



Administrative Rules Review Committee

THE RULES DIGEST

November
2012

Scheduled for Committee review
Tuesday November 13th, 2012
Room #116

Reference
XXXV IAB No. 08(10/17/12)
XXXV IAB No. 09(10/31/12)

HIGHLIGHTS IN THIS ISSUE:

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COLLEGE STUDENT AID COMMISSION

10:00

Skilled workforce shortage tuition grant program, 10/17/12 IAB, ARC 0248C, ADOPTED.

2012 Acts, Senate File 2321 provides grants to any resident who is admitted as a full-time or part-time student in a career-technical or career option program to pursue an associate’s degree or other training at a community college in Iowa, and who establishes financial need. Grants are awarded for study in industry identified as having a shortage of skilled workers by a community college, based on a regional skills gap analysis or identified by the department of workforce development in the department’s most recent quarterly report.

The amount of a tuition grant shall not exceed the lesser of one-half of a student’s tuition and fees for an approved career-technical or career option program or the amount of the student’s established financial need. A student may receive skilled workforce shortage tuition grants for not more than four semesters or the trimester or quarter equivalent of two full years of study. Partial grants are available for a part-time student. A student shall not receive a grant if the maximum grant for which the student is eligible is less than 200 dollars per semester or the equivalent.

Grants are awarded on an annual basis and the recipient must re-apply each year.

IOWA FINANCE AUTHORITY

10:30

Qualified allocation plan, 10/17/12 IAB, ARC 0427C, ADOPTED.

The federal government established the Low-Income Housing Tax Credit program in 1986. IFA is the state agency which allocates these housing tax credits in Iowa. Each year the program is revised; the IRS annually allocates housing tax credits on a per capita basis to each state based on population. For 2012, IFA's per capita tax credit authority was \$6,549,663. Returned tax credits from previous tax credit years may also be available for allocation.

These tax credits provide a dollar-for-dollar reduction to an investor's tax liability on ordinary income. Developers of affordable housing sell the housing tax credits to investors as a way to finance the projects and keep rents low for eventual tenants. The IRS oversees the program on the federal level and provides general guidelines for it.

IFA also sets its own rules that are included in a Qualified Allocation Plan (QAP), which is annually updated. A portion of the credits are reserved for five set-asides: Nonprofit (10%), Community Housing Development Organization (5%), Preservation (10%), Rural (10%), and Rural Development Preservation Demonstration (returned credits). A developer may submit as many projects as the developer chooses; however, IFA will not allocate more than \$1,200,000 in tax credits to projects being developed by a single developer.

PAROLE BOARD

10:45

Parole and work release decisions, 10/31/12 IAB, ARC 0421C, ADOPTED.

This rulemaking revises the Board's risk assessment tool used for making releasing decisions for paroles and work releases. Currently, a risk assessment score of one through six requires three affirmative votes for a release, a score of seven or eight requires four affirmative votes, and a score of nine requires all five members to cast an affirmative vote to grant a release. The proposed amendments rescind the language tying a specific risk assessment score to the number of affirmative votes needed for a parole or work release. The amendments also change the requirement that four or five affirmative votes are needed to release certain high-risk inmates. With these changes, three affirmative votes are the most required for release of any single inmate. At the

Committee's October meeting, some members questioned whether this change amounts to a reduction in the requirements to attain parole; a Board representative explained that this rulemaking is a response to new advances in risk assessment methodology and will make the process more efficient and effective.

PROFESSIONAL LICENSURE DIVISION

11:00

Sign language interpreters and transliterators, 10/17/12 IAB, ARC 0405C, ADOPTED.

These rules were initially reviewed at the Committee's August meeting. Iowa law requires that all persons providing interpreting services must be tested and licensed. This rulemaking revises the tests required for persons who wish to be licensed as sign language interpreters and transliterators. The rules offer seven different alternatives to licensure. Previous versions of the testing requirements have been controversial. Many people who formerly provided these services prior to the licensure requirements have been unable to pass the tests. It is uncertain whether these changes will improve the success rate.

PUBLIC EMPLOYMENT RELATIONS BOARD

11:10

Fees of Neutrals, 10/17/12 IAB, ARC 0395C, ADOPTED.

This rulemaking raises the maximum rate qualified arbitrators and teacher termination adjudicators are entitled to charge from \$800 per day to \$1,200 per day. This rate is set by the board pursuant to Iowa Code section 20.6(3). This rate has not been updated in five years, and the board believes it is less than the going market rate and insufficient to retain and attract qualified neutrals. At the Committee's September meeting, some members expressed concern that the proposed rate is excessive.

NO REPRESENTATIVE REQUESTED TO APPEAR ALCOHOLIC BEVERAGES DIVISION

Mixed drinks and cocktails, 10/17/12 IAB, ARC 0406C, ADOPTED.

These rules were reviewed by the Committee as an "emergency" filing in August 2012. Iowa Acts, House File 2465, §22 requires the division to develop rules allowing mixed drinks or cocktails to be mixed by the licensee that are not for immediate consumption

and may be stored, for no longer than seventy-two hours, in a labeled container in a quantity that does not exceed three gallons. The Act also provides that the mixed drinks or cocktails shall not include hallucinogenic substances or added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine (e.g.: Red Bull).

Any mixed drink or cocktail not consumed within 72 hours of the contents being placed into the empty container shall be destroyed. The licensee must maintain detailed records for three years on each batch of mixed drinks; the record must contain:

- The month, day, and year the contents are placed into the empty container.
- The exact time the contents are placed into the empty container.
- Each alcoholic beverage, including the brand and the amount, placed in the container.
- Each nonalcoholic ingredient.
- The recipe title and directions for preparing the contents.
- The size of the batch.
- The identity of the person who prepared the contents.
- The exact time, month, day, and year the contents of the container are destroyed and disposed of or entirely consumed.
- The method of destruction and disposal.
- The identity of the person who destroyed and disposed of the contents.

REGENTS

Admission requirements for state universities, 07/25/12 IAB, ARC 0220C, NOTICE. HELD OVER FROM AUGUST.

This rulemaking, initially reviewed at the Committee's August meeting, updates various admission requirements for the state's public universities. The rulemaking also removes detailed admission requirements for the colleges at the University of Iowa, the Graduate College at Iowa State University, and the teacher education program at University of Northern Iowa from the Administrative Code. The removed requirements are included in numerous print and online sources that are readily accessible to prospective students. Other technical changes are made as well.

At the August Committee meeting, members asked why the detailed admission requirements need to be removed from the Board's rules, even if they are readily available elsewhere. The board has decided to withdraw this proposal for redrafting. Another rulemaking will be commenced at a future date