



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
Dec. 26 '19	Jan. 15 '20	Feb. 4 '20	Feb. 19 '20	Feb. 21 '20	Mar. 11 '20	Apr. 15 '20	July 13 '20
Jan. 8	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	**May 13**	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	**June 24**	July 15	Aug. 19	Nov. 16
May 13	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
June 24	July 15	Aug. 4	Aug. 19	**Aug. 19**	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
Aug. 19	Sep. 9	Sep. 29	Oct. 14	Oct. 16	Nov. 4	Dec. 9	Mar. 8 '21
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PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
25	Wednesday, May 13, 2020	June 3, 2020
26	Friday, May 29, 2020	June 17, 2020
1	Friday, June 12, 2020	July 1, 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****

NOTE: See also the Advisory Notice on page 2674.

NATURAL RESOURCE COMMISSION[571]

River otters and bobcats—open area, seasonal bag limit, 108.7 IAB 5/6/20 ARC 5033C	Via video/conference call Contact Chris Ensminger Email: chris.ensminger@dnr.iowa.gov	May 26, 2020 1 to 2 p.m.
Wild turkey hunting—archery-only season, shotgun-or-archery quota, 98.2(4)“b,” 99.5(1)“e” IAB 5/6/20 ARC 5034C	Via video/conference call Contact Chris Ensminger Email: chris.ensminger@dnr.iowa.gov	May 26, 2020 1 to 2 p.m.
Deer hunting by residents, 106.1, 106.2(5), 106.4(5), 106.6 IAB 5/6/20 ARC 5032C	Via video/conference call Contact Chris Ensminger Email: chris.ensminger@dnr.iowa.gov	May 26, 2020 1 to 2 p.m.

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 5030C

ATTORNEY GENERAL[61]

Notice of Intended Action

**Proposing rule making related to regulation of physical exercise clubs
and providing an opportunity for public comment**

The Attorney General hereby proposes to amend Chapter 26, "Regulation of Physical Exercise Clubs," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 552.20.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2000 Iowa Acts, chapter 1021, section 4.

Purpose and Summary

The limited purpose of these changes is to remove rules that implemented a statutory provision that has been repealed. Iowa Code section 552.15 mandated that persons operating or intending to operate a physical exercise facility in the state of Iowa register with the Iowa Attorney General's Consumer Protection Division. This provision was repealed by 2000 Iowa Acts, chapter 1021, section 4. Since the repeal of Iowa Code section 552.15, the rules adopted by the Attorney General concerning that section are no longer good law. Rule 61—26.3(552), Registration, is such a rule. The rule's continuing presence in the Iowa Administrative Code causes confusion because, though the rule is no longer enforced, persons operating physical exercise facilities are wary of disregarding its written stipulations. Thus, the Attorney General finds it both practical and legally necessary to rescind and reserve rule 61—26.3(552).

In addition, the introductory paragraph of subrule 26.4(7) provides that a physical exercise club shall be provided notice of hearing at its place of business as shown on its registration statement. Now that these entities no longer have to register, it is no longer practical to send notice to these locations. Fortunately, these entities still have to file a copy of their escrow agreements with the Attorney General pursuant to paragraph 26.4(2)"a." As such, their addresses should still be on file with the Attorney General notwithstanding their lack of registration. Thus, the Attorney General finds it practical and legally necessary to strike the language referencing registration from the introductory paragraph of subrule 26.4(7).

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 Attorney General for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Office of the Attorney General no later than 4:30 p.m. on May 26, 2020. Comments should be directed to:

ATTORNEY GENERAL[61](cont'd)

Jessica Whitney
 Office of the Attorney General
 Hoover Building
 1305 East Walnut Street
 Des Moines, Iowa 50319
 Email: Jessica.Whitney@ag.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. Rescind and reserve rule **61—26.3(552)**.

ITEM 2. Amend subrule 26.4(7), introductory paragraph, as follows:

26.4(7) Notice of hearing. The physical exercise club shall be provided notice of hearing at its place of business ~~as shown on its registration statement~~. All buyers who have funds in the escrow account shall be provided notice of the hearing at their last-known address with costs assessed to the physical exercise club. Notice of hearing will include:

ARC 5031C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rule making related to loan repayment programs and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to amend Chapter 24, “Rural Iowa Primary Care Loan Repayment Program,” Chapter 25, “Rural Iowa Advanced Registered Nurse Practitioner and Physician Assistant Loan Repayment Program,” and Chapter 26, “Health Care Loan Repayment Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 261.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 261.

Purpose and Summary

The proposed amendments specify that distances between cities, corresponding to the definition of “service commitment area,” are measured and verified by calculating the shortest travel distance on paved roads instead of by straight-line distance.

COLLEGE STUDENT AID COMMISSION[283](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 Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

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 Commission no later than 4:30 p.m. on May 26, 2020. Comments should be directed to:

Mark Wiederspan
Executive Director
Iowa College Student Aid Commission
475 S.W. Fifth Street, Suite D
Des Moines, Iowa 50309-4608
Phone: 515.725.3410
Fax: 515.725.3401
Email: mark.wiederspan@iowa.gov or administrative rules website at rules.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 rule **283—24.2(261)**, definition of “Service commitment area,” as follows:

“*Service commitment area*” means a medically underserved Iowa city with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more. Each physician participating in the program must contract with the service commitment area to ensure the service commitment area provides a nonrefundable \$20,000 contribution for deposit in the rural Iowa primary care trust fund. Payment of the nonrefundable contribution to the trust fund can be made by, but is not limited to, the following organizations: community agencies, hospitals, medical groups, municipalities, community foundations, local government entities, or other community entities. Locations and distances between cities will be consistently measured and verified by calculating the ~~straight-line distance between main post offices~~ shortest travel distance on paved roads.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

ITEM 2. Amend rule **283—25.2(261)**, definition of “Service commitment area,” as follows:

“*Service commitment area*” means a medically underserved Iowa city with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more. Each applicant participating in the program must contract with the service commitment area to ensure the service commitment area provides a nonrefundable \$2,000 contribution for deposit in the rural Iowa advanced registered nurse practitioner and physician assistant trust fund. Payment of the nonrefundable contribution to the trust fund can be made by, but is not limited to, the following organizations: community agencies, hospitals, medical groups, municipalities, community foundations, local government entities, or other community entities. Locations and distances between cities will be consistently measured and verified by calculating the straight-line distance between main post-offices shortest travel distance on paved roads.

ITEM 3. Amend rule **283—26.2(261)**, definition of “Service commitment area,” as follows:

“*Service commitment area*” means a city in Iowa with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more. Locations and distances between cities will be consistently measured and verified by calculating the shortest travel distance on paved roads.

ARC 5034C

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

**Proposing rule making related to wild turkey hunting
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 98, “Wild Turkey Spring Hunting,” and Chapter 99, “Wild Turkey Fall Hunting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 481A.39 and 481A.48(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.48(1).

Purpose and Summary

Chapter 98 regulates spring wild turkey hunting for both residents and nonresidents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements. This proposed rule making will amend the start date of the archery-only season to align it with the start date of the combination shotgun-or-archery season. Hunters expect these dates to be the same, and as the rules are currently written, the dates could be different depending on how calendar dates fall.

Chapter 99 regulates fall wild turkey hunting for residents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements. This proposed rule making raises the combination shotgun-or-archery quota for Zone 8 from 150 to 200. This proposed increase has been evaluated by the State Forest Wildlife Biologist and local Management Biologist and determined to be biologically responsible at this time. Moreover, statewide participation in fall turkey hunting is declining, so it is anticipated that the modest quota increase in Zone 8 will, at best, balance out reduced participation elsewhere.

NATURAL RESOURCE COMMISSION[571](cont'd)

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. 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.

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 May 26, 2020. Comments should be directed to:

Chris Ensminger
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: chris.ensminger@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held via conference call as follows. Persons who wish to attend the conference call should contact Chris Ensminger. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Chris Ensminger prior to the hearing to facilitate an orderly hearing.

May 26, 2020
1 to 2 p.m.

Video/conference call
Wallace State Office Building

Persons who wish to make oral comments at the public hearing will 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 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 actions are proposed:

NATURAL RESOURCE COMMISSION[571](cont'd)

- ITEM 1. Amend paragraph **98.2(4)“b”** as follows:
- b. Archery-only licenses.* The season shall be 35 days beginning on the second Monday ~~elosest to~~ of April ~~15~~.
- ITEM 2. Amend paragraph **99.5(1)“e”** as follows:
- e. Zone 8.* ~~150~~ 200

ARC 5032C**NATURAL RESOURCE COMMISSION[571]****Notice of Intended Action****Proposing rule making related to deer hunting by residents
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6), 481A.39 and 481A.48(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 481A.39 and 481A.48(1).

Purpose and Summary

Chapter 106, which governs deer hunting by residents in the state of Iowa, sets regulations for deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

This rule making proposes three amendments to Chapter 106. First, general deer licenses would be reestablished as valid in seven counties (Cerro Gordo, Franklin, Grundy, Hancock, Hardin, Winnebago, and Worth) for all seasons, and in all of northwest Iowa for the early muzzleloader season. Deer populations have been steadily increasing in the northwest, allowing for this increase in recreational opportunity for Iowa hunters.

Second, the January antlerless-deer-only season would be rescinded for all counties. Due to a widespread outbreak of Epizootic Hemorrhagic Disease (EHD) in the summer of 2019, deer numbers and harvest have been down across much of the state.

Third, this rule making proposes to modify the resident county antlerless-deer license quotas for a total of 23 counties. Quotas are proposed to be increased in Clayton, Fayette, Floyd, Guthrie, Jackson, Jones, Lee, Mitchell, Tama, Washington, and Winneshiek Counties to reduce deer densities for disease control or to alleviate negative human-deer interactions. Quotas are proposed to be decreased in Adams, Bremer, Fremont, Jefferson, Montgomery, Page, Poweshiek, Ringgold, Taylor, Union, Wapello, and Woodbury Counties to stabilize a healthy local population. Statewide, the overall proposed quota change is an increase of 125.

Fiscal Impact

This rule making has no negative fiscal impact to the state of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

NATURAL RESOURCE COMMISSION[571](cont'd)

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. 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.

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 May 26, 2020. Comments should be directed to:

Tyler Harms
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: tyler.harms@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held via conference call as follows. Persons who wish to attend the conference call should contact Chris Ensminger via email at chris.ensminger@dnr.iowa.gov. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Chris Ensminger prior to the hearing to facilitate an orderly hearing.

May 26, 2020
1 to 2 p.m.

Video/conference call
Wallace State Office Building

Persons who wish to make oral comments at the public hearing will 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 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 actions are proposed:

ITEM 1. Amend paragraph **106.1(1)“a”** as follows:

a. General deer licenses. General deer licenses shall be valid for taking deer in one season selected at the time the license is purchased. General deer licenses shall be valid for taking deer of either sex except in Buena Vista, Calhoun, ~~Cerro Gordo~~, Cherokee, Clay, Dickinson, Emmet, ~~Franklin~~, Grundy, Hamilton, ~~Hancock~~, ~~Hardin~~, Humboldt, Ida, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Webster, ~~Winnebago~~, Worth and Wright counties during the ~~early muzzleloader~~ or first regular gun season when the general deer license will be valid for taking deer with at least one forked antler. Paid general deer licenses shall be valid statewide except where prohibited in deer population management zones established under 571—Chapter 105. Free general deer licenses shall be valid for taking deer of either sex only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

NATURAL RESOURCE COMMISSION[571](cont'd)

ITEM 2. Rescind and reserve subrule **106.1(6)**.

ITEM 3. Rescind and reserve subrule **106.2(5)**.

ITEM 4. Rescind and reserve subrule **106.4(5)**.

ITEM 5. Rescind and reserve subrule **106.6(4)**.

ITEM 6. Amend subrule 106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	1200	Floyd	0 <u>100</u>	Monona	850
Adams	1450 <u>1200</u>	Franklin	0	Monroe	2250
Allamakee	3800	Fremont	300 <u>200</u>	Montgomery	750 <u>500</u>
Appanoose	2700	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	1950 <u>2150</u>	Osceola	0
Black Hawk	0	Hamilton	0	Page	750 <u>500</u>
Boone	300	Hancock	0	Palo Alto	0
Bremer	400 <u>300</u>	Hardin	0	Plymouth	0
Buchanan	300	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350
Butler	150	Howard	450	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	300 <u>200</u>
Carroll	0	Ida	0	Ringgold	1600 <u>1400</u>
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	975 <u>1100</u>	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	0
Cherokee	0	Jefferson	1650 <u>1500</u>	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2400	Jones	950 <u>1100</u>	Tama	200 <u>300</u>
Clay	0	Keokuk	450	Taylor	1600 <u>1500</u>
Clayton	3800 <u>4000</u>	Kossuth	0	Union	1500 <u>1400</u>
Clinton	400	Lee	1275 <u>1500</u>	Van Buren	2100
Crawford	0	Linn	850	Wapello	1825 <u>1700</u>
Dallas	1875	Louisa	675	Warren	2700
Davis	1700	Lucas	2500	Washington	750 <u>1000</u>
Decatur	2200	Lyon	0	Wayne	2700
Delaware	950	Madison	3000	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1850	Winneshiek	2500 <u>2700</u>
Dubuque	975	Marshall	150	Woodbury	400 <u>300</u>
Emmet	0	Mills	500	Worth	0
Fayette	2000 <u>2300</u>	Mitchell	0 <u>100</u>	Wright	0

ARC 5033C**NATURAL RESOURCE COMMISSION[571]****Notice of Intended Action****Proposing rule making related to harvesting of certain furbearers
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 481A.39 and 481A.87.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.87.

Purpose and Summary

Chapter 108 sets the season dates, bag limits, possession limits, and areas open to hunting or trapping furbearers. This rule making proposes to increase the bag limit for river otters from two per fur harvester to three per fur harvester, add Boone and Webster Counties to the one-bobcat-per-fur-harvester zone, and clarify the total allowable bobcat harvest by a fur harvester in a season.

The bobcat and river otter populations are able to withstand these changes. Population data from the past 12 years reveal that Iowa’s river otter and bobcat populations continue to grow and expand into more counties with suitable habitat. Information about their population trends is derived from a variety of sources, such as hunter surveys, harvest information, tooth age distribution, field reports, and sightings. The proposed amendments are, therefore, biologically responsible, as required by law. Additionally, they will increase recreational opportunities for Iowa fur harvesters while helping minimize social issues associated with high river otter or bobcat densities.

Fiscal Impact

The Department of Natural Resources (Department) anticipates a very modest increase in fur harvester license sales from the proposed rule making. Currently, resident fur harvester licenses, with the wildlife habitat fee, are \$41 per year. If any additional fur harvester licenses are sold due to this rule making, revenue would be generated for the State Fish and Game Protection Fund. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. 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.

NATURAL RESOURCE COMMISSION[571](cont'd)

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 May 26, 2020. Comments should be directed to:

Vince Evelsizer
Iowa Department of Natural Resources
Department of Natural Resources
1203 North Shore Drive
Clear Lake, Iowa 50428
Email: vince.evelsizer@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held via conference call as follows. Persons who wish to attend the conference call should contact Chris Ensminger via email at chris.ensminger@dnr.iowa.gov. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Chris Ensminger prior to the hearing to facilitate an orderly hearing.

May 26, 2020
1 to 2 p.m.

Video/conference call
Wallace State Office Building

Persons who wish to make oral comments at the public hearing will 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 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 actions are proposed:

ITEM 1. Amend subrule 108.7(2) as follows:

108.7(2) Open area. River otters may be taken statewide. Bobcats may be taken in the following counties: Adair, Adams, Appanoose, Audubon, Boone, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Dallas, Davis, Decatur, Des Moines, Fremont, Guthrie, Harrison, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Keokuk, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, and Woodbury.

ITEM 2. Amend subrule 108.7(3) as follows:

108.7(3) Seasonal bag limit.

a. The seasonal bag limit for river otters is 2 3 river otters per person.

b. The seasonal bag limit for bobcats is 1 bobcat per person in the following counties: Audubon, Boone, Cedar, Cherokee, Clinton, Crawford, Dallas, Guthrie, Harrison, Iowa, Jackson, Jasper, Johnson, Lyon, Monona, Muscatine, Plymouth, Polk, Poweshiek, Scott, Shelby, Sioux, Webster, and Woodbury.

NATURAL RESOURCE COMMISSION[571](cont'd)

c. The seasonal bag limit for bobcats is 3 bobcats per person in the following counties: Adair, Adams, Appanoose, Cass, Clarke, Davis, Decatur, Des Moines, Fremont, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Page, Pottawattamie, Ringgold, Taylor, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

d. No more than 3 bobcats total can be legally harvested by a fur harvester in a season. River otters or bobcats trapped in excess of the seasonal bag limit or in a closed area must be turned over to the department; the ~~trapper~~ fur harvester shall not be penalized.

ARC 5035C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to eligibility guidelines

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

Legal Authority for Rule Making

This rule making is adopted 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

These 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. This is a time-sensitive matter since the Department is under a federal corrective action plan by the Office of Child Care Assistance and rules need to be in place by July 1, 2020, so that the Department does not incur a fiscal penalty for failure to remove the 12-month limit on eligibility.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 26, 2020, as **ARC 4937C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on April 8, 2020.

Fiscal Impact

The current CCA Plus program is based on an income limit of 85 percent of the state median income limit 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 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 actual costs 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.

HUMAN SERVICES DEPARTMENT[441](cont'd)

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).

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 July 1, 2020.

The following rule-making actions are adopted:

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:

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			

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.

[Filed 4/15/20, effective 7/1/20]

[Published 5/6/20]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/6/20.

ARC 5039C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to licensure of barbers who complete training while in custody of the department of corrections

The Board of Barbering hereby amends Chapter 21, “Licensure,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 158.15 and 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 158.3.

Purpose and Summary

2019 Iowa Acts, Senate File 567, section 12, amends Iowa Code section 158.3, which governs the licensure requirements of barbers. This rule making amends the Board’s requirements so that an applicant who completes a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while committed to the custody of the Director of the Iowa Department of Corrections (DOC) shall be allowed to take the examination for a license to practice barbering.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 15, 2020, as **ARC 4860C**. A public hearing was held on February 4, 2020, at 8 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. The public hearing was attended by representatives of the DOC, who were present to answer questions. 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 March 30, 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.

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.

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 June 10, 2020.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** definition of “Apprentice” in rule **645—21.1(158)**:

“*Apprentice*” means any person, other than a helper, journeyman, or master, who is working under the supervision of either a master or a journeyman and is progressing toward completion of a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while learning and assisting in the practice of barbering.

ITEM 2. Amend paragraph **21.2(1)“a”** as follows:

a. Applicants shall complete a board-approved application form. Application forms may be obtained from the board's ~~Web site (<http://www.idph.state.ia.us/licensure>)~~ website (www.idph.iowa.gov/licensure) or directly from the board office. The application and licensure fees shall be sent to the Board of Barbering, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

ITEM 3. Amend paragraph **21.2(1)“c”** as follows:

c. Applicants shall provide an official copy of the transcript or diploma sent directly from the school to the board showing proof of completion of training at a barber school licensed by the board. If the applicant graduated from a school that is not licensed by the board, the applicant shall direct the school to provide an official transcript showing completion of a course of study that meets the requirements of rule 645—23.8(158). If the applicant completed a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while committed to the custody of the director of the department of corrections, the applicant shall request the department of corrections to provide an official transcript showing completion of the apprentice program.

[Filed 4/24/20, effective 6/10/20]

[Published 5/6/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/6/20.

ARC 5038C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rule making related to licensing

The Plumbing and Mechanical Systems Board hereby amends Chapter 32, “Plumbing and Mechanical Systems Board—Licensee Discipline,” and Chapter 60, “Plumbing and Mechanical Systems

PUBLIC HEALTH DEPARTMENT[641](cont'd)

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 adopted 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 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 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 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 Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 26, 2020, as **ARC 4943C**.

The Board received one comment regarding an objection to changing the wording in subrule 32.2(22) from “professional negligence” to “related profession.” Item 2 of the Notice of Intended Action proposed an amendment to subrule 32.2(22). The amendment would authorize the Board to impose discipline or sanctions for failure to notify the Board within 30 days of any judgment entered on or settlement of a claim or action related to the profession.

The commenter asserted Item 2 of **ARC 4943C** expanded the types of claims that must be reported to the Board when there is a settlement of or judgment in legal proceedings. The commenter also asserted the proposed change set forth in Item 2 is problematic because it does not specify the precise legal causes of action that are “related to the profession” within the meaning of the amendment. The commenter asked whether a breach of contract claim, services work, or a warranty claim would qualify. The commenter requested that Item 2 of **ARC 4943C** be withdrawn or that the Board delineate the specific type of claim that should be reported to the Board under the amendment.

Board response:

The Board agrees that Item 2 of **ARC 4943C** expands the types of judgments or settlements that must be reported to the Board. Indeed, that is the fundamental purpose of Item 2. One of the Board’s purposes is to protect the public, and it must be able to protect the public not just from negligent plumbers and mechanical professionals, but also from deceptive or dishonest ones. A plumber or mechanical professional can harm the public without performing negligently.

The Board declines to establish a specific list of causes of action that must be reported. Agencies must operate with flexibility in their respective areas of expertise. Additionally, the Board may impose discipline for actions or omissions that do not necessarily conform neatly to any single recognized cause of action—for example, the broad phrase “unethical conduct” set forth in Iowa Code section 105.22(3). Ultimately, reporting any judgment or settlement is generally not burdensome.

The Board also declines to answer the commenter’s questions about three specific causes of action as part of the rule-making process. The declaratory order process under Iowa Code section 17A.9 and 641—Chapter 57 remains available to any person seeking the agency’s conclusion as to the applicability to specified circumstances of a rule within the agency’s primary jurisdiction.

No changes from the Notice have been made.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Adoption of Rule Making

This rule making was adopted by the Board on April 21, 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 the Board's general waiver provisions contained in 641—Chapter 31.

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 June 24, 2020.

The following rule-making actions are adopted:

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~~.

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.~~

PUBLIC HEALTH DEPARTMENT[641](cont'd)

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.~~

[Filed 4/22/20, effective 6/24/20]

[Published 5/6/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/6/20.

ARC 5036C

SECRETARY OF STATE[721]

Adopted and Filed

Rule making related to elections technology security

The Secretary of State hereby amends Chapter 29, "Elections Technology Security," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 47.1.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 47.1.

Purpose and Summary

While the Secretary of State's office has seen tremendous voluntary adoption of services and security best practices, there is more work to do to continue to increase the security of Iowa's elections. These amendments will bolster election security by requiring county commissioners of elections to uniformly adopt best practices.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 11, 2020, as **ARC 4965C**. Comments were received from a county IT director. Most suggestions were accepted, and minor language changes based on those comments have been made.

Adoption of Rule Making

This rule making was adopted by the Secretary of State on April 15, 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 Secretary of State for a waiver of the discretionary provisions, if any, pursuant to 721—Chapter 10.

SECRETARY OF STATE[721](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).

Effective Date

This rule making will become effective on June 10, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 29.3(1) as follows:

29.3(1) A commissioner who identifies or suspects an actual or possible cybersecurity incident or breach shall ~~immediately~~ report the incident within 24 hours to the state commissioner. Upon receiving the report, the state commissioner shall alert the appropriate state or federal law enforcement agencies, including but not limited to the federal United States Department of Homeland Security, Security's Cybersecurity and Infrastructure Security Agency (CISA) and the OCIO, and the vendor responsible for maintaining the affected technology. The state commissioner may disseminate the information to other federal, state, and local agencies, or their designees, as the state commissioner deems necessary.

ITEM 2. Adopt the following new rule 721—29.4(47):

721—29.4(47) Election security by the commissioners.

29.4(1) At the start of each calendar year, the commissioner shall provide to the state commissioner the following information:

a. The full personnel roster, phone numbers, and email addresses of the commissioner's office that identify who from the office will participate in election administration in any form throughout the year. This does not include precinct election workers.

(1) The roster will identify the personnel that the commissioner considers critical to the successful execution of elections.

(2) The roster will further identify a technical point-of-contact (POC) for the state commissioner. If the commissioner wishes to serve as the POC, the commissioner will also designate an additional POC. The POC needs to be a government employee but does not necessarily need to be a person within the commissioner's office.

b. A list of other county employees who may be involved in the event of an incident in the county.

29.4(2) Every commissioner shall be a member of the Elections Infrastructure Information Sharing and Analysis Center. The state commissioner shall provide information on how to become a member upon request by a commissioner.

29.4(3) In every odd-numbered year, every commissioner shall request the following services from CISA. The state commissioner shall provide information on how to request services upon request by a commissioner. A commissioner, with prior written approval from the state commissioner, may choose to use a vendor other than CISA for substantively similar services. A failure of CISA to provide properly requested services to a commissioner does not constitute a technical violation for purposes of Iowa Code section 39A.6.

a. Cyber resilience review.

b. Risk and vulnerability assessment.

c. External dependencies management assessment.

d. Remote penetration testing.

e. Protective security assessment.

29.4(4) Every commissioner shall utilize the following services from OCIO. The state commissioner shall provide information on how to request services upon request by a commissioner. A commissioner, with prior written approval from the state commissioner, may choose to use a vendor other than OCIO

SECRETARY OF STATE[721](cont'd)

for substantively similar services. A failure of OCIO to provide properly requested services to a commissioner does not constitute a technical violation for purposes of Iowa Code section 39A.6.

- a. Intrusion detection system.
- b. Endpoint malware detection.
- c. Cybersecurity training, including phishing assessments.
- d. Vulnerability management.

29.4(5) Every commissioner shall request a weekly vulnerability scanning by CISA.

29.4(6) A commissioner shall remediate all critical or high-risk vulnerabilities identified by any assessment.

29.4(7) The state commissioner may require every commissioner and commissioner's staff to participate in phishing assessments.

29.4(8) Commissioners may choose to participate in any other assessments or testing from vendors approved by the state commissioner. Commissioners shall notify the state commissioner when any assessments are scheduled.

29.4(9) The state commissioner may require a commissioner and commissioner's staff to participate in any assessment or training that the state commissioner arranges.

29.4(10) A commissioner shall use only county-issued email for the conduct of elections. This applies to all full-time and part-time staff of the commissioner as well as the commissioner. No other email addresses are permitted for full-time and part-time employees of the county who assist in any part of the administration or security of elections for the conduct of elections. However, this does not apply to precinct election officials who are not normally employed by the county on a regular basis in another capacity. This prohibition includes forwarding election business emails to a personal email address. This does not include out-of-band emails created and authorized as a part of a continuity of government plan or an incident response plan.

29.4(11) Any county information technology infrastructure that is used to access or conduct any part of elections in the state is subject to the following requirements:

- a. Passwords to access the county network must be compliant with the standards enumerated by either the National Institute of Standards and Technology, the OCIO, or guidance issued by the state commissioner.
- b. Session-lock timeout standards must be compliant with the standards enumerated by either the National Institute of Standards and Technology or guidance issued by the state commissioner.
- c. A current inventory of IT assets assigned to the commissioner's office shall be kept.
- d. Daily, weekly and monthly data backups within the commissioner's office will be maintained and physically or logically separated from production data.

29.4(12) The website of a commissioner shall have a top-level domain of ".gov" and shall utilize secure socket layer or transport layer security certificates for all publicly facing websites. A commissioner's agreement with OCIO to use a subdomain of ".iowa.gov" is sufficient to satisfy this requirement. A commissioner's site that redirects traffic from a different top-level domain to a ".gov" domain is sufficient to satisfy this requirement.

29.4(13) If the state commissioner is satisfied that a county has an adequate alternative to any requirement in this rule, the state commissioner may waive that requirement. It is the sole discretion of the state commissioner whether a county qualifies for a waiver.

29.4(14) Except where otherwise exempted, failure by a commissioner to follow these rules constitutes a technical violation pursuant to Iowa Code section 39A.6.

ITEM 3. Adopt the following **new** rule 721—29.5(47):

721—29.5(47) Emergency or incident response plans.

29.5(1) Every commissioner shall have an election security incident response plan. A commissioner whose election-specific plan is part of a larger county-level emergency response plan, continuity of government plan, or incident response plan satisfies this requirement.

29.5(2) Every commissioner shall review the plan at least annually and make updates as necessary.

SECRETARY OF STATE[721](cont'd)

29.5(3) A commissioner shall provide the plan to the state commissioner at the state commissioner's request.

29.5(4) Information shared under this rule shall retain protection as a nonpublic, confidential record pursuant to Iowa Code section 47.1(6).

ITEM 4. Adopt the following new rule 721—29.6(47):

721—29.6(47) Social media accounts.

29.6(1) A commissioner using a social media account for official elections-related communication shall request “verified” or similar recognition. The state commissioner shall provide information on the subject upon request by a commissioner.

29.6(2) A commissioner using a social media account shall protect the account using multifactor authentication.

29.6(3) The state commissioner may require that commissioners use additional security measures for social media accounts, based on emerging best practices.

[Filed 4/16/20, effective 6/10/20]

[Published 5/6/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/6/20.

ARC 5037C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rule making related to unemployment benefits insurance

The Director of the Workforce Development Department hereby amends Chapter 24, “Claims and Benefits,” and Chapter 25, “Benefit Payment Control,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 96.11.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 96.

Purpose and Summary

This rule making further clarifies the effect vacation pay paid to an employee upon separation of employment has on unemployment insurance benefit payments. This rule making includes changes to the unemployment insurance fact-finding interview process to allow for more flexibility for claimants and employers to choose whether they want to participate verbally in a scheduled fact-finding interview. Additionally, this rule making ensures that claimants who were overpaid unemployment insurance and have repaid the nonfraud overpayment have the ability to later collect the amount that was repaid if they are eligible for payments in the future.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 11, 2020, as **ARC 4958C**. The Notice was reviewed by the Administrative Rules Review Committee at its meeting held on April 3, 2020. A Committee member asked if a credit card fee is assessed, and it was confirmed that a fee is assessed and that notice of the assessment of the fee is provided to the claimant. No public comments were received. No changes from the Notice have been made.

WORKFORCE DEVELOPMENT DEPARTMENT[871](cont'd)

Adoption of Rule Making

This rule making was adopted by the Director of the Department on April 15, 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.

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 June 10, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 24.13(1) as follows:

24.13(1) Procedures for deducting payments from benefits. Any payment defined under subrules 24.13(2) and 24.13(3) made to an individual claiming benefits shall be deducted from benefits in accordance with the following procedures until the amount is exhausted; however, vacation pay which is deductible in the manner prescribed in rule 871—24.16(96) shall be deducted first when paid in conjunction with other deductible payments described in this rule unless otherwise designated by the employer. The individual claiming benefits is required to designate the last day paid which may indicate payments made under this rule. The employer is required to designate on the Form 65-5317, Notice of Claim response, the amount of the payment and the period to which the amount applies. If the individual or the employer does not designate the period to which the amount of the payment applies, the unemployment insurance representative shall determine the days following the effective date of the claim to which the amount of the payment applies by dividing the amount of the payment by the individual's average weekly wage during the highest earnings quarter of the individual's base period. The amount of any payment under subrule 24.13(2) shall be deducted from the individual's weekly benefit amount on the basis of the formula used to compute an individual's weekly benefit payment as provided in rule 871—24.18(96) ~~not to exceed five workdays following the separation date of employment. If the employer reports vacation pay in more than one format and the effect on the benefit payment varies depending on how the vacation pay is applied, the unemployment insurance representative shall apply the vacation pay to the individual's weekly benefit payment by dividing the amount of the payment by the individual's average weekly wage during the highest earnings quarter of the individual's base period. If the claimant received vacation pay under rule 871—24.16(96), the maximum number of days the vacation pay shall be applied is five workdays following the separation date.~~ The first day the vacation pay can be applied is the first workday after the separation. The amount of any payment under subrule 24.13(3) shall be fully deducted from the individual's weekly benefit amount on a dollar-for-dollar basis.

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ITEM 2. Amend paragraph **24.17(1)“d”** as follows:

d. The claimant shall be instructed to only report vacation pay applicable to the ~~first~~ five workdays following the last date worked. The claimant shall also be instructed that vacation pay designated by the employer in excess of ~~one week~~ the vacation pay the claimant reported may result in an overpayment of benefits.

ITEM 3. Amend subrule 24.19(2) as follows:

24.19(2) Each interested party will be afforded the opportunity to ~~have a fact-finding interview by telephone~~ provide information to the department regarding matters which are ~~scheduled for a hearing awaiting decision to determine eligibility. A telephone fact-finding interview may be set up upon request of either interested party. The request must be received or postmarked within seven calendar days of the notice of claim being issued.~~ An interested party may request an in-person fact-finding interview as a reasonable accommodation under the federal Americans with Disabilities Act of 1990, as amended, or the Iowa Civil Rights Act of 1965, as amended. The department shall reserve the right to call any interested party in for an in-person fact-finding interview.

ITEM 4. Amend subrule 25.8(1) as follows:

25.8(1) *Good faith overpayment.* If an individual has acted in good faith in claiming benefits for any week and it is later determined that the individual was not entitled to receive the benefits, the department shall recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment. ~~During a benefit year in which the maximum benefit amount has been paid or the maximum number of weeks has been paid and an overpayment is established for any benefits paid that the individual was not entitled to during that benefit year, no additional benefits will be payable to offset the overpayment.~~ The department shall ~~mail~~ issue the overpayment decision to the claimant's last-known address or through the claimant's preferred contact method. Once the overpayment amount has been established, an overpayment schedule shall be set up to leave a proper audit trail even if the claimant pays to the department a sum equal to the overpayment.

a. to d. No change.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/6/20.

**PUBLIC HEARINGS: POSSIBLE USE OF TELEPHONIC OR
ELECTRONIC FORMAT DUE TO COVID-19**

To protect public health and promote efficient government operations during the COVID-19 outbreak, the format of a public hearing on a notice of intended action (NOIA) scheduled and published in the Iowa Administrative Bulletin (IAB) may be changed, without further publication in the IAB, from an in-person hearing at a physical location to a hearing conducted solely via telephonic or electronic means. For information on whether the format of a public hearing as published in the IAB has changed and how to participate telephonically or electronically in such a hearing, see the Internet site of the relevant agency or contact the agency directly using the contact information published in the NOIA. See also section 69 of the Governor's proclamation of disaster emergency issued April 2, 2020: governor.iowa.gov/sites/default/files/documents/Public%20Health%20Disaster%20Proclamation%20-%202020.04.02.pdf.