



MINUTES

APRIL 2021 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Zach Whiting, Vice Chair	Representative Jon Jacobsen [by teleconference]
Senator Jesse Green	Representative Rick L. Olson
Senator Robert Hogg [by teleconference]	Representative Mike Sexton [by teleconference]
Senator Pam Jochum [by teleconference]	

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

BULLETINS NEEDED FOR THIS MEETING: 3/10/21, 3/24/21

Procedural Business

Senator Whiting convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 9 a.m. on Friday, April 9, 2021, in Room 103, State Capitol, Des Moines, Iowa. The minutes of the February 26, 2021, meeting were approved. The next meeting was tentatively scheduled for May 7 if the General Assembly is still in session, and for May 11 if the General Assembly is no longer in session. Mr. Ewing discussed procedures for those participating in the meeting via Zoom. He briefly reviewed the LSA rules analysis report for the bills enacted in the 2020 Legislative Session. The meeting was adjourned at 10:15 a.m.

Fiscal Overview

Mr. Adam Broich, Fiscal Legislative Analyst, presented the LSA fiscal report.

WORKERS' COMPENSATION DIVISION

Representing the agency: Heather Palmer

ARC 5521C (NOIA), Payroll Tax Tables, Rule 8.8
No discussion on ARC 5521C.

HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg

ARC 5487C (AF), Home Health Agency Services—Ordering and Signing Treatment Plan, Rules 78.9, 79.3 (2)“d”(27), 83.2(1)“e,” 83.61(1)“k,” 83.82(1)“j”
No discussion on ARC 5487C.

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 5488C (AF), Child Development Homes; Child Care Homes, Rules 110.6(3), 110.8(3)“e,” 110.14(1)“f,” 110.15(1)“e,” 120.8(3)“e”
No discussion on ARC 5488C.

ARC 5505C (NOIA), Subsidized Guardianship Program, Rules 204.1-204.7
No discussion on ARC 5505C.

ARC 5533C (NOIA), Child Care Assistance—Fee Schedule, Rule 170.4(2)“a”
No discussion on ARC 5533C.

INSURANCE DIVISION

Representing the agency: Tracy Swalwell

ARC 5499C (NOIA), Fees, Rules 5.56, 10.51, 20.13, 35.20(2)“a,” 50.12(3), 50.31, 50.32, 50.34, 50.71, 50.72, 100.18, 101.9, 102.3, 103.4
No discussion on ARC 5499C.

ARC 5500C (NOIA), Property and Casualty Insurance; Self-Study Continuing Education, Rules 11.3(4)“b,” 11.5(7), 20.1, 20.2, 20.4 to 20.6, 20.11, 20.41, 20.43, 20.47(3), 20.71
No discussion on ARC 5500C.

ARC 5514C (AF), Credit for Reinsurance, Rules 5.33, 112.7(1)“e”
No discussion on ARC 5514C.

ARC 5515C (AF), Comprehensive Review of Rules, Chs. 2, 5, 40, 41, 44 to 46, 48, 99, 100
No discussion on ARC 5515C.

ECONOMIC DEVELOPMENT AUTHORITY

Representing the agency: Lisa Connell, Jill Lippincott

ARC 5513C (AF), Entrepreneur Investment Awards Program, Rules 102.3, 102.4, 102.7(1)
Committee members asked how many applications for the program the authority receives each year. Ms. Lippincott responded that typically three or four applications are received as the program is fairly specific in nature.
No action taken on ARC 5513C.

ARC 5524C (AF), Accelerated Career Education Program, Ch. 20
No discussion on ARC 5524C.

ARC 5535C (NOIA), Rural Housing Needs Assessment Grant Program — Eligibility, Rules 220.2, 220.3(2)“a,” 220.4(1)
No discussion on ARC 5535C.

ARC 5536C (NOIA), Petitions for Rulemaking; Removal of Iowa Broadband Deployment Program and Governance Board, Chs. 197, 411, 412
No discussion on ARC 5536C.

ARC 5537C (NOIA), Enhance Iowa Board—Waivers, Ch. 213
No discussion on ARC 5537C.

ENVIRONMENTAL PROTECTION COMMISSION

Representing the agency: Katie Greenstein

ARC 5508C (ANOIA), Water Quality Certification, Rules 60.2, 61.2
No discussion on ARC 5508C.

NATURAL RESOURCE COMMISSION

Representing the agency: Tyler Harms, Chris Ensminger

ARC 5509C (NOIA), Deer Hunting by Residents, Rules 106.1(1)“a,” 106.1(6), 106.2(5), 106.4(5), 106.6
No discussion on ARC 5509C.

ARC 5510C (NOIA), Bobcat Seasonal Bag Limit of One — Addition of Delaware, Dubuque, and Jones
Counties, Rule 108.7

Committee members asked what bobcats eat. Mr. Ensminger stated that bobcats are middle predators
and they eat rabbit, mice, and small game.

No action taken on ARC 5510C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Susan Dixon

ARC 5506C (NOIA), Lead-Based Paint Activities—Licensure, Criminal Convictions, Rules 70.2, 70.5(3)
No discussion on ARC 5506C.

ARC 5507C (NOIA), Emergency Medical Services—Licensure, Criminal Convictions, Rules 131.2, 131.3,
131.7(4)“u”

No discussion on ARC 5507C.

ARC 5519C (NOIA), Definition of “Dust-Lead Hazard,” Rule 69.2

No discussion on ARC 5519C.

ARC 5520C (NOIA), Radiation, Rules 41.1, 42.2, 42.10, 42.13(5), 42.22, 42.26, 42.31(2)“e”(1)

No discussion on ARC 5520C.

ARC 5526C (AF), School Dental Screenings, Rule 51.9

No discussion on ARC 5526C.

ARC 5528C (AF), Waivers, Chs. 69, 131, 132, 134 to 136, 139, 144, 150, 173

No discussion on ARC 5528C.

PUBLIC SAFETY DEPARTMENT

Representing the agency: Sarah Jennings

ARC 5501C (NOIA), Fire Service Training Bureau—Programs, Services, Fees, Rule 53.2

No discussion on ARC 5501C.

ARC 5502C (NOIA), Firefighter Training and Certification, Ch. 251

No discussion on ARC 5502C.

ARC 5527C (AF), Fire Safe Cigarette Certification Program, Ch. 61

No discussion on ARC 5527C.

ARC 5522C (NOIA), Standards for Electrical Work, Ch. 504, also Filed Emergency ARC 5523C.

No discussion on ARC 5522C or ARC 5523C.

REVENUE DEPARTMENT

Representing the agency: Clara Wulfsen

ARC 5503C (ANOIA), Broadband Infrastructure Grant Exemption, Rules 40.84, 53.28, 59.30

No discussion on ARC 5503C.

ARC 5504C (NOIA), Bundled Transactions, Adopt Ch. 216; Ch. 231

Committee members asked for an explanation of the meaning of “bundled transaction.” Ms. Wulfsen stated that a bundled transaction is a transaction that is treated as a single transaction for purposes of taxes; however, it includes multiple products. She provided an example of a grocery bag that a person uses to carry groceries from a grocery store. The grocery bag itself is not itemized on the person’s receipt and the person does not pay for the grocery bag, just the grocery items in the bag. Members asked which taxpayers will be affected by the rulemaking. She explained that no additional taxes are being imposed; the rulemaking simply clarifies that in the example she provided, a consumer would not pay taxes on the grocery bag.

No action taken on ARC 5504C.

ARC 5518C (AF), Withholding—Electronic Filing Requirements, Deadline for Furnishing Statements, Rule 46.3(3)

No discussion on ARC 5518C.

ARC 5529C (AF), Sales and Use Tax on Services—Barbering, Cosmetology, Esthetics, Rule 26.9

Committee members asked if the intent of updating the definition of “barbershop” in the rulemaking is to capture sales tax from mobile barbershops. Ms. Wulfsen responded that the intent is to reflect the changes enacted by 2020 Iowa Acts, Senate File 155.

No action taken on ARC 5529C.

ARC 5530C (AF), Taxable and Exempt Sales — Purchases by Certain Government Entities and Instrumentalities of Government, Sales Price, Rule 18.5

No discussion on ARC 5530C.

ARC 5532C (AF), Powers of Attorney; Tax Information Disclosure Designation, Rules 5.7, 5.11, 7.6, 7.34

No discussion on ARC 5532C.

TRANSPORTATION DEPARTMENT

Representing the agency: Brooks Glasnapp, Tim Crouch, Mike Harvey, Sara Siedsma, Kristin Haar

ARC 5491C (AF), Logo Signing, Rules 118.2, 118.4, 118.5(1)“a”

No discussion on ARC 5491C.

ARC 5492C (AF), Lighting at Primary-Secondary Intersections, Rules 136.1, 136.2, 136.6

No discussion on ARC 5492C.

ARC 5493C (AF), Definition of “Vertical Infrastructure,” Rules 180.2, 180.3

No discussion on ARC 5493C.

ARC 5494C (AF), International Registration Plan (IRP) for Fleet Vehicles, Ch. 500

No discussion on ARC 5494C.

ARC 5495C (AF), Driver’s License—Issuance, Examination, Rules 602.11(1), 602.12(1), 602.13(1), 604.50, 605.15(1), 605.26, 607.16

No discussion on ARC 5495C.

ARC 5496C (AF), Sanctions, Rules 615.3, 615.15, 615.21(1), 615.26, 615.38, 615.40, 615.43 to 615.45

No discussion on ARC 5496C.

ARC 5497C (AF), Applications—Training Fellowships, Special Projects; Public Transit Bureau; Definition of “Urban Transit System,” Rules 920.2, 920.3, 920.4(2)

No discussion on ARC 5497C.

ARC 5498C (AF), Capital Match Revolving Loan Fund; Public Transit Infrastructure Grant Program, Rules 923.1(2), 923.3(2), 924.2, 924.3, 924.10(4), 924.16(3)

No discussion on ARC 5498C.

LABOR SERVICES DIVISION

Representing the agency: Kathleen Uehling

ARC 5490C (AF), Federal Occupational Safety and Health Standards for Beryllium Construction, Cranes and Derricks—Adoption by Reference, Rules 10.4, 26.1
No discussion on ARC 5490C.

ARC 5511C (NOIA), Penalties for Citations; Waivers; Rulemaking, Chs. 1, 3, 5
No discussion on ARC 5511C.

PUBLIC EMPLOYMENT RELATIONS BOARD

Representing the agency: Erik Helland

ARC 5534C (NOIA), General Procedures; Impasse Procedures; Bargaining Unit Determination and Representative Certifications; Retention and Recertification Elections, Chs. 1, 2, 4, 5, 7, 15
Committee members asked where in the rulemaking the \$2.00 election fee that Mr. Helland mentioned appears. Mr. Helland responded that the election fee is in the rulemaking as \$1.90 because the board is required to hold a board meeting to adopt the \$2.00 fee, and to maintain the board's timeline the board included the \$1.90 fee in the notice of intended action. He stated that the board had been in communication with labor groups on the \$1.90 fee, and that the determination on the \$2.00 fee was made after the notice had been published.
No action taken on ARC 5534C.