

**MINUTES OF THE MARCH 2012 MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Date of meeting: The regular, statutory meeting of the Administrative Rules Review Committee (ARRC) was held on Monday, March 12, 2012, at 8 a.m. in Room 116, State Capitol, Des Moines, Iowa.

Members present: Senator Wally Horn, Chair, and Representative Dawn Pettengill, Vice Chair; Senators Merlin Bartz, Thomas Courtney, John P. Kibbie, and James Seymour; Representatives David Heaton, Jo Oldson, and Guy Vander Linden were present. Representative Rick Olson was not present.

Also present: Joseph A. Royce and Jack Ewing, Legal Counsel; Stephanie A. Hoff, Administrative Code Editor; Brenna Findley, Administrative Rules Coordinator; Larry Johnson, on behalf of the Governor’s office; fiscal staff; caucus staff; and other interested parties.

Convened Sen. Horn convened the meeting at 8 a.m.

Fiscal overview Aaron Todd presented the LSA fiscal report.

ECONOMIC DEVELOPMENT AUTHORITY Julie Lunn, Tim Whipple, Matt Rasmussen and Kristin Hanks represented the authority.

ARC 0008C No action on amendments to ch 47 pertaining to endow Iowa tax credits.

ARC 0007C No action on amendments to ch 65 relating to brownfield and grayfield redevelopment. In response to an inquiry from Sen. Kibbie, Mr. Rasmussen reported that approximately 20 projects have been awarded contracts.

ARC 0009C No action on chs 115 and 116 concerning tax credits for investments in qualifying businesses and community-based seed capital funds and in certified innovation funds.

IOWA FINANCE AUTHORITY Mark Thompson and Carla Pope represented the authority.

ARC 0003C No action on 39.4(1)“a” related to the HOME partnership program. In response to an inquiry from Sen. Kibbie, Ms. Pope explained that in the determination of home ownership assistance, the use of a fixed maximum home purchase price established by HUD under Section 203(b) of the National Housing Act applied statewide is more equitable than the use of a county median price applied by county.

ENVIRONMENTAL PROTECTION COMMISSION Chris Schwake and Jon Tack represented the commission.

ARC 9998B Proposed amendments to 61.2(2)“g” pertain to water quality certification. Discussion pertained to the types and applicability of and requirements for various nationwide permits (NWP) on projects related to drainage districts, tiling, and land-based renewable energy. In response to a request from Sen. Bartz, Ms. Schwake offered to research whether an NWP is required for cleaning road ditches.

ARC 9994B No questions on the proposed rescission of chs 140, 141, 148, 150 and 151 relating to hazardous waste. Mr. Tack explained that the repeal of the statutes implemented by these chapters necessitated the rescissions.

PUBLIC HEALTH DEPARTMENT Barb Nervig represented the department.

ARC 9995B No questions on the proposed rescission of ch 37 and adoption of ch 8 pertaining to a screening program for breast and cervical cancer and cardiovascular disease.

ARC 9997B Proposed ch 10 pertains to the Iowa get screened: colorectal cancer program. Discussion pertained to the effectiveness and cost of fecal immunochemical tests and colonoscopies.

ARC 0002C The proposed amendment to 131.3(3)“b” relates to the scope of practice for EMS providers. Discussion pertained to the cost, levels, and importance of training, especially for volunteer first responders in rural areas.

ARC 0001C Proposed amendments to ch 132 pertain to EMS provider levels and service authorization at the new levels. Sen. Seymour observed the need for increased funding to pay trained clerical staff to maintain up-to-date continuing education and certification records for rural fire departments. Rep. Heaton stated that to address the revenue inequity in emergency service delivery, ambulance services should share some of the revenue with rural fire departments staffed by volunteer first responders.

RACING AND GAMING COMMISSION Jack Ketterer and Brian Ohorilko represented the commission.

ARC 9987B No action on amendments to chs 4 and 8 to 11 regarding advance deposit wagering, horse racing and gambling games. Mr. Ohorilko clarified the requirements for “renting” a seat at a table game and the meaning of “bad beat” in poker. Sens. Seymour, Courtney and Horn commended Mr. Ketterer, who will soon retire, for his service as administrator of the commission.

SECRETARY OF STATE Sarah Reisetter and Doug Struyk represented the secretary of state.

ARC 9989B No action on amendments to chs 21, 22 and 28 pertaining to election forms and instructions, voting systems, and voter registration file procedures. Discussion related to voter registration and cross-state matching and voting. In response to an inquiry from Sen. Kibbie, Ms. Reisetter agreed to provide the committee with the approximate number of military members from Iowa who were entitled to vote by absentee ballot during the 2008 and 2010 election cycles under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

ARC 9999B No questions on the proposed rescission of ch 31, registration of postsecondary schools. Mr. Struyk stated that these rules are no longer applicable because the statutory responsibility for the collection of a registration fee for each postsecondary school has been shifted from the secretary of state to the college student aid commission.

EDUCATION DEPARTMENT Phil Wise and Roger Utman represented the department.

ARC 0016C No department representative was available for presentation of amendments to ch 12 pertaining to accreditation standards for all Iowa school districts and accredited nonpublic schools.

ARC 0015C No action on amendments to ch 24 relating to community college accreditation. In response to an inquiry by Sen. Bartz, Mr. Utman stated that the rule making removes duplication of the accreditation process, for which Sen. Bartz commended the department. In response to an inquiry from Rep. Pettengill, Mr. Utman agreed to provide specific information about the budget, staff, and selection of materials of the libraries and resource centers referred to in Item 3.

ARC 0020C Proposed ch 25 pertains to the pathways for academic career and employment program: gap tuition assistance program. In response to an inquiry from Sen. Bartz, Mr. Utman agreed to reexamine the definition of “dislocated worker,” specifically paragraph “8,” in regard to the apparent unintended exclusion of a homemaker who is not employed outside the home but is not technically unemployed.

ARC 0019C No department representative was available for presentation of proposed ch 63, funding for instructional programs for children residing in juvenile homes.

ARC 0014C No department representative was available for presentation of amendments to ch 97 concerning funding for regional academies that is generated by supplementary weighting.

ARC 0012C No department representative was available for presentation of amendments to ch 98 pertaining to the uses of categorical funding, including the home school assistance program and the physical plant and equipment levy (PPEL).

ARC 0013C No department representative was available for presentation of ch 99, business procedures and deadlines.

ARC 0018C Proposed ch 120 relates to early ACCESS integrated system of early intervention services. Mr. Wise clarified for Sen. Seymour that the state share of the \$5.7 million total cost of the program is \$1.7 million. Sen. Bartz requested that the committee note the key changes in the new chapter and the age of children eligible for the program. Sen. Kibbie requested that the department provide the committee with a summary of public comment.

After discussion about the filed rule makings that were not reviewed, the committee determined that a 30-day delay of the March 28, 2012, effective date of the rule makings would allow for review at the April meeting before the rule makings go into effect. The committee also decided to review Notice of Intended Action ARC 0019C at the April meeting.

Motion to delay Rep. Vander Linden moved a 30-day delay on ARC 0016C, ARC 0014C, ARC 0012C and ARC 0013C.

Motion carried On a voice vote of 9 to 0, the motion carried.

HUMAN SERVICES DEPARTMENT Nancy Freudenberg represented the department.

- ARC 9981B No action on the rescission of 78.2(4)“b”(4) regarding Medicaid coverage of all smoking cessation products. In response to an inquiry from Sen. Bartz, Ms. Freudenberg stated that the total state and federal cost for coverage for pregnant women and all Medicaid members is \$36,000. Rep. Heaton clarified that the state share of that amount is \$15,000.
- ARC 9996B No action on amendments to ch 92 concerning the appropriation for IowaCare payments to Broadlawn Medical Center for state fiscal year 2012.
- ARC 9982B No action on amendments to ch 92 regarding the IowaCare application and hardship exemption. Ms. Freudenberg clarified for Sen. Bartz that based on statute, as long as a hardship request is timely received, a partial payment exemption shall be granted for the balance owed for that month.

PROFESSIONAL LICENSURE DIVISION Sharon Dozier represented the division.

- ARC 0022C The amendment to 83.2(12) concerns discipline of dietitians.
- ARC 0024C No review of the amendments to chs 141 and 144 pertaining to licensure and discipline of nursing home administrators.
After the presentation of ARC 0022C, Rep. Vander Linden reminded the committee of the vote at the February meeting to impose a 70-day delay on a rule for athletic trainers similar to the rules amended in ARC 0022C and ARC 0024C because legislation under consideration in the General Assembly would impact the validity of the rules.
- Motion to delay Rep. Vander Linden moved a 70-day delay on ARC 0022C and ARC 0024C.
- Motion carried On a voice vote of 8 to 0, the motion carried.
- Committee business** The minutes of the February 10, 2012, meeting were approved.
The next meeting was scheduled for Monday, April 9, 2012, at 8 a.m.
- Adjourned The meeting was adjourned at 10:05 a.m.

Respectfully submitted,

Stephanie A. Hoff

APPROVED:

Chair Wally Horn

Vice Chair Dawn Pettengill