



THE RULES DIGEST

July
2016

Scheduled for Committee review
Tuesday, July 12, 2016
Room #116

Reference
XXXVIII IAB No. 25 (06/08/16)
XXXVIII IAB No. 26 (06/22/16)

HIGHLIGHTS IN THIS ISSUE:

RENEWABLE FUEL INFRASTRUCTURE PROGRAM, <i>Agriculture and Land Stewardship Department</i>	1
READING ENDORSEMENTS, <i>Educational Examiners Board</i>	2
IOWA ANTIDegradation IMPLEMENTATION PROCEDURE, <i>EPC</i>	3

Parole Board

9:30

Certificate of employability; parole revocation hearing; automatic revocation for conviction of aggravated misdemeanor, 06/22/16 IAB, ARC 2590C, NOTICE.

These proposed rules update the criteria for the issuance of certificates of employability by incorporating current programs being offered by the Department of Corrections and Iowa Workforce Development and by striking other language relating to eligibility criteria, certificate revocation, and various procedural matters.

The proposed rules also clarify when a parole revocation hearing may be conducted electronically and specify that videoconferencing may be the manner in which the electronic hearing is to proceed. The proposed rules also conform a board rule to Iowa Code §908.10A, which requires automatic revocation of parole when a parolee is convicted and sentenced to incarceration for an aggravated misdemeanor.

Agriculture and Land Stewardship Department

9:40

Renewable fuel infrastructure program, 06/08/16 IAB, ARC 2577C, ADOPTED.

These rules expand the Renewable Fuel Infrastructure Program for retail motor fuel sites by allowing funds to be used for the storing and dispensing of E-15. The rules also set a minimum size of a renewable fuel pump decal and update label requirements for ethanol flex fuels. The new decals must be in place by January 1, 2018.

Changes were made to the noticed language, including language that specified that the label has the name of the renewable fuel and language relating to labels requiring the use of flex fuel cars.

College Student Aid Commission

10:05

Approval of postsecondary schools—interstate reciprocity agreement, registration, 06/22/16 IAB, ARC 2580C, FILED EMERGENCY AFTER NOTICE.

These rules implement 2016 Iowa Acts, HF 2370, 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 rules also update policies for schools that must register with the commission under Iowa Code chapter 261B.

The bills and rules implement the state's participation in the State Authorization Reciprocity Agreement (SARA), which is a process administered by regional education compacts by which participating states regulate postsecondary distance-education courses and programs on a uniform basis using a reciprocity process. Participation by states is voluntary. SARA is administered in Iowa by the commission.

Educational Examiners Board

10:20

Reading endorsements, 06/22/16 IAB, ARC 2586C, ADOPTED.

This rulemaking rescinds and replaces language for the requirements for two teaching endorsements issued by the board: the reading endorsement and the reading specialist endorsement. The rulemaking contains detailed descriptions of the training necessary to qualify for these endorsements. The new language for these endorsements resulted from a periodic review to ensure alignment with research-based competencies, national standards, and the Iowa Core. The language reflects recommendations by a reading endorsement review committee comprised of current reading teachers, reading specialists, Department of Education and Reading Research Center consultants, and higher education faculty from a variety of Iowa institutions.

In response to the enactment of 2016 Iowa Acts, SF 2196 and public comments received on the noticed language, the board has added additional language regarding dyslexia to these rules.

Environmental Protection Commission

11:00

Iowa antidegradation implementation procedure, 06/08/16 IAB, ARC 2579C, NOTICE.

This rulemaking updates the Iowa Antidegradation Implementation Procedure (IAIP), which is incorporated by reference into the commission's rules. Antidegradation refers to federal regulations designed to maintain and protect high quality waters and existing water quality in other waters from unnecessary pollution. The IAIP implements these regulations.

The commission and the Department of Natural Resources received a petition for rulemaking from the Iowa Association of Municipal Utilities, the Iowa League of Cities, and the Iowa Association of Business and Industry on April 25, 2016. The petition was filed in response to the petitioners' concerns regarding the department's cost-benefit analysis language in the IAIP, which was the subject of a recent district court ruling regarding the city of Clarion.

The department has not developed a methodology to be utilized for a comparison of environmental benefits to costs for purposes of such an analysis or a process or a methodology for the review and approval of such an analysis. The petition asserted that, in light of the recent district court ruling, the costs of complying with the current analysis requirement in the IAIP will be burdensome and expensive. The petition urged the department to instead establish a bright-line standard to conduct this analysis.

This rulemaking proposes the replacement of the specific language that has been interpreted to be the basis for requiring the cost-benefit comparison with a bright-line standard for determining the appropriateness of requiring a less degrading wastewater treatment alternative. In addition to requesting comments on the proposed change, the commission specifically requests that comments be submitted proposing a methodology for a comparison of environmental benefits to costs and a process and methodology for review and approval of such an analysis.

The proposed changes to the IAIP are found on pages 4, 15, 16, and 17 of the document along with the applicable effective date. The primary revision concerns the last paragraph on page 15, which is proposed to read as follows:

Alternatives costing less than 115 percent of the base cost of the minimum level of pollution control are considered economically efficient. Alternatives greater than or equal to 115 percent of the base costs are not considered economically efficient.

Other changes to the document are intended to implement this revision. The proposed revision of the IAIP can be viewed at: <http://www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Standards/Antidegradation>.

Professional Licensure Division

11:50

Polysomnographic technologists and respiratory care and polysomnography practitioners—fees, 06/22/16 IAB, ARC 2596C, NOTICE.

These proposed rules by the Board of Respiratory Care and Polysomnography set fees for the new polysomnography technologist license, set fees for the new dual respiratory care and polysomnographic practitioner license, and raise the initial license and renewal fees for the respiratory care license, intended to become effective January 1, 2017. That is the date that licensure for polysomnography technologists and respiratory care and polysomnographic practitioners becomes effective. Iowa Code §147.80 requires each licensing board to set its fees at a level which will be sufficient to cover its ongoing expenditures, and the board is not currently bringing in sufficient revenue to meet this statutory requirement.

Professional Licensure Division

11:50

Sign language interpreters and transliterators—licensure, continuing education, 06/22/16 IAB, ARC 2597C, NOTICE.

These proposed rules are intended to strengthen the supervision requirements for temporary sign language interpreter and transliterator license holders in response to complaints and concerns received by the Board of Sign Language Interpreters and Translitterators about the quality of services being provided under the current temporary license regulations, which allow for continuing education in lieu of direct supervision.

The proposed rules modify the definition of direct supervision of a temporary license holder by removing the option for continuing education in lieu of direct supervision. The proposed rules also rewrite the requirements for temporary licensure and revise the continuing education requirements for new licensees and temporary license holders.

Transportation Department

12:15

Adopt-a-highway program—sponsor compliance with nondiscrimination laws, 06/08/16 IAB, ARC 2570C, ADOPTED.

This rule requires eligible sponsors for the Adopt-a-Highway Program to comply with all applicable laws prohibiting discrimination based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability.