



# MINUTES

## OCTOBER 2023 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

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### MEMBERS PRESENT

Senator Mike Klimesh, Vice Chair  
Senator Nate Boulton  
Senator Mike Bousselot  
Senator Cindy Winckler [by teleconference]

Representative Megan Jones, Chair  
Representative Amy Nielsen [by teleconference]  
Representative David E. Young

EX OFFICIO, NONVOTING MEMBER: Nate Ristow, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048

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### BULLETINS NEEDED FOR THIS MEETING: 9/20/23, 10/4/23

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#### Procedural Business

Representative Jones convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10:30 a.m. on Tuesday, October 10, 2023, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the September 5, 2023, meeting were approved. The next meeting was scheduled for Tuesday, November 14, 2023, at 10:30 a.m. Committee members asked if regulatory analyses prepared by agencies pursuant to Executive Order 10 (EO 10) could include strikes and underscores to indicate changes from the previous chapter, rather than each chapter being fully readopted with no strikes and underscores. Members stated this would facilitate the Committee's ability to determine if rules were following legislative intent. Other members responded that comparing copies of current chapters and corresponding regulatory analyses is sufficient. Mr. Ristow explained that EO 10 requires full readoption of chapters and that agencies should not be using the process for new, substantive changes to rules. He stated that the process allows chapters to be evaluated as a whole. He noted that agencies have additional information on the process posted on their Internet sites. Members stated the EO 10 process is a significant undertaking and expressed appreciation for the information agencies post on their Internet sites. Members acknowledged that there is not consensus among the Committee as to whether agencies should use strikes and underscores when readopting chapters under EO 10. The meeting was adjourned at 11:20 a.m.

#### Fiscal Overview

Mr. Chris Ubben, Fiscal Legislative Analyst, presented the LSA fiscal report. Committee members asked regarding ARC 7079C whether the \$10.3 million to be distributed to counties for evaluating bridge infrastructure was for evaluation that would have occurred without the funding. Ms. Maria Wagenhofer, Fiscal Legislative Analyst, stated that she would follow up with the committee. Members asked if the significant but unknown repair costs resulting from the underlying legislation include effects of the Governor's proclamations for suspending weight limits during harvest time. She stated the costs only account for the effect of the legislation.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT**

Representing the agency: Colin Tadlock

ARC 7069C (NOIA), Dairy Innovation Program, Ch. 52  
No discussion on ARC 7069C.

ARC 7072C (NOIA), Weights and Measures, Ch. 85  
No discussion on ARC 7072C.

**WORKFORCE DEVELOPMENT DEPARTMENT**

Representing the agency: Jeffrey Koncsol

ARC 7071C (NOIA), Physician Assistants, Rules 24.23(6), 24.25(35), 24.26  
No discussion on ARC 7071C.

**WORKFORCE DEVELOPMENT BOARD AND WORKFORCE DEVELOPMENT CENTER  
ADMINISTRATION DIVISION**

Representing the agency: Brooke Axiotis

ARC 7075C (FEAN), Iowa Office of Apprenticeship, Ch. 29  
No discussion on ARC 7075C.

**REVENUE DEPARTMENT**

Representing the agency: Madelyn Cutler

ARC 7080C (AF), Setoff of Qualifying Debts Owed to Public Agencies, Ch. 26  
No discussion on ARC 7080C.

**ALCOHOLIC BEVERAGES DIVISION**

Representing the agency: Madelyn Cutler

ARC 7073C (AF), Retail Alcohol Licenses, Chs. 1, 4, 5, 8, 17, 18  
No discussion on ARC 7073C.

**COLLEGE STUDENT AID COMMISSION**

Representing the agency: Todd Brown

ARC 7100C (NOIA), Uniform Policies; Future Ready Iowa Skilled Workforce Grant Program; Workforce Grant and Incentive Program, Chs. 10, 16, 34  
No discussion on ARC 7100C.

**EDUCATION DEPARTMENT**

Representing the agency: Thomas Mayes

ARC 7081C (NOIA), Gifted and Talented Programs, Ch. 59  
No discussion on ARC 7081C.

ARC 7082C (NOIA), Organization and Operation, Ch. 1  
No discussion on ARC 7082C.

ARC 7083C (NOIA), Agency Procedure for Rulemaking and Petitions for Rulemaking, Ch. 2  
No discussion on ARC 7083C.

ARC 7084C (NOIA), Declaratory Orders, Ch. 3  
No discussion on ARC 7084C.

ARC 7085C (NOIA), Waivers from Administrative Rules, Ch. 4  
No discussion on ARC 7085C.

ARC 7086C (NOIA), Programs for Students Who Are English Learners, Ch. 60  
No discussion on ARC 7086C.

ARC 7087C (NOIA), Educating Homeless Children and Youth, Ch. 33  
Committee members expressed appreciation for the department adjusting language in the chapter based on member feedback. Members asked if the department would engage in discussions with affected schools to avoid the possibility of a student moving between districts and not receiving education in either district. Mr. Mayes explained that federal guidance indicates that a student's most recent school district is responsible for education in such a circumstance.  
No action taken on ARC 7087C.

ARC 7088C (NOIA), Appeal Procedures, Ch. 6  
No discussion on ARC 7088C.

ARC 7089C (NOIA), Criteria for Grants, Ch. 7  
No discussion on ARC 7089C.

ARC 7090C (NOIA), Statewide Voluntary Preschool Program, Ch. 16  
No discussion on ARC 7090C.

ARC 7091C (NOIA), School Fees, Ch. 18  
No discussion on ARC 7091C.

ARC 7092C (NOIA), Charter Schools, Chs. 19, 68  
No discussion on ARC 7092C.

ARC 7093C (NOIA), Veterans' Education and Training, Chs. 51, 52  
No discussion on ARC 7093C.

ARC 7094C (NOIA), School Breakfast and Lunch Program; Nutritional Content Standards for Other Foods and Beverages, Ch. 58  
No discussion on ARC 7094C.

ARC 7095C (NOIA), Programs for At-Risk Early Elementary Students, Ch. 65  
Committee members asked if the programs are limited to students on free and reduced-price lunch. Mr. Mayes explained that they are, but that is not the only qualifier for the programs.  
No action taken on ARC 7095C.

ARC 7096C (NOIA), Standards for School Administration Manager Programs, Ch. 82  
No discussion on ARC 7096C.

ARC 7097C (NOIA), Financial Incentives for National Board Certification, Ch. 84  
No discussion on ARC 7097C.

ARC 7098C (NOIA), Equal Employment Opportunity and Affirmative Action in Educational Agencies, Ch. 95  
Committee members expressed appreciation for the department correcting a possible constitutional issue regarding the use of race in the chapter.  
No action taken on ARC 7098C.

ARC 7099C (NOIA), Business Procedures and Deadlines, Ch. 99  
No discussion on ARC 7099C.