

MINUTES OF THE REGULAR MEETING OF THE ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of meeting The regular meeting of the Administrative Rules Review Committee (ARRC) was held on October 13 and 14, 1992, in Senate Room 22, State Capitol, Des Moines, Iowa.

Members present: Senator Berl E. Priebe, Chairman; Representative Emil S. Pavich, Vice-chairman; Senators Donald Doyle, H. Kay Hedge, John P. Kibbie and Dale L. Tieden; Representatives Ruhl Maulsby, Janet Metcalf, David Schrader and Jane Teaford.

Also present: Joseph A. Royce, Legal Counsel; Paula Dierenfeld, Governor's Administrative Rules Coordinator; Phyllis Barry, Administrative Code Editor; Mary Ann Scott, Administrative Assistant; Caucus Staff and other interested persons.

Call to order The meeting was convened by Chairman Priebe at 10 a.m. and the following Agriculture agenda was presented by Ronald Rowland, Regulatory Director, and Walter Felker, State Veterinarian:

AGRICULTURE

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Dairy trade practices—promotional discounts and rebates, 23.4(2)"b"(8), 23.8(1), 23.8(3), Filed ARC 3332A 9/16/92
Pseudorabies disease, 64.147, 64.154(4)"b" to "d," Filed ARC 3394A 9/30/92

Ch 23; 64 There were no questions by the Committee. It was noted that the objection placed on 64.154(4)"b," first and second unnumbered paragraphs, was lifted effective November 4, 1992 [see September ARRC minutes, p.5277].

Minutes Vice-chairman Pavich moved to approve the minutes of the September meeting as submitted. Motion carried.

SOIL CONSERVATION 10.41

Kenneth Tow, Bureau Chief, reviewed briefly amendments to 10.41 relating to financial incentive program for soil erosion control, Filed Emergency After Notice in IAB 9/30/92 as ARC 3376A. There were no comments or questions.

CAMPAIGN FINANCE 4.6

Kay Williams, Executive Director, presented revised rule 121—4.6(56) relating to legitimate campaign expenses, appearing under Notice in IAB 9/16/92 as ARC 3364A.

It was noted that the proposal could be used as guidelines only until it was adopted.

Discussion focused on posting of signs on corporate property, size of letters on signs and the need for clarification of the statute. Williams informed the ARRC of a future meeting scheduled with Professor Arthur Bonfield, University of Iowa, to discuss problems with statute.

Doyle and Williams discussed the need for the clarification with respect to leasing of fax machines and automobiles—56.41(2)"e."

Schrader suggested a disclaimer for highway or yard signs—this could be a business card permanently affixed or stapled to the sign.

Campaign Finance
(Cont.)

Schrader also brought up the matter of contributions from one candidate's campaign fund to another's campaign. He recalled debate in the House on this issue and it was his interpretation that intent was to preserve the ability of a candidate to buy one ticket and attend the fund raiser of another candidate. The rules would seem to preclude that activity but Schrader pointed out that Code Supplement subsection 56.41(2) did not prohibit such activity. He referred to 56.41(2)"i" which prohibited "meals, groceries, or other food expenses, except for tickets to meals that the candidate attends solely for the purpose of enhancing the candidacy of another person. . . ." Schrader continued that Code Supplement subsection 56.42(5) prohibits transfer of campaign funds with intent to circumvent the law.

Williams indicated that Senate leadership had interpreted the statute to prohibit the purchase of even one fund raiser ticket for another candidate. She recalled an example was given that an underfinanced candidate could be encouraged by well-financed committees to hold a fund raiser with tickets for \$5,000.

Williams admitted that the Commission's interpretation of the law provides advantage to a statewide candidate and creates inequity. There was discussion of conflict between Code sections 56.41 and 56.42.

The Committee was unanimous in recommending that the rules be modified to allow the candidate to purchase one ticket to another candidate's event.

Kibbie questioned Williams regarding fundraisers where there are no fixed prices for tickets. Williams responded that an announcement should be made to advise anyone who gives more than \$10 to include name and address.

In response to Doyle, there was further discussion as to legal use of campaign funds for fax machines. Williams suggested clarification of the statute. She added that Code Supplement section 56.12A prohibits the governing bodies of political subdivisions of the state from illegal use of public money for political purposes but does not mention the state per se. This issue will be addressed in the Commission's prefiled bill.

In response to Maulsby, Williams said that as long as the report shows the expenditure was to enhance candidacy, it would never be questioned by the Auditor or the Commission. Maulsby suspected that stringent regulations would discourage potential public servants from seeking office.

Hedge commended Williams for a job well done under duress.

CIVIL RIGHTS

Ronald Pothast, Director of Administration, gave a brief overview of the following:

CIVIL RIGHTS COMMISSION[161]

Discrimination in housing, 9.2, 9.3(2)"d," 9.3(3)"a," 9.4(3)"e," 9.4(4), 9.4(5), 9.4(6),"

Notice ARC 3384A 9/30/92

Ch 9

Tieden was advised that housing complaints were being addressed without any additional personnel.

EPC

In attendance from the Environmental Protection Commission were Michael Murphy, Bureau Chief, Darrell McAllister, Bureau Chief, Anne Preziosi, Attorney, and Peter Hamlin. The following agenda was discussed:

ENVIRONMENTAL PROTECTION COMMISSION[567]**NATURAL RESOURCES DEPARTMENT[561]"umbrella"**

Administrative penalties, 10.1, 10.2, 10.2(4), 10.3, 10.3(2), Filed ARC 3353A 9/16/92

Scope of title — definitions — forms — rules of practice; controlling pollution; emission standards for contaminants; excess emission; measurement of emissions; qualification in visual determination of the opacity of emissions, 20.2, 22.3(1), 22.4, 22.5(2)"a" and "b," 23.1(2), 23.1(2)"jjj" to "nnn,"

23.1(3), 23.2(3)"g," 23.3(2)"d," 23.3(3), 23.4(12)"b," 24.1(1), 24.1(5), 25.1(7), 25.1(9), 25.1(10)"d," 29.1,

Notice ARC 3350A 9/16/92

Affluent and pretreatment standards, 60.2, 62.4, 62.4(3), 62.4(14), 62.5, Filed Without Notice ARC 3354A 9/16/92

Well contractor certification, ch 82, Notice ARC 3349A 9/16/92

Special Review—Storm water discharges, fees, Chapters 60 to 64 IAC

Ch 10

Amendments to Chapter 10 were addressed. Murphy and Priebe discussed the \$10,000 penalty for air pollution and the term "cumulative penalties."

20.2 et al.

There were no questions or comments on amendments to 20.2 et al.

60.2 et al.

Amendments to rules 60.2, 62.4, and 62.5 were before the Committee and there were no recommendations.

Ch 82

In review of proposed Chapter 82, McAllister stated that well contractors questioned the \$150 annual registration fee.

Committee members voiced opposition to the education and experience requirements in 82.6. By July 1, 1998, all applicants must have high school or a GED.

**Special Review
Chs 60-64**

The special review of fees for storm water discharges requested by Kibbie was before the Committee. Kibbie contended there was inequity in charging the same application and permit fees for all operations. McAllister responded that the Commission had determined that the cost to issue the permit would not vary with the size of the operation. However, he agreed there would be a difference in cost to implement the storm water control program after the permit was granted. Kibbie was advised that some of the publication requirements to which he expressed concern were statutory.

**Motion —
Refer to GA**

Pavich moved to refer amendments to Chapters 60 to 64 as published in ARC 3153A, IAB 7/8/92, to the Speaker of the House and President of the Senate for referral to the appropriate committees. Motion carried.

**NATURAL
RESOURCE
COMMISSION**

Steven Derrand, Michael Carrier and Richard Bishop reviewed the following agenda:

NATURAL RESOURCE COMMISSION[571]**NATURAL RESOURCES DEPARTMENT[561]"umbrella"**

Boating speed and distance zoning — Iowa River, Iowa Falls, Hardin County, 40.36, Notice ARC 3386A 9/30/92

State parks and recreation areas — cabin rental at Pine Lake State Park, 61.3(2)"m," Notice ARC 3387A .. 9/30/92

Waterfowl and coot hunting seasons, 91.1 to 91.3, 91.4(2)"m," Filed Emergency After Notice ARC 3383A 9/30/92

Pheasant, quail and gray (Hungarian) partridge hunting seasons, 96.1(1), 96.2, 96.3,

Filed Emergency After Notice ARC 3385A 9/30/92

Wild turkey spring hunting, 98.2(5), 98.3, 98.3(1), 98.10(2), 98.12, 98.14, Notice ARC 3388A 9/30/92

DNR (Cont.)
40.36; 61.3

No questions on amendments to 40.36, boating speed and distance zoning, or 61.3(2)"m," cabin rental at Pine Lake State Park.

Ch 91

Amendments to Chapter 91, Waterfowl and Coot Hunting Season, were before the Committee.

Tieden and Bishop discussed the change in hunting season for geese—season will begin in October.

Pavich expressed concern of his constituents in southwest Iowa about the short duck and goose seasons. Bishop explained the procedure followed in establishing the seasons but admitted they had insufficient contact with people in that area, other than through public hearings. He spoke of the fact that Lake Forney was 6 inches higher than it was last year and that weather conditions affect timely removal of weeds. Bishop took the position that the half day season would result in a larger harvest of geese. He spoke of the change in farming habits in the Missouri River valley and the hunting pressure when the snow geese do arrive. Bishop wanted to ensure that the birds return to Iowa.

Dennis Olmstead, a hunter from Creston^{652t}, expressed his opposition to these rules and to the failure of the Department to provide adequate notice of the rules. He presented a large number of signed petitions and noted that businesses in the area had been affected by the lack of hunters. Olmstead indicated that if proper care were taken of the hunting areas, the geese would be attracted to them. He shared information gathered from South Dakota in regard to their goose hunting. Olmstead attributed part of the problem to the Federal Refuge System and the road hunter.

Priebe concluded the problem could not be resolved this year. However, interested people would be asked to appear before legislative committees to explain their problems.

Olmstead responded to Hedge that he felt that what was being done was not in the best interest of goose hunting and he then outlined practices in Nebraska. Bob Potkonak echoed remarks made by Olmstead.

Motion

Pavich moved to refer amendments to Chapter 91 (ARC 3383A) to the Speaker of the House and President of the Senate for referral to the appropriate legislative committee. Schrader and Tieden would support the motion if it were referred without prejudice. Motion carried.

Ch 96

Bishop reviewed amendments to Chapter 96 in regard to pheasant, quail and gray (Hungarian) partridge hunting seasons. It was noted that bag limits and raccoon population affect the supply of pheasants. No recommendations.

Ch 98

There were no questions or comments on amendments to Chapter 98, Wild Turkey Spring Hunting.

REVENUE
Special Review

Chairman Priebe announced a special review relating to collection of past due property tax. In attendance were Harry Greiger, Assistant Attorney General; Carl Castelda, Deputy Director, and Ed Henderson, Policy Section, Revenue and Finance. Also present were Lee Duin, Assistant Director of Polk County Treasurer's Office and other county treasurers.

Revenue - Special
Review (Cont.)

Greiger offered his interpretation of the issue—property sold at tax sale for delinquent taxes. A tax sale purchaser (one who buys the property but is not yet able to get the title due to time constraints in the law) pays the delinquent taxes and can ultimately obtain a tax deed. According to Greiger, this has been a common practice for years in Iowa but has escalated this year because of the 24 percent yearly interest.

Greiger spoke of his work with Duin on proposed legislation which would prohibit payment of subsequent years' taxes until after the 15th day of the month of delinquency. Had this been in effect this year, the first half of delinquent taxes could not have been paid until after October 15 and the second half after April 15.

Duin distributed a number of handouts containing supporting data and the proposed legislation which are on file in the office of the Administrative Code Editor. He then explained each document in some detail.

Duin pointed out that the Treasurer's Association was open to change for the best interest of Iowa citizens.

Priebe and Duin agreed the law should be uniform as to adjournment of the annual tax sale. The statute requires the sale to be held the third Monday of June and the County Treasurer must adjourn the sale to a time within 60 days after that date. This varies considerably from county to county.

Duin indicated that Section 4 of the proposed legislation would preclude the tax sale certificate purchaser from paying subsequent taxes before they are delinquent (after the 15th calendar day of month of delinquency). In the past, the certificate holder could pay the full year's taxes on October 1 and receive the 4 percent penalty on both halves.

Duin then discussed redemption comparisons using Cass County as an example. Priebe and Maulsby disagreed with some of the assessments on the comparisons, citing availability of 8 or 9 percent money. Duin noted that the new law had made a big impact in the collection ratios for county treasurers.

Duin stressed that the people who may qualify for the Iowa Senior Citizens and Disabled Property Tax Credit Program were not involved in this tax sale process. He added that when a treasurer sells a parcel at tax sale, the titleholder must be notified. In most cases, property has been redeemed immediately. Duin offered comparisons between Cass and Sioux Counties under the old law, the new law, and the proposed law.

Kibbie favored notification by the treasurers prior to the tax sale. Duin indicated that many counties do include that information and he saw no problem in changing the law to require notification that subsequent taxes can be paid by the certificate holder. Kibbie also expressed opposition to allowing someone to send the county treasurer a blank check to purchase all delinquent property taxes on all available rural agricultural land.

Priebe reasoned that the purchaser of delinquent property should notify the property owner by certified mail that in 60 days the interest rate could apply.

Responding to Schrader, Duin indicated that the matter remains consistent in Polk County—no increase in tax sales. Schrader was hopeful that the legislature would take strong action to reach a reasonable middle ground.

10/13/92

Revenue - Special
Review (Cont.)

Duin clarified that Iowa law has never prohibited out-of-state persons from purchasing parcels of property at an Iowa tax sale.

In conclusion, Duin emphasized that legislation effective on April 1 has had a significant impact on the entire picture. He stressed the importance of timely collection of taxes due. Although the new law was not without flaw, Duin viewed it as superior to previous ones.

Other county treasurers in the audience commented briefly on their notice procedures.

Recess
Reconvened

Chairman Priebe recessed the Committee for lunch at 1:05 p.m. and reconvened it at 1:50 P.M.

REVENUE

The following Revenue and Finance agenda was reviewed:

REVENUE AND FINANCE DEPARTMENT[701]

Jeopardy assessments and bonding procedures, ch 10 title, 10.116 to 10.126, Filed ARC 3424A 9/30/92
Sales and use tax — statute of limitations on examination of returns; sewage and solid waste collection and disposal; carpeting and floor coverings; bedding for agricultural livestock; vehicle repair and wash and wax, 11.2, 16.48, 17.26, 18.5(3), 18.39, 19.3(3), 19.7, 19.10(2)"c," 26.5, 26.11, Notice ARC 3422A 9/30/92
Examination of taxpayer's records; mini-storage facility; seed capital income tax credit, 11.4(4), 26.78, 42.10, 52.9, Notice ARC 3356A 9/16/92
Sales and use tax increase, 12.1, 14.1, 14.2, 14.3(8) to 14.3(10), 15.4(3), 16.1, 19.2, 26.1, 32.3, Filed ARC 3351A 9/16/92
Depreciation of speculative shell buildings, deduction of multipurpose vehicle registration fee, 40.42, 41.5(7), 53.17, 53.18, 59.18, 59.19, Filed ARC 3423A 9/30/92
Filing returns, payment of tax and penalty and interest, 52.1(1)"b," 52.1(2), 52.1(3), Notice ARC 3427A .. 9/30/92
Allocation and apportionment, determination of net income, 54.2(2), 54.2(2)"f" to "h," 54.4, 54.7(2), 59.27(1), Filed ARC 3425A 9/30/92

Ch 10

Castelda stated that Chapter 10, Interest, Penalty and Exceptions to Penalty, was amended to include jeopardy assessments. Doyle and Castelda discussed sales tax of commercial waste.

Pavich in the chair.

11.2 et al.

Amendments to 11.2, et al., sales and use tax, were addressed. Discussion focused on sales tax exemptions relating to the sale or resale of carpeting.

Priebe in the chair.

11.4(4) et al.

ARC 3356A was before the Committee—amendments to 11.4(4) et al. The rental of space at the county fairgrounds was discussed and Castelda noted that fairgrounds were considered as governmental entities and would not have to charge sales tax.

Castelda clarified for Tieden that the determination of fraud in filing a tax return would be reason to extend the statute of limitation to examine records of a taxpayer.

There were no questions or recommendations on the remainder of the Revenue agenda.

Secretary of State
Defer

It was Committee consensus to defer rules of the Secretary of State until 3:30 p.m.

HUMAN SERVICES

The Human Services agenda was before the Committee. Those in attendance included Department representatives Mary Ann Walker, Rita Vodraska, Joe Mahrenholz, and Gary Gesaman.

HUMAN SERVICES DEPARTMENT[441]

Standards for services to persons with mental illness, chronic mental illness, mental retardation, developmental disabilities or brain injury, ch 22 title, 22.1, 22.4, ch 23, Filed ARC 3374A 9/30/92
 AIDS/HIV health insurance premium payment pilot project, 75.22, Notice ARC 3419A, also
Filed Emergency ARC 3418A 9/30/92
 Model waiver for the ill and handicapped, applications for aid, Medicaid policy, eligibility for aid, 76.1, 76.9(7), 76.9(8), 77.30(4), 77.30(5)"b," 78.1(2)"e," 78.1(3), 78.1(21), 78.21, 78.23, 78.34(1)"b" and "c," 78.34(2), 78.34(4), 78.39, 78.40, 79.1(2), 83.2(1)"g," 83.2(2), 83.3(3)"c," 83.4(2), 83.5 to 83.7, 83.8(1)"b," 83.9, 86.1, 86.2(5), 86.17, 86.18, Filed ARC 3426A 9/30/92
 Prior authorization drug program, disproportionate share payment to University of Iowa hospital, 78.1(2)"a"(3), 78.28(1)"d," 79.1(5)"e"(3), 79.8(1), 79.8(3), 79.8(9), Notice ARC 3415A, also
Filed Emergency ARC 3414A 9/30/92
 Consultation by pharmacist, 78.2(6), Filed ARC 3407A 9/30/92
 Physicians' auxiliary personnel — differential reimbursement, 79.1(2), 79.1(7), Notice ARC 3338A 9/16/92
 Nursing facilities — nurse aide training and nurse aide registry, 81.1, 81.13(19)"e," 81.15, 81.16, Notice ARC 3372A 9/30/92
 Social services block grant — mental illness, mental retardation, and developmental disabilities — local services, 153.31 to 153.42, Filed ARC 3375A 9/30/92
 Reimbursement for county or multicounty juvenile shelter care and detention homes, ch 167 title, 167.1, 167.3, 167.3(2), 1167.3(3), 67.5, 167.11 to 167.13, Notice ARC 3421A, also Filed Emergency ARC 3420A 9/30/92
 Child day care services, ch 170 preamble, 170.1, 170.4(3), 170.4(4), 170.4(5), 170.4(7), 170.5, Notice ARC 3429A, also Filed Emergency ARC 3428A 9/30/92
 Family planning services, 173.1, 173.2, 173.4, Filed ARC 3408A 9/30/92

Ch 22, 23

There were no questions or recommendations on amendments to Chapters 22 and 23.

75.22

Amendment to 75.22 was considered with no recommendations.

76.1 et al.

In 83.9, Appeal rights, found in ARC 3426A, Doyle asked if this new level of care would create more paperwork and delay or would it favor the recipient. Walker responded that this procedure was the same as the one followed for cases where the Iowa Foundation for Medical Care advises as to the level of medical care needed, thus, determining eligibility in the model waiver program. Royce was requested to review the procedure.

78.1(2) et al.

According to Walker, amendments to 78.1(2) et al. establish disproportionate share payments to reimburse University of Iowa hospital for the loss of indigent care appropriation and implement a prior authorization program under Medicaid for certain drugs. This should result in savings to the state.

Milton Smith, Government Relations Manager, Rhone-Poulenc Rorer Pharmaceutical, and Chairman, Pharmaceutical Manufacturing Group of Iowa, expressed opposition of many physicians to the prior authorization aspect of this rule as having a negative impact on quality of care to patients. The average physician responding to a 1990 poll cited cases where a restrictive drug policy impaired recovery of patients. Smith summarized three major policy concerns, i.e., prior approval requirements restrict the access of Medicaid patients to needed prescription drugs; four major categories require prior authorization: antiulcer drugs, antiarthritis drugs, benzodiazepines, and human growth hormone; and restricted access to effective medication increases the total Medicaid costs by increasing demand for other services.

Human Services
(Cont.)

Smith continued that in a 1981 California survey, the California Department of Health Services spent an average of \$8.21 to process each treatment authorization request for drugs under their MediCal Program. This was compared to their average savings of only \$5.44, meaning there was a net loss of \$2.77 per each request. In reality many "quick-fix," cost-cutting measures do not cut long-range costs. He pointed out that Iowa was known for its quality of medical care. Smith stressed that any prior authorization system should be based on medical factors or documented fraud in abuse concerns, not on an economic basis. This could best be done by the Present DUR Program in conjunction with the Iowa Pharmacists Association. Drugs subjected to prior authorization should be decided by committees composed of practicing physicians and not by state functionaries. Smith concluded that any prior authorization process should be subject to the state's administrative procedure Act allowing adequate notice and opportunity for comment from affected parties, prescribers, patient groups and manufacturers.

John Stockdill, Senior Manager, Government Affairs, Syntex Laboratories, addressed the Committee. He described Syntex as a worldwide pharmaceutical company, research-based, and involved in diagnostics. Stockdill concurred with statements made by Smith.

Walker reminded that Senate File 2393 directed the Department to promulgate these rules. Although the Council disagreed with the concept, they adopted the rules knowing that the \$388,000 projected savings had already been deducted from their Medicaid budget.

78.2(6)

There was discussion of new subrule 78.2(6) which will require pharmacists to offer consultation to Medicaid recipients concerning prescriptions. Priebe thought the provision, which was a federal directive, should also require the pharmacist to notify the Department of refusal of consultation. Metcalf agreed this would relieve the pharmacist of liability. Mahrenholz responded that liability of the pharmacist had not been tested at this time. Department officials pointed out that proposed rules of the Pharmacy Division address this issue.[See 11/11/92 IAB for adopted rules.] Royce interjected that the Noticed pharmacist rules did not provide a method for documentation. Mahrenholz emphasized that enforcement would be the responsibility of the Board of Pharmacy Examiners and he was requested to relay Committee concerns to them.

79.1

No questions or comments on amendments to 79.1. Walker said a public hearing on this rule had been requested and one had been scheduled.

81.1 et al.

Amendments to 81.1 et al., regarding nurse aid registry, were before the Committee. Kibbie inquired about previous Committee action taken August 11 to object to 81.13(7)"c"(1). Walker replied that the objection was in place and the provision was in effect.

Pearl Johnson, Administrator, DIA, explained requirements for continuing education.

Ch 153

No discussion of amendments to 153.31 to 153.42 found in ARC 3375A.

Ch 167

Walker described amendments to Chapter 167 found in ARC 3420A as being applicable to the eight existing facilities. She highlighted the process of prorating the allocation to the counties. Walker quoted from Senate File 2393 which allocated additional money to help the counties with detention but emphasized that detention services were responsibility of the counties.

Human Services
(Cont.)
Ch 170

In review of amendments to Chapter 170, relative to child day care services, Priebe questioned intent language in the preamble. Walker referred to subrule 170.4(3) which allows parents to select their child care provider through a certificate system. This will provide additional options for parents.

Ch 173

No questions or comments on amendments to 173.1, 173.2, 173.4, family planning services.

CORRECTIONS

Fred Scaletta, Program Manager, was present for the following agenda:

CORRECTIONS DEPARTMENT[201]

Visits to inmates, 20.3, Notice ARC 3367A 9/16/92
Inmate mail, 20.4, Notice ARC 3331A 9/16/92

Also in attendance were Bob Notman-Cook, Co-Director of Cross Ministries; Brenda Wesselink, Community Liaison, Criminal Justice Ministries; Barbara Jones, Co-Director, CURE; and Patti McKee, Criminal Justice Ministries Board Member.

20.3

Scaletta remarked that the Department's intent was to clarify rule 20.3 by removing outdated practices. As a result of the public hearing, 20.3(9)"d," on denial of visits, would be expanded to include "when the health condition could potentially cause an unsafe environment" and the sentence, "A decision to deny a visit for health reasons will only be made by Health Services personnel." Scaletta referenced a court decision—Hazen v. Reagan—which held that limitations could not be placed on the number of visitors on a prisoner's visiting list at the Iowa State Penitentiary maximum security unit.

Scaletta advised Doyle that he had responded to letters from Jerry Mark and Criminal Justice Ministries regarding the limit of two friends on the visiting list—20.3(3). Doyle questioned the need for 20.3(4)"h" when the only exceptions would be immediate family members. Scaletta responded that it would be a rare situation if an immediate family member were prevented from visiting an inmate. In response to Doyle, Scaletta had no knowledge of an attorney ever being denied a visit at an institution—20.3(8).

Schrader inquired about the court order at Ft. Madison and Scaletta said it related to the number of persons on a visiting list, not the number of visits. Scaletta added that it was never their intent at that facility to violate the court order which says the number of persons cannot be limited. Scaletta recalled the court order came about the time a population cap was placed on that prison. Schrader referred to his experience of being on a visiting list and how it would be affected. He expressed concern with 20.3(4)"h" as well.

Wesselink spoke on behalf of Criminal Justice Ministries and contended that the proposed new rules violate the goals stated in the rules regarding visits and correspondence. Their reasons were set out in a prepared statement which is on file with the Administrative Code Editor.

Notman-Cook addressed the Committee and recalled his work with inmates in the Iowa prison system. He had determined that the most effective help for prisoners came from visits by family and friends. He noted that the proposed rules simply speak to the issues of security but fail to address the moral obligation of the rehabilitative process.

Corrections (Cont.) Jones, whose husband was serving a life sentence at Anamosa, expressed opposition to the rule which "would create dysfunctional families."

Notman-Cook commented on his frequent visits to various prisons where he had never experienced crowded visiting rooms during the week. Scaletta commented that there was not an active commitment to encourage visits because of limited staff and resources.

McKee echoed remarks made by the previous speakers and noted that Mitchellville has adequate facilities for children, as well as a playground.

20.4 Scaletta then reviewed proposed revision of rule 20.4 which reflects current policy on inmate mail.

In 20.4(3)"k," Priebe asked that the word "will" be changed to "shall".

Doyle and Scaletta discussed the forwarding of third-class mail between institutions. Doyle also suggested flexibility in the requirement for the prison name to be displayed on the outside of envelopes used by inmates when corresponding with family members.

TREASURER OF STATE

Larry Thornton, Deputy Treasurer, and other staff from the Office, were present for the following agenda:

TREASURER OF STATE[781]

Linked investments for tomorrow(LIFT), 4.1, 4.2, 4.3(1), 4.3(2), 4.3(4)"a," 4.4(1), 4.4(2), 4.4(8), 4.4(10), 4.7(1), 4.9, Notice ARC 3406A, also Filed Emergency ARC 3405A 9/30/92

Disclosure of information regarding open-end credit, credit cards, and financial services, ch 5 title, 5.2, 5.3, 5.4(3), Notice ARC 3330A 9/16/92

Technical investment information and assistance, ch 12, Notice ARC 3368A, also Filed Emergency ARC 3382A 9/30/92

Deposit and security of public funds in banks, ch 13, Notice ARC 3370A, also Filed Emergency ARC 3381A 9/30/92

Deposit and security of public funds in credit unions, ch 14, Notice ARC 3371A, also Filed Emergency ARC 3380A 9/30/92

Required public funds custodial agreement provisions, ch 15, Notice ARC 3369A, also Filed Emergency ARC 3379A 9/30/92

Ch 4 Thornton summarized amendments to Chapter 4. There were no recommendations.

Chs 13-15 In review of Chapters 13 to 15, Thornton said that emergency adoption was necessary to implement the rules by September 1.

Priebe asked how the list of 32 "public units" was determined in rule 14.1. Thornton indicated that funds which are not public would be excluded by financial institutions for purposes of collateralization.

Thornton acknowledged that certain types of endowment funds could be questionable as to their inclusion of public or private money. Metcalf wondered if language should be included to ensure that all tax or public money was protected. Thornton indicated that they would advise the financial institutions to include such questionable funds.

In review of new Chapter 15, Thornton remarked that they were trying to stay with local control and were offering guidance through these rules.

- Treasurer (Cont.)** Priebe and Thornton discussed 15.2(13) with respect to the public funds custodial agreement and reporting to the public unit. The Treasurer has been in contact with the Insurance Department on this matter.
- Ch 12** Technical investment information and assistance, Chapter 12, was explained by Thornton. There were no Committee recommendations.
- Ch 5** No questions or comments on amendments to Chapter 5 found in ARC 3330A.
- SECRETARY OF STATE** Sandra Steinbach, Director of Elections, was present for the following agenda:
- SECRETARY OF STATE[721]**
 Rejection of absentee ballot, 21.13, Notice ARC 3378A 9/30/92
 Emergency election procedures, 21.14, Notice ARC 3393A 9/30/92
- 21.13** Rejection of absentee ballot in 21.13 was before the Committee. Doyle inquired about a spoiled absentee ballot and how it would be handled. Steinbach stated that, in the event an absentee ballot is spoiled or a mistake made, it can be returned for a new one. Discussion focused on the tabulation of the automatic voting machine and how it handles spoiled ballots or recount situations.
- 21.14** In ARC 3393A, amendments to rule 21.14, Steinbach advised that in postponing an election in a jurisdiction that has more than one precinct, the entire election would be postponed. However, the federal election could not be postponed under any circumstances.
- Recess** Chairman Priebe recessed the meeting at 4:15 p.m.
- Convened** Chairman Priebe convened the meeting at 8:45 a.m. All members and Staff were in attendance.
- DOT** Present from the Department of Transportation were John Hocker, Specification Engineer; Bob Humphrey, Director of Highways/Chief Engineer; Harvey Olson, Contracts Engineer; Dan Franklin, Office of Policy; Valeria Hunter, MCSAP Manager; and Fred Walker, Bureau of Safety. The following agenda was considered:
- TRANSPORTATION DEPARTMENT[761]**
 Administrative rules and declaratory rulings, 10.2(2)"a"(3), 10.2(3)"a," Filed ARC 3339A 9/16/92
 Recovery of damages to highways or highway structures, ch 40 title, 40.1, 40.6, Filed ARC 3341A 9/16/92
 General requirements and covenants for highway and bridge construction, 125.1, Notice ARC 3395A 9/30/92
 Regulations applicable to carriers, 520.1(1)"a" and "b," 520.1(2)"b," 520.3 to 520.7, Filed ARC 3340A ... 9/16/92
- 10.2** Franklin reviewed amendments to 10.2 in ARC 3339A. Responding to Tieden, Franklin advised that the time period for comments had been reduced from 26 days to the minimum that is provided in legislation—20 days.
- Ch 40** Walker explained amendments to Chapter 40 intended to implement Iowa Code Supplement section 321.475. No recommendations.

DOT (Cont.)

In a matter not officially before the Committee, Priebe asked for information on charges imposed by DOT for odd-shaped pieces of land along highways. Department officials were willing to supply details.

125.1

Hocker briefed the Committee on amendments to 125.1 which adopt by reference sections of "Standard Specifications for Highway and Bridge Construction." Priebe suggested that Representative Tom Baker be advised of the supplements to Disadvantaged Business Enterprises because of his involvement.

It was noted that these supplements are attached to every proposal for every project that is let through the DOT Contract Office and are also available upon request through the mail.

Metcalf questioned the preamble which stated that Article 1102.10 would be amended to prohibit contractors from altering quantities, unit prices or extensions on predetermined items. Hocker indicated that this had been a practice of some contractors.

In Article 1104.01, Metcalf asked who determined "High quality materials." She thought this term was rather vague. Hocker spoke of the difficulty in placing a measure on work that is undefined. This would not affect bid items and money would not change hands. Priebe agreed that this language could be clarified. No formal action.

Ch 520

Hunter presented amendments to Chapter 520 applicable to carriers. Priebe inquired about uniformity of drug testing for intrastate drivers throughout the U. S. Hunter pointed out that DOT was not adopting the random testing for intrastate drivers so that part would be inconsistent. They would be in compliance nationwide, however. Hunter continued that they had met with the industry and trucking companies concerning the impact on small carriers across the state. The cost of testing seemed somewhat excessive and decision was made to postpone adoption. Priebe reasoned that the drug testing should be standardized.

Metcalf inquired as to the expense to the small motor carriers and Hunter responded that any doctor's office could get approval from the Federal Highway Administration to be a qualified tester. Since fees were not set by law, charges could vary. Fifty percent of intrastate drivers would have to be tested every year. Although Metcalf was an advocate for small business, she was concerned about highway safety.

Kibbie raised concern with respect to Section 396 of the standards regarding small operators who perform their own vehicle maintenance work. According to Hunter, this was allowed if operators could meet the experience requirements set out in the regulations. She was willing to provide additional information.

Maulsby agreed with Kibbie but opined it was not the state's job to check out the qualifications of someone making repairs. He suggested that the state may have to help with the expense of drug testing. Hunter reiterated the federal government does not mandate that the regulations be adopted for intrastate drivers.

Hunter assured Kibbie that DOT allows time for compliance with any new rules.

DOT (Cont.) There was discussion of possible delay of the rules into the next General Assembly. Hunter noted they would be starting the process to adopt 1992 regulations which were already available. Any delay would merely compact two years of regulations.

Motion to Delay Kibbie moved to delay amendments to Chapter 520 until adjournment of the 1993 General Assembly and that they be sent to the appropriate committees. Metcalf seconded the motion. Motion carried.

Schrader took exception to any assumption that maintenance personnel for a company were highly trained and that the owner or owner's employee would not be.

ECONOMIC DEVELOPMENT Burt Powley, SELP Manager, briefed the Committee on proposed amendments to 8.2, 8.3(8), 8.4, 8.6(1), 8.6(2), Self-employment loan program (SELP) Noticed in IAB 9/16/92 as ARC 3352A.

Ch 8 In response to Maulsby as to the 5 percent interest rate being charged, Powley said it was aimed at incomes at the poverty level.

Responding to Metcalf's inquiry in 8.4(3)"e," regarding credit worthiness, Powley stated that the outstanding debt to the state included child support payments or back taxes but the applicant's overall financial position would also be considered. Since 1987, loan losses amounted to just over \$100,000 and the delinquency rate was about 45 percent.

No Committee action.

EDUCATIONAL EXAMINERS

Orrin Nearhoof, Executive Director, reviewed the following agenda:

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"

New endorsements — teacher-coordinator in programs for talented and gifted students, prekindergarten through grade three; amendment to elementary principal, mathematics, speech-language pathologist, 14.20(12), 14.20(13), 14.21(13), 14.23(1), 15.3"1," 15.3"2," 15.3(9), 15.3(10), 15.3(11),

Filed ARC 3279A Delayed 70 days at the ARRC meeting September 9, 1992 8/19/92

14.20 et al.

Motion to delay lifted

There were no questions or recommendations. Schrader moved to lift the delay placed on these rules at the meeting held September 9, 1992. Motion carried. *70-day*

EDUCATION

The following rules were considered:

EDUCATION DEPARTMENT[281]

Health services, 12.3(9), Notice ARC 3343A 9/16/92

Open enrollment, 17.8(2), 17.8(2)"j," 17.8(7), 17.9(1), 17.10, Filed ARC 3346A 9/16/92

Postsecondary enrollment options, 22.1, 22.2, 22.4, Notice ARC 3344A 9/16/92

Driver education, 26.1(3), 26.2(2)"b," Filed ARC 3345A 9/16/92

Extracurricular interscholastic competition, 36.15(3)"c," 36.15(6), 36.15(7), Notice ARC 3342A 9/16/92

Procedures for charging and investigating incidents of abuse of students by school employees, 102.2, 102.3, 102.4(2), 102.8(5), 102.9(1), 102.9(3), 102.9(4), 102.9(5), 102.10, 102.11, 102.12, 102.14, 102.15,

Notice ARC 3416A 9/30/92

In attendance were: Kathy Collins, Bob Roush and Don Helvick, Consultants.

Education (Cont.)
Ch 17

Chairman Priebe requested that the Open Enrollment rules found in Chapter 17 and filed in ARC 3346A be reviewed next so he could attend another meeting.

Helvick gave a brief overview of the rules. Priebe questioned why local boards of the sending and receiving districts involved the AEA Board—17.9(1). Helvick noted that AEA must approve all routes which go into a different district.

Schrader was advised there was no provision for reimbursement for cost of transportation of an open-enrolled student. Kibbie took the position that approval of routes should be left to the discretion of the two local boards. He cited a problem of a bus carrying a special education student which cannot stop for an open enrollment student on the same route.

Helvick clarified that if a district must send their bus into another district to shorten their route or for a safety factor such as a safe turnaround, the AEA, not the district being entered, approves this. This bus can transport open enrollment students from a designated pickup location. Helvick suggested that Dwight Carlson and Terry Voy of the Department were very knowledgeable in the area of transportation and would be happy to discuss this matter in detail.

Pavich in the chair.

In a survey Helvick conducted, results of 15 of the 18 AEAs revealed that 36 percent of the districts were allowing buses from other districts to pick up students and about 30 percent of the districts were going into other districts to pick up students. Most of the districts were imposing some type of limitation or restriction.

Metcalf inquired about private school transportation and Helvick responded that this was up to the resident district of the pupil—whether they reimburse or provide transportation.

12.3(9)

Amendment to 12.3(9), Health Services, was discussed. Responding to Teaford, Collins stated that the Individuals with Disabilities Education Act excludes some services to children, by definition, e.g., if the service must be provided by a medical doctor or other professional. Anything that can be provided by individuals other than these categories does meet the definition of related services. Collins mentioned the federal Bloodborne Pathogens Law which directs schools, as well as other employers, to allow employees to take inoculations against certain diseases that are carried through blood transmission. They are asked to identify individuals within the school system who have treated a child with a cut, scrape, etc. This will have a great impact on small rural schools.

Responding to Kibbie, Collins commented that schools fear that additional personnel might be required if a number of the staff refuse to treat children in nonemergency situations.

Ch 22

No comments or questions on amendments to 22.1, 22.2, 22.4 found in ARC 3344A.

26.1, 26.2

Roush reviewed amendments to 26.1 and 26.2 regarding driver education. No questions.

Ch 36

Amendments to Chapter 36, Extracurricular Interscholastic Competition, were considered.

Education (Cont.) According to Collins, only one hearing was scheduled on these rules since all groups who opposed the previous version had been contacted. She emphasized that the rules would have no effect on private organizations or associations that sponsor athletic teams and would be enforceable across state lines. Collins continued that most of the abuses come from within the schools—not outside organizations.

Metcalf requested that "shall not coach" be substituted for "may not coach" in the second sentence of 36.15(6).

Ch 102 No questions or comments on amendments to Chapter 102 found in ARC 3416A.

Public Broadcasting Chairman Priebe recognized Barry who sought guidance as to legislative intent of House File 2465, section 28. This section transferred the Iowa Public Broadcasting Division from the Department of Cultural Affairs to the Education Department but it was unclear as to whether the rule-making authority also transferred. Barry referred to a two-page opinion from Richard Johnson, Deputy Director of LSB, wherein he concluded that IPB should remain autonomous with rule-making authority under the umbrella of the Education Department. Collins concurred with this assessment.

Motion Schrader moved Committee consensus that the IPB Division should transfer their rules to the Education Department and maintain the Division's autonomy. Motion carried.

HEALTH DATA The following agenda was reviewed by Pierce Wilson, Management Analyst:

HEALTH DATA COMMISSION[411]

Submission of data — exemption for certain third-party payers, 6.1, 6.2(2), 6.2(3), Notice ARC 3373A ... 9/30/92

Direct hospital inpatient data submission, medical record number confidentiality, 6.3(7), 6.3(8), 7.2,

Notice ARC 3399A 9/30/92

Nursing facility data, 6.5, Notice ARC 3398A 9/30/92

Ch 6; 7.2 No questions or comments.

INSPECTIONS AND APPEALS Rebecca Walsh, Administrative Rules Coordinator, gave a brief overview of the following agenda with no comments or recommendations by the Committee:

INSPECTIONS AND APPEALS DEPARTMENT[481]

Chs 32,34,37,57–59, 62–65 Food service establishments, hotel and motel inspections — revocation or suspension of license, 30.2, 31.10, 32.5, 34.5, 37.10, Filed ARC 3392A 9/30/92

Food service establishment inspections, 32.3(4), Filed Emergency ARC 3389A 9/30/92

Health care facilities — disclosure of names, addresses and telephone numbers of residents' family members to care review committee members, 57.24(3), 58.27(3), 59.32(3), 62.22(3), 63.22(3), 64.35(3),

65.24(3), Notice ARC 3260A Terminated ARC 3390A 9/30/92

JOB SERVICE The following rules were addressed by Joseph Bervid and William Yost of the Employment Services Department:

JOB SERVICE DIVISION[345]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

Employer records and reports — leased employees; employer's contribution and charges — administrative contribution surcharge fund; contested case proceedings — telephone or in-person hearing,

2.3(5)"c," 3.40(3)"d," 6.6(1), Notice ARC 3355A 9/16/92

10/14/92

Job Service (Cont.) Bervid described the amendments to 2.3(5) et al. as chiefly for clarification as to what is expected from the leasing company. Bervid explained that leasing companies referred to in these rules could take over an entire operation, including the employees, benefits, hiring, discharging, etc. Another kind of leasing company might place only one employee.

2.3(5) et al.

Metcalf referred to 6.6(1) and asked when the seven days would start and Bervid said it was upon receipt of the notice.

Recess

The Committee was in recess for ten minutes.

LABOR SERVICES Walter Johnson, Deputy Labor Commissioner, was present for the following agenda:

LABOR SERVICES DIVISION[347]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

General industry safety and health rules, 10.20 Filed Emergency After Notice ARC 3412A 9/30/92
Construction safety and health rules, 26.1, Filed Emergency After Notice ARC 3413A 9/30/92
Vertical wheelchair lifts, 72.1, 72.16 to 72.19, 73.1, 73.20, 75.1(2), 75.3, Code reference correction in
chs 71 to 77, Notice ARC 3410A 9/30/92
Fees—elevator inspections, 75.1 to 75.5, Filed ARC 3411A 9/30/92
Public safety/emergency response right to know — transportation of hazardous materials,
40.4(1)"a"(1) to (5), Notice ARC 3365A 9/16/92

Chs 10, 26

Amendments to Chapters 10 and 26 were corrective and there were no questions.

72.1 et al.

Johnson summarized revisions of safety standards for vertical wheelchair lifts. No Committee recommendations.

Ch 75; 40.4

There were no comments on the remainder of the agenda.

DISASTER SERVICES

The following agenda was also presented by Walter Johnson, a member of the Iowa Emergency Response Commission.

DISASTER SERVICES DIVISION[607]

PUBLIC DEFENSE DEPARTMENT[601]"umbrella"

Emergency management division — operations of commission, local emergency planning committee, required reports and records, 101.4, 101.5(2), 103.2(1), 103.2(2), 103.4, 104.1, 104.1(1), 104.1(3), 104.3(2),
Notice ARC 3409A 9/30/92

101.4 et al.

Johnson reviewed composition and duties of the Commission. Regular meetings are held quarterly and notices are sent out through the newsletter of the Office of Disaster Management. No questions.

MEDICAL EXAMINERS

Dennis M. Carr, Acting Executive Director, was in attendance for the following agenda:

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Notice, Medical examiners, licensure requirements, discipline, 10.2, 10.3, 10.3(5)"a" and "b," 10.3(6)"b,"
10.6, 11.1(7) to 11.1(9), 12.50(31), 12.50(33), 12.50(36)"d," Notice ARC 3391A 9/30/92

10.2 et al.

There were no recommendations.

**PROFESSIONAL
LICENSURE**

Representing the Division were Barbara Charls, Harriet Miller and Susan Osmann.

**PROFESSIONAL LICENSURE DIVISION[645]
PUBLIC HEALTH DEPARTMENT[641]"umbrella"**

Massage therapists — temporary licensure, fees, ch 130, Notice ARC 3396A 9/30/92
Optometry examiners, 180.1, 180.5(3), 180.5(3)"a," "b," and "d," 180.9, 180.10(2), 180.10(5),
180.12(3)"g" to "i," 180.12(5)"c," 180.14, 180.100, Notice ARC 3360A 9/16/92
Podiatry examiners, 220.1(1), 220.1(2)"a," 220.6, 220.7, 221.2, 221.6, 221.7, 221.8(2), Notice ARC 3397A 9/30/92
Respiratory care practitioners, 260.7(4)"a," 260.10(9), 260.13(1)"b," 260.15(5), Notice ARC 3336A 9/16/92
Social work examiners, uniform rules, chs 280 to 283, Filed ARC 3337A 9/16/92
Speech pathology and audiology examiners — uniform rules, chs 303 to 305, Notice ARC 3377A 9/30/92

Ch 180

Revisions in Chapter 180 were presented by Charls and discussion focused on 180.9 regarding release of ophthalmic prescriptions. Charls indicated that the language was taken directly from the FTC which requires release of a prescription for eye glass lenses but provides optional release of contact lens prescriptions. She continued that some optometrists believe the fit of the contact lens on the eye must be examined before determining that the prescription is accurate.

Schrader disagreed that the practitioner has control of a patient's care if the patient decides to take the prescription or their care elsewhere. Osmann confirmed the Board's interpretation of Code section 154.9 which requires release of the prescription for eye glasses but not contact lenses.

Royce noted that Code §154.9 contains, in the first sentence, the words "... contact lenses or any other ophthalmic lenses. . . ." He disagreed with Charls that Iowa law could be preempted by FTC regulations. Osmann agreed to convey Committee concerns to the Board.

Ch 130

Osmann reviewed proposed Chapter 130, Massage Therapists, which was limited to temporary licensure. Rules for permanent licensure would be drafted at a later time, possibly in November. Final rules would address transition from a temporary to a permanent license. Metcalf cautioned against creating undue burden for therapists who had practiced under the temporary license for some time.

220.1—Ch 305

No questions or comments on the remainder of their agenda—220.1 to Chapter 305.

PUBLIC HEALTH

The Department was represented by Carolyn Adams, Rules Coordinator; Donald Flater, Chief, BEH; Pat Howell, Community Services Bureau Chief; Marge Bledsoe, Health Delivery EMS; and Gary Ireland, EMS.

PUBLIC HEALTH DEPARTMENT[641]

Agriculturally related injuries, 1.2(1)"d," Notice ARC 3335A 9/16/92
Mammography, 38.8(1), 41.1(12), Filed Emergency After Notice ARC 3438A 9/30/92
Radiation — standards for protection, safety requirements for the use of radiation machines and radioactive materials, 40.3(4)"e," 41.1(5)"c"(1)"1," 41.2(31), 41.2(33), 41.2(37), Notice ARC 3440A 9/30/92
Continued on next page

10/14/92

Public Health continued

Radiation — definition of misadministration, 41.1(2), 41.2(2), Notice ARC 3441A 9/30/92
Radiation, rule reference corrections in ch 42, 42.1(11)"f," 42.1(13), 42.2(4)"b," 42.2(7)"f," 42.2(10), 42.3(7)"f,"
42.3(10), Filed ARC 3437A 9/30/92
Radiation — rule reference corrections in chs 43 and 44, 43.4(5), 43.4(6), 44.4(1), 44.4(6), Filed ARC 3435A
9/30/92 696
Tanning facilities— rule reference corrections in ch 46, 46.4(2)"b," 46.4(3)"d," Filed ARC 3436A 9/30/92
Healthy family program, ch 87, Notice ARC 3431A, also Filed Emergency ARC 3432A 9/30/92
Basic emergency medical care, 131.4(1)"g" and "o," 131.4(8)"b," 131.4(9)"d," 131.4(10), 131.5(5)"c,"
131.5(11)"e," Notice ARC 3400A 9/30/92
Advanced emergency medical care, 132.2(4)"d"(13), 132.3(1)"b," 132.4(9)"d," 132.5(5)"c,"
132.7(6)"b," "f" and "g," 132.8(1)"b," "e," and "p," 132.9(4)"c," 132.14(7), Notice ARC 3401A 9/30/92
Disciplinary hearings — fees and costs, 173.19, Filed ARC 3434A 9/30/92
Criteria for awards or grants, ch 176, Notice ARC 3402A 9/30/92
Certificate of need program, 202.4(3)"a," Filed ARC 3433A 9/30/92

Adams reviewed amendments found in ARCs 3335A, 3438A, 3440A, 3441A, 3437A, 3435A and 3436A with no questions or recommendations by the Committee.

Ch 87

In review of Chapter 87, Howell reported that copies of these rules were distributed to the State Council for the Prevention of Child Abuse projects and the Public Health Nursing and Homemaker Home Health Aid Agencies around the state.

Regarding Teaford's inquiry in 87.4, Howell said that need indicators were patterned from the Hawaii healthy start program.

According to Howell, \$165,000 had been appropriated for prenatal to preschool family and child protection service programs.

Ch 131

No questions on Chapter 131.

Ch 132

Ireland explained amendments to Chapter 132 and discussion focused on educational requirements for EMTs. Ireland stated the high school diploma or GED would be required for those enrolled at the intermediate or paramedic level. This would enable more volunteers for small community fire departments to become qualified as EMTs.

173.19

Doyle requested information on the costs and fees collected for disciplinary hearings and the Department agreed to furnish this information to Royce.

No questions or recommendations on the remainder of the agenda.

PUBLIC SAFETY

In attendance were Michael Coveyou, Administrative Rules Coordinator; Roy Marshall, State Fire Marshal; Steven Boggess, Plans Examiner; and M. L. "Mike" Rehberg, Laboratory Administrator. The following agenda was reviewed:

10/14/92

PUBLIC SAFETY DEPARTMENT[661]

Private investigation and private security businesses, 2.2, 2.3(8), 2.3(9), 2.5, 2.11(1), 2.12, Notice ARC 3334A9/16/92

Fire marshal — granting exceptions, waivers, and variances from rules, 5.1(5), 5.100(5), 5.650(8),

Filed ARC 3366A 9/16/92

Breath alcohol ignition interlock device, 7.8, Filed ARC 3363A 9/16/92

State of Iowa building code, 16.110(1), 16.110(3), 16.120(2), 16.120(4), 16.120(5), 16.121(1), 16.121(3),

16.130(14), 16.131, 16.140(1), 16.140(1)"b" and "d" to "f," 16.300(1), 16.400(1),

16.400(1)"e," "j," "k," "t," "s," "y," and "z," 16.401, 16.500(1), 16.500(1)"c," "d," "i," and "j," Filed

ARC 3348A 9/16/92

7.8 Pavich called for consideration of adopted rule 7.8 which set criteria for breath alcohol ignition interlock devices. Coveyou noted changes from the Notice which included deletion of the requirement for an identifying sticker on the vehicle. In addition, installers of the devices must now notify the county attorney of evidence of tampering.

Ch 5 There were no recommendations regarding Chapter 5.

Ch 16 Amendments to Chapter 16, State Building Code, were explained by Coveyou.

Boggess clarified for Tieden that a transmission tower under the control of a public utility would not be covered by building codes but a transmission tower of a trucking company, for example, would be.

2.2 et al. Amendments to Chapter 2 found in ARC 3334A were reviewed by Coveyou in the absence of Carroll Bidler and Chris Odell. Doyle observed the examples of "moral turpitude" in 661—2.2 and commented on the difficulty in defining the term. He continued that another term was frequently substituted. Doyle also expressed concern about new language in 2.12 which stated that no badges or insignia would be approved for private investigative agents. He thought that private security personnel should wear some type of distinguishing identification. Coveyou was willing to relay Doyle's comments to Bidler.

Priebe in the chair.

RACING AND GAMING

Charles Patton, Director of Riverboat Gambling, gave a brief overview of the following rules:

RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Labor organizations and unions; occupational classifications and license fees; linked machine requirements for progressive jackpots and red dog rules, 4.28, 10.4(1)"a," 10.4(10)"a," 22.33, 26.17(6), 26.20,

Notice ARC 3358A 9/16/92

Greyhound and thoroughbred racing, 7.3(6), 10.4(1)"b," Filed ARC 3403A 9/30/92

Rules of poker, 26.19, Filed ARC 3404A 9/30/92

4.28 et al. There was brief review of amendments to 4.28 et al. but no formal action was taken.

7.3, 10.4 Amendments to 7.3 and 10.4 regarding greyhound and thoroughbred racing were reviewed. Priebe noted that fees set by the FBI would be imposed on applicants.

26.19 No recommendations made on 26.19, rules of poker, found in ARC 3404A.

10/14/92

Committee Business
Licensing boards –
fees

Kibbie referred to the handout which documented appropriations and expenses for licensing boards. He noted that \$1 million in fees was collected in 1992 that was not expended. Discussion followed regarding funding state government with fee overages. Priebe pointed out that the statute specifically forbids this practice. Kibbie said the estimate for 1993 was reduced but it was still in excess of \$693,000. Royce pointed out that the restriction in question was applicable only to health-related boards. There were no such restriction for the boards under the Commerce Department umbrella. No action taken.

NO REPS

No agency representatives were requested to appear for the following:

BLIND, DEPARTMENT FOR THE[111]

Business enterprises program, ch 7, Filed ARC 3333A 9/16/92

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Broker-dealer applications, updates, and renewals, 50.1, Notice ARC 3362A 9/16/92

Broker-dealer licenses, 50.2, 50.5, 50.6, 50.8, 50.11, 50.13, 50.14, Notice ARC 3357A 9/16/92

PERSONS WITH DISABILITIES DIVISION[431]

HUMAN RIGHTS DEPARTMENT[421]"umbrella"

Advisory council on head injuries, amend and transfer 431 — Chapter 3 to 641 — Chapter 55,

Filed Emergency ARC 3439A 9/30/92

PREVENTION OF DISABILITIES POLICY COUNCIL[597]

Contracts — policies, procedures, and conditions, ch 5, Notice ARC 3361A 9/16/92

REAL ESTATE COMMISSION[193E]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

Practices and procedures updated and clarified, 1.8, 1.9, 1.20, 1.24, 1.26, 1.27, 1.28(3), 1.30, 1.32, 1.36 to 1.38, 2.2, 2.3(4), 2.3(5), 2.9, 2.12(2), 2.13, 2.14(5) to 2.14(7), 2.17, 3.2(3), 3.3(4), 3.4(1)"e"(2)"6," 3.5, 3.5(4), 3.6(5), 3.6(7)"c," 4.6, 4.9 to 4.12, 4.41, 6.1(4), 6.2, 6.4(4), ch 7, Notice ARC 3417A 9/30/92

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

Deregulation of new services, 5.2(3), 5.3(2), Notice ARC 3430A 9/30/92

Purchased gas adjustment — over/undercollections, 19.10(1), 19.10(1)"b," 19.10(4), 19.10(5)"c," 19.10(7)"b" to "d," Notice ARC 3347A 9/16/92

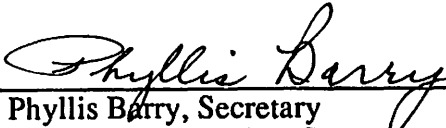
Next meeting

The next meeting was scheduled for Monday and Tuesday, November 9 and 10.

Adjournment

Chairman Priebe adjourned the meeting at 12:15 p.m.

Respectfully submitted,


Phyllis Barry, Secretary
Assisted by Mary Ann Scott

APPROVED:

