



MINUTES

JANUARY 2025 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Mike Klimesh, Vice Chair
Senator Mike Boussetot
Senator Dan Dawson
Senator Sarah Trone Garriott
Senator Cindy Winckler

Representative Chad Ingels, Chair
Representative Amy Nielsen
Representative Rick L. Olson
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: 12/11/24, 12/25/24

Procedural Business

Senator Klimesh convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 8 a.m. on Monday, January 13, 2025, in Room 116, State Capitol, Des Moines, Iowa. Committee members voted unanimously in favor, by voice vote, of nominating Representative Ingels as chairperson and Senator Klimesh as vice chairperson. New members of the ARRC, Representative Ingels and Senators Dawson and Trone Garriott, introduced themselves. Members voted unanimously, by voice vote, to approve revisions to the committee rules of procedure as presented by Mr. Ewing. The next meeting was scheduled for Monday, February 10, 2025, at 10 a.m. Mr. Ewing explained that the Legislative Services Agency would be republishing the Iowa Administrative Code in full in early February to complete a transition to new document processing software for publication of rules and rulemaking documents. He further explained that the republication will include in the heading of each chapter of rules the future rescission date of the chapter pursuant to Iowa Code section 17A.7(3) as enacted by 2024 Iowa Acts, Senate File 2370. He stated that the republication will not result in substantive changes to rules, but nonsubstantive changes to the style of the Iowa Administrative Code can be expected as a result of the republication and will be permanent. He stated any possible errors can be reported to him. He noted that the amount of content published in the February 5, 2025, bulletin would be significantly reduced to accommodate the republication. The meeting was adjourned at 9:15 a.m.

Fiscal Overview

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

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).

RACING AND GAMING COMMISSION

Representing the agency: Tina Eick

ARC 8475C (NOIA), Sports Wagering; Fantasy Sports Contests, Rules 13.2, 13.5, 13.6(3), 14.7(2), 14.8

Committee members thanked the commission for working with stakeholders to resolve issues that arose with previous rulemaking on this subject.

No action taken on ARC 8475C.

REVENUE DEPARTMENT

Representing the agency: Madelyn Cutler

ARC 8680C (FEAN), Determination of Aggregate Actual Values — Computation of County Acres, Rule 102.12

No discussion on ARC 8680C.

ECONOMIC DEVELOPMENT AUTHORITY

Representing the agency: Lisa Connell

ARC 8453C (AF), Strategic Infrastructure Program, Ch. 118

Committee members asked for more information about the program. Ms. Connell explained that the program is a grant program and has been utilized exclusively by Regents institutions. She stated that the program has supported projects involving 3D printing and manufacturing. Members stated there may be increased interest in the program. Ms. Connell stated she would provide the committee with additional information about the program.

No action taken on ARC 8453C.

PUBLIC SAFETY DEPARTMENT

Representing the agency: Amy Oetken

ARC 8582C (NOIA), Standards for Electrical Work; Electrical Inspection Program — Organization and Administration, Definitions, Permits and Inspections, Utility Notifications and Responsibilities of Utilities; Civil Penalties, Chs. 504, 550-553, 559

Committee members expressed concern about provisions of the rulemaking addressing kitchen islands. Ms. Oetken explained that industry stakeholders had raised this issue as well, but the Electrical Examining Board felt the provisions were important safety matters. She noted the provisions conform to surrounding states as well, which impacts contractors working in border communities. Members asked how often the board declines to adopt a provision of the National Electrical Code (NEC). She explained that the board makes revisions to the NEC when appropriate for Iowa.

No action taken on ARC 8582C.

INSPECTIONS AND APPEALS DEPARTMENT

Representing the agency: Emily DeRonde

ARC 8476C (NOIA), Dental Board Fees, Ch. 571

Committee members asked if any fees are increased in the rulemaking. Ms. DeRonde stated there were no increases, but two faculty permit fees were given matching amounts.

No action taken on ARC 8476C.

HUMAN RIGHTS DEPARTMENT

Representing the agency: Victoria Daniels, Joe Campos

ARC 8508C (NOIA), Functions of Division, Ch. 40

Committee members asked if language in the rescinded chapter would be incorporated elsewhere in the department's rules. Ms. Daniels explained that many functions of the former Department of Human Rights were moved to a division within the Department of Health and Human Services. She stated she would provide the committee more information about this.

No action taken on ARC 8508C.

ARC 8522C (NOIA), Hall of Fame, Ch. 41

Committee members expressed concern about the rescission of the language in the chapter and asked what the benefit of the rescission is. Ms. Daniels explained that the functions of the hall of fame would continue in a division in the Department of Health and Human Services. She stated she would provide the committee more information about this. Members stated they would like to see the language of the chapter appear elsewhere.

No action taken on ARC 8522C.

HUMAN SERVICES DEPARTMENT

Representing the agency: Victoria Daniels

ARC 8469C (NOIA), Payments for Foster Care, Rules 156.6(1), 156.7

No discussion on ARC 8469C.

ARC 8514C (NOIA), Child Care Centers, Ch. 109

Committee members asked why the rulemaking expands activities that can be carried out by an unsupervised 16-year-old in a child care setting when a bill on the same subject passed in the House of Representatives but had never passed the Senate or been enacted. Ms. Daniels stated she would provide the committee with further information. Members stated this provision could negatively impact the insurance rates of child care centers.

No action taken on ARC 8514C.

ARC 8541C (NOIA), More Options for Maternal Support (MOMS) Program, Ch. 164

Committee members expressed concern that the rulemaking may imply that a contractor does not need to comply with the federal Health Insurance Portability and Accountability Act of 1996. Ms. Daniels stated she would provide the committee more information about this.

No action taken on ARC 8541C.

ARC 8571C (NOIA), Healthy and Well Kids in Iowa (Hawki) Program, Ch. 86

Committee members stated the rulemaking removes language from the current chapter that provides a one-month grace period in which a premium from a previous year can be paid in order for a child to maintain coverage. Members asked if this language remains in place elsewhere in law or if the policy itself is being changed. Ms. Daniels stated she would look into this, but it is not a change in practice, as the purpose of readopting rules under Executive Order 10 is not to change state policy.

No action taken on ARC 8571C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Victoria Daniels, Joe Campos

ARC 8507C (NOIA), Dental Screening, Ch. 51

Committee members asked if the rulemaking omitted the statewide dental screening database and if the database was eliminated. Mr. Campos said he would look into this and provide further information to the committee. Members asked him to provide information on how the database functions and if it was removed from the rulemaking.

No action taken on ARC 8507C.

ARC 8553C (NOIA), Child Protection Center Grant Program, Ch. 94

Committee members noted the department cited the chapter being duplicative of 441 IAC 7 as the reason for rescinding it. Members asked for more information about this. Ms. Daniels explained that 441 IAC 7 is the Department of Health and Human Services' chapter on appeals and that this grant program is not being eliminated. Members questioned the department's assertion that there was not explicit rulemaking authority for the chapter in the Iowa Code and stated there was such authority. Members stated 441 IAC 7 may not fully cover the content of the chapter being rescinded. Ms. Daniels stated she would look into this further.

No action taken on ARC 8553C.

ARC 8563C (NOIA), Correction or Substitution of Medical Certification of Cause of Death, Rule 99.10

Committee members asked if the language of the rulemaking aligned with the underlying legislation, 2024 Iowa Acts, Senate File 2430. Ms. Daniels stated she would discuss this with program staff and review the legislation. Members stated that the intent of the legislation was to establish an easy way to amend a death certificate and questioned whether the rulemaking accomplished this.

No action taken on ARC 8563C.