

MINUTES OF THE REGULAR MEETING
of the
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting: Tuesday, December 9, 1980, 9:00 a.m.

Place of Meeting: House Committee Room 1, Statehouse, Des Moines, Iowa.

Members Present: Representative Laverne W. Schroeder, Chairman; Senators Edgar H. Holden and Dale Tieden; Representatives Betty J. Clark and John E. Patchett. Not Present: Senator Berl E. Priebe, Vice Chairman, excused to vacation in Florida.

Also present: Joseph Royce, Committee Staff
Brice Oakley, Rules Coordinator.

PUBLIC INSTRUCTION Chairman Schroeder called the meeting to order at 9:20 a.m. The first order of business was the Department of Public Instruction. The following rules were reviewed:

Motorcycle education, 6.13 ARC 1557 ...*N*..... 11/12/80
Standards for graduate teacher education, ch 20. ARC 0824 ~~terminated~~ ARC 1570 11/26/80
Non-English speaking student programs, ch 57 ARC 1536 ...*N*..... 11/12/80

Representing DPI were Dwight Carlson and Robert Rousch. Standards for motorcycle education programs were presented by Carlson and contained in amendments to chapter 6. Schroeder raised question concerning apparent discrepancy in teacher requirements for motorcycle education.

ch 6

In re 6.13(2), Clark thought DPI was using two different standards. Rousch replied the Department thought alternatives to be an advantage. Iowa uses the Motorcycle Safety Foundation materials. Department officials had a copy of the manual for Committee perusal. There was general discussion of the material contained therein. Rousch explained there were a handful of programs in the state because of scheduling and teacher time--most of the approved programs exist at the state universities and Kirkwood Community College.

ch 57

John Martin, Director, Division of Instruction and Curriculum, said the originally adopted rule by the Board of Public Instruction had been modified. The language in the law had been reaffirmed allowing the local school to decide whether or not to provide the transitional program. Martin reminded the Committee that the DPI had received very little comment from the public re the rule. DPI does not believe the rules to be controversial. Tieden commented that his objection had been met with the modification of the rule.

In re 57.6(1), Tieden questioned the language and Martin responded that it was paraphrase of the law and ceiling

PUBLIC
INSTRUCTION
Cont'd

would be \$400 for grants to local school districts. Schroeder questioned language in 57.3(2) and Martin indicated aides would be used if the teacher were not proficient in the language. Schroeder preferred clarification and Martin was agreeable. Schroeder wondered if school districts would be required to approach School Budget Review Committee for funds. Martin indicated it was a popular program and DPI was certain that would be the case. Iowa has in excess of 10,500 students who are from non-English speaking backgrounds. Seven thousand have mastered English, leaving 3500 in the program at the present time.

Oakley was of the opinion the rule had been generalized. He had expressed concern for the fact that a public hearing had not been scheduled.

57.5(1)a

Schroeder pointed out the use of "and" in the last sentence and thought it to be incorrect. Martin was amenable to changing the word to "or".

Martin opined the major complaint about the rules could be the proration of the funds.

Tieden commented area superintendents had sent their concerns to him.

ENERGY
POLICY
COUNCIL

Douglas Gross represented Energy Policy Council to review Class "A" energy auditors, 5.1, ARC 1565, IAB 11/12/80. According to Gross, an Advisory Committee, which serves the EPC, proposed the rules be taken to hearing for consideration. Hearing was held December 2, 1980, with one individual present. Holden questioned their use of an Advisory Committee and Gross contended existing rules provide for it. The existing rules do not specify committee membership and in order to maintain balance, 5.1(93) had been amended. In response to Holden, Gross said the Committee had no real authority. Holden did not see the necessity for the formal structure, since the Council's action determines guidelines for the energy auditors.

Responding to Holden, the members will receive per diem if the rule is approved. Holden opined they did not have authority to do so.

5.1(3)

Holden took exception to the requirement in the rule. In re 5.1(1)a, Schroeder thought the rules should be identical with 5.1(2). Gross contended some distinction should be made between the person who is licensed and the one who is not. Gross agreed to discuss the matter with the EPC. Schroeder commented he was inclined to place an objection in the matter of requirements to become a class "A" energy auditor.

In Holden's opinion, reciprocity should be provided for associ-

ENERGY
POLICY
COUNCIL
Cont'd

ates. Gross knew of no other states which have associate auditors. ARRC was curious as to time frame for the rules, with the possibility of the matter being discussed at the February meeting.

Tieden was interested in the continuing education requirements. Gross said much would depend upon what happens with the other set of rules. EPC is attempting to obtain comments from individuals who are certified. General discussion of the energy audits process. Patchett arrived.

10:10

a.m.

COMMERCE The following rules were before the Committee:

COMMIS-
SION

Customer notification procedures, 7.4(1), 7.4(8), 7.4(9), 19.4(1) "f" to "i", 20.4(1) "f" to "h" ARC 1568 ...*N*..... 11/26/80
Supplemental energy conservation plan, ch 28 ARC 1558*N*..... 11/12/80
Iowa SAVES America's vital energy, ch 27 ARC 1592*F*..... 11/26/80

Representing Commerce Commission were David Conn, Assistant Council to the Commission and John Murphy, Director, Conservation Programs. The rulemaking re customer notification is a general revision of current notification rules. According to Conn, the major change is in the restriction placed on the use of form notification where a utility is proposing a major change in rate design.

In re 7.4(1)b, Clark recommended change by adding "which is applicable" in line 5. Conn indicated the language was gleaned from the federal rules. Clark requested removal of language in 7.4(1)c(1)a and (2)a. Schroeder and Clark expressed concern about 7.4(1)f(2) and requested modification. Conn was amenable, commenting the mailing should be restricted to customers who receive a regularly scheduled mailing.

Clark questioned use of "at the company's option" in 19.4(1) and 20.4(1), and thought it confusing. Conn agreed to modify the language for clarity. Clark suggested possibly inserting "either after "transmit" in paragraph "g".

Holden commented he'd had complaints that the Commerce Commission was not representing the public and questioned statutory authority of the Commerce Counsel. Conn cited chapter 475 of the Code. Holden was of the opinion that knowledge should be conveyed to the general public. In response to Oakley, Conn said the Counsel was selected by the Commission, subject to Senate confirmation.

Discussion moved to the new chapter 28, Iowa Supplemental Energy Conservation Plan. Murphy presented a background as to the inception of the chapter, which establishes guidelines for rural electric cooperatives and municipal utilities should they choose to participate in the program. The program is voluntary and the National Energy Conservation Policy Act provided the impetus for it. Schroeder queried whether the Commission intended to present a legislative plan to provide authority to apply the program to all utilities. Murphy said the large utilities provide service to large consumers (about 70 percent) and the Commission's intent was to

COMMERCE
COMMISSION
Cont'd

ch 28

develop a plan which would apply to the 30 percent of residential consumers not served by a covered utility (chapter 28). In the preamble, Holden thought "fuel oil, propane and butane suppliers" should be inserted after "Rural Electric Cooperatives". Murphy was amenable, but indicated their participation would be very limited.

Clark suggested clarification by changing the numbering system. There was discussion as to the proper procedure to use. She recommended several other corrections to content. Holden opined chapter 27 should have been discussed before chapter 28. Clark asked for explanation of "master record" in 28.10(2)a. Murphy agreed to clarify.

ch 27

Holden raised the question about having another group of qualified energy auditors and thought it to be duplication. Murphy responded that the federal government requires the Commission to develop a plan and train energy auditors, which has been accomplished in coordination with EPC. Those auditors will not be certified and tested re the chapter 28 plan--each utility will train its auditors. The utility will submit the training program to the state for review. There was discussion of the involvement of out-of-state propane dealers. It will be minimal. In response to Schroeder, Murphy explained the agreement with the Omaha Power District for Iowa residents living at Carter Lake, Iowa, approximately 1000. Residents of Carter Lake will be served under the Nebraska plan. However, protests will be received by the Iowa Commerce Commission. Murphy agreed it was a complicated matter.

27.2

In re definitions, Clark requested removal of repetitive material. Murphy was amenable. Barry suggested following format used in the IAC and agreed to work with Murphy. In re 27.4(4), Clark recommended insertion of "for" before "which" in line 3.

In response to Schroeder, Murphy said the applicability criteria in 27.7(2) had originated in the federal government rules. Murphy said there were new wind energy system requirements which would eliminate property lines and lot size. Holden and Schroeder could see conflict with the Home Rule legislation. Murphy agreed to review the matter.

27.2(20)c

Holden took issue with 27.2(20)c and Murphy said the language was verbatim from the federal government. Murphy said the Commission had not filed protest to the definition and he indicated amendments were forthcoming to improve the rule.

Schroeder recessed the Committee at 10:50 a.m. for ten minutes. Committee was reconvened at 11:00 a.m.

REGENTS

Betty Stanley, Board of Regents, and John V. Sjoblom, Registrar, Iowa State University, were present for review of the following:

Admission and fees to state universities, 1.4 ARC 1537 .N..... 11/12/80

Sjoblom indicated the changes in the rules had been proposed for three reasons: (1) to remove the sexist language (2) review of sections pertaining to married couples in determining residency and (3) interpretation of the 12-month requirement for residency.

In response to Tieden's question whether there were many challenges to the review committee in determining residency, Sjoblom said about five a year. General discussion of 1.4(2)b re residency.

BUREAU OF
LABOR

ch 27

Walter Johnson appeared for discussion of protective clothing and equipment standards for fire fighters, ch 27, ARC 1563, IAB 11/12/80. Johnson explained that an advisory committee had worked on the rules for the past year and a half. He pointed out a problem in that the statutory mandate provided for equipment purchased after January 1979 to be in compliance by January 1, 1981.

Schroeder opined an economic statement might be needed and mentioned the rural volunteer fire departments. Johnson said they had been excluded.

General discussion as to proper procedure to follow.

Royce addressed the Committee on his opinion as to possible legislative intent.

Johnson acknowledged the fact communities had been awaiting the rules before buying new equipment. Bureau of Labor had sent a mailing to fire chiefs around the state and had received no comment about the economic impact. It was pointed out that liability was an important factor.

According to Johnson, the Volunteer Fire Association appeared at the public hearing to voice objection to the definition of Volunteer Fire Department. Discussion by the Committee about recommending a legislative change for the mandatory compliance date.

Johnson could not see that an economic impact statement would be possible. The possibility of placing a delay was discussed. Johnson recommended the legislature address the implementation date. No formal Committee action.

27.2(4)

Clark thought the rule unclear. She also pointed out several changes needed in content of the rules.

AUDITOR
OF STATE

Ken Wilson, Supervisor, Industrial Loan Division, and John Pringle, Savings and Loan Division, reviewed the following:

Industrial loan corporation thrift guaranty Act, 1.28 ARC 1535 .N..... 11/12/80
Mutual deposits, 4.2 ARC 1594 N..... 11/26/80
Renegotiable rate mortgage instruments, 6.2-6.6 ARC 1595 .N..... 11/26/80
NOW accounts, ch 8 ARC 1559 .N..... 11/12/80

Wilson discussed an amendment which had been presented to 1.28(3) as a result of a hearing and distributed copies to Committee members.

AUDITOR OF STATE Cont'd 4.2 Discussion moved to 4.2, mutual deposits, and Pringle explained that Iowa has share associations. It was discovered the language regarding marketable certificates of deposits, jumbo certificates of deposit, early withdrawals, etc. to be obsolete.

6.2-6.6 Pringle said no changes had been made in the rules and commented the long-term mortgage no longer existed.

ch 8 According to Pringle, NOW accounts are checking accounts which will pay interest. Discussion as to whether another set of rules would be needed for savings and loans using NOW accounts.

In re 8.2(2), Clark questioned the meaning. Committee recommended revision. Pringle was amenable.

AGING Discussion was deferred.

COMMISSION Elderly care program, 8.1(6)"a", 8.1(8) - 8.1(11), 8.5(4), 8.5(5), 8.6 - 8.13 ARC 1564 .F.E. 11/12/80

NATURAL RESOURCES COUNCIL Mike Smith, Deputy Water Commissioner, was present for discussion of the following:

NATURAL RESOURCES COUNCIL[550]
Flood plain construction, 5.33(2), filed emergency ARC 1572 .F.E. 11/26/80

Permits to divert, store or withdraw water, 3.2(3)"b", 3.5(4), 3.7, 3.8 ARC 1573 .F.E. 11/26/80

5.33(2) In response to Schroeder, Smith said there had been one appeal in two years about the flood plain construction. In re 5.33(2), pleadings, Tieden questioned the new language and opined it could be limiting in scope. Royce supported the amendment to the rule.

Smith explained the change made in 3.8(1)c allowed an additional year in which a permittee could construct a well. He continued that permits for irrigation wells have caused delays. Holden thought there could be a legal question as to whether the permit would be issued to the landowner or to the land. Smith read from §455A.20 stating the permit is issued to the land.

Tieden questioned Smith as to whether they had worked with the geological survey to avoid duplication of recording information. Smith responded in the affirmative.

Holden asked how well the hearings had been attended. Smith advised the Committee that he had sent press releases to 14 newspapers in northwest Iowa because the Dakota sandstone formation is located in that part of the state. No written comments had been received. Smith spoke of the controversy in Plymouth county about irrigation. In response to Holden, Smith said he had sent information to the Farm Bureau. Smith explained the hearings were held in the Grimes Building on the regular council meeting date, and he supports open meetings on council matters.

Lunch Chairman Schroeder recessed the meeting at 12:05 p.m. to reconvene at 1:30 p.m.

Reconvened Committee was reconvened at 1:30 p.m.

ENVIRONMENTAL
QUALITY DE-
PARTMENT

Discussion of the DEQ rules was deferred temporarily.
Schroeder announced the Merit Department rules would be reviewed.

MERIT EMPLOY-
MENT DEPT.

Wallace Keating, Director, reviewed the following rules:

MERIT EMPLOYMENT DEPARTMENT[570]	
Pay plan, 4.6, 4.8 ARC 1584	N 11/26/80
Retaking examinations, 5.8(2)f ARC 1535	N 11/26/80
Appeals, 12.1 - 12.11 ARC 1586	N 11/26/80
Grievances and complaints, 15.1 - 15.14 ARC 1597	N 11/26/80
Political activity, 16.1 - 16.3 ARC 1588	N 11/26/80
Conduct of classified employees, 18.1 - 18.4 ARC 1589	N 11/26/80
MERIT EMPLOYMENT DEPARTMENT[570]	
Confidential employee defined, 1.1(53) ARC 1578	F 11/26/80
Confidential classified employees, 2.4 ARC 1579	F 11/26/80
Classification plan, 3.1(6) ARC 1580	F 11/26/80
Pay plan, 4.5(1'b), 4.5(8) ARC 1581	F 11/26/80
Provisional appointment, 8.4 ARC 1582	F 11/26/80
Administration, 19.1 - 19.5 ARC 1583	F 11/26/80

In response to Schroeder, Keating said pay plan rules 4.6 and 4.8 coincide with the contract. Keating indicated the rules pertain to DOT. General discussion of procedure used in determining compensatory time and overtime. Tieden had had many complaints from DOT employees that "comp" time was mandatory, rather than optional. Keating responded the contract provides the option.

4.6, 4.8

Keating said the rule had been changed to use the last test score to alleviate confusion and cost to the department. Keating, responding to Tieden's question, said certification is based on the test scores--the five highest of the top ten. That will be changed after January 1 to six scores.

12.1-12.11

According to Keating, the chapter had been updated to remove ambiguity and for clarification.

12.10(1)f

Clark thought the language to be unclear. Oakley's suggestion was to delete the first sentence. Keating was amenable.

In response to Tieden, Keating said collective bargaining has its own appeal and grievance process.

ch 15

The chapter has been updated as a result of suggestions from agencies for clarification. Keating discussed process of appeal for demotion, dismissal or grievance.

ch 16

Schroeder requested addition of "in excess of 68B.5" to 16.1(5). Keating and Oakley did not believe the addition to be necessary. Schroeder also questioned language in 16.1(8). Oakley advised Keating that his office was reviewing this particular set of rules and asked Keating to check with him before they are docketed.

16.1(2)

Holden opined the rule to be more restrictive than intended. Keating responded the change had been made at agency request stating it did not negate if the individual were neglecting his duty in any other way.

MERIT EMPLOYMENT Cont'd In re chapter 18, Keating indicated it contained a general statement for code of conduct for a classified employee. Clark opined it was regrettable that the statement was necessary.

1.1 Keating said the rule contains definition for confidential employee
2.4 In re 2.4, the rule states administrative procedure for the confidential employee.

8.4 Keating said the rule included a statement that permanent probationary employees cannot be provisional because they already have status. The rule applies to those who have no status.

19.1-19.5 Keating advised the Committee changes clarify certain provisions as a result of amendments to chapter 17A, The Code.

Discussion of the testing used by Merit Employment. Tieden cited a case where an individual who took the test, obtained the highest score but did not get the job. Keating could not provide an answer and he admitted the system wasn't perfect.

ENVIRONMENTAL QUALITY Odell McGhee represented DEQ for review of the following rules:

ENVIRONMENTAL QUALITY DEPARTMENT[400]
Report of hazardous conditions, 41.2, filed emergency ARC 1537 FE 11/17/80
ENVIRONMENTAL QUALITY DEPARTMENT[400]
Financial assistance, construction of municipal sewage works, 19.2(12) ARC 1569 F 11/26/80

41.2 In re 41.2, McGhee indicated the rule was written to correct an error in printing the telephone number.

19.2(12) McGhee explained 19.2(12) with respect to modification regarding grants as well as the sewer issue in Des Moines. Also, there had been three notices dealing with this area. The subrule also addresses the 5 percent reserve of the federal allotment for funding of projects in unsewered communities.

Oakley opined the process of reimbursement would be further speeded up for communities.

In a matter not officially before the Committee, Oakley discussed the governor's rescission of rules of the Professional Teaching Practices Commission with respect to corporal punishment and non-performance..

TRANSPORTATION DEPT. The following rules were before the Committee for review:

TRANSPORTATION, DEPARTMENT OF[820]
Interstate registration and operation of vehicles, [07.F] 1.3(1)*a, "d", and "e", 1.3(2), 1.3(2)*d, 1.3(3)*a, 1.3(4)*a, 1.3(5)*a*(2), 1.3(5)*a, 1.3(5)*b*(2), 1.3(5)*c, 1.3(6), 1.4(1), 1.6, 1.7, 1.9, 1.11, 1.12, 1.16 ARC 1531 F 11/12/80
Truck operators and contract carriers, [07.F] 3.1(5), 3.2(1), 3.2(2)*b, 3.2(3)*b, 3.2(5), 3.2(6), 3.2(9), 3.3(2), 3.3(3), 3.1(9), 3.5(1) ARC 1532 F 11/12/80
Interstate motor carriers, [07.F] 5.2, 5.3 ARC 1533 F 11/12/80
Liquid transport carriers, [07.F] 13.8 ARC 1534 F 11/12/80

TRANSPORTATION, DEPARTMENT OF[820]
Certified carriers, [07.F] 4.4(1), 4.10(1)*a*(2), 4.10(2), 4.10(3), 4.5(1), 4.6(1) - 4.6(3), 4.7(3)*d, 4.9, 4.14(4) ARC 1553 11/12/80
Interstate motor vehicle fuel permits and transport carrier registration, [07.F] 7.4(2), 7.7(2) ARC 1554 11/12/80
Liquid transport carriers, [07.F] 13.3, 13.4(1), 13.5(2) - 13.5(4), 13.8, 13.11(4) ARC 1555 11/12/80
Special great river road fund, [08.E] ch 2 ARC 1566 11/26/80
Special review - sign control

TRANSPOR-
TATION
DEPARTMENT

Officials representing DOT were Candy Bakke, Jim Charlier, Ron Egeland, Sign Control, and Jim Grane, Right of Way. Also present were Winton Etchen, Iowa Chemical and Fertilizer, Wm. Clemen, Green Valley Chemical Corp, Creston and Paul Pellett, Atlantic.

13.8

According to Bakke, major changes in the rules were made at the request of the ARRC. In re 13.8, Bakke commented the Fertilizer Association had petitioned for rulemaking and research by DOT indicated federal law takes precedence when an operation is interstate in nature.

There was discussion of the financial impact of enforcement of the federal law requiring 275 psig for liquid transport carriers. Clemen discussed the jeopardy to his company should the state vigorously enforce the provision. There was general agreement Congressional action was needed. Schroeder suggested the interested groups write to Iowa's Senators and Congressmen.

Pellet recommended the rule not be adopted, and suggested the state could exempt it. Pellet pointed out the 1000 gallon tanks had been exempted. Bakke opined DOT could not exempt the matter.

Delay

13.8

NOTE

Patchett commented the real problem was that DOT was not enforcing the rule. He suggested placing a 70-day delay to allow time for further study. After discussion, Patchett moved a 70-day delay be placed on the amendment to [07,F]13.8. Motion carried with 5 aye votes. Priebe absent and not voting.

Tieden commented that some states succeed in challenging federal rules. Etchen informed the Committee that the Fertilizer Association would have pursued the matter at the federal level, but had found out other states said they were successful in exempting themselves. Etchen said they would send a petition to the federal government.

13.3(1)

Schroeder was of the opinion the requirement for four-inch lettering was excessive. He was disturbed by the adoption of over 2000 pages of federal regulations as Iowa rules. Holden commented the matter of adoption by reference had been discussed at the National Conference on State Legislatures at Salt Lake City.

Ch 2

[08,E]

Discussion moved to chapter 2, special great river road fund, and Jim Charlier, office of project planning, discussed administration of the fund. He said certain restrictions were eliminated and obsolete language was removed.

Holden questioned the possible problem with getting into cash flow in the loan process. Charlier commented that the farm-to-market road fund balance was almost \$33 million. In the next five to ten years, counties will have more projects and the cash balance is expected to drop. Money on loan in the great river fund

TRANSPOR-
TATION
DEPT.

would not be a significant factor in the cash balance of the farm-to-market road fund--\$970,000 is outstanding on loan and will be returned before 1989. He said they would be able to loan as much as another million dollars to counties.

Tieden was concerned about the inadequacy of the bridges around the state and wondered if any interest had been shown in using farm-to-market funds for repair or replacement of them. Charlier was unable to supply any information on the matter.

Special
Review--
Sign
Control

Egeland, responding to Schroeder, commented DOT was definitely relaxing the sign control law. Tieden cited several other states where signs existed and federal funding had not been withdrawn. Egeland indicated they were probably not "bonus states" and he pointed out Iowa had received approximately \$75 million over the last ten years.

Schroeder reported that he had received complaints from churches who had been given a 30-day deadline in which to remove noncompliance signs. He considered this an example of poor public relations. Egeland indicated that he had alerted enforcement personnel to discontinue the "deadline" letters.

In response to Holden about possible repeal of the sign law, Grane said that the program would be completed in approximately 18 months. Holden noted that junkyard encroachment was still existent along highways. Grane admitted this to be a difficult area.

Tieden was concerned about signs for parks and recreational areas and thought they should be more visible. General discussion of the background of the sign control law.

REVENUE

Carl Castelda from Revenue Department reviewed the following:

REVENUE DEPARTMENT[730]

Persons authorized to practice before department, 7.6 ARC 1561 .. *N* 11/12/80
Sales and use tax on services, 26.16 ARC 1575 *N* 11/26/80
Assessor education commission, course certification, 124.6 ARC 1576 *N* 11/26/80
Assessor education commission, courses, 124.6, filed emergency ARC 1560 *FE* 11/12/80

REVENUE DEPARTMENT[730]

Assessor education commission, administration and courses, 122.4, 124.3 ARC 1577 *F* 11/26/80

Castelda, in re 26.16, said rulemaking was initiated as a result of statutory change re electrical repair and installation. There was discussion of the exception in the Code where "electrical installation" was excluded from sales tax.

Amendments to assessor education rules were corrective. Schroeder questioned language in 124.3(441) stating the course is at least one hour (fifty minute period) in length. He was advised that was standard practice in college courses.

7.6

Castelda explained the rule was amended to allow individuals who are enrolled under CFR §10.6 for practice before Internal Revenue to represent a taxpayer before state Department of Revenue in income tax matters. In response to Royce, attorneys are allowed to appear before the Department of Revenue.

12-9-80

SOCIAL
SERVICES

Judith Welp, Manual and Rules Specialist, reviewed the following:

SOCIAL SERVICES DEPARTMENT[770]
ADC, assignment of support payments, 41.2(7)a, "c", and "e"(3) ARC 1540 ..N..... 11/12/80
Food stamp program, ch 65 ARC 1541 ..N..... 11/12/80
Medical assistance, hearing aids, 78.14(5) ARC 1551 ..N..... 11/12/80
Application for services, 150.2(1), filed emergency ARC 1546 ..EE..... 11/12/80
Legal services, rescinds ch 159 ARC 1552 ..N..... 11/12/80
SOCIAL SERVICES DEPARTMENT[770]
Hearing attendance, 7:14 ARC 1550 ..F..... 11/12/80
Supplementary assistance application, 50.2(2), 50.2(3) ARC 1542 ..F..... 11/12/80
Medical assistance, hearing aids, 78.14(5) ARC 1543 ..F..... 11/12/80
Juvenile detention homes, 105.1(7), 105.5(1) ARC 1544 ..F..... 11/12/80
Services, waiting list, 130.6(1) ARC 1545 ..F..... 11/12/80
Foster care services, 136.1(5), 136.1(8) ARC 1547 ..F..... 11/12/80
Foster care payments, 137.8(4), 137.11 ARC 1548 ..F..... 11/12/80
Adoption investigator, 139.4(10), 139.4(11), 139.13 ARC 1549 ..F..... 11/12/80

ch 65 Welp explained that amendment to chapter 65 was a result of a proposed federal regulation, clarifying situations where a trust fund would not be counted as a resource. Oakley suggested insertion of the federal register citation. Welp was amenable.

78.14(5) In re 78.14(5), Welp said the Department had decided more clarification was needed on payment for hearing aids. The subrule raises the dispensing fee. Oakley suggested the next appropriations bill should address the matter.

8.6(1) As a result of petition by Legal Services Corporation, the rule was changed re attendance at hearings.

50.2(2)(3) According to Welp, the rule clarifies application process for SSI.

105.1(7),
105.5(1) In re 105.1(7) and 105.5(1), Welp said the rule relaxes the staffing standards for small juvenile detention facilities. Facilities having five or fewer residents are not required to have two people on duty at all times. However, an on-call system is necessary.

130.6(1) Rule 130.6(1) provides a waiting list for services which are not available at the time eligibility is determined.

137.8(4)
137.11 Welp explained that the Department had originally intended subrules 137.8(4) and 137.11 provide emergency care in shelter care facilities and they were reworded to distinguish between payment for family homes and group facilities.

General discussion of foster care rates.

ch 139 Chapter 139 amendments clarify the role of the adoption investigator and outline procedures for release of information in adoption records. The Committee discussed the fact that the law might need revision in the area of adoption information.

Schroeder asked Committee members if anyone had questions about rules for which no agency representative had been called. No questions were forthcoming re the following:

NO AGENCY
REPRESENTATIVE
Cont'd

BLIND. COMMISSION FOR[160]
Vending facilities, ch 4 ARC 1539 ..F..... 11/12/80
CONSERVATION COMMISSION[290]
Timber buyers, ch 49 ARC 1590F..... 11/26/80
Wild turkey hunting, 111.1, 111.2, 111.4 ARC 1591F..... 11/26/80
EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD[340]
Pay increase eligibility, 3.5(2)"b" ARC 1562F..... 11/12/80
HEALTH DEPARTMENT[470]
Acute bed care need, 203.1(1)"c"(2), filed emergency ARC 1574 Technical Δ.....F.F..... 11/26/80
HEALTH DEPARTMENT[470]
Barbering school instructor, 152.2(1) ARC 1571F..... 11/26/80
IOWA FAMILY FARM DEVELOPMENT AUTHORITY[523]
Organization and procedural rules, ch 1 ARC 1556F..... 11/12/80
LABOR, BUREAU OF[530]
Elevator inspections and operating permit fees, 75.1 - 75.5 ARC 1593F..... 11/26/80
PUBLIC EMPLOYMENT RELATIONS BOARD[660]
Organization, 1.2 - 1.4, 1.6(2) ARC 1596F..... 11/26/80
General practice and hearing procedures, 2.1, 2.2, 2.5, 2.9, 2.11, 2.12(1), 2.12(3), 2.15(3), 2.19 - 2.21 ARC 1597F..... 11/26/80
Prohibited practice complaints, 3.1, 3.4, 3.5(1), 3.5(2), 3.6, 3.10 ARC 1598F..... 11/26/80
Bargaining unit and bargaining representative determination, 4.1(3), 4.2(1) - 4.2(3), 4.2(6)"a", "c" and "d", 4.3(1), 4.3(3), 4.4(2), 4.5 ARC 1599F..... 11/26/80
Elections, 5.1(2)"a", "b", 5.1(4), 5.1(5), 5.2(1), 5.3, 5.4(1)"c" and "e", 5.4(2), 5.6 ARC 1600F..... 11/26/80
Negotiations and negotiability disputes, 6.3(2), 6.5 ARC 1601F..... 11/26/80
Impasse procedures, 7.2, 7.3(2), 7.3(3), 7.3(5), 7.3(7), 7.4(1), 7.4(3), 7.4(6), 7.4(9), 7.5(5) - 7.5(10), 7.7(1), 7.7(4) ARC 1602F..... 11/26/80
Internal conduct of employee organizations, 8.2(2)"f" ARC 1603F..... 11/26/80
Administrative remedies, 9.1(1), 9.2(2) - 9.2(4) ARC 1604F..... 11/26/80
Declaratory rulings, 10.1 - 10.6 ARC 1605F..... 11/26/80

REGENTS, BOARD OF[720]
Purchasing, 8.6(1) - 8.6(4) ARC 1538F..... 11/12/80

January Meeting There was discussion of holding a special meeting sometime during the week prior to the convening of the General Assembly in January. Due to various conflicts, it was decided to postpone final decision. [January 8 and 9 were scheduled]

AGING COMMISSION Ronald Beane, representing Aging Commission, appeared. No questions were asked. [See page 1377 of these minutes]

Business Chairman Schroeder reported to the Committee that he had authorized expenses for Senator Holden's attendance at the NCSL meeting in Salt Lake City. Tieden moved that the Committee concur with Schroeder's action. Members present voiced no objection.

Minutes Disposal of the minutes for the November meeting was deferred until January.

Adjournment Committee was adjourned at 4:15 p.m. to reconvene in January.

APPROVED:

Respectfully submitted,

Luene Schroeder
CHAIRMAN

Phyllis Barry
Phyllis Barry, Secretary
Assistance of Vivian Haag

AGENDUM

The Administrative Rules Review Committee will hold a special meeting, Thursday, January 8, 1981, 9:00 a.m., and Friday, January 9, 1981, 9:00 a.m., ~~Senate~~ Committee Room 24. This meeting is in lieu of the statutory date of January 13. The following rules will be reviewed.

THURSDAY

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CONSERVATION COMMISSION[290]

10:00 Wildlife refuges, 3.1, 3.2 ARC 1646 ... *N*..... 12/24/80 743

HEALTH DEPARTMENT[470]

10:20 Nonpublic water wells, 45.1(6), 45.2, 45.3, 45.5(2), 45.5(3), 45.5(4)"b", 45.6(4), 45.6(5), 45.7(1)"a",
45.8(1)"a"(2), 45.8(1)"a"(4), 45.10 - 45.12 ARC 1663 ... *N*..... 12/24/80 743
Vital statistics, 96.2, 98.7, 99.7, 100.5, 101.9, 102.10, 104.3 ARC 1639 ... *N*..... 12/24/80 745
Chiropractic examiners, 141.1(9), 141.1(16), 141.1(17), 141.11(2), 141.11(3)"d", 141.13(1)"d", "f" and "g",
141.13(3), 141.13(4), 141.13(11), 141.24(3)"a", 141.24(5)"a", 141.24(6)"a", 141.24(7)"a"(2), 141.24(27),
141.62(4), 141.66(1), 141.73 ARC 1617 ... *N*..... 12/10/80 704
Chiropractors, continuing education, 141.66 ARC 1615 ... *N*..... 12/10/80 705
Cosmetology examiners, license to practice electrolysis, 149.8 ARC 1607 ... *N*..... 12/10/80 706

HEALTH DEPARTMENT[470]

10:20 Physical therapy, continuing education, 138.2(1), 138.2(4) ARC 1638 ... *F*..... 12/24/80 762
Chiropractic examiners, disciplinary actions, 141.41(25), 141.41(27), 141.41(28)"c", 141.41(29) - 141.41(32),
141.41(35)"a", "b" and "d" ARC 1614 ... *F*..... 12/10/80 727
Certificate of need, 203.4(2)"b", "f" - "p", 203.4(3), 203.4(5)"c" and "d", 203.4(6)"b" - "d", 203.4(9) ARC 1666 ... *F*..... 12/24/80 763

NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS[600]

10:30 Licensure, 2.2(3) ARC 1637 ... *N*..... 12/24/80 745

EMPLOYMENT SECURITY[370]

10:45 Employer's contribution and charges, 3.8, 3.17(11), 3.41(3), 3.43(4)"a", 3.43(11)"a" and "b", 3.46(2),
3.49(1)"a", 3.55, 3.63, 3.70(12), 3.82(2)"a"(1), "g", "n"(6) ARC 1652 ... *F*..... 12/24/80 756
Claims and benefits, 4.1(24), 4.1(25), 4.1(25)"b"(8), "c"(3) and (5), 4.1(26)"b", 4.1(38)"a" and "f",
4.1(61), 4.1(68), 4.1(133), 4.1(134), 4.2(1)"a" and "b", 4.2(1)"b"(8), "d", "e", "h", "k", 4.2(2)"b",
4.4(1), 4.5(2), 4.5(2)"g", 4.6(2)"d", 4.7(1)"d"(1), 4.10(1), 4.11(1)"a", 4.11(2) - 4.11(10), 4.22(1)"y",
4.25(41), 4.26(8), 4.26(9), 4.26(14), 4.37(1)"e", 4.43(5), 4.50, 4.51 ARC 1653 ... *F*..... 12/24/80 758
IPERS, 8.5(1)"a"(31) - (33), 8.11(7), 8.12(9), 8.13(2), 8.13(6), 8.14(2), 8.19(6) ARC 1609 ... *F*..... 12/10/80 725
Federal social security, 9.4(1), 9.5(2), 9.5(3), 9.7(1) - 9.7(3) ARC 1610 ... *F*..... 12/10/80 726
Forms, 10.4 ARC 1611 ... *F*..... 12/10/80 726

TRANSPORTATION, DEPARTMENT OF[820]

11:15 Vehicle registration and certificate of title, [07,D] 11.1(4) - 11.1(6), 11.7(1), 11.25, 11.35,
11.41, 11.42, 11.46, 11.46(2), 11.59 ARC 1647 ... *F*..... 12/24/80 794
Motor vehicle inspection, [07,E] 21.2(1), 21.2(2), 21.2(5), 21.3, 21.3(3), 21.3(6), 21.3(9), 21.4(2), 21.4(4),
21.5, 21.7(1), 21.9(1), 21.12(1) - 21.12(4), 21.13, 21.13(1), 21.13(3), 21.15(4), 21.15(5), 21.15(8)"a" and "c"(2) ARC 1648 ... *F*..... 12/24/80 797

TRANSPORTATION, DEPARTMENT OF[820]

11:15 Motor vehicle axles, [07,F] ch 9, filed emergency ARC 1606 ... *FE*..... 12/10/80 720

LUNCH

ENVIRONMENTAL QUALITY[400]

1:30 Air quality, emission standards for contaminants, 4.3(2)"b" ARC 1608 ... *N*..... 12/10/80 703

PHARMACY EXAMINERS, BOARD OF[620]

1:50 Continuing education program attendance, 6.8(1) ARC 1643 ... *N*..... 12/24/80 746
Controlled substances, S.3 ARC 1644 ... *N*..... 12/24/80 746
Discipline, 10.1(10) - 10.1(12) ARC 1645 ... *N*..... 12/24/80 746

PHARMACY EXAMINERS, BOARD OF[620]

2:00 Licensure, 1.13(1), 1.13(3), 1.14 ARC 1640 ... *F*..... 12/24/80 766
Renewal date and fee, 4.1 ARC 1641 ... *F*..... 12/24/80 767
License renewal, 6.8, 6.8(2), 6.8(3), 6.8(5) - 6.8(7), 6.8(9), 6.8(10) ARC 1642 ... *F*..... 12/24/80 767

SOCIAL SERVICES DEPARTMENT[770]

2:10 Child support recovery, 95.6, filed emergency after notice ARC 1626 ... *N, F, F*..... 12/10/80 719
Nonassistance child support recovery, 96.7, filed emergency after notice ARC 1627 ... *F, F, F, N*..... 12/10/80 719
Child care centers, 109.3(1), 109.6(1), 109.6(3)"b", "c" and "d" ARC 1618 ... *N*..... 12/10/80 716
Case management, 130.6(2) ARC 1619 ... *N*..... 12/10/80 717
Child day care services, 132.4(3)"b" ARC 1620 ... *N*..... 12/10/80 717

AGENDUM Cont'd

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SOCIAL SERVICES DEPARTMENT[770]			
2:20	Mental health resources, 28.2(3), 28.2(8) - 28.2(10), 28.3(1), 28.11, 28.12 ARC 1621.F.....	12/10/80	730
	Supplementary assistance, 54.2 ARC 1622.F.....	12/10/80	731
	Medical assistance, 78.1(2)"a"(5), 78.2(2), 78.4(1)"g"(1), 78.6(13), 78.6(16), 78.7(4) ARC 1623.F.....	12/10/80	732
	Medical assistance, copayment by recipient, 79.1(4) ARC 1624.F.....	12/10/80	733
	Nonassistance child support recovery program, 96.1 - 96.6 ARC 1625.F.....	12/10/80	734
SOIL CONSERVATION DEPARTMENT[730]			
2:40	Surface coal mining, penalties, 4.6(8) ARC 1667.N.....	12/24/80	750
	Iowa financial incentives program for soil erosion control, 5.30 - 5.33 ARC 1668.N.....	12/24/80	751
SOIL CONSERVATION, DEPARTMENT OF[780]			
2:40	Surface mining and soil reclamation, ch 4 ARC 1669.F.....	12/24/80	780
	Iowa financial incentive program for soil erosion control, ch 5 ARC 1670.F.....	12/24/80	782
3:20-3:30 Break			
3:30	NURSING, BOARD OF[590]		
	Nursing practice for registered nurses, licensed practical nurses, ch 6 ARC 1629.N.....	12/10/80	707
FRIDAY			
9:00	Public Instruction		
	Notice: School Permits ARC 1493	10/29/80	470
REVENUE DEPARTMENT[730]			
9:30	Sales and use tax, 6.1(2), 6.1(3)"i", 8.1(6)"d", 11.6(2), 12.10, 12.11, 15.6, 15.19, 16.35, 16.37, 17.1(5)"j" and "t", 17.14(1), 18.6, 18.7(1)"a", 18.15, 18.18, 18.42, 26.2(6)"e", 26.21, 26.48, 30.1(1), 30.10(1), 34.3, 34.4, 34.5(6) ARC 1655.F.....	12/24/80	768
	Individual income tax, 38.9, 40.4, 40.9, 40.14, 40.17(3), 43.3(3) ARC 1656.F.....	12/24/80	774
	Penalty and interest, 44.3 ARC 1657.F.....	12/24/80	775
	Corporation tax, 52.5(2), 53.2(3), 53.8, 53.9 ARC 1658.F.....	12/24/80	776
	Franchise tax, 58.5(2), 59.2(1) - 59.2(3), 59.3, 59.6 - 59.9 ARC 1659.F.....	12/24/80	777
	Motor fuel, 63.8, 63.17, 63.25(2)"c", 64.3, 64.4, 64.14, 64.18, 65.6(4), 65.12, 65.15, 65.17 ARC 1631.F.....	12/10/80	728
	Real estate transfer tax and declaration of value, 79.2(2), 79.2(10), 79.5(4), 79.5(5), 79.6 ARC 1660.F.....	12/24/80	778
	Cigarette tax, 81.10(1), 81.15, 82.6(5) ARC 1661.F.....	12/24/80	779
	Gambling, 91.1, 94.2 ARC 1635.F.....	12/10/80	729
REVENUE DEPARTMENT[730]			
10:00	Corporation tax, allocation and apportionment, 54.2(2)"b" and "e" ARC 1632.N.....	12/10/80	730
	Assessors, examination and certification 72.2, 72.7, 72.9, 72.10(2), 72.12, 72.14 - 72.18 ARC 1654.N.....	12/24/80	777
	Property tax credits and exemptions, ch 80 ARC 1633.N.....	12/10/80	711
10:30	AUDITOR OF STATE[130]		
	Renegotiable rate mortgages, 6.1(3), 6.2, 6.3, 6.6 ARC 1664.N.....	12/24/80	741
10:50	HOUSING FINANCE AUTHORITY[495]		
	Assumption of mortgages, 2.10 ARC 1613.N.....	12/10/80	706
AGRICULTURE DEPARTMENT[30]			
11:00	Livestock importation, 17.1, 17.2(3), 17.3(1), 17.3(2), 17.4(1) - 17.4(3), 17.5 - 17.7, 17.9 - 17.11 ARC 1630.F.....	12/10/80	721
	Livestock movement, 18.1(3), 18.2, 18.3(6), 18.3(8), 18.4(5), 18.5 - 18.8, 18.9(2), 18.11 ARC 1631.F.....	12/10/80	723
11:20	LABOR, BUREAU OF[530]		
	Consultative services and training, chs 6, 8 and 9 ARC 1665.F.....	12/24/80	765
11:30	SPECIAL REVIEW:	10/15/80	4000
	Engineering Examiners:		
	Notice: Plats ARC 1472		
11:40	COMMERCE COMMISSION[250]		
	Financing of energy conservation measures, 27.11(1), 27.11(8) ARC 1628.N.....	12/10/80	703

No Agency Representative Appearance
Requested for any of the following:

N/R	CIVIL RIGHTS COMMISSION[240]		
	Contested case hearings, 1.9(5)"a" ARC 1662.F.....	12/24/80	756
N/R	INSURANCE DEPARTMENT[510]		
	Property and casualty insurance rate, 20.6 ARC 1612.F.....	12/10/80	738
N/R	SUBSTANCE ABUSE, IOWA DEPARTMENT OF[805]		
	Standards for treatment programs, 3.22(11)"b", 3.22(13) ARC 1636.N.....	12/10/80	718