduled for August 11, 2020, at the State Capitol in Des Moines, Iowa. Committee members discussed 2020 Acts, House File 2585, which is related to terminology in the Iowa Code referencing deaf and hard-of-hearing individuals. Mr. Ewing explained that House File 2585 is technical in nature and includes a directive that the Administrative Rules Coordinator and the committee, in consultation with the Administrative Code Editor, develop a schedule to update references to deaf and hard-of-hearing individuals in the Iowa Administrative Code. Mr. Ewing stated that based on his preliminary research there are approximately 46 rules across 14 administrative agencies that will require a change in terminology. Mr. Boal stated that the Governor's office is open to suggestions from the committee on scheduling. Committee members discussed having impacted agencies make the required terminology changes as either part of the agencies' rolling five-year rule review or within six months pursuant to Iowa Code section 17A.4. Committee members decided impacted agencies must make the required terminology changes within six months pursuant to Iowa Code section 17A.4 and if an agency is unable to do so, the agency must submit a letter to the committee explaining its inability to comply with the deadline. The meeting was adjourned at 9:45 a.m.

#### Fiscal Overview

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

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).

## **HUMAN SERVICES DEPARTMENT**

Representing the agency: Adrienne Erazo

ARC 5049C (NOIA), Medicaid for Employed People With Disabilities Program—Premium Amounts, Rule 75.1(39)“b”

No discussion on ARC 5049C.

ARC 5064C (AF), Licensing and Regulation of Foster Family Homes, Rules 113.3(4), 113.5 to 113.7, 113.11, 113.12(5), 113.14(1)

No discussion on ARC 5064C.

## **ENVIRONMENTAL PROTECTION COMMISSION**

Representing the agency: Christine Paulson, Diane Moles, Mark Moeller

ARC 5051C (AF), Air Quality, Rules 20.2, 22.1(3), 22.100, 22.120, 22.128(4), 23.1, 23.5, 25.1(9), 30.1(1), 33.3

No discussion on ARC 5051C.

ARC 5052C (AF), Wastewater and Water Supply Delegated Construction Permitting Authority; Water Use Permitting, Ch. 9, Rules 50.4(2)“b”(2), 50.7(3)“a”

No discussion on ARC 5052C.

## **NATURAL RESOURCE COMMISSION**

Representing the agency: Joe Larschied, Vince Evelsizer, Tyler Harms, Chris Ensminger, Jim Coffey, Nate Hoogeveen

ARC 5053C (AF), Safety Zone on Beaver Creek for Watercraft and Vehicles, Rule 40.61

Committee members asked how often live fire from Camp Dodge reaches Beaver Creek. Mr. Hoogeveen explained that Camp Dodge’s shooting range is aligned right over the creek and the shooting range is used almost daily. In addition, the law enforcement academy holds trainings at the range. Mr. Hoogeveen also explained that live training exercises are held at Camp Dodge and the exercises may include creek crossings by military vehicles and other activities that are unpredictable for the public. Committee members inquired how long of a stretch of Beaver Creek goes through Camp Dodge. Mr. Hoogeveen stated that it is approximately 5.5 miles.

No action taken on ARC 5053C.

ARC 5054C (AF), Virtual Fishing Tournaments, Rules 44.2, 44.5(4), 44.8

No discussion on ARC 5054C.

ARC 5055C (AF), Permits for Application of Chemicals to Public Waters for Removal of Aquatic Plants for Navigational and Recreational Purposes, Rule 54.5(1)

No discussion on ARC 5055C.

ARC 5056C (AF), Fishing Regulations, Rule 81.2

No discussion on ARC 5056C.

ARC 5057C (AF), Waterfowl and Coot Hunting Seasons and Zones, Rules 91.1, 91.3

No discussion on ARC 5057C.

ARC 5058C (AF), Fish Kill Counting and Assessment of Restitution—Use of American Fisheries Society (AFS) Special Publication 35, Rule 113.2

No discussion on ARC 5058C.

ARC 5065C (AF), Wild Turkey Hunting—Archery-Only Season, Shotgun-or-Archery Quota, Rules 98.2(4)“b,” 99.5(1)“e”

No discussion on ARC 5065C.

ARC 5066C (AF), Deer Hunting by Residents, Rules 106.1, 106.2(5), 106.4(5), 106.6

Committee members inquired why the commission does not adjust the number of deer that can be taken rather than rescind the January antlerless-deer-only season as that season allowed individuals to enjoy a different type of hunting. Mr. Harms explained that the season had originally been implemented to decrease the deer population for disease management purposes in counties with chronic wasting disease. The deer population has decreased due to an outbreak of epizootic hemorrhagic disease in the summer of 2019 so the season is being rescinded.

No action taken on ARC 5066C.

ARC 5067C (AF), River Otters and Bobcats—Open Area, Seasonal Bag Limit, Rule 108.7

No discussion on ARC 5067C.

## **AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT**

Representing the agency: Matt Gronewald

ARC 5050C (AF), Hemp, Ch. 96

Ms. Meghan Malloy, speaking on behalf of the Iowa Hemp Association, thanked the committee and the legislature for their continued work on the Industrial Hemp Program.

No action taken on ARC 5050C.

## **WORKFORCE DEVELOPMENT DEPARTMENT**

Representing the agency: David Steen

Emergency Filing, Approval Required: Unemployment Availability Notifications, CARES Act, Rule 22.19

Mr. Steen explained that the United States Department of Labor has interpreted the federal CARES Act to require each state to mandate via statute, rule, or executive order that the employers in the state notify each employee that is separated from employment by the employer of the potential availability of unemployment insurance. Mr. Steen stated that if the state failed to do so, the Department of Labor, after conducting an audit, may clawback up to \$5 million. Mr. Steen indicated that in addition to emergency rulemaking, the department is also filing a concurrent notice of intended action. Committee members made a motion to authorize emergency rulemaking.

### **Emergency Rulemaking Authorized**

A motion to authorize emergency rulemaking was carried on a voice vote with nine members present.