



MINUTES

SEPTEMBER 2024 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

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

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

BULLETINS NEEDED FOR THIS MEETING: 8/7/24, 8/21/24

Procedural Business

Senator Klimesh convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 11 a.m. on Monday, September 9, 2024, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the August 13, 2024, meeting were approved. The next meeting was scheduled for Tuesday, October 15, at 11:00 a.m. The meeting was adjourned at 12:00 p.m.

Fiscal Overview

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

UTILITIES COMMISSION

Representing the agency: Jon Tack

ARC 8177C (AF), Regulation of Electric Cooperatives and Municipal Electric Utilities Under Iowa Code Chapter 476, Ch. 27

No discussion on ARC 8177C.

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).

PAROLE BOARD

Representing the agency: Steven Clarke

ARC 8186C (NOIA), Victim Notification, Ch. 7

Committee members described a situation in which a defendant had been convicted of harming a child at a daycare and had been released from prison without notification to individuals who had registered to be notified of the release. Members asked for clarification on how the victim notification process works. Mr. Clarke responded that the Department of Corrections (DOC) does a release plan for a defendant. If the DOC recommends the defendant be released, then the board mails a notification of the board's upcoming interview with the defendant to individuals who registered to be notified. He stated that he is not sure what happened in this particular case but would speak with any members after the meeting. Members asked why the notification process for victims cannot be an opt-out process rather than an opt-in process. He replied that the opt-in process is a statutory requirement. He clarified that victims are notified by regular mail and not by an automatic system. Members asked how many notification letters were sent and if a registered letter might be a better approach. He responded that he thinks 780 letters had been sent this year. Members stated that it would be worth the cost of sending notifications by registered mail.

No action taken on ARC 8186C.

ARC 8187C (NOIA), Certificates of Employability, Ch. 9

Committee members asked what were the differences between the rescinded rule and the new proposed rule. Mr. Clarke responded restrictive language such as the word "shall" had been removed from the new proposed rule. Members asked why a whole rule was rescinded. He responded it was required by Executive Order 10.

No action taken on ARC 8187C.

IOWA FINANCE AUTHORITY

Representing the agency: Lisa Connell

ARC 8179C (NOIA), Iowa Main Street Loan Program, Ch. 11

Committee members asked how many dollars were outstanding for the program. Ms. Connell responded that there were no outstanding dollars. Members asked how many incomplete projects there were under the program. She stated that there were two loans in the repayment process, and no incomplete projects.

No action taken on ARC 8179C.

CIVIL RIGHTS COMMISSION

Representing the agency: Kristen Stiffler

ARC 8198C (AF), Complaint Process, Ch. 3

No discussion on ARC 8198C.

ARC 8199C (AF), Discrimination in Employment, Ch. 8

Committee members asked Mr. Ewing to explain the effect of the readoption of the chapter on the objection previously imposed by the committee on a portion of the prior chapter. Mr. Ewing explained that the objection would be removed.

No action taken on ARC 8199C.

INSPECTIONS AND APPEALS DEPARTMENT

Representing the agency: Sue Mears

Regulatory analysis, Pharmacy: Iowa Prescription Monitoring Program, Ch. 556

Committee members asked if Ms. Mears knows the Iowa Code definition for "next of kin." She responded that she did not have it memorized and did not have a copy of the definition with her.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Victoria Daniels

ARC 8178C (FEAN), Consumable Hemp Products, Ch. 156

Committee members asked if the rulemaking was substantially the same as the rulemaking reviewed at the July committee meeting. Ms. Daniels responded in the affirmative. Members stated that the rules were not outside of the letter of the law that was passed by the legislature. Members responded that there was a lot of feedback at the July meeting regarding how the rulemaking goes beyond the scope of the legislation that was passed, and how the rulemaking would hurt businesses. Members asked how the rulemaking exceeds the scope of the legislation. Members provided several examples but declined to reiterate the entirety of what was discussed at the July committee meeting.

Session Suspension

A motion for a session suspension failed on a 3-6 roll call vote. Voting aye were Senator Boulton, Representative Olson, and Representative Nielsen. Voting nay were Senator Klimesh, Representative Bergan, Representative Boussetot, Senator Cournoyer, Representative Sexton, and Representative Young.