



2016 ANNUAL REPORT

Administrative Rules Review Committee

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I. Introduction

This report summarizes actions taken by the Administrative Rules Review Committee (ARRC) of the General Assembly in 2016. The ARRC was created to provide oversight of the executive branch rulemaking process established in Iowa Code chapter 17A, the Iowa Administrative Procedure Act. The powers and procedures of the ARRC are largely provided in Iowa Code §§17A.4 and 17A.8. The ARRC meets on a monthly basis to review noticed and adopted rules recently published in the Iowa Administrative Bulletin (IAB) and may selectively review existing rules and consider other rulemaking matters as well.

This report covers rule filings published in the IAB from January through December 2016. Because the ARRC typically reviews rule filings published in the previous month's issues of the IAB, this report covers the ARRC's February 2016 meeting through its January 2017 meeting.

Agendas and minutes of ARRC meetings can be found here:

www.legis.iowa.gov/committees/meetings/meetingsListComm?groupID=705.

Archives of the Iowa Administrative Code and IAB can be found here:

www.legis.iowa.gov/law/administrativeRules.

II. Formal ARRC Actions

The ARRC took the following actions at the following meetings:

February 2016

Professional Licensure Division, Physician Assistants—On-Site Visits by Supervising Physician, 03/18/15 IAB, ARC 1909C.

70-day delay pursuant to Iowa Code §17A.4(7).

March 2016

Labor Services Division, Standards for Amusement Rides and Devices, Concession Booths, and Bungee Jump Operations, 03/02/16 IAB, ARC 2428C.

70-day delay pursuant to Iowa Code §17A.4(7).

April 2016

Human Services Department, Mental Health Advocates, 03/16/16 IAB, ARC 2438C.

70-day delay of rule 441 IAC 25.106 pursuant to Iowa Code §17A.4(7).

Labor Services Division, Standards for Amusement Rides and Devices, Concession Booths, and Bungee Jump Operations, 03/02/16 IAB, ARC 2428C.

70-day delay lifted.

May 2016

Iowa Finance Authority, Title Guaranty Division, 04/27/16 IAB, ARC 2506C.

Session delay pursuant to Iowa Code §17A.8(9).

June 2016

Human Services Department, Mental Health Advocates, 03/16/16 IAB, ARC 2438C.

Session delay of rule 441 IAC 25.106 pursuant to Iowa Code §17A.8(9).

August 2016

Inspections and Appeals Department, Residential Care Facilities—Training Requirements for Certified Medication Aides, 08/03/16 IAB, ARC 2643C.

70-day delay pursuant to Iowa Code §17A.4(7).

September 2016

Natural Resource Commission, Alcoholic Liquor, Beer, and Wine Ban at Beaches in Lake Macbride State Park and Pleasant Creek State Recreation Area, 08/31/16 IAB, ARC 2694C.

Session delay pursuant to Iowa Code §17A.8(9).

December 2016

Educational Examiners Board, Coaching—Transitional Authorization, Certificate of CPR Training, 11/09/16 IAB, ARC 2793C.

Session delay of rules 282 IAC 13.28(29)(b)(6), 282 IAC 22.1(2)(a)(7), and 282 IAC 22.1(4)(a)(4) pursuant to Iowa Code §17A.8(9).

III. ARRC Approval to File Certain Emergency Rules

Iowa Code §17A.4(3) provides that the ARRC may approve adoption and filing of rules by an agency without first having a notice of intended action published in the IAB, a form of emergency rulemaking. Approval requires six votes. Filings that are not approved can still proceed using the regular rulemaking process. Approved emergency rulemaking documents can be found here prior to publication in the IAB:

www.legis.iowa.gov/law/administrativeRules/emergencyDocs.

Emergency rulemaking authorized by statute, and rules that have completed the notice portion of the rulemaking process and are adopted and filed emergency after notice pursuant to Iowa Code §17A.5(2), do not require prior ARRC approval.

The ARRC approved the following emergency filings at the following meetings:

February 2016

Professional Licensure Division, Physician Assistants—On-Site Visits by Supervising Physician.

June 2016

Public Health Department, State Plumbing Code.

Workers' Compensation Division, Payroll Tax Tables.

September 2016

Homeland Security and Emergency Management Department, E911 Surcharge.

Transportation Department, Surface Transportation Block Grant Program.

IV. Enacted Legislation Relating to Rulemaking Process

The following legislation relating to the rulemaking process was enacted:
2016 Iowa Acts, chapter 1126, House File 2449, providing for the commencement of rulemaking required by newly enacted bills within six months.

Doc ID: 1290434