

**MINUTES OF THE MARCH 2009 MEETING  
OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**

**Date of meeting:** The regular, statutory meeting of the Administrative Rules Review Committee (ARRC) was held on Friday, March 6, 2009, at 8 a.m. in Room 116, State Capitol, Des Moines, Iowa.

**Members present:** Senator Wally Horn, Chair, and Representative Marcella Frevert, Vice Chair; Senators Merlin Bartz, Thomas Courtney, and James Seymour; Representatives David Heaton, Tyler Olson, Nathan Reichert, and Linda Upmeyer were present. Senator Jack Kibbie was excused.

**Also present:** Joseph A. Royce and Michael Duster, Legal Counsel; Kathleen K. West, Administrative Code Editor; fiscal staff; caucus staff; and other interested parties.

**Convened** Sen. Horn convened the meeting at 8 a.m.

**Fiscal overview** Sue Lerdal presented the LSA fiscal report.

**PUBLIC SAFETY DEPARTMENT** Michael Coveyou, Robert Monserrate, Courtney Greene, and Charis Paulson represented the department. Other interested parties included Wes Ehrecke on behalf of the Iowa Gaming Association.

**ARC 7566B** No action on proposed ch 158 concerning ignition interlock devices. Mr. Coveyou commented that the rules require fuel cell technology in devices installed on or after January 1, 2010.

**ARC 7562B** No questions on ch 80, public records and fair information practices.

**ARC 7563B** Mr. Coveyou stated that these proposed amendments resolve the issues that resulted in a Session Delay of ch 114 and noted that, when the rules are adopted, a correction will be made in Item 9 in regard to public entrances and public exits. Mr. Coveyou indicated that the department intends to implement the amendments on an emergency basis in order to prevent the delayed rules from becoming effective upon expiration of the Session Delay. Mr. Ehrecke confirmed that, with the correction to Item 9, the issues have been resolved and the association supports the emergency implementation of these amendments.

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION** John Benson represented the division.

**ARC 7580B** Ch 13 implements the community disaster grant program. Mr. Benson explained that geocodes will be used instead of ZIP codes, that applicants must certify that there is no duplication of benefits for the projects, that written reports regarding how funds were expended are required, and that a report of all applications and funding will be available to the legislature. Rep. Reichert expressed appreciation for the agency's willingness to use geocodes instead of ZIP codes and asked for assurance that funds would not be shifted after commitments are made.

**ENVIRONMENTAL PROTECTION COMMISSION** Jim McGraw, Daniel Olson, Randy Clark, Claire Hruby, and Gene Tinker represented EPC.

**ARC 7565B** Amendments to chs 22 and 23 adopt federal regulations affecting stationary internal combustion engines, gasoline distribution facilities, and surface coating operations and amend the state air construction permitting requirements. Mr. McGraw outlined measures intended to assist affected businesses with compliance. Discussion related to concerns raised by John Deere, use of the registration form for certification of compliance, and spray applications by individuals.

**ARC 7569B** Ch 69 includes construction standards for private sewage disposal systems. Mr. Olson enumerated changes made as a result of public comments. Sen. Bartz asked that 69.1(3)"a"(1) and (2) be reviewed and suggested that clarification be made in regard to situations in which connection with a public system would be required.

**ARC 7570B** Proposed amendments to ch 65 apply to confinement operations or open feedlot operations that are required to submit manure/nutrient management plans or that are subject to enforcement action for specified violations. The amendments prohibit surface application of manure on frozen or snow-covered ground, dependent upon the slope of the ground and whether the manure is liquid or solid. Mr. Clark reported that numerous comments have been received and more are expected. Mr. Tinker described the implements used to inject manure into the soil.

Environmental Protection Commission (continued)

ARC 7564B The department administers the NPDES permit program in Iowa. These proposed amendments update references in ch 65 to comply with EPA requirements and Iowa statutes. Mr. Tinker advised Rep. Upmeyer that the last sentence of 65.17(6)“b” was stricken at the request of the EPA. Rep. Frevert commended the department for the work that has been ongoing for the past eight years.

**ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF** Melanie Johnson represented the department.

ARC 7557B No action on amendments to allow for the temporary waiver of wage and nonstatutory program requirements under certain limited conditions.

ARC 7561B Ms. Johnson distributed a letter from Director Tramontina which indicated that these amendments to ch 71, targeted jobs withholding tax credit, may be affected by pending legislation.

Motion to delay Sen. Courtney moved a 70-day delay on ARC 7561B.

Motion carried The March 18, 2009, effective date of ARC 7561B was delayed for 70 days.

ARC 7558B No questions on ch 78, small business disaster recovery financial assistance program.

**DENTAL BOARD** Jennifer Hart represented the board.

ARC 7568B Ms. Hart reported that, based upon comments received, proposed amendments to ch 10 pertaining to placement of provisional appliances by dental hygienists will be clarified before they are adopted.

ARC 7555B No action on proposed 10.5(3)“a”(3). Ms. Hart reported that the Iowa Dental Hygienists Association requested the amendment; however, the Iowa Dental Association opposes the amendment.

ARC 7567B No questions on proposed amendments to chs 11 and 12 pertaining to licensure examinations.

ARC 7575B No questions on proposed 11.10 and 20.8 concerning appeal procedures for denial of licensure and registration.

**REVENUE DEPARTMENT** Ed Henderson represented the department.

ARC 7592B No action on proposed amendments intended to update various chapters.

ARC 7593B No action on proposed 91.2 and 91.3 regarding tax stamps for unprocessed marijuana plants.

**REAL ESTATE APPRAISER EXAMINING BOARD** Pam Griebel represented the board.

ARC 7595B No action on revision of chapters regarding certification of residential and general real property appraisers.

**HUMAN SERVICES DEPARTMENT** Ann Weibers and Jeff Anderson represented the department.

ARC 7590B No questions on proposed amendments to chs 40, 76, and 170 regarding an applicant’s responsibility to provide information or verification to the department.

ARC 7577B No action on 58.41 to 58.45, temporary measures related to disasters.

ARC 7546B No questions on amendments to ch 75 regarding assignment of rights to medical payments from third parties as a condition of Medicaid eligibility.

ARC 7544B No action on ch 87, state-funded family planning program. Ms. Weibers explained that the department received no bids on the RFP for a third-party administrator, so the department is administering the grant program through contracts with the Family Planning Network and Planned Parenthood. Mr. Anderson agreed to provide Rep. Heaton information about the \$200,000 appropriated for faith-based counseling.

ARC 7547B No questions on amendments to chs 76 and 80 regarding health care data match and payment from other sources.

ARC 7548B No questions on supplemental rebates for diabetic supplies.

ARC 7549B No questions on amendments to ch 177 regarding in-home health related care.

**PROFESSIONAL LICENSURE DIVISION** Judy Manning and Eileen Gloor represented the division. Other interested parties included Bobbi O'Rourke and Darcie Davis-Gage of the behavioral science board, Wade Leuwerke and Janet McMahon of Drake University, and Erik Oostenink, president of the Iowa Mental Health Counselors Association.

ARC 7476B Mr. Leuwerke and Ms. McMahon asked that the board delay the date for implementation of the increase from 45 to 60 semester hours so that students and educators have time to plan accordingly. Ms. Manning related the background for ARC 7476B, which the committee delayed for 70 days, and indicated that the board has agreed to defer until July 1, 2010, the requirement for 60 semester hours of education. Ms. O'Rourke, Ms. Davis-Gage and Mr. Oostenink expressed support for the upgraded standards.

**Committee business** The minutes of the February 2009 meeting were approved. The next meeting was scheduled for April 3, 2009.

Adjourned The meeting was adjourned at 10:08 a.m.

Respectfully submitted,

Kathleen K. West  
Kathleen K. West

APPROVED:

Wally E. Horn  
Chair Wally Horn

Marcella R. Frevert  
Vice Chair Marcella Frevert