

**MINUTES OF THE FEBRUARY 2008 MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

- Date of meeting: A special meeting of the Administrative Rules Review Committee (ARRC) was held Friday, February 8, 2008, in Room 116, State Capitol, Des Moines, Iowa.
- Members present: Senator Michael Connolly, Chair; Senators Thomas Courtney and John P. Kibbie; and Representatives Marcella Frevert, David Heaton, David Jacoby and Linda Upmeyer. Representative Philip Wise, Vice Chair; and Senators Jeff Angelo and James Seymour were not present.
- Also present: Joseph A. Royce and Michael Duster, Legal Counsel; Kathleen K. West, Administrative Code Editor; Deborah Svec-Carstens, Assistant Counsel to the Administrative Rules Coordinator, fiscal staff, caucus staff and other interested parties.
- Convened Sen. Connolly convened the meeting at 8:05 a.m.
- Fiscal overview Sue Lerdal presented the LSA fiscal report.
- PROPANE EDUCATION AND RESEARCH COUNCIL** Keith Luchtel, Cory Harris, and Deb Grooms represented the council.
- ARC 6553B No questions on ch 1, organizational and procedural rules for operation of the council.
- CORRECTIONS DEPARTMENT** Michael Savala represented the department.
- ARC 6538B No action on proposed ch 37, Iowa state industries. Mr. Savala commented that these rules incorporate the department of administrative services' provisions on purchasing.
- PUBLIC SAFETY DEPARTMENT** Mike Coveyou and Stuart Crine represented the department. Bruce Rees represented the DCI.
- ARC 6567B No questions on proposed ch 228 concerning liquefied natural gas.
- ARC 6543B No action on proposed 157.3 regarding sample collection for DUI testing.
- ARC 6535B Chs 500 to 504 pertain to electrician and electrical contractor licensing pursuant to HF 897. Mr. Coveyou distributed a map showing the number of license applications processed per county. Discussion related to categories of licensure, the value of experience, the potential for proctored testing at ICN sites, and the cost of testing and failure rates. Sen. Connolly asked that the department advise Sen. Mulder regarding costs and failure rates for tests currently administered by testing entities. Rep. Jacoby requested that test preparation materials be available to applicants. Rep. Frevert asked that the department consider a performance assessment.
- NATURAL RESOURCE COMMISSION** Bill Ehm, Ross Harrison, Nate Hoogeveen, and Ken Herring represented the commission.
- ARC 6540B Proposed ch 31 conforms the publicly owned lakes program with activities associated with lake restoration, impaired waters, and watershed improvement projects.
- ARC 6541B No action on amendments to ch 33 concerning project selection criteria for the REAP program.
- ARC 6539B No questions on proposed 37.6(2) regarding boating safety for vessels not powered by motor or sail.
- ARC 6532B No action on amendments to ch 106 concerning extension of deer hunting season. Discussion related to the size of the herd in Iowa, number of licenses, and number of deer harvested. Sen. Courtney commended the department on its efforts regarding the wildlife resources of the state.
- UTILITIES DIVISION** Cecil Wright represented the division.
- ARC 6547B No questions on incident and outage reporting requirements for natural gas, electric, and water utilities, communications providers, and owners and operators of electric facilities.
- PUBLIC HEALTH DEPARTMENT** Barb Nervig represented the department.
- ARC 6572B No questions on ch 87, healthy families Iowa.
- ARC 6573B No questions on ch 124, interagency coordinating council for the state medical examiner.
- ARC 6574B No questions on ch 125, advisory council for the state medical examiner.
- ARC 6575B No action on amendments to ch 176 concerning awards and grants.
- REVENUE DEPARTMENT** Jim McNulty represented the department.
- ARC 6585B No questions on proposed amendments concerning individual, corporation and franchise tax.

HUMAN SERVICES DEPARTMENT Nancy Freudenberg and Ann Wiebers represented the department. Shelly Chandler represented the Iowa Association of Community Providers. Shannon Strickler represented the Iowa Hospital Association.

- ARC 6566B No action on amendments pertaining to documentation requirements for medical providers. Ms. Chandler expressed appreciation to the department for its willingness to work with the provider community.
- ARC 6543B No action on amendments to ch 25 pertaining to disability services management. Discussion concerned risk pool funding, the mental health redesign, and availability of services and providers.
- ARC 6533B No questions on amendments to ch 25 concerning data reporting by county CPC administrators.
- ARC 6561B No action on 65.28(19), mini-simplified food stamp program. Sen. Connolly asked that the department provide a summary of measures taken to make it easier for eligible persons to participate in the food stamp program. Sen. Courtney expressed concern that nonresidents may receive benefits in Iowa.
- ARC 6562B No questions on amendments pertaining to Medicaid eligibility for newborns and verification of identity and citizenship.
- ARC 6586B No questions on proposed amendments concerning personal needs supplemental payments.
- ARC 6563B No questions on amendments to ch 78 regarding Medicaid coverage of prescribed outpatient drugs.
- ARC 6542B No questions on termination of the proposed amendment to 78.1(2)"a"(2)"10."
- ARC 6564B No action on amendments to ch 78 to expand Medicaid coverage for dental services.
- ARC 6565B No questions on the increase in payment for inpatient services in PMICs.
- ARC 6546B No questions on proposed amendments to ch 153, social services block grant funds.
- ARC 6583B No questions on proposed amendments to ch 187 concerning start-up allowance for the preparation for adult living program.
- Special review No action on review of a proposed emergency amendment to 79.1 concerning Medicaid reimbursement methodology for outpatient hospital services. Ms. Strickler commented that the association supports this change.

EDUCATION DEPARTMENT Carol Greta represented the department.

- ARC 6531B No action on proposed amendments to ch 36, extracurricular interscholastic competition eligibility. Ms. Greta clarified that ineligible players are not allowed to be in uniform on the sidelines. Discussion related to AP courses, the survey of athletic directors, and tracking of GPAs.
- ARC 6530B Ms. Greta noted that this rule making regarding the entrepreneurs with disabilities program will be terminated and rewritten if the program is moved from IFA to the vocational rehabilitation services division.

In light of an article that appeared in The Des Moines Register regarding diversity plans, Sen. Connolly asked the committee to consider referring the department of education rules to the General Assembly (ARC 6480B, reviewed at the January 2008 ARRC meeting). Ms. Greta commented that the department does not intend to introduce legislation. After considering the discussion at last month's meeting and the open enrollment law, the committee opted to take no further action.

Committee business The minutes of the January 2008 meeting were approved.
The next meeting will be held Friday, March 7, 2008, at 8 a.m.
Rep. Upmeyer asked that ARC 6545B and ARC 6537B from the "No Representative Requested to Appear" section of the agenda be scheduled for review next month. Rep. Frevert requested an E-mail explanation of the wording "adhering to national racing standards" in ARC 6576B.

Adjourned The meeting was adjourned at 10:43 a.m.

Respectfully submitted,

Kathleen K. West

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APPROVED:

Michael W. Connolly
Chair Michael Connolly

Philip Wise
Vice Chair Philip Wise