

**MINUTES OF THE APRIL 2005 MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Date of meeting: A special meeting of the Administrative Rules Review Committee (ARRC) was held Thursday, March 31, 2005, and Friday, April 1, 2005, in Room 116, State Capitol, Des Moines, Iowa.

Members present:

Thursday, March 31, 2005 Representative George Eichhorn, Chair, and Senator Paul McKinley, Vice Chair; Senators Michael Connolly, John P. Kibbie and Mary Lundby; Representatives Danny Carroll, Marcella Frevert, David Heaton and Geri Huser.

Friday, April 1, 2005 Representative George Eichhorn, Chair, and Senator Paul McKinley, Vice Chair; Senators John P. Kibbie, and Mary Lundby; Representatives Danny Carroll, Marcella Frevert, David Heaton and Geri Huser.

Also present: Joseph A. Royce, Legal Counsel; Kathleen K. West, Administrative Code Editor; Gary Dickey Jr., Administrative Rules Coordinator; fiscal staff, caucus staff and other interested parties.

Convened Chair Eichhorn convened the meeting at 3:15 p.m. on Thursday, March 31, 2005.

HUMAN SERVICES DEPARTMENT Nancy Freudenberg and Eugene Gessow represented the department. Dann Stevens represented the department of education.

Special review Review of Medicaid payments in schools was carried over from the March meeting. Royce advised the committee that DHS rules and the provider manual specify the record-keeping requirements for schools participating in the Medicaid program. Gessow told the committee that training was available to all participating districts. DHS agreed to provide the committee a list of all participating school districts and a list of the districts that participated in the training provided by DHS. Gessow reported that the department has issued an RFP to identify additional training needs. In addition, the department agreed to send a letter encouraging all districts to participate in additional training offered by the department.

Stevens, the Medicaid consultant for the department of education, reported that in 2003 the department contracted with the Iowa Foundation for Medical Care to conduct a study of the program. The report concluded that there is a need for monitoring of documentation. Stevens clarified that the Creston school district participated in a pilot project of the Iowa Association of School Boards, not the department of human services or the department of education.

Friday, April 1, 2005

LSA Fiscal Overview Jennifer Vermeer reported that the following rule makings have a fiscal impact in excess of \$100,000: ARC 4071B (Iowa finance authority), ARC 3482B (department of public safety) and ARC 4058B (revenue department).

HUMAN SERVICES DEPARTMENT Nancy Freudenberg represented the department.

ARC 4076B No action on amendments to ch 185, rehabilitative treatment services.

Special review No action on proposed amendments concerning family-centered services that will be adopted and filed emergency as part of the redesign of the child welfare system.

Committee business The minutes of the March 2005 meeting were approved.

The next meeting will be May 10, 2005.

Carroll asked that both the elder affairs department and the department of inspections and appeals be present at the May meeting for a review of provisions regarding medication assistance in assisted living facilities.

Dickey pointed out that ethics and campaign disclosure board rules often consist of a restating of the statute. Royce suggested additional review at the May meeting.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT Dr. Schiltz represented the department.

ARC 4075B No action on proposed ch 65 concerning animal and livestock importation. Schiltz outlined the substantive changes.

PUBLIC SAFETY DEPARTMENT Mike Coveyou and Jim Kenkel represented the department. Wes Ehrecke represented the Iowa Gaming Association.

ARC 4056B No questions on the amendment to 5.850, to adopt 2001 NFPA 495 explosive materials code for blasting operations in proximity to any dwelling, public building, school, church, or commercial or institutional building.

ARC 4057B No questions on proposed adoption of the 2001 edition of NFPA 495, explosive materials code in rule 5.850.

ARC 4066B No action on ch 141 regarding closed circuit surveillance systems in gaming establishments. Ehrecke stated that the association supports the rules.

ARC 3482B Coveyou outlined the regulatory analysis of minimum training standards for fire fighters who engage in structural fire fighting in this state, indicating that the cost of training fire fighters who are not already certified would be approximately \$1.44 million. The department is extending the deadline for meeting the standard to July

1, 2008, and allowing for a fire chief to petition for a one-year extension if funding from the fire fighter training and equipment fund is denied.

Eichhorn expressed concern about the initial 60 hours of training and subsequent annual 24 hours of continuing education. Huser summarized the legislative history of the proposed training and commented that decisions to close fire departments may be based on insurance costs rather than training requirements. There was discussion about insurance issues, mutual aid agreements, and measurements of success. McKinley requested a report on the assessment model.

On an unrelated matter, Coveyou informed the committee about recently adopted emergency rules regarding support and anchoring systems for installation of manufactured houses.

LABOR SERVICES DIVISION Kathleen Uehling represented the division.

ARC 4067B No action on amendments to ch 207 concerning boilers.

ENVIRONMENTAL PROTECTION COMMISSION Jim McGraw and Mark Warren represented the commission.

ARC 4059B No action on proposed amendments to air quality rules.

ARC 4061B Rule 22.9, special requirements for visibility protection, was adopted to identify sources potentially subject to federally mandated Best Available Retrofit Technology (BART) emission control requirements. McGraw reported that even though there are no Class I areas in Iowa, approximately 40 sources in the state will need to complete the BART eligibility certification form and 10 will be required to submit BART engineering analyses. In response to a comment received, the department extended the deadline from July 1, 2005, to September 1, 2005, for completion of the form.

ARC 4060B Amendments to ch 23 pertain to training fires and controlled burns of demolished buildings. McGraw identified changes from the notice and comments received from EPA. Huser questioned the change from "city fire chief" to "representative of the city" in provisions relating to supervision of the burning of demolished building material, indicating that the change should have been "city fire chief or township fire chief" to ensure that the designated person has the necessary expertise.

ARC 4062B No action on proposed solid waste comprehensive planning requirements, 101.1 to 101.13.

NATURAL RESOURCE COMMISSION Terry Little represented the commission.

ARC 4084B No questions on the proposed amendment to allow additional time for removal of portable blinds from game management areas.

ARC 4085B No questions on the Gladys Black eagle refuge, 52.1(2)"c."

ARC 4091B Proposed waterfowl hunting season dates will be adopted in accordance with U.S. Fish and Wildlife Service guidelines.

ARC 4086B No questions on clarification of the tagging requirement for nonresident deer hunting.

ARC 4090B No action on proposed amendments to wild turkey spring hunting rules, ch 98.

ARC 4087B No questions on proposed amendments to wild turkey fall hunting rules, ch 99.

ARC 4088B No questions on proposed amendments to ch 106 concerning deer hunting by residents.

ARC 4089B No questions on proposed amendments to ch 108 to extend muskrat season at selected marshes and to add bobcat and gray wolf to the listing of species with continuous closed seasons.

Adjourn The meeting was adjourned at 11:15 a.m. on Friday, April 1, 2005.

Kathleen K. West

APPROVED:

Chair George Eichhorn

Vice Chair Paul McKinley