

MINUTES OF THE REGULAR MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting

The regular meeting of the Administrative Rules Review Committee was held Tuesday and Wednesday, October 10 and 11, 1989, in the State Capitol Building, Des Moines, Iowa, in Senate Committee Room 22.

Members Present

Senator Berl E. Priebe, Chairman; Representative Emil S. Pavich, Vice Chairman; Senators Donald V. Doyle and Dale L. Tieden; Representatives David Schrader and Betty Jean Clark were present. Staff present: Joseph A. Royce, Counsel; Phyllis Barry, Administrative Code Editor; Vivian Haag, Executive Secretary. Also present: Barbara Burnett, Governor's Administrative Rules Coordinator; Evelyn Hawthorne, Democratic Caucus.

Convened

Vice Chairman Pavich convened the Committee at 10:02 a.m. and recognized Nichola Schissel and Steve King of the Lottery Division.

LOTTERY DIVISION

Division representatives were questioned as to their reasons for emergency rule making. Schissel commented that they have guidance from the office of the Attorney General. She spoke of a recent filing which addressed a ticket price change for a special promotional opportunity. Schissel continued that the game was not designed in time to allow for regular rule making. She stressed that timing was their biggest problem. Schissel advised Pavich that games were not "spur of the moment" but reactions to the market place where sales are strong or weak. Pavich reasoned that it was unusual not to have more advanced knowledge of a program which may yield 40 to 50 million dollars in profits annually.

Schissel explained that there could be rules for the instant ticket games, gridiron games, and cash bonus. The Code outlines a lengthy list for rule making by the Board. Schissel reiterated the need for quick response to maximize sales and keep flexibility, if possible.

Schrader understood the need for the specific game rules but stressed the importance of following the rule making process with ARRC review and public input.

Priebe in the chair. He concurred that a primary purpose was to provide the public input.

ATTORNEY GENERAL

Marti Anderson, Department of Justice, represented the Attorney General for the following:

Victim assistance grants program, 9.60 to 9.67, Notice ARC 221A, also Filed Emergency ARC 222A 9/20/89

Anderson stated that 1989 legislation transferred the administration of the grants program to the Department of Justice. The emergency rules will allow immediate

ATTORNEY
GENERAL
(Cont'd)

grant funds to communities for victim service programs. Doyle was informed that federal and state funding amounted to \$912,000 this year--\$294,000 state funds. Tieden was advised that the Crime Victim Assistance Board consisted of seven members.

No other questions.

PUBLIC
HEALTH
Radon

Donald A. Flater, Chief, Bureau of Radiological Health reviewed the following:

Minimum requirements for radon mitigation, 88.18(4), 88.18(9), ch 44, Notice ARC 105A
Terminated, Notice ARC 251A.....

10/4/89

Flater had met with the Homebuilders Association and revisions would be made to address their concerns. Responding to Priebe, Flater said a new filing would be implemented and a public hearing was scheduled for October 24th.

Chairman Priebe pointed out that the rules appeared in the October 4 Bulletin so would be considered by the ARRC in November. Flater clarified that those rules were being modified following negotiations with homebuilders on October 6.

There was brief discussion of the rule-making process. Flater reminded that radon levels may be higher during winter months. He stressed importance of having rules in effect to regulate testing for radon. He alluded to an EPA report which was scheduled to be released next week. He added that it was highly possible that Iowa would rank highest in the number of homes having radon levels which exceed federal standards.

In response to Schrader, Flater said that out of the 25 states that have been reviewed, Iowa has the largest number of homes that exceed 4 picocuries per liter of air.

No Committee action.

AGRICULTURE
DEVELOPMENT
AUTHORITY

William Greiner appeared for the Agriculture Development Authority for consideration of:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT(81) "umbrella"
Individual agricultural development bond program — application procedures, 2.11, Filed ARC 184A 9/6/89

There was brief discussion. No questions.

AGRICULTURE
AND LAND
STEWARDSHIP

Walter Felker, State Veterinarian, Arlo Hullinger, Dan Cooper, Lawrence Birchmier, Lowell Anderson, Charles A. Eckermann and Daryl D. Frey were present for the following agenda:

Rural revitalization program, 10.2 to 10.4, 10.15, Notice ARC 185A 9/6/89
Apple grading, ch 11, Notice ARC 193A, also Filed Emergency ARC 194A 9/6/89
Pesticide advisory committee, ch 48, Notice ARC 218A 9/20/89
Infectious and contagious diseases — pseudorabies disease segment, 184.147 to 184.160, Filed ARC 185A 9/6/89

No questions concerning amendments to Chapters 10 and 11.

AGRICULTURE
AND LAND
STEWARDSHIP
(Cont'd)

Dr. Felker explained minor changes made in the amendments to rules relative to pseudorabies. Priebe suggested that improved public relations at the sale barns would be beneficial. (164.147 to 164.160)

Ch 48

According to Frey, Chapter 48 outlines procedures for conducting pesticide advisory committee meetings as required by Iowa Code chapter 206. He gave brief explanation.

There was discussion of quorum requirements in 21--48.4(206), second paragraph. Clark wondered if ARRC guidelines should be included and Royce responded that it was customary to require vote of two-thirds of the members to pass an item.

48.5

In 48.5, Clark preferred inclusion of copy costs for records. No further comments.

CAMPAIGN
FINANCE
DISCLOSURE

Kay Williams, Executive Director of the Campaign Finance Disclosure Commission, appeared for the following:

Reporting requirements -- incorporated candidates' committees, 4.29, Notice ARC 166A 9/6/89

Williams described the proposed rule as one intended to implement a U. S. Supreme Court Decision--Federal Elections Commission v. Massachusetts Citizens for Life, Inc.--which allows political corporations which meet certain tests to make contributions to candidates' committees and other political committees.

Doyle asked if we need any clarification on the law itself, and Williams responded that she was prefiling a bill citing the U. S. Supreme Court decision as basis for the corrective legislation. Priebe thought that the State Government Committee should be notified of the matter. Doyle wondered if the rule would exceed the scope of the present law. Williams stated that their legal counsel saw no problem with allowing the candidates' committees to incorporate at the present time. Doyle recalled rules of several months ago relative to billboards separate from corporate. Williams reminded that those rules related to business and trade corporations and contained the three-part test provision. She reiterated that 4.29 would further clarify the matter.

4.29

Motion

Doyle moved that the Speaker of the House and the President of the Senate be apprised of the rule and the possible need for legislation. Motion carried. Williams stressed the importance of rule 4.29.

General discussion of placement of political signs and "common place." Williams also advised that the Commission would request legislation for more direct authority to penalize for violations of disclaimers. She doubted that the shelter of the corporation would cause debts to go unpaid.

ECONOMIC
DEVELOPMENT

The following rules of the Economic Development Department were considered:

Youth affairs, 14.2(2), <u>Filed</u> ARC 181A	9/6/89
Child care grants, Iowa export finance interest buy-down program, ambassador's program, rescind chs 20, 56, 57, <u>Notice</u> ARC 182A	9/6/89
Community development block grant nonentitlement program, 23.1, 23.6(3), 23.7(3)"e" and "f," 23.7(6)"d," 23.8, 23.9(5)"a"(1), 23.9(6)"a"(5), 23.9(8), 23.14(1), <u>Filed</u> ARC 183A	9/6/89
Satellite centers -- application review and grant award, 41.8, <u>Filed</u> ARC 180A	9/6/89
Rural main street program, ch 42, <u>Notice</u> ARC 188A	9/6/89

JoAnn Callison, explained amendment to 14.2(2) which allows up to \$30,000 each year for national or regional special projects for Corps members. An example was the Greater Yellowstone Recovery Project.

Chs 20,
56, 57

Discussion of rescission of Chapters 20, 56 and 57. Callison stated that the Child Care Grants Program was transferred to the Department of Human Services. [441--Chapter 168] The Export Finance Interest Buy-Down Program was replaced by Iowa Export Trade Assistance and the Ambassador's Program ended since there was no new appropriation.

Ch 23

According to Lane Palmer, amendments to Chapter 23 were necessary to prepare for disposition of receipt of \$22 million dollars in federal funds in 1990. The federal government expects the Department to distribute funding within 12 to 15 months. A major change will place housing rehabilitation on a more equitable level with other possible applicants.

Schrader voiced opposition to 23.6(3) as to deletion of the federal fiscal years 1989 and 1990 and thus, allowing the director total discretion to reallocate any portion of the set aside to the special drought relief fund. Palmer commented that the rules are revised every year. When these amendments were Noticed in April, the Department had no idea how long the drought would continue and they wanted to reserve some option to avoid emergency rules. When the drought is no longer a problem, they would probably eliminate that set aside.

Schrader expressed his preference for language to limit the Director's power to a current year to ensure a degree of legislative oversight. Palmer advised Schrader that the rules following the Notice would become effective October 11 and that no transfer of funds had been made.

There was discussion of emergency amendments which were adopted by the Board on August 18 with intent to file immediately. However, no record of such filing was found.

Motion to
Object &
Refer

In response to Schrader, Palmer stated that they have a candidate for about \$900,000 additional funds in 1989 drought money. Schrader was reluctant to delay the drought program, but moved to object to 23.6(3) and to refer that language to the Speaker of the House and the President of the Senate for their immediate attention. Carried unanimously.

ECONOMIC
DEVELOPMENT
(Cont'd)

The following objection was prepared by Royce:

At its October 10th meeting the committee voted to object to the provisions of subrule 23.6(3) on the grounds that the amendments to that subrule are unreasonable. This subrule appears as part of ARC 153A, published in XII IAB 5 (9-6-89).

This subrule generally empowers the director of the department to transfer "C.D.B.G. Nonentitlement Program" funds for emergency drought relief. The amendments strike language which limits this power to the current year. The committee believes that it is unreasonable to remove this restriction. That language requires the department to annually engage in rulemaking to update and re-enact that power. While the committee recognizes the need for this discretionary power the committee believes that annual renewal is necessary to ensure some measure of legislative oversight concerning its use.

C.D.B.G. funds are appropriated in block by the legislature. While the legislation contains no particular restrictions, it can be assumed that the legislative intent was to expend that money for community development programs as outlined in the detailed regulations governing the program. While the option to transfer funds for emergency drought relief is essential, that power does allow the director to expend C.D.B.G. funds for purposes not specifically contemplated in the appropriation. Absent specific legislation empowering this discretionary transfer, the committee believes that annual rulemaking should be retained to provide a legislative check on the use of this transfer power.

The committee requests that the department amend this subrule to reinstate a specific time period for the drought transfer provision and then annually update that time period.

Royce suggested that the objectionable language may be included in a rule that does not legally exist--the August 18 version. Priebe asked about impact of a possible delay of the rules and Palmer remarked that Creston was waiting to begin water treatment plant expansion to accommodate Ringgold and Taylor Counties. Palmer said the Department would probably file the August 18 version. Priebe had problems with that approach. No further action.

41.8 There were no recommendations for amendment to 41.8.

Ch 42 Diane Foss and Becky Barnes reviewed proposed Chapter 42. As a result of the hearing subrule 42.5(5), relating to match required, will be revised to substitute "two times the state grant", for "three times the state grant".

Subrule 42.6(2) will allow for selection of four communities based upon geographic representation with a fifth community to be selected to represent communities under 1,000 in population.

Department officials were asked to provide information as to how these communities are selected.

HISTORICAL
DIVISION

The Division was represented by David Crosson and Carol Ulch and the following was before the ARRC:

CULTURAL AFFAIRS DEPARTMENT (1831) "umbrella"
Historical resources development program, ch 49, Notice ARC 204A, also Filed Emergency ARC 205A..... 9/20/89

HISTORICAL
DIVISION
(Cont'd)

Ulch stated that the rules structure the program as the grant portion of the legislation. The Iowa historical resources development program provides grants and loans to preserve, conserve, interpret, and enhance the historical resources of the state. The program is set up to provide funding for individuals and public groups in the areas of historic preservation, museums and documentary collections. No questions.

HUMAN
SERVICES

Human Services Department representatives included Mary Ann Walker, Margaret Ward, Sherron Stilwell, Carol Stratemeyer, Ken Tigges, Jo Lexberg, Roslyn Clark, Nancy Haigh, Darlene Clark, Gary Gesaman, Kathy Ellithorpe and Anita Smith. Also present: Kelvin Robinson, State Coordinator, Victims of Child Abuse Laws (VOCAL). The agenda follows:

Fair hearings and appeals, ch 7 title, 7.1 to 7.10, 7.13(1), 7.13(2), 7.13(4), 7.14, 7.15, 7.16(2) to 7.16(9), 7.17, 7.18(1), 7.18(2), 7.20, 7.21, 7.22, <u>Notice ARC 216A</u>	9/20/89
Offset of county debts owed department, ch 14, <u>Filed ARC 179A</u>	9/6/89
ADC schedule of basic needs and medically needy income levels increased, 41.8(2), 75.1(15)"a" and "b," 75.1(24), 75.1(26), 75.1(28)"b" and "d," 75.1(28), 75.1(30), 75.17, 75.18, 86.10(1), 86.10(2), 86.10(4), 86.12(1), <u>Filed ARC 168A</u>	9/6/89
Medicaid and service provider rate changes, 52.1(3), 78.6(1)"k" to "m," 78.7(1)"e," "f," and "j," 78.11(2), 78.14(7)"a," "b," and "d," 79.1(2), 79.1(8)"a," 79.1(9)"b" and "d," 81.6(16)"a," 150.8(5)"p," 156.6(1), 156.9(1), 156.11(2), 177.4(8), 177.4(7), 177.4(8)"b," <u>Filed ARC 168A</u>	9/6/89
Migrant and seasonal farmworker households, 85.35, <u>Notice ARC 202A</u>	9/20/89
Application and investigation, 76.9(2), 76.9(3)"b" and "c," 76.9(6), <u>Notice ARC 215A</u>	9/20/89
Inpatient psychiatric services for individuals age 65 and over and under age 21, foster care services, 85.1(2)"b," 202.16, <u>Filed ARC 170A</u>	9/6/89
General provisions, child day care services, 180.8(1)"d"(2), 170.4(7), <u>Filed ARC 171A</u>	9/6/89
General provisions, social services block grant, 180.8, 158.5(6), 158.5(7), 158.6(2), 158.6(7), <u>Notice ARC 214A</u>	9/20/89
Child day care grants program, ch 168; rescind ch 154, <u>Filed ARC 172A</u>	9/6/89
Adolescent pregnancy prevention and services to pregnant and parenting adolescents program, ch 168 preamble, implementations, 168.1, 168.3, 168.4(1), 168.5(1), 168.5(2)"c," 168.6, 168.8, 168.9(3), 168.10, <u>Filed ARC 178A</u>	9/6/89

Ch 7

Ward and Walker described amendments to Chapter 7 as clarification of policies and procedures currently in effect for the appeals process, and reflection of a change in responsibilities between the Department of Human Services and the Department of Inspections and Appeals.

Chairman Priebe recognized Robinson who maintained that the Department of Human Services had made, under the concept of confidentiality--§235A.15, "every attempt to deny the right to expunge incorrect reports of child abuse." In over 16,000 reports, only 101 were resisted, and of other reports resisted, none were expunged as a result of decisions by the Department of Inspections and Appeals. Robinson contended that appellants have "no chance" at hearings and that the rule changes should be blocked since they do not clarify any issues.

Walker recalled a meeting with the Department Director during the previous week to discuss the issue of confidentiality. She pointed out that more people are at risk than just the perpetrator. She stressed the importance of protecting the child's confidentiality. Walker noted that §235A.15 requires that a person be represented by an attorney.

Doyle and Royce discussed the definition of attorney. Doyle stated the Department of Corrections uses the broad interpretation--counsel. Royce pointed out that the word "attorney" means "representative" and "attorney at law" means "lawyer."

HUMAN
SERVICES
(Cont'd)
7.14

Discussion of 7.14 which limits attendance at a hearing. Schrader reasoned that it was appropriate to have an attorney present.

Walker spoke of recent statistics relative to percentages of decisions which had been overturned and whether or not the persons had been represented by an attorney. She agreed to provide that information.

7.5

Pavich referred to 7.5 on the right of appeal and expressed the opinion that the Department should not have the right to deny a hearing. Walker responded that careful consideration is given before a denial.

With respect to child abuse hearings, Robinson made the point that only two parties are involved--the Department of Human Services and the person who applied for a hearing. He thought there should be an adversary system. Priebe commented that his position had been that the record should be expunged if the individual is not guilty. Doyle called attention to a newly authorized Juvenile Hearing Study Committee and suggested that VOCAL may wish to file information with them.

Walker emphasized that there was no intent by Human Services to dictate to Inspections and Appeals. They were attempting to conform their rules to DIA procedures. Walker continued that the proposed rules basically address appeal procedure and what happens after the proposed decision is issued. DIA is responsible for scheduling and conducting the hearing and for writing the proposed decision.

Priebe questioned whether Human Services had authority to adopt the rules. Walker stated that this issue was being argued at the present time in the Attorney General's office. Priebe recalled a similar situation with rules governing nursing homes. He favored a request to DIA for rules on appeals. Tieden wanted clarification as to what was being analyzed by the Attorney General and Walker responded they are trying to determine statutory responsibilities for rules by DIA and other departments. Priebe suggested that these amendments to Chapter 7 should not be filed until the Attorney General's opinion is available. Schrader expressed his opinion that portions of the rules were acceptable. Walker pointed out that many of their procedures, including hearings, are set by federal regulations.

Ch 14

According to Walker Chapter 14 provides a process for the Department to identify counties that owe liabilities to the Department and to cooperate with the Revenue and Finance for offsetting county claims against state

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agencies with the liabilities which those counties owe the Department. She said revisions since the Notice clarify the time frame specified with calendar days and allows for disputes to be settled by divisions of the department other than just the Division of Mental Health, Mental Retardation and Developmental Disabilities. Sperry stated that each state agency must enter into an agreement with Revenue and Finance concerning their debts. Nothing is automatic.

41.8 No questions were posed on amendments to 41.8 et al.

52.1(3)
et al In review of amendments to 52.1(3), et al, Walker pointed out that subrule 79.1(2), provider category "Psychiatric medical institutions for children," was revised following Notice. They deleted the condition that the \$120 a day limit was contingent upon state plan approval.

65.35 No recommendations regarding 65.35.

85.1,
202.16 Walker advised that 85.1(2)b, and 202.16 stipulate the criteria which the Department will use to assess need for a specific psychiatric medical institution for children. The Department received comments from the Iowa Coalition for Families and Childrens Services and Lutheran Social Services and the formula has been revised to allow for more input from the private sector in completing the preliminary needs assessment.

No committee action.

There were no questions with respect to amendments to 130.3, 170.4, 130.8, 153.5(6), et al., Chs 168, 154 and 163.

Selective
Review
CH 184

The Committee reviewed existing rules on the family support subsidy program--Chapter 184. The program was designed to keep families together and avoid institutionalization of severely handicapped children. Clark expressed concern for children under school age since Code section 225C.35 has a weighting requirement. Clark favored working at the "lower end to prevent children from being removed from the home before school age." Ward wondered what kind of criteria could be used to establish the eligibility for younger children. Ward added that they have worked with the Education Department so that the responsibility for determining whether or not children are eligible for special education program would still remain with the special education personnel. A child under the age of three can be eligible and often times is served through the special education program but they are not weighted.

Motion Clark moved that the Committee refer this to the Lieutenant Governor and Speaker of the House for review by the

HUMAN
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(Cont'd)

appropriate committees. A synopsis of the rules and a recommendation for amendment of Code section 225C.34(2) was to be included. Motion carried.

Recess

The Committee was in recess for lunch at 12:05 p.m. Chairman Priebe reconvened the committee at 1:40 p.m.

PUBLIC
HEALTH
Ch 111

Pierce Wilson appeared before the Committee for the following:

Financial assistance to eligible end-stage renal disease patients, 111.6(1), 111.6(1)"f," 111.6(1)"h," 111.6(2), 111.6(7), Appendix 3, Filed Emergency ARC 228A..... 9/20/89

Wilson stated that emergency amendments reinstate the Categories 3 and 4, which is between 200 and 300 percent of poverty. Also, nonpublic transportation costs will be reduced from 21 to 10 cents a mile as it was prior to 1988. The reimbursement level will be 85 percent of services covered and lodging as a reimbursable expense will be reinstated.

Wilson was doubtful there would be sufficient funds to finish the fiscal year. The program will be reevaluated month by month with projections in November or December. Seventy-one persons who were dropped from the program were reinstated. Committee members were hopeful that additional funding would be made available by the legislature in 1990.

MEDICAL
EXAMINERS
BOARD

Cheryl Brinkman represented the Medical Examiners Board for the following:

PUBLIC HEALTH DEPARTMENT(641) "umbrella"
Physician assistant supervision, 21.4(8), 21.4(4), Filed ARC 208A..... 9/20/89

No discussion.

PROFES-
SIONAL
LICENSURE
DIVISION

The following agenda of the Division was considered:

PUBLIC HEALTH DEPARTMENT(641) "umbrella"
Chiropractic examiners, 40.11(1), 40.11(2), 40.11(3)"a," 40.13(6), 40.13(12), 40.16(4), 40.24(29), 40.24(30), 40.72, 40.73, Notice ARC 224A..... 9/20/89
Hearing aid dealers, 130.212(8)"d," Filed ARC 186A..... 9/6/89
Licensure of nursing home administrators, continuing education, 141.1, 141.2(2)"b," 141.3, 141.4(1)"d," 141.6(2)"b"(7), 141.6(2)"d," 141.6(8), 142.2(6), Notice ARC 238A..... 9/20/89
Physical therapy examiners, 200.8(1), Notice ARC 185A..... 9/6/89
Physician assistant examiners, 225.4(7), 225.6(4)"a"(1)"2," Filed Emergency ARC 154A..... 9/6/89

Ch 40

Carl H. Lundahl represented the Chiropractic examiners and there were no recommendations for amendments to Chapter 40.

120.212

Hearing aid dealers were represented by Ron Richer, a member of the Board of Examiners. Based on evidence given at the hearing, the Board voted unanimously to rescind rule 120.212(8)d. This would delete the requirement that "advertising of hearing testing" is to be followed by "testing for the purpose of selecting, adapting, fitting and sale of hearing aids." After examining all the letters on the issue, the Board asked for an Attorney General's Opinion. Basically, the answer given was that since there never has been a written complaint from a consumer or consumer advocate's group, the issue has been a turf battle based on advertising complaints. Richer added that a licensing board spends approximately 45 to 50 percent of its

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DIVISION
(Cont'd)

time reviewing advertising complaints. Richer contended that the rule was never needed since Iowa has a strong licensing law. Neither public member of the Board saw a need for the rule. Richer took the position that use of Board's time could be better spent reviewing legitimate complaints.

Pavich asked if this rule was a detriment to anyone doing business, and Richer responded "I would truthfully say no, I do not think it impairs anyone." He saw it as more of a nuisance. Clark asked what would change if the rule is deleted and Richer cited the cost of advertising would be less.

Chairman Priebe recognized Senator Elaine Szymoniak who spoke on behalf of the Iowa Speech and Hearing Association. She offered history on services available for hearing impaired persons. In the early 1970s, a recipient was first tested by a physician, then by an audiologist, and then referred to a hearing aid dealer. Iowa was one of the first states to do that. In 1976, the Department promulgated a rule to permit hearing aid dispensers to perform initial testing. This created concern since the hearing aid dealer may have only a high school education with some brief training in hearing aids. An audiologist must have a master's degree. Szymoniak contended that many abuses had been eliminated because of the rule and she urged Committee objection to the rescission. Paul Woodard, President of the Iowa Hearing Aid Society, spoke on this issue and provided some history. He respectfully disagreed with Senator Szymoniak saying that Iowa Code Chapter 154A did not prohibit any licensed hearing dispenser in Iowa from advertising hearing tests. Woodard added that the Iowa Hearing Aid Society represents the vast majority of dispensing audiologists and hearing aid dealers in Iowa. He considered Iowa as a model state in many ways and he knew of no abuses in the state. The Society voted unanimously one year ago to petition the hearing aid dealer licensing examining board to rescind the "useless rule."

Sid Ramsey, an audiologist, and past president of the Iowa Speech, Language and Hearing Association, who is currently Director of Speech Pathology and Audiology at the Iowa Methodist Medical Center, requested Committee objection to the rule. Ramsey read a letter from Jeanine Freeman regarding protection of the public by the disclaimer. She also requested the Committee's objection to the rule.

Motion to
Delay

Clark moved that amendment to 120.212(8)d be delayed until adjournment of the 1990 session of the General Assembly. Also, that amendment be forwarded to the appropriate committee for study.

Priebe commented that good points had been made and that letters received by the Board should be made available

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to the Legislative Committees in January. Clark's motion carried unanimously.

Amendments to 141.1, et al were presented by Susan Osmann.

No questions regarding 200.8(1) or 325.4 and 325.6(4).

HEALTH
DATA
COMMISSION

Pierce Wilson, Public Health Department, and Rose Vasquez of the Attorney General's office presented the following rules of the Health Data Commission:

Public records and fair information practices, ch 7 title, 7.1, 7.4, 7.7 to 7.12, Notice ARC 184A 9/6/89

There were no Committee recommendations.

REVENUE AND
FINANCE

The following rules of the Department were explained by Carl Castelda, Deputy:

Processing, a definition of the word, its beginning and completion characterized with specific examples, 18.29, <u>Filed ARC 157A</u>	9/6/89
Tangible personal property purchased by one who is engaged in the performance of a service, 18.81(1), <u>Filed ARC 158A</u>	9/6/89
Irrigation equipment used in farming operations, 18.52, <u>Notice ARC 227A</u>	9/20/89
Corporation and franchise taxes — filing returns, payment of tax and penalty and interest, determination of net income, allocation and apportionment, 52.1(2), 52.1(3), 52.5(2), 58.1, 58.8(1), 58.18, 58.16(7), 54.2(2), 54.6(3)*b*(3), 54.6(5), 54.7(2), 58.5(2), 59.1, 59.13, <u>Notice ARC 250A</u>	9/20/89
Determination of net income, 58.16(4)*c.* 58.16(7), <u>Filed ARC 158A</u>	9/6/89
Allocation and apportionment — corporations, 54.6(5), 54.6(6), 54.6(7), <u>Filed ARC 180A</u>	9/6/89
Allocation and apportionment — franchisees, 59.25 to 59.29, <u>Notice ARC 231A</u>	9/20/89
Examination and certification of assessors and deputy assessors, reimbursement to the elderly and disabled for property tax paid and rent constituting property tax paid, mobile home tax, determination of tax for freight-line and equipment car companies, property tax credits and exemptions, 72.12, 73.21, 74.1.ch 75, 79.5(1), 80.1(1)*a.* 80.10, <u>Notice ARC 229A</u>	9/20/89
Iowa estate tax, 87.3(9), 87.3(10), 87.3(11), 87.3(12), <u>Notice ARC 181A</u>	9/6/89
Local option sales and service tax, 107.9, 107.10, <u>Notice ARC 228A</u>	9/20/89

18.31

No question regarding 18.29. Castelda said that amendments to 18.31 were intended to clarify a district court case received last year regarding what constitutes resale of tangible personal property in connection with a service. The revision will simplify billing procedures for the lawn care industry. Additional clarifying language on this issue, will be requested of the next General Assembly. The court indicated that the Revenue rule was not in total compliance with the statute which was based on a 1938 Iowa Supreme Court case and a 1977 opinion of the Attorney General.

18.52

New rule 18.52 will implement 1989 Iowa Acts S.F. 215, [Ch 259] which exempted irrigation equipment from sales tax when used in a farming operation. No questions.

52.1(2)

Castelda indicated that amendments to 52.1(2) et al. would clarify the statute in several areas relating to corporate and franchise taxes. They also clarify language on how to treat the Iowa income tax refund that is included for federal tax purposes. No public comment was received.

Pavich took the chair.

In response to a question by Tieden, Castelda said that taxable nexus means there is enough connection with the state that it has a right to impose its taxes. He mentioned Public Law No. 86276 which allows a corporation to come in and solicit an estate and not be subject to

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FINANCE
(Cont'd)

the state's corporate income tax. However, if it does more than solicit, the tax can be imposed.

No questions on amendments to determination of net income, 53.15(4)c, 53.15(7), or 54.5.

59.25 to
59.29

Castelda reported that new rules 59.25 to 59.29 on allocation and apportionment--franchises had taken approximately 18 months to develop. The word "material" should be "immaterial" in the last sentence of 59.25(1) and will be corrected. In response to a question from Clark, Castelda stated that, basically, they plan to look at the substance rather than the form of a transaction for purposes of determining taxability.

72.12

Amendments to 72.12 et al. were intended to implement 1989 property tax legislation--House Files 447, 775, 765, 777, 771 and Senate Files 113 and 141. Subject of the amendments includes: Eligibility of deputy assessors for purposes of testing; change in the square footage rate for mobile home tax; repeal of the excise tax on freight trains and equipment cars; transfer of assets to heirs under a will without the real estate transfer tax; eligibility for the homestead tax credit; property tax credits to small business operators who incurred costs under the new underground storage diminution charge EPC; and elimination of railroad fuel tax.

Priebe took the chair.

87.3

Castelda pointed out that amendments to 87.3(9), et al. will correct provisions relative to penalty for failure to pay Iowa estate tax.

Ch 107

Castelda said that rules 107.9, 107.10 reflect provisions in 1989 Acts House Files 271 and 751 which modified local option tax administration.

VOTER
REGISTRA-
TION

The Commission was represented by Doug Lovitt, Director of Voter Registration who explained the following agenda:

Transfer 846--chs 1 to 7 to 821--chs 1 to 7; amend 2.1(7) to 2.1(9), Notice ARC 196A 9/6/89
Organization, purpose and procedure; voter registration forms and instructions; criteria for county data
processing systems for voter registration; state voter registration file update and maintenance requirements,
1.2, 1.4(1), 1.4(2), 2.1(3)"a" to "c," 2.1(5), 2.1(6), 2.1(8), 2.2(2), 2.2(5)"b," 2.4(3), 3.1(3)"1," 3.1(4), 4.3, 6.1(2),
7.1, Filed ARC 207A 9/20/89

No recommendations.

PUBLIC
SAFETY

Mike Coveyou was present for the following agenda:

Fire marshal, 5.301(4), 5.301(5), 5.306, 5.307, Filed ARC 226A 9/20/89
Crime victim reparation, rescind ch 17, Filed Emergency ARC 225A 9/20/89

It was noted that Chapter 17 was rescinded since the Crime Victim Reparation program was transferred to the Department of Justice. There were no questions.

REGENTS
BOARD

Those in attendance for special review of 9.4 relative to competition by Regents institutions with private enterprise included: Cynthia Eisenhauer, Director of

REGENTS
BOARD
(Cont'd)

Business and Finance for the Board; David Brasher, National Federation of Independent Business; and Diane Kolmer, Government Relations, U. S. West Communications. Eisenhower stated that she was negotiating with U. S. West who wanted additional language: "No person providing resale services shall be denied access to the local exchange carrier". Eisenhower saw no problem but the changes proposed at the last meeting had not been before the Board of Regents as yet. Brasher suggested that the Committee give thought to asking the Legislative Fiscal Bureau to review the scope and nature of businesses with which Regents are involved. Eisenhower suspected that the Board may be reluctant to approve the specific change that Brasher suggested. Brasher was hopeful the statute could be strengthened. There was ARRC consensus to refer Rule 9.4 to the General Assembly. Doyle moved approval of the minutes of the September meeting. Carried.

Referral
to GA
Minutes

Recess

Chairman Priebe recessed the meeting at 3:10 p.m.

Reconvened

Chairman Priebe reconvened the ARRC at 9:03 a.m., Wednesday, October 11, 1989, in Committee Room 22. All members and Staff were present.

COLLEGE AID
COMMISSION

The College Aid Commission was represented by John Heisner, Director of Program Administration and Darlene Lawler, Director, Administrative Services for the Iowa National Guard loan payments program, Chapter 20, Notice as ARC 198A in September 20, 1989 IAB. This new chapter implements 1989 Acts, House File 644 [Ch 300] and is an incentive program to assist in the retention and recruitment of individuals in the guard program. There was brief discussion of qualifications.

Pavich asked about program participation of students from western Iowa and Heisner responded that there are 132 applicants thus far but he had no breakdown of geographic locations. However, he promised to secure this information.

In response to a question from Doyle regarding parent involvement, Heisner stated that if a student does not qualify for a Stafford loan, and if the student is dependent, the parents may secure up to \$4,000 per year for that dependent applicant. Under the program, if parents need assistance, they would receive benefits as well, as long as payments have been made and the individual has been in the guard in good standing for at least 12 months.

ENVIRON-
MENTAL
PROTECTION

Diana Hansen, Dennis Alt, Mark Landa and Morris Preston were present for the following:

EPC
(Cont'd)

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561] "umbrella"
Water supplies, 41.3(2)"d," 41.4(5)"a," 41.4(6)"g," 41.4(6)"h"(1), (2) and (6), 41.4(6)"o" to "q," 41.4(7)"b," "c," "i," "k,"
"l," 41.5(1)"c," 41.5(2) to 41.5(4), 41.7, 41.12(10)"a" to "c," Notice ARC 200A 9/20/89
Effluent and pretreatment standards: other effluent limits or prohibitions, 62.4, 62.4(3), 62.4(5) to 62.4(9),
62.4(11) to 62.4(14), 62.4(18), 62.4(21), 62.4(22), 62.4(24), 62.4(26), 62.4(30) to 62.4(34), 62.4(39), 62.4(56),
62.4(61), 62.4(64), 62.4(66) to 62.4(68), 62.4(71), 62.5, Filed ARC 211A 9/20/89
Sanitary landfill closure, postclosure and leachate control and treatment, 101.3, 102.2, 102.2(4), 102.7, 102.12(10),
102.13(9), 103.2(1)"d" to "g," 103.2(2)"h," "j" to "l," 103.2(11) to 103.2(14), 103.3(1)"a," 103.3(2)"b," 103.4(1)"a,"
103.6(1)"c," 103.6(1)"e," 104.11, 105.3, 106.4, Filed ARC 210A 9/20/89
Technical standards and corrective action requirements for owners and operators of underground storage tanks,
135.2, 135.3(6)"b," 135.3(6)"a"(2), 135.3(7), Filed Emergency ARC 197A 9/20/89

EPC had received no written comments on amendments to Chapter 41 which are required to be at least as stringent as EPA regulations. Priebe thought that water well testing had resulted in fewer problems than anticipated. Alt responded that EPC had not seen data being reported to the Center of Health Effects at Iowa City. He advised that, in regulating public water supplies, they did not find significant amount of contamination. Tieden spoke of the potential hazards of copper and lead piping. Alt recalled that the city of Des Moines has done a very comprehensive study in this area. He reminded that the copper and lead soldering requirements are applicable to new services or replacement of existing services.

Ch 62

No questions were posed on the effluent and pretreatment standards, which were revised in response to federal mandate. Public hearing was held in July and no one attended.

Chs 101
to 105

According to Landa, amendments to Chapters 101 to 105 implement §455B.304 and address standards for closure, post-closure, and leachate control and treatment at sanitary disposal sites. Three public hearings were held and amendments reflect comments received.

103.2

Preston, responding to Tieden regarding 103.2(13)a, said that a minimum of two permanent surveying monuments must be installed by a registered land surveyor from which the location and elevation of wastes, containment structures, and monitoring facilities can be determined throughout the postclosure period. The word "monuments" is used in surveying to establish the elevation of that point to the rest of the world.

135.2

After brief explanation of 135.2 et al., requirements for owners and operators of underground storage tanks, Tieden was told the registration tag fee for tanks is now \$65 by law. Also, EPC is in the process of applying for federal funds.

NATURAL
RESOURCE

Vic Kennedy, Keith Bridson, Joe Zervas, Arnie Sohn, Kevin Szcodronski, Lowell Joslin, Marion Conover and Bill Farris appeared for the Commission to review:

NATURAL RESOURCES DEPARTMENT[561] "umbrella"
Resource enhancement and protection program: county, city and private open spaces grant programs, ch 83;
rescind chs 24 and 29, Notice ARC 178A 9/6/89
Boating speed and distance zoning, 40.81, 40.82, Filed ARC 176A 9/6/89
Nursery stock sale to the public, 71.8, Filed ARC 177A 9/6/89
Mussel regulations, 87.1(1), 87.1(2), Notice ARC 174A 9/6/89
Commercial use of captive-reared waterfowl, ch 98, Filed ARC 176A 9/6/89

NATURAL
RESOURCE
(Cont'd)

Ch 33

Also present: Senator James Riordan; Dale Siems and Shirley Peckosh, Iowa Nurseryman's Association; and Butch Ballinger, Muscatine.

Sohn explained that Chapter 33 defines procedures for the administration of the private cost-sharing funds within the open spaces account, the county conservation account, and the city park and open spaces accounts of the Resource Enhancement and Protection Program (REAP) fund. There are three grant programs; cities, county conservation boards, and private open space projects. Sohn continued that county conservation boards are concerned about the county grant program with respect to the minimum 22-cents per \$1000 of assessed property valuation--33.30(5)b.

Sohn distributed copies of the September/October issue of REAP pamphlet and a handout with proposed changes to Chapter 33. The changes were in response to public input and would be presented to the Commission in November. Sohn spoke of disagreement as to use of REAP funds for maintenance, distinguishing between what might be considered a renovation project and maintenance. Doyle called attention to page 8 of the handout addressing penalties and questioned whether it should be violations. Sohn agreed to have their attorney review this area.

Schrader referred to the handout and recalled Representative Johnson's interest in local effort. He observed that the Noticed version addressing minimum requirements for local effort had been deleted. Sohn reiterated that changes were result of public input.

Priebe was told that counties could go as high above the 22 percent minimum as local politics, pressures and economics would allow; county boards without conservation reserve funds routinely transfer funds. Sohn clarified that by 1992, counties had to be at 22 cents minimum to be eligible for the grant program.

Pavich noted the message from the Governor included in REAP pamphlet and suggested that it would have been appropriate to give recognition to one of the legislator sponsors as well--perhaps to Representative Johnson. Priebe noted a statement in the pamphlet that Brushy Creek Development would occur in 1990 and 1991 but it was his understanding land had to be purchased first. He asked Sohn to call that to the attention of the Commission.

Pavich in the Chair.

Doyle raised questions concerning Monona County, Loess Hills land purchase and lottery funds. Sohn agreed to provide him information.

NATURAL
RESOURCE
(Cont'd)

Schrader reiterated his concern about the major changes from the Notice. However, Sohn saw no need for additional Notice since changes had resulted from public input. He continued that the changes were merely refinements of a "new, complicated and exciting program." He concluded that the changes were "positive and changing direction."

There was discussion of the option of renoticing the rules to show the changes with a waiver of the second 35-day period for the effective date. Royce advised that the agency would have to find good cause for this approach. The rules could become effective January 3, 1990.

Defer

There was consensus to temporarily defer Committee recommendations.

No questions regarding 40.31 and 40.32.

71.3

Brief explanation by Farris of 71.3 which sets the prices for nursery stock in accordance with 1989 Acts, House File 778 [Ch 311]. Chairman Priebe recognized Senator Riordan, Chairman, Natural Resources Subcommittee, who stated that the Fiscal Bureau had discovered indirect costs which were not being included in the factoring of nursery stock receipts. The agency goal had been 80 percent but was only 68 percent. He stated that Legislative intent was for the nursery to be 100 percent self-supporting and he wondered if prices set out in rule 71.3 would result in that level for the next fiscal year.

Farris explained the method used in determining nursery stock prices taking indirect costs into consideration. Approximately four million trees were sold in 1988. Black walnut trees were in short supply due to the drought--normally, 5 to 6 hundred thousand are sold. Farris pointed out that an individual will be tree planting on a full-time basis next year. Riordan favored monitoring of the progress but was of the opinion that sales would increase because of the enhancement program.

Peckosh asked if the salary of the new person was included in the costs and Farris advised that REAP funds would be used. No Committee action.

87.1

Conover told the Committee that amendment to 87.1 proposes to raise the minimum size on washboard mussels from 3 1/2 to 3 3/4 inches on the Illinois/Iowa boundary and 4 inches on the Wisconsin/Iowa boundary. In addition, there will be a 3 1/2 inch minimum for dead shells of washboard mussels. Last year, about 50 percent of the harvest was dead shells. The season for taking fresh water mussels was lengthened to 15 days.

In response to a question from Tieden regarding the limit on dead shells, Conover indicated that the Commission

NATURAL
RESOURCE
(Cont'd)

plans to incorporate suggestion received during the hearing process that there would be no size limit on dead shell species open to commercial harvest. A definition of "dead shell" will be copied from Wisconsin. Ballinger spoke of attempts for uniformity in rules for washboard mussels in Minnesota, Wisconsin, Iowa, Illinois, and Missouri laws. Missouri and Minnesota have 3 3/4 inches and Iowa and Illinois are going to 3 3/4. He took the position that the whole state of Iowa should be 3 3/4 instead of the 4-inch limit from Wisconsin to Minnesota.

Priebe asked about volume of take for shells and Conover reported that an excess of 1,000 ton was taken in 1987 and it was approximately 850 tons last year. Ballinger, responding to Priebe, stated that a live 3 1/2-inch shell on the river was worth 40 cents per pound; dead shells were 60 cents per pound. Four-inch shells would sell for 50 and 74 cents, respectively. Conover said DNR does not want to see a "boom and bust" type situation. Conover felt comfortable that these rules would provide for a sustained harvest of shells for years to come. He discussed the history and marketing of shells--most going to Japan. Conover saw a need to hold 4-inch limitation on pools 9, 10, and 11. Tieden saw the need for constant uniform limits to aid in enforcement.

Ch 93

No Committee recommendations for Chapter 93.

Tieden and Clark excused.

UTILITIES
DIVISION

Cindy Dilley, Anne Pieziosi and Vicki Place presented the utility rules as follows:

COMMERCE DEPARTMENT 1811 "umbrella"
Settlements and stipulations, 7.7(4), 7.10(2), 7.14, Notice ARC 217A 9/20/89
Pipeline safety standards, 10.12, 10.13, 10.16, 19.6(2), 19.8(3), Notice ARC 218A 9/20/89
Customer rights and remedies to avoid disconnection, 19.4(15) "h"(8), Notice ARC 187A 9/6/89
Low-income telephone connection assistance requirements, 22.18(3) to 22.18(6), 22.18(9), Filed ARC 219A 9/20/89
Low-income telephone connection assistance program, 22.18(3)"c" and "e," 22.18(4), 22.18(6), 22.18(8)"a,"
22.18(9), Notice ARC 220A 9/20/89

The Committee had no questions on 7.7(4), 7.10(2), 7.14 or 10.12 et al.

19.4

Pieziosi said that amendment to 19.4(15) would allow no more than two 30-day delays in disconnection of service if a physician or public health official has determined that a permanent resident in the house has a serious health problem and will be put at risk if service is discontinued. Priebe questioned the need for a telephone call followed up by letter. He suggested a letter for the first notice and then a telephone call. Pieziosi would relay his comment to the Board.

22.18

Pieziosi reported on amendments to Chapter 22 pertaining to low-income telephone connection assistance requirements. This program was established by the Federal Communications Commission to help defray the one-time charges for commencement of telephone service. No Committee recommendations.

INDUSTRIAL
SERVICES

Clair R. Cramer, Deputy Industrial Commissioner, explained the following rules:

EMPLOYMENT SERVICES DEPARTMENT(841) "umbrella"
Contested cases — filing by facsimile transmission (FAX); settlements and commutations — compromise
settlements, 4.89, 8.1, Notice ARC 201A 9/20/89
Contested cases — filing by facsimile transmission (FAX), 4.89, Filed Emergency ARC 200A 9/20/89

No Committee action.

LABOR
SERVICES

The Division was represented by Walter Johnson, Deputy and the following agenda was considered:

EMPLOYMENT SERVICES DEPARTMENT(841) "umbrella"
OSHA rules for general industry, 10.20, Notice ARC 189A 9/6/89
OSHA rules for general industry, 10.20, Filed ARC 190A 9/6/89
OSHA rules for construction, 26.1, Notice ARC 188A 9/6/89
OSHA rules for construction, 26.1, Filed ARC 191A 9/6/89
Employment agency licensing, 88.2(1), 88.6(4), 88.8, 88.9(1)*4, 88.9(8), 88.10(1), 88.10(8), Notice ARC 155A 9/6/89
Minimum wage and enforcement, chs 215 to 220, Notice ARC 192A 9/6/89

No questions on 10.20 or 26.1.

Ch 38

Johnson described amendments to Chapter 38 as primarily clarifying the rules to conform with the definitions. No one appeared at the public hearing and there were no comments.

Chs 215-
220

Johnson said that proposed rules governing minimum wage and enforcement were based on the federal rules. Several meetings were held during formulation of the proposal and three written comments were received on the published Notice. No ARRC action.

Pavich took the Chair.

INSPECTIONS
AND APPEALS

Carol Rice, Don Mendenhall, Robert Haxton, and Art Anderson were in attendance for the Department's agenda.

Health care facilities — contact with body fluids — universal precautions, 57.11(11)*b, 58.10(8)*b, 59.12(11)*b,
62.19(4)*b, 63.9(10)*b, Filed ARC 156A 9/6/89
Administration, amusement concessions, social gambling, bingo, new chs 100 to 108; rescind chs 100 to
105, Notice ARC 208A 9/20/89

Special review: Restaurant inspection.....ARC 145A IAB 8-23-89

57.11
et al.

Carol Rice stated that the amendments to 57.11 et al. were a reflection of action taken by the Center for Disease Control in providing guidelines for care facility employees who have contact with body fluids.

Chs 100-
103

In review of proposed Chapters 100 to 103, Mendenhall said that the rules for nonrace-track gambling were being rewritten for clarification.

Schrader and Mendenhall discussed social gambling rule. Schrader noted that pool tables were precluded in 102.3(3). He thought there was a fine line between pool and bowling. Mendenhall pointed out that a licensee realizes a profit from pool tables.

Doyle asked who was working on the Indian compacts, and Mendenhall advised that the Racing Commission was pursuing that issue. No formal action by ARRC.

Priebe in Chair.

Restaurant
Inspection
Special
Review

Royce summarized the question before the ARRC last month as to whether a mall restaurant has an obligation to provide restroom facilities. Haxton offered substitute language for 32.3(4) as it appeared in August 23, 1989 IAB and he quoted: "Toilet and lavatory facilities shall be available to patrons and shall be well lighted, electrically vented to the outside of the building. On-premises restrooms are not required in the licensed premises when the licensed premises has no on-premises seating and restrooms in the mall or shopping center are convenient and available to patrons and employees at all times." According to Haxton, a meeting had been scheduled with the management of Valley West Mall to discuss availability of restrooms. Pavich interjected that large malls operate throughout the state and the rules would have statewide application. Priebe had heard complaints that McDonalds, which has seating for 50, has refused use of their restrooms. Haxton admitted they had investigated complaints. He added that unisex restrooms are permitted if available seating is under 50.

Refer to
General
Assembly

Pavich asked unanimous consent to refer the matter to the Lieutenant Governor and Speaker of the House for review by the appropriate Committees. Carried.

TRANSPOR-
TATION

The following representatives of the Department were in attendance for the Department of Transportation agenda: Dennis Ehlert, Kathleen Robinson, Julie Fitzgerald, and Dwight Stevens, State Traffic Engineer.

Public records and fair information practices, contested cases, procurement of equipment, materials, supplies and services, 4.1(1)"a," 4.1(4)"b," 18.8(8), 18.7(2), 18.7(9), 20.8(4), 20.4(6)"c," 20.8(1)"a," "c," "e," and "f," Notice ARC 282A 9/20/89
Signing manual, 180.1, 180.1(2), Notice ARC 208A 9/20/89
Handicapped identification devices, 400.41(2)"b," 400.41(5), 411.1 to 411.7, 411.9, 411.10, Notice ARC 212A 9/20/89
Essential air service terminal improvement program, 715.7(5), Implementations, Notice ARC 152A 9/6/89

No questions regarding amendments to 4.1 et al.

Ehlert stated that amendments to Chapter 411 were intended to implement 1989 Iowa Acts, House Files 332 and 745. No Committee recommendations.

715.7

No comments regarding 715.7.

130.1

Stevens offered background on the Signing Manual which was adopted in 1978 and published by the Federal Highway Administration. The four revisions since that time have been adopted and made a part of the Manual. In addition, one unpublished revision, which was never adopted by the states, will be included.

Doyle repeated his ongoing request for the Department to provide "Keep Right Except to Pass" signs. For years he has objected to the use of the passing lane for the driving lane. Stevens replied that two years ago when this subject came up, an extensive report was submitted to the ARRC. A survey of eight states including Colorado, Wyoming, Kansas, Missouri, and Nebraska, Minnesota, Wisconsin, and Illinois revealed that five out of those eight states have the same policy as Iowa--"slower traffic keep right."

TRANSPOR-
TATION
(Cont'd)

Wyoming uses the sign that Doyle prefers, Missouri uses both, and Colorado uses a different combination of the two messages. Doyle cited certain hilly areas where dangerous situations can exist, e.g. in Correctionville. No formal action.

Schrader displayed a brochure promoting the "Adopt a Highway Program" and voiced a complaint on lack of administrative rules to guide the program. He also voiced opposition to the excessive size of the signs used.

Stevens had no information relative to the state liability for program volunteers.

November
Agenda

It was agreed that the issue of Highway Cleanup should be placed on the ARRC agenda in November. Royce agreed to contact Will Zitterich of DOT.

PUBLIC
DEFENSE

David Miller, Disaster Services Division, explained the following agenda:

Disaster services division — enhanced 911 telephone systems, 10.8(2)"b," 10.4(2)"c," 10.4(5)"a," 10.8(3), 10.9(1)"f," 10.9(2)"e." Filed Emergency ARC 109A 9/20/89

No Committee action.

Mall Res.
Motion
REAP

Chairman Priebe called up the REAP rules. Schrader moved that the changes made following Notice of 571--Chapter 33 be incorporated in the Notice and published as Emergency Adopted After Notice, and that the entire Chapter be republished as a Notice of Intended Action to allow for comment. Motion carried.

NO AGENCY
REPS

No agency representatives were requested to appear for the following:

REAL ESTATE COMMISSION[198E]
Professional Licensing and Regulation Division[198]
COMMERCE DEPARTMENT[181]"umbrella"
Fees, 2.0. Filed ARC 187A 9/6/89
SECRETARY OF STATE[721]
Election forms, 4.8. Filed ARC 162A 9/6/89
Election forms and instructions, 21.4(3)"b"(2). Filed ARC 168A 9/6/89

Adjournment

Chairman Priebe adjourned the meeting at 12:20 p.m. Next meeting was scheduled for November 8 and 9, 1989.

Respectfully submitted,

Phyllis Barry

Phyllis Barry, Secretary
Assisted by Vivian Haag

APPROVED:

CHAIRMAN