

**MINUTES OF THE MARCH 2008 MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

- Date of meeting: A special meeting of the Administrative Rules Review Committee (ARRC) was held Friday, March 7, 2008, in Room 116, State Capitol, Des Moines, Iowa.
- Members present: Senator Michael Connolly, Chair, and Representative Philip Wise, Vice Chair; Senators John P. Kibbie and James Seymour; and Representatives Marcella Frevert, David Heaton, David Jacoby and Linda Upmeyer.
Senators Jeff Angelo and Thomas Courtney were not present.
- Also present: Joseph A. Royce and Michael Duster, Legal Counsel; Kathleen K. West, Administrative Code Editor; Deborah Svec-Carstens, Assistant Counsel to the Administrative Rules Coordinator; fiscal staff; caucus staff; and other interested parties.
- Convened Sen. Connolly convened the meeting at 8:02 a.m.
- Fiscal overview** Sue Lerdal presented the LSA fiscal report.
- EDUCATION DEPARTMENT** Carol Greta represented the department.
- ARC 6624B No action on amendments relating to the student achievement and teacher quality program and the beginning administrator mentoring and induction program.
- ARC 6625B These amendments to ch 17 implement the supreme court decision to prohibit attendance center assignment based solely on race. Ms. Greta stated that all five districts eligible for diversity plans have submitted plans and that the plans have been approved.
- ARC 6623B Proposed amendments to ch 67 update the rules for public charter schools to include provisions for revocation and renewal of charters.
- PUBLIC SAFETY DEPARTMENT** Mike Coveyou represented the department. Other interested parties included Wes Ehrecke of the Iowa Gaming Association.
- ARC 6591B Amendments to ch 141 pertain to closed circuit surveillance systems. Mr. Coveyou outlined changes made in response to comments received, including definitions and provisions related to location of surveillance rooms and release of video images. Mr. Ehrecke commented that the association has concerns regarding conversion to digital technology, DCI approval of release of images, and the addition of "but not be limited to" in 141.5(9)"d" and asked the committee to delay the effective date so that concerns might be resolved.
- Motion to delay Sen. Kibbie moved a 70-day delay.
- Motion carried The motion carried.
- EDUCATIONAL EXAMINERS BOARD** George Maurer represented the board.
- ARC 6606B No questions on amendments to 14.142 regarding administrator endorsement requirements for out-of-state applicants.
- CREDIT UNION DIVISION** Tim McDermott represented the division.
- ARC 6602B Ch 5 provides for debt cancellation products. Discussion related to fee structures; the committee asked for an additional review in June.
- PROFESSIONAL LICENSURE DIVISION** Pierce Wilson and Ella Mae Baird represented the division.
- ARC 6605B No questions on amendments to chs 41, 43, and 44 concerning chiropractic physicians.
- ARC 6545B No questions on proposed amendments to mortuary science rules.
- SECRETARY OF STATE** Sandy Steinbach represented the secretary of state.
- ARC 6537B No action on amendments to ch 21 concerning election day voter registration. Discussion related to training of poll workers, proof of residency, and limitations on attestations.
- ETHICS AND CAMPAIGN DISCLOSURE BOARD** Charlie Smithson represented the board.
- ARC 6594B No questions on proposed exemption to penalty for late filing of campaign reports due to malfunction of the electronic filing system.
- ARC 6593B No questions on penalty for late filing of executive branch lobbyist reports.
- ARC 6592B No action on the board's proposed retention of two dollars of a civil penalty to cover incidental costs.
- STATE PUBLIC DEFENDER** Mark Smith represented the state public defender.
- ARC 6610B No action on proposed amendments concerning claims for indigent defense services and other professional services.
- ARC 6608B No questions on the amendment to ch 12 to increase in the mileage reimbursement or the amendment to ch 14 to remove the cap on private termination of parental rights cases.

UTILITIES DIVISION Gary Stump represented the division.

ARC 6616B Proposed amendments to the energy adjustment clause are intended to reflect new emission allowances under the federal Clean Air Interstate Rule (CAIR) and Clean Air Mercury Rule (CAMR).

ENVIRONMENTAL PROTECTION COMMISSION Jim McGraw, Jon Tack, Elaine Douskey, and David Wornson represented the commission. Other interested parties included Emily Piper on behalf of the Iowa League of Cities and the Iowa Rural Water Association; Pat Rounds on behalf of the Petroleum Marketers Management Insurance Company (PMMIC); Jeff Hove on behalf of the Petroleum Marketers and Convenience Stores of Iowa (PMCI); and Scott Scheidel of the Iowa comprehensive underground storage tank fund board.

ARC 6599B No action on amendments to air quality rules affecting grain elevators. Rep. Frevert expressed appreciation for the department's work with co-ops.

ARC 6595B Subrule 61.3(8) adopts by reference the recreational use assessment and attainability analysis protocol, the department's methodology and data collection document. Discussion related to concerns about communities that are in the process of upgrading facilities without knowing the final designations. Mr. Tack indicated that the department can help guide communities even before final determinations are made.

ARC 6596B Mr. Wornson and Ms. Douskey presented visual representations of existing and proposed Tier 1, Tier 2 and Tier 3 models and commented that stakeholders wanted the department to recalibrate the models based on ten years of data that has been collected. Mr. Wornson explained that under the existing rules, an owner-operator can opt for a Tier 3 assessment if the owner-operator believes the model is wrong; these amendments also give the department discretion to require a Tier 3 assessment. Mr. Wornson indicated that the department intends to reconvene the stakeholders group to continue work on corrective action and technical standards for underground storage tanks.

Mr. Hove distributed written comments from PMCI and expressed concern about the amendments that were added subsequent to the work of the software investigation committee. Mr. Rounds stated that the recalibration (Item 8) is needed, but that Items 1 to 7 could be very costly. Ms. Piper stated that there is a need for analysis when wells are just outside the capture zone. Mr. Scheidel expressed support for Item 8 only. Rep. Wise urged the department and stakeholders to work collaboratively.

Motion Sen. Kibbie requested an informal regulatory analysis.

Motion carried The motion carried.

ARC 6598B No questions on amendments to ch 213 concerning heavy metal content in packaging.

Committee business The minutes of the February 2008 meeting were approved. The next meeting was scheduled for Friday, April 4, 2008, at 8 a.m. After discussion, the committee agreed to review at the April meeting the department of revenue rule on valuation of structures on agricultural property.

Adjourned The meeting was adjourned at 11 a.m.

Respectfully submitted,

Kathleen K. West

APPROVED:

Chair Michael Connolly

Vice Chair Philip Wise