

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

- Date of meeting: The regular, statutory meeting of the Administrative Rules Review Committee (ARRC) was held Tuesday, May 10, 2005, in Room 116, State Capitol, Des Moines, Iowa.
- Members present: Representative George Eichhorn, Chair, and Senator Paul McKinley, Vice Chair; Senators Jeff Angelo, Michael Connolly, and John P. Kibbie; Representatives Danny Carroll, Marcella Frevert, David Heaton and Geri Huser. Senator Mary Lundby was excused.
- 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 Vice Chair McKinley convened the meeting at 9:05 a.m.
- Committee business** The minutes of the April 2005 meeting were approved.
The committee's next meetings will take place June 14, 2005, and July 12, 2005.
- ADMINISTRATIVE SERVICES DEPARTMENT** Carol Stratemeyer represented the department.
- ARC 4124B No action on proposed amendments to ch 111 concerning disposal of state surplus property. Stratemeyer noted that the department has an agreement with Iowa Prison Industries (IPI) and stated that IPI has reviewed and approved the amendments.
- CAPITAL INVESTMENT BOARD** David Casey represented the board.
- ARC 4114B No action on amendments to ch 4 which implement 2005 Iowa Acts, Senate File 114, by providing for issuance of contingent tax credits for commitments to invest in the Iowa fund of funds. No credits have been issued to date.
- REVENUE DEPARTMENT** David Casey represented the department.
- ARC 4129B Casey outlined the proposed amendments for compliance with the streamlined sales and use tax agreement and clarified the difference between taxable "load and leave" transactions and exempt electronic transfers.
- LOTTERY AUTHORITY** Brandi Hoffman and Mary Neubauer represented the authority. Lisa Pierce represented Central Iowa Gambling Treatment Program.
- ARC 4097B Amendments to ch 14, monitor vending machines (MVMs), impose restrictions on advertising and establish sanctions for violations. Neubauer reviewed the legislative history and oversight of ticket sales through MVMs and explained the difference between amusement devices and MVMs. Discussion related to the cap on the number of amusement devices, the proliferation of MVMs and their similarity in appearance to amusement devices. Members also expressed concern that minors may have access to machines and devices located in convenience stores. Pierce voiced concern that convenience store cashiers cannot ensure that minors do not have access to the machines.
- Motion to refer Carroll made a motion to refer to the general assembly the committee's concerns about monitor vending machines and amusement devices placed in restricted areas of convenience stores and the rate of increase in the number of MVMs in the state.
- Motion carried The motion passed.
- ETHICS AND CAMPAIGN DISCLOSURE BOARD** Charlie Smithson represented the board.
- ARC 4041B No questions on the proposed prohibition on receipt of an honorarium by an executive branch official or employee.
- REGENTS BOARD** Thomas Evans, Andrea Anania, and Susan Andersen represented the board. Paul Tanaka and Douglas Houghton represented Iowa State University.
- ARC 4111B Proposed amendments to ch 4 would add forged permits to the prohibited traffic and parking offenses at Iowa State University and would increase the fines for violations. Houghton indicated that the amendment will be revenue-neutral since increases in fines should result in fewer violations.
- ARC 4110B No action on proposed amendments to ch 9 regarding personal conduct. McKinley suggested the rules be more specific in defining what constitutes an "appropriate hearing" prior to the imposition of sanctions for violations.
- STATE PUBLIC DEFENDER** Mark Smith represented the office. Jenny Tyler represented the Iowa State Bar Association.
- ARC 3813B At the December 2004 meeting, the effective date of the adopted amendments was delayed for 70 days in response to concerns raised by the Iowa State Bar Association and the Iowa Association of Criminal Defense Lawyers. Smith indicated that the amendment to 11.5(6) may be withdrawn and that the office is working with the associations to resolve concerns about 12.2(1)"f," 12.2(6), 12.2(12), and 12.6(5). Tyler confirmed that the associations continue to be willing to work with the state public defender's office.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT Ron Rowland, Mike Bevins and Mary Jane Olney represented the department. Other interested parties included Representative Kurt Swaim, Mrs. Tom Scheuller, Bob Shepherd of Iowa Farmers' Market Association, Lori Sokolowski of Iowa Farmers Union, WIC recipient Kari Peterson, and numerous members of Iowa Citizens for Community Improvement (CCI), including Olive Jones, Betty Fountain, and Bill and Kathleen Eggers.

ARC 4112B No questions on 85.33 regarding motor fuel and antifreeze tests and standards.
Special review As a member of the House agriculture committee, Frevert requested a review of ch 50 rules regarding certification of nutrition program vendors at farmers' markets. Swaim expressed appreciation for the opportunity for concerned parties to be heard. Bevins distributed a summary of the requirements for certified vendors and authorized farmers' markets participating in the Farmers' Market Nutrition Program (FMNP). Shepherd stated that these requirements help to develop strong farmers' markets and ensure that certified vendors of fresh produce will be present at authorized markets during specified hours. Shepherd reported on the economic and social benefits to small markets in rural areas participating in the program and noted that the association is willing to offer assistance to markets wanting to become certified. Jones, contending that a single certified vendor ought to be able to accept FMNP checks, distributed copies of a petition for rule making initiated by CCI and took issue with the requirement that a market must have three certified vendors in order to be authorized to participate in the Farmers' Market Nutrition Program. Schueller commented that seniors who reside in areas with too few vendors cannot use their FMNP checks and many cannot drive to larger markets in other areas; therefore, she requested that checks be accepted even if the market has only one certified vendor. Sokolowski distributed written comments regarding the Cherokee farmers' market and comments from Virginia Snip of Snip's Produce. Peterson, Fountain, and the Eggers expressed their concerns about seniors and WIC recipients in small rural areas that do not have authorized markets and urged the department to allow a certified vendor to accept FMNP checks at any market. Eichhorn encouraged the department to consider the concerns expressed by commenters.

ELDER AFFAIRS DEPARTMENT Mary Ann Young and Joel Wulf represented the department. Linda Goeldner represented the Iowa Nurses Association.

ARC 4055B As a result of recent legislation, this notice regarding medication administration and storage for adult day services programs will be terminated.

ARC 4054B This notice regarding medication administration and storage in assisted living facilities will be terminated.
Goeldner stated that nurses support the legislation and the termination of the proposed rules.

PUBLIC SAFETY DEPARTMENT Mike Coveyou, Stuart Crine, Jeff Quigle, and Jim Kenkel represented the department. Other interested parties included Senator Tom Hancock; Representative Roger Thomas; Dan Brown, Chief of the Dubuque Fire Department, representing the State Fire and Emergency Response Council; Mike Sebastian of the Postville Fire Department; Tom Fleming of Norwalk Fire Rescue; Rick Roe representing Clive and the Iowa Association of Professional Fire Chiefs; Tom Sager of the Seymour Fire Department; Larry Thein of the Garber Fire Department; Joe Miller of the Kanawha Fire Department and president of the Iowa Fire Chiefs Association; Adrian Dickey of Packwood Volunteer Fire and Rescue; and Brian Platz, president of the Iowa Firemen's Association.

ARC 4116B No action on amendments to ch 16 pertaining to support and anchoring systems for manufactured homes.

ARC 4125B No action on proposed ch 205 rules, fire safety requirements for hospitals and health care facilities, which were revised in accordance with CMS regulations.

ARC 3482B Coveyou outlined changes that the department intends to incorporate when the proposed training standards for fire fighter certification are adopted: extending the deadline for compliance until July 1, 2010, with provisions for additional extensions; and including the fire service training bureau, community colleges, regional training facilities, and local fire departments as providers of training and continuing training. Hancock stressed the importance of statewide standards for training and safety. Thomas concurred with Hancock but suggested that the state proceed with caution and careful communication. Thomas distributed letters expressing the concerns of two small community fire departments. Brown explained the council's role in the adoption of the minimum training standards. Kenkel clarified that although the fire service training bureau's course is 60 hours, the department will also accept documentation from a fire department's chief that the fire fighters meet the standard. Kibbie speculated that training currently offered in many of the volunteer departments would qualify. Fleming voiced support for the rules and reported that Wisconsin required this standard ten years ago. Sebastian expressed concern about the fire service training bureau's policies regarding missed sessions of training. Roe supported the rules and stated that many members of the association believe the standard should be even

Public Safety Department (continued)

higher. Sager, who submitted written comments, wondered about the effect of the rules on mutual aid agreements with Missouri. They expressed hope that existing training could be documented in order to meet the training standard. Miller stated that the professional associations support these minimum training standards. Adrian Dickey feared that adoption of the minimum training standards would result in fewer fire fighters. Platz commented that the Iowa Firemen’s Association supports the minimum training standards. Eichhorn announced that the adopted amendments will be reviewed at the June meeting.

Adjourn The meeting was adjourned at 1:45 p.m.

Kathleen K. West

APPROVED:

Chair George Eichhorn

Vice Chair Paul McKinley