

**MINUTES OF THE APRIL 2002 MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

- Date of meeting:** A special meeting of the Administrative Rules Review Committee (ARRC) was held Monday, April 8, 2002, in Room 116, State Capitol, Des Moines, Iowa.
- Members present:** Senator Sheldon Rittmer, Chair, and Representative Clyde Bradley, Vice Chair; Senators Jeff Angelo, Patricia Harper, John P. Kibbie, and Paul McKinley; Representatives Marcella Frevert, Mark Kuhn and Janet Metcalf. Representative Danny Carroll was excused.
- Also present:** Joseph A. Royce, Legal Counsel; Kathleen K. Bates, Administrative Code Editor, and Teresa VanderLinden, Assistant; Brian Gentry, Administrative Rules Coordinator; caucus staff and other interested persons.
- Convened** Chair Rittmer convened the meeting at 8 a.m.
- HUMAN SERVICES DEPARTMENT** Mary Ellen Imlau represented the department.
- ARC 1419B** No questions on amendments to chs 3 to 5 regarding rule-making procedures.
- ARC 1420B** No questions on 11.1 concerning overpayments.
- ARC 1418B** No action on proposed amendments to ch 14 relating to offsets of county debts owed to the department. Imlau indicated that the appeals process will be clarified in an amended notice.
- ARC 1416B** No questions on proposed amendments to ch 25 pertaining to community mental health center waivers.
- ARC 1421B** Amendments to ch 41 relate to the 6-month hardship extension of the 60-month limit for FIP assistance. Imlau outlined the department's notification efforts and agreed to provide the committee with information about the number of pending requests.
- ARC 1422B** No questions on amendments implementing the SSI and Medicaid cost-of-living adjustments.
- ARC 1423B** No questions on amendments to ch 65 pertaining to mailing of food stamps.
- ARC 1424B** No action on amendments to ch 75 relating to health insurance premium payments. Imlau reported that decisions are based on cost effectiveness and that Medicaid is the payer of last resort.
- ARC 1426B** No action on 78.4 regarding dental services for adults. Members commented on the number of dentists who do not accept Title XIX patients.
- ARC 1427B** No questions on amendments to ch 80 regarding provider claims.
- ARC 1428B** Amendments to ch 85 pertain to services in psychiatric institutions. Imlau agreed to provide Frevert with information about prior approval turn-around time. Bradley asked Imlau to look into the out-of-state placement of a student from the school for the deaf.
- ARC 1429B** No questions on the ch 143 amendments to the interstate compact on juveniles.
- ARC 1430B** No questions on amendments to ch 151 regarding juvenile court-directed services.
- ARC 1431B** No questions on amendments to ch 153 concerning social services bolck grants.
- ARC 1417B** No questions on the rescission of division III of ch 153.
- ARC 1432B** No questions on amendments reducing state payment program provider rates by 4.3 percent.
- ARC 1433B** No questions on the rescission of rules for programs that are no longer funded.
- INFORMATION TECHNOLOGY DEPARTMENT** Debbie O'Leary represented the department.
- ARC 1481B** Ch 13 governs acquisition of information technology devices and services. O'Leary reported that significant changes have been made in response to comments received: Procedures in the adopted rules are more streamlined and provide for emergency situations; operational and procurement standards are differentiated and clarified; and a Web site listing of items not requiring approval is included. Royce and Gentry confirmed that the rules represent compromise with the regulated agencies and commended the department for its efforts. O'Leary pointed out a typographical error in a dollar amount that will be corrected.
- ENVIRONMENTAL PROTECTION COMMISSION** Anne Preziosi, Wayne Gieselman, Sara Smith, Jeff Myrom, and Kathleen Lee represented the commission.
- ARC 1479B** No questions on adoption by reference of air quality regulations.
- ARC 1475B** No action on proposed amendments to ch 22 regarding Title V insignificant activities.
- ARC 1476B** No action on proposed 65.1 pertaining to adjacent feedlots.
- ARC 1477B** No action on proposed amendments to ch 104 and 106 pertaining to solid waste transfer stations.
- ARC 1474B** No questions on the rescission of ch 132.

APRIL 8, 2002

NATURAL RESOURCE COMMISSION Gregory Jones represented the department. Robert P. Burns was also present.

ARC 1464B Proposed amendments to ch 16 relate to roofing and enclosure of private docks on public waters. Burns requested a provision to exempt preexisting docks. Jones responded that the dock owned by Burns is the only one in the state that does not conform and the department has not determined whether a waiver or a grandfathering amendment would be preferable. Bradley suggested that the final rules clarify coordination with the Army Corps of Engineers.

Not reviewed: ARC 1461B, ARC 1460B, ARC 1465B, ARC 1462B, ARC 1463B

REVENUE AND FINANCE DEPARTMENT David Casey and Dick Stradley represented the department. Other interested parties included Kris Saddoris of Conlin Properties and Robert P. Burns.

ARC 1415B No questions on amendments to chs 52 to 55, 58 and 59 resulting from Ex. Ord. 8.

ARC 1414B Amendments to ch 71 pertain to valuation of low-income housing property. The department worked with IFA, the assessors association, local officials and the housing industry in developing the rules; when consensus was reached, the rules were filed emergency so that assessors could use them in the current valuations. In response to committee concerns about emergency rule makings, Gentry suggested that the department put forth a formal notice. Royce indicated that the rules will be reviewed again at the May meeting.

Saddoris expressed limited support on behalf of Section 42 developers. Burns supported the emergency filing which allows the rules to be used for this year's valuations.

UTILITIES DIVISION Cecil Wright and Gary Stump represented the division.

ARC 1456E Wright reported that the proposed amendment to 1.6(2) is intended to conform to the department of personnel rule regarding sales of goods and services.

ARC 1455B No questions on proposed amendments to pipeline and transmission rules.

ARC 1437B No action on proposed amendments related to reliability of electric delivery.

ARC 1438B No questions on amendments to ch 24 regarding generation plant siting.

ACCOUNTANCY EXAMINING BOARD Ron Nielsen and Dottie Dunphy represented the board. Other interested parties included Keith Luchtel and Tom Thompson of the Iowa Society of CPAs.

ARC 1408B Nielsen reported that 63 comments were received on the proposed accountancy rules and all but one of the issues have been resolved. At issue is the use of the title CPA by inactive practitioners. The board's position is that the title should not be used unless the continuing education requirements have been met. Kibbie was advised that there are a variety of ways to complete the continuing education requirement, including self-study courses.

Luchtel distributed written remarks and urged the board to allow inactive CPAs who have not completed the continuing education requirement to use the designation "CPA (inactive)". Thompson supported the suggested designation.

There was discussion about rules adopted by other states. Nielsen pointed out that the new law is more liberal than the previous one in that if continuing education is completed, the certificate can be retained and the title used. Gentry encouraged the board to provide information about rules in other states and evidence of support for these amendments.

Committee business Metcalf moved approval of the minutes of the March meeting. The motion carried. The next meeting was scheduled for May 14, 2002.

Frevert requested a review of ARC 1473B be scheduled for the May meeting.

Royce agreed to draft a letter to agencies outlining the committee's concerns about emergency filings.

Adjourn The meeting was adjourned at 10:25 a.m.

Respectfully submitted,

Kathleen K. Bates
Kathleen K. Bates

Teresa VanderLinden
Teresa VanderLinden

APPROVED:

Sheldon Rittmer
Chair Sheldon Rittmer

Clyde Bradley
Vice Chair Clyde Bradley