

**MINUTES OF THE DECEMBER 2001 MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

- Date of meeting: The regular meeting of the Administrative Rules Review Committee (ARRC) was held Tuesday, December 11, 2001, in the Legislative Dining Room, State Capitol, Des Moines, Iowa.
- Members present: Senator Merlin E. Bartz, Chair; Representative Clyde Bradley, Vice Chair; Senators Patricia Harper, JoAnn Johnson, John P. Kibbie, and Sheldon Rittmer; Representatives Danny Carroll, Marcella Frevert, Janet Metcalf, and Paul Scherrman.
- 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 Bartz convened the meeting at 9:30 a.m.
- GENERAL SERVICES DEPARTMENT** Scott Bertness, Lise Melton, and Shirley Walker represented the department.
- Special review Committee members requested a review of DGS procedures for mailing of the Iowa Administrative Bulletin. Several members complained of not receiving Bulletins in time to review rules prior to ARRC meetings. Bertness related multiple technical difficulties encountered after a change in data systems. Kibbie reported having received Bulletins under various names and outdated addresses or not at all. Bartz requested that committee members' Bulletins be sent by first-class mail in order to ensure timely delivery.
- RACING AND GAMING DIVISION** Karyl Jones and Jean Davis represented the commission. Lorraine May of Harrah's was also present.
- ARC 1078B The proposed amendment is the result of a petition for rule making from the Iowa Freedom of Information Council. Jones noted that the rule is applicable to greyhounds as well as horses. May opposed the rule, stating that compliance with the requirement for racetracks to report amounts paid to individual owners would be nearly impossible. May explained that purses are paid to a single entity, but a racing animal may be owned by multiple individuals or corporations and racetracks do not know the identities of all licensed owners or the percentage of the purse distributed to each. Jones responded that the point of contention is over the use of the word "aggregate." May agreed that reporting of checks issued would not be a burden for the racetracks; the commission maintains information on the identity of multiple and corporate owners. Bartz commended the commission response to the petition for rule making and suggested that comments received at the hearing be taken into consideration and a modified rule be adopted.
- PUBLIC HEALTH DEPARTMENT** Mary Anderson, Barb Nervig, Tim Peterson, Donald Flater, Gretchen Hageman, Bridget Konz, and Dick Harmon represented the department. Linda Goeldner represented the Iowa Nurses Association.
- ARC 1146B No action on proposed amendments related to the maternal and child health program.
- ARC 1145B No action on proposed ch 93 which pertains to the abuse education review panel. Anderson distributed names of those serving on the panel.
- ARC 1144B Proposed amendments to ch 131 relate to EMS provider education, training and certification. Peterson indicated that standardized training will be more accessible and fees will be refunded if applications are not processed within two weeks.
- ARC 1143B No action on proposed amendments to ch 132 which allow greater flexibility in contingency plans and transport agreements, especially in rural areas. Goeldner noted that EMS providers not working in an emergency capacity may function under the supervision of a registered nurse in a hospital setting.
- ARC 1142B No questions on proposed amendments to chs 134 and 135.
- ARC 1141B No action on proposed 176.8 concerning the appeal process for competitive grants.
- ARC 0597B Amendments to ch 38 assess fees for transport of radioactive waste. Flater reported changes to the proposed rule and distributed the compromise language which the department intends to make effective July 1, 2002. Bradley expressed concern about the lack of packaging standards for low-level radioactive waste.
- HUMAN SERVICES DEPARTMENT** Nancy Freudenberg and Mary Ellen Imlau represented the department. Linda Goeldner represented the Iowa Nurses Association. Other interested parties included certified nurse midwives Carey Ann Ryan, Dana Ericson, Sheryl Puderbaugh, and Sandra Kavanagh.
- ARC 1076B No questions on proposed amendments to chs 41 and 93 and rescission of ch 94.
- ARC 1075B No questions on proposed phase-out of 12-month income and resources waivers for entrepreneurial training participants.

Human Services Department (continued)

- ARC 1131B The proposed rescission of ch 56 eliminates the provision of burial benefits for SSA recipients, individuals on old age assistance, aid to the blind or aid to the disabled as well as FIP and refugee cash assistance children. Committee members expect that counties will have concerns about the rescission.
- ARC 1077B No questions on proposed amendments to ch 75.
- ARC 1085B No questions on proposed cross-reference correction in 77.38.
- ARC 1086B No action on proposed amendments relating to Indian health service 638 facilities.
- ARC 1087B Proposed amendments to ch 78 relate to nurse-midwife services and claims. Freudenberg stated that the amendments remove restrictions relating to payment for nurse-midwives. Ryan distributed recommendations for additional changes that need to be made in order that Iowa rules not be more restrictive than federal requirements; Puderbaugh and Ericson voiced support for the additional changes. Goeldner emphasized the need for removal of provisions that exceed federal requirements. Carroll encouraged the department to work with nurse-midwives to ensure that Iowa rules are in line with federal regulations and to ensure access to obstetric services.
- ARC 1136B No action on proposed amendments to ch 81.
- ARC 1154B No questions on proposed amendments to chs 93 and 170 relating to use of a single child care provider agreement and documentation of attendance.
- ARC 1137B No action on proposed amendments to ch 111 concerning family-life homes.
- Special review No action on cost of living increases.

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA Charlie Smithson represented the board.

- ARC 1134B No questions on amendments to ch 12 which allow contributions to political parties.

ENVIRONMENTAL PROTECTION COMMISSION Wayne Ferrand and Kathleen Lee represented the commission.

- ARC 1121B No action on amendments relating to drinking water and wastewater revolving loan fund. Ferrand reported the interest rate on loans for state revolving fund-assisted cities was established at 3 percent and clarified availability of funds to municipalities and unincorporated areas.

- ARC 1124B No questions on proposed 60.2 relating to storm water discharge.

- ARC 1123B No action on proposed rescission of ch 132.

NATURAL RESOURCE COMMISSION Tony Toigo, Jon Tack, Marion Conover, and Richard Bishop represented the commission.

- ARC 1152B No questions on ch 28 concerning the snowmobile and all-terrain vehicle registration revenue cost-share program.

- ARC 1148B No questions on the amendment to ch 51 removing Badger Creek area from the list of shooting ranges.

- ARC 1150B No questions on amendments to ch 81 relating to sport fishing.

- ARC 1149B No action on proposed amendments to ch 94 relating to nonresident deer hunting.

PRESERVES, STATE ADVISORY BOARD FOR Daryl Howell represented the board.

- ARC 1088B No questions on proposed management plans.

- ARC 1089B No questions on amendment of 2.2(2).

- Committee business Johnson moved approval of the minutes of the November 2001 meeting. The motion carried.

The next meeting was scheduled for January 8, 2002, at 9 a.m.

Kibbie moved approval of a revised budget which reflects a 4.3 percent reduction for the remainder of this fiscal year. The motion carried.

Harper moved approval of a proposed 2003 budget which includes an increase in salary for Royce. The motion carried.

IOWA FINANCE AUTHORITY Loyd Ogle and Donna Davis represented the authority.

- ARC 1074B Ogle reported having discussions with the developer that had raised concerns at the November meeting about a change in points awarded for tenant ownership. The board does not perceive the change in points as substantial in light of the several hundred points available. There were no questions from the committee.

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF Mary Lawyer, Michael Fasteneau, Michael Brown, Melanie Johnson, Amy Johnson, Hank Manning and Ken Boyd represented the department. Representative Jenkins was also present.

- ARC 1081B No action on amendments to ch 7 relating to entrepreneurial training at community colleges.

- ARC 1082B Amendments to ch 11 pertain to the certified school to career program.

Economic Development Department (continued)

ARC 1079B Proposed amendments to ch 58 expand flexibility in the new jobs and income program. Metcalf expressed concern about the department's providing waivers and flexibility in a program that was originally intended to be restrictive. Amy Johnson clarified that a business must meet the eligibility requirements set forth in the Code, but the department wants flexibility in the benefits awarded. Jenkins expressed the view that the department has the authority to negotiate benefits because the Code allows up to a maximum of 10 percent to be awarded.

ARC 1080B No questions on proposed amendments to ch 59 pertaining to enterprise zones.

ARC 1083B No action on amendments to ch 168 allowing additional points for projects located in brownfield, blighted or distressed areas.

Manning apprised Senator Johnson of the results of the meeting held for administrators of CDBG funds. Manning noted that counties need not submit project applications to COGs for review, but instead may submit a one-page form that shows a budget and source of funds. The budget does not need to be broken down by activity.

DENTAL EXAMINERS BOARD Jennifer Hart represented the board.

ARC 1120B No action on proposed amendments to ch 11.

ARC 1119B No action on proposed amendments to ch 12.

ARC 1118B No questions on proposed amendments to ch 14.

ARC 1117B No action on proposed amendments to chs 14 and 25 regarding licensure renewal or reinstatement.

ARC 1116B No questions on proposed amendments relating to continuing education.

ARC 1115B No questions on proposed 27.9 pertaining to unprofessional conduct.

ARC 1114B No questions on proposed 28.1 and 28.10 concerning oral and maxillofacial radiology.

ARC 1113B No questions on proposed amendments relating to discipline and the impaired practitioner review committee.

ARC 1112B No questions on amendments concerning the peer review committee.

INSURANCE DIVISION Dennis Britson, Jim Thornton, and Jerry Wickersham represented the division.

ARC 1125B No action on amendments relating to licensure of insurance producers.

ARC 1104B Ch 23 pertains to motor vehicle service contracts. Britson clarified provisions relating to use of used and rebuilt parts.

ARC 1100B No action on amendments relating to coverage for approved methods of contraception. There was discussion about discontinuing the practice of listing the approved devices.

INSPECTIONS AND APPEALS DEPARTMENT Jan Curtis, Jennifer Fiihr, and Sherry Hopkins represented the department. Laverne Schroeder represented the Iowa Sportsmens Federation.

ARC 1110B No action on the proposed amendment related to targeted small business certification.

ARC 1111B Proposed amendments to ch 71 pertain to collection of overpayments for the child care assistance program. Johnson requested information about sanctions that DHS may impose. Royce agree to contact DHS regarding department policy in cases where benefits were fraudulently collected.

ARC 1109B No action on proposed 100.32(3) regarding discounting of raffle tickets.

TRANSPORTATION DEPARTMENT Michael Winfrey, Ruth Skluzacek, Jody Johnson and Andrew Lewis represented the department.

ARC 1133B No action on proposed amendments to ch 400. Johnson was informed that Iowa law does not provide for refund of vehicle registration when an owner moves out of state.

ARC 1084B No questions on proposed amendments to ch 405 and 454.1 and rescission of ch 453.

ARC 1095B No questions on proposed amendments to ch 511 regarding permits for vehicles of excess size and weight.

ARC 1096B No questions on proposed amendments to 529.1.

ARC 1097B No questions on amendments to ch 717, general aviation airport infrastructure program.

REVENUE AND FINANCE DEPARTMENT Carl Castelda, Ed Henderson, Jerri DeVries and David Casey represented the department. Laverne Schroeder represented farm equipment dealers.

ARC 1127B No questions on amendments to sales and use tax rules.

ARC 1128B No action on amendments related to excise tax; sales tax on services; use, individual, corporation, inheritance, and fiduciary income tax; and accounting procedures of public impact. Castelda noted two changes from the notice.

ARC 1126B No action on proposed phase-out of state sales tax on delivery of electricity and natural gas.

ARC 1107B No action on proposed property tax amendments following discussion about appraisals and equalization orders.

DECEMBER 11, 2001

Revenue and Finance Department (continued)

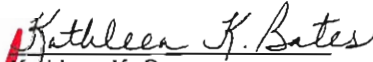
Special review

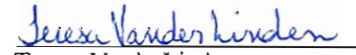
Bradley requested a review of sales tax on farm implements. Castelda reported that the department believes that the issue has been resolved and stated that the audit process allows for fact finding, conferences and resolution. Schroeder asked that the department provide a written statement to clarify what is eligible for exemption certification.

Adjourn


The meeting was adjourned at 3:20 p.m.

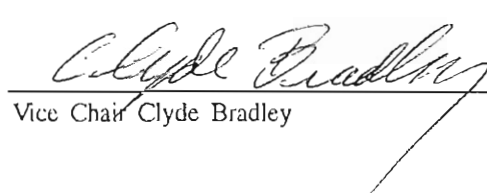
Respectfully submitted,


Kathleen K. Bates


Teresa VanderLinden

APPROVED:


Chair Merlin E. Bartz


Vice Chair Clyde Bradley