

REVISED 11-4
2 Human Services items added
Veterans Affairs rescheduled for December

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

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11:00	IOWA FINANCE AUTHORITY[265] Mark Thompson 725-4937		
	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 ARC 1144C	10/30/13	1088
	Low-income housing tax credit program—qualified allocation plan, 12.1, 12.2 Filed		
	ARC 1139C	10/30/13	1170
	Military service member home ownership assistance program—home purchase		
	financing, 27.3(2) Notice ARC 1141C , also Filed Emergency ARC 1142C	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 ARC 1140C	10/30/13	1170
	Iowa agricultural development division, adopt 265—ch 44; rescind 25—chs 1 to 11		
	Notice ARC 1113C , also Filed Emergency ARC 1112C	10/16/13	977
11:15	LABOR SERVICES DIVISION[875] Kathleen Uehling 1-5915		
	WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”		
	Conveyance safety program—elevator inspector qualifications, 71.1 Filed ARC		
	1159C	10/30/13	1173
	Conveyance safety program—fees, 71.16 Filed ARC 1158C	10/30/13	1174
	Safety standard—platform lifts and stairway chairlifts, 72.1(9) Notice ARC 1108C	10/16/13	953
	Bidder preferences in government contracting, ch 156 Notice ARC 1160C	10/30/13	1091
	Wrestling, boxing, mixed martial arts—general requirements for athletic events, adopt		
	ch 169; amend chs 170 to 174, 177 Notice ARC 1107C	10/16/13	954
11:40	PUBLIC HEALTH DEPARTMENT[641] Barb Nervig 281-4344		
	State plumbing code—plumbing materials and methods for buildings and premises in		
	Iowa, amendments to ch 25 Filed ARC 1089C	10/16/13	1038
	Plumbing and mechanical systems board—licensure fees, 28.1 Notice ARC 1128C	10/16/13	962
	held over from October--70 day delay		
	Vital records—time-limited fee increases, 95.6 Filed ARC 1074C	10/2/13	891
12:00	LUNCH		
1:00	REVENUE DEPARTMENT[701] Victoria Daniels 281-5322		
	Interest rate for calendar year 2014, 10.2(33) Notice ARC 1162C	10/30/13	1100
	Individual income, corporation income and franchise taxes, amendments to chs 40 to 42,		
	45, 52, 53, 59 Filed ARC 1101C	10/16/13	1047
	Inheritance tax, 40.59, amendments to ch 86 Filed ARC 1137C	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 ARC 1138C	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 ARC 1102C	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 ARC 1105C	10/16/13	1058
	Flood mitigation program, ch 238 Filed ARC 1103C	10/16/13	1065
1:30	TREASURER OF STATE[781] Randi McLaughlin 1-7562		
	Deposit of public funds by state agencies, ch 11 Notice ARC 1109C	10/16/13	966

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1:40	VETERANS AFFAIRS, IOWA DEPARTMENT OF [801] Jodi Tymeson 641 844-6358 jodi.tymeson@iowa.gov		
	Iowa veterans home, amendments to ch 10 Filed ARC 1157C	10/30/13	1208
	VA rescheduled for December		
1:50	WORKFORCE DEVELOPMENT DEPARTMENT [871] Joseph Bervid 1-8116		
	Online filing of unemployment insurance appeals, 26.4 to 26.6, 26.9, 26.12 Notice ARC 1094C	10/16/13	968
	Appealing party’s participation in appeal hearing, 26.14 Notice ARC 1095C	10/16/13	969
2:00	HUMAN SERVICES DEPARTMENT [441] Nancy Freudenberg 1-8438		
	Appeals and hearings, amendments to ch 7 Notice ARC 1129C	10/16/13	943
	Mental health and disability services regional core services, amendments to ch 25 Filed ARC 1096C	10/16/13	1009
	Mental health institutes and state resource centers, amendments to chs 28 to 30 Filed ARC 1145C	10/30/13	1119
	Family investment program (FIP); PROMISE JOBS program, amendments to chs 41, 93 Filed ARC 1146C	10/30/13	1125
	Family self-sufficiency grants program, amendments to ch 47 Filed ARC 1147C	10/30/13	1131
	Food assistance—standard utility allowance, 65.8 Filed ARC 1148C	10/30/13	1135
	Iowa health and wellness plan, adopt ch 74; amend ch 88 Filed Emergency After Notice ARC 1135C	10/30/13	1102
	Medical assistance eligibility, amendments to ch 75 Filed Emergency After Notice ARC 1134C	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” Filed ARC 1149C	10/30/13	1136
	Payment for customized wheelchairs for Medicaid members residing in nursing facilities, 78.10, 78.28(1), 81.10(5) Filed ARC 1151C	10/30/13	1138
	Nonemergency medical transportation, 78.13 Notice ARC 1161C	10/30/13	1085
	Rural hospital disproportionate share payment, 79.1(5)“ac” Filed ARC 1150C	10/30/13	1140
	Payment for physician services rendered in facility settings, 79.1(7) Filed ARC 1152C	10/30/13	1141
	Medicare crossover claims, 79.1(22) Filed ARC 1154C	10/30/13	1142
	Medicaid—sanctions, timely filing of claims, 79.2, 79.4(2), 79.9, 80.4 Filed ARC 1155C	10/30/13	1143
	Provider enrollment or reenrollment application fee, 79.14 Filed ARC 1153C	10/30/13	1150
	Child abuse reporting and assessment; placement on central registry for child abuse, amendments to chs 172, 175, 186 Filed ARC 1156C	10/30/13	1152

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HUMAN SERVICES DEPARTMENT continued
Emergency filings--ARRC review and approval
 Iowa Health And Wellness Plan, Ch. 74
 Conditions of Eligibility, Ch. 75

2:45 COMMITTEE BUSINESS
 Approve minutes--December 10th (???) meeting, miscellaneous

No Representative Called

XX:00 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]		
Agricultural lime sampling procedures and fee, 43.20(2), 43.32, 43.34, 43.35(1)		
	Notice of Termination ARC 1106C	10/16/13 927
XX:00 COUNTY FINANCE COMMITTEE[547]		
MANAGEMENT DEPARTMENT[541]"umbrella"		
Update of terminology, reporting standards, 3.1(1), 4.1, 5.3(2), 5.4(2), 5.5 Notice		
	ARC 1136C	10/30/13 1084
XX:00 INSURANCE DIVISION[191]		
COMMERCE DEPARTMENT[181]"umbrella"		
	Credit for reinsurance, 5.33 Filed ARC 1111C	10/16/13 1021
	Policy form filing, 20.4(2) Notice ARC 1127C	10/16/13 951
	Exemption from form and rate filing requirements—update of cross reference, 20.11(1)	
	Filed ARC 1125C	10/16/13 1029
	Minimum standard of valuation for annuity and pure endowment contracts—	
	incorporation of 2012 IAR mortality table, amendments to ch 43 Filed ARC	
	1110C	10/16/13 1030
XX:00 IOWA PUBLIC INFORMATION BOARD[497]		
Inclusion of board contact information, amendments to chs 1, 3 to 7 Filed Without		
	Notice ARC 1091C	10/16/13 1035
XX:00 MANAGEMENT DEPARTMENT[541]		
Update of department organization and address, amend chs 1, 5 to 8; rescind chs 10, 15		
	Notice ARC 1124C	10/16/13 958
XX:00 NURSING BOARD[655]		
PUBLIC HEALTH DEPARTMENT[641]"umbrella"		
	Removal of convenience fee for online applications; repayment receipts, 3.1 Filed	
	ARC 1130C	10/30/13 1176
	Licensure by examination—verification of English skills of an individual educated and	
	licensed in another country, 3.4(4) Filed ARC 1131C	10/30/13 1176
XX:00 PROFESSIONAL LICENSURE DIVISION[645]		
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 Notice ARC	
	1163C	10/30/13 1095
	Mortuary science—disposition of remains, renewal notices, 100.10(3), 101.10(1),	
	101.13(2) Notice ARC 1164C	10/30/13 1099

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XX:00 SECRETARY OF STATE[721]		
Performance of notarial act on electronic record, 43.5 <u>Notice</u> ARC 1092C	10/16/13	965
XX:00 SOIL CONSERVATION DIVISION[27]		
<small>AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella"</small>		
Water quality initiative, ch 16 <u>Filed</u> ARC 1104C	10/16/13	1068

ARRC ACTIONS

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

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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