

MINUTES OF THE REGULAR MEETING
of the
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting: Tuesday, March 10, 1981, Wednesday, March 11, 1981, and Thursday, March 12, 1981.

Place of Meeting: Senate Committee Room 116, Statehouse, Des Moines, Iowa.

Members Present: Representative Laverne W. Schroeder, Chairman; Senator Berl E. Priebe, Vice Chairman; Senators Edgar Holden and Dale E. Tieden; Representatives Betty J. Clark and Ned Chiodo. Also present: Joseph Royce, Committee Staff.

Tuesday Meeting Chairman Schroeder convened the meeting at 7:50 a.m.

Minutes Holden moved the minutes of the February meeting be approved as submitted. Motion carried.

ENVIRONMENTAL
QUALITY

Representing DEQ for review of the following rules were William Anderson, Chief of Enforcement and Ronald Kolpa, Chief of Hazardous Waste. According to Anderson, the changes were made to conform with amendments to chapter 455B, The Code, by SF 205 [1980 Session].

Coordinating amendments, ARC 1787	2/18/81
Hazardous waste, ch 45 ARC 1777, 1795	2/18/81

DEQ had requested that the full text of the rules not be published due to their length.

ch 45

Priebe pointed out that DEQ had temporarily excluded hazardous waste from several particular facilities, including the wastewater treatment sludge of the John Deere Des Moines Works and questioned the reason for the action. Kolpa responded that the action was the result of the EPA formal delisting process. Industries were given the option to prove that their wastes don't meet the criteria of hazardous waste. Formal notice had been made to allow other industries to pursue the same procedures. DEQ has not assumed that responsibility because of the involved mechanism and technical review. There was discussion of the expense to John Deere and Kolpa presumed it would be a corporate expense rather than an isolated one.

In answer to Priebe, Kolpa did not anticipate their workload would be decreased. He further explained that delisting is a review of the documentation submitted by industry.

Tieden expressed concern for dumping hazardous waste in a common landfill. Kolpa said, with respect to PCB's, federal regulations govern their disposal.

ENVIRONMENTAL
QUALITY
CONT'D

Since May 1980, EPA has refined the list of hazardous wastes and they are moving into the second phase of regulation development, which could be completed by July 1981. Regulations pertaining to wastes in paint manufacturing will be more specific in terms of operations.

45.3
45.9(4)a(3)

Clark requested clarification of 45.3, third paragraph. In re 45.9(4)a(3), Schroeder questioned the use of "ranking elected official" and opined it would be difficult to administer. With respect to 45.8, Schroeder wondered if interested individuals had been notified. Kolpa indicated the DEQ had discussed the matter with transporters and he said the storage facility aspects were not significant until the ninety-first day. No further discussion re DEQ.

COMMERCE
COMMISSION

Mike May, counsel, appeared for review of the following Commerce Commission rule: Electric utilities, ch 20, ARC 1800, Filed, IAB 2/18/81. Also present: Robert J. Haack and Jim Morrissey, Iowa-Illinois Gas and Electric Co.

ch 20

According to May, a large segment of the revisions affect metering standards, budget billing and late payment standards.

20.4(4)

Committee members were curious as to implementation of 20.4(4), and the impact on smaller utilities. Tieden raised question as to the last sentence which defined permanently delinquent bills.

20.4(12)

Chiodo could envision problems with the time frame re the bill payment terms in 20.4(12). Haack took the position several rules needed further revision. Haack and Morrissey favored providing the customer the opportunity to discontinue the level payment plan [budget billing] during one year. Any credit remaining in the customer's account should be refunded immediately rather than at the end of the year. Morrissey added the customer should be allowed to decide which monthly bill would be credited. He addressed the late payment date and suggested using the language in the current rule [20.4(11)]. Morrissey said that 95 percent of their customers would be affected by 20.4(12). Also, the use of "due cause" was a concern, and he took exception to language which addressed the customer's pay day. There was general discussion of the level payment plan.

Holden called attention to the fact the rules had been filed and wondered if Commerce had not considered the comments to be meritorious. May responded there were gas rules which would adopt some of the same provisions and he assured the Committee their comments would be considered.

COMMERCE
COMMISSION
Cont'd
Motion

Priebe moved that ch 20, Commerce Commission rules, be placed on the agendum for temporary review at the June meeting. Holden suggested that a commissioner be present at that time. Motion carried.

May requested Haack memorialize their opposition for the Commission.

20.4(14)f

Chiodo, in re 20.4(14)f, undercharges, questioned the provision for billing for an undercharge to the customer. There was general discussion. No formal action taken.

PUBLIC
INSTRUCTION

The following rules were reviewed:

PUBLIC INSTRUCTION DEPARTMENT[670]
Motorcycle education, G.13 ARC 1734 F.....2/4/81
Non-English speaking students, ch 57 ARC 1763 F.....2/4/81
PUBLIC INSTRUCTION DEPARTMENT[670]
Administration and finance, ch 1 rescinded ARC 1789 N.....2/18/81
Instructional materials, ch 2 rescinded ARC 1790 N.....2/18/81
School lunch, 10.3 ARC 1761 N.....2/4/81
Adult education, ch 34 ARC 1762 N.....2/4/81

Appearing on behalf of Public Instruction were Bob Roush, Consultant, Larry Bartlet, Consultant, and John Martin, Director, Instructor Curriculum. Roush explained that ARRC had not requested changes and none had been made. Progress had been made in development of instructional material. DPI is awaiting Executive Council approval to accept motorcycle helmets from the industry. The program will be administered through the fifteen merged area schools. Priebe questioned the advisability of sharing helmets between individuals. Roush said although the helmets would be shared, precautions would be taken to insure against health hazards. There was discussion regarding the cost of the program to the local school. Roush commented the law did not require the schools to provide the program.

57.5(1)a

Martin announced the change requested by ARRC had been made in 57.5(1)a. In response to Clark, Martin explained the bilingual program had two options; transitional bilingual instruction, which immerses students in English with some portion of their instruction in their native language, or English as a second language, where the student is instructed in English but not in their native language. Approximately 438 schools use English as a second language option. However, a few have large concentrations of students who use the transitional bilingual instruction. Clark was concerned for rural school children where two or three would be non-English speaking. Martin assured Clark there were materials and techniques available to develop English-speaking proficiency of those children. DPI has federal money for workshops across the state.

PUBLIC
INSTRUCTION
Cont'd

Priebe was interested in the cost of the program. Martin said DPI had sent a questionnaire which would provide the information. However, he estimated the cost to be between \$400 and \$600 per student. In response to Priebe, he said there are approximately 3500 students in the program.

10.3 Holden questioned the necessity and DPI's participation in the school lunch program. Bartlett explained Iowa had used the program for a number of years. Holden could not see the advisability of additional advisory committees. Schroeder expressed dissatisfaction with the language in 10.3(1), last paragraph. Tieden wanted to know the implications of 34.1(1), state plan for adult education. Bartlett responded the provision for adult education for area schools was under a very limited federal grant.

10.3, 34.4
Benton re-
quested to
appear

Priebe requested that Dr. Benton appear before the ARRC to discuss both 10.3 and 34.4 at a later time. Holden emphasized the Committee was ready to challenge the need for the plans.

Bartlett advised the Committee that DPI had been informed by the AG office to use their various state plans under ch 17A. He added that other state plans would be forthcoming.

Clark questioned citing §257.10, The Code, as authority for the rule. Bartlett recalled the specificity for adult education was from federal law and chapter 280A.

Priebe recommended asking the respective legislative education Committee chairmen to attend the meeting when Dr. Benton appears. Bartlett explained that chapters 1 and 2 were rescinded as a result of law changes.

REAL ESTATE
COMMISSION

Present for review of trust accounts, 1.14, 1.27, 2.4, ARC 1791, Notice, IAB 2/18/81, were Gene Johnson, Director, and Ken Smith, Staff, Real Estate Commission, and Frank Thomas, Attorney General's office.

According to Johnson, the basic change would require that funds would not be released from a trust account prior to the closing without written consent of the parties to the transaction. Also, the broker would not be entitled to automatically withhold trust account money without consent of the parties to the transaction.

Holden supported the Real Estate Commission rules as being a "common sense approach" to some of the problems. There was discussion of interest-bearing trust accounts. Schroeder and Priebe could envision problems with the escrow funds and preferred uniformity.

1.27

Schroeder questioned language in 1.27, trust account. Johnson was amenable to changing the language.

REAL ESTATE
COMMISSION
Cont'd

Holden commended Johnson for following instructions given by ARRC. Clark discussed some structural corrections to the rules.

Recess

Schroeder recessed the Committee at 9:40 a.m. to be reconvened Wednesday, March 11, 7:30 a.m.

Reconvened

The Administrative Rules Review Committee was reconvened by Chariman Schroeder Wednesday morning 7:35 a.m., March 11, 1981, Senate Committee Room 116, Statehouse, Des Moines, Iowa. All members were present.

EMPLOYMENT
SECURITY

The following rules of Employment Security [Job Service] were reviewed:

EMPLOYMENT SECURITY[370]	
Employer's contribution and charges, 3.12, 3.47, 3.63	ARC 1806 <i>N</i> 2/18/81
Claims and benefits, 4.1, 4.5, 4.8, 4.31	ARC 1807 <i>N</i> 2/18/81
Fraud control investigation, 5.4, 5.6(7)	ARC 1808 <i>N</i> 2/18/81
Job placement, ch 7	ARC 1809 <i>N</i> 2/18/81
Forms, 10.4, 10.7	ARC 1810 <i>N</i> 2/18/81

James A. Hunsaker, III, Assistant to Director, Joseph Bervid, Legal Counsel, and Paul Moran, Unemployment Administrator, Insurance Division, represented Job Service.

3.47(3)

Bervid pointed out the time extension, prior to termination date, had been clarified in 3.47(3) with respect to procedures on termination of agency account.

ch 4

According to Bervid, chapter 4 amendments were written to save time and money by allowing fact-finding interviews over the telephone in addition to face-to-face discussions. Job Service views the practice as beneficial to employers.

ch 7

Amendments to ch 7 contain dates pertaining to the federal Code.

5.4(1)a

In re 5.4(1)a, Clark requested clarification in interchange of "such" and "the". She inquired as to reason for change made from "shall" to "will". Moran indicated the ARRC had requested the change. Royce thought there was misunderstanding since the Committee would prefer "shall".

3.47(3)

Clark asked for explanation of "Prior notice will also be given". Moran said there are two warnings given prior to termination of an account.

In response to question by Clark, Department officials agreed to rewrite the last paragraph in 3.47(3).

CONSERVATION
COMMISSION

Roy Downing and Nancy Exline, Lands and Waters Division, appeared for review of barge fleeting rules, chapter 54, ARC 1821, IAB 3/4/81. Also present were: John T. Ryan,

CONSERVATION
COMMISSION
Cont'd

Contract Carriers and Terminals; Donald G. Schroeder, Interstate Power Co., Dubuque; Joseph R. Cordaro, R & R Services, Kansas City, Mo.; Erv A. Timm, Upper Mississippi Waterway Assn., Twin Cities, Minn.; Dave Marshall, Alter Barge Line, Davenport; Donn Williams, Williams Marine, Davenport; Jack H. Percival, PD Harbor Service, Burlington; Wilma Parks, Missouri River Marketing Office, State of Nebraska, Omaha; Gary Newt, Louis Pfieler of Newt Marine, Dubuque; Gary Elliott, First Mississippi Corp., Ft. Madison; John Hey, Iowa DOT; Roger Swanson, Cargo Carriers, Inc.; Tom Burken, Clinton Municipal Dock; Kenneth Starr, Determann Industry, Inc.; John L. Steiner, Burlington River Terminal, Inc.; Representatives Warren Johnson and Wendell Pellett, representing Missouri River interests; and Shirley Lang, Dock Division Manager, City of Dubuque.

According to Downing, the rulemaking action was in response to Chapter 17A, The Code, to set out policies of the Conservation Commission with respect to regulating meandered waters of the state. Downing continued there had been increased fleeting activity on the river. In the last 10 years, the Department had received numerous reports and complaints of illegal activity in regard to tying off and the various methods being utilized by the industry. After investigation, the Conservation Commission found many of the activities to be illegal. CC was reluctant to issue citations to the barge industry and fleeters unless alternatives were offered.

In response to Holden, there was no previous regulation except for extreme situations where trees were being uprooted when used for tying purposes. General discussion of high water marks along the river.

Ryan interpreted the rules to preclude additional fleeting sites. He declared that the U.S. Corps of Engineers, U. S. Coast Guard and Department of Environmental Quality now regulate the barge fleeting industry and Ryan contended that another "layer of state bureaucracy" was unnecessary since most of the operators on the Upper Mississippi are small Iowa-based companies--basically family operated. The additional permit costs could "run them out of business." He mentioned the impact on the grain industry and concluded the industry was "over-regulated".

Holden suspected the issue was more involved than just the "flap" about tying to trees. In response to Holden, Ryan reiterated that the Corps of Engineers approves fleeting sites.

Tieden discussed problems created by a fleeting area south of McGregor. He questioned the reason for the five-year limitation in 54.2(2).

54.2(2)

CONSERVATION COMMISSION
Cont'd

Downing disagreed with Ryan's allegation that the proposed rules would put barge fleeters out of business. Presently, there are 4 fleeting sites on the Mississippi and negotiations are in progress for 3 or 4 additional sites. Downing cited ch 111 as authority for Conservation Commission to govern fleeting. He contended that neither the Corps of Engineers nor the US Coast Guard regulates fleeting. Downing concluded a five-year limit on leases would benefit the fleeter, not the state. He cited §111.25 as authority for leases.

Barge
Fleeting

There was discussion of pending legislation regarding barge fleeting--HF 449. Donald Schroeder questioned the need if the Commission feels it has authority to adopt rules.

Cordaro expressed opposition to an overlap of regulation and he could foresee increased costs. He contended the Coast Guard does regulate in Louisiana. He favored more publicity about the matter. There was discussion of leased property.

It was noted the House File did parallel the proposed rules. Downing made it clear that the Department did not request the legislation. Chairman Schroeder commented that the Iowa Constitution provides a certain procedure for any leases beyond 20 years. Tieden inquired if Iowa had the same rights as other states. Downing responded that along the Mississippi--Illinois and Wisconsin--the beds and banks of the river are owned by the riparian property owner, subject to navigation.

Downing pointed out that Garnac Co. represented by Cordaro leased property from Iowa. Cordaro and Downing differed on interpretation of the river channel. Timm addressed the group as to the dependence of the industry on waterborne commerce. The association membership, in addition to the towing industry, includes the coal, fertilizer, iron and steel, grain and towing subsidiaries, as well as electric utilities. Timm continued that the Corps had issued permits adjacent to the inland waterway system, and had developed a hearing process allowing full participation. Only recently, there has been a rush by the states to duplicate the process--Illinois, Minnesota and Wisconsin have similar actions pending. Also, conflicts are developing within state agencies over jurisdiction. He applauded Iowa for having a legislative review committee which Minnesota does not. He urged, instead of a new set of regulations, that Iowa rely on a single permitting agency concept by improving upon the Corps process. He emphasized that above all else, there must be a time frame in which decision can be made. During the period of 1977-80, representatives have attended in excess of 66 meetings or hearings before various state, federal or local agencies, having or claiming to have, jurisdiction over barge fleeting on the Mississippi river at St. Paul.

CONSERVATION
COMMISSION
Cont'd

ch 54

Marshall, Alter Barge Lines, complimented Royce for his help and distributed handouts. His company operates 8 tow boats and 460 barges. He quoted from rules and regulations re tying off bridges prescribed by the Secretary of the Army. He viewed the proposed state rules as being arbitrary. Marshall thought an economic impact statement should be prepared.

Williams, Davenport, in the fleeting business for 20 years, had dealt with the Corps of Engineers and Coast Guard. He urged deregulation, reduction in bureaucracy and increased productivity. He declared the proposal was in direct conflict with "common sense and the President's wishes." Barge fleeters use both sides of the river, resulting in regulation by four authorities.

Parks spoke in support of the barge companies and reasoned fees would erode the competitive mode of transportation.

Newt, barge fleeter, thought they had been regulated by the Corps of Engineers, Fish and Wildlife Service, and Coast Guard since 1966. He was dismayed to have involvement with still another governmental agency.

In response to Royce, Newt said he had fleets located on fish and wildlife controlled property. He did not have a fleet under Iowa jurisdiction at this time, but opposed regulation.

Priebe questioned Conservation's control of the river. Downing responded that Iowa's jurisdiction stops at the state line so far as the Mississippi River is concerned with the exception of a charter city.

In response to question by Priebe, there was brief discussion of the federal Fish and Wildlife Service.

Royce opined the statute was very broad on its face. In his opinion, based upon the court opinions and what he thought the attorney general would do, Conservation has authority for the rules, under chapter 111.

Priebe and Chiodo agreed that the only approach would be to change the Code. Royce reviewed Committee options with respect to the rules after they are adopted.

Holden suggested that all opponents make their intent known known at the public hearing March 26 and rely heavily on the "unreasonableness" of the rules.

CONSERVATION
COMMISSION
Cont'd

Starr wanted to be on record that his company considered the rules to be unreasonable. He distributed a statement from the Clinton Area Development Corporation.

Steiner wondered if promulgation of the rules were related to the budget crunch.

Butterfield, Iowa Development Commission, asked if DOT had been consulted and Hey responded in the negative.

Downing defended the department and contended DOT had been consulted and indicated they were not interested. A letter had been directed to the DOT director. In response to Royce, Downing reiterated that the provisions had been policy for about 5 years--portions since 1927--through an administrative process. Upon recommendation of the AG, the department was merely attempting to comply with 17A. Question was raised as to why rules were not promulgated in 1975 when APA went into effect.

Hudson, who operates fleets at Clinton, Dubuque and McGregor, addressed the Committee concerning his problems with permits. He had no complaint about paying for the privilege of using state-owned land. Presently, he holds fleeting permits from the Corps. Tieden asked him if he had a Corps permit when he started operation. His response was in the negative. Barges were moved on a day-to-day basis. He cited the problem of having to pay for fleeting off land owned by private enterprise. Hudson pointed out the certified engineer requirement would increase costs to the fleeter. In response to Tieden, Hudson stated that before he could increase the size of the fleet, he would have to submit application to the Corps.

Schmidt, Dubuque Chamber of Commerce, indicated many of their concerns had been addressed. A main concern was the effect of portions of the rules on charter cities. In answer to Priebe, Downing said the fee schedule would be commensurate with commercial areas along the river.

Lang took the position clarification was needed concerning existing regulation. She spoke of the financial impact on farmers.

Joseph H. Fall, The Pillsbury Company, cautioned that increase in costs would ultimately be passed on to the consumer.

Tieden was concerned about duplicate regulation. Downing insisted that the Corps does not regulate fleeting per se--if deadmen are on land, 3 miles of river are available for fleeting without permit from the Corps or Coast Guard.

CONSERVATION COMMISSION Cont'd Schroeder announced that several Committee members had other meetings to attend. He urged all to attend the March 26 public hearing. Priebe suggested that Royce also be in attendance.

Barge
Fleeting

Smith, Staff Rulemaking Coordinator, Natural Resources Council, advised of their interest in the proceeding since they share jurisdiction with the Commission. He intimated there was "another side to the controversy." Resources Council had been hearing from private interests and had a petition requesting state regulations on barge fleeting. Smith reported a Notice from the Council was forthcoming. He was hopeful efforts could be coordinated. Proponents for rules include the National Audubon Society, the Sierra Club and Iowa Wildlife Federation.

9:20 a.m. Tieden and Holden excused.

Downing concluded that the rules recognize the need of fleeters. He assured everyone that all input would be considered and he urged support.

Recess Schroeder recessed the meeting at 9:30 a.m. to be reconvened at 7:30 a.m., Thursday, March 12, 1981.

Reconvened The Committee was reconvened by Chairman Schroeder at 7:40 a.m. in Senate Committee Room 116. All members present. Also present: Joseph Royce, Staff.

SOCIAL SERVICES The following rules of Social Services Department were before the Committee.

SOCIAL
SERVICES

SOCIAL SERVICES DEPARTMENT[770]
Confidential records, ch 9 ARC 1804 N 2/18/81
ADC, ch 41, notice terminated ARC 1764 N.T. 2/4/81
ADC, absent parent, 41.1(5) ARC 1781 N 2/18/81
ADC, exempt resources, 41.6, 41.7 ARC 1744 N 2/4/81
Supplementary assistance, 50.3(3) ARC 1785 N 2/18/81
Food stamps, 65.3, amendment terminated ARC 1765 N 2/4/81
Food stamps, work registrants, ch 65 ARC 1715 N 2/4/81
Medical assistance, address change, 78.1, filed emergency ARC 1778 F.S. 2/18/81
Medical assistance, screening centers, 78.18 ARC 1766 N 2/4/81
Medical assistance, suspension of services, 79.3 ARC 1767 N 2/4/81
Medical assistance, eligibility, 84.2 ARC 1769 N 2/4/81
Child abuse, 135.1, 135.3, 135.4, 135.11 ARC 1786 N 2/18/81
Resources, chs 130, 141, 149 ARC 1746, 1747 N 2/4/81
Home management, 158.4(1) rescinded ARC 1748 N 2/4/81
Client assessment/case management, ch 159 ARC 1749 N 2/4/81
ADC, meals, support assignment, 41.2, 41.7 ARC 1770 F 2/4/81
Child care centers, 109.6 ARC 1771 F 2/4/81
Department service plan, 130.6(2) ARC 1772 F 2/4/81
Child day care, 132.4(3)"b" ARC 1773 F 2/4/81
Legal services, ch 159 rescinded ARC 1774 F 2/4/81

Ch 15 It was decided that proposed rules for detention facilities would be placed on the agenda for March 23.

DSS representatives were Judith Welp, Cynthia Applegate, Kathi Kellen, Dan Kossar, Jim Hennesey, Mary Helen Cogley, Eugene Flynn, John Straton and Marg Corhery.

Homemaker & Chore Services ch 130, 144, Priebe was interested in the number of people who would be affected as a result of combining homemaker and chore services into one state funded appropriation. Welp said DSS would

SOCIAL
SERVICES

not pay for services by professional homemaker. Homemaker-health aide services would be redefined to limit that service. Less expensive providers would be used for chore services. Only the least expensive but appropriate service would be paid.

Tieden discussed a situation where two counties' services were divided among 50 organizations. Money was saved because of volunteers and very few people were affected.

78.1(11)

Priebe questioned the reason for the address change in 78.1(11). Welp said that was necessary because of a name change--Blue Cross/Blue Shield to Systems Development Corporation.

78.18
ch 79

Welp explained the rule would suspend optional services under medicaid for the month of June. Clark questioned the advisability of suspending mental health services. She was informed this would be only payments to psychologists, etc.--a subservice. In reply to Tieden, Welp commented that the amounts for FY 1981-82 would depend upon the appropriation by the legislature.

84.2

In response to Priebe, re 84.2, Welp said early periodic screening diagnosis and treatment was available to children under 21 who are eligible for medicaid. The federal law allows treatment up to the age of twenty-one.

No formal action taken on DSS rules.

TRANSPOR-
TATION
DEPT.

The following rules of DOT were before the Committee:

TRANSPORTATION, DEPARTMENT OF [820]	
Carriers, receipts, [07,F] 4.4-4.7, 4.9, 4.14	ARC 1781 E 2/18/81
Interstate MV fuel permits and transport carrier registration, [07,F] 7.4(2), 7.7(2)	ARC 1782 F 2/18/81
Liquid transport carriers, [07,F] 13.3-13.5, 13.8, 13.11	ARC 1783 E 2/18/81
Great river road fund, [08,E] ch 2 amendments	ARC 1738 F 2/4/81
TRANSPORTATION, DEPARTMENT OF [820]	
Urban systems, federal aid, [06,P] ch 2	ARC 1779 N 2/18/81

There was brief discussion of the Great River Road Fund. Tieden said cities would be allowed to borrow from the Road Use Tax Fund to complete roads for the Great River Road. The money must be repaid, but no interest is charged.

Schroeder requested DOT officials to return on Monday, March 23, 1981 for discussion of Urban Systems, [06,P], ch 2.

LABOR
BUREAU

Rules of the Labor Bureau mandating certain protective equipment for firefighters, ch 27, were before the Committee. Royce pointed out the law requires rules on the subject. It was his opinion the department had done as much as possible to lessen the impact on communities. No recommendations were offered.

NO REPS

It was agreed to place the "No Rep Called" rules on the March 23 agendum.

FAMILY FARM AUTHORITY At the request of the Committee, it was agreed that a representative of the Iowa Family Farm Development Authority would be requested to be present Monday, March 23.

Meeting Recessed The Legislature having convened at 8:00 a.m., Chairman Schroeder recessed this meeting at 7:55 a.m. to be reconvened at 8:00 a.m. Monday, March 23, 1981. Items in the March 4 Bulletin will be included on the agenda.

Recessed Meeting Cont'd

RECONVENED The Administrative Rules Review Committee was reconvened by Chairman Schroeder, Monday, March 23, 1981, 8:07 a.m., Room 116. All members were present. Also present: Joseph Royce, Staff, and Brice Oakley, Rules Coordinator.

VETERINARY MEDICINE BOARD

2.2

Dr. M. H. Lang, State Veterinarian, represented the Board of Veterinary Medicine and reviewed Licensure and Continuing Education, 2.2, 4.4, 8.1, ARC 1858, IAB 3/4/81. Schroeder questioned Lang regarding the reason for increased fees. Because of a legislative mandate by the 68th GA, 1980 Session, multiyear licensing will be implemented. In 2.2, fee schedule, Clark questioned the fee for the national board examination or clinical competency test. Lang said the amount may be set by P.E.S. and candidates may take one or both tests. In response to Tieden, Lang explained that the time frame for licensing coincides with that for continuing education.

8.1 In regard to 8.1, Holden wanted assurance there would be no abuse of one-hour credit for attending meetings where scientific papers are presented. Lang indicated there is only one approved by the Board--an in-depth course offered by the University of Pennsylvania.

2.2 Priebe commented he had a problem with allowing the Professional Examination Board to set the fees and did not want a precedent set in the matter.

No further questions or comments.

CONSERVATION COMMISSION Richard Bishop represented Conservation Commission for review of the following rules:

CONSERVATION COMMISSION[290]

Rabbit and squirrel seasons, ch 102	ARC 1822	N	N	3/4/81
Pheasant, quail and partridge seasons, ch 103	ARC 1823	N	N	3/4/81
Furbearers, seasons, ch 101	ARC 1824	N	N	3/4/81
Deer hunting, ch 106	ARC 1825	N	N	3/4/81
Waterfowl and coot, hunting season, ch 107	ARC 1826	N	N	3/4/81
Common snipe, sura, Virginia rail, woodcock and ruffed grouse, seasons, ch 109	ARC 1827	N	N	3/4/81
Wild turkey hunting, ch 112	ARC 1828	N	N	3/4/81
Sailing vessels, lighting, 27.7, 27.8	ARC 1137	F	6158 Henry	3/4/81
Game refuges, 3.1, 3.2	ARC 1819	F		3/4/81
State-owned property, riverbed, lakebed and waterfront lands, permits and fees, ch 55	ARC 1820	F		3/4/81

CONSERVATION
COMMISSION

Also present: Nancy Exline and Roy Downing of the Commission; Donald G. Hauser, Iowa Manufacturers Assn.; Jack Bush, Linwood Stone Products; Ken McNichols and Carol Bolton, Iowa Limestone Products; Donn Williams and Loren A. Williams, Williams Marine; Roger Platten, Vice President, MacMillan Oil Company.

ch 102, 103

Priebe voiced opposition to lengthy season for rabbits and squirrel. He could foresee the extinction of these animals. Tieden noted the language was quite different from previous years. Bishop concurred, but explained the dates were tentative. That would be accomplished after the public hearing, April 11, 1981. Bishop, responding to Tieden's concern for the dwindling jackrabbit population, said hunting of this animal was minimal.

Priebe took issue with Bishop regarding the jackrabbit population and commented he would be recorded as voting "no" on dates for rabbits and pheasant--thought the seasons were too long and feared the two species were in danger of extinction. Bishop indicated, in all probability, the pheasant season would be shorter than last years.

ch 104

In response to Schroeder, Bishop said trappers and hunters of fox did appear at the 1980 public hearing. Schroeder questioned the reason for the longer beaver hunting season. Bishop informed Committee members there were many complaints about beavers flooding fields by damming creeks and crossways.

106.1, 106.2,
106.4

Clark requested Bishop to reorganize 106.1(1) by deletion of "In" in the listing of zones. He also explained the time differential in hunting with shotgun or bow and arrow. Bishop said deer hunting is at the hours of sunrise and sunset and the hunting seasons are different for the two types. There was discussion of method used by hunter in choosing season for hunting permit. Conservation had received positive comment.

Clark recommended removal of "such" wherever possible throughout the rules.

Tieden expressed dissatisfaction with the change of date structure for deer hunting. He opposed the earlier date for his area. Bishop agreed to carry Tieden's objection to the public hearing. According to Bishop, the public input had been the impetus for the early date. He pointed out that the final decision had not been made.

Committee members discussed the fact that the rules for shotgun and bow and arrow were discriminatory against shotgun hunters. Bishop contended the seasons were comparable because of variance in success rate with bow and arrow.

CONSERVATION
COMMISSION
Cont'd

Tieden based his opposition in part on the fact it was unsafe for farmers being in fields at the opening of the hunting seasons.

Bishop was unable to provide Priebe the information with regard to the numbers of bucks and does which were shot last year.

107.1(1) There was discussion of the bag limit (point system) for waterfowl and coot. Schroeder wanted assurance individuals would not be cited. Clark cited "h" as proper wording in 107.4 and Bishop was directed to standardize the directions.

107.4(2) Tieden questioned the advisability of hunting seasons for game in ch 110. Bishop assured Tieden they were not endangered species.

ch 110

ch 112 Priebe inquired about the fall hunting season for wild turkey. He conveyed that southern Iowa did not favor a fall turkey season. According to Bishop, research has shown a high turkey population. He contended the biological balance indicates there is no problem with hunting turkey more than once a year. Priebe compared the possible situation to that of the Dove season several years ago.

3.1, 3.2 No questions concerning game refuges.

27.7, 27.8 Downing, in discussion of lighting for sailing vessels, said the proposed rule recommends an alternate recognized method of lighting other than the illuminated sail.

ch 55 In response to Schroeder, Downing advised the Committee that no one had appeared at the public hearing re waterfront lands.

Bush, Davenport, explained that Commission officials had contacted them about two weeks ago. He was of the opinion that was inadequate time to prepare objections to the rules.

Holden inquired whether or not some of the individuals had leased land. Downing replied in the negative. The state has had authority to lease under the statute for the last thirty years and the fee schedule has been in existence since 1971. Holden had difficulty with the fact that Conservation had waited so long to bring the matter to light. According to Downing, in the last 4 or 5 years, the legislature has appropriated funds to conduct surveys. As a result of the surveys, CC discovered public domain was being utilized by many who were unaware of it.

Discussion of the Committee requesting another public hearing and placing a 70-day delay to allow time for affected individuals to participate in the process.

CONSERVATION
COMMISSION
Cont'd

Downing had notified 33 people--Committee members failed to understand why all affected parties had not been notified. Holden again expressed dismay with the process followed by Conservation. Surveys pointed out minor encroachment of buildings on state property. The rule is being amended to allow building owners to pay a lease fee. Fees were not commensurate with inflation. In some cases, increases would be 100 percent. Chiodo preferred the fee increases to be made in smaller increments. There was discussion of contracts and fees for leases.

Downing was agreeable to holding another hearing, but he preferred meeting with individuals to learn their concerns and to explain the rules in depth.

Holden recommended that Conservation study the limiting factors in leasing. Those with substantial investments are particularly affected--statutory change may be necessary.

Motion to
Delay
ch 55

Priebe suggested Conservation hold another hearing and he moved a 70-day delay on chapter 55 to allow adequate time for further study. Motion carried viva voce.

FAMILY FARM
DEVELOPMENT
AUTHORITY

William Greiner, Executive Administrator, Family Farm Development Authority, and Earl Willits, AG's office, Farm Division, were present to review loan programs, 2.7(3), ARC 1776, Notice and Filed Emergency, IAB 2/4/81. Willits had discussed the Notice at the last ARRC meeting and he said the Filed Emergency rule was to clarify the first-come, first-served rules on the planned major bond issue.

Greiner emphasized everything was "in a hold pattern" until there were guarantee funds or security for loans. He reported the money had been returned to the banks and they were operating from funds received through the Iowa Rural Rehabilitation Fund--3 percent of that being the Bankhead-Jones Tenant Act. Tieden was told the applications were also returned. Greiner did not believe banks opposed the one percent, but they were basically critical of the short time allowed for the process. Also, banks were not overly enthusiastic about the Farmers Home Administration guarantee. Tieden questioned the philosophy behind the one percent forfeit.

Willits explained an approach similar to industrial development bonds will be pursued.

Priebe requested the Authority to hold hearings in the Sixth Congressional District where there is dissatisfaction on the part of bankers. Willits defended the banker members of the Board. He was amenable to apprising the Committee on developments in the program.

TRANSPORTATION The following Transportation Rules were before the Committee:

DEPARTMENT

TRANSPORTATION, DEPARTMENT OF [820]

Drivers' licenses, [07,C] 13.35 ARC 1836 N 3/4/81
 Motorcycle and motorized bicycle courses, [07,C] 13.12 ARC 1837 N 3/4/81
 Urban systems, federal aid, [06,I] ch 2 ARC 1779 N 2/18/81

Department officials present were Harold C. Schiel, Urban Systems Engineer; Roger Anderberg, Federal Aid Projects Engineer; Jim Fischer, Driver License; and Bill Kendall, Director, Driver License.

No questions re ARC 1836. Kendall, responding to Tieden's view that the fee in 13.12(2) was excessive, thought it to be nominal. Kendall explained the procedure. Schroeder thought the matter was completely "out-of-hand." Kendall advised the Committee the rule was directed at private schools which utilize courses outside the school system. Holden wanted to know why private schools were charged if public schools were not. Kendall explained private schools would not be charged. They had in mind motorcycle dealers who might offer the course. There was discussion as to need of possible legislation.

Chiodo suggested a distinction be made between private educational schools and private schools set up to teach motorcycle and motorized bicycle courses. Priebe said the same instructor teaches in both schools in his area.

Committee
Request

Priebe and Schroeder requested Royce to research the matter. He was amenable.

General agreement that a distinction should be made between the private educational school and the commercial private school.

ch 2

Department officials said ch 2 changes were made for clarity. Definitions had been added and references to obsolete federal programs were removed. Schiel explained the phrase "urbanized area" meant there would be a population of 50,000 or more.

2.3(2)

Clark questioned the meaning of "anticipated funds"--Schiel advised they are from the federal-aid urban system. Clark had problems with that concept. However, Schiel assured her they were not borrowing ahead on funds which were not available.

Tieden and Holden--excused briefly to return to the legislature. Holden returned.

Holden questioned the use of FAUS funds--which are administered by the Federal Highway Administration for particular projects--usually street construction and transit systems. Holden queried about the supplementary appropriation to cities over 200,000 population.

TRANSPOR-
TATION
DEPARTMENT

Schiel explained the tri-state area could be a recipient as could the Omaha-Council Bluffs area.

SOCIAL
SERVICES

Judith Welp, Hearing, Policy and Analysis, appeared on behalf of Social Services Department for review of the following rules:

SOCIAL SERVICES DEPARTMENT[770]			
Medical assistance, hearing aids, 75.14	ARC 1846	F	3/4/81
Intermediate care, client participation, 81.10(3)	ARC 1847	F	3/4/81
Intermediate care, mentally retarded, 82.9(2)	ARC 1848	F	3/4/81
Local detention facilities, ch 15	ARC 1839	N	JAILS 3/4/81
ADC, 41.7(9)"e"(7)	ARC 1849	N	3/4/81
ADC, recoupment, ch 46	ARC 1850	N	3/4/81
Work and training programs, 55.2, 55.4, 55.9	ARC 1839	N	3/4/81
Food stamps, 65.4(1)	ARC 1840	N	3/4/81
Medical assistance, 79.2	ARC 1851	N	3/4/81

Also present were Paul Muller, Jail Inspector; Richard Williams, representing the County Attorney's association on Standards Committee; Doug Edmunds; Senator Forrest Schwengels; Dave Schamberg and Lloyd Jones, Polk County Jails; Wm. G. Marten, Iowa State Sheriff's Assn.; Duane Otto, Iowa State Sheriff's Assn.; Lynn Ford, Pottawattamie County Sheriff; Don Sawyer, Linn County Sheriff; Craig Kellen, Linn County Supervisors; and Gene Kennedy, Ia. State Sheriffs and Deputies Assn.

Williams outlined background of rules--in 1979, the legislature passed requirements that the Department adopt rules for jail regulation. At the time the state was the defendant in a Scott County lawsuit and the legislature removed all standards in the Code and allowed the department to adopt new standards under ch 17A. He discussed the history of the Committee which met to formulate jail standards. Specifically, they looked at standards from other states--Nebraska, Utah, a leader in the field, and Idaho, after which Iowa rules were patterned.

Three basic assumptions were considered: (1) A jail should be a safe place, (2) have a healthy environment and (3) be safe from the standpoint of physical safety of inmates from other inmates. Finally, jails should be constructed to avoid liability on the part of the operators or administrators.

Schroeder announced an economic impact statement had been requested. He questioned whether or not the public would accept the financial burden and he was aware of negative comments.

Responding to question by Chiodo, Muller guessed a third of existing facilities would be in noncompliance in some area.

Marten and Ford spoke in behalf of Iowa sheriffs and deputies. Their position was that DSS exceeded the scope of the legislative intent.

SOCIAL
SERVICES
Cont'd

The Sheriffs Association admits standards are needed but the rules seem to be "a blueprint for total takeover of the county jails in the state by DSS." The Assn. opposes classification of jails as being too costly. Another major problem was the fact that the standards were not annotated when being drafted. Marten concluded that sheriffs control was being jeopardized. Ford commented the time limits were unrealistic and control of the local destiny was being removed. Even though his county has a new jail, he was troubled about surrounding areas.

There was discussion of cost involved in transporting prisoners from a closed facility to an acceptable one. Kellen expressed the concern of Linn County for the impact on their older facilities and the monetary factor involved in transportation would be prohibitive. Discussion of mandatory sentencing which would increase jail population and further complicate matters.

Holden could foresee a serious confrontation on the whole matter. Although he lacked a solution, he was sure citizens would rebel.

Kellen discussed the method Linn County uses in operation of their detention facilities. Linn County cannot comply with the standards as they interpret them at this time. Their operation had passed constitutional muster in the federal court.

Senator Schwengels had served on the task force and was impressed by law enforcement personnel input. He too anticipated confrontations but wanted to alleviate fear that DSS would control jail operations. That would be in direct conflict with home rule. An individual in his district had annotated the rules and he furnished a copy to Royce. Schwengels stressed importance of every facility having a plan in progress. His final point was the federal government, through the courts, has ruled that whether or not funds are available, the problem must be confronted. He added that 70% of prisoners are "pretrial".

Oakley concurred with Senator Schwengels and reasoned it was unfortunate that DSS seemed to be the most available "whipping boy". He commented that public hearings would be held between now and April and written comments would be received in his office. He was concerned that there was expectation by sheriffs, supervisors and counties generally that there was some kind of commitment by the state to help fund these improvements. Oakley continued it was unlikely there would be anything other than the matching appropriation out of the criminal justice improvement fund and Iowa surely does not want mandates from a federal judge.

SOCIAL
SERVICES
Cont'd

3-23-81

Royce interjected the courts had made two major points: (1) When constitutional rights are being considered, budgetary considerations do not enter their deliberations; and (2) pretrial prisoners retain more constitutional rights than an inmate who has been adjudicated.

Holden pondered whether pretrial release was being utilized to full advantage.

Muller explained the classification of jails was intended to establish standards which would allow some counties and cities to individualize their situation. The 60-day time limit was the result of recent court cases. Annotations were prepared, although it was not a requirement at the beginning. They are being reviewed by the AG and will be distributed before the public hearings. He doubted costs would be as substantial as many suspect.

Discussion of overcrowding in the holding areas--"bull pens" or "drunk tanks". Holden took the position that rescheduling work hours of some public employees might alleviate this, e.g., judges, attorneys and courts may need to operate around the clock--"If the problems develop at night, maybe that is when court should be held." Holden declared that this approach would be less costly than adding facilities. Williams envisioned smaller communities would have to hire a part-time magistrate. Ford reported Pottawattamie County magistrates work on Saturdays. He maintained the rules, in areas of training programs and employment for personnel, exceed chapters 80A and 80B, The Code.

Further discussion of pros and cons in requesting an economic impact statement. Oakley discussed the cost of the impact statement and could see problems with "useless" ballpark figures. Members favored the statement and preferred advance knowledge of financial burden.

Marten contended lawsuits would be prevalent under the standards.

Oakley pressed for specifics re the impact statement.

Tieden was under the impression Judge Stuart had based his opinions upon results of a study by the "so-called" specialist, who had high ideals for jails.

It was suggested that the DSS architect could assist with the economic impact statement.

Recess

Chairman Schroeder recessed the meeting for five minutes. Reconvened at 10:30 a.m.

SOCIAL
SERVICES
Cont'd
Ch 55

No recommendations were offered for amendments to 78.14, 81.10(3) and 82.9(2). Clark pointed out grammatical errors in Chapter 46.

Welp explained that work and training program amendments would provide prerequisite courses, clarify amounts allowed on the training plan and add limitations for area colleges.

Schroeder opined the \$10 figure in 55.4(4) was a bit high.

65.4 Under 65.4, food stamp coupons will be mailed to the local office if a household has one mail loss. She told Schroeder that losses approach 2 percent or over \$80,000 monthly. Schroeder could foresee problems for some isolated rural areas. Welp noted there was greater risk of mail theft in urban areas.

79.2 According to Welp, 79.2 was the result of the state assessment by the Health Care Finance and Administration.

Schroeder questioned 79.2(3) "b" but Clark reminded him it used "may" not "shall".

LAW EN-
FORCEMENT
ACADEMY

John Quinn, Legal Instructor, and Ben Yarrington, Assistant Director of the Iowa Law Enforcement Academy appeared for the following:

Minimum standards for officers, ch 1: certification of officers, ch 2:
organization and procedure, 6.5(2) ARC 1818 F 3/4/81

Yarrington indicated suggested changes had been made with the exception of vision requirements in 1.1(9). That provision was the result of much research and consultation with experts in the field. Schroeder viewed it as discriminatory. Yarrington advised that out of 268 agencies across the country, none have more lenient visual standards than Iowa. He distributed copies of a study substantiating his comments. Schroeder contended we were more restrictive than the FBI. He thought correctible lenses should be allowed. Quinn pointed out difference between FBI agents and the policemen on the street.

There was discussion of the problem of deteriorating eye sight of veteran officers. Academy agreed to the point under consideration. Clark interjected that the rule dealt with hiring standards.

Priebe voiced opposition to the requirement of a high school diploma in 1.1(8). However, Royce was of the opinion there was authority. Yarrington stated there were two pending cases on the subject. He was willing to return to the June meeting for further discussion of the issue.

REVENUE

Carl Castelda, Deputy Director, and Ben Brown, Director of Estates in Trust Division, were present to review proposed Chapter 86 of Revenue rules. The rules appear in 3/4/81 IAB as ARC 1857. The rules pertaining to general administration of the state's inheritance tax were developed over a two-year period.

REVENUE
Cont'd

The rules are interpretive of 80 years of court decisions and contain no major change in policy. Prior to 1974, this tax was administered by the courts. Until 1939, the treasurer was the collector.

The Committee stood in brief recess to allow time for Senate members to vote on pending legislation in the Senate Chamber.

Tieden inquired about the public hearing and was informed that only one individual expressed interest. Brown pointed out the rules merely set out present practice.

Clark presented Castelda with a list of grammar problems.

PHARMACY
EXAMINERS

Norman Johnson, Executive Secretary, Pharmacy Examiners, reviewed the following amendments:

Licensure, 1.2 ARC 1814	F	3/4/81
Continuing education, 6.8 ARC 1815	F	3/4/81
Controlled substances, 8.3 ARC 1812	F	3/4/81
Discipline, 10.1 ARC 1813	F	3/4/81

No Committee recommendations were offered.

Committee
Business

Priebe requested selective review of the Transportation rules governing movement of houses.

Clark requested that Social Services rule 109.4--day care--be included in the selective review.

It was decided to place these subjects on the June agenda.

SOIL CON-
SERVATION

Appearing on behalf of Soil Conservation Department were Leon Foderburg and Dan Lindquist. The following rules were discussed:

Financial incentive program, ch 5, notice terminated ARC 1815; renoted ARC 1816	2/18/81
Financial incentive program, 5.7(5) ARC 1817	2/18/81
Surface coal mining and reclamation, 4.6(13) ARC 1814	2/18/81
Civil penalties, 4.6(8) ARC 1813	2/18/81

Discussion of Chapter 5. According to Foderburg, there were two schedules and after the hearing one will be selected based on testimony at the hearing. Schroeder favored 50 percent of the 10-year period.

Re 4.35 (13), Lindquist explained the thrust of the rules was in 4.6(8), a followup on the primary role for the coal regulatory program at the state level. It deals with civil penalties under certain circumstances and patterns state procedure after federal. Lindquist was not sure whether the rule would encourage greater use of Iowa coal.

Schroeder recommended that 4.35(13) be amended by deleting "or any of its agents". No formal action taken.

Bonfield
Seminar

Committee members were amenable to publishing notice of the Bonfield Seminar on Administrative Law in the April 15 Bulletin.

No Reps

No agency representative was called to appear for the following:

ACCOUNTANCY, BOARD OF[10]	
Fee, 14.1 ARC 1831	F 3/4/81
ARTS COUNCIL[100]	
Grants-in-Aid Program, 2.1, 2.3 ARC 1832	F 3/4/81
Form for grants, ch 3 ARC 1833	F 3/4/81
COMMERCE COMMISSION[250]	
General rate increase, 7.4(6) ARC 1860	F 3/4/81
Accounting, 16.5 ARC 1859	F 3/4/81

No Reps
Cont'd

MERIT EMPLOYMENT DEPARTMENT[570]

Overtime, 4.6, 4.8 ARC 1863 F 3/4/81
 Appeals, ch 12 ARC 1861 F 3/4/81
 Grievances and complaints, ch 15 ARC 1865 F 3/4/81
 Political activity, 16.1 - 16.3 ARC 1866 F 3/4/81
 Classified employees, ch 18 ARC 1867 F 3/4/81
 Intermittent appointment, 8.5 ARC 1861 N 3/4/81
 Separation and disciplinary actions, 11.1, 11.2 ARC 1862 N 3/4/81
 Physical therapy and occupational therapy,
 examining board, 137.4(3), 137.6, 139.2 ARC 1856; also, 138.200 ARC 1855 N 3/4/81
 Speech pathology and audiology examiners, 153.3, 153.4, 155.7, 156.2, 156.4, 157.5 ARC 1830 N 3/4/81

PLANNING AND PROGRAMMING[630]

Low-income energy assistance, ch 20, filed emergency ARC 1831 3/4/81
 Iowa rural community development, ch 21, notice terminated ARC 1853 3/4/81
 Highway safety projects, 12.3 ARC 1854 F 3/4/81

RAILWAY FINANCE AUTHORITY[695]

Projects, ch 3 ARC 1835 N 3/4/81

REGENTS, BOARD OF[720]

Admission to three universities, 1.4(1)"a", filed emergency ARC 1852 3/4/81

AGING COMMISSION[20]

Hearing procedure, 9.2-9.5, 9.12, 9.14 ARC 1741 F 2/4/81

ALCOHOLISM, COMMISSION ON[40]

Rules rescinded ARC 1801 F 2/18/81

ARCHITECTURAL EXAMINERS[80]

Fee schedule, 2.5 ARC 1780 F 2/18/81

AUDITOR OF STATE[130]

Mutual deposits, 4.2(2), 4.2(4) ARC 1740 F 2/4/81

AUDITOR OF STATE[130]

Renegotiable rate mortgages, 6.2, 6.3, 6.5, 6.6, filed emergency ARC 1752 FF 2/4/81

Graduated payment adjustable mortgages, ch 10 ARC 1739 N 2/4/81

CONSERVATION COMMISSION[290]

Wildlife habitat stamps, ch 23 ARC 1735 F 2/4/81

Personal flotation devices, 27.13(5), 27.13(8) ARC 1736 F 2/4/81

DRUG ABUSE AUTHORITY[330]

Rules rescinded ARC 1802 F 2/18/81

DENTAL EXAMINERS, BOARD OF[320]

Drugs, labeling, packaging and dispensing, ch 16 ARC 1742 N 2/4/81

HEALTH DEPARTMENT[470]

Reportable diseases, 1.2(1) ARC 1788 N 2/18/81

Immunization, 7.1, filed emergency ARC 1751 FF 2/4/81

Mortuary science examiners, continuing education, 152.101(1) ARC 1794 N 2/18/81

Mortuary science examiners, fees, 147.98 ARC 1750 N 2/4/81

Barber examiners, continuing education, 152.101(1) ARC 1794 N 2/18/81

MERIT EMPLOYMENT DEPARTMENT[570]

Retaking examinations, 3.5(2) ARC 1793 F 2/18/81

PLANNING AND PROGRAMMING[630]

Local and regional planning, ch 8 ARC 1743 N 2/4/81

SUBSTANCE ABUSE, DEPARTMENT OF[805]

Licensure standards, 3.2(11), (13) ARC 1803 F 2/18/81

AGING COMMISSION[20]

Hearing procedure, 9.2-9.5, 9.12, 9.14 ARC 1741 F 2/4/81

ALCOHOLISM, COMMISSION ON[40]

Rules rescinded ARC 1801 F 2/18/81

ARCHITECTURAL EXAMINERS[80]

Fee schedule, 2.5 ARC 1780 F 2/18/81

AUDITOR OF STATE[130]

Mutual deposits, 4.2(2), 4.2(4) ARC 1740 F 2/4/81

AUDITOR OF STATE[130]

Renegotiable rate mortgages, 6.2, 6.3, 6.5, 6.6, filed emergency ARC 1752 FF 2/4/81

Graduated payment adjustable mortgages, ch 10 ARC 1739 N 2/4/81

CONSERVATION COMMISSION[290]

Wildlife habitat stamps, ch 23 ARC 1735 F 2/4/81

Personal flotation devices, 27.13(5), 27.13(8) ARC 1736 F 2/4/81

No Reps
Concluded

DRUG ABUSE AUTHORITY[330] 2/18/81
Rules rescinded ARC 1802 ..F.....

DENTAL EXAMINERS, BOARD OF[320] 2/4/81
Drugs, labeling, packaging and dispensing, ch 16 ARC 1742 ..N.....

HEALTH DEPARTMENT[470] 2/18/81
Reportable diseases, 1.2(1) ARC 1788 ..N.....
Immunization, 7.4, filed emergency ARC 1751 ..F.F.....
Mortuary science examiners, continuing education, 152.101(1) ARC 1794 ..N.....
Mortuary science examiners, fees, 147.98 ARC 1750 ..N.....
Barber examiners, continuing education, 152.101(1) ARC 1794 ..N.....

IOWA FAMILY FARM DEVELOPMENT AUTHORITY[523] 2/4/81
Loan program, 2.7(3) ARC 1776, also filed emergency ARC 1775 ..(p.943)..N..*..F.F.....

MERIT EMPLOYMENT DEPARTMENT[570] 2/18/81
Retaking examinations, 5.8(2) ARC 1793 ..F.....

PLANNING AND PROGRAMMING[630] 2/4/81
Local and regional planning, ch 8 ARC 1743 ..N.....

SUBSTANCE ABUSE, DEPARTMENT OF[805] 2/18/81
Licensure standards, 3.22(11), (13) ARC 1803 ..F.....

REVENUE

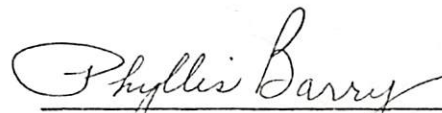
The following Revenue Department Rules were scheduled for review on Wednesday, March 11, and Department representatives appeared. Time did not allow for in-depth discussion and no formal action was taken.

REVENUE DEPARTMENT[730] 2/4/81
Tax on services, 26.16 ARC 1757 ..F.....
Income tax, allocation and apportionment, 54.2(2) ARC 1758 ..F.....
Assessors, examination and certification, ch 72 ARC 1799 ..F.....
Property tax credits and exemptions, ch 80 ARC 1759 ..F.....
Assessor education, 124.6 ARC 1760 ..F.....

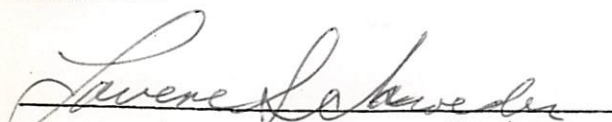
Taxable sales-design charges, 16.4(1) ARC 1754 ..N.....
Taxable and exempt sales, 18.10, 18.11, 18.13, 19.3(3), 19.7 ARC 1755 ..N.....
Assessment practices, ch 71 amendments ARC 1796 ..N.....
Property tax credit and rent reimbursement, 73.8, 73.13, 73.15, 73.21, 73.23 ARC 1797 ..N.....
Property tax exemptions, 78.6 ARC 1798 ..N.....
Gambling, qualified organization, 94.3 ARC 1756 ..N.....

Adjournment Chairman Schroeder adjourned the meeting at 12:30 p.m.
Next regular meeting scheduled for Tuesday, April 14,
7:45 a.m.

Respectfully submitted,


Phyllis Barry, Secretary
Assistance, Vivian Haag

APPROVED


Chairman.

Dated _____