

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 Tuesday, June 13, 1995, in Room 22, State Capitol, and Wednesday June 14, 1995, in Senate Room 24, State Capitol, Des Moines, Iowa.

Members present: Senator Berl E. Priebe and Representative Janet Metcalf, Co-chairs; Senators H. Kay Hedge, John P. Kibbie, William Palmer and Sheldon Rittmer; Representatives Horace Daggett, Roger Halvorson, and Keith Weigel. Representative Minnette Doderer was excused from the meeting and Senators Hedge and Kibbie were excused for Wednesday, June 14.

Also present: Joseph A. Royce, Legal Counsel; Phyllis Barry, Administrative Code Editor; Kimberly McKnight, Administrative Assistant; Caucus staff and other interested persons.

Convened: Co-chair Priebe convened the meeting at 10 a.m.

HUMAN SERVICES Attending from the Department were Mary Ann Walker, Joe Mahrenholz, Ruth Schanke, Ann Rezarch, P. C. Keen, Deloris Conner, Roberta Harris, Jo Sheeley, Mary Loven, Denise Middleswart, Shelley Chambers, Kathi Kellen. Also in attendance were Jenny Tyler, Iowa Hospital Association, Jeanine Gazzo, Iowa Academy of Family Physicians and Jack Hunt, ILNS. The following agenda items were reviewed:

HUMAN SERVICES DEPARTMENT[441]

Mental illness special services fund, ch 39, title and preamble, 39.1 to 39.12, 39.21, 39.22, 39.23(1), 39.23(3), 39.23(4), 39.23(4)"g," "h," and "p," 39.23(5), 39.23(5)"a," "c," and "d," 39.25, 39.27, 39.28, 39.29, 39.29(1), Filed **ARC 5599A** 5/24/95
 FIP eligibility — paternity, 41.8(1)"a"(2), 41.28(1)"a"(2), Notice **ARC 5575A** 5/10/95
 Medicaid eligibility, 75.10(2)"d," 75.15(2)"b," 75.24(3)"b"(1) to (3), Filed **ARC 5559A** 5/10/95
 Prior authorization for brand name drugs when bioequivalent generic drug is available, 78.1(2)"a"(3), 78.28(1)"d"(12), Notice **ARC 5574A** 5/10/95
 Reimbursement rate for nursing facilities, 81.6(16)"e," Notice **ARC 5556A**, also Filed **Emergency ARC 5557A** 5/10/95
 Nursing facilities — enforcement of compliance, 81.16(6), 81.17, 81.18(4), 81.19, 81.31 to 81.57, Filed **ARC 5560A**, see text **IAB 3/1/95, page 1292** 5/10/95
 Support establishment and enforcement services, 99.61 to 99.63, 99.64(3), 99.65, 99.65(1), 99.65(3), 99.66, 99.67(2), 99.68, 99.69(1) to 99.69(3), 99.70(1), 99.71, Notice **ARC 5598A** 5/24/95
 Foster care and subsidized adoptions — calculation of rates, respite care, 150.3(5)"p"(1), 156.6(1), 156.6(3), 156.6(4)"a" to "e," 156.8(7), 156.9(1), 156.9(2), 156.11(2), 185.83(1)"e," 185.83(2)"c," 185.83(3)"c," 185.106(4)"c," 201.5(9), Filed **ARC 5561A** 5/10/95
 Juvenile detention reimbursement, 167.5, 167.6, rescind ch 167, division II, Filed **ARC 5562A** .. 5/10/95
 Adoption services — release of custody, counseling, 200.1, 200.2, 200.6(2), Filed **ARC 5563A** . 5/10/95
 Standards for services to persons with mental illness, chronic mental illness, mental retardation, developmental disabilities, or brain injury; standards for providers of services to persons with mental illness, mental retardation, and developmental disabilities, 22.1, 24.1, 24.14(5), 24.14(5)"a," 24.21(4)"b," 24.21(5)"a," 24.21(5)"a"(2), 24.21(7)"d"(1) and (3), 24.21(8), 24.21(9), 24.21(9)"a," "c," and "e," 24.65(1), 24.65(2)"d," 24.65(3), 24.65(3)"c" and "d," 24.65(7)"d," 24.65(10)"d"(2), 24.85(1), 24.85(2)"d," 24.85(3), 24.85(3)"c" and "d," 24.85(7)"d," 24.85(10)"d"(2), 24.105(6), Filed **ARC 5508A, 70-Day Delay, Items 1 and 2** 3/29/95

39.1 et al.;
 41.8(1)"a"(2) et al.;
 78.1(2)"a"(3) and
 78.28(1)"d"(12) No questions on 39.1 et al., 41.8(1)"a"(2) et al., 78.1(2)"a"(3) and 78.28(1)"d"(12).

- DHS (Cont.)
75.10(2)"d" et al. In response to Daggett, Conner stated that people who live in bordering states could use their benefits in Iowa if the other state was willing to pay for the services. No Committee action.
- 81.6(16)"e" No questions on 81.6(16)"e."
- 81.16(6) et al. Walker noted the Iowa Hospital Association commented on the 35 percent penalty reduction in 81.49(2)"a," and she added that this was a federal mandate. Walker explained to Daggett that if a civil money penalty was assessed because of noncompliance and if that sanction was not appealed, the penalty would be reduced by 35 percent as a disincentive to appeal.
- Tyler stated that a provision in the federal regulations for an informal dispute resolution process was omitted from the state regulations. She stated the Department had agreed to separately provide for this informal dispute resolution process in the state regulations.
- 150.3(5)"p"(1) et al. Walker noted that comments in support of 156.8(7) had been received from Children and Families of Iowa and Four Oaks.
- In response to Daggett, Walker stated that legislation passed this session did not affect these rules. Sheeley added that most children do not stay in shelter care for a full month so this would have minimal fiscal impact, if any. Sheeley stated this was an emergency type of care and the Department was working to keep this time at a minimum.
- 167.5 et al. No questions on 167.5 et al.
- 200.1 et al. Walker stated comments had been received requesting training curriculum and a certification process but no funds were appropriated for that purpose. No Committee action.
- 99.61 et al. No questions on 99.61 et al.
- 22.1 et al.
70-day delay Royce gave a brief history of these rules. He noted legislation had been enacted and had some impact on these rules. Schanke explained that statute allowed the county of legal settlement to retest an individual by a psychologist or psychiatrist to determine if the person was indeed mentally retarded. She added that the county may also submit a claim if the cost was over \$2 million.
- Schanke stated that the language "between 70 and 75" had been removed and changed to the original language of "approximately 70."
- There was discussion about legislative approval of funds over \$2 million. Royce explained that once the \$2 million threshold was reached, the Department shall submit it to the legislature for a supplemental. He felt this was not the same as an automatic transfer. Walker added that the amount of a county supplemental expense payment would be equal to the amount of the county's proportion of the total of the increased cost submitted applied to the amount of the supplemental.
- There was discussion of what "approximately 70" meant. Schanke stated that the national definition gave a plus or minus 5 so it could be up to 75 but it would have to include functional level.

DHS (Cont.)

The Committee was concerned with what action could be taken now and after the rules had gone into effect. Royce informed that the rules could be referred to the Speaker of the House and President of the Senate or be objected to on the grounds they are unreasonable. It was agreed that the delay would expire and the rules would go into effect July 12.

ETHICS

Kay Williams and Lynette Donner represented the Board for the following:

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Reporting requirements, civil penalties, 4.2(3), 4.2(4), 4.2(5), 4.2(8), 4.2(9), 6.1,

Notice ARC 5602A 5/24/95

Reporting requirements — use of goods and services by candidates and political committees,

4.5(12), 4.16, 4.23, 4.23(2), 4.23(3), Notice ARC 5603A 5/24/95

4.2(3) et al.

No questions on 4.2(3).

4.5(12) et al.

Williams and Donner explained the background for these rules. Williams stated that the rules were the result of a number of inquiries and complaints from the public about candidates who had an association with a corporation which provided goods and services to the campaign and were not available to other candidates. Williams explained the Board did not believe this would increase campaign costs.

In response to Kibbie, Williams stated that union halls were not corporate entities.

Rittmer referred to 4.23(2) and felt that obtaining written permission went beyond normal requirements and Williams replied that "written permission" was in the statute. Rittmer wondered if written permission would have to be obtained from everyone in an apartment building and Williams replied this would be considered on an individual basis.

Halvorson expressed objection to Items 1, 3 and 4 and Williams responded that she would take all comments to the Board.

In response to Hedge, Williams and Donner stated there was no provision in federal or state rules that extended 4.23(56) to public employees.

Priebe expressed preference for insertion of a period in 4.23(3) after the words "at fair market value" in the last sentence and that the remainder of the sentence be stricken. Donner warned that reimbursement at fair market value must be done carefully. Palmer opined that the process was becoming too complicated and would deny people the opportunity to serve.

In response to Priebe, Royce stated the Committee could object to the rule on the basis that the Board had exceeded its authority. Metcalf believed the Board should have an opportunity to change the rule before the Committee would take action.

EDUCATION

Ann Marie Brick and Ann Molis were present from the Department for the following:

EDUCATION DEPARTMENT[281]

Extracurricular interscholastic competition, 36.15(7)"a," Notice ARC 5554A 5/10/95

EDUCATION (Cont.) Brick gave a brief overview of the rule. She stated the Department would present this proposed rule change to the state board in August and allow the board to decide whether this rule change would proceed.

Weigel pointed out that soccer was not included in the exemption. Brick noted this and added that athletic directors were opposed to this rule change because they believed it would decimate the high school athletic program.

ECONOMIC DEVELOPMENT

Melanie Johnson, JoAnn Callison and Mike Miller represented the Department for the following:

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Reorganization of agency rules, chs 1 to 103, Notice 5569A 5/10/95

Community economic betterment program, 22.3, 22.10(1), Notice ARC 5568A 5/10/95

Industrial new jobs training program, cost standards, 5.4(6), Special Review IAC

Chs 1 to 103

No questions on Chapters 1 to 103.

22.3 and 22.10(1)

Miller gave a brief overview of the rules and noted that the amount of the fund in 22.10(1) was \$125,000 on an annual basis.

In response to Priebe, Miller stated 22.3(15) was set up so that part of the committee would change over time.

Priebe suggested that "may" or "shall" replace "will" and that "shall" replace "must" in 22.3(15)

Special Review

Daggett requested special review of 5.4(6) because he believed the rule exceeded the content of the law. Johnson explained it was the Department's position that the statute did not describe limit to be placed on project costs. She pointed out the provision which allowed the Department broad rule-making authority. This provision also gave the Department discretion to adopt guidelines and procedures for projects and agreements that would be developed by colleges. Johnson felt this gave the Department enough latitude to establish the limit per project for on-the-job training expenses. Callison interjected that since this rule had been the informal policy, the Department felt it should be put in rule form.

In response to Daggett, Callison stated the statute did not provide how much of an issuance could be used for on-the-job training versus classroom training. Johnson added that the topic of what constitutes a valid project under the program was not addressed in the statute so the Department developed rules on valid projects.

DENTAL EXAMINERS

Connie Price represented the Board for the following:

DENTAL EXAMINERS BOARD[650]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Definitions, correction of Iowa Code references, ch 1, Filed ARC 5578A 5/10/95

Public records and fair information practices, correction of Iowa Code references,

6.13(2)"b" and "h," 6.14(2), 6.14(3), 6.14(3)"a" and "b," 6.14(4), 6.14(5), 6.14(10),

Filed ARC 5579A 5/10/95

Sale of goods and services, 8.2(2)"b," Filed ARC 5583A 5/10/95

Supervision of a dental hygienist, 10.2(1), 10.3, 10.3(1), 10.3(2), 10.4, Notice ARC 5577A 5/10/95

Examination required for licensure to practice dentistry, 11.1, 11.2(2)"d," Notice ARC 5576A ... 5/10/95

Minimum average grade on examination for dental licensure, 12.1(6), 12.1(7), 12.1(9), 12.2 to 12.5,

Filed ARC 5584A 5/10/95

DENTAL Report of continuing education hours by faculty permit holders, 13.2(6), Filed ARC 5582A 5/10/95
 EXAMINERS (Cont.) Exemption for new graduates of a dental assisting program from observation requirement, 22.7(1)"d,"
Filed ARC 5581A 5/10/95
 Complaints, correction of Iowa Code references, 31.1, 31.6 to 31.13, Filed ARC 5580A 5/10/95

Ch 1 and No questions on Chapter 1 and 6.13(2) et al.
 6.13(2) et al.

8.2(2)"b" Price explained that this rule was intended to prevent misunderstanding of sales of goods and services routinely provided, e.g., a Board member was the dentist for an Assistant Attorney General.

10.2(1) et al. and No questions on 10.2(1) et al. and 11.1 et al.
 11.1 et al.

12.1(6) et al. In response to Priebe, Price stated that portions of the test could be taken.

13.2(6); 22.7(1)"d" No questions on 13.2(6), 22.7(1)"d" and 31.1 et al.
 and 31.1 et al.

INSURANCE Terri Vaughan, Scott Galenbeck, Craig Goettsch and Ann Vaitheswaran, Insurance Division, Brad Banks, state Senator, and J. Michael Sharman, general counsel for Christian Brotherhood, were present for the following:

INSURANCE DIVISION[191]
 COMMERCE DEPARTMENT[181]"umbrella"
 Charitable gift annuity exemption, 50.14, Amended Notice ARC 5611A 5/24/95
 Reporting requirements on licenses, small group health benefit plans, 9.2, 9.3, 71.3(4),
 71.3(5)"a," 71.3(5)"b"(2), 71.7(3)"b," 71.8, 71.14, Filed ARC 5604A 5/24/95
 Health Insurance - Exceptions for religious organizations, House File 247, §3, Special Review

50.14 and 9.2 et al. No questions on 50.14 and 9.2 et al.

Special Review Vaughan explained that the Division questioned whether the Christian Brotherhood Newsletter (CBN) actually was voluntary and that was the reason for this special review.

There was lengthy discussion about how CBN operated. Vaughan felt CBN was similar to traditional insurance in that if the contributor discontinues contributions, they are "canceled." Vaughan was also concerned that CBN was behind in payment of claims and without new members, this system would collapse. Vaughan went on record to state that CBN would fail within approximately three years and Iowans would suffer.

Banks did not see any problem with meeting the "voluntary" guidelines. He explained that he was not in CBN to receive anything—he was in it to help others and meet their needs.

Sharman referred to several handouts from the Division and CBN. He explained how CBN operated and discussed at length the positives of being involved in CBN. Sharman discussed a citizen's right in the state and felt they had the right to be a part of CBN.

**INSURANCE
Special Review
(Cont.)**

In response to Palmer, Sharman stated that no promotional money was collected. One month out of the year money was sent to the newsletter for administrative costs but in other months the money was sent directly to other subscribers.

Vaughan stated that she had great difficulty in obtaining information from the group. Sharman replied that he offered new information but the Division only requested old material.

There was lengthy discussion of legal proceedings including those still outstanding.

Copies of the various handouts are on file in the office of the Administrative Code Editor.

It was determined that this special review was for informational purposes and no Committee action was taken.

Minutes

Daggett moved to approve the minutes of the May meeting as submitted and the motion carried.

Recess

The Committee was recessed at 12:45 p.m. and was reconvened at 1:45 p.m.

TREASURER

Stefanie Devin represented the Agency for the following:

TREASURER OF STATE[781]

Linked investments for tomorrow (LIFT), 4.4(4), Notice ARC 5600A,
also Filed Emergency ARC 5601A 5/24/95

4.4(4)

Priebe inquired why these rules were filed emergency and Devin explained that as the program had grown, the number of checks received from financial institutions had also grown and the issue was workload.

RACING

Karyl Jones was present from the Commission for the following:

RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Riverboat operations — payment of jackpot, testing of machines, 25.18(7),

Filed Emergency ARC 5597A 5/24/95

25.18(7)

No questions on 25.18(7).

REVENUE

Carl Castelda, Deputy Director and Coadministrator of the Compliance Division for the Department, and Burns Mossman, Iowa State Bar Association, were present for the following:

REVENUE AND FINANCE DEPARTMENT[701]

Resident determination, 38.1(9), 38.17, Filed ARC 5590A 5/10/95

Inheritance tax — fair market value of property, 86.9, 86.12(1), Filed ARC 5608A 5/24/95

Litigation costs, ch 7, Special Review IAC

38.1(9) and 38.17

Castelda gave a brief overview of the rules and there were no questions.

86.9 and 86.12(1)

No questions on 86.9 and 86.12(1).

**REVENUE (Cont.)
Special Review**

Mossman explained the problem was with contested case litigation costs. He believed the Department ignored the language "incurred subsequent to the issuance of the notice of assessment" in the statute. He felt this defined the time after which costs would be reimbursed and was designed to motivate the Department to take reasonable positions.

Castelda described the allegations as "unfounded" and gave a history of legislation in this case. He disagreed with Mossman's call for an objection on this rule and explained that he did not believe taxpayers would be damaged. He reminded the Committee that the Department received approximately 4 million tax returns and that 85 to 90 percent of all protests were resolved before the Department initiated a contested case proceeding.

Halvorson opined that the rule should be allowed to remain in effect in order to observe any problems.

Motion to Refer

Halvorson made a motion to refer Chapter 7 to the Speaker of the House and the President of the Senate and the motion carried.

**MEDICAL
EXAMINERS**

Ann Martino and Denny Carr represented the Board for the following:

MEDICAL EXAMINERS BOARD[653]
PUBLIC HEALTH DEPARTMENT[641]"umbrella"
Physician assistant supervision, 21.1, 21.2, Notice ARC 5609A 5/24/95

21.1 and 21.2

Martino reminded the Committee of the previous conflict between the Medical Examiners Board and the Physician Assistant Board. Both Boards had agreed to meet and some compromises were made. Martino emphasized that the mission of the Medical Examiners Board was to protect the public.

In response to Metcalf, Martino stated the Board would defer action on these rules until an opinion from the Attorney General had been issued.

**SUBSTANCE
ABUSE**

Carolyn Adams, Iowa Department of Public Health, and Dean Austin, Program Manager for Licensure Program for Substance Abuse, were present for the Commission and Karen Hanson was present from the Iowa Hospital Association for the following:

SUBSTANCE ABUSE COMMISSION[643]
PUBLIC HEALTH DEPARTMENT[641]"umbrella"
Licensure standards for substance abuse treatment programs, 3.1 to 3.26, Notice ARC 5610A 5/24/95

3.1 to 3.26

Metcalf suggested that 3.3(125) be rewritten for clarification on type of licenses.

Hanson stated that the Department of Public Health and the Department of Inspections and Appeals were working on a joint memorandum that would attempt to clarify any confusion or discrepancies that exist between the agencies on the use of facilities. Hanson distributed a handout with contained comments from the Iowa Hospital Association.

In response to Rittmer, Austin stated that the rules were reorganized and some new definitions were included. Adams stated she would supply the Committee with a copy of the rules with the changes highlighted.

Committee Business Metcalf reminded the ARRC that it was the Committee's responsibility to set Royce's salary and she felt that his salary should be reviewed for increases each June.


Motion Salary Metcalf made a motion to review Royce's salary annually with any increase to become effective July 1. She also moved to increase his salary one step effective June 30, 1995. [Grade 38, Step 3 to Grade 38, Step 4, \$59,321.60 annual.] Metcalf noted that Royce's last increase was in November 1993. Motion carried.

Special Reviews Daggett asked what action could be taken on special review and Royce explained that if the Committee felt a rule was unreasonable, an objection could be filed. The other action the Committee could take would be a general referral.

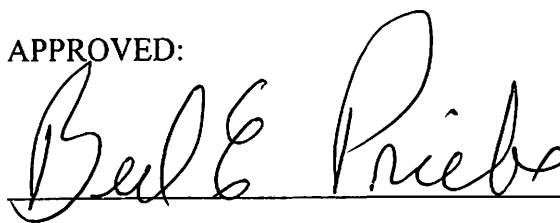
CBN Hedge asked for an explanation of why the CBN was involved in a court issue. Royce explained that the issue was that the legislature legalized a voluntary contribution for medical payments. The litigation was still pending because it was unclear whether it was actually voluntary.

Recess Priebe recessed the meeting at 3 p.m. until 9 a.m. Wednesday, June 14, 1995.

Respectfully submitted,


 Kimberly McKnight, Acting Secretary

APPROVED:


 Senator Berl Priebe, Co-chair

6-14-95

Reconvened The regular meeting of the Administrative Rules Review Committee (ARRC) was reconvened on Wednesday, June 15, 1995, 9 a.m., in Senate Room 24, State Capitol, Des Moines, Iowa.

Members present: Senator Berl E. Priebe and Representative Janet Metcalf, Co-chairs; Senators William Palmer and Sheldon Rittmer; Representatives Horace Daggett, Roger Halvorson, and Keith Weigel.

Excused Senators H. Kay Hedge and John P. Kibbie and Representative Minnette Doderer were excused.

Also present: Joseph A. Royce, Legal Counsel; Phyllis Barry, Administrative Code Editor; Cathy Kelly, Assistant Secretary; Caucus staff and other interested persons.

Convened: Co-Chair Priebe convened the meeting at 9 a.m.

AGRICULTURE

Ron Rowland, Walter Felker, State Veterinarian, Jerry L. Bane, John J. Schultz and Darryl L. Brown were present from the Agriculture and Land Stewardship Department for the following:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Weights and measures, 85.39, Notice ARC 5589A 5/10/95
 Infectious diseases in hogs, Ch 64, Special Review IAC

85.39

No questions on 85.39.

Ch 64

Felker reported on the movement and marketing of feeder pigs suspected of being potentially infected. As of April 1, feeder-pig herds that have not achieved or have lost monitored status but are in the new herd plan can continue to be sold if stringent restrictions are followed.

Poultry

In a matter not officially before the Committee, Felker advised that rules pertaining to the regulation and exhibition of poultry in the event a hypathogenic influenza outbreak were being prepared at the request of the poultry industry. Priebe pointed out Emergency Rules, if in place, could be effective immediately should such an outbreak occur.

EGG COUNCIL

Janet Anderson and Jennifer Crecelius attended from the Council.

EGG COUNCIL, IOWA[301]

Organization, election of members, assessment on eggs, 1.1 to 1.6, 2.1, 3.1, 3.2, 4.1 to 4.3, exhibits 1 to 5, Notice ARC 5571A, also Filed Emergency ARC 5572A 5/10/95

1.1 et al.

Priebe evinced concern that an Egg Council quorum will consist of a majority. Anderson stated the Council followed the wording in the Code.

Motion

Halvorson moved to refer Iowa Code section 196A.5 to the Speaker of the House and President of the Senate for review by the appropriate Committee. Motion carried.

Anderson noted the word tax was inadvertently overlooked in 301—4.2(5) when the rules were revised to substitute "assessment" for "tax." Barry requested a memo from the Council asking for the change. The ARRC agreed to this approach.

JOB SERVICE

Attending from the Division were Bill Yost and Joe Bervid.

JOB SERVICE DIVISION[345]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

Employer's contributions and charges, claims and benefits, 3.13(2)"f," 3.15, 3.16, 3.26(14), 3.28(1)"b"(1), 3.28(4), 3.60(3), 4.2(1)"g," 4.23(39), 4.26(6)"b," 4.41, 4.42(2), implementation clauses in chs 3 and 4, Notice ARC 5573A 5/10/95

3.13(2)"f" et al.

No questions on 3.13(2)"f" et al.

PERSONNEL

Clint Davis was present for the following:

PERSONNEL DEPARTMENT[581]
 IPERS, 21.1(2), 21.1(3), 21.2(2), 21.3(1), 21.4, 21.5(1), 21.5(7), 21.6, 21.8, 21.9(2), 21.10(1),
 21.10(3), 21.10(5), 21.10(8), 21.10(10), 21.10(12), 21.11(1), 21.11(2), 21.11(10), 21.12(1)"a,"
 21.12(10), 21.13(2)"a," 21.13(6)"d," 21.13(8), 21.14(2), 21.16(1) to 21.16(4), 21.17(5), 21.18(2),
 21.18(3), 21.18(5), 21.18(6), ... 21.19(2), 21.19(4), 21.20(2), 21.22, 21.24(2), 21.24(5) to 21.24(7),
 21.25 to 21.27, Notice ARC 5564A 5/10/95

Ch 21 et al.

There were no questions on Ch 21 et al.

**PROFESSIONAL
LICENSURE**

Carolyn Adams was present from the Division for the following:

PROFESSIONAL LICENSURE DIVISION[645]
 PUBLIC HEALTH DEPARTMENT[641]"umbrella"
 Cosmetology arts and sciences, 60.13(1)"a," 60.13(3), 63.4(4), 63.4(7), 63.4(8), 63.4(13), 64.1(3),
Filed ARC 5565A 5/10/95
 Podiatry, 220.1(2), 220.3(2), Notice ARC 5566A 5/10/95
 Podiatry — renewal fee for temporary license, 220.3(6), Filed ARC 5567A 5/10/95

60.13(1)"a" et al.

No questions pertaining to 60.13(1)"a" et al.

220.1(2), 220.3(2)
and 220.3(6)

Adams stated approximately 250 podiatrists were licensed in the state and that the renewal fee reduction from \$70 to \$15 would pertain to a minuscule number.

**NATURAL
RESOURCES**

Richard Bishop from the Department was present for the following:

NATURAL RESOURCE COMMISSION[571]
 NATURAL RESOURCES DEPARTMENT[561]"umbrella"
 Split duck and goose season, ch 91, Special Review IAC

Ch 91

Bishop spoke on the optimum hunting seasons in the northern and southern zones, federal regulations, the Mississippi Flyway and the evolution of the zones and split seasons. Daggett introduced Jeff Lamb from Creston who spoke on behalf of the southern-zone hunters. Discussion was held on duck season openings, costs incurred, public awareness of NRC actions and the possibility of regulations driving Iowans to hunt in other states.

LABOR

Walter Johnson from the Labor Services Division was present for the following:

LABOR SERVICES DIVISION[345]
 EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"
 General industry — hazard communication, 10.20,
Filed Emergency After Notice ARC 5585A 5/10/95
 General industry — occupational exposure to asbestos, 10.20, Notice ARC 5587A 5/10/95
 Construction — hazard communication, 26.1, Filed Emergency After Notice ARC 5586A 5/10/95
 Construction — occupational exposure to asbestos, 26.1, Notice ARC 5588A 5/10/95

10.20 and 26.1

No questions on 10.20 and 26.1 were raised.

DOT

Kirsten Badow and Mike Coverdale were present from the Department for the following:

TRANSPORTATION DEPARTMENT[761]
 Abandoned vehicles — towing and storage fees, 480.2, 480.3(2)"a" and "c,"
Notice ARC 5558A 5/10/95

480.2 et al.

No questions on 480.2 et al.

UTILITIES

Cindy Dilly, Vicki Place, Alan Kniep and Don Stursma were present from the Division for the following:

UTILITIES DIVISION[199]**COMMERCE DEPARTMENT[181]"umbrella"**

Tariff revision, 7.4(5)"e," Filed ARC 5596A 5/10/95

Pipeline permits and safety, ch 10 title, 10.1(6), 10.1(7), 10.1(10), 10.2(1), 10.2(1)"b" and "h" to "j,"

10.3, 10.4, 10.12, 10.16, 10.17, 19.5(20), 19.8(3), Filed ARC 5591A 5/10/95

Electric transmission line franchises, 11.1(5), 11.1(6), 11.3(2)"a" and "b," 11.3(2)"c"(1) and (2),

11.4, 11.4(4), 11.5(5), 11.5(8), 11.6(1), Filed ARC 5593A 5/10/95

Equipment distribution program, ch 37, Filed ARC 5592A, see text IAB 10/26/94, page 697 5/10/95

7.4(5)"e"; Ch 10
et al.; 11.1(5) et al.
and Ch 37

No questions on Chs 7, 10, 11, 19 and 37.

**SECRETARY
OF STATE**

Sandy Steinbach and Carol Olson were present from the Secretary of State's office for the following:

SECRETARY OF STATE[721]

Voter identification documents, change of address at the polls, 21.3, 21.4, Notice ARC 5607A ... 5/24/95

21.3 et al.

In reply to a question from Daggett, Olson stated no one appeared at the hearing.

Palmer asked for a definition of special ballot and was advised it was the same as the old challenge ballot.

In response to Weigel's question, Olson confirmed the special ballot was used only if a voter's registration in the county could not be verified or if somebody else had another challenge.

UST FUND

Tom Norris appeared on behalf of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board for the following:

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]

Eligibility for remedial account benefits, 10.1(1)"e," 10.1(2)"i," Filed ARC 5605A 5/24/95

Financial responsibility — closed tanks, 11.1(3)"b," "p," and "q," Filed ARC 5606A 5/24/95

10.1(1)"e" and
10.1(2)"i"

Daggett inquired if the majority of people affected by the rule making had responded. Norris indicated upgrades had been complied with by approximately 98 percent of the owner/operators.

11.1(3)"b" et al.

Priebe asked about the lapse in financial responsibility as set forth in the new language and whether an intentional lapse would put the onus on a subsequent owner. Harris stated owner/operators maintain financial responsibility without losing their eligibility to remedial benefits while their tanks are temporarily closed down. Site cleanup responsibility remains with the owner/operator of record whose name appears on the policy, the only party the Fund will respond to regardless of the length of time that person has been out of the business. In some cases, transfer benefits, upon the sale of property, do exist but the new owner/operator would have to comply with the underwriting requirements to continue that insurance.

UST (Cont.)

Daggett requested an explanation of the Iowa Tank Fund Board and its relationship to Williams & Company of Sioux City. Harris replied the Fund Board is comprised of the Insurance Commissioner; the Board chairperson; the Director of the Department of Natural Resources; the State Treasurer; a nonvoting member of the Legislative Service Bureau and two at large members appointed by the Governor, one representing banking and one representing insurance. Williams & Company works directly for the Board under a contract that is subject to yearly review.

**LAW
ENFORCEMENT**

Gene Shepard appeared on behalf of the Academy for the following:

LAW ENFORCEMENT ACADEMY[501]

Police officer selection test, 2.2(7)"f" and "g," 2.2(8)"d" and "e," Notice ARC 5594A, also

Filed Emergency ARC 5595A 5/10/95

2.2(7)"f" et al.

Daggett asked if the test were fair to minorities. Shepard responded that Stanard & Associates states the test has been validated and does not exclude minorities and protected classes.

**IOWA ADVANCE
FUNDING**

No appearance was made by a representative and there were no questions on the following:

IOWA ADVANCE FUNDING AUTHORITY[285]

EDUCATION DEPARTMENT[281]"umbrella"

Transfer ch 1 from [515] to [285], rescind the chapter and adopt a new ch 1,

Filed ARC 5555A, see text IAB 2/15/95, page 1244 5/10/95

NO REPS.

No agency representative was requested to appear for the following and there were no questions:

INSPECTIONS AND APPEALS DEPARTMENT[481]

Nursing facilities, rescind chs 58 and 59; new ch 58, Notice ARC 5570A 5/10/95

NOTICE TERMINATED 6/2/95


Meeting Dates

The next meeting was scheduled for July 11 and 12, 1995.

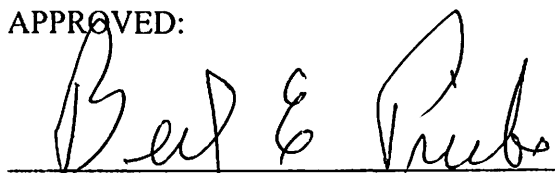
Adjournment

The meeting was adjourned at 11:15 a.m.

Respectfully submitted,


Cathy Kelly, Assistant Secretary

APPROVED:



Senator Berl Priebe, Co-chair

ANNOUNCEMENT OF STATUTORY LEGISLATOR APPOINTMENTS
BY THE SENATE MAJORITY LEADER
JUNE 15, 1995

ADMINISTRATIVE RULES REVIEW COMMITTEE (CODE 17A.8)

- SENATOR BERL E. PRIEBE
- SENATOR JOHN P. KIBBIE
- SENATOR BILL PALMER
- SENATOR SHELDON RITTMER
- SENATOR H. KAY HEDGE

(TERMS EXPIRE 4/30/99)

***NOTICE OF APPOINTMENT
RON J. CORBETT
SPEAKER OF THE HOUSE***

APPOINTEES: Rep. Janet Metcalf , Co-Chair
Rep. Roger Halvorson
Rep. Minette Doderer
Rep. Horace Daggett
Rep. Keith Weigel

COMMITTEE/BOARD: Administrative Rules Review Committee

CODE AUTHORITY: Section 17A.8

EFFECTIVE DATE: June 1, 1995

EXPIRATION DATE: June 1, 1999

cc: Administrative Rules Chair
Administrative Rules Staff
President of the Senate
House Majority Leader
House Minority Leader
Senate Majority Leader
Senate Minority Leader
Administrative Rules Coordinator
House Journal
House Finance
Legislative Service Bureau
Administrative Code Office