

**MINUTES OF THE AUGUST 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, August 7, 2009, at 9 a.m. in Room 22, State Capitol, Des Moines, Iowa.
- Members present: Representative Marcella Frevert, Chair, and Senator Wally Horn, Vice Chair; Senators Merlin Bartz, Thomas Courtney, John P. Kibbie, and James Seymour; and Representative David Heaton were present. Representatives Tyler Olson, Nathan Reichert, and Linda Upmeyer were not present.
- Also present: Joseph A. Royce and Michael Duster, Legal Counsel; Kathleen K. West, Administrative Code Editor; James Larew, Administrative Rules Coordinator; fiscal staff; caucus staff; and other interested parties.
- Convened Rep. Frevert convened the meeting at 9:04 a.m.
- Fiscal overview** Sue Lerdal presented the LSA fiscal report.
- VETERANS AFFAIRS, IOWA DEPARTMENT OF** Lisa Purvis represented the department.
- ARC 8014B No questions on amendments to ch 10.
- ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF** Melanie Johnson, Tom Wheeler, Amy Johnson, Dick Vegors, and Gail Kotval represented the department. Other interested parties included Stephen Jennings of Grasshorse Technologies, Kent Newman of the Iowa Motion Picture Association (IMPA), Doug Miller of the Quad Cities Film Coalition,, Pat Navin of IBT Local 90, Becky Gruening of Des Moines Film Commission, Chris Wimmer, Ben Reutter of Professional Video, Andrew Roger of IMPA, and Andrew Mann of Inferno Distribution.
- ARC 7970B No questions on general amendments to update rules governing all financial assistance programs.
- ARC 7956B Amendments to ch 36 affect the film, television, and video project promotion program. Discussion related to the fiscal impact of the amendments, the cap on credits available and the allocations to the various tax credit programs. Mr. Wheeler reported that the department may award tax credits of up to 50% and that certain budget items will be negotiable expenditures, rather than qualified expenditures. Mr. Jennings, whose animation company in Mt. Pleasant employs 13 people, stated that he is concerned about these amendments and the allocation of tax credits to this program. Mr. Newman commented on the positive impact the tax credits have had on the growth of the industry in Iowa. Mr. Miller reviewed the history of the industry in Iowa and emphasized the importance of maintaining incentives for Iowa to remain competitive in the industry. Mr. Navin expressed appreciation for the creation of employment opportunities in the film industry due to this tax credit program. Ms. Gruening stressed the importance of the 50% credit and its impact on job creation. Both Mr. Wimmer and Mr. Reutter stated that they have returned to Iowa to work in the film industry. Mr. Roger indicated that he remained in Iowa after studying at Drake University because of opportunities in production. Mr. Mann, who has relocated from Vancouver and is currently filming in Iowa, expressed his opposition to the cap on tax credits. Ms. Johnson and Mr. Wheeler reported that the department has received numerous comments and they anticipate that further changes will be made.
- ARC 7978B No action on 74.7 regarding the disaster recovery component of the grow Iowa values financial assistance program.
- ARC 7954B Ms. Amy Johnson reported that ch 76 implements the allocation of the \$185 million cap passed in Senate File 483. Ms. Johnson advised Sen. Bartz that because the assistive device tax credit program has not been used for the past several years, that program would not receive an allocation.
- ARC 7948B No questions on ch 113, community microenterprise development organization grant program.
- ARC 7949B No questions on amendment to 314.5(2)“e,” in regard to the renewable fuel infrastructure program.

ENVIRONMENTAL PROTECTION COMMISSION Wendy Rains, Jim McGraw, Chuck Corell, Russ Tell, Randy Clark and Elaine Douskey represented the commission.

Mr. McGraw provided an update on the air toxins study undertaken by the department in response to reports published in USA Today and in The Des Moines Register in December 2008.

ARC 7944B No action on ch 35, air emissions reduction assistance program. Ms. Rains reported that \$1.73 million is available for reduction of diesel emissions, and that funding requests for over \$11 million have been received.

ARC 7945B Proposed amendments to ch 64, which pertain to wastewater discharge from well drilling sites, were developed with input from the Iowa Water Well Association. General Permit #6 requires a plan for implementation of best management practices to prevent pollution of nearby streams. Discussion related to types of well being drilled and potential costs to the industry.

ARC 7961B No action on proposed 65.10 concerning hearing procedures regarding preliminary decisions on construction permit applications. Sen. Kibbie requested a summary of comments received.

ARC 7946B No questions on 134.17 to 134.29. Ms. Douskey outlined changes made regarding licensing of UST professionals.

NATURAL RESOURCE COMMISSION ARC 8019B, ARC 8020B, ARC 8016B, ARC 8017B, ARC 8018B, and ARC 8015B were excused from review at this meeting.

NATURAL RESOURCES DEPARTMENT ARC 7973B was excused from review at this meeting.

PUBLIC HEALTH DEPARTMENT Barb Nervig, Tammy O'Hollearn, Talisa Miller, and Carmily Stone represented the department.

ARC 7966B No questions on proposed ch 1 regarding reportable diseases, poisonings and conditions, quarantine and isolation.

ARC 7967B Proposed amendments to ch 3 pertain to early hearing detection and intervention. Sen. Bartz pointed out inconsistencies in the use of the words "mother" and "parent" and the lack of specificity in the residency requirement.

ARC 7981B No action on amendments to ch 4 regarding the center for congenital and inherited disorders.

ARC 7982B Ch 22, practice of tattooing, generated over 600 comments. Changes made to the proposed rules include reductions in fees. Discussion concerned the prohibition on tattooing of minors.

ARC 7983B No questions on amendments to chs 39 and 41 regarding radiation.

ARC 7984B No questions on amendments to ch 73 concerning WIC food package approval criteria.

ARC 7985B No questions on ch 83, early childhood Iowa council.

ARC 7968B No questions on proposed amendments to chs 124 and 125 to reduce the number of required meetings for the interagency coordinating council and advisory council.

ARC 7969B No questions on proposed amendments concerning scope of practice for Iowa EMS providers.

INSPECTIONS AND APPEALS DEPARTMENT David Werning and Ann Martin represented the department. Bill Nutty represented Iowa Association of Homes and Services for the Aging.

ARC 7989B No questions on proposed technical amendments affecting boilers and boiler regulation.

ARC 7960B Proposed ch 68, pertaining to elder group homes, was reviewed in conjunction with ARC 7959B. Mr. Werning indicated that there are seven elder group homes in Iowa.

ARC 7959B Proposed ch 70, reviewed in conjunction with ARC 7960B, pertains to adult day services programs. Mr. Werning stated that there are 32 adult day services programs in Iowa.

Mr. Nutty offered comments regarding participant advocates, dementia-specific education for employees, task sheets, and participants who are unable to advocate on their own behalf.

INSURANCE DIVISION Rosanne Mead represented the division.

- ARC 7964B No action on minimum standards for Medicare supplement insurance, based on the NAIC model.
- ARC 7965B No questions on 15.11(5) concerning genetic information.

IOWA FINANCE AUTHORITY Mark Thompson represented the authority.

- ARC 7941B No action on ch 32, Iowa job program. Mr. Thompson reported that staff are reviewing the 137 applications that have been received.

HISTORICAL DIVISION Cyndi Pederson and Jerome Thompson represented the division.

- ARC 7943B No action on amendments to ch 48, historic preservation and cultural and entertainment district tax credits. Ms. Pederson detailed the amendments.

PUBLIC SAFETY DEPARTMENT Mike Coveyou, Ross Loder, Jim Saunders, and Jim Kenkel represented the department.

- ARC 7974B No questions on amendments to ch 83, Iowa sex offender registry. Mr. Loder identified changes to ch 83 to implement SF 340.
- ARC 7977B Amendment to 221.4(2) implements SF 423 in regard to dispensing of biodiesel and ethanol blends. Sen. Kibbie asked Mr. Royce to schedule a discussion of B-blends for the September 2009 ARRC meeting.

HUMAN SERVICES DEPARTMENT Nancy Freudenberg represented the department. Lynhon Stout represented the Iowa Foster and Adoptive Parent Association.

- ARC 8003B No questions on amendments to ch 7, appeals and hearings.
- ARC 8004B No questions on 41.22(7), which requires FIP participants to assign support payments to the department.
- ARC 8005B No questions on 45.21 concerning issuance of FIP payments by electronic access card, direct deposit, or warrant.
- ARC 8007B No action on 58.51 to 58.58, Iowa unmet needs disaster grant program.
- ARC 8011B Ms. Freudenberg commented that the Notice of Intended Action to amend subrule 75.31(1) will be terminated. There were no questions.
- ARC 8008B No questions on 78.14 concerning Medicaid payment for hearing aids.
- ARC 7957B Ms Freudenberg reported that discussions continue on amendments affecting case management services which are under 70-day delay.
- ARC 8009B No questions on ch 106 concerning safety standards for children’s centers.
- ARC 8010B No action on amendments to chs 112, 113, 117, 156, 200, and 202 pertaining to foster family home licensing and training, foster care and adoption services. Rep. Frevert expressed appreciation to the department for their communications with interested parties during the course of adopting these amendments. Ms. Stout commented on the many opportunities for participation in the rule-making process.

Committee business The minutes of the July 2009 meeting were approved.
The next meeting was scheduled for Tuesday, September 8, 2009.

Adjourned The meeting was adjourned at 12:45 p.m.

Respectfully submitted,

Kathleen K. West

APPROVED:

Chair Marcella Frevert

Vice Chair Wally Horn