

**MINUTES OF THE SPECIAL MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Time of meeting: A special meeting of the Administrative Rules Review Committee (ARRC) was held Monday, March 8, 1999, in Senate Committee Room 22, State Capitol, Des Moines, Iowa.

Members present: Senator H. Kay Hedge, chair, and Representative Christopher Rants, vice chair; Senators Merlin E. Bartz, Patricia M. Harper, John P. Kibbie, and Sheldon Rittmer; Representatives Minnette Doderer, Geri Huser, and Janet Metcalf. Representative Danny Carroll was not present.

Also present: Joseph A. Royce, Legal Counsel; Kathleen K. Bates, Administrative Code Editor, and Teresa Vander Linden, assistant; Stephanie Pickens, Administrative Rules Coordinator's Office; caucus staff and other interested persons.

Convened •Chair Hedge convened the meeting at 8:05 a.m.

REVENUE AND FINANCE DEPARTMENT Carl Castelda, Ed Henderson and Richard Stradley represented the department. Harry Griger of the attorney general's office was present. Other interested parties included real estate developer Robert Burns and Jim West of Nymaster Law Firm.

ARC 8342A Griger distributed a written summary of the department's response to eight concerns raised during the comment period or in response to the economic impact statement. West asserted that classification by majority use is unfair and there is no statutory prohibition against separate classification of each unit. Burns used figures representing typical low-income tax credit project financing, rent restrictions and operating expenses to illustrate that commercial taxation of condominiums would make existing projects unworkable and would require more financing from IDED for future projects.

•Rants asked if a change in tax classification would result in a change in the fair rent. Burns responded that fair market rents are established yearly, based on the 40th percentile of community rents.

•Bartz noted the amount of public comment received on this matter and asked the department to address the impact of the rule on those who had made prior investments. Castelda responded that the department believes there is a misconception about the effect the rule will have on property owners and added that the department would not oppose a statutory change for low-income housing. Griger explained the constitutional problem with grandfathering the closed class of existing condominiums.

•Doderer observed that residential taxation of rental condominiums results in a shift in taxes to other properties and does not result in lower rents.

Motion to delay Metcalf moved a session delay be imposed on 71.1.

•Doderer stated that legislation is being considered this session and that the rule will not affect this year's assessments. Castelda confirmed that the rule applies to assessments made in the year 2000 and payable in 2001.

•Bartz added that the committee can issue an objection to the rule at any time.

Motion failed The motion to impose a session delay did not pass.

PROFESSIONAL LICENSURE DIVISION Sharon Dozier and Sharon Cook represented the division; Ronald Evans represented the board of chiropractic examiners. Sue Bell, Steven Clark and Ted Anderson represented the Iowa Physical Therapy Association.

ARC 8631A Dozier reported that comments received on proposed amendments to ch 40 concern the scope of practice and definitions.

•Metcalf was informed that due to opposition from the physical therapy profession, the board of chiropractic examiners does not intend to adopt the proposed definition of chiropractic physiotherapy procedures.

Bell distributed written concerns of the Iowa Physical Therapy Association relating to use of the words "physical therapy" and "physiotherapy" in chiropractic advertising. Additional concerns include insurance reimbursements and similarity of the proposed language to language in the physical therapy practice Act.

•Evans responded to Huser that although chiropractors had agreed to advertise "chiropractic physical therapy" and "chiropractic physiotherapy," rather than "physical therapy" and "physiotherapy," there is no penalty imposed on licensees whose advertisements do not comply with the agreement.

•Evans told Harper that the board of chiropractic examiners does not approve of the term "chiropractic modalities" as proposed in SSB 1134.

ARC 8629A Cook noted that proposed amendments to ch 60 would eliminate the practical examination for licensure in cosmetology. A public hearing has been scheduled for April 1, 1999, because of the large number of responses received.

MARCH 8, 1999

HUMAN SERVICES DEPARTMENT Mary Ann Walker represented the department.

ARC 8702A No questions on proposed amendments to ch 7 regarding contested cases.
ARC 8713A No questions on proposed rescission of chs 23, 26, 31, 32, 35, and 37.
ARC 8656A Proposed amendments to ch 47 add a post-FIP pilot program.
ARC 8640A No questions on rent subsidy amendments to ch 53.
ARC 8657A Proposed amendments to the Medically Needy program involve elimination of a form, use of submission date for claims, and allowing acupuncture expenses to meet spenddown.
•Walker told Kibbie that level of care determinations are made by the Iowa Foundation for Medical Care.
ARC 8641A No questions on physical disabilities waiver, chs 77 to 79, 83.
ARC 8658A No questions on proposed reimbursement for cost outlier payments to hospitals.
ARC 8659A Proposed CRSU amendments to ch 99 eliminate use of state median income figures for establishing the support obligation when financial information about parents is not known. When the occupation is known, wage rate information will be used; and if the occupation is not known, the median income of parents on the department's caseload will be used, rather than the state median income.
•Bartz asked the department to provide some examples of wage rate information for some occupations.
•Huser asked that the department's examples include a comparison with the figures that would be used without this change.
ARC 8660A No action on proposed amendments to prohibit licensure of foster parents or adoptive parents who have felony convictions.
ARC 8661A No action on proposed amendments to ch 175 pertaining to child abuse assessment.
ARC 8712A No questions on proposed amendments to ch 184 regarding personal assistance services.
ARC 8642A No questions on proposed amendments to ch 185 concerning family preservation services.

WORKFORCE DEVELOPMENT DEPARTMENT The department was not represented. Russell Sampson was present to inquire about the rule making.

ARC 8648A Amendments to chs 22 to 25 pertain to unemployment insurance services.
Motion to delay Because concerns were raised and no one from the department was present to respond, Hedge moved a 70-day delay be imposed on 24.26(14) and 24.26(15).
Motion carried The 70-day delay passed.

GENERAL SERVICES DEPARTMENT Julie Dettman represented the department.

ARC 8643A No action on 5.21 concerning rates charged by newspapers for public notices.

LAW ENFORCEMENT ACADEMY Gene Shepard represented the academy.

ARC 8639A No questions on proposed 3.1(4) concerning certification of law enforcement officers.
ARC 8638A No questions on proposed amendments to ch 13 pertaining to telecommunicator training standards.

Committee business The next meeting will be held Monday, April 12, 1999, at 8 a.m.
IDED The Iowa Department of Economic Development was listed in the "No Representative" category; however, concerns pertaining to the accountability system and enterprise zones were made known to the committee. Rants asked that both items be placed on the agenda for the next meeting.

Motion to delay Huser moved a 70-day delay be imposed on ch 4, the workforce development accountability system.

Motion carried The motion to delay passed.

Minutes The minutes of the February meeting were approved.

Adjourn The meeting was adjourned at 9:50 a.m.

Respectfully submitted,


Kathleen K. Bates

APPROVED:


Chair H. Kay Hedge

Vice chair Christopher Rants