



# MINUTES

## AUGUST 2024 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

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### MEMBERS PRESENT

Senator Mike Klimesh, Chair  
Senator Nate Boulton  
Senator Mike Boussetot  
Senator Chris Cournoyer  
Senator Cindy Winckler

Representative Michael R. Bergan, Vice Chair  
Representative Amy Nielsen  
Representative Rick L. Olson  
Representative Michael V. Sexton  
Representative David E. Young

EX OFFICIO, NONVOTING MEMBER: Steve Blankenship, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048, and Kate O'Connor, Division Editor/Supervisor, 515.281.6329

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### BULLETINS NEEDED FOR THIS MEETING: 7/10/24, 7/24/24

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#### Procedural Business

Senator Klimesh convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 11:05 a.m. on Tuesday, August 13, 2024, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the July 16, 2024, meeting were approved. The next meeting was scheduled for Monday, September 9, 2024, at 11:00 a.m. Mr. Ewing noted the meeting would cover three bulletins. The meeting was adjourned at 12:05 p.m.

#### Fiscal Overview

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

#### ECONOMIC DEVELOPMENT AUTHORITY

Representing the agency: Lisa Connell

ARC 8145C (AF), Enterprise Zone (EZ) Program; Entrepreneurial Ventures Assistance (EVA) Program; High Quality Jobs Program (HQJP); Environmental Law Compliance; Violations of Law; Standard Definitions; Wage, Benefit, and Investment Requirements; Application Review and Approval Procedures; Contracting; Contract Compliance and Job Counting; Annual Reporting, Chs. 59, 60, 68, 172-175, 187-189

No discussion on ARC 8145C.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

## **TREASURER OF STATE**

Representing the agency: Molly Widen

ARC 8104C (NOIA), Iowa Educational Savings Plan Trust—529 Savings Accounts, Rules 16.2-16.13  
No discussion on ARC 8104C.

## **REVENUE DEPARTMENT**

Representing the agency: Madelyn Cutler

ARC 8154C (AF), Multilevel Marketer Agreements, Ch. 208

Mr. Tom Sands, on behalf of the Iowa Taxpayers Association (ITA), thanked the department for its work on the rulemaking; however, he stated that ITA will be speaking with the Ways and Means Committees next session to resolve some uncertainty created by the rulemaking.

No action taken on ARC 8154C.

ARC 8159C (AF), Agricultural Rules, Ch. 214

Mr. Sands thanked the department for its work on the rulemaking; however, he stated that ITA will continue to work with the department to resolve some uncertainty created by the rulemaking.

No action taken on ARC 8159C.

ARC 8160C (AF), Exemptions Primarily Benefiting Manufacturers and Other Persons Engaged in Processing, Ch. 215

Mr. Sands stated that the industry commonly uses the word “sterilization”; however, the term has never been defined and it may require a statutory change to address the issue.

No action taken on ARC 8160C.

ARC 8161C (AF), Sales and Use Tax on Construction Activities, Ch. 219

Mr. Sands stated that ITA would continue to work with the department, and the Legislature if necessary, to clarify issues related to sales and use tax on construction activities.

No action taken on ARC 8161C.

## **HUMAN SERVICES DEPARTMENT**

Representing the agency: Joe Campos

ARC 8110C (AF), Adoption Services, Ch. 200

Committee members asked how members of a family are given priority and how that relates to the termination of parental rights. Mr. Campos stated that termination of parental rights is a separate process. After parental rights are terminated, the department works to place children from the same birth family together to continue the familial bond.

No action taken on ARC 8110C.

## **PUBLIC HEALTH DEPARTMENT**

Representing the agency: Joe Campos

ARC 8127C (AF), Nonpayment of State Debt, Ch. 194

Committee members asked if the rulemaking allows renewal of a license when a repayment agreement has been entered into with the department. Mr. Campos replied in the affirmative.

No action taken on ARC 8127C.

ARC 8124C (AF), Medical Cannabidiol Program, Ch. 154

Mr. Dane Schumann, speaking on behalf of MedPharm Iowa, expressed appreciation for the work the department has done on the rulemaking; however, he stated that the concept of public consumption of medical marijuana needs further clarification. He explained it is his understanding that individuals in possession of a medical cannabidiol registration card (card) have an affirmative defense against prosecution under Iowa Code chapter 124; however, the rulemaking requires medical cannabis products to be used in the privacy of the individual's home. He noted that the law allows hemp products to be purchased and consumed in public. Members asked if he is concerned that a legal holder of a card may be forced to use medical cannabis products in the privacy of their home while users of hemp products may use hemp products anywhere. He replied that is a concern. Mr. Campos explained that the Iowa Code does not permit medical cannabidiol to be consumed in places open to the public or on school property. He stated that the department is open to having discussions with MedPharm during the upcoming session.

No action taken on ARC 8124C.

## **UTILITIES COMMISSION**

Representing the agency: Kerrilyn Russ

ARC 8103C (NOIA), Crossing of Railroad Rights-of-Way, Ch. 42

No discussion on ARC 8103C.

## **EDUCATION DEPARTMENT**

Representing the agency: Thomas Mayes

ARC 8147C (AF), General Accreditation Standards — Age Appropriate Instruction, Library Programs, Parental Rights, Rules 12.2, 12.3

No discussion on ARC 8147C.

## **PUBLIC SAFETY DEPARTMENT**

Representing the agency: Josie Wagler

ARC 8141C (NOIA), Educator Professional Permit to Carry a Weapon; Private School Security Officer Firearms Training, Chs. 91, 121

Committee members asked why the application form for an Iowa educator permit to carry (permit) does not require an employer authorization similar to the authorization required for a professional permit such as a police officer. Members stated that someone with authority at a school should be required to sign off on a permit application to approve the individual to carry at school. Ms. Wagler replied that a "school employee," as defined in the Iowa Code, can obtain the permit without a school's authorization; however, the employee cannot carry on school grounds without the school's authorization. Members asked who from a school can authorize an employee to carry and how the authorization occurs. She replied that the department is open to working on more detail regarding authorization. Members asked for confirmation that an individual who holds an Iowa permit to carry weapons issued after January 1, 2011, meets the department's permit training requirement. She confirmed that is correct. Members asked if such an individual is still required to undergo the initial required education training as outlined on the application form. She answered in the affirmative.

Committee members asked who will provide the required training. She replied that an individual or organization can submit their resume and proposed training curriculum to the department. The department's program services bureau will review and approve individuals and organizations who may provide the training. Members asked if the marksmanship training drills (form WP-16) are intended for self-practice by an individual, or as a basis for a live fire recertification conducted by a National Rifle Association range-certified instructor. She explained it is the basis for recertification. Members stated that they are pleased with the foundation that the department has established via the rulemaking.

Ms. Emily Piper, Iowa Association of School Boards (IASB), stated that the superintendent of a school district should be required to verify that an individual is a school employee and also authorize the employee to obtain a permit. The superintendent should also be notified if an employee's permit is revoked or suspended. Ms. Piper stated that the legal training requirements need some improvement. Committee members asked if the law requires employees who are authorized to carry a weapon to conceal that weapon when carrying on school grounds. Ms. Wagler replied that requirement is not specified in the statute. Ms. Piper stated that the IASB would put out guidance materials related to concealed carry. Members stated that if an employee is permitted to openly carry it would violate confidentiality requirements. Ms. Piper stated that confidentiality applies to freedom of information requests.

No action taken on ARC 8141C.