

# NOVEMBER 2013 AGENDA

The Administrative Rules Review Committee will hold its regular, statutory meeting on Friday, November 8, 2013, at 9:30 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

**BULLETINS NEEDED FOR THIS MEETING: 10/16/13, 10/30/13**

		Bulletin	Page
<b>9:30</b>	<b>Fiscal overview</b> Adam Broich		
<b>9:40</b>	<b>COLLEGE STUDENT AID COMMISSION[283]</b> EDUCATION DEPARTMENT[281]"umbrella" Julie Leeper 242-3370		
	Organization and operation—updates and clarifications, 1.2 <u>Notice</u> <a href="#">ARC 1123C</a> .....	10/16/13	927
	Iowa national guard educational assistance program, 20.1 <u>Notice</u> <a href="#">ARC 1122C</a> .....	10/16/13	928
	Rural Iowa primary care loan repayment program, ch 24 <u>Notice</u> <a href="#">ARC 1121C</a> .....	10/16/13	929
	Rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program, ch 25 <u>Notice</u> <a href="#">ARC 1120C</a> .....	10/16/13	932
<b>9:50</b>	<b>ECONOMIC DEVELOPMENT AUTHORITY[261]</b> Tim Whipple 5-3124		
	Innovation fund tax credit program, amendments to ch 116 <u>Filed Emergency After</u> <u>Notice</u> <a href="#">ARC 1098C</a> .....	10/16/13	971
<b>10:00</b>	<b>EDUCATIONAL EXAMINERS BOARD[282]</b> EDUCATION DEPARTMENT[281]"umbrella" Kim Cunningham 1-5849		
	Correction to all science endorsement title, 13.28(17)"i" <u>Filed</u> <a href="#">ARC 1085C</a> .....	10/16/13	987
	Substitute authorization—length of time licensee may serve in one classroom, 22.2 <u>Filed</u> <a href="#">ARC 1087C</a> .....	10/16/13	987
	School administration manager authorization, 22.6 <u>Filed</u> <a href="#">ARC 1086C</a> .....	10/16/13	988
<b>10:10</b>	<b>EDUCATION DEPARTMENT[281]</b> Mike Cormack 1-3399 <a href="mailto:mike.cormack@iowa.gov">mike.cormack@iowa.gov</a>		
	Accreditation standards—instructional days and hours, 12.1 <u>Filed</u> <a href="#">ARC 1115C</a> .....	10/16/13	990
	Competency-based education, 12.2, 12.5(14) <u>Filed</u> <a href="#">ARC 1116C</a> .....	10/16/13	992
	Independent accrediting agencies, 12.10 <u>Filed</u> <a href="#">ARC 1118C</a> .....	10/16/13	993
	Private instruction and dual enrollment, amendments to ch 31 <u>Notice</u> <a href="#">ARC 1126C</a> .....	10/16/13	936
	Teacher preparation clinical practice standard—teach Iowa student teaching pilot project, 79.14(13) <u>Filed</u> <a href="#">ARC 1117C</a> .....	10/16/13	996
	Supplementary weighting plan for operational services, 97.7 <u>Filed</u> <a href="#">ARC 1119C</a> .....	10/16/13	997
<b>10:40</b>	<b>ENVIRONMENTAL PROTECTION COMMISSION[567]</b> NATURAL RESOURCES DEPARTMENT[561]"umbrella" Marla Gallardo 1-8678		
	Underground storage tanks—leak detection at unstaffed facilities, 135.5(1)"e" <u>Filed</u> <a href="#">ARC 1100C</a> .....	10/16/13	1002
	<b>review old objection:</b> 567—paragraph 135.5(1)"e," (for text see page 6)		
<b>10:50</b>	<b>HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]</b> John Benson 1-3231 <a href="mailto:johnbenson@iowa.gov">johnbenson@iowa.gov</a>		
	Iowa hazard mitigation plan, 9.3 <u>Notice</u> <a href="#">ARC 1093C</a> .....	10/16/13	942
	<b>HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605] CONTINUED</b>		
	Flood mitigation program, ch 14 <u>Filed</u> <a href="#">ARC 1114C</a> .....	10/16/13	1003

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		Bulletin	Page
<b>11:00</b>	<b>IOWA FINANCE AUTHORITY[265] Mark Thompson 725-4937</b>		
	Multifamily housing, amend 3.5; rescind 3.6, 3.7, 3.9, 3.12, 3.20 to 3.27, 3.31 to 3.37 Notice <a href="#">ARC 1144C</a> .....	10/30/13	1088
	Low-income housing tax credit program—qualified allocation plan, 12.1, 12.2 Filed <a href="#">ARC 1139C</a> .....	10/30/13	1170
	Military service member home ownership assistance program—home purchase financing, 27.3(2) Notice <a href="#">ARC 1141C</a> , also Filed Emergency <a href="#">ARC 1142C</a> .....	10/30/13	1117
	HOME investment partnerships program, 39.1, 39.2, 39.4(1), 39.6, 39.7(3), 39.8, 39.9(8) Filed <a href="#">ARC 1140C</a> .....	10/30/13	1170
	Iowa agricultural development division, adopt 265—ch 44; rescind 25—chs 1 to 11 Notice <a href="#">ARC 1113C</a> , also Filed Emergency <a href="#">ARC 1112C</a> .....	10/16/13	977
<b>11:15</b>	<b>LABOR SERVICES DIVISION[875] Kathleen Uehling 1-5915</b>		
	WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”		
	Conveyance safety program—elevator inspector qualifications, 71.1 Filed <a href="#">ARC</a> <a href="#">1159C</a> .....	10/30/13	1173
	Conveyance safety program—fees, 71.16 Filed <a href="#">ARC 1158C</a> .....	10/30/13	1174
	Safety standard—platform lifts and stairway chairlifts, 72.1(9) Notice <a href="#">ARC 1108C</a> .....	10/16/13	953
	Bidder preferences in government contracting, ch 156 Notice <a href="#">ARC 1160C</a> .....	10/30/13	1091
	Wrestling, boxing, mixed martial arts—general requirements for athletic events, adopt ch 169; amend chs 170 to 174, 177 Notice <a href="#">ARC 1107C</a> .....	10/16/13	954
<b>11:40</b>	<b>PUBLIC HEALTH DEPARTMENT[641] Barb Nervig 281-4344</b>		
	State plumbing code—plumbing materials and methods for buildings and premises in Iowa, amendments to ch 25 Filed <a href="#">ARC 1089C</a> .....	10/16/13	1038
	Plumbing and mechanical systems board—licensure fees, 28.1 Notice <a href="#">ARC 1128C</a> .....	10/16/13	962
	<b>held over from October--70 day delay</b>		
	Vital records—time-limited fee increases, 95.6 Filed <a href="#">ARC 1074C</a> .....	10/2/13	891
<b>12:00</b>	<b>LUNCH</b>		
<b>1:00</b>	<b>REVENUE DEPARTMENT[701] Victoria Daniels 281-5322</b>		
	Interest rate for calendar year 2014, 10.2(33) Notice <a href="#">ARC 1162C</a> .....	10/30/13	1100
	Individual income, corporation income and franchise taxes, amendments to chs 40 to 42, 45, 52, 53, 59 Filed <a href="#">ARC 1101C</a> .....	10/16/13	1047
	Inheritance tax, 40.59, amendments to ch 86 Filed <a href="#">ARC 1137C</a> .....	10/30/13	1177
	Historic preservation and cultural and entertainment district, agricultural assets transfer, custom farming contract, from farm to food donation, targeted jobs and endow Iowa tax credits, amendments to chs 41, 42, 46, 52, 58 Filed <a href="#">ARC 1138C</a> .....	10/30/13	1200
	Earned income, Iowa taxpayers trust fund, innovation fund investment and school tuition organization tax credits; S corporation apportionment credit; aggregate tax credit cap, amendments to chs 42, 50, 52, 89 Filed <a href="#">ARC 1102C</a> .....	10/16/13	1048
	Replacement tax and statewide property tax on rate-regulated water utilities, amend 75.5, 77.1(1); adopt ch 78 Filed <a href="#">ARC 1105C</a> .....	10/16/13	1058
	Flood mitigation program, ch 238 Filed <a href="#">ARC 1103C</a> .....	10/16/13	1065
<b>1:30</b>	<b>TREASURER OF STATE[781] Randi McLaughlin 1-7562</b>		
	Deposit of public funds by state agencies, ch 11 Notice <a href="#">ARC 1109C</a> .....	10/16/13	966

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<b>1:40</b>	<b>VETERANS AFFAIRS, IOWA DEPARTMENT OF[801] Jodi Tymeson 641 844-6358</b> jodi.tymeson@iowa.gov		
	Iowa veterans home, amendments to ch 10 <u>Filed</u> <a href="#">ARC 1157C</a> .....	10/30/13	1208
<b>1:50</b>	<b>WORKFORCE DEVELOPMENT DEPARTMENT[871] Joseph Bervid 1-8116</b>		
	Online filing of unemployment insurance appeals, 26.4 to 26.6, 26.9, 26.12 <u>Notice</u> <a href="#">ARC 1094C</a> .....	10/16/13	968
	Appealing party’s participation in appeal hearing, 26.14 <u>Notice</u> <a href="#">ARC 1095C</a> .....	10/16/13	969
<b>2:00</b>	<b>HUMAN SERVICES DEPARTMENT[441] Nancy Freudenberg 1-8438</b>		
	Appeals and hearings, amendments to ch 7 <u>Notice</u> <a href="#">ARC 1129C</a> .....	10/16/13	943
	Mental health and disability services regional core services, amendments to ch 25 <u>Filed</u> <a href="#">ARC 1096C</a> .....	10/16/13	1009
	Mental health institutes and state resource centers, amendments to chs 28 to 30 <u>Filed</u> <a href="#">ARC 1145C</a> .....	10/30/13	1119
	Family investment program (FIP); PROMISE JOBS program, amendments to chs 41, 93 <u>Filed</u> <a href="#">ARC 1146C</a> .....	10/30/13	1125
	Family self-sufficiency grants program, amendments to ch 47 <u>Filed</u> <a href="#">ARC 1147C</a> .....	10/30/13	1131
	Food assistance—standard utility allowance, 65.8 <u>Filed</u> <a href="#">ARC 1148C</a> .....	10/30/13	1135
	Iowa health and wellness plan, adopt ch 74; amend ch 88 <u>Filed Emergency After</u> <u>Notice</u> <a href="#">ARC 1135C</a> .....	10/30/13	1102
	Medical assistance eligibility, amendments to ch 75 <u>Filed Emergency After Notice</u> <a href="#">ARC 1134C</a> .....	10/30/13	1108
	Medicaid—qualifications for enrollment as respite or interim medical monitoring and treatment provider, 77.30, 77.34(5)“a,” 77.37, 77.39, 77.46(5)“a” <u>Filed</u> <a href="#">ARC</a> <a href="#">1149C</a> .....	10/30/13	1136
	Payment for customized wheelchairs for Medicaid members residing in nursing facilities, 78.10, 78.28(1), 81.10(5) <u>Filed</u> <a href="#">ARC 1151C</a> .....	10/30/13	1138
	Nonemergency medical transportation, 78.13 <u>Notice</u> <a href="#">ARC 1161C</a> .....	10/30/13	1085
	Rural hospital disproportionate share payment, 79.1(5)“ac” <u>Filed</u> <a href="#">ARC 1150C</a> .....	10/30/13	1140
	Payment for physician services rendered in facility settings, 79.1(7) <u>Filed</u> <a href="#">ARC</a> <a href="#">1152C</a> .....	10/30/13	1141
	Medicare crossover claims, 79.1(22) <u>Filed</u> <a href="#">ARC 1154C</a> .....	10/30/13	1142
	Medicaid—sanctions, timely filing of claims, 79.2, 79.4(2), 79.9, 80.4 <u>Filed</u> <a href="#">ARC</a> <a href="#">1155C</a> .....	10/30/13	1143
	Provider enrollment or reenrollment application fee, 79.14 <u>Filed</u> <a href="#">ARC 1153C</a> .....	10/30/13	1150
	Child abuse reporting and assessment; placement on central registry for child abuse, amendments to chs 172, 175, 186 <u>Filed</u> <a href="#">ARC 1156C</a> .....	10/30/13	1152
<b>2:45</b>	<b>COMMITTEE BUSINESS</b>		
	Approve minutes--December 10th (???) meeting, miscellaneous		
<b>No Representative Called</b>			
<b>XX:00</b>	<b>AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]</b>		
	Agricultural lime sampling procedures and fee, 43.20(2), 43.32, 43.34, 43.35(1) <u>Notice of Termination</u> <a href="#">ARC 1106C</a> .....	10/16/13	927

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<b>XX:00 COUNTY FINANCE COMMITTEE[547]</b> MANAGEMENT DEPARTMENT[541]"umbrella" Update of terminology, reporting standards, 3.1(1), 4.1, 5.3(2), 5.4(2), 5.5 <u>Notice</u> <a href="#">ARC 1136C</a> .....	10/30/13	1084
<b>XX:00 INSURANCE DIVISION[191]</b> COMMERCE DEPARTMENT[181]"umbrella" Credit for reinsurance, 5.33 <u>Filed</u> <a href="#">ARC 1111C</a> .....	10/16/13	1021
Policy form filing, 20.4(2) <u>Notice</u> <a href="#">ARC 1127C</a> .....	10/16/13	951
Exemption from form and rate filing requirements—update of cross reference, 20.11(1) <u>Filed</u> <a href="#">ARC 1125C</a> .....	10/16/13	1029
Minimum standard of valuation for annuity and pure endowment contracts— incorporation of 2012 IAR mortality table, amendments to ch 43 <u>Filed</u> <a href="#">ARC</a> <a href="#">1110C</a> .....	10/16/13	1030
<b>XX:00 IOWA PUBLIC INFORMATION BOARD[497]</b> Inclusion of board contact information, amendments to chs 1, 3 to 7 <u>Filed Without</u> <u>Notice</u> <a href="#">ARC 1091C</a> .....	10/16/13	1035
<b>XX:00 MANAGEMENT DEPARTMENT[541]</b> Update of department organization and address, amend chs 1, 5 to 8; rescind chs 10, 15 <u>Notice</u> <a href="#">ARC 1124C</a> .....	10/16/13	958
<b>XX:00 NURSING BOARD[655]</b> PUBLIC HEALTH DEPARTMENT[641]"umbrella" Removal of convenience fee for online applications; repayment receipts, 3.1 <u>Filed</u> <a href="#">ARC 1130C</a> .....	10/30/13	1176
Licensure by examination—verification of English skills of an individual educated and licensed in another country, 3.4(4) <u>Filed</u> <a href="#">ARC 1131C</a> .....	10/30/13	1176
<b>XX:00 PROFESSIONAL LICENSURE DIVISION[645]</b> PUBLIC HEALTH DEPARTMENT[641]"umbrella" Mortuary science—funeral director duties, record keeping, internship, preceptorship, licensure by endorsement, 100.1, 100.2, 100.11, 101.5, 101.8 <u>Notice</u> <a href="#">ARC</a> <a href="#">1163C</a> .....	10/30/13	1095
Mortuary science—disposition of remains, renewal notices, 100.10(3), 101.10(1), 101.13(2) <u>Notice</u> <a href="#">ARC 1164C</a> .....	10/30/13	1099
<b>XX:00 SECRETARY OF STATE[721]</b> Performance of notarial act on electronic record, 43.5 <u>Notice</u> <a href="#">ARC 1092C</a> .....	10/16/13	965
<b>XX:00 SOIL CONSERVATION DIVISION[27]</b> AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella" Water quality initiative, ch 16 <u>Filed</u> <a href="#">ARC 1104C</a> .....	10/16/13	1068

## ARRC ACTIONS

- |                           |                                                                                                                                                                                       |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Notice of Intended Action | <ol style="list-style-type: none"> <li>1. General Referral, 6 votes. §17A.8(7)</li> <li>2. Regulatory Analysis, 6 votes. §17A.4A</li> <li>3. Objection, 6 votes. §17A.4(6)</li> </ol> |
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|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | 4. 70 day suspension of further action, 7 votes. HF 586, §3                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Adopted                                  | <ol style="list-style-type: none"><li>1. General Referral, 6 votes. §17A.8(7)</li><li>2. Informal Regulatory Analysis, 6 votes. No statutory authority, customary.</li><li>3. Objection, 6 votes. §17A.4(6)</li><li>4. 70 Day Delay, 7 votes. §17A.4 (7)</li><li>5. Session Delay, 7 votes. §17A.8(9)</li></ol>                                                                                                                                                                                                                         |
| Adopted and Filed Without Notice         | <ol style="list-style-type: none"><li>1. <b>Mandatory prior approval by ARRC, 6 votes. HF 586, §1</b></li><li>2. General Referral, 6 votes. §17A.8(7)</li><li>3. Regulatory Analysis, 6 votes. §17A.4A</li><li>4. Objection, 6 votes. §17A.4(6)</li><li>5. 180 Day Sunset Objection, 7 votes. §17A.4(3)</li><li>6. Suspension of applicability until 180 sunset, 7 votes. HF 586, §1</li></ol>                                                                                                                                          |
| Adopted and Filed Emergency              | <ol style="list-style-type: none"><li>1. <b>Mandatory prior approval by ARRC, 6 votes. HF 586, §1</b></li><li>2. General Referral, 6 votes. §17A.8(7)</li><li>3. Regulatory Analysis, 6 votes. §17A.4A</li><li>4. Objection, 6 votes. §17A.4(6)</li><li>5. 180 Day Sunset Objection, 7 votes. §17A.4(3)</li><li>6. Suspension of applicability until 180 sunset, 7 votes. HF 586, §1</li><li>7. 70 Day suspension of applicability, 7 votes. HF 586, § 2</li><li>8. Session suspension of applicability, 7 votes. HF 586, § 4</li></ol> |
| Adopted and Filed Emergency After Notice | <ol style="list-style-type: none"><li>1. General Referral, 6 votes. §17A.8(7)</li><li>2. Regulatory Analysis, 6 votes. §17A.4A</li><li>3. Objection, 6 votes. §17A.4(6)</li><li>4. 70 Day suspension of applicability, 7 votes. HF 586, § 2</li><br/><li>5. Session suspension of applicability, 7 votes. HF 586, § 4</li></ol>                                                                                                                                                                                                         |
| Notice of Termination                    | No Action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Rules in effect (by special review)      | <ol style="list-style-type: none"><li>1. General Referral, 6 votes. §17A.8(7)</li><li>2. Informal Regulatory Analysis, 6 votes. No statutory authority, customary.</li><li>3. Objection, 6 votes. §17A.4(6)</li></ol>                                                                                                                                                                                                                                                                                                                   |
| Any rules-related matter                 | ARRC-approved Legislation, 6 votes, 3 from each chamber. Joint Rule 19.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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## OBJECTION

At a special meeting held on Monday, February 8, 2010, the Administrative Rules Review Committee voted to object to the provisions of **ARC 8469B**, on the grounds these requirements are beyond the authority delegated to the agency. This filing appeared in the 1/13/2010 issue of the Iowa Administrative Bulletin.

This adopted filing establishes leak detection requirements for unstaffed fueling facilities. It requires in-line leak detection to shut off the pump and stop fuel flow to the dispenser. Discussion at the February 8, 2010, meeting raised several issues involving the number of facilities affected and the cost of the upgrades. The issue was also raised whether the rule exceeded the authority of the agency. Iowa Code §455B.474(10) states, in part, “The rules adopted by the commission under this section shall be consistent with and shall not exceed the requirements of federal regulations....” Since federal regulations do not have specific leak detection requirements for unstaffed fueling facilities, the Committee believes the plain language of §455B.474(10) precludes this rulemaking.

For this reason the Committee members felt the new detection requirements are beyond the authority delegated to the agency.

Objection filed February 12, 2010