

# MARCH 2004 AGENDA

The Administrative Rules Review Committee will hold a special meeting on Monday, March 8, 2004, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

**BULLETINS NEEDED FOR THIS MEETING: No. 16, 17, 18 (2/4/04, 2/18/04, 3/03/04)**

Also refer to: 10/15/03, 11/12/03, 11/26/03, 12/10/03, 12/24/03

Bulletin Page

NOTE: See also Supplemental Agenda to be published in the March 3, 2004, Iowa Administrative Bulletin.

9:00	<b>MEDICAL EXAMINERS BOARD[653]</b> Ann Mowery (242-3268)		
	PUBLIC HEALTH DEPARTMENT[641]"umbrella"		
	Physician supervision of a physician assistant, ch 21 title, 21.1 to 21.5, 21.7, <u>Filed</u> ARC 3042B 70 day delay.....	12/24/03	1147
9:20	<b>PROFESSIONAL LICENSURE DIVISION[645]</b> Lois Churchill (242-6385)		
	PUBLIC HEALTH DEPARTMENT[641]"umbrella"		
	Physician assistant examiners, 325.4(2), 325.4(3), 325.6(3), 325.6(4), 326.9, 326.12 to 326.18, ch 329, 330.1(6) to 330.1(10), <u>Notice</u> ARC 3165B.....	2/18/04	1413
	Physician assistant examiners, 326.1, 327.1(1), 327.1(1)"e," "g" and "k," 327.1(1)"s"(8), 327.1(1)"z," 327.1(2)"d"(2) and (3), 327.3(1) to 327.3(3), 327.4, 327.6(1)"f," 327.6(2), <u>Notice</u> ARC 3166B .....	2/18/04	1416
9:40	<b>EDUCATION DEPARTMENT[281]</b> Carol Greta (281-5296)		
	Teacher quality program—professional development for school districts, 83.6(2) to 83.6(4), <u>Filed</u> ARC 3137B.....	2/4/04	1359
	Financial incentives for national board certification, 84.2, 84.4"3," 84.5, <u>Notice</u> ARC 3136B .....	2/4/04	1273
9:50	<b>COLLEGE STUDENT AID COMMISSION[283]</b> Julie Leeper (242-3370)		
	EDUCATION DEPARTMENT[281]"umbrella"		
	Osteopathic physician recruitment program, ch 14 preamble, 14.1, 14.4(3), 14.4(4), <u>Filed</u> ARC 3157B.....	2/18/04	1432
	Postsecondary schools—approval criteria, 21.1, <u>Filed</u> ARC 3156B .....	2/18/04	1433
10:00	<b>ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]</b> Melanie Johnson (242-4862)		
	Iowa community development block grant program—application procedures, 23.6(2)"c," 23.6(3), 23.6(4), <u>Notice</u> ARC 3151B .....	2/4/04	1272
10:10	<b>HUMAN SERVICES DEPARTMENT[441]</b> Nancy Freudenberg (281-8438)		
	Confidentiality of health information—compliance with health insurance portability and accountability Act (HIPAA), 7.1, ch 9 preamble, 9.1, 9.2, 9.3(1), 9.3(5), 9.3(6), 9.3(7)"a" to "c" and "e," 9.4(3), 9.4(5), 9.4(6)"a," 9.5(2), 9.5(3), 9.5(7), 9.6, 9.7, 9.7(1)"a" to "e," 9.7(2), 9.7(3), 9.8 to 9.10, 9.10(1) to 9.10(10), 9.10(12), 9.10(15), 9.10(17) to 9.10(19), 9.10(21) to 9.10(29), 9.11, 9.12(1), 9.12(1)"a," 9.12(1)"a" (1) and (3) to (6), 9.12(1)"b," 9.12(1)"b"(1), (5), (7) and (8), 9.12(1)"e," "g" and "h," 9.12(2)"a," 9.12(2)"a"(2), 9.12(2)"b"(1), (3), (5) and (8), 9.12(2)"c," 9.12(2)"c"(1), (2) and (6), 9.13(2), 9.13(3), 9.14, 9.15, 13.5(4)"b"(7), 28.12(1), 75.22(10), 93.109(2)"c," 93.111(1)"a"(4), 93.135(4), <u>Notice</u> ARC 2901B <u>Terminated</u> ARC 3163B.....	2/18/04	1411
	Annual adjustments to the state supplementary assistance and Medicaid programs, 51.4(1), 51.7, 52.1(1), 52.1(2), 52.1(3)"a"(2), 75.5(3)"d," 75.16(2)"d"(3), <u>Notice</u> ARC 3024B, <u>Terminated</u> ARC 3162B.....	2/18/04	1411
	Coverage limitations for drugs—prior authorization, preferred drug list, 78.1(2)"a"(3), 78.1(2)"f," 78.28(1), <u>Filed</u> ARC 3154B .....	2/4/04	1365
	Licensing and regulation of child foster care facilities, 112.2, 112.3(2), 112.3(4)"a" and "b," 112.3(6), 112.4(3), 112.4(5), 112.4(6), 112.5(1), 112.5(1)"e," 112.6(1), <u>Notice</u> ARC 3209B .....	3/3/04	1467
	Social services block grant and funding for local services, 153.52(1), 153.53(2), 153.54, 153.55(1)"a"(2), 153.55(1)"b"(2) and (3), 153.55(1)"c," 153.57(1)"d," 153.57(3)"b"(3), 153.57(3)"d," 153.58, <u>Filed</u> ARC 3153B.....	2/4/04	1366
	Foster care services—local transition committees, 202.1, 202.2(5), 202.6(2), 202.6(4), 202.6(5), 202.7, 202.8(1), 202.8(2), 202.13(3), 202.15(4), 202.15(6), 202.16(1)"f," 202.17, 202.17(1), 202.17(1)"a" and "c" to "e," 202.17(2), 202.18, <u>Notice</u> ARC 3185B.....	2/18/04	1411
	<b>HELD OVER FROM NOVEMBER—70 day delay</b>		
	Adoption subsidy program, 130.3(3)"ab," 201.1, 201.3(1)"c," "g" and "h," 201.3(2), 201.3(3), 201.3(5), 201.4, 201.4(4), 201.4(4)"a" and "b," 201.5(1), 201.5(2), 201.5(7), 201.5(9), 201.6(1)"a"(1), (2), (4), (6) and (7), <u>Filed</u> ARC 2900B .....	10/29/03	813

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<b>10:40</b>	<b>ENVIRONMENTAL PROTECTION COMMISSION[567]</b> Marla Gallardo (281-8678) NATURAL RESOURCES DEPARTMENT[561]"umbrella" Air quality—definitions used in permit programs, 20.2, 22.4(1), 22.5(1)"g" and "s," 22.100, 22.120, <u>Notice</u> ARC 3155B ..... 2/4/04 1289 Construction design standards for formed manure storage structures, 65.15(14), ch 65 appendix D, <u>Filed</u> ARC 3169B ..... 2/18/04 1434 Manure management plans—phosphorus index, 65.17, ch 65 tables 3, 3a, 4a and 5, <u>Notice</u> ARC 3167B ..... 2/18/04 1402 Financial assurance requirements for municipal solid waste landfills, 111.3, 111.4, 111.5(1), 111.5(2), 111.6(2)"a," 111.6(9)"f" and "g," 111.8, 111.8(4), <u>Filed</u> ARC 3168B ..... 2/18/04 1443
<b>11:10</b>	<b>ELDER AFFAIRS DEPARTMENT[321]</b> Mary Ann Young (242-3312) Waivers; commission of elder affairs; senior living coordinating unit; petitions for rule making; declaratory orders, 1.2(1)"f," 1.2(3), chs 3, 11, 16 to 18, <u>Notice</u> ARC 3145B ..... 2/4/04 1273 Long-term care resident's advocate/ombudsman, ch 8, <u>Filed</u> ARC 3143B ..... 2/4/04 1359 Resident advocate committees, 9.1(2), 9.2(4), 9.3(1), 9.4(3), 9.6(2)"c," 9.8(2), 9.10(1), 9.11(2)"b," 9.13, 9.14, <u>Filed</u> ARC 3144B ..... 2/4/04 1363 Assisted living programs; non-facility-based respite care, ch 25, <u>Notice</u> ARC 3001B <u>Terminated</u> ARC 3142B ..... 2/4/04 1277 Assisted living programs; non-facility-based respite care, ch 25, <u>Notice</u> ARC 3146B ..... 2/4/04 1277

## No representative requested to appear

<b>XX:00</b>	<b>ACCOUNTANCY EXAMINERS BOARD[193A]</b> Professional Licensing and Regulation Division[193] COMMERCE DEPARTMENT[181]"umbrella" Certification of CPAs; fees, 3.1 to 3.15, 12.1, <u>Filed</u> ARC 3175B ..... 2/18/04 1431
<b>XX:00</b>	<b>ADMINISTRATIVE SERVICES DEPARTMENT[11]</b> Offset of debts owed state agencies, adopt ch 40, <u>Filed</u> ARC 3161B ..... 2/18/04 1431 Pay; recruitment, application and examination; eligible lists; filling vacancies; appointments; probationary period; promotion, transfer, temporary assignment, reassignment and voluntary demotion; political activity; conduct of employees; drug use and drug tests, renumber 581—chs 4 to 10, 16, 18 as 11—chs 53 to 59, 65, 66 and rule 581—19.16 as 11—54.7; amend 53.5(3) to 53.5(6), 53.6(10) to 53.6(12), 53.7(2)"a," 53.7(5)"d," 53.8(1), 53.9(5), 53.13, 54.1(1), 54.2(4)"a," 54.2(6), 54.2(7), 54.4(2)"c," 54.7(4), 55.1(1), 55.1(2), 55.2, 56.3(1), 56.4, 56.7, 57.2, 57.5, 58.2 to 58.6, 59.2, 65.3, 66.2(1), 66.2(2)"c," 66.5(2), <u>Filed</u> ARC 3159B ..... 2/18/04 1431 Employee organization dues, renumber 581—ch 23 as 11—ch 70, <u>Filed</u> ARC 3160B ..... 2/18/04 1432
<b>XX:00</b>	<b>AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]</b> Registration of Iowa-foaled horses and Iowa-whelped dogs, 62.4, 62.5, 62.43, 62.44, <u>Filed</u> ARC 3152B ..... 2/4/04 1356 Animal exhibition requirements, 64.34(2)"a," 64.34(4)"b," 64.34(10), 64.35(1), 64.35(2), 64.35(6), <u>Notice</u> ARC 3121B ..... 2/4/04 1270 Low pathogenic avian influenza, 64.185, 64.187, 64.189, 64.191(2)"e"(6), 64.192, <u>Notice</u> ARC 3170B ..... 2/18/04 1398 Feeder pig dealer bonding/letter of credit requirement, 66.13, 66.20"1," <u>Filed</u> ARC 3158B ..... 2/18/04 1432 Dog day care, 67.11, <u>Notice</u> ARC 3186B ..... 2/18/04 1398
<b>XX:00</b>	<b>ARCHITECTURAL EXAMINING BOARD[193B]</b> Professional Licensing and Regulation Division[193] COMMERCE DEPARTMENT[181]"umbrella" Mandatory continuing education, 2.5(5), <u>Notice</u> ARC 3176B ..... 2/18/04 1400
<b>XX:00</b>	<b>ATTORNEY GENERAL[61]</b> Quarterly escrow installments from particular nonparticipating manufacturers, adopt ch 5, <u>Filed</u> ARC 3129B ..... 2/4/04 1356
<b>XX:00</b>	<b>DENTAL EXAMINERS BOARD[650]</b> PUBLIC HEALTH DEPARTMENT[641]"umbrella"

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	Foreign dental school graduates—licensure, 11.2(2)“a” and “e,” 11.3(2)“a,” 11.4, <u>Filed</u> ARC 3139B.....	2/4/04	1357
	Monitoring nitrous oxide inhalation analgesia, 29.1, 29.6(5) to 29.6(7), <u>Filed</u> ARC 3140B.....	2/4/04	1358
	Impaired practitioner review committee, ch 35, <u>Filed</u> ARC 3138B.....	2/4/04	1358
XX:00	<b>EDUCATIONAL EXAMINERS BOARD[282]</b> EDUCATION DEPARTMENT[281]“umbrella” Mandatory reporting of contract nonrenewal or termination or resignation based on allegations of misconduct, 11.37, <u>Filed</u> ARC 3178B.....	2/18/04	1434
	Fees for practitioner licenses and authorizations, 14.121, 17.7(3), 19.5(2), 21.2, 21.5, <u>Notice</u> ARC 3180B.....	2/18/04	1400
	Reading endorsements, 14.141(16), <u>Notice</u> ARC 3198B.....	3/3/04	1461
	Career and technical endorsements and licenses, ch 16 title, 16.1 to 16.12, <u>Notice</u> ARC 3197B.....	3/3/04	1463
XX:00	<b>ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]</b> Professional Licensing and Regulation Division[193] COMMERCE DEPARTMENT[181]“umbrella” Release of examination results, 4.1(8)“g,” 5.1(8)“h,” <u>Notice</u> ARC 3141B.....	2/4/04	1288
XX:00	<b>ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]</b> Definitions of “committee,” “candidate,” and “ballot issue,” 4.1(1)“a,” 4.1(4), 4.1(5), <u>Filed</u> ARC 3120B.....	2/4/04	1364
	Loans and debts, 4.1(1)“c,” 4.35, 4.47(7), <u>Notice</u> ARC 3191B.....	3/3/04	1465
	Exception from reporting requirement—voluntary reports, 4.11, <u>Filed</u> ARC 3188B.....	3/3/04	1477
	Permissible uses of candidate campaign funds, 4.25(1)“i” and “z,” <u>Notice</u> ARC 3189B.....	3/3/04	1465
	Transfer of assets between candidates; filing of independent expenditure statement, 4.26, 4.27, <u>Notice</u> ARC 3190B.....	3/3/04	1466
	“Paid for by” attribution statement on political materials and advertisements, 4.38(2), 4.39, 4.41 to 4.43, <u>Filed</u> ARC 3119B.....	2/4/04	1365
	Candidate debate—media organization; debate structure and funding; contribution reporting inapplicable, 4.51, <u>Filed</u> ARC 3187B.....	3/3/04	1477
	Filing of executive branch lobbyist client report, 8.9(1)“c,” <u>Notice</u> ARC 3192B.....	3/3/04	1467
XX:00	<b>INSPECTIONS AND APPEALS DEPARTMENT[481]</b> Health care facilities administration; birth centers, 50.1 to 50.3, 50.3(3), 50.6, 50.7, 50.8(2), 50.8(4), 50.8(5), 50.9, rescind ch 52, <u>Notice</u> ARC 3128B.....	2/4/04	1294
	Long-term care facilities—involuntary discharge or transfer of a resident, 57.2(3), 57.36(1)“f” and “h,” 58.2(3), 58.40(1)“f” and “h,” 62.4(3), 62.14(4)“b”(3) and (5), 63.2(3), 63.34(1)“f” and “h,” 64.2(3), 64.36(1)“f” and “h,” 65.4(3), 65.16(6)“a” and “d,” <u>Filed</u> ARC 3125B.....	2/4/04	1368
	Rights and responsibilities of care facility residents—declaration of incompetency, 57.48(1), 58.52(1), 62.23(22)“a,” 63.46(1), <u>Filed</u> ARC 3126B.....	2/4/04	1368
	Nursing facilities—paid nutritional assistants, 58.24(9), <u>Notice</u> ARC 3127B.....	2/4/04	1296
XX:00	<b>INSURANCE DIVISION[191]</b> COMMERCE DEPARTMENT[181]“umbrella” Suspension of the small employer health reinsurance program, 71.25, <u>Notice</u> ARC 3206B.....	3/3/04	1468
XX:00	<b>MEDICAL EXAMINERS BOARD[653]</b> PUBLIC HEALTH DEPARTMENT[641]“umbrella” Licensure of acupuncturists, 17.4(1)“b,” 17.5(3)“g,” 17.7, 17.8(1)“d,” <u>Filed</u> ARC 3196B.....	3/3/04	1478
XX:00	<b>NATURAL RESOURCE COMMISSION[571]</b> NATURAL RESOURCES DEPARTMENT[561]“umbrella” Motorboat noise, 43.1, 43.2, <u>Notice</u> ARC 3201B.....	3/3/04	1469
	Daily deadline for removing blinds and decoys from wildlife management areas, 51.5(3), <u>Notice</u> ARC 3202B.....	3/3/04	1469
	Controlled hunting at the Lake Odessa wildlife management area, 53.3, <u>Notice</u> ARC 3205B.....	3/3/04	1470
	Waterfowl and coot hunting seasons, 91.1, 91.3, 91.4(2)“m,” “p” and “q,” 91.6, <u>Notice</u> ARC 3200B.....	3/3/04	1470
	Nonresident deer hunting—minimum arrow length, licenses, 94.7(1), 94.8, 94.8(1), 94.8(2), 94.10(7), <u>Filed</u> ARC 3199B.....	3/3/04	1478
	Wild turkey fall hunting—increased quotas of combination shotgun—or—archery licenses, 99.5(1), <u>Notice</u> ARC 3204B.....	3/3/04	1472

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	Antlerless-only license quotas; use of mobile radio transmitters for coyote hunting, 106.6(5), 106.7(4), <u>Notice</u> ARC 3203B .....	3/3/04	1472
<b>XX:00</b>	<b>PROFESSIONAL LICENSURE DIVISION[645]</b> PUBLIC HEALTH DEPARTMENT[641]"umbrella" Impaired practitioner review committee, ch 16, <u>Notice</u> ARC 3194B .....	3/3/04	1474
	Chiropractic examiners, 40.4(2), 40.4(3), 40.6(3), 40.6(4), 41.2(1)"d" to "h," 41.6(2)"f" and "g," 41.8, 41.11 to 41.13, ch 45, 46.1(6) to 46.1(10), <u>Notice</u> ARC 3133B .....	2/4/04	1297
	Cosmetology arts and sciences examiners, 60.4"2," 60.6, 60.9 to 60.13, 62.1(5), <u>Filed</u> ARC 3195B .....	3/3/04	1479
	Nursing home administrator examiners, 140.6(3), 140.6(4), ch 144, <u>Notice</u> ARC 3124B .....	2/4/04	1300
	Optometry examiners, 179.4(2), 179.4(3), 179.6(3), 179.6(4), 180.2(1)"d," 180.5, 180.8 to 180.10, ch 183, 184.1(5) to 184.1(9), <u>Notice</u> ARC 3131B .....	2/4/04	1302
	Psychology examiners, 240.6(1)"a," 240.10, 240.12, 240.16, 240.17, 243.1(5) to 243.1(13), <u>Filed</u> ARC 3193B .....	3/3/04	1479
	Respiratory care examiners, 260.4(2), 260.4(3), 260.6(3), 260.6(4), 261.8, 261.11 to 261.13, 262.3(2)"f"(2), ch 263, 264.1(5) to 264.1(9), <u>Filed</u> ARC 3132B .....	2/4/04	1369
<b>XX:00</b>	<b>PUBLIC HEALTH DEPARTMENT[641]</b> Notification and surveillance of reportable communicable and infectious diseases, poisonings and conditions, 1.1, 1.4, 1.9, <u>Filed</u> ARC 3150B .....	2/4/04	1370
	Radiation, amendments to chs 38 to 42, 45, 46, <u>Notice</u> ARC 3147B .....	2/4/04	1305
	Renovation, remodeling, and repainting—lead hazard notification process, 69.2, 69.3(2), 69.4(2), 69.9, 69.9(2), 69.10, 69.11, <u>Notice</u> ARC 3148B .....	2/4/04	1313
	Lead professional certification, amendments to ch 70, <u>Notice</u> ARC 3134B .....	2/4/04	1316
	Volunteer health care provider program, ch 88, <u>Filed</u> ARC 3149B .....	2/4/04	1374
<b>XX:00</b>	<b>PUBLIC SAFETY DEPARTMENT[661]</b> Fire safety standards for residential care facilities, 5.950, <u>Notice</u> ARC 3173B .....	2/18/04	1417
	Hospitals and health care facilities—compliance with building code and fire safety standards, 16.130(15), <u>Notice</u> ARC 3172B, also <u>Filed</u> Emergency ARC 3171B .....	2/18/04	1429
<b>XX:00</b>	<b>RACING AND GAMING COMMISSION[491]</b> INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella" Confidentiality of security plans, surveillance plans, and internal controls; board of stewards; access to drug testing results; licensing; close of wagering; jackpot, credit, and ticket payouts, 3.13(2)"j," 4.6(5)"c," 5.4(14)"b," 6.2(3)"b"(1), 6.6(2), 6.17(2), 8.2(15)"a," 12.14, 12.14(6), 12.14(7), <u>Notice</u> ARC 3130B .....	2/4/04	1347
<b>XX:00</b>	<b>REAL ESTATE COMMISSION[193E]</b> Professional Licensing and Regulation Division[193] COMMERCE DEPARTMENT[181]"umbrella" Continuing education and prelicense education for salespersons, 3.1(5), 16.3(2), <u>Notice</u> ARC 3174B .....	2/18/04	1419
<b>XX:00</b>	<b>REGENTS BOARD[681]</b> Pay for trainees and apprentices, 3.39(13), <u>Notice</u> ARC 3210B .....	3/3/04	1476
<b>XX:00</b>	<b>REVENUE DEPARTMENT[701]</b> Department organization; definition of "livestock" to include whitetail deer and mule deer; exemption for fees charged by financial institutions to a noncustomer; exemption for transfer of vehicle subject to registration from one corporation to another; inheritance tax, 5.13(2)"bb," 5.14(6)"ii" to "mm," 6.1(1), 6.1(3), 8.2(2), 8.4(2), 17.9(1), 26.8(4)"p," 34.5(9), 86.1, 86.2(2)"d," 86.5(7)"d," <u>Notice</u> ARC 3184B .....	2/18/04	1420
	Interest rate for calendar year 2004, 10.2(23), <u>Filed</u> ARC 3181B .....	2/18/04	1443
	Individual income tax; corporate tax, 38.8, 39.6(2)"f," 40.1, 40.18(1)"a"(1), 40.28, 41.3, 42.10, 43.1(1), 46.3(2)"a," 46.4(5), 50.3, 52.1(3), 52.12, 53.2(1)"a"(1), 53.19, 54.6(3), 54.6(3)"b"(2), 59.1, 89.8(7)"t""4," 89.8(8)"c," <u>Filed</u> ARC 3183B .....	2/18/04	1444
	Individual income tax, 38.10, 38.10(1) to 38.10(17), 40.17, 40.38(7), 41.5(7), 42.2(8), 42.4(3)"b" and "c," 42.22, 43.3(1), 43.3(15), <u>Filed</u> ARC 3182B .....	2/18/04	1445
	New school infrastructure local option sales and services tax—effective on or after April 1, 2003, through fiscal years ending December 31, 2022, ch 108 preamble, adopt ch 109, <u>Notice</u> ARC 3177B .....	2/18/04	1424
<b>XX:00</b>	<b>TRANSPORTATION DEPARTMENT[761]</b> Federal motor carrier safety regulations and hazardous materials regulations, 520.1(1)"a" and "b," <u>Notice</u> ARC 3122B .....	2/4/04	1348

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	Driver education; motorcycle rider education; motorized bicycle rider education, 600.12 to 600.14; adopt ch 634; 635.2(2), 635.6, 635.7; adopt ch 636, <u>Notice</u> ARC 3123B.....	<u>2/4/04</u>	1351
XX:00	<b>UTILITIES DIVISION[199]</b> COMMERCE DEPARTMENT[181]"umbrella" Electric energy adjustment clause, 20.9, 20.9(2)"a," 20.9(2)"b"(5), <u>Notice</u> ARC 3135B.....	<u>2/4/04</u>	1354
	Defining the term "eligible customers," 22.1(3), 22.1(5), <u>Notice</u> ARC 2549B <u>Terminated</u> ARC 3208B .....	<u>3/3/04</u>	1476
	Notice of generation siting waiver requests, 24.15, <u>Filed</u> ARC 3207B.....	<u>3/3/04</u>	1481
XX:00	<b>VOTER REGISTRATION COMMISSION[821]</b> Voter registration applications; lists of registered voters, 2.1, 2.8, 3.10, <u>Filed</u> ARC 3164B.....	<u>2/18/04</u>	1446