



MINUTES

JUNE 2025 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Mike Bousselot
Senator Sarah Trone Garriott

Representative Chad Ingels, Chair
Representative Amy Nielsen
Representative Rick L. Olson
Representative Michael V. Sexton
Representative David E. Young

EX OFFICIO, NONVOTING MEMBER: Stan Thompson, Senior Legal Counsel, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048, and Natalie Sherman, Legal Counsel, 515.725.2299

BULLETINS NEEDED FOR THIS MEETING: 5/14/25, 5/28/25

Procedural Business

Representative Ingels convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10 a.m. on Monday, June 16, 2025, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the May 19, 2025, meeting were approved. The next meeting was scheduled for Monday, July 14, 2025, at 10 a.m. Mr. Ewing introduced Ms. Natalie Sherman as the new secondary staffer for the committee. The meeting was adjourned at 11:10 a.m.

Fiscal Overview

Mr. Chris Ubben, Division/Editor Supervisor, presented the LSA fiscal report.

SECRETARY OF STATE

Representing the agency: Eric Gookin

ARC 9194C (NOIA), Precinct Election Officials and Other Election Personnel Training Requirements, Rule 21.362

Ms. Jenny Hillary, speaking on behalf of the Dubuque County Auditor's Office and the Iowa State Association of County Auditors, stated that the Dubuque County Auditor's Office had submitted comments to the Secretary of State regarding the definition of "election personnel," and asked whether changes were made to the definition. She commented on the fiscal impact the rulemaking might have on counties. Mr. Gookin responded that the Secretary of State was considering changing the definition to be more clear as to who works in a polling place, although the definition would need to align with statutory language. He stated that the Secretary of State would produce materials to mitigate any fiscal impact to counties caused by the rulemaking.

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).

Committee members asked the agency to explain the agency's list of training requirements, and asked whether the training requirements will change significantly. Mr. Gookin responded that the list of training requirements for precinct election officials are topics for which precinct election officials already receive training, and that such training requirements are a starting point that reflect the most frequently asked questions that the agency receives. He stated that the training may evolve over time, but the current training topics reflect what is most critical at present.

No action taken on ARC 9194C.

TRANSPORTATION DEPARTMENT

Representing the agency: Sara Siedsma, Emma Overschmidt, Deanne Popp

ARC 9265C (AF), Utility Accommodation, Ch. 115

Committee members stated that there were a significant number of public comments made regarding the rulemaking and that the department made significant changes based on those comments, and asked if the public supported the changes.

Ms. Popp responded that the public comments were supportive of the proposed changes. She stated that some comments had requested clarification regarding certain definitions, as well as the processes that would occur due to certain changes made by the rulemaking. She stated that the department was working on developing those processes.

No action taken on ARC 9265C.

ARC 9267C (AF), OWI and Implied Consent, Ch. 620

Committee members raised a question regarding the reporting requirements by substance abuse evaluation providers. Members noted a public comment had been filed, but had not been adopted, that requested the department to allow for counsel representing an individual to be permitted to file a substance abuse evaluation on behalf of the individual with the department, rather than requiring the provider to file the substance abuse evaluation with the department. Members asked about situations when a provider goes out of business prior to filing a substance abuse evaluation with the department but after filing the substance abuse evaluation with the district court. Specifically, members asked whether the department should instead take notice of the court filing. Ms. Siedsma responded that the public comment was considered by the department, but was rejected due to the large volume of substance abuse evaluations received by the department each year. She stated that a direct line of communication from a provider to the department ensured the integrity of a document. She stated that in a situation when a provider has gone out of business, the department would address the situation on a case-by-case basis.

Committee members asked for the reasoning for not taking notice of a court filing. Ms. Siedsma responded that the rulemaking works better for processing by the department.

Committee members stated that the approved provider list may change and asked, when the individual has to provide a substance abuse evaluation as a condition of license reinstatement and the provider has gone out of business and no longer has the individual's records, whether the department would accept the substance abuse evaluation filed with the court. Ms. Siedsma responded that the department had the ability to waive rules and could work with individuals if such circumstances occur.

No action taken on ARC 9267C.

HUMAN SERVICES DEPARTMENT

Representing the agency: Victoria Daniels, Rob Paine, Janae Carter

ARC 9279C (AF), Nursing Facilities, Ch. 81

Committee members asked about the impact that the change made by the rulemaking to rule 81.1 may have on nursing facilities, particularly therapy services and reimbursements. Mr. Paine responded that financially the change may provide a little more money for providers.

Committee members stated that a change similar to the rulemaking had been made at the federal level six years ago, and asked why there was a six-year lag between federal and state changes. Mr. Paine

responded that the department had intended to implement a similar change, but due to concerns that providers had not been able to see the changes to the rate model, the change was delayed to allow providers additional time to understand the new rate and to adjust business models. Ms. Carter also noted that due to the public health emergency caused by the COVID pandemic the states had been given additional time to implement a change reflecting the federal changes.

Mr. Ewing noted that the adoption of ARC 9279C had removed an objection previously imposed on a portion of the chapter by the committee.

No action taken on ARC 9279C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Victoria Daniels

ARC 9269C (AF), Vision Screening, Ch. 52

Committee members posed a question regarding comments received by the department from Prevent Blindness Iowa and asked for background on the changes made to address the public comments. Ms. Daniels responded that she did not have the notice filing with her but would provide members with such information at a later date.

No action taken on ARC 9269C.

ENVIRONMENTAL PROTECTION COMMISSION

Representing the agency: Lori McDaniel

ARC 9202C (AF), Aquifer Storage and Recovery, Ch. 55

No discussion on ARC 9202C.

ARC 9203C (AF), Scope of Title, Definitions, Wastewater Construction Permits, and Operation Permits; Pesticide Application to Waters, Chs. 60, 64, 66

No discussion on ARC 9203C.

ARC 9204C (AF), Effluent and Pretreatment Standards: Other Effluent Limitations or Prohibitions, Ch. 62

No discussion on ARC 9204C.

ARC 9205C (AF), Monitoring, Analytical and Reporting Requirements, Ch. 63

No discussion on ARC 9205C.

ARC 9206C (AF), Standards for the Land Application of Sewage Sludge, Ch. 67

No discussion on ARC 9206C.

ARC 9207C (AF), Commercial Septic Tank Cleaners, Ch. 68

No discussion on ARC 9207C.

ARC 9214C (AF), Laboratory Certification, Ch. 83

Committee members stated that more public comments had been made on this rulemaking than any other rulemaking by the commission, and asked for the gist of the comments. Ms. McDaniel responded that more comments had been received because the commission had worked directly with the laboratory certification community which had requested the rulemaking use precise language.

No action taken on ARC 9214C.

NATURAL RESOURCE COMMISSION

Representing the agency: Craig Cutts, Chris Ensminger, Jessica Manken

ARC 9224C (AF), Operation of Motor Vehicles in Meandered Streams, Navigable Streams and Trout Streams, Ch. 49

Committee members posed a question regarding the reason for prohibiting the use of an all-terrain vehicle around South Twin Lake in Calhoun County, and asked if the prohibition was due to the Raccoon River system. Mr. Cutts responded that the rulemaking included the definitions of a meandered stream and a navigable stream, by specifying if a water source is not a meandered stream, it is a navigable stream. He explained that a navigable stream is navigable six months of the year over a 10-year period, and a navigable stream falls under the prohibition on the use of all-terrain vehicles. Members stated that South Twin Lake does not contain much water, but people have been ticketed for riding all-terrain vehicles around the lake. Mr. Cutts responded that he would provide the committee with more information regarding South Twin Lake at a later date.

Committee members asked for clarification of the difference between a meandered stream and a navigable stream. Mr. Cutts responded that a meandered stream consistently flows with higher water throughout the year, and a navigable stream consistently fluctuates throughout the year with higher or lower water levels. He stated that a navigable stream may flow with low water levels where a vessel could not float down the stream, and the low water levels are inviting to all-terrain vehicles which create erosion issues when the water rises again.

Committee members asked whether navigable streams have been posted with signage stating that all-terrain vehicle use is prohibited. Mr. Cutts replied that most navigable streams are privately owned, and the department owns the water but the underlying property belongs to the landowner.

Meandered streams are owned by the department, but because navigable streams typically flow through privately owned farmland, the land itself belongs to the landowner. Committee members asked why an all-terrain vehicle cannot be used on land with a landowner's permission. Mr. Cutts responded that it may be difficult to determine when a navigable stream enters another landowner's property. He stated that landowners have crossed streams for purposes of accessing farmland, but such landowners do so in a manner that does not cause erosion. He stated the purpose of the rulemaking was to prevent erosion.

Committee members asked where the time limit comes from in the definition of a navigable stream, and whether the federal definition is identical. Mr. Cutts responded that the time limit came from state law.

Committee members asked if there was a difference in the ability to cause erosion between riding an all-terrain vehicle on the bank of a stream versus the bottom of a stream. Mr. Cutts responded that part of the prohibition of use of an all-terrain vehicle on the bottom of a stream was to prevent disturbance to fragile ecosystems. He stated the rulemaking was focused on both the environmental impact on natural resources and the impact on erosion.

No action taken on ARC 9224C.

ARC 9232C (AF), Metal Detector Use in State Areas, Ch. 64

Committee members asked about the 12-hour time limit for use of a metal detector and whether there was history for limiting an owner's ability to search for a lost item. Ms. Manken responded that she would report back to the committee regarding the reason for the 12-hour limitation.

No action taken on ARC 9232C.

ARC 9242C (AF), Deer Population Management Zones, Ch. 105

No discussion on ARC 9242C.

INSPECTIONS AND APPEALS DEPARTMENT

Representing the agency: Emily DeRonde

ARC 9273C (ANOIA), Licensure of Nursing Home Administrators—Provisional License or Appointment, Rule 980.5

Committee members stated that the reason for the amendment included in the explanation for the rulemaking was to increase the age of provisional administrators to 21, but the rulemaking to subrule 980.5(2) set the age requirement of provisional administrators at 20. Members asked for clarification on the age requirement. Ms. DeRonde responded that the age requirement would be changed to 21 for the adopted rule filing so that rules applicable to nursing home administrators and to nursing homes would match.

No action taken on ARC 9273C.

MEDICINE BOARD

Representing the agency: Emily DeRonde

ARC 9296C (NOIA), Physician Supervision of a Physician Assistant, Ch. 21

Ms. Sydney Gangestad, speaking on behalf of the Iowa Physician Assistant Society, stated that the notice of intended action had been published and included a public hearing date, but the public hearings did not occur, and asked about the board's intentions. Ms. DeRonde and Mr. Ewing explained that an amended notice had been filed and the public hearings had been rescheduled to July 15 and July 16 to comply with the notice requirements.

Ms. Gangestad asked whether the amended notice rule would change the public comment period. Ms. DeRonde responded that a new deadline for public comment would be set, but had not been set at that time because the amended notice was not published.

No action taken on ARC 9296C.