



IOWA GENERAL ASSEMBLY

Administrative Rules Review Committee

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THE RULES DIGEST

March 2010

Scheduled for committee review Monday, March 8th, 2010. Senate Committee Room #116

Reference XXXII IAB No. 17(02/10/10) XXXII IAB No. 18(02/24/10)

HIGHLIGHTS IN THIS ISSUE:

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DEPARTMENT OF TRANSPORTATION

7:50

REAL ID, IAB XXXII No. 17 ARC 8514B, ADOPTED.

These provisions were initially reviewed by the Committee as a filed emergency in December, 2009. The federal REAL ID Act of 2005, 49 U.S.C. §30301 requires that all states must meet certain requirements relating to driver's licenses and nonoperator's identification cards, if those cards are to be accepted by the federal government for "official purposes".

The Act is a nationwide effort to increase the integrity and security of state-issued driver's licenses and identification cards. Iowa officials requested an extension of the compliance date of 2008; that extension was grant to December 31, 2009.

In general the Act requires documentation of identity, date of birth, social security number, address of principal residence, and evidence of lawful status in the United States. These requirements also include mandatory photographs for all applicants for driver's licenses and nonoperator's cards. States must verify, with the issuing agency, the issuance, validity, and completeness of each document that is required to be presented by a driver's license applicant to prove their identity, birthdate, legal status in the U.S., social security number and the address of the applicants principal residence.

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### AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT

8:00

*Nonchemical pest control devices, IAB XXXII No. 17, ARC 8445B, NOTICE.*

Code §206.3 provides that the examination of pesticides is made under the direction of the secretary to determine whether they comply with the requirements of Chapter 206. Due to the increased marketing of nonchemical pest control devices (eg: sonic) the department is exercising that authority and proposes that manufacturers submit “efficacy and safety data” prior to sale, including furnishing specimen devices or samples.

Department staff will test the device to ascertain the reliability, efficacy and safety data of the device and actual or potential adverse effects of the device upon human health and safety. The costs of conducting the examination or test are to be borne by the manufacturer or the manufacturer’s representative.

### ELDER AFFAIRS DEPARTMENT

8:10

*Elder abuse prevention initiative and dependent adult abuse, IAB Vol. XXXII, No. 18, ARC 8553B,*

ADOPTED.

This filing re-writes and expands an existing chapter relating to elder and dependent adult abuse. The current language largely provides for the development of a dependent adult abuse mandatory reporter training manual and training.

The new and detailed provisions provide a complete funding program for local elder abuse prevention initiatives, administered by local agencies or organizations. Eligible services include the prevention, reduction or elimination of abuse, neglect, self-neglect, or exploitation. Service providers will take all referrals for at-risk older individuals who may be experiencing abuse, neglect, self-neglect, or exploitation and investigate those allegations. Service providers must prepare a comprehensive assessment each client, develop an intervention plan designed to address the client’s situation and monitor the provision of services.

The department also develops and maintains a dependent adult abuse mandatory reporter training curriculum in accordance with Iowa Code §235B.16, and certifies the trainers for that program.

### ENVIRONMENTAL PROTECTION COMMISSION

8:30

*Water well drilling: wastewater discharge, IAB XXXII No. 16, ARC 8520B, ADOPTED.*

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This issue was first discussed by the Committee in May 2009 and the notice of intended action was reviewed in August. 2008 Iowa Acts, Chapter 1165 required the EPC to adopt rules, in consultation with an advisory committee including representatives of the Iowa water well association, to regulate the discharge of wastewater from water well drilling sites. The legislation also authorized the agency to issue general permits and to establish a fee sufficient to recover the costs, not exceeding fifty dollars. At issue is the large volume of water and mud generated during a well-digging operation.

This filing allows the use of a new wastewater construction and operation general permit to authorize discharge using best management practices (BMPs), requiring the monitoring of the wastewater effluent to determine compliance with these practices, and taking enforcement action against dischargers that fail to establish or maintain the required BMPs or meet the water quality standards.

### **PUBLIC HEALTH DEPARTMENT**

8:50

*Lead-based paint activities*, IAB Vol. XXXII, No. 17, ARC 8502B, Filed Emergency After Notice.

This rulemaking makes a number of revisions to the certification and training of lead inspectors and lead abaters. The Department is required to establish such a program under Code section 135.105A, as amended by 2009 Iowa Acts, House File 314. The Department was also required to obtain authorization from the U.S. Environmental Protection Agency for the Department's certification and training program.

The Department's amendments incorporate the changes in House File 314 and the guidance received from the federal authorities and make changes to the Department's administrative enforcement procedures. The notice of intended action was published in the December 9, 2009 bulletin, ARC8357B. A public hearing was held on December 22, 2009. The Department's published rulemaking includes the comments received during the rulemaking process and includes the Department's responses to those comments. The adopted rules reflect the Department's changes to those comments.

The State Board of Health adopted the amendments on January 13, 2010.

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*Plumbing licenses*, IAB Vol. XXXII, No. 18, ARC 8529B, Filed Emergency After Notice.

This rulemaking resolves an issue revolving around the issuance of multiple licenses. A number of licenses are available and a plumber could well need multiple licenses, depending on the work needed. The initial rule provided that a combined license is the sum total of each of the separate license fees---an amount that could run hundreds of dollars. This change provides that a combined license is the sum total of each of the

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separate license fees reduced by 30 percent, if all individual licenses are purchased in a single transaction.

### HUMAN SERVICES DEPARTMENT

9:20

*Food assistance program administration, IAB Vol. XXXII, No. 17, ARC 8535B, FILED.*

These proposed rules amend Iowa's Food Assistance employment and training program rules. The current rules require participation by certain categories of Food Assistance recipients and provide for penalties for failure to participate as prescribed by federal regulations. The employment and training program is a federal program operated by states under the umbrella of the federal Supplemental Nutrition Assistance Program. The Federal regulations provide an option for an all-volunteer employment and training program. The Department's proposed amendments implement that option.

States are required to submit an annual employment and training state plan to the USDA Food and Nutrition Service for approval before implementing the volunteer plan. Upon plan approval and negotiation of administrative contracts, notice of program

availability will be mailed to Food Assistance recipients with instructions to request services through the Iowa Workforce Development Department or a participating community college.

According to the Department, a volunteer program will help Food Assistance recipients who want help to become employed and those who need more education or vocational training. The Department also states that volunteers are likely to be more successful participants than those who simply participate to avoid being disqualified from the Food Assistance program.

### IOWA FINANCE AUTHORITY

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*Water quality financial assistance program, IAB Vol. XXXII, No. 17, ARC 8511B, Notice, ARC 8510B, Filed Emergency.*

The Iowa Finance Authority proposes three amendments to the rules governing the water quality financial assistance program. The amendments provide that the maximum award for a recipient under the large community assistance fund shall be \$100 per capita and specifies that the United States Census Bureau's 2008 population estimates would be used to determine population.

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The amendments also specify that the authority will give priority to projects based on the date that construction could begin. Finally, the amendments establish priority under the large community assistance fund for communities that did not receive funds from the I-jobs disaster recovery program, the community development block grant disaster allocation, or the State revolving loan fund under the federal American Recovery and Reinvestment Act.

The authority also stated its intent to not grant waivers under the rules other than those allowed under the Authority's general waiver provisions.