

**MINUTES OF THE APRIL 2013 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, April 12, 2013, in Room 116, State Capitol, Des Moines, Iowa.

Members present: Representative Dawn Pettengill, Chair, and Senator Wally Horn, Vice Chair; Senators Mark Chelgren, Thomas Courtney, Pam Jochum, and Roby Smith; Representatives Dave Jacoby, Rick Olson, Jeff Smith and Guy Vander Linden were present.

Also present: Joseph A. Royce and Jack Ewing, Legal Counsel; Stephanie A. Hoff, Administrative Code Editor; Larry Johnson, Deputy Legal Counsel, Office of the Governor; fiscal staff; caucus staff; and other interested parties.

Convened Rep. Pettengill convened the meeting at 8:35 a.m.

**Fiscal overview** Beth Lenstra presented the LSA fiscal report on behalf of Adam Broich. Also present were LSA fiscal services division staff Jess Benson, John Parker, Jennifer Acton and Dwayne Ferguson. In response to an inquiry from Rep. Pettengill, Mr. Benson agreed to provide the committee with information regarding the minimal fiscal impact of changes in Medicaid dental coverage (ARC 0631C).

**AGING, DEPARTMENT ON** Kim Murphy and Joe Sample represented the department.

ARC 0619C No action on amendments to 1.5 pertaining to definitions applicable to all chapters of the department's rules.

ARC 0621C No action on amendments to 2.1 and 2.5 concerning the department's mission statement and organizational structure.

ARC 0627C No questions on the termination of proposed ch 6, area agency on aging planning and administration. Ms. Murphy stated that the department has terminated the Notice because proposed ch 6 affected the promulgation of the department's state plan and the area plans for the area agencies on aging (AAAs) required by the federal Administration on Aging.

ARC 0640C No questions on proposed amendments to 6.2, 6.3, and 6.13 to 6.18 regarding area agency on aging planning and administration. Ms. Murphy summarized the amendments to existing ch 6, which are necessary to align the rules with federal law and to remove certain provisions related to AAA planning and administration.

ARC 0623C No action on amendments to ch 7 pertaining to dietary guidelines and manuals and to nutrition sites of AAAs. Ms. Murphy reported that the department is implementing the committee's suggestion that service providers give adequate notice of relocation or termination of a nutrition site and that provider contracts contain a specific notification requirement. Ms. Murphy expressed appreciation to the committee for the suggestion.

ARC 0624C No action on ch 23, aging and disability resource center. In response to an inquiry from Sen. Jochum, Mr. Sample stated that the department on aging and the department of human services are co-applicants for the Balancing Incentives Payment Program (BIPP) and are coordinating efforts to provide access to long-term supports and services.

ARC 0625C No action on the rescission of ch 28, Iowa senior living program—home- and community-based services for seniors.

ARC 0626C No action on ch 29, reduction of AAAs. Ms. Murphy reported that the department has developed a system to track the impact on jobs caused by the reduction in AAAs. Rep. Pettengill requested that the department provide the committee with jobs impact information as it becomes available.

**ATTORNEY GENERAL** Corwin Ritchie represented the attorney general.

ARC 0646C Proposed amendments to ch 33 concern forfeited property. Discussion pertained to the difference between the language in the statute and in the rule that expresses the percentage of the gross sale price of any forfeited real property retained by the justice department and to the dollar amount collected per year and use of the funds.

Attorney General (continued)

In response to an inquiry from Sen. Chelgren, Ms. Lenstra stated that the law restricts the use of the funds to law enforcement purposes, with a percentage to the seizing agency and a percentage to the local prosecutors. In response to a request from Rep. Pettengill, Ms. Lenstra and Mr. Ritchie agreed to provide the committee with information regarding the permitted use of the attorney general's percentage of the funds.

**EDUCATIONAL EXAMINERS BOARD** Duane Magee and Darcy Lane represented the board.

ARC 0677C Proposed amendments to chs 11 and 25 pertain to initiation of an ethics complaint by the executive director and to standards of professional conduct. Discussion pertained to reasons for filing and who may file an ethics complaint against a licensee. Sen. Chelgren commended the board for adding "creed" to the list of bases on which a licensee may not discriminate.

ARC 0676C No questions on proposed amendments to chs 13, 22 and 23 relating to license expiration at the end of a holder's birth month.

ARC 0678C The proposed amendment to 25.3(1) concerns prohibited relationships between licensees and former students. Mr. Magee stated that the board often receives complaints related to inappropriate relationships between licensed practitioners and students and that at present, pursuant to the criminal code, such relationships cannot occur within 30 days of the end of a student's enrollment in a school district. Ms. Lane noted that for some classifications of employees, the time line is longer (e.g., counselor-client is five years or in some instances may not be permissible at all). The rule making proposes to prohibit such relationships within 180 days of the end of a student's enrollment if the licensee and the student had a prior direct or supervisory relationship.

Discussion pertained to the impetus for, clarity of, time frame within, and statutory authority for the rule. Committee members expressed concern that the rule attempts to regulate relationships between consenting adults, that is, between students who are of age and practitioners, within 180 days of the end of a student's enrollment and suggested that 180 days be decreased to 30 days, as stipulated by the criminal code. In response, Mr. Magee explained that the board carefully considered the specific number of days and stated that the protection of students is the board's concern. Ms. Lane added that the board has the statutory authority to prescribe higher standards of conduct for practitioners than those of the criminal code and stated that as in counselor-client relationships, there are imbalances of power and the potential for exploitation in practitioner-student relationships.

Rep. Vander Linden and Rep. Olson requested that the board consider decreasing the required number of days from 180 to 30 as stipulated in the criminal code.

Motion Following discussion, Rep. Olson moved, in an informal vote without legal effect, a committee recommendation to the board that the proposed number of days be decreased from 180 to 30.

Motion carried On a voice vote of 9 to 0, the motion carried. Sen. Chelgren stated that he was in agreement with the reason for the motion but abstained from voting for further review the statute.

**INSPECTIONS AND APPEALS DEPARTMENT** Deborah Svec-Carstens represented the department.

ARC 0674C No action on the amendment to 59.2, definition of "health care worker," related to tuberculosis (TB) screening of health care workers and volunteers.

ARC 0663C No action on technical amendments to chs 57, 58, 62, 63 and 65 that correspond to ch 59, tuberculosis (TB) screening.

**IOWA PUBLIC INFORMATION BOARD** Bill Monroe, board chair, and Julie Pottorff, deputy attorney general, represented the board.

ARC 0644C Proposed chs 1 to 7 pertain to organization and administration, complaint investigation and resolution, declaratory orders, contested cases, rule making, and fair information practices. Mr. Monroe summarized the purpose of the board, which, pursuant to 2012 Iowa Acts, Senate File 430, is charged with securing compliance with and enforcing the requirements for open meetings and public records set forth in Iowa Code chapters 21 and 22.

## Iowa Public Information Board (continued)

Mr. Monroe described the composition of the nine-member board and explained the board's processes for settling complaints from local governments, the public and the media through informal resolution, mediation, and contested case proceedings. He reported that the selection of an executive director and the development of the board's website are in progress. Mr. Monroe added that the board will succeed in helping Iowans to the extent the board is funded by the legislature.

Discussion pertained to the confidentiality of closed records; protection of complainants; the time line and budget; and the presiding officer in a contested case.

Rep. Olson encouraged the board to require that the presiding officer in a contested case be a legally trained administrative law judge. In response, Mr. Johnson stated that the Iowa ethics and campaign disclosure board, whose executive director is required to be a licensed attorney and drafts board opinions, has served as a model for the structure of the board. Ms. Pottorff pointed out that a broader definition of presiding officer in the board's rules provides the board greater flexibility and that the executive director would be required to have knowledge of and experience with Iowa Code chapters 21 and 22. Ms. Pottorff agreed to request that the board revisit the definition of presiding officer.

Sen. Jochum and Rep. Pettengill commended the quality of the rule making.

**PROFESSIONAL LICENSURE DIVISION** Sharon Dozier and Tony Alden represented the division.

ARC 0651C No questions on proposed amendments to chs 141 and 144 regarding provisional licensure for nursing home administrators.

ARC 0679C No questions on proposed amendments to chs 31 and 33 pertaining to licensure and discipline for martial and family therapists and mental health counselors.

ARC 0680C No questions on proposed amendments to chs 180 to 182 concerning licensure of optometrists.

ARC 0681C No questions on proposed 265.3 relating to the definition of "direct supervision" and to conditions for direct supervision of respiratory therapy modalities by respiratory therapists. Mr. Alden indicated that the definition may be revised based on comment by interested parties.

**PUBLIC HEALTH DEPARTMENT** Barb Nervig and Gerd Clabaugh represented the department.

ARC 0650C No questions on proposed amendments to 11.84 to 11.93 pertaining to the AIDS drug assistance program (ADAP).

ARC 0654C Proposed amendments to 140.1 and 140.4 relate to EMS system development grants. In response to an inquiry from Rep. Pettengill, Mr. Clabaugh clarified that grants will be made available through county boards of supervisors on behalf of EMS associations and will include audit protection with county oversight.

ARC 0672C No questions on the proposed amendment to 1.4(1)"a" concerning the exemption from duplicate reporting of laboratory results.

ARC 0664C No action on amendments to ch 4 pertaining to the center for congenital and inherited disorders. Ms. Nervig noted that interested parties had asked that the department add to the newborn screening panel a test to detect heart abnormalities. She reported that Senate File 393, which the Senate has passed and a House committee has recommended for passage, requires that newborn critical congenital heart disease screening be added to the newborn screening panel.

**EDUCATION DEPARTMENT** Mike Cormack represented the department.

ARC 0641C The proposed amendment to 43.30 pertains to the bus inspection fee. Mr. Cormack stated that the increase in the fee from \$28 to \$40 per bus will fund the addition of a third inspector to perform follow-up inspections or to act as a relief inspector. Mr. Cormack reported that no written comments have been received, and no one attended the public hearing.

Discussion pertained to the possibility of a more cost-effective, efficient system for bus inspection. Committee members inquired about the fee increase; the bus inspection process, including inspectors' travel time; and the possibility of contracting with local mechanics, local paid firefighters, or department of transportation truck inspectors in lieu of state inspections.

Education Department (continued)

In response, Mr. Cormack stated that the safety of children and school personnel and of buses is essential and that state inspections ensure that safety. He affirmed the department's view that consistency and uniformity are afforded by state inspectors whose sole responsibility is bus inspection. He explained that the inspection program is conducted pursuant to statute and is self-funded, noted that the fee increase would generate revenue to fund the twice yearly inspection of school buses, and stated that the addition of a third inspector would contribute to greater efficiency. Mr. Cormack expressed appreciation to the committee for ideas regarding the bus inspection system, in particular, contracting out the inspections; he explained, however, that any changes in the program would require legislation, including the method for funding (i.e., self-funded vs. state-funded). In addition, he questioned whether the variety of contractors could provide the consistency and uniformity that state inspectors provide and stated that the contractors would assume liability related to inspections. Mr. Cormack noted that Senate File 339, currently being considered, would allow school districts the option to contract out inspections of nine-passenger vans and suggested that the outcome of contracted van inspections might serve as a model for the same option related to school bus inspections. He added that the committee's ideas regarding contracting could become the basis for an interim study on school bus inspections. In addition, Mr. Cormack offered to provide committee members an opportunity to witness a school bus inspection.

In response to an inquiry from Sen. Courtney, Mr. Cormack agreed to provide the committee with information about whether school bus inspections include the buses used by parochial schools. In response to an inquiry from Sen. Jochum regarding the difference between a school bus mechanic's job and that of a school bus inspector, Mr. Cormack agreed to provide the committee with the checklist used by school bus inspectors and with documentation of the amount of time required for an inspection.

Rep. Pettengill commended the safety education officers of the state highway patrol for the time they devote to certain aspects of school bus inspections as part of their job duties.

**SOIL CONSERVATION DIVISION** Margaret Thomson represented the division.

ARC 0655C Proposed amendments to chs 10 and 12 pertain to the funding of soil conservation and water protection practices. In response to an inquiry from Rep. Pettengill, Ms. Thomson stated that notification of the September 1 recall of unobligated funds under the publicly owned lakes program has been communicated to interested parties electronically and at district meetings.

**TRANSPORTATION DEPARTMENT** Andy Lewis and Mark Lowe represented the department. Other interested parties included Roger Bissen on behalf of the Iowa Firefighters Association.

ARC 0658C Proposed amendments to chs 401 and 425 pertain to firefighter and EMS plates and to the definition and inspection of a principal place of business.

Mr. Bissen expressed support for the amendment regarding firefighter plates. In response to an inquiry from Sen. Chelgren, Mr. Bissen stated that the Association would support legislation permitting a fire department to request a uniform set of plate numbers and allowing a firefighter to request a personalized plate. In response to an inquiry from Sen. Horn, Mr. Lewis stated that firefighter plates are exempted by statute from identification of a firefighter's county of residence.

ARC 0661C No action on amendments to chs 4, 600 and 605 concerning fitness to drive determinations by qualified medical professionals. In response to an inquiry from Rep. Olson, Mr. Lowe stated that in some situations, a review by the medical advisory board, comprised of volunteer members of the Iowa Medical Society, may be requested; that the medical review team of the department, not the medical advisory board, makes the final fitness to drive decision; and that advanced registered nurse practitioners (ARNPs) and physician assistants (PAs) are not represented on nor do they seek to serve on the medical advisory board. Mr. Lowe stated that the medical advisory board, in its review, might request the opinion of a physician if the report on fitness to drive is submitted by an ARNP or a PA.

## Transportation Department (continued)

ARC 0660C No action on amendments to ch 520 relating to federal motor carrier safety and hazardous materials regulations. In response to an inquiry from Sen. Horn, Mr. Lowe stated that trucks traveling between states are subject to federal regulations.

**HUMAN SERVICES DEPARTMENT** Nancy Freudenberg and Jennifer Vermeer represented the department.

ARC 0633C No action on amendments to chs 51 and 52 pertaining to cost-of-living increases for several supplementary assistance programs.

ARC 0631C Amendments to ch 78 concern Medicaid dental coverage. Ms. Freudenberg clarified for Rep. Pettengill the process by which cumulative exceptions to policy may result in rule changes. In response to an inquiry from Sen. Jochum, Ms. Vermeer explained the prior authorization and IME approval process for dental procedures and agreed to provide the committee with the number of dentists, orthodontists and oral surgeons in Iowa who accept Medicaid patients.

ARC 0649C Proposed amendments to chs 78 and 79 relate to reclassification of and coverage for certain devices and equipment under Medicaid. Ms. Freudenberg clarified for Sen. Jochum the change in policy to lower the age limit from four years of age to three years of age for medically necessary incontinence products.

ARC 0632C No action on amendments to ch 78 concerning prior authorization for diabetic equipment and supplies.

ARC 0639C No questions on proposed amendments to 88.84(1)“a” clarifying policy on the treatment of income and resources for certain institutionalized spouses who apply for programs of all-inclusive care for the elderly (PACE).

ARC 0637C No questions on proposed amendments to 92.1 and 92.8 regarding inclusion of Indian health care providers in the IowaCare network.

ARC 0638C No questions on proposed amendments to 92.7(1)“a” relating to IowaCare premiums.

ARC 0671C No questions on proposed amendments to ch 7 pertaining to appeals and hearings.

ARC 0668C No questions on proposed amendments to 75.1(39)“b”(3) regarding premiums for Medicaid for employed people with disabilities.

ARC 0667C No questions on proposed amendments to chs 77 to 79 regarding integrated home health services for members with a serious mental illness or serious emotional disturbance.

ARC 0665C No action on amendments to chs 79 and 83 pertaining to reimbursement related to HCBS waiver services.

ARC 0669C No questions on proposed amendments to 79.16 concerning the electronic health record incentive program.

ARC 0666C No action on amendments to 110.5(1)“a” regarding the use of a mobile telephone as a primary telephone in registered child development homes.

ARC 0670C No questions on proposed amendments to 170.4(2)“a” concerning the child care assistance sliding fee schedule.

Following up on a previous request, Rep. Pettengill asked that the department provide information regarding estimated prevalence rates and the number of individuals who receive publicly funded mental health services, including Medicaid- and county-funded services.

**ENVIRONMENTAL PROTECTION COMMISSION** Christine Paulson represented the commission.

ARC 0648C No questions on proposed amendments to 33.1 and 33.9 pertaining to plantwide applicability limitations (PALs) related to air quality.

**REVENUE DEPARTMENT** Julie Roisen and Victoria Daniels represented the department. Other interested parties included Bruce Hovden, Floyd County assessor and president of the Iowa State Association of Assessors (ISAA); David Kubik, Dubuque County assessor; Neil Morgan, Ringgold County assessor; Kathy Croker, Buena Vista County assessor; Duane Sand on behalf of the Iowa Natural Heritage Foundation; Leon Wernimont; and Robert Haegele on behalf of the Iowa Cattlemen’s Association.

Revenue Department (continued)

ARC 0653C and ARC 0659C Ms. Roisen and Ms. Daniels addressed these related rule makings concurrently. The proposed amendments to 71.3(1) pertain to valuation of agricultural real estate and are intended to provide, pursuant to Iowa Code section 421.17, uniformity in the distribution of agricultural productivity value at a parcel level across the state.

Ms. Roisen explained that the process for creating uniformity was vetted from July 2011 through October 2012 by a statewide committee of interested parties. In October 2012, at the request of the Governor's office pursuant to Executive Order 80, the amendments were vetted a second time by a stakeholder committee. Ms. Roisen stated that the amendments comprise the recommendations of and are a culmination of the compromises by these stakeholders.

Ms. Roisen stated that the rule provides for a standardized adjustment method for non-cropland that has a high corn suitability rating (CSR) so that non-cropland is not taxed the same as cropland. Because full implementation will take time, the rule requires that the assessor adjust non-cropland in distributing agricultural valuation to each parcel. The rule allows a taxpayer to apply to the county for an interim adjustment to non-cropland beginning with the 2014 assessment and until the county's full implementation of the rule. Ms. Roisen explained that the rule allows a deadline for implementation for the 2017 assessment year and provides a hardship waiver to extend the implementation deadline to the 2019 assessment year. She stated that sources to assist in funding the process are available.

Committee members inquired about the availability of assessors' tools, i.e., digital land use layers; the purpose of the interim application process; and the basis for cash rent figures used in the calculation of the adjustment.

In response, Ms. Roisen stated that the department has acquired the 2008 Farm Service Agency (FSA) digital land use layer that will be provided free to counties upon request. Because of the age of the 2008 data, a visual review with aerial photography will be necessary to ascertain whether changes have been made since 2008. National Agriculture Imagery Program (NAIP) aerial photography performed by the federal government will be provided free to counties without sufficient resources to fund the photography. Ms. Daniels stated that there is concern among interested parties that because taxpayers must file but may not know that they must file an interim application for an adjustment, taxpayers will be treated inequitably within their counties. Ms. Daniels noted in response that the department, through various means already in place (e.g., website, education programs, classes, webinars), will inform taxpayers about the opportunity to request an interim application for an adjustment.

Rep. Olson expressed the opinion that since the implementation date is 2017, there should be no interim application process and that the interim application process is only reasonable for counties that because of hardship cannot complete the implementation until 2019. He also inquired about the figures used to calculate cash rent. In response, Ms. Daniels stated that the interim application process provides an avenue to allow property in different counties to be treated the same and that the department is obligated to promote uniformity within the time period for implementation. Ms. Roisen acknowledged the concern regarding the interim application process and stated that the interim application process was part of the compromise among the stakeholders and was the consensus of the majority. Regarding figures for cash rent, Ms. Roisen stated that the department intends to acquire rental data information through the National Agricultural Statistics Service (NASS). NASS publishes rents for all non-irrigated cropland and all pastureland. The department will use the data to determine the five-year average and will provide the data to each county.

Mr. Hovden expressed opposition to 71.3(1)"c" because until a jurisdiction can implement the amendments in their entirety, the granting of interim adjustments to some but not all taxpayers is unfair. He added that during the interim process, an assessor does not have the technical ability to adjust non-cropland and at the same time maintain uniformity throughout the county. Mr. Kubik expressed opposition to interim adjustments, which will redirect resources away from executing uniform land use adjustments. Mr. Morgan expressed the opinion that the rule is misguided.

Revenue Department (continued)

Ms. Croker expressed opposition to the interim adjustments, which may cause increased assessments on some parcels before the assessments for the entire county can be completed. Mr. Sand expressed support for the rule, noting that the overtaxing of pasture and conservation lands in more than half of the counties is detrimental to land use in Iowa and that the rule will bring long-overdue equity and uniformity to property taxation. Mr. Wernimont stated that the current system in which only about half of the counties make adjustments for non-cropland is unfair and that the rule will give all taxpayers access to a fair system. Mr. Haegele concurred with Ms. Roisen’s statement regarding the cash rent figures used in the calculation of the adjustment on land that has been determined to be non-cropland.

**ADMINISTRATIVE SERVICES DEPARTMENT** Caleb Hunter and Michelle Minnehan represented the department.

ARC 0636C No action on the amendment to 41.7(8) pertaining to approval of membership in employee organizations.

Special Review Sen. Jochum requested a special review of the amendment to 50.1 pertaining to the definition of “confidential employee” for purposes of merit system coverage. The amendment was Adopted and Filed and published in the 11/14/12 IAB as ARC 0460C and became effective 12/19/12.

Mr. Hunter stated that as part of the special review, the department responded in advance to the committee’s questions regarding the implementation of the definition and included in the response a copy of the form letter to be sent to affected employees and a table of affected job classifications. In the meantime, in response to questions from employees about the letter, Mr. Hunter emphasized that an employee’s collective bargaining status will not be affected by the change in the definition of “confidential employee” for purposes of merit system coverage.

Sen. Jochum introduced the special review with a description of the September 4, 2012, department memo that had been sent on behalf of the director to department directors and assistant directors and that initiated the change in the definition. She noted that the last sentence of the definition had not been included in the department memo and expressed concern that this sentence allows a broad interpretation of the definition. Sen. Jochum inquired about the issue intended to be addressed by the revised definition and stated that the revised definition changes the status of an employee from merit-covered to at-will and introduces the possibility of the employee’s being fired without just cause. In addition, she explained that the definition will change and adversely affect hiring practices (e.g., criteria for posting job openings and interviews). Sen. Jochum asserted that the modified definition and the changes it entails are not in the best interest of state government.

Discussion pertained to a variety of related issues and concerns. Sen. Courtney expressed concern that a system comprised of trained, experienced employees could revert to a spoils system to the detriment of the state and also asked about the issue intended to be addressed by the definition. Rep. Olson questioned the fundamental fairness of the reclassification of longtime, trained employees and asked how employees may concurrently have merit-covered and contract-covered status. Rep. Pettengill requested clarification about who is considered a confidential employee, the number of employees affected, and the salary ranges of persons in the same job classification but in different departments.

In response, Mr. Hunter stated that pursuant to Iowa Code section 8A.412, the definition had been crafted to be consistent with the exemption of confidential employees from the merit system and to appropriately identify affected employees who qualify as confidential. Mr. Hunter stated that the definition will apply to confidential employees, not to every employee, and is crafted with parameters in place to protect the employee.

Mr. Hunter stated that it is fair for an employee to be properly classified as a confidential employee if the employee’s position warrants that classification and that the classification as a confidential employee could potentially be a change in employment status but not one that is fundamentally unfair. Mr. Hunter also explained that all employees are considered part of a collective bargaining agreement and part of the merit system, unless exempted by the Iowa Code.

Administrative Services Department (continued)

Mr. Hunter described confidential employees as those in confidential relationships with decision makers and policy makers. Also, while confidential employees may or may not be supervisory, they are at a more executive level than other employees whether the job titles indicate that level or not. Ms. Minnehan noted that as of April 8, 2013, 83 employees had been informed of their change in status. She explained that the department is conducting substantial, deliberate discussions with each executive branch department regarding the effect of the department's structure on reclassification decisions. Ms. Minnehan explained that the pay range of confidential employees in the same classification but in different departments would be the same.

Sen. Jochum and Rep. Pettengill had expressed concern that the letter distributed to affected employees appeared to threaten the employee with a reduction in force and did not mention the employee's right of appeal. In response, Ms. Minnehan stated that at the advice of the attorney general, these concerns had been addressed in a revised letter. Rep. Pettengill requested that Mr. Hunter provide the committee with copies of the revised letter. Sen. Jochum advised the department to replace the original letter with the revised letter on the department's website.

Motion Following discussion, Sen. Courtney moved an objection to 50.1, definition of "confidential employee" for purposes of merit system coverage (ARC 0460C).

Motion failed On a roll call vote of 4 to 5, the motion failed. [Note: The imposition of an objection requires 6 votes.]

Sen. Chelgren offered to work with colleagues in the House and Senate to craft legislation in order that Iowa Code chapter 22 more clearly define "confidential employee" for purposes of the merit system. Sen. Courtney stated that he would work with Sen. Chelgren on this issue.

For purposes of monitoring the process of reclassification, Sen. Jochum requested that the department provide the committee a monthly update that includes a list of the persons to whom letters are sent and the persons' classifications and any other changes. Sen. Jochum suggested that the department consider grandfathering in all current employees and applying the definition only to the classification of newly hired employees. Rep. Olson concurred with this suggestion.

Discussion followed regarding the status of the general referrals to the legislature that passed at the December 11, 2012, meeting. [Note: Subsequent research indicated that the general referrals had been sent to the legislature on January 7, 2013.]

**Committee business** The minutes of the March 8, 2013, meeting were approved.

The next meeting was scheduled for Tuesday, May 14, 2013, at 9:30 a.m.

Adjourned The meeting was adjourned at 1:35 p.m.

Respectfully submitted,

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Stephanie A. Hoff

APPROVED:

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Chair Dawn Pettengill

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Vice Chair Wally Horn