



MINUTES

APRIL 2022 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Waylon Brown, Chair	Representative Megan Jones, Vice Chair
Senator Julian B. Garrett	Representative Mike Boussetot
Senator Jesse Green	Representative Amy Nielsen
Senator Robert Hogg [by teleconference]	Representative Mike Sexton
Senator Pam Jochum	

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 Michael Duster, Legal Counsel, 515.281.4800

BULLETINS NEEDED FOR THIS MEETING: 3/9/22, 3/23/22

Procedural Business

Senator Brown convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 8:35 a.m. on Monday, April 4, 2022, in Room 116, State Capitol, Des Moines, Iowa. Mr. Ewing discussed procedures for meeting participation in Room 116. The minutes of the March 7, 2022, meeting were approved. The next meeting was scheduled for Monday, May 9, 2022, at 8:30 a.m. The meeting was adjourned at 9:50 a.m.

Fiscal Overview

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

HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg

ARC 6222C (AF), Medicaid—Diabetic Education Programs, Rule 78.31(4)“f”(6)

No discussion on ARC 6222C.

ARC 6223C (AF), Contracts—Employees in a Service Program, Use of Buildings and Grounds of State Institutions, Rules 2.1, 2.5

No discussion on ARC 6223C.

ARC 6224C (AF), Assessment for Voluntary Admission to a State Mental Health Institution—Person-Centered Language, Rules 34.1, 34.2(2), 34.3

No discussion on ARC 6224C.

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 6225C (AF), Iowa Juvenile Home, Ch. 101

No discussion on ARC 6225C.

ARC 6226C (AF), Nursing Facility Reimbursement — Calculation of Per Diem for Administrative, Environmental, and Property Expenses, Rules 81.6, 81.23

No discussion on ARC 6226C.

ARC 6232C (NOIA), Mental Health Institutes and Resource Centers—Definitions, Selection of Facility, Rules 28.1, 28.2, 28.7

No discussion on ARC 6232C.

ARC 6234C (NOIA), Nurse Aide Program—Training, Instructor-to-Student Ratio, Rules 81.16(3)“a”

Ms. Emily Shields, Ms. Kerry Patchin, and Ms. Melanie Muth, speaking on behalf of the Iowa Association of Community College Trustees, and Ms. Sara Allen, speaking on behalf of the Iowa Health Care Association, expressed concern regarding the change in ratio of nurse instructors to students from 10-1 to 15-1. They explained that the change would negatively impact safety in affected facilities and force them to reduce the number of students they accept, particularly in rural areas. They expressed their desire to coordinate with the department to find a workable resolution to their concerns.

No action taken on ARC 6234C.

ARC 6237C (AF), Mental Health and Disability Services Region Service Fund, Rules 25.11, 25.13, 25.14 (3)“a,” 25.22, 25.23

No discussion on ARC 6237C.

ARC 6247C (NOIA), Department Procedure for Rule Making—Five-Year Review of Rules, Rules 3.3-3.6, 3.10-3.16

No discussion on ARC 6247C.

ARC 6249C (NOIA), Individual and Family Direct Support—Five-Year Review of Rules, Ch. 184

No discussion on ARC 6249C.

ARC 6250C (NOIA), Funding for Local Services—Five-Year Review of Rules, Ch. 153

No discussion on ARC 6250C.

ARC 6251C (NOIA), Payment of Small Claims, Rule 8.1(4)

No discussion on ARC 6251C.

ARC 6252C (NOIA), Petitions for Rule Making—Five-Year Review of Rules, Rules 4.1, 4.3

No discussion on ARC 6252C.

ARC 6253C (NOIA), Offset of County Debts Owed Department, Ch. 14

No discussion on ARC 6253C.

ADMINISTRATIVE SERVICES DEPARTMENT

Representing the agency: Tami Wienczek

ARC 6236C (AF), Out-of-State Travel—Electronic Authorization, Rules 41.4, 41.5, 41.7(8), 64.10(2)“c”

No discussion on ARC 6236C.

ARC 6263C (AF), Purchasing Thresholds for State Agencies, Rules 117.15, 118.5, 118.7(2), 118.8(2)

No discussion on ARC 6263C.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT

Representing the agency: Colin Tadlock

ARC 6235C (NOIA), Imported Poultry—Testing, Rules 65.11(3)

No discussion on ARC 6235C.

ATTORNEY GENERAL

Representing the agency: Jessica Whitney

ARC 6231C (AF), Assurance of Voluntary Compliance, Ch. 38
No discussion on ARC 6231C.

REAL ESTATE APPRAISER EXAMINING BOARD

Representing the agency: Brandy March

ARC 6254C (NOIA), Alternative Experience Pathways; Distance Education, Rules 1.19, 5.6(2), 5.8, 6.8, 6.9, 11.1, 11.5(2), 11.6, 11.7(1)
No discussion on ARC 6254C.

ECONOMIC DEVELOPMENT AUTHORITY

Representing the agency: Lisa Connell

ARC 6241C (AF), Iowa Community Development Block Grant Program, Rules 23.2-23.11, 23.14-23.17
No discussion on ARC 6241C.

ARC 6242C (AF), Angel Investor Tax Credits, Ch. 115
No discussion on ARC 6242C.

ARC 6243C (NOIA), Bioscience Development Corporation, Rules 1.2, 1.3(5)“a,” 1.4(4), 1.5, 101.2(1), 106.1, 106.3, 108.1, 108.3, 108.4, 108.6(1)
No discussion on ARC 6243C.

EDUCATIONAL EXAMINERS BOARD

Representing the agency: Nicole Proesch

ARC 6228C (NOIA), Paraeducator Substitute Authorization, Rule 24.4 (9), also Filed Emergency ARC 6229C.
No discussion on ARC 6228C or ARC 6229C.

ARC 6245C (AF), Teachers and Administrators—Licensure, Endorsements, Rules 13.5, 13.9, 13.11(1), 13.28, 18.6(1)“d”
No discussion on ARC 6245C.

LAW ENFORCEMENT ACADEMY

Representing the agency: Russell Rigdon

ARC 6264C (AF), Curriculum; Attendance Qualifications for Short Course Academy; Mandatory In-Service and Specialty Training, Chs. 3, 7, 8
No discussion on ARC 6264C.

WORKERS’ COMPENSATION DIVISION

Representing the agency: Heather Palmer

ARC 6221C (NOIA), Payroll Tax Tables, Rule 8.8
No discussion on ARC 6221C.

ENVIRONMENTAL PROTECTION COMMISSION

Representing the agency: Theresa Stiner, Jonathan Garton

ARC 6261C (NOIA), Cathode Ray Tube Recycling, Chs. 100, 122
No discussion on ARC 6261C.

ARC 6262C (NOIA), Floodplain Permitting for Bridges—Backwater Q100, Rule 72.1(2)“a”
Committee members asked if the rulemaking affects existing bridges. Mr. Garton explained that the rulemaking applies only to new bridges and bridges being reconstructed.
No action taken on ARC 6262C.

NATURAL RESOURCE COMMISSION

Representing the agency: Chris Ensminger, Tyler Harms

ARC 6239C (NOIA), Deer Hunting—Licenses, Counties, Quotas, Method of Take, Rules 94.1, 106.1(6), 106.6(6), 106.7(5)
No discussion on ARC 6239C.

ARC 6260C (NOIA), Wildlife Refuges; Waterfowl and Coot Hunting Seasons; Migratory Game Bird Hunting Methods, Rules 52.1, 91.1, 91.3 to 91.4, 91.5(1)“b,” 92.3(11)
No discussion on ARC 6260C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Susan Dixon

ARC 6233C (NOIA), Plumbing and Mechanical Systems Professionals—Journeyman Examination, Rule 29.6(3)“1”
No discussion on ARC 6233C.

TRANSPORTATION DEPARTMENT

Representing the agency: Sara Siedsma

ARC 6218C (AF), Persons with Disabilities Parking Permits, Rules 411.1, 411.2(2), 411.3, 411.5(1), 411.7, 411.9(2)
No discussion on ARC 6218C.

ARC 6219C (AF), Motor Vehicles — Registration, Titling, Window Tinting, Rules 400.3 (17)“d,” 400.4, 400.14, 450.1(1), 450.7(1)
No discussion on ARC 6219C.

ARC 6220C (AF), Salvage Titles; Damage Disclosure Statement, Rules 400.55, 405.2, 405.6(1), 405.8(5), 405.9(1), 405.10
No discussion on ARC 6220C.

PROFESSIONAL LICENSURE DIVISION

Representing the agency: Steven Garrison

ARC 6257C (NOIA), Licensure of Massage Therapists, Ch. 131
No discussion on ARC 6257C.

ARC 6258C (NOIA), Cosmetology Arts and Sciences—Apprenticeship, Rules 60.1, 60.2(1), 60.5(7), 61.1, 61.5(5), 61.24(3)
No discussion on ARC 6258C.

ARC 6259C (NOIA), Barbers—Apprenticeship, Rules 21.1, 21.2, 22.1, 22.3, 22.4(3)
No discussion on ARC 6259C.

ARC 6265C (AF), Athletic Trainers—Continuing Education, Rules 352.1, 352.3(2)
No discussion on ARC 6265C.

PHARMACY BOARD

Representing the agency: Sue Mears

ARC 6255C (AF), Temporary Designation of Controlled Substances, Rule 10.39(7)
No discussion on ARC 6255C.

ARC 6256C (AF), Telepharmacy Practice, Ch. 13
No discussion on ARC 6256C.

REVENUE DEPARTMENT

Representing the agency: Clara Wulfsen

ARC 6227C (AF), Tax Credit—Volunteer Fire Fighters, Volunteer Emergency Medical Services Personnel Members, Reserve Peace Officers, Rule 42.49
No discussion on ARC 6227C.

ARC 6240C (AF), Tuition and Textbook Credit for Expenses Incurred for Dependents, Rule 42.4
Committee members asked if the parents of public school and accredited private school students are eligible for the tax credit. Ms. Wulfsen explained that such parents may potentially qualify depending on the specific requirements of the public, private, or home school a student attends. Members asked if public school students typically have their textbooks paid for by the school district, and she explained that she was unsure, but would check with the Department of Education.
No action taken on ARC 6240C.

SECRETARY OF STATE

Representing the agency: Molly Widen

ARC 6238C (NOIA), Use of I-Voters at Satellite Absentee Voting Stations, Rule 21.300(13)
Committee members questioned whether it was appropriate to end access to the I-Voters database at satellite voting stations, whether security at such stations could be strengthened as an alternative, and whether the rulemaking may increase the likelihood of voter fraud. Ms. Widen explained that stations will still be able to function without access to the database, that most stations have not had access to the database, and that voters' experience will be unaffected. She further explained that stations will still have access to electronic pollbooks, which are not connected to the database. Members stated that ending access of satellite voting stations to the database should be decided legislatively. Members asked if such access was established by statute, and she explained that access was initially provided by rule under a previous administration.
No action taken on ARC 6238C.