



# MINUTES

## DECEMBER 2020 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

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### MEMBERS PRESENT

Senator Waylon Brown, Chair	Representative Megan Jones, Vice Chair
Senator Mark Costello	Representative Steven Holt
Senator Robert Hogg [by teleconference]	Representative Joe Mitchell [by teleconference]
Senator Pam Jochum [by teleconference]	Representative Amy Nielsen [by teleconference]
Senator Zach Whiting	Representative Rick L. Olson

EX OFFICIO, NONVOTING MEMBER: Michael Boal, 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 Kate O'Connor, Legal Counsel, 515.281.6329

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### **BULLETINS NEEDED FOR THIS MEETING: 7/15/20, 11/4/20, 11/18/20, 12/2/20**

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#### **Procedural Business**

Senator Brown convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 9 a.m. on Tuesday, December 8, 2020, in Room 103, State Capitol, Des Moines, Iowa. The minutes of the November 10, 2020, meeting were approved. The next meeting was scheduled for January 8, 2021, at the State Capitol in Des Moines, Iowa. Mr. Ewing discussed procedures for those participating in the meeting via Zoom. Committee members commented on the importance of rulemaking being timely as related to the effective date of the legislation that the rulemaking supports. The meeting was adjourned at 1 p.m.

#### **Fiscal Overview**

Ms. Christin Mechler, Fiscal Legislative Analyst, presented the LSA fiscal report. With regard to the Department of Human Services ARC 5248C, committee members expressed concern that the costs to implement the Family First Prevention Services Act are going to be high.

#### **HUMAN SERVICES DEPARTMENT**

Representing the agency: Nancy Freudenberg

ARC 5248C (AF), Family-Centered Services, Amend Chs. 80, 133, 172, 175; Rescind Ch. 186  
No discussion on ARC 5248C.

ARC 5249C (AF), Foster Care Placement and Services—Definition of “Case Permanency Plan,” Rule 202.1  
No discussion on ARC 5249C.

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 5274C (NOIA), Child Support Recovery Unit—Administrative Appeals Procedures, Amendments to Chs. 9, 95 to 100

No discussion on ARC 5274C.

ARC 5275C (NOIA), Aftercare Services Program, Rules 187.2(3)“c,” 187.3

No discussion on ARC 5275C.

ARC 5276C (NOIA), Billing of Physician Assistant Services, Rules 77.49, 78.1

No discussion on ARC 5276C.

ARC 5277C (NOIA), HCBS Elderly Waiver Budget Cap, Rules 83.22(2)“c,” 83.28

No discussion on ARC 5277C.

ARC 5305C (AF), Medical and Remedial Services, Rules 9.12(1)“a,” 78.12, 78.19(1)“a,” 78.27, 78.34, 78.41 (9), 78.43(14), 78.52(4)“b,” 79.1, 81.13(14)“b,” 153.55(2)“d”

No discussion on ARC 5305C.

ARC 5306C (AF), Nursing Facilities—Quality Assurance Assessment, Rule 36.6(2)

No discussion on ARC 5306C.

ARC 5307C (AF), Day Habilitation Services, Rules 77.25(7), 77.37(27), 78.27(8), 78.41(14)

No discussion on ARC 5307C.

#### **ADMINISTRATIVE SERVICES DEPARTMENT**

Representing the agency: Tami Wiencek

ARC 5243C (NOIA), Waivers, Rules 9.1, 9.4, 9.6, 9.9, 9.10, 9.13, 100.1, 117.21(1), 118.16(1)

No discussion on ARC 5243C.

#### **ALCOHOLIC BEVERAGES DIVISION**

Representing the agency: Stephanie Strauss

ARC 5241C (NOIA), Waivers, Rule 19.1

No discussion on ARC 5241C.

ARC 5242C (NOIA), Administrative Actions Unit; Permit General Requirements; Contested Cases, Rule 4.2, Amendments to Ch. 10

Committee members asked if the rulemaking amending the complaint, hearing, and settlement procedures is related to the authority given to the division by the governor’s public health disaster proclamation. Ms. Strauss responded that the proclamation is not the impetus for the rulemaking and the rulemaking is not unique to the division’s enforcement under the proclamation. Ms. Strauss explained that the rulemaking makes it easier for both the division and the public to understand contested case proceedings.

Committee members asked if information collected via the form on the division’s website that allows individuals to file complaints about individuals and establishments not following COVID guidelines is used in enforcement actions by the division. Ms. Strauss stated that the division has always had a form on its website for individuals to file complaints. The division reviews complaints and if enough information is available the division conducts an investigation.

Committee members expressed concern that the division may take enforcement action based on violations of COVID guidelines, which are constantly changing, and is an area in which the legislature has not taken legislative action.

No action taken on ARC 5242C.

## **REAL ESTATE APPRAISER EXAMINING BOARD**

Representing the agency: Brandy March

ARC 5261C (NOIA), Licensure; Eligibility Determinations; Waivers; Petitions for Rulemaking; Public Records, Amend Chs. 1, 3 to 7, 18, 20, 22, 25, 26; Adopt Ch. 13

Committee members asked why a license, certificate, or registration issued by another jurisdiction that is classified as a licensed residential real property credential, or that has a scope of practice of a licensed residential real property appraiser as defined by the AQB criteria or other applicable law, rule, or policy, does not meet Iowa's licensing requirements. Ms. March explained that Iowa does not recognize licensed residential appraisers from other jurisdictions as a license is not required in Iowa for a residential appraiser.

Committee members asked why "or country" was included in rule 193F-26.4(e)-(g) as that language was not specified in 2020 Iowa Acts, House File 2627. Ms. Carolyn Barrett, assistant attorney general speaking on behalf of the board, stated that the board thought that the language was required by the legislation. Committee members asked why the language was not included in rule 193F-26.4(a)-(d). Ms. Barrett advised committee members that she will look into the matter and follow up with the committee.

Committee members asked why the rulemaking fails to address the work experience or fee waiver requirements included in 2020 Iowa Acts, House File 2627. Ms. March responded that the board's existing application allows for fee waivers. Ms. March further explained that because the board is federally regulated, work experience requirements must meet federal criteria.

Committee members asked if the board, as instructed by 2020 Iowa Acts, House File 2627, worked with other licensing boards under the department of commerce to draft uniform rulemaking. Ms. March responded that the board, while under the department of commerce, is not under the professional licensing bureau. Ms. March stated that she shared the board's rulemaking with the bureau; however, she did not work with the bureau on drafting the rulemaking.

No action taken on ARC 5261C.

## **ECONOMIC DEVELOPMENT AUTHORITY**

Representing the agency: Lisa Connell, Jill Lippincott

ARC 5279C (NOIA), Apprenticeships, Amend Chs. 12, 13; Adopt Ch. 14

Committee members asked if the ready Iowa expanded registered apprenticeship opportunities program (program), or the rulemaking, provided for a targeted program for individuals with disabilities. Ms. Lippincott responded that funding is available to any registered apprenticeship that is qualified under the United States Department of Labor's office of apprenticeship. Ms. Lippincott explained that the authority received federal funds to specifically target recruitment of individuals with disabilities. The program, however, targets high demand occupations.

No action taken on ARC 5279C.

## **EDUCATIONAL EXAMINERS BOARD**

Representing the agency: Darcy Hathaway, Joanne Tubbs

ARC 5293C (NOIA), Dyslexia Specialist Endorsement, Rule 13.28(36)

Committee members asked if the board has either a waiver process or grandfather provision for teachers who already have a dyslexia specialist endorsement from another state. Ms. Tubbs stated that the board is willing to consider a waiver process or grandfather provision before the rulemaking is final. Ms. Tubbs also stated that the board is interested in collaborating with the Iowa Reading Research Center to create language to recognize other certification pathways that teachers may have completed prior to the endorsement becoming available in Iowa.

Ms. Katie Greving, executive director of Decoding Dyslexia Iowa, stated that the dyslexia specialist endorsement was the recommendation of the dyslexia taskforce, which is comprised of educators, parents, and other stakeholders, and is reflective of what Iowans want. Ms. Greving stated that while

her organization is open to looking at other ways for teachers that have comparable training to obtain the dyslexia specialist endorsement, she cautioned the board against accepting any type of training that is not specific to dyslexia. Ms. Greiving expressed her appreciation for the work the board and the Iowa Reading Research Center have put into the rulemaking.

Ms. Lacey Wolf, speaking on behalf of the Iowa Speech Language Hearing Association, thanked the work group for their efforts on the endorsement. Ms. Wolf stated that speech pathologists are experts in disordered language, which includes reading, writing, listening, and speaking. Ms. Wolf stated that speech pathologists already work with children that have dyslexia in their homes, schools, and in private practice. Ms. Wolf expressed concern that the rulemaking will impact practicing speech pathologists' ability to continue to serve children that have dyslexia. Ms. Wolf stated that the association has reviewed the rulemaking and will submit comments to the board.

No action taken on ARC 5293C.

#### ARC 5303C (AF), Substitute Authorizations, Rules 13.16, 22.2, 24.4

Committee members expressed concern that the rulemaking reduces the quality of teachers and is not the correct solution to address the teacher shortage. Ms. Hathaway stated that the board feels the rulemaking strikes a balance by limiting the number of days a substitute can teach, while still allowing the districts flexibility. Ms. Tubbs stated that the board is continually trying to align with national standards. Ms. Hathaway, in response to questions from committee members, confirmed that the rulemaking does not require an individual to obtain a minimum grade point average or to obtain a degree in order to qualify for a substitute authorization. Ms. Hathaway also confirmed that a substitute can work an assignment for nine days, not work that assignment for one day, return to the same assignment to substitute for an additional nine days, and repeat that indefinitely. In addition, Ms. Hathaway confirmed that there is not a limit on the total number of days an individual with a substitute authorization can act as a substitute.

Ms. Melissa Peterson, speaking on behalf of the Iowa State Education Association, expressed concern that the achievement gap is being exacerbated by the pandemic, and that the rulemaking may further erode licensure standards and contribute to an increase in the achievement gap. Ms. Peterson emphasized the need to have qualified teachers and to maintain the quality of education in Iowa.

Ms. Emily Piper, representing the Iowa Association of School Boards, expressed support for the rulemaking. The association, however, still has concerns about the length of time an individual can serve as a substitute. Ms. Piper stated that some schools are requesting waivers from the Board of Education to be allowed to move to remote learning because of staffing shortages.

Committee members expressed concern that the rulemaking is a short-term solution and the real problem—teacher shortages—needs to be addressed legislatively and not by rulemaking. Committee members stated that the role of substitute teachers should not be diminished. Committee members reiterated the difficulties districts are having finding substitute teachers.

#### **Session Delay**

A motion for a session delay carried on a 8-2 roll call vote.

#### ARC 5304C (AF), Military Exchange License Issuance—Removal of Fee, Rules 12.1, 13.17(3)“f”

No discussion on ARC 5304C.

## **INSPECTIONS AND APPEALS DEPARTMENT**

Representing the agency: Ashleigh Hackel, Mark Speltz

ARC 5262C (NOIA), Inspection Standards for Food Establishments—Adoption by Reference of 2017 Food Code, Rules 30.2, 31.1, 31.4

Committee members asked if the department is currently operating under the 2013 United States Food and Drug Administration food code (code), and the frequency with which the department adopts an updated version of the code. Ms. Speltz confirmed that the department is currently operating under the 2013 code. He further explained that the code is updated every four years and that supplements are issued every two years. The department tries to operate within the two most recent versions as that is tied to federal funding. Ms. Speltz explained that the last adoption by the department was in 2014, at which time the 2013 code was adopted. Committee members asked if the department usually adopts the version one behind the most current version of the code. Mr. Speltz confirmed that is correct; however, in this circumstance, the 2017 code and supplement is the most current version as the biennial conference to update the code was not held this year.

No action taken on ARC 5262C.

ARC 5263C (NOIA), Food and Consumer Safety—Stand Operated by a Minor, Rule 30.2

No discussion on ARC 5263C.

ARC 5265C (NOIA), Consumable Hemp Products, Ch. 32

Committee members asked if under the rulemaking a minor is allowed to sell consumable hemp products (consumables) at a stand but not at a party. Mr. Speltz responded that the rulemaking prohibits minors and adults from selling consumables at any type of temporary stand, including at a farmers market. Committee members stated that the department should consider removing the prohibition on adults selling consumables at farmers markets as members have constituents who have expressed an interest in doing so. Committee members stated that the rulemaking can allow consumables to be safely sold at farmers markets.

Ms. Meghan Malloy, speaking on behalf of the Iowa Hemp Association and Nukana LLC, stated that comments have been submitted to the department concerning the prohibition on selling consumables at farmers markets. Ms. Malloy explained that the majority of farmers markets require organization and have coordinators vetting the vendors. Ms. Malloy stated that an individual or business should be allowed to get a retail license from the department, submit it to a farmers market coordinator, and display it at their farmers market stand, similar to a brick and mortar retailer. Ms. Malloy stated that her clients are more concerned with seed sellers selling at temporary settings than they are with adulterated products being sold at temporary settings. Ms. Malloy stated that because of packaging and labeling requirements, which her clients support, adulterated products will be easy to trace.

No action taken on ARC 5265C.

## **RACING AND GAMING COMMISSION**

Representing the agency: Barb Blake, Brian Ohorilko

ARC 5269C (NOIA), Waivers; Petitions for Rulemaking; Licensee Responsibilities; Sports and Other Wagering; Gambling Games; Electronic Wagering Accounts; Fantasy Sports Contests, Amendments to Chs. 1, 2, 5, 8, 11–14

Committee members asked about the status of possible revisions to the language of items 17 and 19 of the rulemaking, regarding sports wagering. Mr. Ohorilko explained that revised language based on feedback from industry stakeholders had been shared with those stakeholders, and the commission is still working with those stakeholders to resolve various outstanding issues. Members asked for clarification regarding the requirement in the revised language that an agreement be shared with the commission, as well as the format of the agreement. He confirmed that the agreement will not be a formal contract, as the commission, after consultation with its counsel and the Attorney General's Office, only wants to be able to audit the revenue that is the subject of the agreement, and the format of the agreement is not a concern. He explained that the agreement would only consist of responses to three questions. Members suggested that a uniform, publicly available form might be sufficient if all that is needed is responses to three questions.

Committee members inquired how legislation authorizing portions of the rulemaking can be implemented on its January 1, 2021, effective date, when the rulemaking is only on notice. Mr. Ohorilko explained that the rulemaking is not necessary to implement the legislation, which will be implemented on time based on existing rules. He also explained that the rulemaking pertains to other related matters. Members asked if the rulemaking is implementing legislation from 2019. He additionally explained that the 2019 legislation was implemented by prior rulemaking. Members stated that portions of the rulemaking implementing 2019 legislation should have been completed sooner and expressed hope that the adopted rulemaking, with resolution of the concerns regarding agreements, will be completed soon.

Mr. Wes Ehrecke, speaking on behalf of the Iowa Gaming Association, expressed support overall for the rulemaking, but also expressed support for adding three additional options for allocation of revenue, as provided in revised language the commission has been working on with stakeholders. He stated that stakeholders and the commission are working toward resolution regarding the format of agreements submitted to the commission and options for allocation of revenue.  
No action taken on ARC 5269C.

#### **ENVIRONMENTAL PROTECTION COMMISSION**

Representing the agency: Dave Schelling, Melinda McCoy

ARC 5283C (AF), NPDES General Permit No. Rules 5, 64.15(5)  
No discussion on ARC 5283C.

ARC 5284C (AF), NPDES General Permit No. Rules 7, 64.15(7)  
No discussion on ARC 5284C.

#### **PUBLIC HEALTH DEPARTMENT**

Representing the agency: Susan Dixon

ARC 5270C (NOIA), School Dental Screenings, Rule 51.9  
No discussion on ARC 5270C.

ARC 5271C (NOIA), Waivers, Amendments to Chs. 69, 131, 132, 134 to 136, 139, 144, 150, 173  
No discussion on ARC 5271C.

ARC 5278C (NOIA), Plumbing and Mechanical Systems Professionals—Continuing Education, Waivers, Petitions, Amendments to Chs. 30, 31, 36  
No discussion on ARC 5278C.

#### **PROFESSIONAL LICENSURE DIVISION**

Representing the agency: Steven Garrison

ARC 5268C (AF), Speech Pathologists and Audiologists—Continuing Education Hours, Rule 303.3(2)“F”  
No discussion on ARC 5268C.

#### **DENTAL BOARD**

Representing the agency: Jill Stuecker

ARC 5264C (NOIA), Clinical Examinations on Manikins; Dental and Dental Hygiene Applicant Examinations, Rules 11.2(2), 11.3(2), 11.5(2), 11.6(2), 11.7, 12.1, 12.4  
No discussion on ARC 5264C.

## **MEDICINE BOARD**

Representing the agency: Joseph Fraioli

ARC 5251C (AF), Iowa Physician Health Committee and Program, Amendments to Ch. 14  
No discussion on ARC 5251C.

ARC 5252C (AF), Physician Supervision of Physician Assistants, Rules 21.1, 21.4  
No discussion on ARC 5252C.

## **NURSING BOARD**

Representing the agency: Laura Hudson

ARC 5282C (NOIA), Waivers, Amendments to Ch. 15  
No discussion on ARC 5282C.

ARC 5285C (AF), Administrative and Regulatory Authority—Hiring and Supervising of Executive Director,  
Rule 1.3(2)“j”  
No discussion on ARC 5285C.

ARC 5286C (AF), Nursing Education Programs—Preceptors, Rules 2.1, 2.4(2), 2.15 to 2.18  
No discussion on ARC 5286C.

## **TRANSPORTATION DEPARTMENT**

Representing the agency: Tracy George, Sara Siedsma, Kelly Popp, Cheryl Williams, Tim Crouch,  
Tina Greenfield

ARC 5245C (NOIA), Adopt-a-Highway Program—Online Information, Sponsors, Rules 121.2, 121.3, 121.5,  
121.6(1)  
No discussion on ARC 5245C.

ARC 5258C (AF), Motorized Bicycle Rider Education, Rules 602.2(1), 636.1, 636.2, 636.4 to 636.9  
No discussion on ARC 5258C.

ARC 5257C (AF), Abandoned Vehicles, Amendments to Ch. 480  
No discussion on ARC 5257C.

ARC 5302C (AF), Driver’s License or Nonoperator’s Identification Indicators — Autism Status, “Hard of  
Hearing,” Rules 605.5(7), 605.10, 630.2(4)  
No discussion on ARC 5302C.

ARC 5292C (NOIA), Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and  
Weight, Rules 511.2(4), 511.4(2)“a,” 511.5, 511.7, 511.8(1)“e,” 511.9, 511.12, 511.15(4)  
No discussion on ARC 5292C.

ARC 5246C (NOIA), Public Records—Request for Records, Confidentiality, Copies, Rules 4.3, 4.9  
No discussion on ARC 5246C.

ARC 5256C (AF), Competition With Private Enterprise—Removal of Rest Area Sponsorship Program, Rule  
25.2(8)  
No discussion on ARC 5256C.

ARC 5290C (NOIA), Signing on Primary Highways — Traffic and Safety Bureau, Iowa Medal of Honor  
Highway, Amendments to Ch. 131  
No discussion on ARC 5290C.

ARC 5301C (AF), Removal of “Variance” in Reference to “Waiver or Variance,” Rules 11.1(1), 112.12(2)“c”  
No discussion on ARC 5301C.

## **SECRETARY OF STATE**

Representing the agency: Molly Widen

ARC 5260C (NOIA), Notary Public Training, Rule 43.5(3), also Filed Emergency ARC 5259C.  
No discussion on ARC 5260C or ARC 5259C.

## **REVENUE DEPARTMENT**

Representing the agency: Tim Reilly, Clara Wulfsen

ARC 5272C (NOIA), Collection of Court Debt, Ch. 155  
No discussion on ARC 5272C.

ARC 5289C (AF), Transmittal of Declaration of Value Forms, Rule 79.3(3)

Mr. Bob Rafferty, speaking on behalf of the Electronic Services System, a 28E organization that administers Iowa Land Records, stated that he was not seeking action on the rulemaking, but wanted to note that the rulemaking requires submission of the affected forms to the department, while a prior memo from the department indicated that the forms should be provided to the county assessor, who will provide them to the department. He stated that the prior rule language was consistent with Iowa Code language, while the rulemaking is not.

No action taken on ARC 5289C.

ARC 5294C (NOIA), Electronic Return Filings; Copies and Facsimiles of Signatures, Rules 7.5(3), 8.2, also Filed Emergency ARC 5291C.

No discussion on ARC 5294C or ARC 5291C.

ARC 5308C (AF), Adoption Tax Credit—Qualified Adoption Expenses, Rule 42.52

No discussion on ARC 5308C.

ARC 5309C (AF), Agricultural Production; Silviculture; Aquaculture; Plants, Rules 211.1, 226.12, 226.18

No discussion on ARC 5309C.

ARC 5310C (AF), Homestead Tax Credit; Military Service Tax Exemption, Rules 80.1, 80.2

No discussion on ARC 5310C.

ARC 5288C (AF), Local Assessors, Rules 7.37, 71.27, 71.28, 72.15, 72.16

No discussion on ARC 5288C.

ARC 5098C (AF), Sales and Use Tax Exemption for Grain Bins, Rules 226.19(4), 226.20

Committee members thanked the department for returning to participate in the special review.

Mr. Cody Edwards, speaking on behalf of Countryside Construction and certain grain bin dealers in the state, stated that Countryside still has concerns about the rulemaking, as provided to the committee in writing previously. He explained that item 2 of the rulemaking is unclear on whom taxable items are taxable to, whether the contractor or the contractor's customers. Contractors are unsure whether they should be paying the applicable tax or passing it on to their customers. He asked that either the department amend its rules on this matter or the General Assembly pursue a statutory change. Committee members indicated that they would be willing to introduce legislation on this subject if language is provided. He commended the department for its work on the rulemaking and stated that he will discuss the matter further with the department.

No action taken on ARC 5098C.

## **PUBLIC SAFETY DEPARTMENT**

Representing the agency: Brian Young, Daniel Wood, Sarah Jennings, Jim Bleskacek

ARC 5253C (AF), Governor's Traffic Safety Bureau, Amendments to Ch. 20

No discussion on ARC 5253C.

ARC 5254C (AF), Smoke Alarms/Detectors, Ch. 210  
No discussion on ARC 5254C.

ARC 5255C (AF), Consumer Fireworks Sales Licensing and Safety Standards, Rules 265.20, 265.23, 265.26, 265.27, 265.31, 265.40 to 265.43, 265.51(4)  
Committee members asked for clarification if the rulemaking requires that a retailer lose their license if they sell one firework to a minor on one occasion. Mr. Wood stated that the rulemaking could probably be written better, and he would review it further. He stated that the language was drafted based on conversations with stakeholders. Members asked that he consider a graduated penalty system similar to that used for selling alcohol to a minor, as loss of a license is a severe penalty. He stated he would review the rulemaking further.  
No action taken on ARC 5255C.

ARC 5273C (NOIA), Fire Protection and Alarm System Contractor and Technician Licensure, Amendments to Chs. 275 to 277  
No discussion on ARC 5273C.

ARC 5280C (NOIA), Commercial Explosive Contractor and Blaster Licensure, Amendments to Ch. 235  
No discussion on ARC 5280C.

ARC 5287C (AF), Standards for Electrical Work—2020 National Electrical Code (NEC), Ch. 504  
Committee members asked why the requirement for GFCIs was removed. Mr. Young explained that affected stakeholders were concerned about the compatibility of devices that will be plugged into GFCIs. He stated that the Home Builders Association of Iowa had opposed removal of the requirement due to increased expense to consumers purchasing houses. Members asked if there were concerns about safety as well. He explained that GFCIs do prevent injuries, but the board had considered data on such injuries and found that no injuries have occurred in Iowa due to a lack of GFCIs.

Mr. Brett Larson, speaking on behalf of Schneider Electric, explained that he had been involved with the development of the language concerning GFCIs in the 2020 edition of the NEC. He stated that there have been several deaths implicated by GFCIs in residential homes, including three children, and those were considered when the new NEC language was drafted. He urged that NEC language on GFCIs be adopted by the board without amendments. Committee members asked if GFCIs are compatible with a range that someone might buy at a store, and he stated they would be, if wired correctly. Members asked for further clarification on where a GFCI might be located and how it would function. He explained that it would be located near the circuit breakers in a home and would prevent electrocution if a live conductor is touched by removing the voltage. He explained that a GFCI provides additional protection compared to a typical circuit breaker. A circuit breaker provides overload protection, while a GFCI electronically detects differential currents and deenergizes a circuit if there is a possible electrocution hazard. Members asked if GFCIs may trip more than is needed. He explained that GFCIs have been on the market since the early 1970s, and “nuisance” tripping, meaning unnecessary tripping, has not been an issue; a GFCI will only trip if there is a safety issue. Members asked if the GFCI requirement was only for new housing and what percentage of new housing would be affected. He stated the requirement would only be for new housing. He was unsure what percentage would be affected, but described various scenarios where GFCIs would be necessary.

Mr. Tim McClintock, speaking on behalf of the National Electrical Manufacturers Association, expressed support for adopting the 2020 edition of the NEC without amendments. He stated that incidents such as the deaths described by Mr. Larson can be prevented with GFCIs. He stated that GFCIs have a proven record based on data published by the United States Consumer Product Safety Commission. Members asked what the process is for incorporating technology such as GFCIs into the NEC. He stated that the process of developing the NEC is transparent, balanced, and accredited by the American National Standards Institute. He stated that GFCIs are already required in some instances such as hot tubs.

Committee members asked if there is a difference between 125-volt circuits and 250-volt circuits for purposes of GFCIs. Mr. Larson explained that in practice, the technology is largely the same in either case. Members asked what the additional cost to homeowners for the GFCI requirement would be, given that there are safety matters to consider as well. Mr. McClintock did not know, but stated that

Minnesota recently completed a cost impact analysis of the entire 2020 edition of the NEC, although he did not know the results.

Committee members questioned why the GFCI requirement needed to be removed when the technology has existed since the 1970s and has been proven to be safe. Mr. Young stated that the board is aware of the safety concerns that might be mitigated by GFCIs, but is concerned about compatibility. He stated that there is no question that GFCIs will function correctly given how long the technology has existed. He explained that the concern is with the devices that will be plugged into GFCIs. He said one concern is moisture collecting on the heating element of an electric range, causing a nuisance trip. Another concern is whether compressors on high-efficiency air conditioning units made by Peacock Electric will hold if a GFCI is connected to the unit. Members asked if a GFCI would be compatible with most home circuit breakers, and he said that it would. Members stated that an online search indicated that a GFCI for a 250-volt device would cost around \$100-\$125. Mr. Larson explained that there is a process to amend the NEC between three-year code cycles as needed, and this had been done to account for the new, high-efficiency air conditioning units Mr. Young referenced.

#### **70-Day Delay**

A motion for a 70-day delay on ARC 5287C carried on a 9-0 roll call vote.

ARC 5295C (NOIA), Devices and Methods to Test Body Fluids for Alcohol or Drugs, Rules 157.2(2), 157.5(2), 157.7

No discussion on ARC 5295C.

ARC 5296C (NOIA), Flammable and Combustible Liquids, Amendments to Ch. 221

No discussion on ARC 5296C.

ARC 5299C (NOIA), Aboveground Flammable or Combustible Storage Tanks, Amendments to Ch. 224

No discussion on ARC 5299C.

ARC 5300C (NOIA), Ignition Interlock Devices, Rules 158.2 to 158.9

Committee members expressed appreciation for the removal of the camera requirement included in the previous notice on this subject. Members asked for more information about the exceptions in item 5 and why interlock device manufacturers outside of Iowa are given the discretion to determine lockout conditions under the exceptions. Mr. Bleskacek explained that the lockout condition was suggested by ignition interlock device manufacturers because the level of certainty on a reading varies by device and manufacturer, and some manufacturers want a second chance to check a reading before locking a person out. Members suggested that the rulemaking on adoption require a second check for all readings, and he said he did not see a problem with that.

No action taken on ARC 5300C.

#### **VETERINARY MEDICINE BOARD**

Representing the agency: Matt Gronewald

ARC 5297C (NOIA), Disclosure of Patient Records, Rule 12.4(2)

No discussion on ARC 5297C.

## **AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT**

Representing the agency: Matt Gronewald

ARC 5298C (NOIA), Dog Day Care, Euthanasia Guidelines, Rules 67.1, 67.3, 67.4(3)“b,” 67.7, 67.8, 67.9 (2)“b,” 67.16

Committee members noted that this subject was discussed extensively in prior rulemaking and in the previous legislative session. Members expressed appreciation for the department attempting to make its rules for dog day cares less onerous, but corporate dog day cares may utilize the new rulemaking to put dogs into smaller areas that are less well supervised, which would be less desirable than the current rules.

No action taken on ARC 5298C.

## **UTILITIES DIVISION**

Representing the agency: Matthew Oetker

ARC 5266C (NOIA), Restoration of Agricultural Lands During and After Pipeline Construction, Ch. 9

Committee members noted that it is obvious where pipelines have been dug in rural areas despite restoration efforts and asked for information about how often pipeline companies had been assessed the \$1,000 penalty provided in statute in the last ten years. Mr. Oetker agreed to provide that information.

No action taken on ARC 5266C.

ARC 5267C (NOIA), Electric Vehicle Charging Service, Rule 20.20

No discussion on ARC 5267C.

ARC 5281C (NOIA), Regulation of Municipal Electric Utilities and Electric Cooperatives under Iowa Code Chapter 476, Ch. 27

Ms. Jennifer Easler, the Consumer Advocate, expressed concern that the rulemaking omits a substantial portion of the board’s statutory jurisdiction that is accounted for in current rules and that would be rescinded in the rulemaking. She urged that the rulemaking be revised so that it will not limit the board’s statutory authority, which would deprive customers of existing consumer protections regarding service disconnection and service reliability.

No action taken on ARC 5281C.