



THE RULES DIGEST

October
2015

Scheduled for Committee review
Tuesday, October 13, 2015
Room #116

Reference
XXXVIII IAB No. 6 (09/16/15)
XXXVIII IAB No. 7 (09/30/15)

HIGHLIGHTS IN THIS ISSUE:

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Human Services Department

9:10

Family investment program hardship exemption—removal of exclusion for families with qualified children and a nonqualified alien adult member, 09/30/15 IAB, ARC 2147C, NOTICE.

These proposed amendments would allow a family that includes an adult who is a nonqualified alien to apply for and receive Family Investment Program (FIP) assistance for more than 60 months for the family's children who are U.S. citizens or qualified aliens if the family meets hardship criteria and all other FIP eligibility criteria. The amendments comply with a district court ruling that denying such persons assistance for more than 60 months violates their constitutional rights.

Human Services Department

9:10

Child care program licensure—changes in allowable exemptions, 09/30/15 IAB, ARC 2169C, ADOPTED.

These amendments revise rules regarding child care providers who are currently allowed to operate child care facilities considered exempt from licensing by the Department of Human Services because the facilities are administered under contract with the Department of Education. Programs previously exempt when operating under the Department of Education will no longer be allowable exemptions.

College Student Aid Commission

9:40

Approval of postsecondary schools—interstate reciprocity agreement, registration, 09/16/15 IAB, ARC 2143C, NOTICE.

These proposed amendments implement 2015, Iowa Acts, SF 501 and 2014 Iowa Acts,

SF 2271 by establishing policies that schools must follow in order to participate in an interstate reciprocity agreement under which the commission is an approved participant under Iowa Code chapter 261G.

The amendments also update policies for schools that must register with the commission under Iowa Code chapter 261B.

Insurance Division

10:15

Regulation of securities offerings and those who engage in the securities business, 09/30/15 IAB, ARC 2175C, ADOPTED.

This rulemaking makes various changes to the division's rules relating to the terms and conditions under which broker-dealers, investment advisors, and securities offerings operate. The changes include requiring that certain documents be filed electronically, changing fees for certain filings, and clarifying certain travel reimbursement guidelines.

In response to feedback on the notice of intended action for this rulemaking received from the committee at its September meeting, the division removed a requirement that investment advisors doing business in Iowa create and implement business continuity and succession planning.

Public Health Department

10:50

Swimming pools—use for commercial purposes, 09/16/15 IAB, ARC 2148C, NOTICE.

This rulemaking implements 2015 Iowa Acts, SF 510, § 97 by providing that a residential swimming pool used for private swimming lessons for over 207 hours in a calendar month, or the number of hours prescribed by an applicable local ordinance, whichever is greater, shall be considered a public swimming pool.

This matter was the subject of a special review by the committee in April.

Public Safety Department

11:10

Wireless communications service provider database, 09/30/15 IAB, ARC 2170C, NOTICE.

This rulemaking implements 2015 Iowa Acts, HF 447 by establishing a database of contact information for wireless communications service providers to be maintained by the department as part of the E911 call system. This database will only be used by a law enforcement officer, law enforcement agency, or a public safety answering point (PSAP), and only when there is an emergency situation that involves the risk of death or serious

physical harm. Federal law already authorizes the creation and use of this database, and HF 447 and these rules create the specific steps to implement the database in Iowa.

In emergency situations where there is a risk of death or serious physical harm, this database will allow law enforcement officers, law enforcement agencies, and PSAPs to make immediate contact with a wireless communications service provider and obtain location information for a cell phone or other wireless communications device to help locate a person. This location information is already automatically collected by such devices and transmitted to and stored on the wireless service provider's system.

In all other situations, law enforcement will continue to act in accordance with existing legal requirements in accessing and obtaining location information, which can generally only be accessed by court order or subpoena.

Voter Registration Commission

11:15

Online voter registration, 09/30/15 IAB, ARC 2160C, NOTICE.

These proposed amendments establish procedures for the use of electronic signatures on file with the Iowa Department of Transportation to be used on subsequent online voter registration transactions. Such registrations would be conducted via the Iowa Department of Transportation's website.

Corrections Department

11:25

Iowa Prison Industries, 09/30/15 IAB, ARC 2161C, NOTICE.

These proposed amendments make a variety of changes to the department's rules on Iowa Prison Industries. The amendments update rules on matters such as addresses, hours of operation, and location of product catalogs. The amendments also specify that products may be sold to contractors when the products will be sold to a public entity, adopt by reference the provisions of Department of Administrative Services rules dealing with procurement of goods and services, and define "wage range" as the wage paid that is commensurate to wages paid to persons in similar jobs outside the correctional institution.

Revenue Department

11:45

Multiresidential real estate assessment—dual classification, 09/16/15 IAB, ARC 2146C, ADOPTED.

This amendment updates the department's rules to reflect changes to the definition of dual classification properties for property tax purposes that were enacted by 2015 Iowa Acts, HF 616, section 3. The Act changed the definition to include properties that have a primary use for human habitation containing three or more dwelling units but also have a commercial or industrial use.

Revenue Department

11:45

Qualification for manufacturing exemption, 09/30/15 IAB, ARC 2178C, NOTICE.

This rulemaking amends rules relating to the manufacturing sale and use tax exemptions found in Iowa Code sections 423.3(47) and 423.3(48) and to the definitions of several applicable terms, including but not limited to definitions for tax-exempt "computers," "machinery," "equipment," "replacement parts," and "materials used to construct or self-construct computers, machinery, or equipment." The rulemaking also amends rules on the treatment of these tax-exempt items as they relate to the taxation of construction activities under Iowa Code sections 423.2(1)(b) and 423.2(1)(c). Under the department's current rules, many of these items could be considered real property and taxed as building materials when purchased in furtherance of a construction contract, thereby making them ineligible for the manufacturing sales and use tax exemption. The proposed amendments eliminate this distinction and provide that the items will be eligible for the manufacturing sales and use tax exemption.

The proposed changes are prospective and will only apply to sales occurring as part of a contract entered into on or after January 1, 2016.

Human Services Department

No representative requested to appear

Intellectual disability waiver services cost-savings initiative, 09/30/15 IAB, ARC 2153C, AMENDED NOTICE, SUSPENDED.

These proposed amendments would implement a cost-savings initiative for the Medicaid program. The amendments would cap the monthly cost of all intellectual disability (ID) waiver services provided to a member (other than home and vehicle modifications) at the maximum monthly cost of services in an intermediate care facility for persons with intellectual disabilities. The amendments would require an amendment

to the ID waiver approved application from the Centers for Medicare and Medicaid Services.

This amended notice announces public hearings regarding this proposed rule.

This rulemaking was suspended by the committee for 70 days at its September meeting.