



THE RULES DIGEST

September
2011

Scheduled for Committee review
September 13, 2011
Room #116

Reference
XXXIV IAB No. 03(08/10/11)
XXXIV IAB No. 04(08/24/11)

HIGHLIGHTS IN THIS ISSUE:

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ATTORNEY GENERAL

9:35

Automotive replacement parts, 08/10/11 IAB, ARC 9669B, NOTICE.

2011 Acts, Senate File 418 relates to the disclosure of information in connection with new motor vehicle repairs; it provides that a new motor vehicle dealer is not required to disclose to a buyer or lessee any repairs of damage to or adjustments on or replacements of parts with new parts on the motor vehicle if certain specified conditions are met. The repairs, adjustments, or replacements must be made to achieve compliance with factory specifications, the actual cost of any labor and parts charged to or performed by the dealer cannot exceed 4 percent of the dealer’s adjusted cost, the dealer must post in a conspicuous place notice that repairs, adjustments, or replacements will be disclosed upon request, and the dealer also must disclose repairs, adjustments, or replacements upon request.

The Act provides that a dealer must disclose in writing any repairs of damage to or adjustments on or replacements of parts if the actual cost exceeds 4 percent of the dealer’s adjusted cost, and that the written disclosure be in a form approved by the attorney general by rule.

EDUCATIONAL EXAMINERS BOARD

10:10

Preliminary professional career authorization, 08/10/11 IAB, ARC 9660B, NOTICE.

The preliminary professional career authorization provides a path for persons to enter the education profession and to teach in one of the approved content areas in grades 9-

12. Applicants must meet the following requirements:

- Completion of a baccalaureate degree from a regionally accredited institution with a minimum cumulative grade point average of 2.5.
- Minimum five years of post-baccalaureate work experience in the content areas to be taught. Meet the subject matter coursework requirements for the secondary teaching endorsement of science, math, music or foreign language.
- Complete criminal background check, at the applicants expense.
- Documentation from a school district administrator verifying that the school district wishes to hire the applicant. The school district administrator must verify a diligent search was completed to hire a fully licensed teacher for the position.
- During the term of the authorization, the applicant must complete board-approved training in specified areas.

The applicant must be assigned a mentor with at least four years of experience. Authorization is available in: foreign language, mathematics, chemistry, physics, biology, and music.

The authorization is for a three year period and is not renewable. It may be converted to the professional career authorization. The applicant must provide official transcripts verifying the completion of the required coursework.

EDUCATIONAL EXAMINERS BOARD

10:10

Mathematics endorsement, 08/10/11 IAB, ARC 9662B, NOTICE.

Physics endorsement, 08/10/11 IAB, ARC 9663B, NOTICE.

These amendments, suggested by an advisory committee, would allow an applicant holding a physics endorsement to more easily add a mathematics endorsement, and an applicant holding a mathematics or chemistry endorsement to more easily add a physics endorsement. The amendments reduce the number of semester hours needed to obtain these endorsements while still requiring appropriate coursework in the subject area for which the endorsement is being sought. These amendments will offer applicants a

different path to obtaining these endorsements and, potentially, will attract more applicants for hard-to-fill teaching positions.

PHARMACY BOARD

11:00

Pharmacy practice -- prescriptions, 08/10/11 IAB, ARC 9671B, NOTICE.

This rule making clarifies the required elements of a valid prescription regardless of the method used to generate or prepare the prescription or the means of transmission or delivery of the prescription to the dispensing pharmacy. The amendments identify the requirements for a written prescription; for an oral prescription; for a prescription transmitted to a pharmacy via facsimile; and for a prescription that is electronically prepared, signed, and transmitted to the pharmacy. Additional requirements are identified for prescriptions that are electronically prepared but subsequently printed or transmitted to the pharmacy via facsimile. The requirements for electronic prescribing of controlled substances, as established by the federal Drug Enforcement Administration (DEA), are addressed, and amendments are proposed to authorize the electronic prescribing of controlled substances pursuant to DEA requirements. Record-keeping requirements for electronically prepared prescriptions, electronic prescriptions, and prescriptions transmitted via facsimile are identified. The requirements for identification of the prescriber's agent who completes the transmission of a prescription to a pharmacy are clarified to include the first and last names and the title of the prescriber's agent.

PUBLIC SAFETY DEPARTMENT

11:10

Electrician licensure, 08/10/11 IAB, ARC 9652B, NOTICE.

These amendments to the rules for the statewide electrician and electrical contractor licensing program are intended to simplify for many electricians the process of achieving licensure as journeyman electricians, by providing alternative pathways to attaining eligibility for such licensure. The amendments are also clarify that apprentice electricians and unclassified persons may work under the supervision of residential electricians on residential jobs and that residential master electricians may provide required general supervision of journeyman electricians on residential jobs. The amendments also permit issuance of a license without examination to a person who

holds an equivalent license in a state which has entered into a reciprocal license agreement with the Iowa Electrical Examining Board.

REVENUE DEPARTMENT

11:20

Taxable telecommunication service, 08/10/11 IAB, ARC 9675B, NOTICE.

The Department updates existing rules related to the taxation of telecommunication services. These changes in part implement the Streamlined Sales and Use Tax Act. That Act is an interstate compact to simplify and standardize laws and rules relating to sales tax, in order to facilitate and enable remote collection of sales tax. Taxable services include: radio telephone service; conference bridging service; fixed and mobile wireless service; pay telephone service; prepaid service; and residential telecommunication service. Taxable services do not include: internet services; communications billing services; non-voice data service; certain enhanced 911 service; and certain fees.

HUMAN SERVICES DEPARTMENT

11:30

Civil commitment unit, 08/10/11 IAB, ARC 9646B, ADOPTED.

As required by Code chapter 229A, the Sexually Violent Predator Act, the Department has established a civil commitment unit for sexual offenders who otherwise would be released from confinement. The institution is secure, but it is not a prison and is not under the jurisdiction of the Corrections Department.

Individuals in the institution are subject to numerous restrictions. Individuals are allowed a maximum of three hours visitation on weekdays and a total of four hours on weekends, and holidays. Visitors must be approved and are subject to search. Outside visits by an individual are possible under specific circumstances, such as a death in the family. Incoming calls must be approved by the facility, but approved calls are not monitored.

Individuals are responsible for the cost of care at the institution.

BANKING DIVISION

No Rep

Closing agents, 08/24/11 IAB, ARC 9688B, ADOPTED.

This filing was originally filed on an emergency basis in June. Senate File 2348 was enacted in 2010, going into effect July 1. The Act provides for a new licensed profession

in real estate matters, a “closing agent”. This agent is defined as a person not a party to a real estate transaction who provides real estate closing services. Closing services include those administrative and clerical services required to carry out the conveyance or transfer of real estate or an interest in real estate. The licensing requirements do not apply to licensed attorneys or government officials.

A licensed closing agent must provide a \$25,000 bond. The Act also imposes trust account requirements applicable to closing agents and conditions governing the making of disbursements from such trust accounts in a real estate closing. The rules set out detailed closing standards. The closing agent must maintain a closing file for each real estate transaction for which the closing agent performed real estate closing services.

These rules also require that effective January 1, 2012, mortgage bankers and mortgage brokers maintain certain records electronically.

CITY DEVELOPMENT BOARD

No Rep

Rescinded: smart planning principles, 08/10/11 IAB, ARC 9546B, EMERGENCY.

In 2010 the Iowa Smart Planning law, Iowa Code §18B.1 (SF 2389) was enacted; it requires that communities and state agencies consider “Smart Planning Principles” when planning for future development and provides guidance concerning important elements that local plans should include. At its June meeting Committee members questioned whether the principles should be part of the package for an annexation request. The board now rescinds those rules on an “emergency” basis.

NATURAL RESOURCES COMMISSION

No Rep

ARRC DELAY: nontoxic shot, 08/10/11 IAB, ARC 9674B, EMERGENCY AFTER NOTICE, SPECIAL REVIEW.

2011 Acts, Senate File 464 added the mourning dove to the list of game birds or animals for which the Natural Resources Commission may establish a hunting season. On adoption of a specific season, the Natural Resources Commission included a nontoxic shot requirement. At its August meeting the Committee conducted a special review of this filing and imposed a session delay on that portion of the rule which added a toxic shot requirement. If the General Assembly does not take action to nullify this provision, it will automatically go into effect before the fall 2012 mourning dove hunting season.