



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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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	**Dec. 9**	Dec. 30	Feb. 3 '21	May 3 '21
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PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
26	Friday, May 29, 2020	June 17, 2020
1	Friday, June 12, 2020	July 1, 2020
2	Wednesday, June 24, 2020	July 15, 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 Tuesday, June 9, 2020, at 9 a.m. The location has yet to be determined. Due to the COVID-19 outbreak, the meeting may be held as a videoconference. For more information, contact Jack Ewing at Jack.Ewing@legis.iowa.gov. The following rules will be reviewed:

NOTE: See also Supplemental Agenda to be published in the June 3, 2020, Iowa Administrative Bulletin.

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LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

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NATURAL RESOURCE COMMISSION[571]

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 Deer hunting by residents, 106.1, 106.2(5), 106.4(5), 106.6 Notice **ARC 5032C**..... 5/6/20
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SECRETARY OF STATE[721]

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 Notarial acts, ch 43 Filed **ARC 5041C**..... 5/20/20

WORKERS’ COMPENSATION DIVISION[876]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Payroll tax tables; agency address, amendments to chs 1, 4, 5, 7 to 9, 12 Filed **ARC 5042C**..... 5/20/20

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Unemployment insurance benefits, 24.13(1), 24.17(1)“d,” 24.19(2), 25.8(1) Filed **ARC 5037C** 5/6/20

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.

Senator Waylon Brown
109 South Summer Street
St. Ansgar, Iowa 50472

Senator Mark Costello
37265 Rains Avenue
Imogene, Iowa 51645

Senator Robert Hogg
P.O. Box 1361
Cedar Rapids, Iowa 52406

Senator Pam Jochum
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Dubuque, Iowa 52001

Senator Zach Whiting
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4470 Highway 71
Sioux Rapids, Iowa 50585

Representative Joe Mitchell
Mount Pleasant, Iowa

Representative Amy Nielsen
168 Lockmoor Circle
North Liberty, Iowa 52317

Representative Rick Olson
3012 East 31st Court
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Governor's Ex Officio Representative
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NOTE: See also the Advisory Notice on page 2699.

LABOR SERVICES DIVISION[875]

<p>Conveyances—delay of ASME enforcement date, 72.10(2), 73.1 IAB 5/20/20 ARC 5040C</p>	<p>To participate by conference call: Dial 419.702.0311 When prompted, use PIN 484 517 302#</p>	<p>June 10, 2020 9 a.m. (If requested)</p>
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NATURAL RESOURCE COMMISSION[571]

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

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 5040C

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

The Elevator Safety Board hereby proposes to amend Chapter 72, “Conveyances Installed On or After January 1, 1975,” and Chapter 73, “Conveyances Installed Prior to January 1, 1975,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 89A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 89A.

Purpose and Summary

In 2015, the Board adopted by reference a modified version of the American Society of Mechanical Engineers’ A17.3 Safety Code for Existing Elevators and Escalators. The enforcement date for the A17.3 Code was set for May 1, 2020. The purpose of these proposed amendments is to delay enforcement for one year due to the COVID-19 pandemic.

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 875—Chapter 66.

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 June 10, 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

Public Hearing

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

LABOR SERVICES DIVISION[875](cont'd)

June 10, 2020
9 a.m.

To participate by conference call:
Dial 419.702.0311
When prompted, use PIN 484 517 302#

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:

ITEM 1. Amend subrule 72.10(2), introductory paragraph, as follows:

72.10(2) Except as noted in this rule, the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011), is adopted by reference with an enforcement date of May 1, ~~2020~~ 2021.

ITEM 2. Amend subrule 73.1(3), introductory paragraph, as follows:

73.1(3) Except as noted in this rule, the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011), is adopted by reference with an enforcement date of May 1, ~~2020~~ 2021.

ITEM 3. Amend subrule 73.1(4) as follows:

73.1(4) The American Society of Mechanical Engineers Safety Code for Elevators and Escalators, A17.1-2013/CSA B44-13 (2013), Rule 2.14.7.1.4, concerning car top lighting and car top electrical outlets, is adopted by reference with an effective date of May 1, ~~2020~~ 2021. However, if a car top already has a single outlet, installation of a duplex outlet will not be required.

ITEM 4. Amend subrule 73.1(5) as follows:

73.1(5) Rules 875—73.2(89A) to 875—73.6(89A), 875—73.9(89A) to 875—73.17(89A), 875—73.19(89A), 875—73.22(89A), and 875—73.24(89A) and subrules 73.1(2), 73.7(1) to 73.7(9), 73.7(11), 73.18(1), and 73.18(3) to 73.18(7) shall be superseded by corresponding provisions of A17.3 (2011) on May 1, ~~2020~~ 2021.

REVENUE DEPARTMENT

Notice of Electric and Natural Gas Delivery Tax Rate Changes

Pursuant to the authority of Iowa Code sections 437A.4 and 437A.5, the Director of Revenue hereby gives notice of the changes to the electric and natural gas delivery tax rates. These rates will be used in conjunction with the number of kilowatt hours of electricity and the number of therms of natural gas delivered to consumers in calendar year 2019 by each taxpayer, for replacement taxes payable in the 2020-2021 fiscal year.

REVENUE DEPARTMENT(cont'd)

**2019 ELECTRIC DELIVERY TAX RATES BY SERVICE AREA
RATE CHANGES ONLY**

CO. #	MUNICIPAL ELECTRICS	DELIVERY TAX RATE
3209	Atlantic Municipal Utilities	0.00015040
3216	Buffalo Municipal Electric System	0.00000203
3245	Denver Municipal Electric Utility	0.00005928
3324	Spencer Municipal Utilities	0.00012945
3258	Grand Junction Municipal Utilities	0.00000538
3236	Coggon Municipal Light Plant	0.00004320
3136	Stuart Municipal Utilities	0.00121418
3085	Earlville Municipal Utilities	0.00137177
3230	City of Fredericksburg	0.00000452

CO. #	IOUs—ELECTRIC	DELIVERY TAX RATE
7289	MidAmerican Energy	0.00259183
7305	Omaha Public Power District	0.00123835

CO. #	RECs	DELIVERY TAX RATE
4219	Calhoun County Electric Coop	0.00109234
4220	Cass Electric Coop	0.00004589
4235	Clarke Electric Coop	0.00234795
4287	Consumers Energy	0.00112439
4251	Federated Rural Electric	0.00030922
4254	Freeborn-Mower Cooperative	0.00149222
4259	Grundy County REC	0.00086784
4262	Hancock County REC	0.00097751
4265	Harrison County REC	0.00064623
4313	Pleasant Hill Community Line	0.00023517
4316	Rideta Electric Coop	0.00263826
4319	Access Energy Coop	0.00044303
4320	Sac County REC	0.00064621
4333	Tri-County Electric Coop	0.00090603
4353	Wright County REC	0.00042550

REVENUE DEPARTMENT(cont'd)

**2019 NATURAL GAS DELIVERY TAX RATES BY SERVICE AREA
RATE CHANGES ONLY**

CO. #	MUNICIPAL GAS	DELIVERY TAX RATE
5241	Corning Municipal Utilities	0.00000582
5344	West Bend Municipal Utilities	0.00002240
5283	Manning Municipal Natural Gas	0.00010895
5317	Rock Rapids Municipal Gas	0.00011148
5281	Manilla Municipal Gas	0.00033542
5238	Coon Rapids Municipal Gas	0.00004064
5306	Osage Municipal Gas	0.00002994
5340	Wayland Municipal Gas	0.00021523
5349	Winfield Municipal Gas	0.00062928

CO. #	IOUs—GAS	DELIVERY TAX RATE
5289	MidAmerican Energy Gas	0.00606841

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 May is 2.75%.

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 May 9, 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 .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .15%
More than 397 days	Minimum .15%

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:

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%
April 1, 2020 — April 30, 2020	3.50%
May 1, 2020 — May 31, 2020	2.75%
June 1, 2020 — June 30, 2020	2.75%

ARC 5041C

SECRETARY OF STATE[721]

Adopted and Filed

Rule making related to notarial acts

The Secretary of State hereby amends Chapter 43, “Notarial Acts,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 9B.27 and 9B.14A(8) as enacted in 2019 Iowa Acts, chapter 44, section 6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 9B.

Purpose and Summary

This rule making establishes procedures for electronic and remote notarial acts.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 25, 2020, as **ARC 4997C**. Comments were received by email asking for clarification or other minor points. Changes were made that allow for more flexibility by vendors.

Adoption of Rule Making

This rule making was adopted by the Secretary of State on April 29, 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.

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 action is adopted:

SECRETARY OF STATE[721](cont'd)

Amend 721—Chapter 43 as follows:

CHAPTER 43
NOTARIAL ACTS

721—43.1(9B) Certificate of notarial acts. A notarial act shall be evidenced by a certificate signed and dated by a notarial officer, be executed contemporaneously with the performance of the notarial act for which the certificate applies, and not be completed until the notarial act has been performed. The certificate shall include all of the information required by Iowa Code section 9B.15(1). A certificate of a notarial act is sufficient if it meets the requirements set out in Iowa Code section 9B.15(3). A certificate of a notarial act performed under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, must also meet the requirements of Iowa Code section 9B.14A(4) as enacted by 2019 Iowa Acts, chapter 44, section 6.

721—43.2(9B) Short form certificates. Short form certificates of notarial acts may be used provided the certificates comply with the provisions of Iowa Code sections 9B.15 and 9B.16. For purposes of this rule, a “record” and an “instrument” have the same meaning and effect. A short form certificate of a notarial act performed under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, must meet the requirements of Iowa Code section 9B.14A(5) as enacted by 2019 Iowa Acts, chapter 44, section 6.

721—43.3(9B) Jurisdiction. For purposes of complying with the requirements of Iowa Code sections 9B.15 and 9B.16, the jurisdiction in which the notarial act is performed is determined by the location of the notary public in this state at the time the notarial act is performed.

721—43.3 721—43.4(9B) Conflict of interest. A notarial officer shall not perform a notarial act that creates a conflict of interest as prohibited in Iowa Code section 9B.4(2). For purposes of this rule, a direct financial benefit does not exist when the notarial officer is compensated on an individual loan commission basis or as provided in Iowa Code section 9B.26(2).

721—43.4 721—43.5(9B) Commission as notary public. An individual applying to the secretary of state for a commission as a notary public shall comply with the requirements and qualifications of Iowa Code section 9B.21.

43.5(1) Application. The applicant shall complete and file with the secretary of state an Application for Appointment as Notary Public. The affirmation section on an Application for Appointment as Notary Public shall constitute an executed oath of office as required by Iowa Code section 9B.21(3). An individual who wishes to perform notarial acts for remotely located individuals shall also complete and file with the secretary of state an additional application containing information indicating that the applicant meets the additional training and technology requirements of Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, and this chapter, as well as any additional information the secretary of state may require.

43.5(2) Reapproval. A notary public’s approval to perform notarial acts for remotely located individuals shall expire on the same date as the individual’s notary public commission. Two months preceding the expiration of approval, the secretary of state shall notify the notary public of the expiration date and furnish an application for reapproval. The secretary of state may provide for combining its reappointment and reapproval forms.

43.5(3) Training.

a. Within the six-month period immediately preceding submission of an Application for Appointment as Notary Public, an applicant shall satisfactorily complete an initial training course approved by the secretary of state concerning the functions and duties of a notary public. The applicant shall submit with the application satisfactory proof to the secretary of state that the applicant has

SECRETARY OF STATE[721](cont'd)

completed the course. An applicant who submits an Application for Appointment as Notary Public on or before July 1, 2020, shall not be subject to the requirements of this paragraph.

b. A notary public who wishes to begin performing notarial acts under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, shall, within the six-month period immediately preceding the first performance of such an act, satisfactorily complete a training course approved by the secretary of state concerning the requirements and methods for performing notarial acts for remotely located individuals and shall provide satisfactory proof to the secretary of state that the applicant has completed the course. This training is in addition to that required by paragraph 43.5(3)“a.”

c. An applicant for reappointment as a notary public who currently holds a notary public commission, who wishes to continue performing notarial acts under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, and who has satisfactorily completed the initial training course required by paragraph 43.5(3)“b” at least one time prior to the 12-month period immediately preceding application for reappointment shall, within the 6-month period immediately preceding the deadline for application for reappointment, satisfactorily complete an update course approved by the secretary of state concerning the requirements and methods for performing notarial acts for remotely located individuals and shall provide satisfactory proof to the secretary of state that the applicant has completed the course.

721—43.5 721—43.6(9B) Performance of notarial act on electronic record. A notarized document is deemed to be in compliance with the requirements for a notarial act on an electronic record under Iowa Code chapter 9B when ~~the document is submitted and accepted on the electronic document management system (EDMS) administered by the Iowa judicial branch.~~ either:

43.6(1) The notary public attaches an electronic notarial certificate that meets the requirements set out in Iowa Code section 9B.15(3); or

43.6(2) The document is submitted and accepted on the electronic document management system (EDMS) administered by the Iowa judicial branch.

This rule is intended to implement Iowa Code section 9B.27.

721—43.7(9B) Protection of recording and personally identifiable information. A notary public shall protect from unauthorized access the recording of a notarial act pursuant to Iowa Code section 9B.14A(3)“c” as enacted by 2019 Iowa Acts, chapter 44, section 6, and any “personally identifiable information” as defined in Iowa Code section 9B.14C(1) as enacted by 2019 Iowa Acts, chapter 44, section 8, disclosed during the performance of an electronic notarial act using audiovisual communications, except as permitted pursuant to Iowa Code sections 9B.14C(2) and 9B.14C(3) as enacted by 2019 Iowa Acts, chapter 44, section 8.

721—43.6 721—43.8(9B) Sanctions Notary public sanctions. The secretary of state may impose any of the sanctions set out in Iowa Code section 9B.23 including issuing a letter of reprimand as a condition on a commission as a notary public.

~~43.6(1)~~ **43.8(1) Complaint.** A person alleging misconduct by a notary public shall complete and file a Statement of Complaint with the secretary of state. The secretary of state may also initiate investigations without the filing of a complaint if information is provided to the secretary of state that a notary public has allegedly engaged in conduct prohibited in Iowa Code section 9B.23. A copy of the complaint or a notice of investigation shall be sent to the notary public.

~~43.6(2)~~ **43.8(2) Investigation.** The secretary of state shall conduct an investigation to determine if the conduct alleged occurred and if sanctions should be imposed. Upon completion of an investigation, the secretary of state shall dismiss the matter, issue a letter of reprimand as a condition on commission, or set the matter for hearing as a contested case proceeding. A dismissal or issuance of a letter of reprimand as a condition on commission is deemed final agency action for purposes of judicial review under Iowa Code section 17A.19.

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~~43.6(3)~~ **43.8(3) Hearing.** If a hearing is set, it shall be conducted as a contested case proceeding in accordance with Iowa Code chapter 17A and ~~administrative rules in 721—Chapter 3.~~ A final decision by the secretary of state is subject to judicial review as provided in Iowa Code section 17A.19.

721—43.9(9B) Standards for communication technology and identity proofing for notarial acts performed for remotely located individuals.

43.9(1) A notary public may not perform a notarial act for a remotely located individual unless the technology identified by the notary public pursuant to Iowa Code section 9B.14A(7) as enacted by 2019 Iowa Acts, chapter 44, section 6, satisfies all of the following:

- a. Has been approved by the secretary of state in accordance with this chapter.
- b. Provides continuous, synchronous audiovisual feeds.
- c. Provides sufficient video resolution and audio clarity to enable the notary public and remotely located individual to see and speak with each other simultaneously through live, real-time transmission.
- d. Provides sufficient captured image resolution for identity proofing performed in accordance with Iowa Code section 9B.14A(3) as enacted by 2019 Iowa Acts, chapter 44, section 6.
- e. Provides a means of authentication that reasonably ensures only authorized parties have access to the audiovisual record of the performed notarial act.
- f. Provides for the recording of the electronic notarial act in compliance with this chapter and Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, in sufficient quality to ensure the verification of the electronic notarial act.
- g. Ensures that any change to or tampering with an electronic record before or after the electronic notarial seal has been affixed and the electronic notarial act has been completed is evident.
- h. Provides confirmation that the electronic record presented is the same electronic record notarized.
- i. Provides a means of electronically affixing the notary's official stamp to the notarized document.
- j. Provides an electronic notary journal that complies with the provisions of this chapter to document the electronic notarial acts.
- k. Provides security measures the secretary of state deems reasonable to prevent unauthorized access to:

- (1) The live transmission of the audiovisual communication.
- (2) A recording of the audiovisual communication.
- (3) The verification methods and credentials used in the identity proofing procedure.
- (4) The electronic records presented for online notarization.
- (5) Any personally identifiable information used in the identity proofing or credential analysis.

43.9(2) Identity proofing and credential analysis must be performed by a third-party credential service provider whose methods and standards are substantially similar to those defined in the most recent edition of the National Institute of Standards and Technology's Digital Identity Guidelines, and that has provided evidence to the notary public of the ability to satisfy the following requirements:

a. Identity proofing is performed through dynamic knowledge-based authentication which meets the following requirements:

- (1) Principal must answer a quiz consisting of a minimum of five questions related to the principal's personal history or identity, formulated from public and proprietary data sources;
- (2) Each question must have a minimum of five possible answer choices;
- (3) At least 80 percent of the questions must be answered correctly;
- (4) All questions must be answered within two minutes;
- (5) If the principal fails the first attempt, the principal may retake the quiz one time within 24 hours;
- (6) During the retake, a minimum of 60 percent of the prior questions must be replaced;
- (7) A principal who fails the second attempt is not permitted to retry with the same notary public for 24 hours; and
- (8) A principal who fails the third attempt is not permitted to make any further attempts.

b. Credential analysis is performed utilizing public and proprietary data sources to verify the credential presented by the principal.

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c. Credential analysis shall, at a minimum:

(1) Use automated software processes to aid the notary public in verifying the identity of a principal or any credible witness;

(2) Ensure that the credential passes an authenticity test, substantially similar to those defined in the most recent edition of the National Institute of Standards and Technology's Digital Identity Guidelines, that:

1. Uses appropriate technology to confirm the integrity of visual, physical, or cryptographic security features;

2. Uses appropriate technology to confirm that the credential is not fraudulent or inappropriately modified;

3. Uses information held or published by the issuing source or authoritative source(s), as available, to confirm the validity of personal details and credential details; and

4. Provides output of the authenticity test to the notary public.

(3) Enable the notary public to visually compare the following for consistency: the information and photo, if the credential presented contains a photo, presented on the credential itself and the principal as viewed by the notary public in real time through audiovisual transmission.

d. If the principal must exit the workflow, the principal must meet the criteria outlined in this rule and must restart the identity proofing and credential analysis from the beginning.

43.9(3) Upon change of any of the technology identified by the notary public pursuant to Iowa Code section 9B.14A(7) as enacted by 2019 Iowa Acts, chapter 44, section 6, which affects compliance with the requirements of Iowa Code chapter 9B or this chapter, the provider of the technology shall immediately notify the secretary of state and all Iowa notaries public using its technology of the change. Information that qualifies as trade secret under Iowa law shall be kept confidential in accordance with Iowa Code section 22.7(3). It is the responsibility of the provider to specify to the secretary of state the information it believes falls within the definition of "trade secret" under Iowa Code section 550.2(4) and other applicable law.

721—43.10(9B) Providers of communication technology.

43.10(1) Provider requirements. A notary public authorized to perform notarial acts for remotely located individuals may only use a provider of communication technology for the audiovisual recording of electronic notarial acts subject to the provisions of this chapter and Iowa Code sections 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, and 9B.14B as enacted by 2019 Iowa Acts, chapter 44, section 7, if the provider:

a. Has registered with and been approved by the secretary of state in accordance with this chapter;

b. Allows the remote notary public sole control of the recording of the electronic notarial act using audiovisual communication, subject to the authorized access granted by the notary; and

c. Provides the notary with access to the recording of the electronic notarial act using audiovisual communication pursuant to this chapter.

43.10(2) Backup strategy requirement—release of records to secretary of state.

a. The secretary of state may not approve a provider of communication technology as defined in Iowa Code section 9B.14A(1) "a" as enacted by 2019 Iowa Acts, chapter 44, section 6, unless the provider uses a backup strategy that is acceptable to the secretary of state for use as a record keeper for any record that is related to a remote notarial act.

b. If the provider of communication technology and the owner of the backup strategy described in paragraph 43.10(2) "a" are the same entity, in the event that the provider ceases business operations, the provider shall notify the secretary of state in advance of such cessation of business operations and, at the secretary of state's request, shall release to the secretary of state any record described in paragraph 43.10(2) "a."

c. If the provider of communication technology and the owner of the backup strategy described in paragraph 43.10(2) "a" are separate entities, the provider shall sign an agreement with the owner of the backup strategy that, in the event that the provider or the owner ceases business operations, the entity ceasing business operations shall notify the other entity and the secretary of state in advance of such

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cessation of business operations, and, at the secretary of state's request, the owner of the backup strategy shall release to the secretary of state any record described in paragraph 43.10(2) "a."

43.10(3) Protection of recording and personally identifiable information. A provider of communication technology shall protect from unauthorized access the recording of a notarial act pursuant to Iowa Code section 9B.14A(3) "c" as enacted by 2019 Iowa Acts, chapter 44, section 6, and any "personally identifiable information" as defined in Iowa Code section 9B.14C(1) as enacted by 2019 Iowa Acts, chapter 44, section 8, disclosed during the performance of an electronic notarial act using audiovisual communications.

721—43.11(9B) Registration of provider of communication technology and approval of communication technology.

43.11(1) Registration.

a. A provider of communication technology that wishes to apply for approval by the secretary of state for use of its technology by Iowa notaries public to perform notarial acts under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, shall submit a registration electronically to the secretary of state, which shall include:

- (1) Legal name of the provider of communication technology;
- (2) How the business is organized;
- (3) Mailing address of the provider of communication technology;
- (4) Physical address of the provider of communication technology;
- (5) Name and title of contact person at the provider of communication technology;
- (6) Phone number of contact person named in subparagraph 43.11(1) "a"(5);
- (7) Name of communication technology provided;
- (8) Description of the technology used to ensure compliance with the provisions of Iowa Code chapter 9B and this chapter;
- (9) Name of the provider or providers of the knowledge-based authentication, credential analysis, and digital certificate services;
- (10) Plan for the retention and storage of data including, but not limited to, records, journals, and recordings in the event the provider of communication technology no longer provides the technology for use by Iowa notaries public for any reason; and
- (11) Declaration that the communication technology complies with all Iowa laws.

b. Information provided to the secretary of state in compliance with subparagraph 43.11(1) "a"(8) that qualifies as trade secret under Iowa law shall be kept confidential in accordance with Iowa Code section 22.7(3). It is the responsibility of the provider to specify to the secretary of state the information it believes falls within the definition of "trade secret" under Iowa Code section 550.2(4).

43.11(2) Approval prior to use. If, after submission of the application required by subrule 43.11(1), the secretary of state determines that the provider of communication technology and the technology provided satisfy all of the requirements of the Iowa Code and the Iowa Administrative Code, the secretary of state shall approve the use of the technology.

43.11(3) Denial of approval. If the secretary of state determines that the provider of communication technology or the technology provided does not satisfy all of the requirements of the Iowa Code and the Iowa Administrative Code, the secretary of state shall deny the use of the technology and shall notify the provider of such denial, specifying the reasons for the denial.

43.11(4) Application for reconsideration. Following notification of denial of use of technology, a provider of communication technology may correct the specified deficiencies and apply for reconsideration. If the provider of communication technology and the technology provided then satisfy all of the requirements of the Iowa Code and the Iowa Administrative Code, the secretary of state shall approve the use of the technology.

43.11(5) Grounds for rescinding approval. Approval may be rescinded if it is found that:

a. The technology no longer permits notaries public to meet the requirements of Iowa Code chapter 9B or this chapter;

b. The technology no longer complies with the requirements of Iowa law;

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c. Material changes have been made to the technology and the provider has not provided notification as required by subrule 43.9(3);

d. The provider ceases to provide the technology which has been approved for use;

e. The provider has failed to protect from unauthorized access any information it is required to protect under the Iowa Code or this chapter; or

f. Any other grounds that may materially affect the ability of notaries public to meet the requirements of Iowa law.

43.11(6) Procedure for rescinding approval. The secretary of state may rescind approval on any ground listed above.

a. Complaint. A person alleging violation on a ground listed in subrule 43.11(5) by a provider of communication technology or of the technology itself and who is a remote notary in or was a principal in a remote notarization interaction, regardless of whether such interaction resulted in completion of a remote notarial act, shall complete and file a Statement of Complaint with the secretary of state. The secretary of state may also initiate investigations without the filing of a complaint.

b. Investigation. The secretary of state shall investigate each complaint to determine if the alleged violation has occurred and if such violation warrants rescission of approval of the use of the communication technology. Upon determination that the alleged violation occurred, the secretary of state shall:

(1) Communicate grounds for possible rescission of approval to the provider, whereupon the provider shall have 30 days in which to correct the specified deficiencies and submit proof of such corrections to the secretary of state for review. If the secretary of state determines the deficiencies have been corrected, the secretary of state may dismiss the matter; if the secretary of state determines that deficiencies still exist, the secretary of state may either renew the communication and correction process as provided in this paragraph or finally rescind approval of use of the technology. If the secretary of state rescinds approval of the use of the technology, the secretary of state shall notify all Iowa notaries public using the technology that the technology is no longer approved for use and shall notify the provider of rescission of approval, specifying the reasons for rescission;

(2) Rescind approval, whereupon the secretary shall notify all Iowa notaries public using the technology that the technology is no longer approved for use and shall notify the provider of rescission of approval, specifying the reasons for rescission; or

(3) Dismiss the matter.

These rules are intended to implement Iowa Code chapter 9B.

[Filed 4/29/20, effective 7/1/20]

[Published 5/20/20]

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

ARC 5042C

WORKERS' COMPENSATION DIVISION[876]

Adopted and Filed

Rule making related to payroll tables and address

The Workers' Compensation Commissioner hereby amends Chapter 1, "Purpose and Function," Chapter 4, "Contested Cases," Chapter 5, "Declaratory Orders," Chapter 7, "Petition for Rule Making," Chapter 8, "Substantive and Interpretive Rules," Chapter 9, "Public Records and Fair Information Practices," and Chapter 12, "Formal Review and Waiver of Rules," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 86.8.

WORKERS' COMPENSATION DIVISION[876](cont'd)

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 85.61.

Purpose and Summary

These amendments update references to the tables which determine payroll taxes and update the address of the Division of Workers' Compensation.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 25, 2020, as **ARC 4993C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commissioner on April 29, 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 Commissioner for a waiver of the discretionary provisions, if any, pursuant to rule 876—12.4(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 June 24, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule 876—1.2(86,17A) as follows:

876—1.2(86,17A) Location. Interested persons may contact the Iowa Workers' Compensation Commissioner, ~~1000 East Grand Avenue (mailing address)~~, 150 Des Moines Street (physical location), Des Moines, Iowa ~~50319~~ 50309; telephone (515)725-4120 or 1-800-645-4583. The fax number is (515)281-6501. The website address is www.iowaworkforce.org/wc.

ITEM 2. Amend subrule 4.9(8) as follows:

4.9(8) Withdrawal of counsel. Counsel may withdraw if another counsel has appeared or if the client's written consent accompanies the withdrawal.

Under all other circumstances, counsel may withdraw only upon the order of the workers' compensation commissioner after making written application. Counsel shall give the client written notice that the client has the right to object to the withdrawal by filing written objections and a request

WORKERS' COMPENSATION DIVISION[876](cont'd)

for a hearing to the Division of Workers' Compensation, ~~1000 East Grand Avenue, Des Moines, Iowa 50319, when filing by mail, or 150 Des Moines Street, Des Moines, Iowa 50319~~ 50309, when filing in person, within ten days following the date the notice was mailed or personally delivered to the client. The client's response does not need to be filed in WCES but may be mailed or delivered to the division. Counsel's application shall be accompanied by proof that a copy of the application and notice was sent by certified mail addressed to the client's last-known address or was delivered to the client personally. If no objections are timely filed, the withdrawal will become effective when approved by the workers' compensation commissioner. If objections are timely filed, a hearing on the application will be held. No withdrawal under this subrule will be effective without the approval of the workers' compensation commissioner. The filing of an application to withdraw stays all pending matters until a ruling is made on the application.

ITEM 3. Amend rule 876—5.5(17A) as follows:

876—5.5(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to the Workers' Compensation Commissioner, ~~1000 E. Grand~~ 150 Des Moines Street, Des Moines, Iowa 50319-0209 50309.

ITEM 4. Amend subrule 5.6(2) as follows:

5.6(2) Filing. All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the Workers' Compensation Commissioner, ~~1000 E. Grand, Des Moines, Iowa 50319, when filed by mail, or 150 Des Moines Street, Des Moines, Iowa 50319, when filed in person~~ 50309.

ITEM 5. Amend **876—Chapter 7**, preamble, as follows:

The workers' compensation division of workers' compensation the workforce development department hereby adopts the petition for rule making segments of the Uniform Administrative Rules, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules on Agency Procedure relating to petitions for rule making which are printed in the first volume of the Iowa Administrative Code, with the following amendments published at www.legis.iowa.gov/docs/publications/ACOD/767403.pdf on the General Assembly's website.

ITEM 6. Amend rule 876—7.1(17A) as follows:

876—7.1(17A) Petition for rule making.

In lieu of the words "designate office" insert "the Division of Workers' Compensation, Department of Workforce Development, ~~1000 East Grand Avenue~~ 150 Des Moines Street, Des Moines, Iowa 50319 50309."

In lieu of the words "AGENCY NAME", the heading on the petition form should read:

BEFORE THE DIVISION OF WORKERS' COMPENSATION

ITEM 7. Amend rule 876—7.3(17A) as follows:

876—7.3(17A) Inquiries. Inquiries concerning the status of a petition for rule making may be made to the Division of Workers' Compensation, Department of Workforce Development, ~~1000 East Grand Avenue~~ 150 Des Moines Street, Des Moines, Iowa 50319 50309.

ITEM 8. Amend rule 876—8.8(85,17A) as follows:

876—8.8(85,17A) Payroll tax tables. Tables for determining payroll taxes to be used for the period July 1, ~~2019~~ 2020, through June 30, ~~2020~~ 2021, are the tables in effect on July 1, ~~2019~~ 2020, for computation of:

1. Federal income tax withholding according to the percentage method of withholding for weekly payroll period. (~~Internal Revenue Service, Employer's Supplemental Tax Guide, Publication 15-A [2018]~~ Federal Income Tax Withholding Methods, Publication 15-T [2019].)

WORKERS' COMPENSATION DIVISION[876](cont'd)

2. ~~Iowa Withholding Tax Guide~~ Iowa income tax withholding for weekly pay period. (Iowa Department of Revenue Iowa Withholding Tax Rate Tables [Effective January 1, ~~2019~~ 2020].)

3. Social Security and Medicare withholding (FICA) at the rate of 7.65 percent. (Internal Revenue Service, Circular E, Employer's Tax Guide, Publication 15 [~~2018~~ 2019].)

This rule is intended to implement Iowa Code section 85.61(6).

ITEM 9. Amend ~~876—Chapter 9~~, preamble, as follows:

The workers' compensation division of the workforce development department hereby adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of on Agency procedure Procedure relating to public records and fair information practices which are ~~printed in the first volume of the Iowa Administrative Code~~ published at www.legis.iowa.gov/docs/publications/ACOD/767403.pdf on the General Assembly's website.

ITEM 10. Amend subrule 9.3(1) as follows:

9.3(1) Location of record. In lieu of the words "(insert agency head)", insert "commissioner". Also, in lieu of the words "(insert agency name and address)", insert "Division of Workers' Compensation, ~~4000 East Grand Avenue~~ 150 Des Moines Street, Des Moines, Iowa ~~50319~~ 50309".

ITEM 11. Amend rule ~~876—9.6(17A,22,85-87)~~ as follows:

~~876—9.6(17A,22,85-87) Procedure by which additions, dissents, or objections may be entered into certain records.~~ Insert immediately following ". . . official record of any agency proceeding." the following sentence: "Any additions, dissents, or objections entered into the record shall not be considered evidence in a contested case proceeding." In lieu of the words "(designate office)", insert "the Division of Workers' Compensation, ~~4000 East Grand Avenue~~ 150 Des Moines Street, Des Moines, Iowa ~~50319~~ 50309".

ITEM 12. Amend subparagraph **9.13(1)"d"(8)** as follows:

(8) Policy manuals. The agency employees' manuals are available in the administrative office of the agency. Subscriptions to all or part of the employees' manuals are available at the cost of production and handling. Requests for subscription information should be addressed to the Division of Workers' Compensation, ~~4000 East Grand Avenue~~ 150 Des Moines Street, Des Moines, Iowa ~~50319~~ 50309. Policy manuals may contain confidential information under Iowa Code section 17A.2(7) "f" or other applicable provision of law.

ITEM 13. Amend rule ~~876—12.3(17A)~~ as follows:

~~876—12.3(17A) Form of criticism.~~ The division of workers' compensation is designated as the office where interested persons may submit written criticism regarding an administrative rule of the Workers' Compensation Division[876]. Written criticism should be mailed or delivered to the Division of Workers' Compensation, ~~4000 East Grand Avenue, Des Moines, Iowa 50319; or delivered to~~ 150 Des Moines Street, Des Moines, Iowa 50319 50309. A criticism of a specific rule must be more than a mere lack of understanding of a rule or a dislike regarding the rule. To constitute a criticism of a rule, the criticism must be in writing, indicate it is a criticism of a specific rule, be signed by the complainant, not be part of any other filing with the workers' compensation commissioner or department of workforce development, and have a valid legal basis for support. All criticisms received on any rule will be kept in a separate record for a period of five years by the workers' compensation commissioner and be a public record open for public inspection. All criticisms must substantially conform to the following form:

BEFORE THE WORKERS' COMPENSATION COMMISSIONER

CRITICISM BY (NAME OF PERSON SUBMITTING CRITICISM).	}	CRITICISM OF (SPECIFY RULE THAT IS CRITICIZED).
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Reasons for criticism:

WORKERS' COMPENSATION DIVISION[876](cont'd)

Name, address, telephone number and signature of person submitting criticism.

ITEM 14. Amend rule 876—12.4(17A) as follows:

876—12.4(17A) Requests for waiver of rules. Requests for waiver of a rule in the Workers' Compensation Division[876] of the Iowa Administrative Code shall be made to the Workers' Compensation Commissioner, ~~1000 E. Grand, Des Moines, Iowa 50319, by mail; or 150 Des Moines Street, Des Moines, Iowa 50319, in person 50309.~~ All requests for waiver of a rule must be in writing and are a public record open for inspection. The person requesting the waiver must submit all facts relied upon in requesting the waiver. The person requesting waiver of the rule must provide clear and convincing evidence that compliance with the rule will create an undue hardship on the person requesting the waiver. A concise memorandum brief and argument, if any is filed, shall be attached to the request for waiver at the time the request is filed. The workers' compensation commissioner shall grant or deny the waiver within 60 days of the date the request is filed with the agency. The workers' compensation commissioner shall deny the request if the request is for waiver of a statute. If the request for waiver relates to a time requirement of a rule, the request must be received before the time specified in the rule has expired. The workers' compensation commissioner may deny the request if the request does not comply with the provisions of this rule. All requests for waiver must substantially conform to the following form:

BEFORE THE WORKERS' COMPENSATION COMMISSIONER	
(NAME OF PERSON REQUESTING WAIVER).	}
	REQUEST FOR WAIVER OF (SPECIFY RULE FOR WHICH WAIVER IS REQUESTED).

Reasons for requesting waiver:

Name, address, telephone number and signature of person submitting waiver request.

[Filed 4/29/20, effective 6/24/20]

[Published 5/20/20]

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

**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.

AGENCY	RULE	DELAY
Racing and Gaming Commission[491]	13.2(7)“i” [IAB 4/8/20, ARC 5016C]	Session delay: Effective date of May 13, 2020, delayed until the adjournment of the 2021 session of the General Assembly by the Administrative Rules Review Committee at its meeting held May 8, 2020. [Pursuant to §17A.8(9)]