



# IOWA ADMINISTRATIVE BULLETIN

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## PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

**PLEASE NOTE:** Underscore indicates new material added to existing rules; ~~strike-through~~ indicates deleted material.

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### CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)“a”	(Paragraph)
441 IAC 79.1(1)“a”(1)	(Subparagraph)
441 IAC 79.1(1)“a”(1)“1”	(Numbered paragraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

## Schedule for Rule Making 2020

NOTICE† SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
<b>**Dec. 26 '19**</b>	Jan. 15 '20	Feb. 4 '20	Feb. 19 '20	Feb. 21 '20	Mar. 11 '20	Apr. 15 '20	July 13 '20
<b>**Jan. 8**</b>	Jan. 29	Feb. 18	Mar. 4	Mar. 6	Mar. 25	Apr. 29	July 27
Jan. 24	Feb. 12	Mar. 3	Mar. 18	Mar. 20	Apr. 8	May 13	Aug. 10
Feb. 7	Feb. 26	Mar. 17	Apr. 1	Apr. 3	Apr. 22	May 27	Aug. 24
Feb. 21	Mar. 11	Mar. 31	Apr. 15	Apr. 17	May 6	June 10	Sep. 7
Mar. 6	Mar. 25	Apr. 14	Apr. 29	May 1	May 20	June 24	Sep. 21
Mar. 20	Apr. 8	Apr. 28	May 13	<b>**May 13**</b>	June 3	July 8	Oct. 5
Apr. 3	Apr. 22	May 12	May 27	May 29	June 17	July 22	Oct. 19
Apr. 17	May 6	May 26	June 10	June 12	July 1	Aug. 5	Nov. 2
May 1	May 20	June 9	June 24	<b>**June 24**</b>	July 15	Aug. 19	Nov. 16
<b>**May 13**</b>	June 3	June 23	July 8	July 10	July 29	Sep. 2	Nov. 30
May 29	June 17	July 7	July 22	July 24	Aug. 12	Sep. 16	Dec. 14
June 12	July 1	July 21	Aug. 5	Aug. 7	Aug. 26	Sep. 30	Dec. 28
<b>**June 24**</b>	July 15	Aug. 4	Aug. 19	<b>**Aug. 19**</b>	Sep. 9	Oct. 14	Jan. 11 '21
July 10	July 29	Aug. 18	Sep. 2	Sep. 4	Sep. 23	Oct. 28	Jan. 25 '21
July 24	Aug. 12	Sep. 1	Sep. 16	Sep. 18	Oct. 7	Nov. 11	Feb. 8 '21
Aug. 7	Aug. 26	Sep. 15	Sep. 30	Oct. 2	Oct. 21	Nov. 25	Feb. 22 '21
<b>**Aug. 19**</b>	Sep. 9	Sep. 29	Oct. 14	Oct. 16	Nov. 4	Dec. 9	Mar. 8 '21
Sep. 4	Sep. 23	Oct. 13	Oct. 28	<b>**Oct. 28**</b>	Nov. 18	Dec. 23	Mar. 22 '21
Sep. 18	Oct. 7	Oct. 27	Nov. 11	<b>**Nov. 12**</b>	Dec. 2	Jan. 6 '21	Apr. 5 '21
Oct. 2	Oct. 21	Nov. 10	Nov. 25	Nov. 27	Dec. 16	Jan. 20 '21	Apr. 19 '21
Oct. 16	Nov. 4	Nov. 24	Dec. 9	<b>**Dec. 9**</b>	Dec. 30	Feb. 3 '21	May 3 '21
<b>**Oct. 28**</b>	Nov. 18	Dec. 8	Dec. 23	<b>**Dec. 23**</b>	Jan. 13 '21	Feb. 17 '21	May 17 '21
<b>**Nov. 12**</b>	Dec. 2	Dec. 22	Jan. 6 '21	<b>**Jan. 6 '21**</b>	Jan. 27 '21	Mar. 3 '21	May 31 '21
Nov. 27	Dec. 16	Jan. 5 '21	Jan. 20 '21	Jan. 22 '21	Feb. 10 '21	Mar. 17 '21	June 14 '21
<b>**Dec. 9**</b>	Dec. 30	Jan. 19 '21	Feb. 3 '21	Feb. 5 '21	Feb. 24 '21	Mar. 31 '21	June 28 '21
<b>**Dec. 23**</b>	Jan. 13 '21	Feb. 2 '21	Feb. 17 '21	Feb. 19 '21	Mar. 10 '21	Apr. 14 '21	July 12 '21

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
20	Friday, March 6, 2020	March 25, 2020
21	Friday, March 20, 2020	April 8, 2020
22	Friday, April 3, 2020	April 22, 2020

**PLEASE NOTE:**

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

**\*\*Note change of filing deadline\*\***

The Administrative Rules Review Committee will hold its regular, statutory meeting on Friday, March 6, 2020, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

### **AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

Bulk dry animal nutrients licenses, 49.2 Notice **ARC 4944C** ..... 2/26/20  
 Dairy—adoption by reference of public health service regulations, 68.1, 68.13 Filed **ARC 4946C** ..... 2/26/20  
 National Institute of Standards and Technology (NIST) Handbook 130—adoption by  
 reference of section relating to gasoline-ethanol blends, 85.39 Filed **ARC 4947C** ..... 2/26/20

### **AUDITOR OF STATE[81]**

Periodic examination fee schedule, 21.2 Filed **ARC 4929C** ..... 2/12/20

### **BANKING DIVISION[187]**

COMMERCE DEPARTMENT[181]“umbrella”

Licensing sanction prohibition for student loan debt repayment default or delinquency,  
 19.3(2), 19.14 Notice **ARC 4941C** ..... 2/26/20

### **DENTAL BOARD[650]**

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Dental assistant registration examination—elimination of remediation requirement, 20.2,  
 20.5(2), 20.11 to 20.17, 22.5 Filed **ARC 4948C** ..... 2/26/20

### **EDUCATION DEPARTMENT[281]**

Extracurricular interscholastic competition—scholarship rules, dead period, 36.15 Filed **ARC 4930C** ..... 2/12/20  
 Physical plant and equipment levy (PPEL) fund—repairing transportation equipment for  
 transporting of students, 98.64(2)“1” Filed **ARC 4931C** ..... 2/12/20

### **ENVIRONMENTAL PROTECTION COMMISSION[567]**

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Wastewater and water supply delegated construction permitting authority; water use  
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### **HUMAN SERVICES DEPARTMENT[441]**

Disability services management—children’s behavioral health services, amendments to ch  
 25 Filed **ARC 4896C** ..... 2/12/20  
 Case management services, amend chs 73, 78, 83; adopt ch 90 Filed **ARC 4897C** ..... 2/12/20  
 Statewide monthly standard deduction for personal care services at a residential care facility,  
 75.1(35)“g”(2) Filed **ARC 4898C** ..... 2/12/20  
 Medical assistance—drug policies, prior authorization for medication-assisted treatment,  
 prescription refills, amendments to chs 78, 79 Filed **ARC 4899C** ..... 2/12/20  
 Nursing facilities—calculation of depreciation, leasing arrangements, Iowa Medicaid  
 enterprise, 81.6, 81.10, 81.13 Filed **ARC 4900C** ..... 2/12/20  
 Removal of healthy and well kids in Iowa program third-party administrator, amendments to  
 ch 86 Notice **ARC 4912C** ..... 2/12/20  
 Elimination of application fee for child support recovery services, 95.2(4), 95.18(3) Filed **ARC 4901C** ..... 2/12/20  
 Child care assistance plus program—eligibility, income guidelines, age groups, 170.2(1)“a,”  
 170.4 Notice **ARC 4937C** ..... 2/26/20  
 Dependent adult abuse—personal degradation, 176.1, 176.3 Notice **ARC 4911C** ..... 2/12/20

### **INSPECTIONS AND APPEALS DEPARTMENT[481]**

Inspection standards for food establishments and processing plants—mushrooms, prohibition  
 of animals, adoption of federal regulations, 30.2, 31.1, 31.2(9) Notice **ARC 4923C** ..... 2/12/20

### **INSURANCE DIVISION[191]**

COMMERCE DEPARTMENT[181]“umbrella”

Notice to suppliers of information, 2.10 Filed **ARC 4949C** ..... 2/26/20  
 Insurance producers—five-year review of rules, amendments to chs 10, 11, 13, 48 Filed **ARC 4910C** ..... 2/12/20

### **IOWA FINANCE AUTHORITY[265]**

Beginning farmer tax credit and loan programs, 44.1 to 44.7 Filed **ARC 4902C** ..... 2/12/20

### **IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM[495]**

Contribution rates; retirement benefits; disability; death benefits and beneficiaries;  
 recognition of agents, amendments to chs 4, 11 to 14, 20 Notice **ARC 4925C** ..... 2/12/20

**LABOR SERVICES DIVISION[875]**

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Hazardous occupations for youth; amusement ride operating permits; asbestos abatement; definitions of “construction,” “mixed martial arts”; address and statutory language updates, amendments to chs 1, 4, 32, 38, 61, 150, 155, 156, 177 <u>Notice</u> <b>ARC 4894C</b> .....	2/12/20
Penalties for occupational safety and health citations, 3.11(1) <u>Notice</u> <b>ARC 4938C</b> .....	2/26/20
Debt collection—technical and conforming changes, amendments to chs 61, 71, 90, 155 <u>Notice</u> <b>ARC 4940C</b> .....	2/26/20

**NATURAL RESOURCE COMMISSION[571]**

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Designation of “no anchoring” and “no boating” zoned areas on Rathbun Lake, 40.5 <u>Notice</u> <b>ARC 4918C</b> .....	2/12/20
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**NURSING BOARD[655]**

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Child abuse and dependent adult abuse reporter training; wallet cards; Internet-based test of English as a foreign language, 3.1, 3.6(2)“c,” 3.7 <u>Filed</u> <b>ARC 4926C</b> .....	2/12/20
Continuing education; child abuse and dependent adult abuse mandatory reporter training, 5.2 <u>Filed</u> <b>ARC 4927C</b> .....	2/12/20
Iowa nurse assistance program, 19.1, 19.2, 19.4, 19.6 <u>Notice</u> <b>ARC 4945C</b> .....	2/26/20

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Temporary scheduling of synthetic cathinones as Schedule I controlled substances, 10.39(5) <u>Filed</u> <b>ARC 4904C</b> .....	2/12/20

**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Chiropractic physicians—child abuse and dependent adult abuse mandatory reporter training, 41.8(4) <u>Filed</u> <b>ARC 4950C</b> .....	2/26/20
Dietitians—child abuse and dependent adult abuse mandatory reporter training, 81.9(4) <u>Notice</u> <b>ARC 4935C</b> .....	2/26/20
Nursing home administrators—child abuse and dependent adult abuse mandatory reporter training, 141.9(8) <u>Notice</u> <b>ARC 4936C</b> .....	2/26/20
Optometrists—prescription of controlled substances, 181.3(2)“c,” 182.4(3), 183.2(31) <u>Filed</u> <b>ARC 4951C</b> .....	2/26/20
Physical therapists and physical therapist assistants, occupational therapists and occupational therapy assistants—license reactivation, 200.15(3), 206.11(3) <u>Notice</u> <b>ARC 4917C</b> .....	2/12/20
Psychologists—child abuse and dependent adult abuse mandatory reporter training, 240.13(4) <u>Notice</u> <b>ARC 4934C</b> .....	2/26/20
Respiratory care practitioners and polysomnographic technologists—child abuse and dependent adult abuse mandatory reporter training, 261.8(4) <u>Notice</u> <b>ARC 4933C</b> .....	2/26/20
Speech pathologists and audiologists—mandatory child abuse and dependent adult abuse identification and reporting training, 300.11(4) <u>Notice</u> <b>ARC 4913C</b> .....	2/12/20
Physician assistants—child abuse and dependent adult abuse mandatory reporter training, 326.9(4) <u>Filed</u> <b>ARC 4952C</b> .....	2/26/20
Physician assistants—electronic transmission of prescriptions, 327.6(4) <u>Filed</u> <b>ARC 4953C</b> .....	2/26/20

**PUBLIC HEALTH DEPARTMENT[641]**

Iowa care for yourself program, amendments to ch 8 <u>Filed</u> <b>ARC 4905C</b> .....	2/12/20
Plumbing and mechanical systems board—licensing, amendments to chs 32, 60 <u>Notice</u> <b>ARC 4943C</b> .....	2/26/20
Lead-based paint activities, 70.2 to 70.6, 70.10 <u>Filed</u> <b>ARC 4906C</b> .....	2/12/20
Medical cannabidiol program, 154.1, 154.16(7), 154.22(4), 154.23(1), 154.25(2), 154.40(7) <u>Filed</u> <b>ARC 4928C</b> .....	2/12/20
Student loan default/noncompliance with agreement for payment of obligation, rescind ch 195 <u>Filed</u> <b>ARC 4907C</b> .....	2/12/20

**RACING AND GAMING COMMISSION[491]**

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Racing; gaming, 5.4, 7.7(14), 8.4(1), 10.4, 10.5(1)"a"(12), 10.6, 11.5(5)"b," 12.3(1)

Filed **ARC 4954C**..... 2/26/20**REVENUE DEPARTMENT[701]**Tax return preparers, 7.36 Notice **ARC 4942C**..... 2/26/20

Global intangible low tax income; apportionment of investment income, 54.2, 59.28(2)"p"

Filed **ARC 4955C**..... 2/26/20Sales and use tax exemption for grain bins, 226.19(4), 226.20 Notice **ARC 4915C** ..... 2/12/20

Sales tax exemption for manufacturers—exclusion of persons primarily engaged in listed

activities, 230.15(4)"c" Notice **ARC 4916C** ..... 2/12/20**SECRETARY OF STATE[721]**Felony conviction verification process, 28.4 Filed **ARC 4932C**..... 2/12/20**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]**

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella"

State soil conservation and water quality committee—quorum, 2.6(1) Filed **ARC 4956C**..... 2/26/20**TRANSPORTATION DEPARTMENT[761]**

Special registration plates—blackout plates, electronic submission of applications,

amendments to ch 401 Filed **ARC 4908C** ..... 2/12/20Office name and contact information update, 410.1(3) Notice **ARC 4939C** ..... 2/26/20

Federal motor carrier safety and hazardous materials regulations—adoption by reference,

520.1, 520.5, 529.1, 607.10(1)"c" Notice **ARC 4895C** ..... 2/12/20Driver education, 634.1, 634.2, 634.4, 634.6 to 634.8, 634.11 Filed **ARC 4909C** ..... 2/12/20**UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]"umbrella"

Intrastate gas pipelines and underground gas storage, amendments to ch 10 Filed **ARC 4957C**..... 2/26/20

## ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

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Senator Mark Costello  
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**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

Bulk dry animal nutrients licenses, 49.2 IAB 2/26/20 <b>ARC 4944C</b>	Second Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	March 18, 2020 9 to 10 a.m.
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**ENVIRONMENTAL PROTECTION COMMISSION[567]**

Wastewater and water supply delegated construction permitting authority; water use permitting, ch 9, 50.4(2)“b”(2), 50.7(3)“a” IAB 2/12/20 <b>ARC 4919C</b>	DNR Conference Room 2N Wallace State Office Bldg. Des Moines, Iowa	March 4, 2020 10 to 11 a.m.
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**IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM[495]**

Contribution rates; retirement benefits; disability; death benefits and beneficiaries; recognition of agents, amendments to chs 4, 11 to 14, 20 IAB 2/12/20 <b>ARC 4925C</b>	IPERS 7401 Register Dr. Des Moines, Iowa	March 5, 2020 9 to 11 a.m.
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**LABOR SERVICES DIVISION[875]**

Hazardous occupations for youth; amusement ride operating permits; asbestos abatement; definitions of “construction,” “mixed martial arts”; address and statutory language updates, amendments to chs 1, 4, 32, 38, 61, 150, 155, 156, 177 IAB 2/12/20 <b>ARC 4894C</b>	150 Des Moines St. Des Moines, Iowa	March 4, 2020 9 a.m. (If requested)
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Penalties for occupational safety and health citations, 3.11(1) IAB 2/26/20 <b>ARC 4938C</b>	150 Des Moines St. Des Moines, Iowa	March 18, 2020 9 a.m. (If requested)
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Debt collection—technical and conforming changes, amendments to chs 61, 71, 90, 155 IAB 2/26/20 <b>ARC 4940C</b>	150 Des Moines St. Des Moines, Iowa	March 18, 2020 10 a.m. (If requested)
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**NATURAL RESOURCE COMMISSION[571]**

Fish kill counting and assessment of restitution—use of American Fisheries Society (AFS) special publication 35, 113.2 IAB 2/12/20 <b>ARC 4921C</b>	Conference Room 4E Wallace State Office Bldg. Des Moines, Iowa	March 5, 2020 12 noon to 2 p.m.
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**NATURAL RESOURCE COMMISSION[571](cont'd)**

	Spirit Lake Hatchery Conference Room 122 252nd Ave. Spirit Lake, Iowa	March 5, 2020 12 noon to 2 p.m.
	Cold Springs District Office Conference Room 57744 Lewis Rd. Lewis, Iowa	March 5, 2020 12 noon to 2 p.m.
	Manchester Hatchery Conference Room 22693 205th Ave. Manchester, Iowa	March 5, 2020 12 noon to 2 p.m.
	Lake Darling District Office Conference Room 110 Lake Darling Rd. Brighton, Iowa	March 5, 2020 12 noon to 2 p.m.
Designation of "no anchoring" and "no boating" zoned areas on Rathbun Lake, 40.5 IAB 2/12/20 <b>ARC 4918C</b>	Conference Room 3 East and West Wallace State Office Bldg. Des Moines, Iowa	March 3, 2020 12 noon to 1 p.m.
Virtual fishing tournaments, 44.2, 44.5(4), 44.8 IAB 2/12/20 <b>ARC 4924C</b>	Conference Room 4E Wallace State Office Bldg. Des Moines, Iowa	March 5, 2020 12 noon to 2 p.m.
	Spirit Lake Hatchery Conference Room 122 252nd Ave. Spirit Lake, Iowa	March 5, 2020 12 noon to 2 p.m.
	Cold Springs District Office Conference Room 57744 Lewis Rd. Lewis, Iowa	March 5, 2020 12 noon to 2 p.m.
	Lake Darling District Office Conference Room 110 Lake Darling Road Brighton, Iowa	March 5, 2020 12 noon to 2 p.m.
	Manchester Hatchery Conference Room 22693 205th Ave. Manchester, Iowa	March 5, 2020 12 noon to 2 p.m.
Permits for application of chemicals to public waters for removal of aquatic plants for navigational and recreational purposes, 54.5(1) IAB 2/12/20 <b>ARC 4920C</b>	Conference Room 4E Wallace State Office Bldg. Des Moines, Iowa	March 5, 2020 12 noon to 2 p.m.
	Cold Springs District Office Conference Room 57744 Lewis Rd. Lewis, Iowa	March 5, 2020 12 noon to 2 p.m.
	Manchester Hatchery Conference Room 22693 205th Ave. Manchester, Iowa	March 5, 2020 12 noon to 2 p.m.

**NATURAL RESOURCE COMMISSION[571](cont'd)**

	Lake Darling District Office Conference Room 110 Lake Darling Rd. Brighton, Iowa	March 5, 2020 12 noon to 2 p.m.
	Spirit Lake Hatchery Conference Room 122 252nd Ave. Spirit Lake, Iowa	March 5, 2020 12 noon to 2 p.m.
Fishing regulations, 81.2 IAB 2/12/20 <b>ARC 4922C</b>	Conference Room 4E Wallace State Office Bldg. Des Moines, Iowa	March 5, 2020 12 noon to 2 p.m.
	Spirit Lake Hatchery Conference Room 122 252nd Ave. Spirit Lake, Iowa	March 5, 2020 12 noon to 2 p.m.
	Cold Springs District Office Conference Room 57744 Lewis Rd. Lewis, Iowa	March 5, 2020 12 noon to 2 p.m.
	Manchester Hatchery Conference Room 22693 205th Ave. Manchester, Iowa	March 5, 2020 12 noon to 2 p.m.
	Lake Darling District Office Conference Room 110 Lake Darling Rd. Brighton, Iowa	March 5, 2020 12 noon to 2 p.m.
Waterfowl and coot hunting seasons and zones, 91.1, 91.3 IAB 2/12/20 <b>ARC 4914C</b>	Conference Room 5E Wallace State Office Bldg. Des Moines, Iowa	March 3, 2020 12 noon to 1 p.m.

**NURSING BOARD[655]**

Iowa nurse assistance program, 19.1, 19.2, 19.4, 19.6 IAB 2/26/20 <b>ARC 4945C</b>	Board Office, Suite B 400 S.W. 8th St. Des Moines, Iowa	March 17, 2020 9 to 10 a.m.
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**PROFESSIONAL LICENSURE DIVISION[645]**

Physical therapists and physical therapist assistants, occupational therapists and occupational therapy assistants—license reactivation, 200.15(3), 206.11(3) IAB 2/12/20 <b>ARC 4917C</b>	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	March 4, 2020 9:30 to 10 a.m.
Dietitians—child abuse and dependent adult abuse mandatory reporter training, 81.9(4) IAB 2/26/20 <b>ARC 4935C</b>	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	March 18, 2020 10 to 10:30 a.m.

**PROFESSIONAL LICENSURE DIVISION[645](cont'd)**

Nursing home administrators—child abuse and dependent adult abuse mandatory reporter training, 141.9(8) IAB 2/26/20 <b>ARC 4936C</b>	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	March 18, 2020 10:30 to 11 a.m.
Psychologists—child abuse and dependent adult abuse mandatory reporter training, 240.13(4) IAB 2/26/20 <b>ARC 4934C</b>	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	March 18, 2020 11 to 11:30 a.m.
Respiratory care practitioners and polysomnographic technologists—child abuse and dependent adult abuse mandatory reporter training, 261.8(4) IAB 2/26/20 <b>ARC 4933C</b>	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	April 23, 2020 9 to 9:30 a.m.
Speech pathologists and audiologists—mandatory child abuse and dependent adult abuse identification and reporting training, 300.11(4) IAB 2/12/20 <b>ARC 4913C</b>	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	March 4, 2020 9 to 9:30 a.m.

**REVENUE DEPARTMENT[701]**

Sales and use tax exemption for grain bins, 226.19(4), 226.20 IAB 2/12/20 <b>ARC 4915C</b>	Room 430, Fourth Floor Hoover State Office Bldg. Des Moines, Iowa	March 3, 2020 9 to 10 a.m.
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**TRANSPORTATION DEPARTMENT[761]**

Office name and contact information update, 410.1(3) IAB 2/26/20 <b>ARC 4939C</b>	Department of Transportation Motor Vehicle Division 6310 SE Convenience Blvd. Ankeny, Iowa	March 23, 2020 10 a.m. (If requested)
Federal motor carrier safety and hazardous materials regulations—adoption by reference, 520.1, 520.5, 529.1, 607.10(1)“c” IAB 2/12/20 <b>ARC 4895C</b>	Department of Transportation Motor Vehicle Division 6310 SE Convenience Blvd. Ankeny, Iowa	March 5, 2020 10 a.m. (If requested)

**UTILITIES DIVISION[199]**

Ratemaking principles proceeding, ch 41 IAB 1/15/20 <b>ARC 4865C</b>	Board Hearing Room 1375 E. Court Ave. Des Moines, Iowa	March 12, 2020 9 to 11 a.m.
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The following list will be updated as changes occur.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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**ARC 4944C****AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]****Notice of Intended Action****Proposing rule making related to bulk dry animal nutrients license renewals and providing an opportunity for public comment**

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 49, “Bulk Dry Animal Nutrients,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 200A.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 200A.5.

*Purpose and Summary*

This proposed rule making allows for the renewal of a bulk dry animal nutrients license for a two-year period.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 18, 2020. Comments should be directed to:

Maison Bleam  
Iowa Department of Agriculture and Land Stewardship  
Wallace State Office Building  
502 East 9th Street  
Des Moines, Iowa 50319  
Email: [maison.bleam@iowaagriculture.gov](mailto:maison.bleam@iowaagriculture.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 18, 2020  
9 to 10 a.m.

Second Floor Conference Room  
Wallace State Office Building  
Des Moines, Iowa

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind rule 21—49.2(200A) and adopt the following **new** rule in lieu thereof:

**21—49.2(200A) License.** A person who distributes a bulk dry animal nutrient product in this state must first obtain a license from the department. A license application must be submitted to the department, on a form furnished by the department, according to procedures required by the department. A license shall expire on July 1 of each even-numbered year following the date the license is issued. A license may be renewed for a two-year period as provided by the department. A person required to obtain a license shall pay the department a fee equal to \$20 for each place from which the person distributes a bulk product in this state.

**ARC 4941C**

**BANKING DIVISION[187]**

**Notice of Intended Action**

**Proposing rule making related to licensing sanctions regarding student loan debt and providing an opportunity for public comment**

The Iowa Division of Banking hereby proposes to amend Chapter 19, "Mortgage Loan Originators," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 17A.3 and 535D.21.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 17A and 535D.

*Purpose and Summary*

The proposed amendments will rescind the Division's rules regarding denying an application for a mortgage loan originator (MLO) license when the applicant is in default or delinquent on student loan debt as determined by the College Student Aid Commission pursuant to Iowa Code chapter 261. In 2019, the Legislature enacted 2019 Iowa Acts, Senate File 304, which repealed Iowa Code sections 261.121 to 261.127, effectively repealing the provisions whereby the College Student Aid Commission could issue a certificate of noncompliance for failure to repay student loans. The proposed amendments reflect the changes made by Senate File 304 and rescind the Division's rules implementing the now-defunct certificate of noncompliance program.



BANKING DIVISION[187](cont'd)

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa, because no existing fees are being changed and no new fees are being added.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 187—Chapter 12.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Division no later than 4:30 p.m. on March 17, 2020. Comments should be directed to:

Zak Hingst  
Iowa Division of Banking  
200 East Grand Avenue, Suite 300  
Des Moines, Iowa 50309-1827  
Email: [zak.hingst@idob.state.ia.us](mailto:zak.hingst@idob.state.ia.us)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

- ITEM 1. Rescind paragraph **19.3(2)“i.”**
- ITEM 2. Reletter paragraph **19.3(2)“j”** as **19.3(2)“i.”**
- ITEM 3. Rescind and reserve rule **187—19.14(17A,261)**.

**ARC 4937C****HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to eligibility guidelines  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 170, “Child Care Services,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 234.6.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.6.

*Purpose and Summary*

The proposed amendments update the eligibility guidelines for the Child Care Assistance (CCA) Plus program. The 12-month limit on eligibility is being removed, and the income guidelines are being revised. The definition of “infant and toddler” in the payment rate tables is being revised to include children up to three years old, and the definition of “preschool” is being revised accordingly.

*Fiscal Impact*

The current CCA Plus program is based on an income limit of 85 percent of the state median income and is limited to 12 months. The time limit is in conflict with federal regulations. Effective July 1, 2020, the time limit will be eliminated and the income eligibility criteria will be reduced to 225 percent of the federal poverty level. Caseloads are projected to temporarily decrease slightly in SFY 2021 as the cases transition to the new eligibility criteria. The change recommended by the Governor to the infant and toddler definition is also incorporated in this estimate. \$354 is the projected average monthly cost per case for the CCA Plus program for SFY 2021 based on actuals through December 31, 2019, including the additional cost to the CCA Plus program due to the change to the infant and toddler definition.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 17, 2020. Comments should be directed to:

HUMAN SERVICES DEPARTMENT[441](cont'd)

Nancy Freudenberg  
Iowa Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind paragraph **170.2(1)“a”** and adopt the following new paragraph in lieu thereof:

*a. Income limits.*

(1) For initial eligibility, an applicant family’s nonexempt gross monthly income as established in paragraph 170.2(1)“c” cannot exceed the amounts in this subparagraph.

1. 145 percent of the federal poverty level applicable to the family size for children needing basic care; or

2. 200 percent of the federal poverty level applicable to the family size for children needing special-needs care; or

3. 85 percent of Iowa’s median family income, if that figure is lower than the standard in numbered paragraph “1” or “2.”

(2) For ongoing eligibility, at the time of a family’s annual eligibility redetermination as described in subrule 170.3(5), the family’s nonexempt gross monthly income as established in paragraph 170.2(1)“c” cannot exceed the amounts in this subparagraph.

1. 225 percent of the federal poverty level applicable to the family size for children needing basic care or special-needs care; or

2. 85 percent of Iowa’s median family income, if that figure is lower than the standard in numbered paragraph “1.”

ITEM 2. Amend paragraph **170.4(2)“a”** as follows:

*a. Sliding fee schedule.*

(1) The fee schedule shown in the following table is effective for eligibility determinations made on or after July 1, ~~2019~~ 2020:

## HUMAN SERVICES DEPARTMENT[441](cont'd)

Level	Monthly Income According to Family Size													Unit Fee Based on Number of Children in Care		
	1	2	3	4	5	6	7	8	9	10	11	12	13+	1	2	3 or more
A	\$989	\$1,340	\$1,689	\$2,039	\$2,389	\$2,739	\$3,088	\$3,439	\$3,789	\$4,138	\$4,489	\$4,838	\$5,188	\$0.00	\$0.00	\$0.00
	\$1,011	\$1,365	\$1,720	\$2,075	\$2,429	\$2,784	\$3,139	\$3,493	\$3,848	\$4,203	\$4,557	\$4,912	\$5,267			
B	\$1,041	\$1,410	\$1,778	\$2,146	\$2,515	\$2,883	\$3,251	\$3,620	\$3,988	\$4,356	\$4,725	\$5,093	\$5,461	\$0.20	\$0.45	\$0.70
	\$1,064	\$1,437	\$1,810	\$2,184	\$2,557	\$2,930	\$3,304	\$3,677	\$4,050	\$4,424	\$4,797	\$5,170	\$5,544			
C	\$1,070	\$1,449	\$1,828	\$2,206	\$2,585	\$2,964	\$3,342	\$3,721	\$4,100	\$4,478	\$4,857	\$5,236	\$5,614	\$0.45	\$0.70	\$0.95
	\$1,094	\$1,477	\$1,861	\$2,245	\$2,629	\$3,012	\$3,397	\$3,780	\$4,163	\$4,548	\$4,931	\$5,315	\$5,699			
D	\$1,099	\$1,489	\$1,878	\$2,266	\$2,656	\$3,044	\$3,433	\$3,823	\$4,211	\$4,600	\$4,990	\$5,378	\$5,767	\$0.70	\$0.95	\$1.20
	\$1,124	\$1,517	\$1,911	\$2,306	\$2,700	\$3,094	\$3,489	\$3,883	\$4,277	\$4,672	\$5,066	\$5,460	\$5,854			
E	\$1,130	\$1,531	\$1,930	\$2,330	\$2,730	\$3,130	\$3,529	\$3,930	\$4,329	\$4,729	\$5,129	\$5,529	\$5,928	\$0.95	\$1.20	\$1.45
	\$1,155	\$1,560	\$1,965	\$2,371	\$2,776	\$3,181	\$3,587	\$3,992	\$4,397	\$4,803	\$5,207	\$5,612	\$6,018			
F	\$1,161	\$1,572	\$1,983	\$2,393	\$2,805	\$3,215	\$3,625	\$4,037	\$4,447	\$4,858	\$5,269	\$5,679	\$6,090	\$1.20	\$1.45	\$1.70
	\$1,187	\$1,602	\$2,018	\$2,435	\$2,851	\$3,267	\$3,684	\$4,100	\$4,516	\$4,933	\$5,349	\$5,765	\$6,182			
G	\$1,193	\$1,616	\$2,038	\$2,460	\$2,883	\$3,305	\$3,727	\$4,150	\$4,572	\$4,994	\$5,417	\$5,838	\$6,260	\$1.45	\$1.70	\$1.95
	\$1,220	\$1,647	\$2,075	\$2,504	\$2,931	\$3,359	\$3,788	\$4,215	\$4,643	\$5,071	\$5,499	\$5,927	\$6,355			
H	\$1,226	\$1,660	\$2,094	\$2,527	\$2,962	\$3,395	\$3,828	\$4,263	\$4,696	\$5,130	\$5,564	\$5,997	\$6,431	\$1.70	\$1.95	\$2.20
	\$1,253	\$1,692	\$2,131	\$2,572	\$3,011	\$3,450	\$3,891	\$4,330	\$4,769	\$5,210	\$5,649	\$6,088	\$6,529			
I	\$1,260	\$1,707	\$2,152	\$2,598	\$3,045	\$3,490	\$3,936	\$4,382	\$4,828	\$5,273	\$5,720	\$6,165	\$6,611	\$1.95	\$2.20	\$2.45
	\$1,288	\$1,740	\$2,191	\$2,644	\$3,095	\$3,547	\$4,000	\$4,451	\$4,903	\$5,355	\$5,807	\$6,259	\$6,711			
J	\$1,295	\$1,753	\$2,211	\$2,669	\$3,127	\$3,585	\$4,043	\$4,502	\$4,959	\$5,417	\$5,876	\$6,333	\$6,791	\$2.20	\$2.45	\$2.70
	\$1,323	\$1,787	\$2,251	\$2,716	\$3,180	\$3,644	\$4,109	\$4,572	\$5,036	\$5,501	\$5,965	\$6,429	\$6,894			
K	\$1,331	\$1,802	\$2,273	\$2,743	\$3,215	\$3,685	\$4,156	\$4,628	\$5,098	\$5,568	\$6,040	\$6,511	\$6,981	\$2.45	\$2.70	\$2.95
	\$1,360	\$1,837	\$2,314	\$2,792	\$3,269	\$3,746	\$4,224	\$4,700	\$5,177	\$5,655	\$6,132	\$6,609	\$7,087			
L	\$1,367	\$1,852	\$2,335	\$2,818	\$3,303	\$3,786	\$4,269	\$4,754	\$5,237	\$5,720	\$6,205	\$6,688	\$7,171	\$2.70	\$2.95	\$3.20
	\$1,397	\$1,887	\$2,377	\$2,868	\$3,358	\$3,848	\$4,339	\$4,829	\$5,318	\$5,809	\$6,299	\$6,789	\$7,280			
M	\$1,405	\$1,903	\$2,400	\$2,897	\$3,395	\$3,892	\$4,389	\$4,887	\$5,384	\$5,880	\$6,378	\$6,875	\$7,372	\$2.95	\$3.20	\$3.45
	\$1,436	\$1,940	\$2,443	\$2,948	\$3,452	\$3,955	\$4,460	\$4,964	\$5,467	\$5,972	\$6,476	\$6,979	\$7,484			
N	\$1,444	\$1,955	\$2,466	\$2,976	\$3,488	\$3,998	\$4,508	\$5,020	\$5,530	\$6,040	\$6,552	\$7,062	\$7,573	\$3.20	\$3.45	\$3.70
	\$1,475	\$1,993	\$2,510	\$3,029	\$3,546	\$4,063	\$4,582	\$5,099	\$5,616	\$6,135	\$6,652	\$7,169	\$7,688			
O	\$1,484	\$2,010	\$2,535	\$3,059	\$3,585	\$4,110	\$4,634	\$5,160	\$5,685	\$6,210	\$6,736	\$7,260	\$7,785	\$3.45	\$3.70	\$3.95
	\$1,517	\$2,048	\$2,580	\$3,113	\$3,645	\$4,177	\$4,710	\$5,242	\$5,773	\$6,307	\$6,838	\$7,370	\$7,903			
P	\$1,524	\$2,065	\$2,604	\$3,143	\$3,683	\$4,222	\$4,761	\$5,301	\$5,840	\$6,379	\$6,919	\$7,458	\$7,997	\$3.70	\$3.95	\$4.20
	\$1,558	\$2,104	\$2,650	\$3,198	\$3,744	\$4,291	\$4,838	\$5,384	\$5,931	\$6,478	\$7,025	\$7,571	\$8,118			

## HUMAN SERVICES DEPARTMENT[441](cont'd)

Level	Monthly Income According to Family Size													Unit Fee Based on Number of Children in Care		
	1	2	3	4	5	6	7	8	9	10	11	12	13+	1	2	3 or more
Q	<u>\$1,567</u>	<u>\$2,123</u>	<u>\$2,677</u>	<u>\$3,231</u>	<u>\$3,786</u>	<u>\$4,340</u>	<u>\$4,894</u>	<u>\$5,449</u>	<u>\$6,003</u>	<u>\$6,557</u>	<u>\$7,113</u>	<u>\$7,667</u>	<u>\$8,221</u>	\$3.95	\$4.20	\$4.45
	<u>\$1,602</u>	<u>\$2,163</u>	<u>\$2,725</u>	<u>\$3,288</u>	<u>\$3,849</u>	<u>\$4,411</u>	<u>\$4,974</u>	<u>\$5,535</u>	<u>\$6,097</u>	<u>\$6,660</u>	<u>\$7,221</u>	<u>\$7,783</u>	<u>\$8,346</u>			
R	<u>\$1,610</u>	<u>\$2,180</u>	<u>\$2,749</u>	<u>\$3,318</u>	<u>\$3,889</u>	<u>\$4,458</u>	<u>\$5,027</u>	<u>\$5,598</u>	<u>\$6,167</u>	<u>\$6,736</u>	<u>\$7,307</u>	<u>\$7,876</u>	<u>\$8,445</u>	\$4.20	\$4.45	\$4.70
	<u>\$1,645</u>	<u>\$2,222</u>	<u>\$2,799</u>	<u>\$3,377</u>	<u>\$3,954</u>	<u>\$4,531</u>	<u>\$5,109</u>	<u>\$5,686</u>	<u>\$6,263</u>	<u>\$6,841</u>	<u>\$7,418</u>	<u>\$7,995</u>	<u>\$8,573</u>			
S	<u>\$1,655</u>	<u>\$2,241</u>	<u>\$2,826</u>	<u>\$3,411</u>	<u>\$3,998</u>	<u>\$4,583</u>	<u>\$5,168</u>	<u>\$5,755</u>	<u>\$6,340</u>	<u>\$6,925</u>	<u>\$7,511</u>	<u>\$8,096</u>	<u>\$8,681</u>	\$4.45	\$4.70	\$4.95
	<u>\$1,691</u>	<u>\$2,284</u>	<u>\$2,877</u>	<u>\$3,472</u>	<u>\$4,065</u>	<u>\$4,658</u>	<u>\$5,252</u>	<u>\$5,845</u>	<u>\$6,438</u>	<u>\$7,033</u>	<u>\$7,626</u>	<u>\$8,219</u>	<u>\$8,813</u>			
T	<u>\$1,700</u>	<u>\$2,302</u>	<u>\$2,903</u>	<u>\$3,504</u>	<u>\$4,107</u>	<u>\$4,708</u>	<u>\$5,309</u>	<u>\$5,911</u>	<u>\$6,512</u>	<u>\$7,113</u>	<u>\$7,716</u>	<u>\$8,317</u>	<u>\$8,918</u>	\$4.70	\$4.95	\$5.20
	<u>\$1,737</u>	<u>\$2,347</u>	<u>\$2,956</u>	<u>\$3,566</u>	<u>\$4,175</u>	<u>\$4,785</u>	<u>\$5,395</u>	<u>\$6,004</u>	<u>\$6,613</u>	<u>\$7,224</u>	<u>\$7,833</u>	<u>\$8,442</u>	<u>\$9,053</u>			
U	<u>\$1,748</u>	<u>\$2,367</u>	<u>\$2,985</u>	<u>\$3,602</u>	<u>\$4,222</u>	<u>\$4,840</u>	<u>\$5,457</u>	<u>\$6,077</u>	<u>\$6,695</u>	<u>\$7,312</u>	<u>\$7,932</u>	<u>\$8,550</u>	<u>\$9,167</u>	\$4.95	\$5.20	\$5.45
	<u>\$1,786</u>	<u>\$2,412</u>	<u>\$3,038</u>	<u>\$3,666</u>	<u>\$4,292</u>	<u>\$4,919</u>	<u>\$5,546</u>	<u>\$6,173</u>	<u>\$6,799</u>	<u>\$7,426</u>	<u>\$8,053</u>	<u>\$8,679</u>	<u>\$9,307</u>			
V	<u>\$1,795</u>	<u>\$2,431</u>	<u>\$3,066</u>	<u>\$3,701</u>	<u>\$4,337</u>	<u>\$4,971</u>	<u>\$5,606</u>	<u>\$6,242</u>	<u>\$6,877</u>	<u>\$7,512</u>	<u>\$8,148</u>	<u>\$8,782</u>	<u>\$9,417</u>	\$5.20	\$5.45	\$5.70
	<u>\$1,835</u>	<u>\$2,478</u>	<u>\$3,121</u>	<u>\$3,766</u>	<u>\$4,409</u>	<u>\$5,053</u>	<u>\$5,697</u>	<u>\$6,341</u>	<u>\$6,984</u>	<u>\$7,629</u>	<u>\$8,272</u>	<u>\$8,915</u>	<u>\$9,560</u>			
W	<u>\$1,845</u>	<u>\$2,499</u>	<u>\$3,152</u>	<u>\$3,804</u>	<u>\$4,458</u>	<u>\$5,111</u>	<u>\$5,763</u>	<u>\$6,417</u>	<u>\$7,069</u>	<u>\$7,722</u>	<u>\$8,376</u>	<u>\$9,028</u>	<u>\$9,681</u>	\$5.45	\$5.70	\$5.95
	<u>\$1,886</u>	<u>\$2,547</u>	<u>\$3,209</u>	<u>\$3,872</u>	<u>\$4,533</u>	<u>\$5,194</u>	<u>\$5,857</u>	<u>\$6,518</u>	<u>\$7,179</u>	<u>\$7,842</u>	<u>\$8,504</u>	<u>\$9,165</u>	<u>\$9,828</u>			
X	<u>\$1,896</u>	<u>\$2,568</u>	<u>\$3,238</u>	<u>\$3,908</u>	<u>\$4,580</u>	<u>\$5,250</u>	<u>\$5,920</u>	<u>\$6,592</u>	<u>\$7,262</u>	<u>\$7,932</u>	<u>\$8,604</u>	<u>\$9,274</u>	<u>\$9,944</u>	\$5.70	\$5.95	\$6.20
	<u>\$1,938</u>	<u>\$2,617</u>	<u>\$3,296</u>	<u>\$3,977</u>	<u>\$4,656</u>	<u>\$5,335</u>	<u>\$6,016</u>	<u>\$6,696</u>	<u>\$7,375</u>	<u>\$8,056</u>	<u>\$8,735</u>	<u>\$9,414</u>	<u>\$10,095</u>			
Y	<u>\$1,949</u>	<u>\$2,639</u>	<u>\$3,328</u>	<u>\$4,017</u>	<u>\$4,708</u>	<u>\$5,397</u>	<u>\$6,086</u>	<u>\$6,776</u>	<u>\$7,465</u>	<u>\$8,154</u>	<u>\$8,845</u>	<u>\$9,534</u>	<u>\$10,223</u>	\$5.95	\$6.20	\$6.45
	<u>\$1,992</u>	<u>\$2,690</u>	<u>\$3,388</u>	<u>\$4,088</u>	<u>\$4,787</u>	<u>\$5,485</u>	<u>\$6,185</u>	<u>\$6,883</u>	<u>\$7,581</u>	<u>\$8,282</u>	<u>\$8,980</u>	<u>\$9,678</u>	<u>\$10,378</u>			
Z	<u>\$2,002</u>	<u>\$2,711</u>	<u>\$3,419</u>	<u>\$4,127</u>	<u>\$4,836</u>	<u>\$5,544</u>	<u>\$6,251</u>	<u>\$6,961</u>	<u>\$7,669</u>	<u>\$8,376</u>	<u>\$9,086</u>	<u>\$9,794</u>	<u>\$10,501</u>	\$6.20	\$6.45	\$6.70
	<u>\$2,046</u>	<u>\$2,763</u>	<u>\$3,481</u>	<u>\$4,200</u>	<u>\$4,917</u>	<u>\$5,634</u>	<u>\$6,353</u>	<u>\$7,071</u>	<u>\$7,788</u>	<u>\$8,507</u>	<u>\$9,224</u>	<u>\$9,942</u>	<u>\$10,661</u>			
AA	<u>\$2,058</u>	<u>\$2,787</u>	<u>\$3,515</u>	<u>\$4,242</u>	<u>\$4,972</u>	<u>\$5,699</u>	<u>\$6,427</u>	<u>\$7,156</u>	<u>\$7,883</u>	<u>\$8,611</u>	<u>\$9,340</u>	<u>\$10,068</u>	<u>\$10,795</u>	\$6.45	\$6.70	\$6.95
	<u>\$2,103</u>	<u>\$2,841</u>	<u>\$3,578</u>	<u>\$4,317</u>	<u>\$5,055</u>	<u>\$5,792</u>	<u>\$6,531</u>	<u>\$7,269</u>	<u>\$8,006</u>	<u>\$8,745</u>	<u>\$9,483</u>	<u>\$10,220</u>	<u>\$10,959</u>			
BB	\$4,000	\$5,000	\$6,000	\$7,000	\$8,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,500	\$10,000	\$10,500	\$11,500	\$6.70	\$6.95	\$7.20

HUMAN SERVICES DEPARTMENT[441](cont'd)

(2) No change.

ITEM 3. Amend subparagraph 170.4(7)“a”(2) as follows:

(2) Under age group, “infant and toddler” shall mean age two weeks to ~~two~~ three years; “preschool” shall mean ~~two~~ three years to school age; “school age” shall mean a child in attendance in full-day or half-day classes.

**ARC 4938C**

## **LABOR SERVICES DIVISION[875]**

### **Notice of Intended Action**

#### **Proposing rule making related to penalties for occupational safety and health citations and providing an opportunity for public comment**

The Labor Commissioner hereby proposes to amend Chapter 3, “Posting, Inspections, Citations and Proposed Penalties,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 88.14.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 88.

#### *Purpose and Summary*

Iowa’s occupational safety and health program is required to be at least as effective as the federal occupational safety and health program. The proposed amendment aligns Iowa’s penalties for occupational safety and health citations with the corresponding federal penalties by making mandatory annual cost-of-living adjustments.

#### *Fiscal Impact*

The penalty increases may result in a small increase in penalties deposited in the General Fund.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on March 18, 2020. Comments should be directed to:

Kathleen Uehling  
Division of Labor Services  
150 Des Moines Street  
Des Moines, Iowa 50309  
Email: [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov)

## LABOR SERVICES DIVISION[875](cont'd)

*Public Hearing*

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

March 18, 2020  
9 a.m.

150 Des Moines Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commissioner and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 3.11(1) as follows:

**3.11(1)** The civil penalties proposed by the labor commissioner on or after ~~May 29, 2019~~ May 31, 2020, are as follows:

*a. Willful violation.* The penalty for each willful violation under Iowa Code section 88.14(1) shall not be less than ~~\$9,472~~ \$9,639 and shall not exceed ~~\$132,598~~ \$134,937.

*b. Repeated violation.* The penalty for each repeated violation under Iowa Code section 88.14(1) shall not exceed ~~\$132,598~~ \$134,937.

*c. Serious violation.* The penalty for each serious violation under Iowa Code section 88.14(2) shall not exceed ~~\$13,260~~ \$13,494.

*d. Other-than-serious violation.* The penalty for each other-than-serious violation under Iowa Code section 88.14(3) shall not exceed ~~\$13,260~~ \$13,494.

*e. Failure to correct violation.* The penalty for failure to correct a violation under Iowa Code section 88.14(4) shall not exceed ~~\$13,260~~ \$13,494 per day.

*f. Posting, reporting, or record-keeping violation.* The penalty for each posting, reporting, or record-keeping violation under Iowa Code section 88.14(9) shall not exceed ~~\$13,260~~ \$13,494.

**ARC 4940C**

**LABOR SERVICES DIVISION[875]****Notice of Intended Action****Proposing rule making related to debt collection  
and providing an opportunity for public comment**

The Labor Commissioner hereby proposes to amend Chapter 61, "Administration of Iowa Code Chapter 88A," Chapter 71, "Administration of the Conveyance Safety Program," Chapter 90, "Administration of the Boiler and Pressure Vessel Program," and Chapter 155, "Asbestos Removal and Encapsulation," Iowa Administrative Code.

LABOR SERVICES DIVISION[875](cont'd)

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 88A.3, 88B.3, 89.7(2) and 89A.3(8).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 88A, 88B, 89 and 89A.

*Purpose and Summary*

This Notice of Intended Action contains technical and conforming amendments relating to debt collection by the College Student Aid Commission, the Child Support Recovery Unit, and the Department of Revenue. Agencies such as the Division of Labor Services that issue permits, licenses and similar authorizations must stand ready to assist in debt collection. These proposed amendments include updates and corrections relating to these duties. Several amendments propose to remove references to the College Student Aid Commission due to 2019 Iowa Acts, Senate File 304, which prohibited licensing sanctions against individuals who default or are delinquent on student loan debt or on a related service obligation.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on March 18, 2020. Comments should be directed to:

Kathleen Uehling  
Division of Labor Services  
150 Des Moines Street  
Des Moines, Iowa 50309  
Email: [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov)

*Public Hearing*

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

March 18, 2020  
10 a.m.

150 Des Moines Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.



## LABOR SERVICES DIVISION[875](cont'd)

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commissioner and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **875—61.2(88A)**, definition of “Certificate of noncompliance,” as follows:  
*“Certificate of noncompliance” means:*

1. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or

~~2. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or~~

~~3.~~ 2. A certificate of noncompliance issued by the centralized collection unit, department of revenue, pursuant to Iowa Code chapter 272D.

ITEM 2. Amend rule 875—61.6(88A,252J,261,272D), parenthetical implementation statute, as follows:

**875—61.6(88A,252J,261,272D) Termination, denial, suspension, or revocation of an operating permit.**

ITEM 3. Amend rule 875—61.7(17A,88A,252J,261,272D), parenthetical implementation statute, as follows:

**875—61.7(17A,88A,252J,261,272D) Procedures for revocation, suspension, or denial of an operating permit or amusement inspection sticker.**

ITEM 4. Amend subrule 61.7(1) as follows:

**61.7(1)** If the commissioner initiates revocation, suspension or denial due to the receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, ~~261~~, or 272D shall apply.

ITEM 5. Amend **875—Chapter 61**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 88A, 252J, ~~261~~, and 272D.

ITEM 6. Amend rule 875—71.12(89A,252J,261,272D), parenthetical implementation statute, as follows:

**875—71.12(89A,252J,261,272D) Special inspector commissions.**

ITEM 7. Amend subrule 71.12(1) as follows:

**71.12(1) Definition.** As used in this rule, “certificate of noncompliance” means:

a. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or

~~b. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or~~

~~c.~~ b. A certificate of noncompliance issued by the centralized collection unit of the department of revenue pursuant to Iowa Code chapter 272D.

## LABOR SERVICES DIVISION[875](cont'd)

ITEM 8. Amend subrule 71.12(11), introductory paragraph, as follows:

**71.12(11) Procedures.** The following procedures shall apply except in the event of revocation or suspension due to receipt of a certificate of noncompliance. In instances involving receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, ~~261~~, or 272D shall apply.

ITEM 9. Amend **875—Chapter 71**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 89A, 252J, ~~261~~ and 272D.

ITEM 10. Amend rule 875—90.2(89,261,252J,272D), parenthetical implementation statute, as follows:

**875—90.2(89,261,252J,272D) Definitions.**

ITEM 11. Amend rule **875—90.2(89,261,252J,272D)**, definition of “Certificate of noncompliance,” as follows:

“*Certificate of noncompliance*” means:

1. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or

~~2. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or~~

~~3. 2.~~ A certificate of noncompliance issued by the centralized collection unit of the department of revenue pursuant to Iowa Code chapter 272D.

ITEM 12. Amend rule 875—90.9(89,252J,261), parenthetical implementation statute, as follows:

**875—90.9(89,252J,261 272D) Special inspector commissions.**

ITEM 13. Amend subrule 90.9(10), introductory paragraph, as follows:

**90.9(10) Procedures.** The following procedures shall apply except in the event of revocation or suspension due to receipt of a certificate of noncompliance. In instances involving receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, ~~261~~, or 272D shall apply.

ITEM 14. Amend **875—Chapter 90**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 89, 252J, ~~261~~, and 272D.

ITEM 15. Amend subrule 155.2(2) as follows:

**155.2(2) Action on application.** A new permit shall be valid for one year from the date of issuance. A renewal permit shall be valid for one year from the expiration date of the applicant’s prior permit. A permit may be denied for the reasons set forth in rule ~~875—155.8(17A,88B,252J,261 272D)~~ or if the application package is incomplete. Within 60 days of receiving a completed application package for a new permit, the division will issue a permit or deny the application. Within 30 days of receiving a completed application package for a permit renewal, the division will issue a permit or deny the application. Applications received after expiration of a prior permit will be considered applications for new permits rather than renewals.

ITEM 16. Amend subrule 155.6(9) as follows:

**155.6(9) Action on application.** Within 30 days of receiving a completed application, the division will issue a license or deny the application. If a license is issued, it will expire one year from the date the training was completed. An application may be denied for the reasons set forth in rule ~~875—155.8(17A,88B,252J,261 272D)~~ or if the application package is incomplete.

ITEM 17. Amend rule 875—155.8(17A,88B,252J,261), parenthetical implementation statute, as follows:

**875—155.8(17A,88B,252J,261 272D) Denial, suspension and revocation.**

LABOR SERVICES DIVISION[875](cont'd)

ITEM 18. Amend paragraph **155.8(1)“e”** as follows:

*e.* The division received a certificate of noncompliance from the ~~college student aid commission~~ centralized collection unit of the department of revenue or the child support recovery unit of the department of human services.

ITEM 19. Amend subrule 155.9(2) as follows:

**155.9(2) Procedures.** The labor commissioner shall serve a notice of intended action by restricted certified mail, return receipt requested, or by other service as permitted by Iowa Code section 17A.18. A notice of contest must be received by the labor commissioner within 20 days after service of the notice of intended action. If a notice of contest is not timely filed, the action stated in the notice of intended action shall automatically be effective. Hearing procedures for asbestos contested cases are set forth in 875—Chapter 1, Division V. However, if a contested case is based on receipt by the division of a certificate of noncompliance, procedures outlined in Iowa Code chapter 252J or ~~264~~ 272D shall apply.

ITEM 20. Amend **875—Chapter 155**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 88B, 252J, and ~~264~~ 272D.

**ARC 4945C**

## **NURSING BOARD[655]**

### **Notice of Intended Action**

#### **Proposing rule making related to Iowa nurse assistance program and providing an opportunity for public comment**

The Board of Nursing hereby proposes to amend Chapter 19, “Iowa Nurse Assistance Program,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 147.76 and 272C.3(1)“k.”

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 272C.

#### *Purpose and Summary*

On October 9, 2019, the Board voted to decline to issue a declaratory order in response to a petition on the basis that the issue raised was better addressed through the rule-making process. On November 6, 2019, the Board issued a written ruling formalizing its reasons for declining to issue the order.

This proposed rule making now addresses the issue raised by the petition for declaratory order and clarifies the scope of the Board’s jurisdiction to impose discipline against a current participant in the Iowa Nurse Assistance Program. This rule making clarifies that, consistent with the jurisdictional authority provided in Iowa Code section 272C.3(1)“k,” a participant’s entrance into an initial agreement or contract with the program committee does not divest the Board of its authority to discipline a current participant in circumstances involving out-of-state discipline or criminal convictions, notwithstanding any relation to the participant’s impairment. This rule making also clarifies that a current participant shall be referred to the Board for appropriate action if that participant is alleged to have violated a statute or Board rule based on conduct unrelated to the participant’s impairment.

This rule making also updates the language in Chapter 19 to reflect modern terminology for defining qualifying impairments. Additionally, this rule making clarifies that any self-report from applicants or licensees must be submitted in a written form as opposed to verbally. This is to assist in record keeping and clarity of the histories of participants.

## NURSING BOARD[655](cont'd)

This rule making updates the definition of treatment providers from “approved” by the Board to “recognized” by the Board, while still allowing the Board to retain the authority to approve treatment providers. This change is in response to confusion by participants as to which online list or providers they should refer.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 17, 2020. Comments should be directed to:

Kathy Weinberg  
Iowa Board of Nursing  
400 S.W. Eighth Street, Suite B  
Des Moines, Iowa 50309  
Email: [kathy.weinberg@iowa.gov](mailto:kathy.weinberg@iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 17, 2020  
9 to 10 a.m.

Board Office, Suite B  
400 S.W. Eighth Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

NURSING BOARD[655](cont'd)

ITEM 1. Amend rule 655—19.1(272C) as follows:

**655—19.1(272C) Iowa nurse assistance program committee.** Pursuant to the authority of Iowa Code section 272C.3(1)“k,” the board establishes the Iowa nurse assistance program committee (INAPC), formerly known as the licensee review committee, to implement the Iowa nurse assistance program (INAP). The purpose of the INAPC is to provide a program to support the evaluation and monitoring of licensees who are impaired as a result of ~~alcohol or drug abuse, dependency, or addiction, or by any substance use disorder or any mental or physical disorder or disability~~ health condition, while protecting the health, safety and welfare of the public.

ITEM 2. Amend rule **655—19.2(272C)**, definition of “Approved treatment provider,” as follows:  
~~“Approved~~ Recognized treatment provider” means a licensed health care provider with board-approved expertise in substance use ~~disorder~~ disorders or mental or physical health conditions.

ITEM 3. Amend subrule 19.4(1) as follows:

**19.4(1) Self-report.** An applicant or a licensee shall provide a written self-report of an impairment or potential impairment directly to the program.

ITEM 4. Amend subrule 19.4(5) as follows:

**19.4(5) Authority and jurisdiction of the board over participants.**

a. Participation in the program A participant’s entrance into an initial agreement or contract with the INAPC does not divest the board of its authority or jurisdiction over the participant.

b. A participant’s entrance into an initial agreement or contract with the INAPC specifically does not divest the board of its authority or jurisdiction to impose discipline against a participant who receives a criminal conviction or discipline from another state’s licensing agency, regardless of whether the conduct resulting in the conviction or out-of-state discipline is related to the participant’s impairment, and regardless of whether the conviction or out-of-state discipline occurred prior to or after the participant entered into the initial agreement or contract with the INAPC.

c. A participant with an impairment or potential impairment Participants may be eligible to ~~participate~~ continue participating in the program, subject to the INAPC’s discretion, while being subject to investigation or discipline by the board for ~~matters other than the alleged~~ conduct unrelated to the participant’s impairment.

ITEM 5. Amend rule 655—19.6(272C) as follows:

**655—19.6(272C) Limitations Referral to the board.** ~~Participation in the INAP shall not relieve the board of any duties and shall not divest the board of any authority or jurisdiction otherwise provided. A If a participant who violates is alleged to have violated a statute or board administrative rule, which based on conduct that is unrelated to the participant’s impairment, the INAPC shall be referred~~ refer the participant to the board for appropriate action.

**ARC 4935C**

## **PROFESSIONAL LICENSURE DIVISION[645]**

### **Notice of Intended Action**

#### **Proposing rule making related to child abuse and dependent adult abuse mandatory reporter training and providing an opportunity for public comment**

The Board of Dietetics hereby proposes to amend Chapter 81, “Licensure of Dietitians,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e,” and 272C.2.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

*Purpose and Summary*

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This proposed rule making amends the Board's requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that dietitians who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 18, 2020. Comments should be directed to:

Sharon Dozier  
Professional Licensure Division  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [sharon.dozier@idph.gov](mailto:sharon.dozier@idph.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 18, 2020  
10 to 10:30 a.m.

Fifth Floor Conference Room 526  
Lucas State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 81.9(4) as follows:

**81.9(4) Mandatory reporter training requirements.**

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of ~~two hours~~ of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 81.9(4) "e."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours~~ of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 81.9(4) "e."

~~*c.* A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."~~

~~Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

*d.* The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs "~~a~~" 81.9(4) "a" to "~~c~~," including program date(s), content, duration, and proof of participation.

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in ~~645—Chapter 82 rule 645—4.14(272C).~~

~~*f.* The board may select licensees for audit of compliance with the requirements in paragraphs "~~a~~" 81.9(4) "a" to "~~e~~."~~

**ARC 4936C**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rule making related to child abuse and dependent adult abuse mandatory reporter training and providing an opportunity for public comment**

The Board of Nursing Home Administrators hereby proposes to amend Chapter 141, "Licensure of Nursing Home Administrators," Iowa Administrative Code.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e,” 272C.2, and 272C.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

*Purpose and Summary*

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This proposed rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that nursing home administrators who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 18, 2020. Comments should be directed to:

Sharon Dozier  
Professional Licensure Division  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [sharon.dozier@idph.gov](mailto:sharon.dozier@idph.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 18, 2020  
10:30 to 11 a.m.

Fifth Floor Conference Room 526  
Lucas State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure



## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 141.9(8) as follows:

**141.9(8)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, attends, counsels or treats children in Iowa shall complete an initial two-hour child abuse mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters shall take a one-hour recertification training course every three years, prior to the expiration of a current certificate. The licensee shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 141.9(8) "d."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall complete an initial two-hour dependent adult mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters shall take a one-hour recertification training course every three years, prior to the expiration of a current certificate. The licensee shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous ~~five~~ three years of condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 141.9(8) "d."

~~*c.* A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~"~~

~~Training may be completed through separate courses as identified in paragraphs "~~a~~" and "~~b~~" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.~~

~~*d. c.* The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs "~~a~~" to "~~e~~," including program date(s), content, duration, and proof of participation. 141.9(8) "a" and "b."~~

~~*e. d.* The requirement for mandatory ~~training~~ trainings for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:~~

~~(1) Is engaged in active duty in the military service of this state or the United States.~~

~~(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 143 rule 645—4.14(272C).~~

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

~~f. e.~~ The board may select licensees for audit of compliance with the requirements in paragraphs ~~“a” to “e.”~~ 141.9(8) “a” to “d.”

**ARC 4934C**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rule making related to child abuse and dependent adult abuse mandatory reporter training and providing an opportunity for public comment**

The Board of Psychology hereby proposes to amend Chapter 240, “Licensure of Psychologists,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e,” and 272C.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

*Purpose and Summary*

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This proposed rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that psychologists who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 18, 2020. Comments should be directed to:

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Sharon Dozier  
Professional Licensure Division  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [sharon.dozier@idph.gov](mailto:sharon.dozier@idph.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 18, 2020  
11 to 11:30 a.m.

Fifth Floor Conference Room 526  
Lucas State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 240.13(4) as follows:

**240.13(4)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting as required by Iowa Code section 232.69(3)"b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 240.13(4)"e."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5)"b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 240.13(4)"e."

*c.* ~~A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."~~

~~Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*d.* The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs ~~“a” 240.13(4)“a”~~ to “c,” including program date(s), content, duration, and proof of participation.

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in ~~645—Chapter 241 rule 645—4.14(272C)~~.

*f.* The board may select licensees for audit of compliance with the requirements in paragraphs ~~“a” 240.13(4)“a”~~ to “e.”

**ARC 4933C****PROFESSIONAL LICENSURE DIVISION[645]****Notice of Intended Action****Proposing rule making related to child abuse and dependent adult abuse mandatory reporter training and providing an opportunity for public comment**

The Board of Respiratory Care and Polysomnography hereby proposes to amend Chapter 261, “Licensure of Respiratory Care Practitioners, Polysomnographic Technologists, and Respiratory Care and Polysomnography Practitioners,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e,” and 272C.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

*Purpose and Summary*

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This proposed rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that respiratory care practitioners and polysomnographic technologists who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 23, 2020. Comments should be directed to:

Tony Alden  
Professional Licensure Division  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Fax: 515.281.3121  
Email: [tony.alden@idph.iowa.gov](mailto:tony.alden@idph.iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 23, 2020  
9 to 9:30 a.m.

Fifth Floor Conference Room 526  
Lucas State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 261.8(4) as follows:

**261.8(4)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of ~~two hours~~ of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 261.8(4) "e."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours~~ of training in dependent adult

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

abuse identification and reporting as required by Iowa Code section 235B.16(5) “b” in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph “e.” 261.8(4) “e.”

~~c. A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph “e.”~~

~~Training may be completed through separate courses as identified in paragraphs “a” and “b” or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

~~d. The licensee shall maintain written documentation for five three years after mandatory training as identified in paragraphs “a” 261.8(4) “a” to “c,” including program date(s), content, duration, and proof of participation.~~

~~e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:~~

~~(1) Is engaged in active duty in the military service of this state or the United States.~~

~~(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 262 rule 645—4.14(272C).~~

~~f. The board may select licensees for audit of compliance with the requirements in paragraphs “a” 261.8(4) “a” to “e.”~~

**ARC 4943C**

**PUBLIC HEALTH DEPARTMENT[641]**

**Notice of Intended Action**

**Proposing rule making related to licensing and providing an opportunity for public comment**

The Plumbing and Mechanical Systems Board hereby proposes to amend Chapter 32, “Plumbing and Mechanical Systems Board—Licensee Discipline,” and Chapter 60, “Plumbing and Mechanical Systems Board—Noncompliance Regarding Child Support, Nonpayment of State Debt, and Noncompliance Regarding Student Loan Repayment,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 105.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 105 and 272C; 2019 Iowa Acts, Senate File 304; and 2019 Iowa Acts, Senate File 567.

*Purpose and Summary*

The proposed amendments to Chapter 32 reflect changes made by 2019 Iowa Acts, Senate File 567, which specified when the Board can deny a license. Minor edits and changes are also included.

The proposed amendments to Chapter 60 reflect changes made by 2019 Iowa Acts, Senate File 304, which repealed the sections of the Iowa Code that provided authority for 641—Chapter 195. Chapter 60 currently references 641—Chapter 195, which has been rescinded. The proposed amendments prohibit the suspension or revocation of a license issued by the Board to a person who is in default or is delinquent on student loan repayment or a service obligation.

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to the Board's general waiver provisions contained in 641—Chapter 31.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 17, 2020. Comments should be directed to:

Kane Young  
Plumbing and Mechanical Systems Board  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [kane.young@idph.iowa.gov](mailto:kane.young@idph.iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 32.2(5) as follows:

**32.2(5)** Conviction of a felony ~~related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice within the profession listed in Iowa Code section 105.22(4).~~ A copy of the record or conviction or plea of guilty shall be conclusive evidence of such conviction.

ITEM 2. Amend subrule 32.2(22) as follows:

**32.2(22)** Failure to notify the board within 30 days after the occurrence of any judgment entered on or settlement of professional negligence a claim or action related to the profession.

ITEM 3. Amend subrule 32.2(37) as follows:

**32.2(37)** Practicing as a contractor without valid bonding or insurance, as required by Iowa Code section 105.19 ~~as amended by 2013 Iowa Acts, Senate File 427.~~

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 4. Amend paragraph **32.5(1)“f”** as follows:

*f.* Falsely impersonating a person licensed under Iowa Code chapter 105 as amended by 2013 Iowa Acts, Senate File 427.

ITEM 5. Amend rule 641—60.3(261) as follows:

~~641—60.3(261 272C) Student loan repayment noncompliance. The board hereby adopts by reference 641—Chapter 195, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation,” Iowa Administrative Code. The board shall not suspend or revoke the license or certification of a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.~~

ITEM 6. Amend ~~641—~~**Chapter 60**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 252J, 272C, and 272D ~~and section 261.126.~~

**ARC 4942C**

**REVENUE DEPARTMENT[701]**

**Notice of Intended Action**

**Proposing rule making related to tax return preparers  
and providing an opportunity for public comment**

The Revenue Department hereby proposes to amend Chapter 7, “Practice and Procedure Before the Department of Revenue,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 421.14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 421.62 to 421.64.

*Purpose and Summary*

The Department proposes this rule making to implement new provisions that were added to Iowa Code chapter 421 by 2019 Iowa Acts, House File 590. Iowa Code section 421.62 defines “tax return preparer” and sets forth a penalty for tax return preparers who fail to include their preparer tax identification number on certain returns or claims for refund they prepare under Iowa Code chapter 422. Iowa Code section 421.63 grants the Department the authority to enjoin certain tax return preparers. Lastly, Iowa Code section 421.64 imposes continuing education requirements on tax return preparers.

*Fiscal Impact*

This rule making has no fiscal impact beyond that of the legislation it is intended to implement. A fiscal estimate prepared by the Department for similar legislation is available upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).



REVENUE DEPARTMENT[701](cont'd)

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 17, 2020. Comments should be directed to:

Ellen Reynolds  
Department of Revenue  
Hoover State Office Building  
P.O. Box 10457  
Des Moines, Iowa 50306  
Phone: 515.725.4057  
Email: [ellen.reynolds@iowa.gov](mailto:ellen.reynolds@iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** rule 701—7.36(421):

**701—7.36(421) Tax return preparers.**

**7.36(1) Definitions.** For the purposes of this rule and for Iowa Code sections 421.62, 421.63, and 421.64, the following definitions apply:

“An enrolled agent enrolled to practice before the federal Internal Revenue Service (IRS) pursuant to 31 CFR §10.4” means an individual who has an active status as an enrolled agent under 31 CFR §10.4(a) or (d) and is not currently under suspension or disbarment from practice before the IRS. An enrolled agent does not include an enrolled retirement plan agent under 31 CFR §10.4(b) or a registered tax return preparer under 31 CFR §10.4(c).

“An individual admitted to practice law in this state or another state” means an individual who has an active license to practice law in this state or another state, is considered in good standing with the licensing authority of this or another state, and is currently authorized to engage in the practice of law.

“An individual licensed as a certified public accountant or a licensed public accountant under Iowa Code chapter 542 or a similar law of another state” means an individual who meets one of the following requirements:

1. The individual has an active certified public accountant license under Iowa Code chapter 542 or a similar law of another state, is in good standing with the Iowa accountancy examining board or similar authority of another state, and is currently authorized to engage in the practice of public accounting as a certified public accountant.

2. The individual has an active public accountant license under Iowa Code chapter 542 or a similar law of another state, is in good standing with the Iowa accountancy examining board or similar authority of another state, and is currently authorized to engage in the practice of public accounting.

## REVENUE DEPARTMENT[701](cont'd)

*“Hour of continuing education”* means a minimum of 50 minutes spent by a tax return preparer in actual attendance at or completion of an IRS-approved provider of continuing education course.

*“New tax preparer”* means an individual who qualifies as a “tax return preparer” under Iowa Code section 421.62 for the current tax year but would not have qualified as such during any prior calendar year. See paragraph 7.36(8)“a” for examples regarding who qualifies as a new tax preparer.

*“Tax return or claim for refund”* means any return or claim for refund under Iowa Code chapter 422, excluding withholding returns under Iowa Code section 422.16.

*“Tax return preparer”* means any individual who, for a fee or other consideration, prepares ten or more tax returns or claims for refund under Iowa Code chapter 422 during a calendar year, or who assumes final responsibility for completed work on such tax returns or claims for refund under Iowa Code chapter 422 on which preliminary work has been done by another individual.

“Tax return preparer” does not include any of the following:

1. An individual licensed as a certified public accountant or a licensed public accountant under Iowa Code chapter 542 or a similar law of another state.
2. An individual admitted to practice law in this state or another state.
3. An enrolled agent enrolled to practice before the federal IRS pursuant to 31 CFR §10.4.
4. A fiduciary of an estate, trust, or individual, while functioning within the fiduciary’s legal duty and authority with respect to that individual or that estate or trust or its testator, trustor, grantor, or beneficiaries.
5. An individual who prepares the tax returns of the individual’s employer, while functioning within the individual’s scope of employment with the employer.
6. An individual employed by a local, state, or federal government agency, while functioning within the individual’s scope of employment with the government agency.
7. An employee of a tax return preparer, if the employee provides only clerical or other comparable services and does not sign tax returns.

See paragraph 7.36(8)“a” for examples regarding who qualifies as a tax return preparer.

**7.36(2)** *Penalty for tax return preparer’s failure to include preparer tax identification number (PTIN) on tax returns or claims for refund.* On or after January 1, 2020, a tax return preparer who fails to include the tax return preparer’s PTIN on any tax return or claim for refund shall pay to the department a penalty of \$50 for each violation, unless the tax return preparer shows that the failure was reasonable under the circumstances and not willful or reckless conduct. The maximum aggregate penalty imposed upon a tax return preparer pursuant to Iowa Code section 421.62 and this rule shall not exceed \$25,000 during any calendar year. See paragraph 7.36(8)“c” for examples pertaining to the tax return preparer PTIN requirement.

**7.36(3)** *Tax return preparer continuing education requirement.* Beginning January 1, 2020, and every year thereafter, a tax return preparer shall complete a minimum of 15 hours of continuing education courses each year. At least two hours of continuing education shall be on professional ethics, and the remaining hours shall pertain to federal or state income tax. Each course shall be taken from an IRS-approved provider of continuing education. If a course offered by an IRS-approved provider is primarily on state-specific income tax content, the course will qualify for the continuing education requirements under Iowa Code section 421.64 and this rule, even if such course does not count toward federal continuing professional education. Tax return preparers who complete more than the required 15 hours of continuing education in one calendar year may not count the excess hours toward a subsequent year’s requirement. See paragraph 7.36(8)“b” for examples pertaining to the tax return preparer continuing education requirement.

**7.36(4)** *Preparation of tax returns or claims for refund.* An individual prepares a tax return or claim for refund when the individual signs (or should sign) a return, either because the individual completes the return or because the individual assumes final responsibility for preliminary work completed by other individuals.

**7.36(5)** *Approved providers and courses.*

## REVENUE DEPARTMENT[701](cont'd)

*a. Approved providers of continuing education.* Any IRS-approved provider of continuing education is acceptable. It is not mandatory that a continuing education course be taken from an Iowa provider.

*b. Approved continuing education course subject matters.* All continuing education courses shall be on the topics of federal or state income tax or professional ethics.

*c. Approved continuing education format.* Continuing education courses that satisfy the requirements of Iowa Code section 421.64 and this rule may be taken for credit in person, online, or by self-study, as long as they are administered by an IRS-approved provider of continuing education.

**7.36(6) Reporting hours of continuing education and retaining records.**

*a. Reporting hours of continuing education to the department.* Tax return preparers shall report their continuing education hours to the department by February 15 of the calendar year following the year in which hours were completed to be eligible to prepare tax returns or claims for refund. Hours must be reported using IA Form 78-012. If a tax return preparer fails to complete the required minimum hours of continuing education by the date prescribed in this subrule, the individual must show that failure to do so was reasonable under the circumstances and not willful or reckless conduct. IRS-approved providers are not required to report continuing education courses to the department.

*b. Retaining records of continuing education.* Tax return preparers are required to retain records of continuing education completion for a minimum of five years. This record retention shall include, but is not limited to, certificates of completion if offered by the IRS-approved provider of continuing education upon completion of a course.

**7.36(7) Reinstatement of a tax return preparer.** When a tax return preparer fails to complete the minimum 15 hours of continuing education courses as required by Iowa Code section 421.64 and this rule but demonstrates that the failure was reasonable under the circumstances and not willful or reckless conduct, the department may require the tax return preparer to make up any uncompleted hours and submit a completed IA Form 78-012 to the department by a date set by the department before the tax return preparer may engage in activity as a tax return preparer.

**7.36(8) Examples.**

*a. Tax return preparer examples.*

EXAMPLE 1: During the 2020 calendar year and every prior year, an individual, N, prepares nine or fewer tax returns or claims for refund described in this rule for a fee or other consideration. During the 2021 calendar year, N, for a fee or other consideration, prepares ten tax returns or claims for refund described in this rule. N meets the definition of a “tax return preparer” for the 2021 calendar year. Therefore, N will be subject to the penalty for failure to include N’s PTIN on every tax return or claim for refund described in this rule that N prepares during the 2021 calendar year. However, N also qualifies as a “new tax preparer” for the 2021 calendar year because this is the first year N satisfies the definition of a “tax return preparer.” Therefore, N does not need to complete 15 hours of continuing education courses during 2020 to prepare returns in 2021, but N will need to complete the minimum 15 hours of continuing education courses during the 2021 calendar year to be eligible to prepare returns during the 2022 calendar year if N will meet the definition of “tax return preparer” in 2022.

EXAMPLE 2: An individual, B, prepares ten tax returns or claims for refund described in this rule during the 2019 calendar year for a fee or other consideration. Therefore, B is a tax return preparer. However, B is not required to complete any hours of continuing education courses prior to preparing returns in 2020, nor will B incur a penalty for failing to include B’s PTIN on any of those returns prepared in calendar year 2019 because the requirements described in this rule do not take effect until January 1, 2020.

Assume B continues to prepare tax returns or claims for refund described in this rule for a fee or other consideration during the 2020 calendar year, but B only prepares a total of nine such tax returns throughout the entire 2020 calendar year. B does not complete any hours of continuing education courses during the 2020 calendar year. B will not be eligible to prepare ten or more tax returns or refund claims described in this rule for a fee or other consideration during the 2021 calendar year because even though B did not prepare ten or more tax returns or claims for refund in 2020, B would have been classified as

## REVENUE DEPARTMENT[701](cont'd)

a tax return preparer in 2019. Thus, B is not considered a new tax preparer for purposes of the 2021 calendar year.

*b.* Continuing education requirement examples.

EXAMPLE 3: During the 2020 calendar year, an individual, P, prepares ten tax returns or claims for refund described in this rule for a fee or other consideration. Therefore, P is a tax return preparer. During the 2020 calendar year, P also completes 30 hours of continuing education courses from programs offered by an IRS-approved provider of continuing education, 4 hours of which are on professional ethics and the remaining hours on income tax. P is eligible to prepare Iowa tax returns during the 2021 calendar year. However, P must complete 15 additional hours of continuing education courses offered by an IRS-approved provider, including 2 hours of professional ethics and the remaining hours on income tax, during the 2021 calendar year to be eligible to prepare Iowa tax returns during the 2022 calendar year if P will meet the definition of “tax return preparer” in 2022. P’s excess hours completed in 2020 may not be applied toward the 15 hours of continuing education courses that P must complete in 2021 to be eligible to prepare returns in 2022.

EXAMPLE 4: During the 2020 calendar year, a tax return preparer, P, completes 12 hours of continuing education courses from programs offered by an IRS-approved provider of continuing education. Two of the hours are on professional ethics, and the rest relate to income tax. P is not eligible to prepare Iowa tax returns during the 2021 calendar year, regardless of the year of the returns P is preparing, because P has not completed a total of 15 continuing education hours during the 2020 calendar year. During the 2021 calendar year, P completes 15 hours of continuing education courses from programs offered by an IRS-approved provider. Two of P’s hours are from professional ethics courses, and the remaining 13 hours are from income tax courses. P is eligible to prepare returns during the 2022 calendar year, regardless of the years of the returns P prepares. However, P is still ineligible to prepare returns for the remaining duration of the 2021 calendar year, regardless of the years of the returns P wishes to prepare.

*c.* PTIN requirement examples.

EXAMPLE 5: An individual, X, works at a firm in the business of preparing tax returns for a fee or other consideration. X completes a substantial amount of preliminary work on ten tax returns described in this rule during the scope of X’s employment (that are not the tax returns of X’s employer) during the 2020 calendar year, but X does not assume final responsibility for the work or sign the returns. Instead, X’s supervisor, Y, reviews the work completed by X and signs the returns. Y is a tax return preparer because Y assumed final responsibility for the returns. Therefore, Y’s PTIN is required on all of the returns. X’s PTIN is not required on any of the returns, nor will X incur any penalties for omitting X’s PTIN on the returns.

EXAMPLE 6: An individual, X, has a partnership with another individual, Y, in which X and Y prepare tax returns for a fee or other consideration. X completes ten returns described in this rule during the 2020 calendar year. However, before X signs or files the returns, X asks Y to review the returns. Y reviews the returns and suggests substantial changes, but Y then gives the returns back to X. X makes the necessary changes, then signs and files the returns. X is a tax return preparer. X’s PTIN is required on all of the returns because X assumed final responsibility for the returns. Y’s PTIN is not required on any of the returns. If X fails to include X’s PTIN on any of the returns, X will incur a \$50 civil penalty for each violation unless X shows that X’s failure was reasonable under the circumstances and not willful or reckless conduct.

EXAMPLE 7: An individual, X, completes five tax returns and five claims for refund described in this rule for a fee or other consideration during the 2020 calendar year. X does not sign the returns, even though no other paid tax return preparer reviewed X’s work and took final responsibility for the return. X’s PTIN is required on all of the returns because X is a paid tax return preparer for those returns, even though X failed to sign the returns as required. X is subject to a fine of \$50 per return that did not contain the required PTIN because X is a tax return preparer.

This rule is intended to implement Iowa Code sections 421.62, 421.63, and 421.64.

**ARC 4939C****TRANSPORTATION DEPARTMENT[761]****Notice of Intended Action****Proposing rule making related to an update of contact information  
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 410, “Special Mobile Equipment,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.1.

*Purpose and Summary*

The proposed amendment makes technical changes to update the bureau’s name and contact information.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 17, 2020. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy Bureau  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

*Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

March 23, 2020  
10 a.m.

Department of Transportation  
Motor Vehicle Division  
6310 SE Convenience Boulevard  
Ankeny, Iowa

TRANSPORTATION DEPARTMENT[761](cont'd)

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department’s rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 410.1(3) as follows:

**410.1(3)** Questions regarding special mobile equipment may be directed by mail to the ~~Office of~~ Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; ~~or~~ by telephone at ~~(515)237-3264~~ (515)237-3268; or by email at [omcs@iowadot.us](mailto:omcs@iowadot.us).

**TREASURER OF STATE**

**Notice—Public Funds Interest Rates**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions Katie Averill, Superintendent of Banking Jeff Plagge, and Auditor of State Rob Sand has established today the following rates of interest for public obligations and special assessments. The usury rate for February is 3.50%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants .....	Maximum 6.0%
74A.4 Special Assessments .....	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective February 11, 2020, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

## TREASURER OF STATE(cont'd)

## TIME DEPOSITS

7-31 days .....	Minimum .05%
32-89 days .....	Minimum .05%
90-179 days .....	Minimum .25%
180-364 days .....	Minimum .40%
One year to 397 days .....	Minimum .50%
More than 397 days .....	Minimum .70%

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

## USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

March 1, 2019 — March 31, 2019	4.75%
April 1, 2019 — April 30, 2019	4.75%
May 1, 2019 — May 31, 2019	4.50%
June 1, 2019 — June 30, 2019	4.50%
July 1, 2019 — July 31, 2019	4.50%
August 1, 2019 — August 31, 2019	4.00%
September 1, 2019 — September 30, 2019	4.00%
October 1, 2019 — October 31, 2019	3.75%
November 1, 2019 — November 30, 2019	3.75%
December 1, 2019 — December 31, 2019	3.75%
January 1, 2020 — January 31, 2020	3.75%
February 1, 2020 — February 29, 2020	3.50%
March 1, 2020 — March 31, 2020	3.75%

**ARC 4946C****AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]****Adopted and Filed****Rule making related to dairy standards**

The Agriculture and Land Stewardship Department hereby amends Chapter 68, “Dairy,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 192.102 and 194.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 192 and 194.

*Purpose and Summary*

The Food and Drug Administration, in cooperation with and with guidance from the National Conference of Interstate Milk Shippers (NCIMS), adopts new or updated language and clarifications to the Pasteurized Milk Ordinance (PMO) every two years. In 2015, NCIMS added the new Food Safety Modernization Act (FSMA) to the PMO, thus necessitating the Department’s adoption of the newer version to remain compliant with the Department’s 21 CFR 20.88 agreement with the Food and Drug Administration.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 1, 2020, as **ARC 4838C**. A public hearing was held on January 22, 2020, at 9 a.m. in the Second Floor Conference Room, Wallace State Office Building, Des Moines, Iowa. No one attended the public hearing. The Department received one comment during the comment period from the Iowa State Dairy Association (ISDA). ISDA supported the rule making, with no requested changes. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on February 7, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s



## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule ~~21~~—**68.1(192,194)**, definition of “P.M.O.,” as follows:

“P.M.O.” means the Grade A Pasteurized Milk Ordinance, ~~2015~~ 2019 Revisions, from the United States Public Health Service/Food and Drug Administration, a copy of which is on file with the department and is incorporated into this chapter by reference and made a part of this chapter.

ITEM 2. Amend subrules 68.13(1) and 68.13(2) as follows:

**68.13(1) Certification.** A rating of 90 percent or more calculated according to the rating system as contained in Public Health Service “Methods of Making Sanitation Ratings of Milk Shippers,” ~~2015~~ 2019 Revision, shall be necessary to receive or retain a Grade A certification under Iowa Code chapter 192. That publication is hereby incorporated into this rule by this reference and made a part thereof insofar as applicable, and a copy is on file with the department.

**68.13(2) Documents.** The following publications of the Public Health Service of the Food and Drug Administration are hereby adopted. A copy of each is on file with the department:

~~1.~~ a. “Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments,” ~~2015~~ 2019 Revision.

~~2.~~ b. “Standards for the Fabrication of Single Service Containers and Closures for Milk and Milk Products,” as incorporated in the P.M.O., Appendix J.

~~3.~~ c. “Evaluation of Milk Laboratories,” ~~2015~~ 2019 Revision.

[Filed 2/7/20, effective 4/1/20]

[Published 2/26/20]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4947C**

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

**Adopted and Filed**

**Rule making related to adoption by reference of section of NIST Handbook**

The Agriculture and Land Stewardship Department hereby amends Chapter 85, “Weights and Measures,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 189.2 and 215.24.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 189 and 215.

*Purpose and Summary*

This rule making is limited in scope to adoption by reference of the National Institute of Standards and Technology (NIST) Handbook 130, (2020), Part IV, Section G, 2.1.2, specifically that section and not the entire manual. The Environmental Protection Agency (EPA) issued an amended administrative rule making that withdrew the “vapor pressure” prohibition on the retail marketing of motor fuel containing 15

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

percent ethanol from June 1 through September 15 of a calendar year. While the EPA made the regulatory change, the NIST had not yet completed its process to alter the requirements in the NIST Handbook. The lag created a regulatory inconsistency between the EPA's regulations and the Department's administrative rules that incorporate by reference the NIST standard that contains the "vapor pressure" seasonal sales prohibition. The Department issued a waiver of the rule from June 1, 2019, to September 15, 2019, to address this discrepancy.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 1, 2020, as **ARC 4844C**. A public hearing was held on January 22, 2020, at 1 p.m. in the Second Floor Conference Room, Wallace State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on February 7, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making action is adopted:

Amend rule 21—85.39(189,215) as follows:

**21—85.39(189,215) Weights and measures.**

**85.39(1)** The specifications, tolerances and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 amended or revised as of July 1, 2013, shall be the specifications, tolerances and regulations for commercial weighing and measuring devices in the state of Iowa, except as modified by state statutes, or by rules adopted and published by the Iowa department of agriculture and land stewardship and not rescinded.

**85.39(2)** The National Institute of Standards and Technology (NIST) Handbooks 130 and 133: Weights and Measures Law, Packaging and Labeling, Method of Sale, Type Evaluation, Checking the Net Contents of Packaged Goods, and Uniform Engine Fuels and Automotive Lubricants Regulation,

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

and all supplements, as published by the National Institute of Standards and Technology amended or revised as of July 1, 2013, are adopted in their entirety by reference except as modified by state statutes, or by rules adopted and published by the Iowa department of agriculture and land stewardship.

*a.* The National Institute of Standards and Technology (NIST) Handbook 130, Part IV, Section G, Section 2. Standard Specifications, 2.1.2. Gasoline-Ethanol Blends, as of November 1, 2020, is adopted in its entirety by reference except as modified by state statutes, or by rules adopted and published by the Iowa department of agriculture and land stewardship.

*b.* Reserved.

This rule is intended to implement Iowa Code sections 189.9, 189.13, 189.17, 215.14, 215.18 and 215.23.

[Filed 2/7/20, effective 4/1/20]

[Published 2/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4948C**

## **DENTAL BOARD[650]**

**Adopted and Filed**

### **Rule making related to dental assistant remediation requirements**

The Dental Board hereby amends Chapter 20, "Dental Assistants," and Chapter 22, "Dental Assistant Radiography Qualification," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 147.76.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 153.39.

#### *Purpose and Summary*

These amendments update examination requirements to better reflect the needs of applicants for dental assistant registration in the state of Iowa and to reduce barriers of entry to the job market. Current rules require prospective dental assistants who twice fail required examinations in the areas of jurisprudence, infection control and radiography to submit proof of formal education in the area of examination failure through a program approved by the Board or a school accredited by the Commission on Dental Accreditation. This remedial education is required before the applicant can test a third time. Remediation can be difficult for some dental assistant applicants to complete due to a lack of local options available or due to cost of the training.

The Board wants to be responsive to this issue by eliminating formal remediation requirements. Prospective dental assistants who fail the exam have the ability to review study materials issued by the Board, which provides the opportunity for self-remediation. Further, dental assistant trainees work under the personal supervision of a dentist, which provides safeguards to the public.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 6, 2019, as **ARC 4741C**. One written comment was received. Lisa Swett, R.D.H., with Impact Dental Training, expressed concern and believes that formal remediation is beneficial and establishes a basic level of competency for those entering the profession. Ms. Swett believes that it is counterproductive to allow individuals to retest without formal remediation. Ms. Swett stated that

DENTAL BOARD[650](cont'd)

Impact Dental Training would be happy to consider alternative platforms if access is a problem. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on January 24, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, there is a positive impact on jobs, as the remediation requirement delays entry into the job market.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule **650—20.2(153)**, definition of “Public health supervision,” as follows:

“*Public health supervision*” means all of the following:

1. The dentist authorizes and delegates the services provided by a registered dental assistant to a patient in a public health setting, with the exception that services may be rendered without the patient's first being examined by a licensed dentist;
2. The dentist is not required to provide future dental treatment to patients served under public health supervision;
3. The dentist and the registered dental assistant have entered into a written supervision agreement that details the responsibilities of each licensee/registrant, as specified in subrule ~~20.16(2)~~ 20.15(2); and
4. The registered dental assistant has an active Iowa registration and a minimum of one year of clinical practice experience.

ITEM 2. Amend subrule 20.5(2) as follows:

**20.5(2) Dental assistant trainee.** Dental assistant trainees are all individuals who are engaging in on-the-job training to meet the requirements for registration and who are learning the necessary skills under the personal supervision of a licensed dentist. Trainees may also engage in on-the-job training in dental radiography pursuant to rule 650—22.3(136C,153).

*a. General requirements.* The dental assistant trainee shall meet the following requirements:

- (1) Successfully complete a course of study and examination in the areas of infection control, hazardous materials, and jurisprudence. The course of study shall be prior approved by the board and sponsored by a board-approved postsecondary school.

## DENTAL BOARD[650](cont'd)

(2) If a trainee fails to become registered by the trainee status expiration date, the trainee must stop work as a dental assistant trainee. If the trainee has not yet met the requirements for registration, the trainee may reapply for trainee status but may not work until a new dental assistant trainee status certificate has been issued by the board.

*b. Trainee restart.*

(1) Reapplying for trainee status. A trainee may “start over” as a dental assistant trainee provided the trainee submits an application in compliance with subrule 20.6(1).

(2) Examination scores valid for three years. A “repeat” trainee is not required to retake an examination (jurisprudence, infection control/hazardous materials, radiography) if the trainee has successfully passed the examination within three years of the date of application. ~~If a trainee has failed two or more examinations, the trainee must satisfy the remedial education requirements in subrule 20.11(1). The trainee status application will not be approved until the trainee successfully completes any required remedial education.~~

(3) New trainee status expiration date issued. If the repeat trainee application is approved, the board office will establish a new trainee status expiration date by which registration must be completed.

(4) Maximum of two “start over” periods allowed. In addition to the initial 12-month trainee status period, a dental assistant is permitted up to two start over periods as a trainee. If a trainee seeks an additional start over period beyond two, the trainee shall submit a petition for rule waiver under 650—Chapter 7.

*c. Trainees enrolled in cooperative education or work study programs.* The requirements stated in this subrule apply to all dental assistant trainees, including a person enrolled in a cooperative education or work-study program through an Iowa high school. In addition, a trainee under 18 years of age shall not participate in dental radiography.

ITEM 3. Rescind rule **650—20.11(153)**.

ITEM 4. Renumber rules **650—20.12(153)** to **650—20.17(153)** as **650—20.11(153)** to **650—20.16(153)**.

ITEM 5. Amend rule 650—22.5(136C,153) as follows:

**650—22.5(136C,153) Examination requirements.** An applicant for dental assistant radiography qualification shall successfully pass a board-approved examination in dental radiography.

**22.5(1)** Examinations must be prior approved by the board and must be administered in a proctored setting. All board-approved examinations must have a minimum of 50 questions. The Dental Assisting National Board Radiation Health and Safety Examination is an approved examination.

**22.5(2)** A score of 75 percent or better on a board-approved examination shall be considered successful completion of the examination. The board accepts the passing standard established by the Dental Assisting National Board for applicants who take the Dental Assisting National Board Radiation Health and Safety Examination.

**22.5(3)** Information on taking a board-approved examination may be obtained by contacting the board office at 400 SW 8th Street, Suite D, Des Moines, Iowa 50309-4687.

**22.5(4)** A dental assistant must meet such other requirements as may be imposed by the board’s approved dental assistant testing centers.

~~**22.5(5)** A dental assistant who fails to successfully complete a board-approved examination after two attempts will be required to submit, prior to each subsequent examination attempt, proof of additional formal education in dental radiography in a program approved by the board or sponsored by a school accredited by the Commission on Dental Accreditation of the American Dental Association.~~

[Filed 2/6/20, effective 4/1/20]

[Published 2/26/20]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4949C****INSURANCE DIVISION[191]****Adopted and Filed****Rule making related to notice to suppliers of information**

The Insurance Division hereby amends Chapter 2, “Public Records and Fair Information Practices,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 22.11.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 22.11.

*Purpose and Summary*

This rule making is part of the Division’s rule review process and expands recently adopted rule 191—2.10(17A,22). The subrules adopted in this rule making provide for the statutorily permitted notice to certain suppliers of information pursuant to Iowa Code section 22.11(1)“f.” Also, the subrules cover applicants; licensees; Division investigations and regulatory and administrative functions; and other legal processes.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 1, 2020, as **ARC 4840C**. No public comments were received.

Subrule 2.10(6) has been modified to clarify the scope and purpose of the notice to suppliers of information.

*Adoption of Rule Making*

This rule making was adopted by Douglas M. Ommen, Iowa Insurance Commissioner, on February 6, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

The Division’s general waiver provisions of 191—Chapter 4 apply to these rules.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

INSURANCE DIVISION[191](cont'd)

*Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making action is adopted:

Adopt the following **new** subrules 2.10(1) to 2.10(6):

**2.10(1) Notice.** The notice shall generally be given at the first contact with the division and need not be repeated. Where appropriate, the notice may be given to a person's legal or personal representative. Notice may be withheld in an emergency or when it would compromise the purpose of a department investigation.

**2.10(2) License and examination applicants.** License and examination applicants are requested to supply a wide range of information depending on the qualifications for licensure or sitting for an examination, as provided by division statutes, rules and application forms. Failure to provide requested information may result in denial of the application. Some requested information, such as social security numbers, home addresses, examination scores, and criminal histories, is confidential under state or federal law, but most of the information contained in license or examination applications is treated as public information, freely available for public examination.

**2.10(3) License renewal.** Licensees are requested to supply a wide range of information in connection with license renewal, including continuing education information, criminal history and disciplinary actions, as provided by division statutes, rules and application forms, both on paper and electronically. Failure to provide requested information may result in denial of the application. Most information contained on renewal applications is treated as public information freely available for public examination, but some information may be confidential under state or federal law.

**2.10(4) Investigations.** Persons and entities regulated by the division are required to respond to division requests for information as part of the investigation of a complaint or inquiry. Failure to timely respond may result in disciplinary action against the person or entity to which the request is made. Information provided in response to such a request is confidential pursuant to Iowa Code, including but not limited to Iowa Code section 502.607(2), 505.8(8) "a," 507E.5, or 523A.803, but may become public if introduced at a hearing which is open to the public, contained in a final order, or filed with a court of judicial review.

**2.10(5) Discovery request, subpoenas, and investigations.** Notice need not be given in connection with discovery requests in litigation or administrative proceedings, subpoenas, investigations of possible violations of law or similar demands for information.

**2.10(6) Other requested information.** In general, pursuant to state or federal law, the division requests information necessary for its regulation of insurance, securities, and regulated industries that is required to be provided to the division. This required information may be shared outside the division when required by state or federal law or division rules. Failure of a regulated entity or person to provide this information may result in the denial of the licensure or regulatory approval, as appropriate, for which the information was requested.

[Filed 2/6/20, effective 4/1/20]

[Published 2/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4950C**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to child abuse and dependent adult abuse mandatory reporter training**

The Board of Chiropractic hereby amends Chapter 41, "Licensure of Chiropractic Physicians," Iowa Administrative Code.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e,” and 272C.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

*Purpose and Summary*

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that chiropractors who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 6, 2019, as **ARC 4742C**. A public hearing was held on November 26, 2019, at 8 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on January 8, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making action is adopted:

Amend subrule 41.8(4) as follows:

**41.8(4)** Mandatory reporter training requirements.



## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph 41.8(4) "e."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph 41.8(4) "e."

*c.* ~~A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels, or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver or this requirement as identified in paragraph 41.8(4) "e."~~

Training may be completed through separate courses as identified in paragraphs 41.8(4) "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.

*d.* The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs 41.8(4) "~~a~~" ~~to~~ "e," and "b," including program date(s), content, duration, and proof of participation.

*e.* and *f.* No change.

[Filed 1/28/20, effective 4/1/20]

[Published 2/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4951C**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to optometrists who prescribe controlled substances**

The Board of Optometry hereby amends Chapter 181, "Continuing Education for Optometrists," Chapter 182, "Practice of Optometrists," and Chapter 183, "Discipline for Optometrists," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 124.551A, 147.76 and 147.162.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 124.551A and 147.162.

*Purpose and Summary*

These amendments address the requirements for an optometrist who prescribes a controlled substance, including continuing education requirements, and add discipline that may be imposed for prescribing a controlled substance in dosage amounts that exceed what would be prescribed by a reasonably prudent licensee.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 25, 2019, as **ARC 4668C**. A public hearing was held on October 15, 2019, at 10 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on January 9, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions accorded under 645—Chapter 18.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **181.3(2)“c”** as follows:

c. Required continuing education hours. Licensees shall provide proof of continuing education in all of the following areas:

(1) Current certification in CPR offered in person by the American Heart Association, the American Red Cross or an equivalent organization. At least two hours per biennium is required but credit will be granted for four hours; ~~and~~.

(2) ~~Proof of current~~ Current CELMO certification. If the licensee does not have current proof of CELMO certification, then the following is required:

1. A combined total of 40 hours required from COPE Category B (Ocular Disease and Management) and COPE Category C (Related Systemic Disease) with a minimum of 14 hours in each category; and

2. Ten additional hours required from any of the COPE Categories of A (Clinical Optometry), B, C and D (Optometric Business Management). Hours obtained in Category D may not exceed 6 hours of the total continuing education hours' requirement.

(3) As a condition of license renewal, a minimum of one hour of continuing education per biennium regarding guidelines for prescribing opioids, including recommendations on limitations on dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacologic therapy options. Credit will be granted for up to two hours per biennium. These hours may count toward the continuing

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

education hours required from COPE Category B (Ocular Disease and Management) or COPE Category C (Related Systemic Disease). The licensee shall maintain documentation of these hours, which may be subject to audit. If the continuing education did not cover the United States Centers for Disease Control and Prevention guideline for prescribing opioids for chronic pain, the licensee shall read the guideline prior to license renewal. "Opioid" means any drug that produces an agonist effect on opioid receptors and is indicated or used for the treatment of pain.

ITEM 2. Adopt the following **new** subrule 182.4(3):

**182.4(3)** Prior to prescribing any controlled substance, an optometrist shall review the patient's information contained in the prescription monitoring program database, unless the patient is receiving inpatient hospice care or long-term residential facility care.

ITEM 3. Adopt the following **new** subrule 183.2(31):

**183.2(31)** Prescribing any controlled substance in dosage amounts that exceed what would be prescribed by a reasonably prudent licensee.

[Filed 2/5/20, effective 4/1/20]

[Published 2/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4952C**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to child and dependent adult abuse mandatory reporter training**

The Board of Physician Assistants hereby amends Chapter 326, "Licensure of Physician Assistants," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 232.69(3)"e," 235B.16(5)"e," and 272C.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

*Purpose and Summary*

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This rule making amends the Board's requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that physician assistants who must report child and dependent adult abuse comply with the requirements for training every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16. This rule making also updates subrule 326.9(4) to remove a reference to a rescinded rule provision.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 25, 2019, as **ARC 4662C**. A public hearing was held on October 15, 2019, at 8:30 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*Adoption of Rule Making*

This rule making was adopted by the Board on January 22, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making action is adopted:

Amend subrule 326.9(4) as follows:

**326.9(4)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous five three years, or condition(s) for waiver of this requirement as identified in paragraph 326.9(4) "e."

*b.* A licensee who, in the course of employment responsibilities, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous five three years or condition(s) for waiver of this requirement as identified in paragraph 326.9(4) "e."

*c.* ~~A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."~~

~~Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

*d.* The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs ~~"a"~~ 326.9(4) "a" to "c," including program date(s), content, duration, and proof of participation.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

- (1) Is engaged in active duty in the military service of this state or the United States.
- (2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, ~~including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 328.~~

*f.* The board may select licensees for audit of compliance with the requirements in paragraphs ~~“a”~~ 326.9(4) “a” to *“e.”*

[Filed 1/28/20, effective 4/1/20]

[Published 2/26/20]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4953C**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to electronic transmission of prescriptions**

The Iowa Board of Physician Assistants hereby amends Chapter 327, “Practice of Physician Assistants,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 124.308 and 155A.27.

*Purpose and Summary*

Pursuant to Iowa Code sections 124.308 and 155A.27, beginning January 1, 2020, every prescription issued for a prescription drug shall be transmitted electronically as an electronic prescription to a pharmacy or a pharmacy’s agent unless exempted by statute. A practitioner who violates this mandate is subject to an administrative penalty of \$250 per violation, up to a maximum of \$5,000 per calendar year. The administrative penalty is assessed by the practitioner’s respective licensing board. Physician assistants in Iowa are prescribers subject to this electronic prescription mandate, and thus the Board may begin assessing administrative penalties against its licensees for violations of the electronic prescription mandate beginning January 1, 2020. This rule making incorporates the electronic prescription mandate within the Board’s existing rules governing prescription requirements.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 20, 2019, as **ARC 4768C**. A public hearing was held on December 10, 2019, at 7:30 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on January 22, 2020.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on May 27, 2020.

The following rule-making action is adopted:

Adopt the following **new** subrule 327.6(4):

**327.6(4)** Beginning January 1, 2020, every prescription issued for a prescription drug shall be transmitted electronically unless exempted pursuant to Iowa Code section 124.308 or 155A.27. Beginning January 1, 2020, a licensee who fails to comply with the electronic prescription mandate may be subject to a nondisciplinary administrative penalty of \$250 per violation, up to a maximum of \$5,000 per calendar year.

[Filed 1/28/20, effective 5/27/20]

[Published 2/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4954C**

**RACING AND GAMING COMMISSION[491]**

**Adopted and Filed**

**Rule making related to racing and gaming**

The Racing and Gaming Commission hereby amends Chapter 5, "Track, Gambling Structure, and Excursion Gambling Boat Licensees' Responsibilities," Chapter 7, "Greyhound Racing," Chapter 8, "Pari-Mutuel Wagering, Simulcasting and Advance Deposit Wagering," Chapter 10, "Thoroughbred and Quarter Horse Racing," Chapter 11, "Gambling Games," and Chapter 12, "Accounting and Cash Control," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 99D.7 and 99F.4.

## RACING AND GAMING COMMISSION[491](cont'd)

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 99D and 99F.

*Purpose and Summary*

Item 1 updates the manner of notification for incident reports.

Item 2 removes the reference to the surveillance department procedure manual that is replaced by a maintenance plan as described in the paragraph below summarizing Item 16.

Item 3 removes the prohibition on certain types of entries.

Item 4 clarifies the simulcast wagering transmission requirement.

Item 5 allows for certain types of stewards' decisions to be appealed.

Item 6 allows for digitally stamped papers.

Items 7, 10, and 11 clarify other allowable horse identifiers.

Item 8 updates the clerk of scales reporting requirements.

Item 9 clarifies the record-keeping requirement related to equine infectious anemia (EIA) test results.

Item 12 allows for digital stamping of Iowa-foaled horse certificates.

Item 13 clarifies when a horse may be entered in a race after being claimed.

Item 14 clarifies racing silk requirements.

Item 15 allows for mechanical devices to accept more than one coin, chip or token with authorization.

Item 16 specifies what is included in a surveillance maintenance plan.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 18, 2019, as **ARC 4822C**. A public hearing was held on January 7, 2020, at 9 a.m. at the Commission Office, Suite 100, 1300 Des Moines Street, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on February 4, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 1, 2020.

## RACING AND GAMING COMMISSION[491](cont'd)

The following rule-making actions are adopted:

ITEM 1. Amend subrule 5.4(5) as follows:

**5.4(5) Security force.**

*a.* and *b.* No change.

*c. Incident reports.* The licensee shall be required to file a written report, within 72 hours, detailing any incident in which an employee or patron is detected violating a provision of Iowa Code chapter 99D or 99F, a commission rule or order, or internal controls; or is removed for reasons specified under paragraph 5.4(5) "*b.*" In addition to the written report, the licensee shall provide immediate notification to the commission and DCI representatives on duty or, if representatives are not on duty, provide notification on each office's messaging system in a manner previously agreed upon by the representatives if the incident involved employee theft, criminal activity, Iowa Code chapter 99D or 99F violations, or gaming receipts.

*d.* No change.

ITEM 2. Amend paragraphs **5.4(7)"d"** and **"e"** as follows:

~~*d.* A surveillance department shall develop a standard operating procedure manual, which shall include surveillance system maintenance and emergency plans. This manual shall be made available for inspection by the commission and DCI.~~

~~*e. d.* A facility may include capabilities within the surveillance system for video recording of other areas of a facility and grounds, provided that commission and DCI access is unrestricted.~~

ITEM 3. Amend subrule 7.7(14) as follows:

**7.7(14)** No trainer or owner shall have more than two greyhounds in any race except in stakes or sweepstakes races. No double entries shall be allowed until all single interests eligible for the performance are used and double entries shall be uncoupled for wagering purposes. ~~Double entries shall be prohibited in all twin trifecta and tri-super races.~~

ITEM 4. Amend subrule 8.4(1) as follows:

**8.4(1) General.**

*a.* No change.

*b. Transmission.* The method used to transmit sales transaction and data including, but not limited to, the odds, will pay, race results, and payoff prices must be approved by the commission, based upon the determination that provisions to secure the system and transmission are satisfactory. If the method relies on Internet service to transmit, a backup Internet service shall be used in the event of transmission failure until all transactions are completed for the day.

*c.* and *d.* No change.

ITEM 5. Amend subparagraph **10.4(4)"a"(6)** as follows:

(6) General enforcement provisions. Stewards shall enforce the laws of Iowa and the rules of the commission. The laws of Iowa and the rules of racing apply equally during periods of racing. They supersede the conditions of a race and the regulations of a racing meet and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of the facility. The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final. ~~A decision by the stewards regarding a disqualification of a horse due to a foul, interference, or a riding infraction may not be appealed.~~

ITEM 6. Amend subparagraph **10.4(5)"g"(5)** as follows:

(5) Iowa-foaled horse allowance. Iowa-foaled horses that are properly registered and whose papers are stamped, physically or digitally, by the Iowa department of agriculture and land stewardship shall be allowed an additional three pounds beyond the stated conditions of the race if the race is not limited to Iowa-foaled horses. This allowance does not apply to stakes races.

ITEM 7. Amend subrule 10.4(7) as follows:

**10.4(7) Horse identifier.** The horse identifier shall:

*a.* and *b.* No change.



## RACING AND GAMING COMMISSION[491](cont'd)

c. Examine every starter in the paddock for sex, color, markings, ~~and~~ microchip, lip tattoo, or digital tattoo for comparison with its registration certificate to verify the horse's identity;

d. Supervise the tattooing, digital tattooing, microchipping or branding for identification of any horse located on facility premises; and

e. No change.

ITEM 8. Amend subrule 10.4(13) as follows:

**10.4(13)** *Clerk of scales*. The clerk of scales shall:

a. to f. No change.

g. Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; ~~and~~

h. Assume the duties of the jockey room custodian in the absence of such employee; and

i. Promptly report to the stewards any infraction of the rules with respect to riding equipment, safety equipment, riding crops, or conduct.

ITEM 9. Amend subparagraph **10.5(1)“a”(12)** as follows:

(12) Having each horse in the trainer's care that is racing or stabled on facility premises tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary. The test must have been conducted within the previous 12 months and must be repeated upon expiration. The certificate must be attached to the foal certificate or otherwise accessible by the commission or racing association.

ITEM 10. Amend subparagraph **10.6(1)“a”(2)** as follows:

(2) A horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate, altered microchip, or altered lip or digital tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any facility or regulatory agency.

ITEM 11. Amend paragraph **10.6(1)“b”** as follows:

b. A horse is ineligible to start a race when:

(1) No change.

(2) The horse's breed registration certificate is not on file, physically or digitally, with the racing secretary, or horse identifier, except where the racing secretary has submitted the certificate to the breed registry for correction or transfer of ownership. The stewards may, in their discretion, waive the requirement provided the registration certificate is in the possession of another board of stewards, a copy of the registration certificate is on file with the racing secretary, and the horse is otherwise properly identified. For claiming races, if the claimed horse has been approved by the stewards to run without the registration certificate on file in the racing office, then the registration certificate must be provided to the racing office within seven business days for transfer to the new owner before claiming funds will be approved for transfer by the stewards.

(3) The horse is not fully identified by an official tattoo on the inside of the upper lip or digital tattoo or microchip.

(4) No change.

(5) No current negative Coggins test or current negative equine infectious anemia test certificate is attached to the horse's registration certificate or otherwise accessible by the commission or racing association.

(6) to (15) No change.

ITEM 12. Amend subrule 10.6(2) as follows:

**10.6(2)** Entries.

a. to e. No change.

f. Consecutive days. No horse shall be run ~~on two~~ twice within five consecutive calendar days.

g. to j. No change.

k. Registration certificate to reflect correct ownership. Every breed registry foal certificate filed physically or digitally with the racing secretary to establish the eligibility of a horse to be entered for any race shall accurately reflect the correct and true ownership of the horse. The name of the owner that is

## RACING AND GAMING COMMISSION[491](cont'd)

printed on the official program for the horse shall conform to the ownership as declared on the certificate of registration or eligibility certificate unless a stable name has been registered with the commission for the owner or ownership.

*l.* and *m.* No change.

*n.* Iowa-foaled horse. An Iowa-foaled horse shall not be entered in a race limited to Iowa-foaled horses unless the horse is registered with and the papers are either physically or digitally stamped by the department of agriculture and land stewardship. An Iowa-foaled horse would be allowed to run in an open race without the stamp, but would be ineligible for Iowa-bred supplement, Iowa-bred breeders awards and Iowa-bred breeders supplement.

ITEM 13. Amend subparagraph **10.6(18)“f”(2)** as follows:

(2) Eligibility price. A horse ~~that is declared the official winner in the race in which it is claimed~~ may not start in a race in which the claiming price is less than the amount for which it was claimed. ~~After the first start back or 30 days, whichever occurs first, a horse may start for any claiming price. A horse which is not the official winner in the race in which it is claimed may start for any claiming price.~~ This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper or for starter allowances. No right, title, or interest for any claimed horse shall be sold or transferred except in a claiming race for a period of 30 days following the date of claiming. The day claimed shall not count, but the following calendar day shall be the first day.

ITEM 14. Amend subrule 10.6(11) as follows:

**10.6(11)** Racing numbers and silks.

*a.* and *b.* No change.

*c.* Racing silks. Racing silks shall be turned in to the racing office or jockey room custodian upon arrival to the facility.

(1) All horses running in a race are required to race in an owner's silk or trainer's silk.

(2) In the case of a partnership, the horse shall run with a managing partner's silk or a trainer's silk if no partnership silk is available.

(3) Under special circumstances, a horse may be permitted by the stewards to run in a house silk.

ITEM 15. Amend paragraph **11.5(5)“b”** as follows:

*b.* Devices shall accept no more than one coin, token or chip per play, unless otherwise authorized by the administrator.

ITEM 16. Amend subrule 12.3(1) as follows:

**12.3(1)** Each facility shall submit a description of internal controls to the commission. The submission shall be made at least 90 days before gaming operations are to commence unless otherwise directed by the administrator. The submission shall include and provide for the following:

*a.* to *d.* No change.

*e.* Surveillance internal controls that include:

(1) and (2) No change.

(3) A system maintenance plan that includes management of:

1. Installations, changes, movements, and malfunctions;

2. A log of available and completed system upgrades, updates, and patches, including descriptions;

3. Universal power supply (UPS) capability, live video and recording redundancies;

4. Electrical outages, emergency evacuation, providing alternative coverage of dedicated areas for DCI approval; and

5. Job descriptions and training of employees responsible for system maintenance, and any external maintenance agreements.

*f.* and *g.* No change.

[Filed 2/4/20, effective 4/1/20]

[Published 2/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4955C****REVENUE DEPARTMENT[701]****Adopted and Filed****Rule making related to global intangible low tax income  
and apportionment of investment income**

The Revenue Department hereby amends Chapter 54, “Allocation and Apportionment,” and Chapter 59, “Determination of Net Income,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 422.68.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 422.33 and 422.63.

*Purpose and Summary*

Recent federal tax reform legislation, Public Law 115-97, commonly referred to as the Tax Cuts and Jobs Act (TCJA), created a new category of income, Global Intangible Low Tax Income (GILTI), which must be included in a taxpayer’s U.S. income. Beginning in tax year 2019, Iowa also requires taxpayers to include federal GILTI, after subtracting allowable federal deductions, if any, in the taxpayer’s Iowa net income. Where a business engages in its trade or business partly within and partly outside of Iowa, Iowa income taxes are imposed only on that portion of the business’s income reasonably attributable to its activities within Iowa. The amount of business income reasonably attributable to Iowa is determined using formulas provided either in the Iowa Code or in administrative rules adopted by the Department. Because GILTI represents a new category of income, it does not fit neatly into any of the existing categories of income for which the Iowa Code and rules provide methods of apportionment. Therefore, the Department is adopting these amendments to provide a formula for apportioning GILTI within and without Iowa.

In addition to providing an apportionment formula for GILTI, the amendments include some cleanup of rule 701—54.2(422), the existing rule for the apportionment of investment income. Subrule 54.2(2) was superseded by subrule 54.2(3) in 1995, but subrule 54.2(2) remains in rule 701—54.2(422) today. These amendments strike the superseded text of subrule 54.2(2) and replace it with reorganized and expanded information about when investment income must, or may by election, be included in the Iowa apportionment factor and about when and how the election may be made or changed.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 1, 2020, as **ARC 4843C**.

The Department received a total of four comments. All commenters stated their opposition to the proposed rule making. However, all commenters’ arguments focused heavily on whether GILTI should be included in the tax base at all, rather than on the apportionment method prescribed in the rule making. All commenters appeared to agree that current statutory language does require that GILTI be included in the Iowa tax base. Some commenters asserted that the statute should not be enforced because it may be subject to constitutional challenge. Others argued that the current statute could be interpreted differently to allow a larger deduction for GILTI, or simply that the Legislature should amend the statute to exclude more or all of GILTI. While the Department respects these arguments, it cannot stand in the place of either the Legislature or a court and must enforce the law as written.

Two commenters requested that the Department use a different apportionment method for GILTI from the one provided in the Notice. Both requested that the Department adopt what is commonly referred to

REVENUE DEPARTMENT[701](cont'd)

as “full factor” apportionment. The Department considered using a “full factor” apportionment method, both before drafting the original Notice and after receiving the comments. The comments provided no new information that would change the Department’s position. The apportionment method prescribed in the Notice and adopted herein is more consistent with other states’ treatment of this income, and as one commenter noted, the “full factor” apportionment method the commenters requested would be “very complex, if not impossible” to administer.

No substantive changes from the Notice have been made. A typographical error in subparagraph 54.2(3)“f”(4) has been corrected.

#### *Adoption of Rule Making*

This rule making was adopted by the Department on February 5, 2020.

#### *Fiscal Impact*

This rule making has no fiscal impact beyond that of the legislation it is intended to implement. The income affected by this rule making is included in Iowa income as a result of 2018 Iowa Acts, Senate File 2417. The fiscal impact statement for Senate File 2417 did not specifically address the fiscal impact of these items of income, but did include them in the overall impact of the legislation. In 2019, the Department performed a fiscal analysis for legislation that would have effectively removed most of the income covered by this rule from Iowa income tax. The Department can provide a copy of that analysis upon request.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

#### *Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule 701—54.2(422) as follows:

#### **701—54.2(422) Allocation or apportionment of investment income.**

**54.2(1) *Investment business income.*** The classification of investment income by the labels customarily given them, such as interest, dividends, rents, and royalties, is of no aid in determining whether that income is business or nonbusiness income. Interest, dividends, rents, ~~and~~ royalties, ~~and~~ other investment income shall be apportioned as business income to the extent the income was earned as a part of a corporation’s unitary business, a portion of which is conducted in Iowa. *Mobil Oil Corp. v. Commissioner of Taxes*, 455 U.S. 425 (1980); *ASARCO, Inc. v. Idaho State Tax Commission*, 458 U.S. 307, 73 L.Ed.2d 787, 102 S.Ct. 3103 (1982); *F. W. Woolworth Co. v. Taxation and Revenue*

## REVENUE DEPARTMENT[701](cont'd)

*Dept.*, 458 U.S. 354, 73 L.Ed.2d 819, 102 S.Ct. 3128 (1982); *Container Corporation of America v. Franchise Tax Board*, 463 U.S. 159, 77 L.Ed.2d 545, 103 S.Ct. 2933 (1983). Whether investment income is part of a corporation's unitary business income depends upon the facts and circumstances in the particular situation. The burden of proof is upon the taxpayer to show that the treatment of investment income on the return as filed is proper. There is a rebuttable presumption that an affiliated group of corporations in the same line of business have a unitary relationship, although that is not the only element used in determining unitariness.

**54.2(2) *Inclusion in the apportionment factor.***

*a. Income which must be included.* All investment business income described in subrule 54.2(3), including capital gains or losses, shall be included in the computation of the denominator of the business activity formula if the income is derived from intangible property that has become an integral part of some business activity occurring regularly in or outside of Iowa. See 701—subrule 52.1(4).

*b. Income included by election.* All other investment business income, including capital gains or losses, described in subrule 54.2(3) may at the taxpayer's election be included in the computation of the denominator of the business activity formula provided, however, that a taxpayer cannot elect to exclude or include investment business income where the election would result in an understatement of net income reasonably attributable to Iowa. A taxpayer cannot elect to include some investment business income in and exclude other investment business income from the business activity formula. The election applies to all investment business income of the taxpayer subject to the election.

(1) Written election. If the taxpayer has investment income which is deemed to be business income under the provisions of this rule, a written election shall be made with the taxpayer's income tax return in the first year in which the taxpayer has such income. The election must state whether the taxpayer wishes to include or exclude investment income which is deemed to be business income under the provisions of this rule in the computation of the business activity formula. The election shall be signed by a duly authorized officer of the corporation. The election is binding on all future tax years unless the taxpayer is granted permission by the department to change the election. If the taxpayer fails to make a written election, the fact that investment business income was or was not included in the computation of the business activity formula shall be deemed to be the taxpayer's election for all future tax years.

(2) Changing the election. If a taxpayer wishes to change the taxpayer's election to include or exclude investment business income in the taxpayer's Iowa apportionment factor, the taxpayer must request the department's permission to change the election not less than 90 days prior to the due date of the return for the tax year in which the taxpayer wishes the change to take effect. Permission to make a change in this election shall only be granted if the department determines that the change will more accurately reflect the net income reasonably attributable to Iowa.

All business income, including capital gains or losses, may at the taxpayer's election be included in the computation of the denominator of the business activity formula provided, however, that a taxpayer cannot elect to exclude or include business investment income where the election would result in an understatement of net income reasonably attributable to Iowa.

For a tax year which begins on or after January 1, 1984, if the taxpayer has investment income which is deemed to be business income under the provisions of this rule, a written election shall be made. The election must state whether the taxpayer wishes to include or exclude investment income which is deemed to be business income under the provisions of this rule in the computation of the business activity formula. The election shall be signed by a duly authorized officer of the corporation. The election is binding on all future tax years unless the taxpayer is granted permission by the director to change the election. If the taxpayer fails to make a written election, the fact that investment income was or was not included in the computation of the business activity formula shall be deemed to be the taxpayer's election for all future tax years.

If the taxpayer makes an election to include investment income deemed to be business income in the computation of the denominator of the business activity ratio, the computation of the business activity ratio is as follows:

*a.*—~~Interest income from accounts receivable. Accounts receivable interest income is included in the numerator of the business activity formula if the taxpayer receives accounts receivable interest~~

## REVENUE DEPARTMENT[701](cont'd)

income from customers located in Iowa. Accounts receivable interest income which cannot be segregated by geographical source shall be included in the numerator of the business activity ratio applying the same ratio as gross receipts within Iowa bear to total gross receipts.

~~EXAMPLE: The taxpayer operates a multistate chain of gasoline service stations, selling for cash and on credit. Interest is charged on credit sales, but the interest income cannot be segregated by geographical source. During the tax year, the taxpayer had gross receipts within Iowa of \$300,000, total gross receipts everywhere of \$1,000,000, and accounts receivable interest income everywhere of \$10,000. Ten thousand dollars would be included in the denominator of the business activity formula, and 30 percent of \$10,000, or \$3,000, would be included in the numerator of the business activity formula.~~

~~b.—Interest income other than accounts receivable. All other interest income determined to be business income, except nontaxable interest income, shall be included in the numerator of the business activity formula if the taxpayer's commercial domicile is in Iowa.~~

~~c.—Dividend income. All dividend income (net of special deductions) determined to be business income shall be included in the numerator of the business activity formula if the taxpayer's commercial domicile is in Iowa.~~

~~d.—Rental income. All rental income determined to be business income shall be included in the numerator of the business activity formula to the extent that property is utilized in Iowa or in its entirety if the taxpayer's commercial domicile is in Iowa and the taxpayer is not taxable in the state in which the property is utilized. The extent of utilization of tangible personal property in a state is determined by multiplying the rent by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental periods in the taxable year. If the physical location of the property during the rental period is unknown or not ascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental payer obtained possession.~~

~~e.—Royalty income. All royalty income from intangible personal property determined to be business income shall be included in the numerator of the business activity formula if the taxpayer's commercial domicile is in Iowa. All royalty income from tangible personal property or real property determined to be business income shall be included in the numerator of the business activity formula if the situs of the tangible personal property or real property is within Iowa.~~

~~f.—Gain or loss from the sale, exchange, or other disposition of real or tangible or intangible personal property, if the property while owned by the taxpayer was used in the taxpayer's trade or business, shall be apportioned by the business activity ratio applicable to the return for the year the gain or loss is included in taxable income and shall be included in the computation of the business activity ratio as follows:~~

~~(1) Gain or loss from the sale, exchange, or other disposition of real property shall be included in the numerator if the property is located in this state.~~

~~(2) Gain or loss from the sale, exchange, or other disposition of tangible personal property shall be included in the numerator if:~~

~~The property has a situs in this state at the time of sale; or~~

~~The taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.~~

~~(3) Gains or loss from the sale, exchange, or other disposition of intangible personal property shall be included in the numerator if the taxpayer's commercial domicile is in this state.~~

~~(4) All gains or loss shall be included in the denominator of the activity ratio.~~

~~Noninclusive examples of gains or loss from the sale, exchange or other disposition of real or tangible or intangible property which may not be included in the computation of the business activity ratio because to do so would result in an understatement of net income reasonably attributable to Iowa are the gain recognized under an election pursuant to Section 338 of the Internal Revenue Code or gain recognized under Section 631(a) of the Internal Revenue Code.~~

## REVENUE DEPARTMENT[701](cont'd)

~~g.—Other miscellaneous income. All other miscellaneous income determined to be business income shall be included in the computation of the business activity formula to the extent such income items do not represent a recapture of expense.~~

~~h.—Income which is not subject to Iowa tax shall not be included in the computation of the business activity ratio.~~

~~Subrules 54.2(1) and 54.2(2) are effective for tax years beginning on or after January 1, 1983.~~

~~54.2(3) *Apportionment method by category of investment income.* For tax years beginning on or after January 1, 1995, all investment income that is business income, including capital gains or losses, shall be included in the computation of the denominator of the business activity formula if the investment income is derived from intangible property that has become an integral part of some business activity occurring regularly in or outside of Iowa. See subrule 52.1(4). All other investment business income, including capital gains or losses, may at the taxpayer's election be included in the computation of the denominator of the business activity formula provided, however, that a taxpayer cannot elect to exclude or include investment business income where the election could result in an understatement of net income reasonably attributable to Iowa. A taxpayer cannot elect to include some investment business income in and exclude other investment business income from the business activity formula. The election applies to all investment income of the taxpayer subject to the election.~~

~~For a tax year which begins on or after January 1, 1995, if the taxpayer has investment income subject to an election under the provisions of this rule, a written election shall be made. The election must state whether the taxpayer wishes to include or exclude investment income which is deemed to be business income subject to election under the provisions of this rule in the computation of the business activity formula. The election shall be signed by a duly authorized officer of the corporation. The election is binding on all future tax years unless the taxpayer is granted permission by the director to change the election. If the taxpayer fails to make a written election, the fact that investment income was or was not included in the computation of the business activity formula shall be deemed to be the taxpayer's election for future years.~~

The computation of the business activity formula associated with investment business income is as follows where the investment business income is required to be included in the business activity formula or where an election for inclusion has been made:

*a. Interest income from accounts receivable.* If an inclusion election is made, accounts receivable interest income is included in the numerator of the business activity formula if the taxpayer receives accounts receivable interest income from customers located in Iowa. Accounts receivable interest income which cannot be segregated by geographical source shall be included in the numerator of the business activity ratio applying the same ratio as gross receipts within Iowa bear to total gross receipts.

EXAMPLE: The taxpayer operates a multistate chain of gasoline service stations, selling for cash and on credit. Interest is charged on credit sales, but the interest income cannot be segregated by geographical source. During the tax year, the taxpayer had gross receipts within Iowa of \$300,000, total gross receipts everywhere of \$1,000,000, and accounts receivable interest income everywhere of \$10,000. \$10,000 would be included in the denominator of the business activity formula, and 30 percent of \$10,000, or \$3,000, would be included in the numerator of the business activity formula.

*b. Interest income other than accounts receivable.* All other interest income determined to be business income, except nontaxable interest income, shall be included in the numerator of the business activity formula to the extent that the interest-bearing asset is an integral part of some business activity occurring regularly in Iowa. If the interest-bearing asset is not an integral part of some business activity occurring regularly in or outside of Iowa and if an election of inclusion is made, the interest therefrom (except nontaxable interest income) shall be included in the numerator of the business activity formula if the taxpayer's commercial domicile is in Iowa.

EXAMPLE: The taxpayer earns interest income from loans to affiliated corporations, commercial paper, bonds issued by multistate corporations, and federal income tax refunds. The interest income is business income. None of these interest-bearing assets are an integral part of some business activity occurring regularly within or without Iowa. Accordingly, the interest income produced by such assets is subject to an election of inclusion in or exclusion from the business activity formula.

## REVENUE DEPARTMENT[701](cont'd)

*c. Dividend income.* All dividend income (net of special deductions) determined to be business income shall be included in the numerator of the business activity formula to the extent that the dividend asset is an integral part of some business activity occurring regularly in Iowa. If the dividend asset is not an integral part of some business activity occurring regularly in or outside of Iowa and if an election of inclusion is made, the dividends shall be included in the numerator of the business activity formula if the taxpayer's commercial domicile is in Iowa.

EXAMPLE: The taxpayer earns dividend income from dividends payable from a mutual fund. The dividend income is business income. The dividends are not an integral part of some business activity occurring regularly within or without Iowa. Assume that the taxpayer had also earned interest income which was business income and which was not an integral part of some business activity occurring regularly within or without Iowa and that the taxpayer had included that interest income in the business activity formula. Under these circumstances, the taxpayer must also include the dividend income in the business activity formula. If no inclusion of investment business income had been made in the business activity formula, the taxpayer would exclude the dividend income from the formula.

*d. Rental income.* If an inclusion election is made, all rental income determined to be business income shall be included in the numerator of the business activity formula to the extent that property is utilized in Iowa or in its entirety if the taxpayer's commercial domicile is in Iowa and the taxpayer is not taxable in the state in which the property is utilized. The extent of utilization of tangible personal property in a state is determined by multiplying the rent by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental periods in the taxable year. If the physical location of the property during the rental period is unknown or not ascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental payer obtained possession.

*e. Royalty income and licensing fees.* All royalty income and licensing fees from intangible personal property determined to be business income shall be included in the numerator of the business activity formula to the extent that the royalty or licensing asset is an integral part of some business activity occurring regularly in Iowa. If the royalty or licensing asset is not an integral part of some business activity occurring regularly in or outside of Iowa and if an election of inclusion is made, the royalties or licensing fees shall be included in the numerator of the business activity formula if the taxpayer's commercial domicile is in Iowa.

EXAMPLE: A, a corporation with a commercial domicile outside of Iowa, derives royalties from a trade name that is used by other corporations doing business in Iowa in their Iowa businesses. Since the royalty asset is an integral part of an Iowa business activity, A must include the royalties associated with Iowa business activity in the numerator of A's business activity formula.

EXAMPLE: The taxpayer, a corporation with a commercial domicile in Iowa, derives license fees from others who do business solely outside of Iowa. The license fees are business income. The license fees are an integral part of some business activity carried on regularly by the others outside of Iowa. The taxpayer must include the license fees in the business activity formula. If the taxpayer also had other license fees which were business income and which were not an integral part of some business activity occurring regularly within or without Iowa, these other license fees would be subject to an election of inclusion in or exclusion from the business activity formula.

If an inclusion election is made, all royalty income from tangible personal property or real property determined to be business income shall be included in the numerator of the business activity formula if the situs of the tangible personal property or real property is within Iowa.

*f. Gains or losses.* Gain or loss from the sale, exchange, or other disposition of real or tangible or intangible personal property, if the property while owned by the taxpayer was operationally related to the taxpayer's trade or business carried on in Iowa, shall be apportioned by the business activity ratio applicable to the return for the year the gain or loss is included in taxable income and shall be included in the computation of the business activity ratio as follows:

(1) Gain or loss from the sale, exchange, or other disposition of real property shall be included in the numerator if the property is located in this state and if an election of inclusion has been made.



## REVENUE DEPARTMENT[701](cont'd)

(2) Gain or loss from the sale, exchange, or other disposition of tangible personal property shall be included in the numerator if an election of inclusion has been made and if the property has a situs in this state at the time of sale, or the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Gain or loss from the sale, exchange, or other disposition of intangible personal property shall be included in the numerator of the business activity formula to the extent that the intangible personal property is an integral part of some business activity occurring regularly in Iowa in the tax year that gain or loss is recognized. If the intangible personal property is not an integral part of some business activity occurring regularly in or outside of Iowa in the tax year that gain or loss is recognized and if an election of inclusion has been made, the gain or loss shall be included in the numerator if the taxpayer's commercial domicile is in this state.

EXAMPLE: The taxpayer carries on its trade or business within and without Iowa. The taxpayer has patents which it licenses others to use in activities within and without Iowa. The patents are an integral part of business activity occurring regularly within and without Iowa. The taxpayer receives royalty income for the use of the patents. The taxpayer sells the patents and realizes a capital gain. The capital gain from the sale of the patents cannot be segregated by geographical source. Assume that the taxpayer is on a calendar tax year. Assume that the sale occurred on July 1. From January 1 to July 1, 5 percent of the royalties were attributable to some business activity regularly occurring in Iowa. The taxpayer should include 5 percent of the capital gain in the numerator of the business activity formula.

(4) All gain or loss shall be included in the denominator of the business activity ratio if an election of inclusion has been made or if the gain or loss is required to be included in the business activity ratio.

~~Noninclusive~~ Nonexclusive examples of gains or losses from the sale, exchange, or other disposition of real or tangible or intangible property, which may not be included in the computation of the business activity ratio, because to do so would result in an understatement of net income reasonably attributable to Iowa ~~and would include~~, are the gain recognized under an election pursuant to Section 338 of the Internal Revenue Code and the gain recognized under Section 631(a) of the Internal Revenue Code.

*g. Other miscellaneous income.* All other miscellaneous income determined to be business income which is not subject to an election or which is the subject of a proper election of inclusion shall be included in the computation of the business activity formula to the extent such income items do not represent a recapture of expense. The miscellaneous income shall be included in the numerator of the business activity formula if the income is from an Iowa source.

*h. Other investment income.* All other investment income shall be included in the numerator of the business activity formula to the extent that the intangible personal property which produced that income is an integral part of some business activity occurring regularly in Iowa. If the intangible personal property is not part of some business activity occurring regularly in or outside of Iowa and if an election of inclusion has been made, the other investment income shall be included in the numerator if the taxpayer's commercial domicile is in this state.

*i. Global intangible low tax income (GILTI).* The net amount of global intangible low tax income (net GILTI) shall be included in the numerator of the business activity formula to the extent that the income arises from the taxpayer's ownership of controlled foreign corporation(s) (CFCs) that are an integral part of some business activity occurring regularly in Iowa.

(1) If no portion of the net GILTI is part of some business activity occurring regularly in or outside of Iowa and if an election of inclusion has been made, the net GILTI shall be included in the numerator if the taxpayer's commercial domicile is in this state.

(2) If net GILTI is either required to be included in the Iowa apportionment factor or included by election, the amount included in the denominator shall be the taxpayer's entire net GILTI.

(3) "Net GILTI" means the amount of global intangible low tax income as defined in Internal Revenue Code (IRC) Section 951A, less the deduction allowed under IRC Section 250(a)(1)(B) (if any).

*i-j. Activity ratio.* Income which is not subject to Iowa tax shall not be included in the computation of the business activity ratio.

**54.2(4)** Grossed-up foreign income. For purposes of administration of the Iowa corporation income tax law, gross-up (Section 78 of the Internal Revenue Code) shall be considered to be nonbusiness

REVENUE DEPARTMENT[701](cont'd)

income, irrespective of the fact that the income creating the gross-up may be business income, and shall be allocated to the situs of the income payor.

This rule is intended to implement Iowa Code Supplement sections 422.32(2) and 422.33(1).

ITEM 2. Adopt the following **new** paragraph **59.28(2)“p”**:

*p.* The net amount of global intangible low tax income (net GILTI) shall be included in the numerator of the business activity formula to the extent that the income arises from the taxpayer's ownership of controlled foreign corporation(s) (CFCs) that are an integral part of some business activity occurring regularly in Iowa.

(1) If no portion of the net GILTI is part of some business activity occurring regularly in or outside of Iowa but the income is determined to be business income, the net GILTI shall be included in the numerator if the taxpayer's commercial domicile is in this state.

(2) Where net GILTI is included in the Iowa apportionment factor, the amount included in the denominator shall be the taxpayer's entire net GILTI.

(3) “Net GILTI” means the amount of global intangible low tax income as defined in Internal Revenue Code (IRC) Section 951A, less the deduction allowed under IRC Section 250(a)(1)(B) (if any).

[Filed 2/5/20, effective 4/1/20]

[Published 2/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4956C**

## **SOIL CONSERVATION AND WATER QUALITY DIVISION[27]**

**Adopted and Filed**

### **Rule making related to quorum of state soil conservation and water quality committee**

The Soil Conservation and Water Quality Division hereby amends Chapter 2, “Operation of State Soil Conservation and Water Quality Committee,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 161A.4.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 161A.

#### *Purpose and Summary*

This rule making is intended to fix a discrepancy between the quorum requirement in the Iowa Administrative Code and that required by the Iowa Code.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 1, 2020, as **ARC 4839C**. A public hearing was held on January 22, 2020, at 10 a.m. in the Wallace State Office Building, Second Floor Conference Room, 502 East 9th Street, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rule Making*

This rule making was adopted by the Division on February 7, 2020.

## SOIL CONSERVATION AND WATER QUALITY DIVISION[27](cont'd)

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 27—Chapter 8.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making action is adopted:

Amend subrule 2.6(1) as follows:

**2.6(1) *Quorum.*** ~~Two-thirds~~ A majority of the voting members of the committee constitutes a quorum.

[Filed 2/7/20, effective 4/1/20]

[Published 2/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.

**ARC 4957C**

**UTILITIES DIVISION[199]****Adopted and Filed****Rule making related to intrastate gas pipelines and underground storage**

The Utilities Board hereby amends Chapter 10, "Intrastate Gas and Underground Gas Storage," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 474.5 and 479.17.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 479.17.

UTILITIES DIVISION[199](cont'd)

*Purpose and Summary*

The adopted amendments update the Board's rules that establish filing requirements and procedures and requirements for notice to landowners and other affected persons, construction, and hearing of petitions for natural gas pipeline and underground storage permits.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 19, 2019, as **ARC 4506C**. An oral presentation was held on August 1, 2019, at 1 p.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

Comments were made at the oral presentation by the Office of Consumer Advocate, the Iowa Association of Municipal Utilities, the Iowa Farm Bureau Federation, MidAmerican Energy Company, Interstate Power and Light Company, and Black Hills Energy. The comments addressed the identification of persons with legal interests in property over which the pipeline would be located, requirements for informational meetings, requirements for petitions for permits, requirements for amendments to permits, and criteria for determining if a pipeline is a distribution pipeline or a transmission pipeline.

The written comments addressed the same issues that were discussed at the oral presentation.

The Board issued an order adopting amendments on January 28, 2020. The order is available on the Board's electronic filing system, [efs.iowa.gov](https://efs.iowa.gov), under Docket No. RMU-2016-0004.

The Board made several revisions to the amendments based upon comments. The Board modified the definition of "affected person" to address comments. The Board clarified notice requirements for informational meetings and made several other clarifying revisions.

*Adoption of Rule Making*

This rule making was adopted by the Board on January 28, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to rule 199—1.3(17A,474,476).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 1, 2020.

The following rule-making actions are adopted:

UTILITIES DIVISION[199](cont'd)

ITEM 1. Amend **199—Chapter 10**, title, as follows:

INTRASTATE GAS PIPELINES AND UNDERGROUND GAS STORAGE

ITEM 2. Amend rule 199—10.1(479) as follows:

**199—10.1(479) General information.**

**10.1(1) Authority Purpose and authority.** The purpose of this chapter is to implement the requirements in Iowa Code chapter 479 and to establish procedures and filing requirements for a permit to construct, maintain, and operate an intrastate gas pipeline, for an amendment to an existing permit, and for renewal of an existing permit. This chapter also implements the requirements in Iowa Code chapter 479 for permits for underground storage of natural gas. The standards rules relating to intrastate gas pipelines and underground gas storage in this chapter are ~~prescribed~~ adopted by the Iowa utilities board (board) pursuant to Iowa Code section 479.17. The rules in this chapter do not apply to interstate pipe, pipes, or pipelines used in the transportation or transmission of natural gas or hazardous liquids.

**10.1(2) Purpose When a permit is required.** The purpose of this chapter is to establish standards for a petition for a permit to construct, maintain, and operate an intrastate gas pipeline and for the underground storage of gas. In addition, the rules in this chapter set forth safety standards for the construction, maintenance, and condition of pipelines, underground storage facilities, and equipment used in connection with pipelines and facilities. A pipeline permit shall be required for any pipeline which will operate at a pressure in excess of 150 pounds per square inch gauge (psig) or which, regardless of operating pressure, is a transmission line as defined in ASME B31.8 or 49 CFR 192.3. Using the factors set out in rule 199—10.14(479), the board shall determine whether a pipeline is a transmission line and requires a permit.

**10.1(3) Definitions.** Technical terms not defined in this chapter shall be as defined in the appropriate standard adopted in rule 199—10.12(479). For the administration and interpretation of this chapter, the following words and terms, ~~when used in these rules,~~ shall have the following meanings indicated below:

“Affected person” means any person with a recorded legal right or recorded interest in the property, including but not limited to a contract purchaser of record, a tenant occupying the property under a recorded lease, a record lienholder, and a record encumbrancer of the property. The term also includes persons in possession of or residing on the property and persons with unrecorded interests in the property that have been identified through a good-faith effort of the pipeline company.

“Amendment of permit” means that changes to the pipeline permit or pipeline require the filing of a petition to amend an existing pipeline permit as described in rule 199—10.9(479).

“Approximate right angle” means within 5 degrees of a 90 degree angle.

“Board” means the utilities board within the utilities division of the department of commerce.

“County inspector” means a professional engineer licensed under Iowa Code chapter 542B who is familiar with agricultural and environmental inspection requirements and has been employed by a county board of supervisors to do an on-site inspection of a proposed pipeline for compliance with 199—Chapter 9 and Iowa Code chapter 479.

“Multiple line crossing” means a point at which a proposed pipeline will either ~~overcross or undercross~~ cross over or under an existing pipeline.

“Negotiating” means contact between a pipeline company and a person with authority to negotiate an easement that involves the location, damages, compensation, or other matter that is prohibited by Iowa Code section 479.5(5). Contact for purposes of obtaining addresses and other contact information from a landowner or tenant is not considered negotiation.

“Permit” means a new, amended, or renewal permit issued ~~after appropriate application to and determination~~ by the board.

“Person” means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

“Pipeline” means any pipe, pipes, or pipelines used for the intrastate transportation or transmission of any solid, liquid, or gaseous substance, except water.

UTILITIES DIVISION[199](cont'd)

*“Pipeline company”* means any person, ~~firm, copartnership, association, corporation, or syndicate~~ engaged in or organized for the purpose of owning, operating, or controlling pipelines for the intrastate transportation or transmission of any solid, liquid, or gaseous substance, except water.

*“Renewal permit”* means ~~the extension and reissuance of a permit after appropriate application to and determination by the board.~~

*“Underground storage”* means storage of natural gas in a subsurface stratum or formation of the earth.

10.1(4) No change.

ITEM 3. Renumber rules ~~199—10.2(479)~~ and ~~199—10.3(479)~~ as ~~199—10.3(479)~~ and ~~199—10.2(479)~~.

ITEM 4. Amend renumbered rule ~~199—10.2(479)~~ as follows:

**199—10.2(479) Informational meetings.** Informational meetings shall be held for any proposed pipeline project ~~over~~ five miles or more in length, including both the current project and future anticipated extensions, and which is to be operated at a pressure ~~of over~~ in excess of 150 pounds per square inch. A separate informational meeting shall be held in each county in which real property or property rights ~~therein~~ would be affected.

**10.2(1) Time frame for holding meeting.** Informational meetings shall be held not less than 30 days nor more than two years prior to the filing of the petition for pipeline permit ~~and shall comply with the following:~~

~~10.2(1)~~ **10.2(2) Facilities.** ~~Prospective petitioners for a permit~~ A pipeline company shall be responsible for all negotiations and compensation for a suitable facility to be used for each informational meeting, including but not limited to a building or facility which is in substantial compliance with ~~the~~ any applicable requirements of the Americans with Disabilities Act Accessibility Guidelines, Chapter 4 Standards for Accessible Design, including both the Title III regulations at 28 CFR Part 36, Subpart D, and the 2004 Americans with Disabilities Act Accessibility Guidelines at 36 CFR Part 1191, Appendices B and D (as amended through April 1, 2020), where such a building or facility is reasonably available.

~~10.2(2)~~ **10.2(3) Location.** The informational meeting location shall be reasonably accessible to all persons, ~~companies or corporations which~~ who may be affected by the granting of a permit or who have an interest in the proposed pipeline.

~~10.2(3)~~ **Route deviation.** ~~Prospective petitioners desiring a route corridor to permit minor route deviations beyond the proposed permanent right of way width shall include as affected all parties within the desired corridor. Prospective petitioners may also provide notice to affected parties on alternative route corridors.~~

**10.2(4) Board approval.** A pipeline company proposing to schedule an informational meeting shall file a request to schedule the informational meeting and shall include a proposed time and date for the informational meeting, an alternate time and date, and a description of the proposed project and route. The pipeline company shall be notified within ten days of the filing of the request whether the request is approved or alternate times and dates are required. Once a date and time for the informational meeting have been approved, the pipeline company shall file the location of the informational meeting and a copy of the pipeline company’s presentation with the board.

~~10.2(4)~~ **10.2(5) Notices.** ~~Announcement by mailed and published notice of the each informational meeting shall be given to affected parties of interest in real estate. Affected parties of interest in real estate are those persons, companies or corporations listed on the tax assessment roles as responsible for payment of real estate taxes and parties persons as listed on the tax assessment rolls as responsible for payment of real estate taxes imposed on the property and those persons in possession of or residing on the property over which the prospective petitioner will in the corridor in which the pipeline company intends to seek easements.~~

a. ~~The notice shall set forth the~~ include the following:

- (1) The name of the applicant pipeline company; the applicant’s
- (2) The pipeline company’s principal place of business; the

## UTILITIES DIVISION[199](cont'd)

- (3) The general description and purpose of the proposed project; ~~the~~  
 (4) The general nature of the right-of-way desired; ~~the~~  
 (5) The possibility that the right-of-way may be acquired by condemnation if approved by the board; a  
 (6) A map showing the route of the proposed project; a  
 (7) A description of the process used by the board in making a decision on whether to approve a permit, including the right to take property by eminent domain; ~~that~~  
 (8) That the landowner ~~has~~ and any other affected person have a right to be present at such the meeting and to file objections with the board; ~~and designation~~  
 (9) Designation of the time, date and place of the meeting; ~~and contain the~~  
 (10) A copy of the statement of damage claims as required by paragraph 10.3(3) "b"; and  
 (11) The following statement: Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515)725-7300 in advance of the scheduled date to request that appropriate arrangements be made accommodations. ~~Mailed notices shall also include a copy of the statement of damage claims as required by 10.2(3) "b."~~

b. The prospective petitioner pipeline company shall cause a written copy of the meeting notice to be served, by certified United States mail with return receipt requested, on all affected parties persons as listed on the tax assessment rolls as responsible for payment of real estate taxes imposed on the property and persons in possession of or residing on the property whose address is addresses are known. The certified meeting notice shall be deposited in the U.S. mails United States mail not less than 30 days prior to the date of the meeting.

c. The prospective petitioner pipeline company shall cause the meeting notice, including the map, to be published once in a newspaper of general circulation in the each county where the pipeline is proposed to be located at least one week and not more than three weeks prior to the date of the meeting. Publication shall be considered as notice to affected parties persons listed on the tax assessment rolls as responsible for paying the real estate taxes imposed on the property whose residence is addresses are not known, provided a good-faith effort to notify obtain the addresses can be demonstrated by the pipeline company. The maps used in the published notice shall clearly delineate the pipeline route.

d. The pipeline company shall file an affidavit that describes the good-faith effort the pipeline company undertook to locate the addresses of all affected persons. The affidavit shall be signed by an attorney representing the pipeline company.

~~10.2(5)~~ 10.2(6) Personnel. The prospective petitioner pipeline company shall provide qualified personnel to speak for it in matters relating to present the following information at the informational meeting:

- a. Service requirements and planning which have resulted in the proposed project.  
 b. When the pipeline will be constructed.  
 c. In general terms, the elements involved in pipeline construction.  
 d. In general terms, the rights which the prospective petitioner pipeline company will seek to acquire through easements.  
 e. Procedures to be followed in contacting the affected parties persons for specific negotiations in acquiring voluntary easements.  
 f. Methods and factors used in arriving at an offered price for voluntary easements, including the range of cash amount for each component.  
 g. Manner in which voluntary easement payments are made, including discussion of conditional easements, signing fees and time of payment.  
 h. Other factors or damages not included in the easement for which compensation is made, including features of interest to affected parties persons but not limited to computation of amounts and manner of payment.

~~10.2(6) Coordinating with board.~~ The date, time, and location of the informational meeting shall be selected after consultation with the board to allow for scheduling of presiding officers.

10.2(7) Notice to county board of supervisors. The pipeline company shall send notice of the request for an informational meeting to the county board of supervisors in each county where the pipeline is

## UTILITIES DIVISION[199](cont'd)

proposed to be located. The pipeline company shall request from the board of supervisors the name of the county inspector, a professional engineer who shall conduct the on-site inspection required in Iowa Code section 479.29(2). The pipeline company shall provide the name and contact information of the county inspector to the landowners and other affected persons at the meeting, if known.

~~This rule is intended to implement Iowa Code section 479.5.~~

ITEM 5. Amend renumbered rule 199—10.3(479) as follows:

**199—10.3(479) Petition for permit.**

**10.3(1)** ~~A petition for a permit shall be made to filed with the board upon the form prescribed and shall include all required exhibits. The petition shall be considered as filed upon receipt at the office of the board with the board on the date accepted by the board's electronic filing system as provided for in 199—Chapter 14. An original and two copies of the petition and exhibits shall be filed, unless the petition and exhibits are filed electronically pursuant to the board's electronic filing rules at 199—Chapter 14. The petition shall be attested to by an officer, official or attorney with authority to represent the pipeline company. Required exhibits shall be in the following form:~~

- a. Exhibit A.* ~~A legal description showing, at a minimum, the:~~
- ~~(1) The beginning and ending points of the proposed pipeline.~~
  - ~~(2) The general direction of the proposed route through each quarter section of land to be crossed, including township and range and whether.~~
  - ~~(3) Whether the proposed pipeline will be located on private or public property, public highway or railroad right-of-way, together with such other.~~
  - ~~(4) Other pertinent information as may be deemed pertinent. Construction deviation of 660 feet (one-eighth mile) from proposed routing will be permitted.~~
  - ~~(5) When the route is in or adjacent to the right-of-way of a named road or a railroad, the exhibit shall specifically identify the road or railroad by name.~~

~~If it becomes apparent that there will be deviation of greater than 660 feet (one-eighth mile) in some area from the proposed route as filed with the board, construction of the line in that area shall be suspended. Exhibits A, B, E, and F reflecting the deviation shall be filed, and the procedures hereinafter set forth to be followed upon the filing of a petition for permit shall be followed.~~

*b. Exhibit B.* ~~Maps showing the proposed routing of the pipeline. Strip maps will be acceptable. Two copies of such maps shall be filed. The maps may be to any scale appropriate for the level of detail to be shown, but not smaller than one inch to the mile, and shall be legible when printed on paper no larger than 11 × 17 inches. Maps based on satellite imagery are preferred. A map of the entire route, if the route is located in more than one county or there is more than one map for a county, shall be filed in this exhibit on paper no larger than 11 × 17 inches without regard to scale. The following minimum information shall be provided on the maps:~~

- ~~(1) The route of the pipeline which is the subject of the petition, including the starting and ending points, and when paralleling a road or railroad, which side it is on. Multiple pipelines on the same right-of-way shall be indicated, and the distance between paralleling pipelines shall be shown.~~
- ~~(2) The name of the county, county and lines, section lines, and section numbers, township numbers, and range numbers.~~
- ~~(3) The location and identity of adjacent or crossed public roads, railroads, major named streams or bodies of water, and other pertinent natural or man-made features influencing the route.~~
- ~~(4) The name and corporate limits of cities, and the name and boundaries of any public lands or parks.~~
- ~~(5) Other pipelines and the identity of the owner.~~
- ~~(6) Any buildings or places of public assembly within the potential impact radius of the transmission pipeline as defined in 49 CFR 192.903.~~

*c. Exhibit C.* ~~A showing on forms prescribed by this board of engineering specifications covering the engineering features, materials and manner of construction of the proposed pipeline, its approximate length, diameter and the name and location of each railroad and primary highway and the number of secondary highways to be crossed, if any, and such other information as may be deemed pertinent on~~



## UTILITIES DIVISION[199](cont'd)

forms prescribed by the board, which are located on the board's website. In addition, the maximum and normal operating pressure of the proposed pipeline shall be provided.

*d. Exhibit D.* Satisfactory ~~attested~~ proof of solvency and financial ability to pay damages in the sum of \$250,000 or more; or surety bond satisfactory to ~~this the~~ board in the penal sum of \$250,000 with surety approved by ~~this the~~ board, conditioned that the ~~petitioner~~ pipeline company will pay any and all damages legally recovered against it growing out of the construction and operation of its pipeline or gas storage facilities in the state of Iowa; security satisfactory to this the board as a guarantee for the payment of damages in the sum of \$250,000; or satisfactory proofs that the pipeline company has property subject to execution within this state, other than pipelines, of a value in excess of \$250,000. The board may require additional surety or insurance policies to ensure the payment of damages growing out of the construction and operation of a transmission pipeline that will be constructed in more than one county.

*e. Exhibit E.*

(1) Consent or ~~other showing of right~~ documentation of appropriate public highway authorities, or railroad companies, where the pipeline will be placed longitudinally on, over or under, or at other than an approximate right angle to railroad tracks or highway, when such consent is obtained prior to filing of the petition, ~~and hearing~~ shall be filed with the petition.

(2) ~~If the exact and specific route is uncertain~~ any consent is not obtained at the time of the petition is filed, the pipeline company shall file a statement shall be made by petitioner that it will obtain all necessary consents or file other showing documentation of the right will be obtained to commence construction prior to commencement of construction and copies filed with this board of the pipeline. A pipeline company may request board approval to begin construction on a segment of a pipeline prior to obtaining all necessary consents for construction of the entire pipeline.

(3) Whether there are permits that will be required from other state agencies for construction of the pipeline and, if so, a description of the permit required and whether the permit has been obtained.

*f. Exhibit F.* This exhibit shall contain the following:

(1) A statement of the purpose of the project and a description of how the services rendered by the pipeline will promote the public convenience and necessity.

(2) A general statement covering each of the following topics: ~~the~~

1. The nature of the lands, waters, and public or private facilities to be crossed; ~~the~~

2. The possible use of alternative routes; ~~the~~

3. The relationship of the proposed pipeline to present and future land use and zoning ordinances; and ~~the~~

4. The inconvenience or undue injury which may result to property owners as a result of the proposed project.

(3) For an existing pipeline, the year of original construction and a description of any amendments or reportable changes since the permit or latest renewal permit was issued.

*g. Exhibit G.* If informational meetings were required, an affidavit that such meetings were held in each county affected by the proposed project and the time and place of each meeting. Copies of the mailed notice letter, the corridor map, and the published notice(s) of the informational meeting shall be attached to the affidavit.

*h. Exhibit H.* This exhibit is required only if the petition requests the right of eminent domain. The extent of the eminent domain request may be uncertain at the time the petition is filed. However, this exhibit must be in final form before a hearing is scheduled. It shall consist of a map of the route showing the location of each property for which the right of eminent domain is sought and for each ~~such~~ property:

(1) The legal description of the property.

(2) The legal description of the desired easement.

(3) A specific description of the easement rights being sought.

(4) The names and addresses of the owners of record and parties in possession of the property all affected persons based upon a title search conducted for the property over which eminent domain is requested.

UTILITIES DIVISION[199](cont'd)

(5) A map drawn to an appropriate scale showing the boundaries of the property, the boundaries and dimensions of the proposed easement, the location of pipelines or pipeline facilities within the proposed easement, the location of and distance to any building within 300 feet of the proposed pipeline, and any other features pertinent to the location of the line pipeline to the rights being sought.

(6) An overview map showing the location of the property over which eminent domain is requested filed with the property identified as required in 199—paragraph 9.2(1) “e.”

*i. Exhibit I.* If pipeline construction on agricultural land as defined in 199—subrule 9.1(3) is proposed, a land restoration plan shall be prepared and filed as provided in rule 199—9.2(479,479A,479B). The name and contact information of each county inspector designated by county boards of supervisors pursuant to Iowa Code section 479.29(2) shall be included in the land restoration plan, if known.

*j. Underground storage.* If permission is sought to construct, maintain and operate facilities for underground storage of gas, the petition shall include the following information, in addition to that stated above:

(1) A description of the public or private highways, grounds and waters, streams and private lands of any kind under which the storage is proposed, together with a map.

(2) Maps showing the location of proposed machinery, appliances, fixtures, wells, and stations necessary for the construction, maintenance, and operation of the facilities.

*k. Other exhibits Exhibit K.* The pipeline company shall file additional information as follows:

(1) An affidavit affirming that the company undertook a review of land records to determine all affected persons for all parcels over which the pipeline is proposed to be located before easements were signed or eminent domain requested.

(2) Whether any private easements will be required for the proposed pipeline and, if a private easement is anticipated to be required, when the easement negotiations will be completed and whether all affected persons associated with the property have been notified.

(3) Whether there are any agreements or additional facilities that need to be constructed to receive natural gas.

(4) Projected date when construction of the pipeline will begin.

(5) Whether the pipeline will have pressure-relieving or pressure-limiting devices that meet the requirements of 49 CFR 192.199 and 192.201.

*l. Other exhibits.* The board may require filing of additional exhibits if further information on a particular project is deemed necessary.

**10.3(2) Construction on an existing easement.**

*a.* Petitions proposing new pipeline construction on an existing easement where the pipeline company has previously constructed a pipeline shall include a statement indicating whether any unresolved damage claims remain from the previous pipeline construction, and if so shall provide the name of each landowner or tenant, a legal description of the property involved, and the status of proceedings to settle the claim.

*b.* A petition for permit proposing a new pipeline construction on an existing easement where the pipeline company has previously constructed a pipeline will shall not be acted upon by the board if a damage claim from the installation of ~~its~~ the previous pipeline has not been ~~determined~~ resolved by negotiation, arbitration, or court action. ~~This paragraph will not apply~~ The board may take action on the petition if the damage claim is under litigation or arbitration.

**10.3(3) Statement of damage claims.**

*a.* A petition for permit proposing new pipeline construction will shall not be acted upon by the board if the pipeline company does not ~~have on~~ file with the board a written statement in compliance with Iowa Code chapter 479 as to how damages resulting from the construction of the pipeline shall be determined and paid.

*b.* The statement shall contain the following information: the type of damages which will be compensated for, how the amount of damages will be determined, the procedures by which disputes may be resolved, ~~and~~ the manner of payment, and the procedures that the affected person is required to follow to obtain a determination of damages by a county compensation commission.

## UTILITIES DIVISION[199](cont'd)

c. The statement shall be amended as necessary to reflect changes in the law, company policy, or the needs of a specific project.

~~b. d.~~ A copy of this statement shall be mailed with the notice of informational meeting as provided for in Iowa Code section 479.5. Where no informational meeting is required, a copy shall be provided to each affected party person prior to entering into negotiations for payment of damages.

e. e. Nothing in this rule shall prevent a party person from negotiating with the pipeline company for terms which are different, more specific, or in addition to the statement filed with the board.

**10.3(4)** Negotiation of easements. The pipeline company is not prohibited from responding to inquiries concerning existing or future easements or from requesting and collecting tenant and affected person information, provided that the pipeline company is not “negotiating” as defined in subrule 10.1(3).

~~This rule is intended to implement Iowa Code sections 479.5, 479.17, 479.26, 479.42, and 479.43.~~

ITEM 6. Amend rule 199—10.4(479) as follows:

**199—10.4(479) Notice of hearing.**

**10.4(1)** ~~When a proper petition for permit is received by filed with the board, it shall be docketed for hearing and the petitioner shall be advised of the time and place of hearing, except as provided for in rule 199—10.8(479) the petition shall be reviewed by board staff for compliance with applicable laws and regulations. Once board staff has completed the review and filed a report regarding the proposed pipeline and petition, the petition shall be set for hearing. This subrule does not apply to renewal petitions filed pursuant to rule 199—10.8(479) that do not require a hearing.~~

**10.4(2)** ~~Petitioner~~ The pipeline company shall also be furnished copies of the official notice of hearing, which ~~petitioner~~ the pipeline company shall cause to be published once each week for two consecutive weeks in a newspaper of general circulation in each county in or through which construction is proposed. The second publication shall be not less than 10 nor more than 30 days prior to the date of the hearing. Proof of such publication shall be filed prior to ~~or at~~ the hearing.

**10.4(3)** The published notice shall include a map showing either the pipeline route or the area affected by underground gas storage, or a telephone number and an address through which interested persons ~~can~~ may obtain a copy of a map from ~~petitioner~~ the pipeline company at no charge. If a map other than that filed as Exhibit B will be published or provided, a copy shall be filed with the petition.

~~**10.4(2)**~~ **10.4(4)** If a petition for permit seeks the right of eminent domain, ~~petitioner~~ the pipeline company shall, in addition to the published notice of hearing, serve a copy of the notice of hearing to ~~on the owners and parties in possession of lands~~ landowners and any affected person with interest in the property over which eminent domain is sought. A copy of the Exhibit H filed with the board for the affected property shall accompany the notice. Service shall be by certified United States mail, return receipt requested, addressed to ~~their~~ the person’s last known address, and this notice shall be mailed ~~not~~ no later than the first day of publication of the official notice of hearing on the petition. Not less than five days prior to the date of the hearing, the petitioner shall file with the board a certificate of service showing all persons and addresses to which notice was sent by certified mail and the date of the mailing, and an affidavit that all affected persons as defined in subrule 10.1(3) were served.

~~**10.4(3)**~~ **10.4(5)** If a petition does not seek the right of eminent domain, but all required interests in private property have not yet been obtained ~~at the time the petition is filed~~, a copy of the notice of hearing shall be served upon ~~the owners and parties in possession of those lands~~ any affected person as defined in subrule 10.1(3). Service shall be by ordinary mail, addressed to the last known address, mailed ~~not~~ no later than the first day of publication of the official notice. A copy of each letter of notification, or one copy of the letter accompanied by a written statement listing all ~~parties~~ persons to which ~~it~~ the notice was mailed, and the date of mailing, and an affidavit that all affected persons were served, shall be filed with the board not less than five days prior to the hearing.

## UTILITIES DIVISION[199](cont'd)

ITEM 7. Amend rule 199—10.5(479) as follows:

~~199—10.5(479) Objections. All whose rights or interests may be affected by the object of a petition may file written objection thereto. Such written objection~~ Any person whose rights or interests may be affected by a proposed pipeline or underground storage facility may file a written objection with the board. Written objections shall be filed with the ~~secretary of this board~~ not less than five days prior to the date of hearing. ~~This~~ The board may, for good cause shown, permit filing of objections less than five days prior to hearing, but in such event ~~petitioner~~ the pipeline company shall be granted a reasonable time to ~~meet such objections~~ respond to a late-filed objection.

ITEM 8. Amend rule 199—10.6(479) as follows:

~~199—10.6(479) Hearing. Hearing shall be~~ A petition for a pipeline permit or amendment to a pipeline permit shall be scheduled for hearing not less than 10 ~~or~~ nor more than 30 days from the date of last publication of the notice of hearing.

~~Petitioner shall be represented by one or more duly authorized representatives or counsel or both. This board may examine the proposed route of the pipeline or location of the underground storage facilities which are the object of the petition or may cause examination to be made on its behalf by an engineer of its selection. One or more members of this board or a duly appointed administrative law judge shall consider the petition and any objections filed thereto and may hear testimony deemed appropriate. One or more petitions may be considered at the same hearing. Petitions may be consolidated. Hearing shall be held in the office of this board or at any other place within the state of Iowa as this board may designate. Any hearing permitted by these rules in which there are no objections, interventions or material issues in dispute may be conducted by telephonic means. Notice of the telephonic hearings shall be given to parties within a reasonable time prior to the date of hearing.~~

10.6(1) Representation of a pipeline company at a pipeline permit hearing shall comply with the requirements of 199—subrule 7.4(8).

10.6(2) The board or presiding officer may schedule a prehearing conference to consider a procedural schedule for the petition and a hearing date.

10.6(3) One or more petitions may be consolidated for hearing.

10.6(4) Hearings shall be scheduled and held in the office of the board or at any other place within the state of Iowa as the board may designate pursuant to Iowa Code section 479.8. Requests for conducting a hearing or taking testimony by telephone or electronic means may be approved by the board or presiding officer.

10.6(5) The hearing requirements in this rule also apply to petitions for underground storage permits or amendments to underground storage permits.

ITEM 9. Amend rule 199—10.7(479) as follows:

~~199—10.7(479) Pipeline permit. If after hearing and appropriate findings of fact it is determined a permit should be granted, a pipeline permit shall be issued. Otherwise the petition shall be dismissed with or without prejudice. Where proposed construction has not been established definitely, the permit will be issued on the route or location as set forth in the petition, subject to deviation of up to 660 feet (one-eighth mile) on either side of the proposed route. If the proposed construction is not completed within two years from the date of issue, subject to extension at the discretion of the board, the permit shall be void and of no further force or effect. Upon completion of the proposed construction, maps accurately showing the final routing of the pipeline shall be filed with the board.~~

~~A pipeline permit shall normally expire 25 years from date of issue. No permit shall ever be granted for a longer period than 25 years.~~

10.7(1) A pipeline permit shall be issued once an order granting the permit is final and all the compliance requirements have been met. A pipeline company may request board approval to delay obtaining consent to cross railroad right-of-way until after the pipeline permit is issued.

10.7(2) The issuance of the permit authorizes construction on the route or location as approved by the board, subject to deviation within the permanent route easement right-of-way. If a deviation outside

## UTILITIES DIVISION[199](cont'd)

of the permanent route easement right-of-way becomes necessary, construction of the pipeline in that location shall be suspended and the pipeline company shall follow the procedures for filing of a petition for amendment of a permit, except that the pipeline company need only file Exhibits A, B, E, and F reflecting the proposed deviation. In case of any deviation from the approved permanent route easement, the pipeline company shall secure the necessary easements before construction may commence on the altered route. The right of eminent domain shall not be used to acquire any such easement except as specifically approved by the board, and a hearing will not be required unless the board determines a hearing is necessary to complete review of the petition for amendment.

10.7(3) If the construction of facilities authorized by a permit is not commenced within two years of the date the permit is granted, or within two years after final disposition of judicial review of a permit order or of condemnation proceedings, the permit shall be forfeited unless the board grants an extension of the permit filed prior to the expiration of the two-year period.

10.7(4) Upon completion of the proposed construction, maps accurately showing the final routing of the pipeline, in compliance with 199—Chapter 9 and revised Exhibits A, B, and C, shall be filed with the board.

10.7(5) The board shall set the term of the permit. The term of the permit may be less than, but shall not exceed, 25 years from the date of issuance.

ITEM 10. Amend rule 199—10.8(479) as follows:

**199—10.8(479) Renewal permits.**

10.8(1) A petition for renewal of an original or previously renewed pipeline permit may be filed at any time subsequent to issuance of the permit and shall be filed at least one year prior to expiration of the permit. This requirement is not applicable to renewal of permits that expire within one year of April 1, 2020. The petition shall be made on the form prescribed by the board. Instructions for the petition are included as a part of the form, and the form is available on the board's website. The petition shall include the name of the pipeline company requesting renewal of the permit, the pipeline company's principal office and place of business, a description of any amendment or reportable change since the permit or previous renewal permit was issued, and the same exhibits as required for a new permit, as applicable. The petition shall be considered filed with the board on the date accepted into the board's electronic filing system as provided for in 199—Chapter 14. The petition shall be attested to by an officer, official, or attorney with authority to represent the pipeline company.

10.8(2) The procedure for petition for permit shall be followed with respect to publication of notice, objections, and assessment of costs.

10.8(3) ~~If review of the petition finds~~ there are unresolved issues of fact or law, or if an objection is filed within 20 days of the second publication of the published notice, the board shall set the matter ~~will~~ be set for hearing. If a hearing is not required, and the petition satisfies the requirements of this rule, a renewal permit will be issued upon the filing of the proof of publication required by rule 199—10.4(479).

10.8(4) ~~Renewal permits shall normally expire~~ The board shall set the term of a renewal permit. The term may be less than, and shall not exceed, 25 years from date of issue. ~~No permit shall be granted for a period longer than 25 years.~~ The same procedure shall be followed for subsequent renewals.

This rule is intended to implement Iowa Code sections 476.2 and 479.23.

ITEM 11. Amend rule 199—10.9(479) as follows:

**199—10.9(479) Amendment of permits.**

10.9(1) An amendment of a pipeline permit by the board is required in any of the following circumstances:

a. Construction of a ~~an additional~~ pipeline paralleling ~~all or part of an existing line~~ pipeline of ~~petitioner;~~ the pipeline company.

b. Extension of an existing pipeline of ~~petitioner by more than 660 feet (one-eighth mile);~~ the pipeline company outside of the permit easement.

c. Relocation ~~or replacement~~ of an existing pipeline of ~~petitioner which;~~ the pipeline company

UTILITIES DIVISION[199](cont'd)

(1) Relocates the pipeline more than 660 feet (one-eighth mile) from the route outside of the permit easement approved by the board; or

(2) Involves relocation requiring new or additional interests in property. If the relocation or replacement is for five miles or more of pipe to be operated at over 150 psig. Informational meetings, an informational meeting as provided for by rule 199—10.3(479) 199—10.2(479) shall be held for these relocations and replacements.

d. Contiguous extension of an underground storage area of petitioner; or the pipeline company.

e. Modification of any condition or limitation placed on the construction or operation of the pipeline in the final order granting the pipeline permit or previous renewal of the permit.

**10.9(2) Petition for amendment.**

a. The petition for amendment of an original or renewed pipeline permit shall include the docket number and issue date of the permit for which amendment is sought and shall clearly state the purpose of the petition. If the petition is for construction of additional pipeline facilities or expansion of an underground storage area, the same exhibits as required for a petition for permit shall be attached.

b. The applicable procedures for a petition for permit, including hearing, shall be followed. Upon appropriate determination by this the board, an amendment to the permit will shall be issued. Such amendment shall be subject to the same conditions with respect to completion commencement of construction within two years and the filing of final routing maps as attached to required for pipeline permits.

This rule is intended to implement Iowa Code sections 476.2 and 479.23.

ITEM 12. Amend rule 199—10.10(479) as follows:

**199—10.10(479) Fees and expenses.**

**10.10(1) Permit expenses.** The petitioner pipeline company shall pay the actual unrecovered cost incurred by the board attributable to the informational meeting, processing, investigation, hearing, and inspection related to a petition requesting a pipeline permit action or any other activity of the board related to a pipeline permit.

Any moneys collected by the board from other sources for chargeable activities will be deducted from billings for actual expenses submitted to the petitioner.

**10.10(2) Construction inspection.** The petitioner pipeline company shall reimburse the board for the actual unrecovered expenses incurred due to inspection of pipeline construction or testing activities following from a permit action the granting of a pipeline permit.

Any moneys collected by the board from other sources for chargeable activities will be deducted from billings for actual expenses submitted to the petitioner.

**10.10(3) Annual inspection fee.** A pipeline company shall pay an annual inspection fee on all pipelines under permit of 50 cents per mile of pipeline or fraction thereof for each inch of diameter of the pipeline located in the state of Iowa. The fee shall be paid for the calendar year in advance between January 1 and February 1 of each year. When new pipeline subject to the fee is installed, the fee shall be paid beginning the following calendar year. Pipelines removed from service shall remain subject to the fee until the calendar year following the year the board is notified of the removal from service in accordance with rule 199—10.18(479).

ITEM 13. Amend rule 199—10.11(479) as follows:

**199—10.11(479) Inspections.** This The board shall from time to time examine the construction, maintenance, and condition of pipelines, underground storage facilities, and equipment used in connection with pipelines or and facilities in the state of Iowa to determine if the same are unsafe or dangerous and whether they comply with the appropriate standards of pipeline safety. One or more members of this the board, or one or more duly appointed representatives of the board, may enter upon the premises of any pipeline company within the state of Iowa for the purpose of making the inspections.

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ITEM 14. Amend rule 199—10.12(479) as follows:

**199—10.12(479) Standards for construction, operation and maintenance.**

**10.12(1)** All pipelines, underground storage facilities, and equipment ~~used in connection therewith~~ shall be designed, constructed, operated, and maintained in accordance with the following standards:

*a.* 49 CFR Part 191, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” as amended through ~~May 1, 2019~~ April 1, 2020.

*b.* 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” as amended through ~~May 1, 2019~~ April 1, 2020.

*c.* 49 CFR Part 199, “Drug and Alcohol Testing,” as amended through ~~May 1, 2019~~ April 1, 2020.

*d.* ASME B31.8 - 2016, “Gas Transmission and Distribution Piping Systems.”

*e.* 199—Chapter 9, “Restoration of Agricultural Lands During and After Pipeline Construction.”

*f.* At railroad crossings, 199—42.7(476), “Engineering standards for pipelines.”

Conflicts between the standards established in paragraphs 10.12(1)“*a*” through “*f*” or between the requirements of rule 199—10.12(479) and other requirements which are shown to exist by appropriate written documentation filed with the board shall be resolved by the board.

**10.12(2)** If review of Exhibit C, or inspection of facilities which are the subject of a permit petition, finds noncompliance with the standards adopted in this rule, ~~no final action will be taken by the board on the petition without a satisfactory showing by the petitioner that the noncompliance has been or will be corrected~~ the pipeline company shall provide satisfactory evidence showing the noncompliance has been corrected prior to the board taking final action on the petition or will be corrected as a result of the board taking final action on the petition.

**10.12(3)** Pipelines in tilled agricultural land shall be installed with a minimum cover of 48 inches.

ITEM 15. Renumber rule ~~199—10.14(479)~~ as **199—10.13(479)**.

ITEM 16. Amend renumbered rule 199—10.13(479) as follows:

**199—10.13(479) Crossings of highways, railroads, and rivers.**

**10.13(1)** Iowa Code chapter 479 gives the Iowa utilities board primary authority over the routing of pipelines. However, highway and railroad authorities and environmental agencies may have a jurisdictional interest in the routing of the pipeline, including requirements that permits or other authorizations be obtained prior to construction ~~for~~ of crossings of highway or railroad right-of-way, or rivers or other bodies of water.

**10.13(2)** ~~Except for other than approximate right angle crossings of highway or railroad right-of-way, the approval~~ Approval of other authorities need not be obtained prior to petitioning the board for a pipeline permit. It is recommended that the appropriate other authorities be contacted ~~well in advance of construction~~ to determine what restrictions or conditions may be placed on the crossing, by those authorities and to obtain information on any proposed reconstruction or relocation of existing facilities which may impact the routing of the pipeline. Approvals and any restrictions, conditions, or relocations of existing facilities are required to be filed with the board prior to the granting of the permit. A pipeline company may request board approval to begin construction on a segment of a pipeline prior to obtaining all necessary consents for construction of the entire pipeline.

~~**10.13(2)**~~ **10.13(3)** Pipeline routes which include crossings of highway or railroad right-of-way ~~at other than an approximate right angle, or~~ longitudinally on such right-of-way, shall not be constructed unless a showing of consent by the appropriate authority has been provided by the ~~petitioner~~ pipeline company as required in paragraph ~~10.2(4)“e.”~~ 10.3(1)“e.”

ITEM 17. Adopt the following new rule 199—10.14(479):

**199—10.14(479) Transmission line factors.** Factors considered by the board in determining whether a pipeline is a transmission line and is therefore required to have a permit are set out in this rule. These factors are part of the board’s consideration, especially when a request has been made to reclassify a

## UTILITIES DIVISION[199](cont'd)

pipeline from transmission to distribution. These factors are to provide guidance for determining whether a pipeline needs a permit under this chapter, but there may be other factors not included in this rule:

1. The definitions of a transmission line in ASME B31.8 and 49 CFR 192.3.
2. Pipeline Hazardous Material Safety Administration interpretations.
3. The location of a distribution center.
4. Interconnection with an interstate pipeline.
5. Location of distribution regulator stations downstream of a proposed distribution center.
6. Whether a proposed distribution center has more than one source of supply and the type of pipeline that provides the supply.
7. Transfer of ownership of gas.
8. Reduction in pressure of pipeline at a meter.
9. No resale of gas downstream of a distribution center.

ITEM 18. Rescind rule **199—10.16(479)**.

ITEM 19. Renumber rules **199—10.17(479)** to **199—10.19(479)** as **199—10.15(479)** to **199—10.17(479)**.

ITEM 20. Amend renumbered rule 199—10.15(479) as follows:

**199—10.15(479) Reports to federal agencies.**

**10.15(1)** Upon submission of any incident, annual, or other report to the U.S. Department of Transportation pursuant to 49 CFR Part 191, or Part 192, ~~or Part 199~~, a pipeline company shall file a copy of the report shall be filed with the board. The board shall also be advised of any telephonic incident report made by the pipeline company.

**10.15(2)** In addition to incident reports required by 49 CFR Part 191, the board shall be notified of any incident or accident where the economic damage exceeds \$15,000 or which results in loss of service to 50 or more customers. The pipeline company shall notify the board, as soon as possible, of any incident by emailing the duty officer at dutyofficer@iub.iowa.gov or, if email is not available, by calling the board duty officer at (515)745-2332. The cost of gas lost due to the incident shall not be considered in calculating the economic damage of the incident.

**10.15(3)** Utilities operating in other states shall provide to the board data for Iowa only.

**10.15(4)** ~~The board shall be notified, as soon as practical, of any reportable incident by email to the duty officer at dutyofficer@iub.iowa.gov or, if email is not available, by calling the board duty officer at (515)745-2332.~~

ITEM 21. Amend renumbered rule 199—10.16(479) as follows:

**199—10.16(479) Reportable changes to pipelines under permit.**

**10.16(1)** ~~The board~~ A pipeline company shall receive file prior notice with the board of any of the following actions affecting a pipeline under permit:

*a.* Abandonment or removal from service. The pipeline company shall also notify the landowners prior to the abandonment or removal of the pipeline from service.

*b.* ~~Relocation of more than 300 feet from the original alignment, or any relocation that would bring the pipeline within 300 feet of an occupied residence. Relocations of 660 feet (one-eighth mile) or more shall require the filing of a petition for permit.~~

*e. b.* Pressure test, ~~uprating~~, or increase in maximum allowable or normal operating pressure.

*d.* ~~Change in product being transported.~~

*e. c.* Replacement of a pipeline or significant portion thereof, not including short repair sections of pipe at least as strong as the original pipe.

*f.* ~~Extensions of existing pipelines by 660 feet (one-eighth mile) or less.~~

**10.16(2)** The notice shall include the docket and permit numbers of the pipeline, the location involved, a description of the proposed activity, anticipated dates of commencement and completion, revised maps and technical specifications, where appropriate, and the name and telephone number of a person to contact for additional information.



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ITEM 22. Amend renumbered rule 199—10.17(479) as follows:

**199—10.17(479) Sale or transfer of permit.**

**10.17(1)** No permit shall be sold or transferred without ~~prior~~ written approval of the board. A petition for approval of the sale or transfer shall be jointly filed by the buyer, or transferee, and the seller, or transferor, shall include assurances that the buyer, or transferee, is authorized to transact business in the state of Iowa; is willing and able to construct, operate, and maintain the pipeline in accordance with these rules; and if the sale, or transfer, is prior to completion of construction of the pipeline shall show that the buyer, or transferee, has the financial ability to pay up to \$250,000 in damages associated with construction or operation of the pipeline, or any other amount the board has determined is necessary when granting the permit.

~~**10.17(2)** No transfer of pipeline permit prior to completion of pipeline construction shall be effective until the person to whom the permit was issued files notice with the board of the transfer. The notice shall include the date of the transfer and the name and address of the transferee.~~

~~**10.17(3) 10.17(2)** The board shall receive notice from the transferor of any other transfer of a pipeline permit after completion of construction.~~

For the purposes of this rule, reassignment of a pipeline permit as part of a corporate restructuring, with no change in pipeline operating personnel or procedures, is considered a transfer and requires prior board approval.

ITEM 23. Adopt the following new rule 199—10.18(479):

**199—10.18(479) Termination of petition for pipeline permit proceedings.** If a pipeline company fails to publish the official notice within 90 days after the official notice is provided by the board, the board may dismiss the petition.

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