



IOWA ADMINISTRATIVE BULLETIN

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PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 2, 2022
9 to 9:30 a.m.

Fifth Floor Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 5.3(3) as follows:

5.3(3) License fee for license to practice as a behavior analyst or assistant behavior analyst is \$300 \$120. Behavior analyst and assistant behavior analyst licenses issued for less than one year shall not be subject to a renewal fee for the first renewal.

ARC 6413C

PUBLIC EMPLOYMENT RELATIONS BOARD[621]

Notice of Intended Action

**Proposing rule making related to submission of voter eligibility lists
and providing an opportunity for public comment**

The Public Employment Relations Board hereby proposes to amend Chapter 15, "Retention and Recertification Elections," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 20.6(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 20.15(2).

Purpose and Summary

This proposed rule making affects rules relating to submission of employee voter eligibility lists for retention and recertification elections. The proposed amendments require employers to submit lists to the agency via secure upload rather than by email.

The proposed amendment in Item 1 requires employers and certified employee organizations to have a representative or agent for service listed in the agency's secure upload filing system and also requires the employers and certified employee organizations to maintain the accuracy of that information.

PUBLIC EMPLOYMENT RELATIONS BOARD[621](cont'd)

Items 2 through 4 address retention and recertification voter eligibility lists. These proposed amendments change the process of submission of voter eligibility lists from email to a secure upload filing system.

Items 2 and 4 also contain conforming amendments regarding the contents of the voter eligibility lists.

Fiscal Impact

The use of a secure upload filing system requires an increase in the expenditure of funds by the agency. However, the cost of the secure upload filing system will be offset by the automation of functions, which reduces the agency time necessary to complete such tasks. Additionally, this system will be used for various functions of the agency.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

These rules do not provide for a waiver of their terms, but are instead subject to the agency's general waiver provisions found at rule 621—1.9(17A,20).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 2, 2022. Comments should be directed to:

Erik Helland
Public Employment Relations Board
Jessie Parker Building, Suite 1B
510 East 12th Street
Des Moines, Iowa 50319
Email: iaperb@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 2, 2022
10 a.m. to 12 noon

Via video conference

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing should contact the agency at iaperb@iowa.gov. The agency will then supply the link to attend the video conference.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

PUBLIC EMPLOYMENT RELATIONS BOARD[621](cont'd)

ITEM 1. Amend rule 621—15.1(20) as follows:

621—15.1(20) General procedures. The agency shall determine the date of the election or election period, and the place, method, and other procedural aspects of conducting a retention and recertification election held pursuant to Iowa Code chapter 20. Elections shall be conducted under the direction and supervision of the agency or its election agent and shall be by secret ballot.

Each election will be assigned a “BU” case number in the agency’s electronic document management system (EDMS). A party shall electronically file all documents in its respective BU case file unless the rules specify otherwise.

Employers and certified employee organizations shall have a representative or agent for service listed in the applicable BU case file in EDMS and in the agency’s secure upload filing system. Employers and certified employee organizations have a continuing duty to update the representative or agent for service in the BU case file in EDMS and in the agency’s secure upload filing system.

15.1(1) to 15.1(3) No change.

ITEM 2. Amend subrule 15.2(2) as follows:

15.2(2) Initial eligible voter eligibility list.

a. List for determining fees.

(1) The agency will determine the election fee based on the following initial employer-provided list of employees. When the agency files a notice of intent to conduct a retention and recertification election, the employer shall, within seven days of the notice, ~~email~~ submit to the agency through the agency’s secure upload filing system an alphabetical list of the names; addresses; email addresses, if known; telephone numbers, if known; and job classifications of the employees in the bargaining unit. When a telephonic/web-based election is ordered, the list of eligible voters shall also include the employee’s date of birth, the last four digits of the employee’s social security number and any other information required by the agency. The employer shall separately email the certified employee organization to confirm that the employer provided the agency with the voter list and will provide the date the list was ~~emailed~~ submitted to the agency and the number of employees on the list. The employer shall format the list as prescribed by the agency and securely upload the list to the agency’s secure upload filing system in a manner determined by the agency.

(2) The agency shall file the list of eligible voters’ names and job classifications. The agency shall provide to the employee organization the voter list containing the employees’ contact information.

b. Final voter eligibility list.

(1) When the agency files an order that the retention and recertification election be conducted, the employer shall, within seven days of the order, ~~email~~ securely upload to the ~~agency a second~~ agency’s secure upload filing system an updated alphabetical list of the names; addresses; email addresses, if known; telephone numbers, if known; and job classifications of the employees eligible to vote. When a telephonic/web-based election is ordered, the list of eligible voters shall also include the employee’s date of birth, the last four digits of the employee’s social security number and any other information required by the agency. ~~If the original previous list the employer provided for determining fees is unchanged, the employer does not need to email upload this second additional list. The original list, if unchanged, or this second list will become the final list.~~ The agency shall file the list of eligible voters’ names and job classifications. This list shall become the official eligible voter voter eligibility list for the election to be conducted except as provided in subparagraph 15.2(2) “b”(2). The agency shall provide to the employee organization the voter list containing the employees’ contact information.

(2) The employer shall not add to or delete from the list any employee name after the submission of the above-described voter eligibility list. By contacting the employer, the certified employee organization may propose additions to or deletions from the ~~list of employees’ names~~ voter list. The employer shall securely upload any mutually agreed upon amended list to the agency’s secure upload filing system prior to the date of the election for in-person elections, prior to the date the ballots are mailed for mail-ballot elections, or seven days prior to the commencement of the election period for telephonic/web-based elections. The parties may amend the list by agreement prior to the date of the election for in-person

PUBLIC EMPLOYMENT RELATIONS BOARD[621](cont'd)

elections, prior to the date the ballots are mailed for mail-ballot elections, or seven days prior to the commencement of the election period for telephonic/web-based elections.

ITEM 3. Amend subrule 15.5(4) as follows:

15.5(4) ~~Eligible voter~~ *Voter eligibility list for determining election fee.*

a. The public employer shall ~~email~~ submit to the agency through the agency's secure upload filing system a list of the employees in the bargaining unit in question within seven days of the filing of the notice of intent to conduct an election. This list shall be organized alphabetically and contain the names; addresses; email addresses, if known; telephone numbers, if known; and job classifications of the employees in the bargaining unit. When a telephonic/web-based election is ordered, the list of eligible voters shall also include the employee's date of birth, the last four digits of the employee's social security number and any other information required by the agency. ~~The employer shall separately email the certified employee organization to confirm that the employer provided the agency with the voter list and will provide the date the list was emailed to the agency and the number of employees on the list.~~ The employer shall format the list as prescribed by the agency and securely upload the list to the agency's secure upload filing system in a manner determined by the agency. The agency shall file the list of eligible voters' names and job classifications. The agency shall provide to the certified employee organization the list with the employees' contact information. The certified employee organization shall use this list to determine the election fee as provided in subrule 15.5(5).

b. No change.

ITEM 4. Amend subrule 15.5(6) as follows:

15.5(6) *Final voter eligibility list.*

a. When the agency files an order directing that the retention and recertification election be conducted, the employer shall, within seven days of the order, ~~email~~ submit to the agency ~~a second~~ through the agency's secure upload filing system an updated alphabetical list of the names; addresses; email addresses, if known; telephone numbers, if known; and job classifications of the employees eligible to vote. When a telephonic/web-based election is ordered, the list of eligible voters shall also include the employee's date of birth, the last four digits of the employee's social security number and any other information required by the agency. ~~If the previous list the employer previously provided pursuant to subrule 15.5(4) is unchanged, the employer does not need to email a subsequent upload this additional~~ list. The agency shall file the list of eligible voters' names and job classifications. This list shall become the official ~~eligible voting~~ voter eligibility list for the election to be conducted ~~except as provided in subparagraph 15.2(2) "b"(2).~~ The agency shall provide to the certified employee organization the voter list containing the employees' contact information.

b. The employer shall not add to or delete from the list any employee name after the submission of the above-described voter eligibility list. By contacting the employer, the certified employee organization may propose additions to or deletions from the list of employees' names prior to the date of the election for in-person elections, prior to the date the ballots are mailed for mail-ballot elections, or seven days prior to the commencement of the election period for telephonic/web-based elections. The parties may amend the list by agreement prior to the date of the election for in-person elections, prior to the date the ballots are mailed for mail-ballot elections, or seven days prior to the commencement of the election period for telephonic/web-based elections.

ARC 6400C

REVENUE DEPARTMENT[701]

Notice of Intended Action

**Proposing rule making related to sales, use, and excise taxes
and providing an opportunity for public comment**

The Revenue Department hereby proposes to renumber various chapters of the Iowa Administrative Code in accordance with the chart below. The Department additionally proposes to rescind Chapter