



# MINUTES

## AUGUST 2018 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

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### MEMBERS PRESENT

Senator Mark Chelgren, Chair  
Senator Jim Carlin  
Senator Mark Costello  
Senator Wally E. Horn  
Senator Pam Jochum

Representative Dawn E. Pettengill [by  
teleconference], Vice Chair  
Representative Megan Jones  
Representative Rick Olson  
Representative Guy Vander Linden

EX OFFICIO, NONVOTING MEMBER: Sam Langholz, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Amber Shanahan-Fricke, Legal Counsel, 515.725.7354

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### BULLETINS NEEDED FOR THIS MEETING: 7/18/18, 8/1/18

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#### Procedural Business

Senator Chelgren convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 9:04 a. m. on Tuesday, August 14, 2018, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the July 10, 2018, meeting were approved. The next meeting was scheduled for September 11, 2018. Senator Chelgren introduced Mr. Sam Langholz, the new Administrative Rules Coordinator and Ex Officio, Nonvoting Member of the Administrative Rules Review Committee. Ms. Shanahan-Fricke announced that Mr. Michael Duster, Senior Legal Counsel, was also staffing the meeting in the absence of Mr. Jack Ewing, Senior Legal Counsel. The meeting was adjourned at 11:40 a.m.

#### Fiscal Overview

Mr. Adam Broich, Fiscal Legislative Analyst, presented the Legislative Services Agency (LSA) fiscal report. With regard to ARC 3894C, committee members inquired why the Insurance Division states there is no fiscal impact, yet LSA states the fiscal impact is unknown. Mr. Broich deferred to Ms. Angel Banks-Adams, Fiscal Legislative Analyst, who stated that it is unclear what the exact composition of self-funded Multiple Employer Welfare Arrangements (MEWAs) or fully insured MEWAs would be. Self-funded MEWAs would be required to pay Iowa premium taxes. Committee members inquired if the self-funded MEWAs would lead to more taxes. Ms. Banks-Adams responded that if the MEWA is exempt from paying the Iowa premium taxes, Iowa would see a decrease in revenue.

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).

## HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg

ARC 3900C (NOIA), Developmental Disabilities Basic State Grant, Proposed Amendments to Chapter 38  
No discussion on ARC 3900C.

ARC 3906C (NOIA), Medicaid—Pharmacy Copayment, Proposed Amendment to Paragraph 79.1(13)“a”  
Committee members inquired whether this process has already been implemented and whether there has been much pushback. Ms. Freudenberg indicated that the department had already implemented this program and had not received pushback. Committee members expressed disapproval of implementing programs without having administrative rules in place because then attorneys and the general public do not know what the law is. In response, Ms. Freudenberg indicated that this program was the result of a federal requirement.

In response to an inquiry from committee members, Ms. Freudenberg indicated that she was not sure there were any co-pays that were less than \$1.

Mr. Casey Ficek appeared on behalf of the Iowa Pharmacy Association and expressed positive feedback on the program from members of the organization who saw increased adherence with the lower co-pay.

**No action taken.**

ARC 3907C (NOIA), Waiver of Right to Administrative Disqualification Hearing for Alleged Intentional Food Assistance Program Violation, Proposed Amendments to Rules 7.16 and 7.21 and Paragraphs 7.8 (6)“f” and 7.10(3)“b”

Committee members inquired what the benefit is to pleading guilty. Ms. Freudenberg stated that there is no benefit to pleading guilty; the penalty is the same. Ms. Freudenberg stated that Iowa is the only state that does not have this policy in place and this is the least coercive process possible.

**No action taken.**

ARC 3908C (NOIA), Special Population Nursing Facility Criteria —Increase in Age Limit, Inclusion of Residents in an Intermediate Care Facility for Persons with Medical Complexity, Proposed Amendments to Rules 81.1 and 82.1

In response to an inquiry from committee members, Ms. Freudenberg stated that the definition of the population that ChildServe can serve depends on age (up to age 30) and medical complexity. Committee members inquired how the individuals would be treated beyond age 30. Ms. Freudenberg responded that the department would need to return for an ongoing appropriation; however, the department did not anticipate that will be an issue because the individuals will not likely live beyond age 30 due to medical complexity. In response to an inquiry from committee members, Ms. Freudenberg indicated that ChildServe is the only facility in the state to serve individuals over age 30, otherwise the individuals would need to move to a facility out of state. However, Ms. Freudenberg indicated that moving individuals with medical complexity is not advisable.

**No action taken.**

ARC 3909C (NOIA), Adjustment of Home Health Agency Reimbursement Rates, Proposed Amendment to Subrule 79.1(2)

In response to an inquiry by committee members, Ms. Freudenberg indicated that a visit may include anything that is provided by a home health agency and ordered by a doctor; it does not include a doctor, but it may include a nurse or a skilled aide.

**No action taken.**

ARC 3910C (NOIA), Family Planning Program—Participating Providers, Distribution of Funds, Proposed Amendments to Chapter 87

No discussion on ARC 3910C.

ARC 3911C (NOIA), Provider Reimbursement for Case Management and Targeted Case Management, Proposed Amendment to Subrule 79.1(2) and Paragraph 79.1(1)“d”  
No discussion on ARC 3911C.

ARC 3923C (NOIA), Medical Assistance—Inpatient Hospital Readmission Policy, Proposed Amendment to Paragraph 79.1(5)“g”  
No discussion on ARC 3923C.

#### **AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT**

Representing the agency: Margaret Thomson

ARC 3892C (NOIA), Pre-entry Permitting for Importation of Poultry, Domestic Fowl and Hatching Eggs, Proposed Amendments to Rules 65.1 and 65.2 and Subrule 65.11(2)  
No discussion on ARC 3892C.

#### **SOIL CONSERVATION AND WATER QUALITY DIVISION**

Representing the agency: Margaret Thomson

ARC 3934C (AF), Water Protection Practice Standards — Update of References to Technical Guides, Amendment to Rule 12.83  
No discussion on ARC 3934C.

#### **ATTORNEY GENERAL**

Representing the agency: Jessica Whitney

ARC 3895C (NOIA), Regulation of Physical Exercise Clubs, Proposed Amendments to Rule 26.3 and Subrule 26.4(7)  
No discussion on ARC 3895C.

#### **ALCOHOLIC BEVERAGES DIVISION**

Representing the agency: Stephanie Strauss

ARC 3891C (NOIA), Personal Importation of Alcoholic Liquor, Wine, and Beer, Proposed Adoption of New Chapter 9  
Committee members inquired as to the criteria for individuals to receive a waiver to import alcohol above the allowable amount. In response, Ms. Strauss stated a person must be of legal age and must not have been domiciled in Iowa for more than one year from the date of the request. Ms. Strauss indicated the division relied on the Department of Revenue’s rule for legal domicile.

**No action taken.**

ARC 3928C (AF), Licenses; Permits; Forms, Amendments to Chapters 4 and 5 and Rescission of Chapter 12  
No discussion on ARC 3928C.

## **INSURANCE DIVISION**

Representing the agency: Jennifer Lindberg, Andria Seip

ARC 3894C (NOIA), Multiple Employer Welfare Arrangements, Proposed Rescission of Chapter 77 and Adoption of New Chapter 77

Ms. Lindberg provided opening comments. Ms. Lindberg indicated that the division received 24 comments during the comment period and received seven public, written comments at the public hearing. She stated that the division intends to make nonmaterial changes to the rule prior to adoption based on the following comments. Clarification will be provided to indicate that the rule applies to not only self-insured MEWAs, but also fully insured MEWAs. Additionally, the rule will be clarified to indicate that the requirements apply to any MEWA that wishes to market and offer coverage to Iowa residents, including out-of-state MEWAs. Ms. Lindberg detailed several additional comments that the division is reviewing to determine if the division needs to further clarify the rule. Ms. Lindberg also discussed several comments that were received but for which changes are not going to be made.

Committee members inquired as to the discrepancy between the division's analysis that there would be no fiscal impact and the LSA's analysis that the fiscal impact is unknown. Ms. Seip stated that she is interested in seeing what LSA concludes. In response to an inquiry from committee members, Ms. Seip indicated that interest or participation in MEWAs was not unusually high. Ms. Seip indicated that the division is hoping to provide access to health insurance with MEWAs.

In response to an inquiry from committee members, Ms. Seip stated that Iowa is leading the way with MEWAs. Ms. Seip stated that MEWAs used to be more significant in the market many years ago. Ms. Seip indicated that the division worked closely with the National Association of Insurance Commissioners and participated in meetings with the Employee Retirement Income Security Act working group that oversees the MEWAs. Ms. Seip indicated that working for Iowa is making sure the division's rules are not preempted at the federal level.

Committee members inquired about subrule 77.7(6) and public comments about fees for withdrawing from a MEWA. Committee members indicated that the committee needed to approve all fees by rule regardless of the market. Ms. Lindberg indicated the reasonable market rate of the penalty depends on the size of the MEWA and would be negotiated when the party joined the MEWA. Ms. Seip stated that existing Iowa MEWA contracts and Nebraska MEWA contracts have a provision providing for a penalty for withdrawing from a MEWA.

**No action taken.**

## **UTILITIES DIVISION**

Representing the agency: Matthew Oetker

ARC 3913C (NOIA), Utility Records—Access, Retention, Proposed Amendments to Chapter 18

No discussion on ARC 3913C.

## **CORRECTIONS DEPARTMENT**

Representing the agency: Michael Savala

ARC 3912C (NOIA), Institutions Administration—Pornographic Materials Ban, Proposed Amendments to Rules 20.2 and 20.6

In response to an inquiry from committee members, Mr. Savala indicated that the rulemaking would allow depictions of self-breast exams to be available in women's prisons.

**No action taken.**

ARC 3929C (AF), Review and Update of Policies and Procedures, Amendments to Chapters 1, 5, 10, 11, 20, 38, 40 to 45, 47, 50, and 51

Committee members asked how the rulemaking correlates with the Iowa Code, specifically with regard to Community-Based Corrections. Mr. Savala stated that the reference to “supervising” was a scrivener’s error that the department intends to correct. In response to an inquiry from committee members, Mr. Savala indicated that he wanted to move forward with the rulemaking; however, he intends to file a new Notice of Intended Action with changes to the same rules that are presently before the committee, including striking “supervising.” Mr. Jerry Evans, Director of the Fifth Judicial District Department of Corrections, indicated that he had an agreement with the department to make changes to the language and he is satisfied that the language changes will be made. Committee members as compared to Mr. Savala and Mr. Evans had overlapping, but also varying, concerns about language that may need to be changed.

Committee members inquired whether there was a written memo documenting the agreement to make changes and sought a timeline for those changes to be made. Mr. Savala confirmed that written documentation exists. Mr. Savala was not able to indicate the exact date he would be able to bring forth a Notice of Intended Action, but stated that he would be able to have the filing ready the week following August 14, 2018. In response to an inquiry from committee members as to the impact of a 70-day delay, Mr. Savala indicated he had not contemplated the impact because he was not coming to the committee seeking a delay. Committee members moved for a 70-day delay of Filed ARC 3929C on the basis that the committee does not allow a rulemaking to go into effect when an agency states it intends to make changes to the same rules. The committee passed the motion and expressed a desire to see the department back before the committee soon.

#### **70-Day Delay**

On a vote of 9-0, the Administrative Rules Review Committee issued a 70-day delay of Filed ARC 3929C.

### **ECONOMIC DEVELOPMENT AUTHORITY**

Representing the agency: Jennifer Klein

ARC 3897C (NOIA), Future Ready Iowa Registered Apprenticeship Development Fund, Proposed Adoption of New Chapter 13

No discussion on ARC 3897C.

### **IOWA FINANCE AUTHORITY**

Representing the agency: Mark Thompson

ARC 3916C (NOIA), Home and Community-Based Services Rent Subsidy Program, Proposed Amendments to Chapter 24

Committee members inquired about the subsidy, specifically how it is calculated. Mr. Thompson indicated that the subsidy is based on income. He stated that many of the subsidies are small, some only \$100; there is a very long waiting list for the program. Committee members questioned the wisdom of the rulemaking, stating that it makes sense to have a prohibition on subsidies for rental units owned by immediate family members because family members should look after each other without state assistance. Mr. Thompson indicated that the subsidies should be available to be used at rental units because there are a lot of people who may only be able to have suitable housing through this means. He stated in the recent waiver request the requester needed to have the rental unit modified due to severe disabilities and most landlords will not make those modifications. Here, the father had to purchase the house but could only afford the mortgage if he could count on the rent subsidy. Furthermore, Mr. Thompson stated the rule, before these proposed amendments, was difficult to enforce and easy to get around.

**No action taken.**

ARC 3917C (NOIA), Low-Income Housing Tax Credits, Proposed Amendments to Rules 12.1 and 12.2  
No discussion on ARC 3917C.

## **INSPECTIONS AND APPEALS DEPARTMENT**

Representing the agency: David Werning, Steve Mandernach

ARC 3918C (NOIA), Minimum Construction Standards for Hospitals, Proposed Amendment to Rule 51.50  
No discussion on ARC 3918C.

ARC 3919C (NOIA), General Provisions for Social and Charitable Gambling, Proposed Rescission of Chapter 100 and Adoption of New Chapter 100

In response to an inquiry from committee members, Mr. Mandernach indicated that the 2018 legislative change increasing the prize limit to \$950 only applies to amusement concessions, not bingo or veteran card games. Mr. Mandernach indicated the latter thresholds are approximately \$100. Committee members stressed the disparity between for-profit and nonprofit gambling prizes.

**No action taken.**

ARC 3920C (NOIA), Bingo, Proposed Amendments to Chapter 103

In response to an inquiry from committee members, Mr. Mandernach indicated that the department was striking the phrase, “or, at the option of the licensee,” from subrule 103.4(3) for readability.

**No action taken.**

ARC 3921C (NOIA), Card Game Tournaments by Veterans Organizations, Proposed Rescission of Chapter 106 and Adoption of New Chapter 106

No discussion on ARC 3921C.

ARC 3922C (NOIA), Amusement Devices, Proposed Amendments to Chapters 104 and 105

No discussion on ARC 3922C.

ARC 3930C (AF), Tuberculosis (TB) Screening, Rescission of Chapter 59 and Adoption of New Chapter 59

No discussion on ARC 3930C.

## **RACING AND GAMING COMMISSION**

Representing the agency: Brian Ohorilko

ARC 3926C (NOIA), Problem Gambling; Test Sample; Iowa-Foaled Horse Allowance, Proposed Amendments to Rules 10.1 and 10.7, Subrules 5.4(12) and 10.2(7), and Paragraphs 10.4(5)“g” and 10.5 (1)“a”

In his opening comments, Mr. Ohorilko stated that he, along with the committee, received a letter regarding Item 1 from the Iowa Gaming Association, dealing with self-exclusion and forfeiture and who is responsible for collecting the moneys to be forfeited to the state. Mr. Ohorilko stated that the commission is considering the industry’s concerns.

Committee members inquired if someone wins a jackpot and assuming they must fill out paperwork and show an ID, whether there is a dollar threshold. Mr. Ohorilko stated there is and it depends on the type of game for the threshold amount to trigger a reporting amount. The threshold reporting amount for slot machines is \$1,200. The threshold reporting amount for table games is a multiplier of the wager; Mr. Ohorilko stated he believes it is 60 times the bet made.

Mr. Ohorilko confirmed that there are not many jackpot situations for table games. Committee members stated that self-exclusion only excludes people from slot machines if people win jackpots. Committee members commented that we have a lot of work to do if we want to effectively exclude people. Mr. Ohorilko noted that the current rule does not change the process. Committee members recommended that there be a threshold requiring the showing of identification to cash in gaming chips.

Committee members noted this may need to be a legislative change, not necessarily an administrative rule change.

**No action taken.**

#### **ENVIRONMENTAL PROTECTION COMMISSION**

Representing the agency: Bill Ehm

ARC 3927C (NOT), Asbestos Notification Fee; Fee Adjustment Process, Terminating the Amendments to Rules 30.3 and 30.6  
No discussion on ARC 3927C.

#### **NATURAL RESOURCE COMMISSION**

Representing the agency: Tammie Krausman, Joe Larschied, Susan Stocker, Joli Vollers

ARC 3924C (NOIA), Licenses—Fees, Proposed Amendments to Rules 15.1 and 15.12

Upon inquiry from committee members, Ms. Krausman and Mr. Larschied confirmed that these rules comply with state and federal law and federal regulations. Additionally, Ms. Krausman and Mr. Larschied confirmed that the department will be implementing these administrative rules.

Members of the public spoke in favor of the rulemaking. Mr. Al Farris stated that he fully supported the proposal with one exception. He stated the fee for a lifetime license is too low for people age 65 and older. The fee should be increased by \$100 to \$150. Mr. Fred Long spoke on behalf of the Iowa Conservation Alliance in support of the rulemaking, but stated he was hoping for a larger increase in fees to account for inflation. He reiterated Mr. Farris' comments about the lifetime license. Mr. Mike Schalin spoke on behalf of Ducks Unlimited in favor of the rulemaking, but he thinks the fees should be higher. Joe Wilkinson spoke on behalf of the Wildlife Federation in support of the rule.

In response to an inquiry from committee members, Ms. Krausman indicated that no General Fund moneys go into the State Fish and Game Protection Trust Fund, which is where the fees generated from this rulemaking go.

**No action taken.**

ARC 3931C (AF), Zoning of the Iowa River, Iowa Falls, Hardin County — Buoy, Speed Restrictions, Amendments to Rule 40.36  
No discussion on ARC 3931C.

#### **PUBLIC EMPLOYMENT RELATIONS BOARD**

Representing the agency: Diana Machir

ARC 3933C (AF), Initialization of a Retention and Recertification Election, Amendment to Subrule 5.6(1)  
No discussion on ARC 3933C.

#### **PUBLIC HEALTH DEPARTMENT**

Representing the agency: Marisa Roseberry, Randy Mayer

ARC 3898C (NOIA), Outpatient Diabetes Education Programs, Proposed Amendments to Chapter 9  
No discussion on ARC 3898C.

ARC 3899C (NOIA), Medical Cannabidiol Program, Proposed Amendments to Subrules 154.26(3), 154.28(4), 154.51(3), 154.52(4), and 154.72(1)  
No discussion on ARC 3899C.

## **DENTAL BOARD**

Representing the agency: Jill Stuecker

ARC 3901C (NOIA), Advertising; Designation of Specialty, Proposed Amendment to Chapter 26 and Rescission of Chapter 28  
No discussion on ARC 3901C.

## **MEDICINE BOARD**

Representing the agency: Kent Nebel

ARC 3905C (NOIA), Prescribing Psychologists, Proposed Adoption of Chapter 19  
Committee members thanked the Board of Medicine and Board of Psychology for working together and reaching agreement. Ms. Emily Piper spoke on behalf of the Iowa Psychiatric Society (IPS) and stated IPS will submit comments and concerns regarding education and training requirements.

**No action taken.**

## **PROFESSIONAL LICENSURE DIVISION**

Representing the agency: Tony Alden, Sharon Dozier

ARC 3904C (NOIA), Prescribing Psychologists, Proposed Adoption of New Chapter 244  
Dr. Beth Lonning, a member of the public and a psychologist, stated that she served on the committee that drafted this rule. She stated that the committee heard concerns regarding training and education and this draft provides for more supervisory hours than other states that have this arrangement.

**No action taken.**

ARC 3932C (AF), Polysomnographic Technologists and Respiratory Care and Polysomnographic Practitioners—Licensure, Continuing Education, Amendments to Chapters 261 and 262  
No discussion on ARC 3932C.

## **REVENUE DEPARTMENT**

Representing the agency: Jessica Braunschweig-Norris, Alana Stamas, Joe Fraioli

ARC 3886C (NOIA), Commercial Fertilizer and Agricultural Limestone—Exemption from Sales and Use Tax, Proposed Amendments to Rules 17.4 and 226.6 and Subrule 18.57(1)  
Committee members inquired whether the taxation has been done accurately even though the rule has not been in effect. Ms. Stamas confirmed that the law has accurately been enforced.

**No action taken.**

ARC 3888C (NOIA), Indication of Dependent Child Health Care Coverage on Tax Return, Proposed Rescission of Rule 38.19  
No discussion on ARC 3888C.

ARC 3893C (NOIA), Contested Cases Before the Property Assessment Appeal Board — Exchange of Evidence, Proposed Amendment to Rule 126.7  
Committee members expressed concerns about the changes and length of time for exhibits, specifically that the taxpayer has to file three weeks ahead of time but the governmental subdivision only has to file two weeks ahead of time. Committee members expressed that this reveals the taxpayer's case, provides the governmental subdivision an unfair advantage, and creates an unequal platform. Ms. Braunschweig-Norris stated that the Property Assessment Appeal Board would take those concerns under further consideration and noted those concerns were echoed by Farm Bureau. She stated prior to the amendments, all filings were exchanged simultaneously and noted various concerns with simultaneous exchange.



In response to an inquiry from committee members, Ms. Braunschweig-Norris indicated that the Iowa Association of Assessors requested the petition for rulemaking. Committee members stated that there needs to be a level playing field because the whole purpose is to give the taxpayer an ability to appeal what they view to be an unjust assessment. Committee members stressed that in this state and in this country, we protect citizens from government, not the other way around.

**No action taken.**

ARC 3896C (NOIA), Water Service Excise Tax, Proposed Adoption of New Chapter 97

Ms. Stamas indicated that the department received many comments and concerns prior to the filing of the Notice of Intended Action (NOIA) because the law took effect July 1. Ms. Stamas stated that the topics the rulemaking is trying to cover are who is responsible for collecting the tax and what types of use might be subject to the tax. Since the filing of the NOIA, the department has received additional comments. As a result, the department is in the process of scheduling a public hearing to give the public an additional opportunity to be heard. The department anticipates making changes to the rulemaking in advance of the Adopted and Filed rule to change the policy on who is obligated to collect the tax. Ms. Stamas indicated that the proposed changes will likely resolve the concerns that have been raised. Committee members encouraged the department to be consistent in that if an individual pays their water bill, they pay their water tax. Additionally, the department was encouraged to ensure that if a housing unit is involved it be run similarly to a mobile home unit, and other similar instances. Ms. Stamas stated that committee members will see that consistency when the rulemaking returns for review.

Committee members asked about the declaratory ruling *In the Matter of Macomb Motel, Inc.*, Docket No. 583 (Sept. 18, 1986) and its applicability. Mr. Joe Fraioli spoke on behalf of the department about the applicability of *Macomb*. Mr. Fraioli stated that *Macomb* is not exactly on point but the principle is the same. If an entity is a water utility as defined under the statute, but the water utility is purchasing water from another water utility and it is not breaking it out and separately itemizing it and charging it, then it is not required to collect and remit the tax. Instead, the water utility will purchase that water and pay the tax when it purchases it. Upon inquiry from committee members, Mr. Fraioli confirmed that the rulemaking will be changed to conform to the holding of *Macomb*.

Ms. Emily Piper, representing the Iowa Rural Water Association, expressed support for the rulemaking, specifically that the rule requires an excise tax on the actual sale of water. Mr. Joe Kelly, representing the Iowa Manufactured Housing Association, stated that he received a call from Mr. Fraioli the morning of August 14, 2018. As a result, Mr. Kelly believes that many of his concerns are going to be addressed in the proposed changes. Mr. Kelly expressed appreciation for the department working with him.

**No action taken.**

**SECRETARY OF STATE**

Representing the agency: Molly Hammer, Ken Kline

ARC 3914C (NOIA), Elections Technology Security, Proposed Adoption of New Chapter 29

Committee members and Ms. Hammer discussed election security training. Upon inquiry from committee members, Ms. Hammer indicated that the Secretary of State engages in election security training annually and this training has been offered for several years. The training is offered by the Office of the Chief Information Officer and it is available to all state employees and local officials. There is no fiscal impact for this training because it is already in existence. Ms. Hammer explained that the training must be completed at the county level within 30 days because most entities and individuals have already begun or already completed this training. Once the deadline is set, the entity will have 30 days to complete the training. Upon inquiry from committee members, Ms. Hammer indicated that the class takes just over one hour to complete depending on how fast a person completes the modules.

Committee members, Ms. Hammer, and Mr. Kline engaged in a conversation regarding election software. Committee members raised the issue due to an incident in Maryland where election software was found to have Russian investors. Ms. Hammer and Mr. Kline were unable to provide answers

surrounding ownership of Iowa election software but assured the committee that Mr. Eric Gookin, an attorney with the Secretary of State, will follow up with information. Committee members stated they wanted to make sure our election is safe from foreign government interference.

**No action taken.**

ARC 3915C (NOIA), Postelection Audit, Proposed Amendments to Chapter 26

Upon inquiry from committee members, Ms. Hammer stated that a random precinct will be selected each election. An audit is mandatory following a general election. Also in response to an inquiry from committee members, Ms. Hammer stated that a postelection audit may be performed at other times if necessary and it will be called 24 hours in advance of a special election.

**No action taken.**

## **TRANSPORTATION DEPARTMENT**

Representing the agency: Sara Siedsma

ARC 3889C (NOIA), OWI—Sobriety and Drug Monitoring Program, License Restriction and Reinstatement, Reporting, Proposed Amendments to Chapter 620

Committee members inquired whether a person convicted of drunk driving could avoid losing their driving privileges by complying with this rulemaking. Ms. Siedsma confirmed that it is possible to never be taken off the road if a person complies with the conditions of the Temporary Restricted License, which allows them to operate a vehicle. Upon inquiry, Ms. Siedsma confirmed this is available for someone convicted of Operating While Intoxicated, second or subsequent offense. Upon inquiry from committee members, Ms. Siedsma set forth the eligibility requirements of a Temporary Restricted License: install an ignition interlock device, show proof of financial responsibility (a specific insurance), pay a civil penalty, complete drinking driver's school, complete a substance abuse evaluation and treatment, and if a person is in a participating jurisdiction, enroll in the 24/7 program.

**No action taken.**

ARC 3890C (NOIA), Vehicle Registration and Certificate of Title; Salvage, Proposed Amendments to Chapters 400 and 405

No discussion on ARC 3890C.

ARC 3935C (AF), Special Registration Plates, Amendments to Chapter 401

Committee members inquired why the department is concerned with one nonprofit distributing or promoting license plate decals for another nonprofit organization it does not have anything to do with. In response, Ms. Siedsma stated that the statute requires the sponsoring organization to have the approval of the organization it is promoting to legally distribute or promote the decal. However, Ms. Siedsma stated, at this point, it is merely a hypothetical.

**No action taken.**

## **LABOR SERVICES DIVISION**

Representing the agency: Kathleen Uehling

ARC 3903C (AF), Boilers and Pressure Vessels; Water Heaters, Amendments to Chapters 84, 90, and 91 and Rescission of Chapter 95

No discussion on ARC 3903C.

**PUBLIC SAFETY DEPARTMENT**

Representing the agency: Barb Edmondson

ARC 3902C (FEAN), License to Disconnect or Reconnect Existing Air Conditioning and Refrigeration Systems, Amendment to Subrule 502.2(9)

Upon inquiry from committee members, Ms. Edmondson confirmed that this rulemaking is a nonsubstantive emergency.

**No action taken.**

Respectfully submitted,

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APPROVED:

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Chair Mark Chelgren

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Vice Chair Dawn Pettengill