

MINUTES OF THE SPECIAL MEETING  
OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting

The special meeting of the Administrative Rules Review Committee was held Tuesday and Wednesday, August 16 and 17, 1988, Committee Room 22, State Capitol, Des Moines, Iowa, in lieu of statutory date.

Members Present

Senator Berl E. Priebe, Chairman; Representative Edward G. Parker, Vice Chairman; Senators Donald V. Doyle and Dale L. Tieden; Representatives David M. Tabor and Betty Jean Clark. Staff present: Joseph A. Royce, Counsel; Phyllis Barry, Administrative Code Editor; Vivian Haag, Executive Administrator. Also present: Barbara Burnett, Governor's Administrative Rules Coordinator.

Convened

Chairman Priebe convened the Tuesday meeting at 10:05 a.m. and called up the following rules:

REVENUE AND  
FINANCE  
DEPARTMENT

Taxable and exempt sales determined by method of transaction or usage, 18.44(6), 18.44(8), 18.48 ARC 8990 .....N. 7/13/88  
Income tax, 38.10(9), 39.1, 39.5(8)"c," 39.5(9)"c" and "d," 39.6(3), 39.7, 39.9, 40.1, 40.4, 40.10, 40.11, 40.28, 40.29 to  
40.32, 41.4, 41.5, 42.2, 43.4(3), 43.7, 43.7(2), 43.7(3), 43.7(5) to 43.7(7), 46.4(1), 46.4(2)"11," 46.4(6), 49.6  
ARC 8988 .....N. 7/13/88  
Corporation tax, 51.1(2), 52.5(2) ARC 8987 .....N. 7/13/88  
Filing returns, payment of tax and penalty and interest, 52.1(5)"d" and "e" ARC 8986 .....N. 7/13/88  
Motor fuel, special fuel, 64.1"4," 64.4(3), 64.7(1), 64.8, 64.9, 64.13, 65.1, 65.2 to 65.9, 65.11 to 65.16, 65.18, 65.20  
ARC 8989 .....N. 7/13/88  
Board of review, 71.20(1)"b," 72.12, 72.14(1), 73.19, 73.20(3), 80.1(4)"a," 123.4 ARC 9043 .....N. 7/27/88

Carl Castelda, Deputy; Gene Eich, James Hamilton and Ed Henderson were in attendance. Also present, Linda L. Campbell, Cass County Assessor; Mona Bennigsdorf, Ida County Assessor; Jack Newell, I.S.A.A., Polk County Assessor.

Castelda explained that \$3.6 million was appropriated by the General Assembly for refunds of sales, service or use tax paid on purchase or rental of certain farm machinery, etc., used in livestock or dairy production. The program has generated less than 350 claims for a total of under \$110,000.

18.48(1)

Priebe questioned the necessity of the examples provided in 18.48(1)"a" and "g." He took the position that the listing could expand ad infinitum.

Castelda spoke of the Department's preference for examples to further clarify the rules. However, he would be amenable to deletion of confusing language.

Tieden was advised that for the present refund period, tax paid on labor is refundable.

38.10(9)  
et al.

Castelda gave brief overview of the numerous changes in the Iowa individual income tax law. No questions.

REVENUE AND  
FINANCE  
DEPARTMENT  
(Cont.)  
51.1(2)

Amendments to 51.1 and 52.5 reflect provisions of SF 2074 and HF 2451 with respect to public traded corporations. Federal provisions were adopted and would not require additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions.

52.1(5)

No recommendations re 52.1(5) "d" and "e."

64.1 et al.

In review of 64.1 et al., Castelda indicated that 64.9, pertaining to refund permit, would be clarified.

71.20 et al.

There was review of amendments to Chapters 71 et al. and controversy which had developed over the examination of assessors and placement of deputy assessors on eligibility lists. Newell referred to correspondence sent to the Administrative Rules Review Committee wherein he pointed out conflicting language in H.F. 105 relative to continuing education requirements.

72.12

Discussion centered on rule 72.12 which was essentially a repeat of the statute. Eich reasoned that the rule was not necessary. Royce opined that the Department had followed the statute and, therefore, the ARRC had no grounds for opposition. Tabor arrived.

AGRICULTURE  
AND LAND  
STEWARDSHIP  
DEPARTMENT

Walter Felker, State Veterinarian; Lynette Donner, Assistant Attorney General; David Werning, Ron Rowland, and Lowell Anderson were present for the Department. Also present: D.E. Weaver, USDA; Jeff Schnell, Iowa Pork Producers. The agenda follows:

Infectious and contagious diseases - pseudorabies disease, 16.147(2), 16.147(3), 16.147(6), 16.147(9), 16.147(12),  
16.118 to 16.163 ARC 8852 *70-Day Delay* ..... *R.* 6/16/88  
Public records and fair information practices, 6.14 to 6.16, ARC 9026, also filed emergency ARC 9026 ..... *ALFE* 7/27/88

Pseudorabies

Chairman Priebe thanked Dr. Felker for the fiscal impact report. Priebe referenced a new vaccine announced by Iowa State University and recommended that Agriculture consider withdrawal of the present rule. He recommended an emergency rule to provide for monitoring of swine coming into Iowa. Priebe favored compromise to find an acceptable plan for all.

Tieden inquired as to availability of the new vaccine. Felker was unable to respond at this time but assumed that it would be used by the majority. Felker continued that 85 to 88 per cent of Iowa pigs are sold privately from farm to farm. Sale barn compliance rules are followed. An incentive to clean up herds alleviates worry.

Parker asked if the new vaccine had been considered in the fiscal impact. Felker reminded that the study was completed prior to availability of the new test vaccine. Parker continued that a 3.7 or 3.8 per cent cost benefit ratio with implementation of an eradication project would be potentially better and Felker agreed. Parker suggested that the new product be examined and the program reevaluated.

AGRICULTURE  
AND LAND  
STEWARDSHIP  
DEPARTMENT  
(Cont.)

Tabor reminded that the 70-day delay was in effect until late September and it was his opinion that the state should move ahead with the program.

No comments re 6.14 to 6.16.

PUBLIC SAFETY  
DEPARTMENT

Michael Coveyou, Michael Rehberg, and Tim McDonald represented Public Safety Department for the following:

Devices and methods to test body fluids for alcohol or drug content, 7.5(1), 7.8 ARC 9006, also filed emergency  
ARC 9004 ..... NAF 7/27/88  
Identification section of the division of criminal investigation-- fees, 11.16 ARC 9040 ..... N. 7/27/88

Ch 7

Coveyou stated that amendments to Chapter 7 were in response to HF 2412 which required the Commissioner to adopt rules for use of ignition interlock devices as an option for sentencing of convicted drunk drivers.

Priebe questioned broad authority for Department to "employ whatever tests or methods it deems appropriate to a particular device..." Coveyou stated that the new language was specific recommendation of their legal counsel who was uncomfortable with the stricken language, "Requirements for accuracy and precision shall be set by the D.C.I. criminalistics laboratory on an ad hoc basis."

Coveyou contended that discretion as to standards will be limited.

Rehberg perceived the rule as providing responsibility. He advised Doyle that six states have administrative rules on the subject and he has requested copies. Royce pointed out that Underwriters Laboratory standards are routinely accepted but, in this case, there are none.

Priebe reiterated his concern that use of a new device would make defense difficult and he stressed the importance of keeping "drunks off the road."

Coveyou reminded ARRC that the rules were also under Notice of Intended Action.

Brief  
discussion  
of 11.15

Doyle mentioned a national panel which is developing a uniform compact on criminal history data. He was assured that the Department has a representative involved at the national level to protect Iowa's interests. Mention was made that, over the last few years, the D.C.I. has been providing criminal history checks for a growing number of purposes other than law enforcement--one of the largest groups being child care providers. No Committee action.

DEAF  
SERVICES  
DIVISION

Diana Leonard, Administrator, provided overview of the following:

Organization, services and procedures, forms, 1.2(1), 1.3(1), 1.3(2), 1.3(8), 2.1, 2.3(1), 2.3(2)"d," 2.4, 4.1(15)  
ARC 9001 ..... N. 7/27/88

DEAF  
SERVICES  
DIVISION  
(Cont.)

Also present: Judy Dierenfeld, Community Mental Health Centers Association.

1.2

The amendments update and modify existing organizational rules. Leonard spoke of the great need to provide more sign language interpretation across the state. Tieden was of the opinion that the client's telephone number should be on the form. Leonard responded that this information appeared on another form, but she was amenable to Tieden's suggestion. Tieden was advised that fraudulent forms had not been filed.

Judy Dierenfeld commented re fees for interpreter services, and the fact that the agency, mental health center in this instance, would, under no circumstances, be able to recover costs. In her opinion, deletion of "Under no circumstances" [2.4(2)b] would be an improvement. Also, some deaf persons would have the ability to pay. Leonard said that use of "under no circumstances" was a civil rights issue and was modeled from federal law. Clark reasoned that on a fee-for-service basis, a handicapped person with adequate funds would not fit into the civil rights category. Clark had a real concern for those who cannot afford the services. No other comments.

INSURANCE  
DIVISION

Kevin Howe represented the Division for the following:

Preneed funeral contracts—advertising and disclosure requirements, 15.41(5), 15.44(17), 15.67(2)"c," 15.68(8), 15.69(4) ARC 9028 .....	F	7/27/88
Health data commission, 15.95 ARC 9030 .....	F	7/27/88
Disclosure regarding uninsured/underinsured auto coverage, 15.96 ARC 9029 .....	F	7/27/88
Agent's licensing rules, 10.2, 10.18(4), 10.18(6), filed emergency ARC 8979 .....	F.E.	7/13/88
Applications for insurance—testing restrictions, 15.12, filed emergency ARC 8981 .....	F.E.	7/13/88
Risk retention and purchasing groups, 20.7, filed emergency ARC 8980 .....	F.E.	7/13/88
Registration and operation of broker-dealers, 50.13, filed emergency ARC 8978 .....	F.E.	7/13/88

No questions re 15.41 et al., 15.95, and 15.96

10.2 et al.

Amendments to 10.2 and 10.18 change fee structure for an insurance agent's license--on July 1, the cost went from \$10.00 for a one-year license to \$50.00 for a three-year license. Doyle was interested in the inactive status. According to Howe, if agents do not have continuing education, they are automatically inactive.

15.12

In re 15.12, Howe explained that insurance companies which test applicants for AIDS are required to obtain an informed consent form. Clark recommended editing of paragraphs 1. and 2. for clarification.

20.7

House File 2303 directed risk retention and purchasing groups to file with the Insurance Division by July 1, 1988. The fee is based on range used by other states--\$100.00 to \$300.00.

No questions re registration and operation of broker-dealers amendments to Chapter 50.

ECONOMIC  
DEVELOPMENT  
DEPARTMENT

Melanie Johnson, Sharon Dreyer, and Michael Doyle  
appeared on behalf of the Department for:

Iowa small business new jobs training program, 7.1, 7.2, 7.3(1), 7.3(4), 7.3(6), 7.3(7), 7.4 to 7.18 ARC 9021.....N. 7/27/88  
Case management assistance program, ch 9 ARC 9022.....N. 7/27/88  
Youth affairs, 14.3(10), 14.4(9)"a," 14.7(10) ARC 9023.....N. 7/27/88  
Small business incubator center program, 52.1, 52.2, 52.6(1), 52.6(2), 52.7(2)"c," 52.8(1)"f" ARC 9006.....N. 7/27/88  
Export trade assistance program, ch 61, ARC 9003, also filed emergency ARC 9002.....N+FE 7/27/88

- Ch 7 A public hearing was scheduled this afternoon for amendments to Chapter 7.
- Ch 9 Chapter 9 provides technical assistance for low-income individuals seeking to establish or expand small ventures.
- Dreyer explained that criteria in 9.3(4) parallels the self-employment loan program based on federal regulations of the Job Training Partnership Act.
- 14.3 et al. Amendments to Chapter 14 provide \$100,000 for minority youth employment. In response to Priebe, Johnson said a federal grant provides funding.
- Ch 52 After brief overview of Chapter 52, the small business incubator center program, Clark requested deletion of "all" before the words "Iowa businesses" in 52.1. Also, Clark challenged the definition of "business incubator center" as being deficient and Johnson agreed to consider Clark's comments.
- Ch 61 Johnson noted that Chapter 61 was filed emergency to encourage participation in trade shows and trade missions which are held between August and December. No Committee action.
- Recess  
Reconvened Chairman Priebe recessed the Committee at 11:40 a.m. and reconvened it at 1:30 p.m.
- TRANSPORTA-  
TION DEPART-  
MENT Harvey E. Sims, David Little, Donald R. Stevens, Roger E. Bierbaum, Lew Marsh, Valerie Hunter and Ruth Skluza-cek appeared for Transportation Department to review:
- Motor vehicle equipment, regulations applicable to carriers, 450.1, 520.1(1)"a" and "b" ARC 8960.....F. 7/13/88  
Lighting, 136.1 to 136.6 ARC 8976.....N. 7/13/88  
Improvements and maintenance on primary road extensions, 150.3(3)"a" ARC 8974.....N. 7/13/88  
Vehicle registration and certificate of title, transporter plates, vehicle recyclers, 400.2(11), 400.6, 400.6(18), 400.27(3)"b" and "f," 424.1(2), 481.6, filed emergency ARC 8983.....F.E. 7/13/88  
Salvage, ch 406, ARC 8982, also filed emergency ARC 8981.....N+FE 7/13/88  
Railroad accident/incident reporting, railroad safety standards, highway grade crossing safety fund, rail assistance program, 802.1, 802.1(2), 810.1, 810.6, 820.3(3)"a," 830.2(1) ARC 8978.....N. 7/13/88
- Also present: Mark Schantz, Attorney; Dirk Van Gorp; Dewey Jontz and John Abeltins, State Patrol.
- 520.1 No recommendations re 520.1(1)a. There was discussion  
Ch 136 of amendments to Chapter 136, which provide additional ways a primary-secondary intersection can qualify for lighting.
- 150.3(3)a In 150.3(3)a, DOT is permitted to install lights inside city limits on extensions of expressways. No questions.

TRANSPORTATION Skluzacek indicated amendments to Chapter 400 were  
 DEPARTMENT effective July 1 under emergency provisions to  
 Contined implement legislation enacted this year. The De-  
 Ch 400 partment had worked with the industry in developing  
 the rules. No questions.

802.1 et al. Sims provided brief overview of amendments to Chapters  
 802, 810, 820 and 830. No comments.

Ch 405 Skluzacek presented new Chapter 405, Salvage, which  
 implements 1988 Iowa Acts, Senate File 2285, sections  
 3 and 6. The recycling industry, the dealers associa-  
 tion, attorney general's staff, public safety depart-  
 ment, and the office of vehicle registration were  
 consulted in the development of the Chapter. She  
 advised Doyle that large trucks were exempt.

Parker challenged the Department re the emergency  
 filing. Skluzacek responded that the effective date  
 of legislation was July 1. Parker referenced a letter  
 which a constiutent had received from DOT regarding  
 the "salvaging" law. Skluzacek said that the Depart-  
 ment sent letters to dealers and recyclers concerning  
 the rules.

Van Gorp, representing Iowa recyclers, expressed his  
 preference for no rules and offered suggestions for  
 clarification. He was hopeful that the component  
 parts review could be made without the title since  
 it may take six months to obtain a title.

Schantz represented Roger Bishop, who has a small  
 business recycling operation in Indianola. Bishop  
 buys damaged and used parts and the rules will have  
 a serious impact on his business. Schantz continued  
 that 405.15(3) re bill of sale created a problem in  
 requiring the vehicle identification number from each  
 component part or part of a component part. Many parts  
 lack the VIN number and Schantz reasoned that the  
 statute had been exceeded.

Skluzacek emphasized criteria for component part review  
 was required by September 1. She spoke of the diffi-  
 culty experienced by the Department in interpreting  
 legislative intent. They had relied on advice of the  
 office of attorney general. Skluzacek took the posi-  
 tion that the law should be clarified by the next  
 General Assembly.

In response to Parker, Skluzacek said that workload  
 was being reviewed but pointed out lack of funding to  
 hire additional staff for law enforcement. Royce  
 was uncertain whether the legislature intended to  
 require reporting of the VIN numbers for every compo-  
 nent part. Sklucazek indicated that DOT plans to  
 work with the industry in seeking a resolution to the  
 problem.

TRANSPOR-  
TATION  
DEPARTMENT  
Concluded

Discussion of Committee options with respect to emergency rules. Parker was willing to vote for an objection.

Skluzacek explained to Doyle that VIN numbers are marked on the actual part when the manufacturer changes a transmission. This number differs from the one on the title. No formal action by the Committee.

NATURAL  
RESOURCE

Mark Landa, Victor Kennedy, Mike Carrier and Rex Walker were present for the following:

SOIL  
CONSERVATION

NATURAL RESOURCE COMMISSION[571]  
NATURAL RESOURCES DEPARTMENT[661] "umbrella"  
Public records and fair information practices, ch 2 ARC 9085 .....N. 7/27/88  
Development and management of equestrian and off-road vehicle trails on state lands, ch 67 ARC 9084 .....N. 7/27/88

ENERGY &  
GEOLOGICAL

NATURAL RESOURCES DEPARTMENT[661]  
Groundwater protection program evaluation, ch 16 ARC 8985 .....F. 7/13/88  
Public records and fair information practices, ch 2 ARC 8993 .....N. 7/13/88  
Groundwater hazard documentation, 9.1(4), 9.2(2), 9.2(3) ARC 8989 .....N. 7/13/88

ENVIRONMEN-  
TAL PRO-  
TECTION

SOIL CONSERVATION DIVISION[27]  
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21] "umbrella"  
Iowa financial incentives program for soil erosion control, 780-5.41, 5.41(1), 5.41(6) to 5.41(9), filed emergency  
after notice ARC 9009 .....FEAN 7/27/88

ENERGY AND GEOLOGICAL RESOURCES DIVISION[665]  
NATURAL RESOURCES DEPARTMENT[661] "umbrella"  
Energy management program for school districts and merged area schools, 6.4(1) ARC 8984 .....N. 7/13/88

ENVIRONMENTAL PROTECTION COMMISSION[607]  
NATURAL RESOURCES DEPARTMENT[661] "umbrella"  
Prevention, abatement, and control of air pollution, 20.2, 22.4, 22.4(4), 22.5(1)"k," 22.5(6), 26.2(2), 28.1 ARC 9038 .....N. 7/27/88

Ch 2  
Ch 67

No comments re Chapter 2. Carrier explained proposed Chapter 67. He noted that there are 17 areas with equestrian trails. Six have overnight facilities. He pointed out that four public hearings were scheduled and the Department anticipates considerable public interest.

Doyle was interested in maintenance of the trails and what measures were taken to keep them open and free of debris. Carrier responded that under the new rules, the intent is to establish a plan for each area and an appropriation will be requested. Doyle was told that the policy which precludes removal of wood from parks was still in effect.

Priebe suggested that 67.5(1) be more definitive as to reasons for suspension or cancellation of use of trails. He also contended that language in 67.5(3) and 67.5(5) did not allow for input from the general public. He favored involvement by the Board. Priebe expressed his support for the rules with some modifications.

Ch 15  
9.1(4) et al.  
5.41 et al.  
6.4(1), 20.2  
There was brief discussion of rules for Natural Resources Department, Soil Conservation Division, Energy and Geological Resources Division and Environmental Protection Commission. No formal action taken.

HUMAN  
SERVICES

Mary Ann Walker, Jo Sheeley, Mary Nelson, Charles Parrish, Joe Mahrenholz, Harold Poore, Dan McKeever, Margaret Ward and others were present for the Department to review the following:

HUMAN  
SERVICES  
DEPT.  
Continued

ARC under the SEID project, 48.3 ARC 0016.....F. 7/27/88  
Standards for individual case management services, standards for the service coordination system, state  
community mental health and mental retardation services fund, chs 24 and 25, 32.2(1) to 32.2(3) ARC 8958.....N. 7/13/88  
Transitional child care assistance program, ch 49 ARC 8986.....N. 7/13/88  
Medicaid reimbursement--candidate services, 77.29, 77.30, 78.28(7) to 78.28(9), 78.31(4)"d"(7) and (10), 78.33,  
78.34, 79.1(1)"d," 79.1(2), 79.1(5)"c," 80.2(2)"d" and "e" ARC 8984.....N. 7/13/88  
Amount, duration and scope of medical and remedial services, 78.12 ARC 0014.....N. 7/27/88  
Purchase of service, 150.2(2), 150.3(1)"b" and "c," 150.3(2)"c," 150.3(9) to 150.3(16), 150.3(7), 150.3(8), 150.3(17),  
150.5, 150.6(2)"d," 150.8 ARC 8985.....N. 7/12/88  
Iowa state juvenile home, 101.14, 101.20 ARC 8707-70-day DELAY.....F. 5/18/88  
HMOs in Polk County -- 30-day DELAY

Also present: John A. Bergman, Sure Care; Jack Fisher, Pocahontas County; Victor Elias, IARRF; Jeanine Freeman, Iowa Hospital Association; Ferrell C. Reed, MH/MR Commission; Sheila Davis, Mental Health Association of Iowa; Representative Jack Hatch; Senator Joseph Welsh.

48.3 No comments or revisions re 48.3, Chapters 24 and 25, 32.2, or Chapter 49.

78.12 Walker explained that the federal government criteria had been changed for skilled nursing facilities. No questions.

150.2(2) et al. Clark was advised that in 150.3(3)g, the provider would establish the policy for abuse reporting with the approval of the district administrator. Also, in 150.3(3)i, When clients are admitted to a facility, they will be provided information as to their right to appeal.

Clark suggested clarification of the rate formula in 150.3(5)u with use of examples similar to those of the Revenue and Finance Department. In 150.8, provider advisory committee, Clark expressed concern for the fact that representatives from provider agencies with a purchase of service contract, but nonassociation members, could become members of the provider advisory committee upon simple majority vote of committee members at a meeting.

After brief discussion, ARRC decided to retain the 70-day delay on 101.14 and 101.20 until the September 9 expiration date.

HMO  
88.3(2) Walker updated the Committee with respect to HMO enrollment status in Polk County and the Client Response Form 470--2168--of 4,743 forms mailed, 3,385 were returned. Based on projections of \$6.17 per recipient for ten months, the savings realized would be \$247,000. In Scott County, 76 per cent who defaulted are still enrolled and in Dubuque County, that figure is 73 per cent. In response to Parker's question of savings in Scott and Dubuque Counties, Walker said the saving was \$5.23 per person, per month, for Scott and \$5.17 for Dubuque County.

Hatch questioned whether or not the savings were sufficient to justify jeopardizing public policy to provide medical care for the poor. He estimated that medical care access would be reduced by 200 per cent. Hatch continued, "It is unfair to limit access to medical care for women and children, which this proposal will do."



HUMAN  
SERVICES  
DEPT.  
Continued

He concluded by providing statistics on health care in Polk County and urged delay of 88.3(2).

Welsh spoke of concerns for the different number of physicians who will participate. He favored a slower approach on this controversial issue and preferred legislative perusal. Welsh recommended an ARRC delay into the next General Assembly.

Judy Davis, Broadlawns Medical Center, expressed her opinion that the strategy being used to implement the HMO pilot would not work and opposition seems to "fall on deaf ears." There was discussion of percentages of enrollees and potential savings. Fifty-seven per cent of the recipients returned forms and 90 per cent did not want to participate in HMO.

Scott addressed doctor-patient ratio in Polk and Scott Counties.

Bergman pointed out that since the original submission of the proposal, there are 43 primary care physicians with Sure Care.

Parker expressed alarm over the fact that the numbers change considerably each time the subject has been before ARRC. In his opinion, the ARRC committee has always operated to fill "the niche between executive initiative and legislative prerogative" when an issue was controversial.

Motion  
88.3(2)

Parker moved to delay 88.3(2) until the end of the next General Assembly.

Delay

Priebe recalled that the Governor had "built his budget on the resulting savings" of the program. Priebe called for the question on the Parker motion. Motion failed on a voice vote.

Ch 77  
et al.

Walker reported that approximately 328 were in attendance at the hearing relative to amendments to 77.29 et al.--Medicaid reimbursement.

Fischer was of the opinion that "these rules do not reflect the legislative intent." He could foresee a significant tax increase and concluded that the rules would be a back-door approach for implementing the Bill of Rights.

It was noted that H.F. 2447 created an Oversight Committee to ensure that the enhanced mental health, mental retardation and developmental disabilities services plan would be implemented within budgetary guidelines. However, that Committee was not yet operational, and there was concern that the Oversight Committee would not have input before the rules were adopted. Fischer had no problem with legislation--only the rules.

8-16-88

HUMAN  
SERVICES  
Concluded

Ward felt an obligation to have the rules in place by October 1 when the services must be provided.

Clark observed the various options which had been noticed. She preferred that final options selected be resubmitted as Notice of Intended Action.

Priebe advised the Department to seek input from the Legislative Fiscal Committee. Scott reiterated the Department's dilemma in that the law requires implementation of the Act by October 1. There was discussion of a possible special meeting of the ARRC in late September.

Recess

The Committee was in recess at 4:40 p.m .

Wednesday  
August 17

Chairman Priebe reconvened the meeting at 9:08 a.m., Wednesday, August 17, 1988, Room 22, State Capitol. Parker and Tabor were excused. All other members and staff were present.

ELDER  
AFFAIRS

Betty Grandquist and David Ancell appeared for the following:

Care review committees, 9.1(2), 9.2(3) to 9.2(6) ARC 9032 ..... F. 7/27/88  
Entrepreneurial activities of area agencies on aging, 6.14 ARC 9031 ..... N. 7/27/88

Also present: Dave Brasher, National Federation of Independent Businesses.

Ch 9  
6.14

No comments re Chapter 9. In re 6.14, Brasher spoke of the fact that fund raising had not been spelled out. Grandquist indicated the Commission headed the task force and the State Advisory Council and an Assistant Attorney General had input. Elder Affairs advises the federal government that funds are used as intended.

Royce envisioned problems since the legislature enacted a limitation of powers on government to compete with private enterprise and Area Agencies on Aging are not required to comply. He called attention to the fact that the approval process was not included in Chapter 6. However, he questioned the Department's power to approve or disapprove.

According to Grandquist, a regulatory flexibility analysis has been requested; there is no approval process; it is merely informational. No other discussion.

LABOR  
SERVICES  
DIVISION

Walter Johnson appeared for Labor Services Division to review:

EMPLOYMENT SERVICES DEPARTMENT(341) "umbrella"  
Occupational safety and health rules for general industry, 10.20 ARC 9037 ..... F. 7/27/88  
Occupational safety and health rules for construction, 26.1 ARC 9036 ..... F. 7/27/88  
Business entity, 82.1 ARC 9039 ..... F. 7/27/88  
Hazardous chemical risks right to know—general provisions, public safety/emergency response right to know,  
110.1(4) to 110.1(8), 110.2, 140.1(4) ARC 9038 ..... F. 7/27/88

He gave brief overview of 10.20 and 26.1. There were no questions. In re 82.1, no opposition had been received to the definition of "business entity." No questions re amendments to Chapter 110.

UTILITIES  
DIVISION

Ray Vawter, Executive Secretary, Vicki Place and Greg Brandt represented Utilities Division for the following:

COMMONWEALTH DEPARTMENT (181) "umbrella"  
 Applications for rehearing, 2.2(13), 7.9(1) to 7.9(3) ARC 9018 .....N. 7/27/88  
 Title change--administrative law judge, amendments to ch 7 ARC 8994 .....N. 7/13/88  
 Meter standards, 19.1(3), 19.6, 20.6, amended notice ARC 9016 .....A. 7/27/88  
 Out-of-state travel requirements, 19.2(5)"k," 20.2(6)"j," 22.2(6)"l" notice ARC 8308 terminated ARC 8995 .....N.T. 7/13/88  
 Assembly expense reporting requirements, rescind 19.2(6)"k," 20.2(6)"j," 22.2(6)"l" ARC 9017 .....N. 7/27/88

Place provided brief comments for the agenda items. No questions re amendments to Chapter 7, 2.2(13) et al, 19.1(3) et al. or 19.2(5)k et al. No formal action.

## MINUTES

Doyle moved approval of the minutes of the July meeting. Motion carried.

Committee  
Business

Barry asked and received unanimous consent to remove rules of the Extradition Officer appearing in the Iowa Administrative Code under agency number 425.

Barry also pointed out that Human Services rule 441--175.15 was nullified by Senate Joint Resolution 2006 this year. Since Code chapter 17A does not address procedure following nullification, Doyle suggested that the ARRC chair write a letter to the Department authorizing a termination of the rule. Royce questioned this approach. Barry was willing to add an editor's note on the nullified rule. No formal action.

IOWA  
FINANCE  
AUTHORITY

Ted Chapler appeared on behalf of the Authority to review:

Low-income housing credit, ch 12 ARC 8970 .....F. 7/13/88  
 Homeless shelter assistance program, ch 14 ARC 9024 .....N. 7/27/88

There was brief discussion of Chapters 12 and 14. No substantive questions.

INDUSTRIAL  
DIVISION

David E. Lindquist, Commissioner, Sharon Tow, and Clair P. Cramer were present for review of contested cases, 4.6, 4.8(2), 4.33, filed emergency, ARC 8969, IAB 7/13/88.

Lindquist explained that 4.8(2) establishes a \$65 filing fee for workers' compensation cases. He added the increase apparently reduced the number of frivolous filings.

MANAGEMENT  
DEPARTMENT

Ray Peterson and Lawrence Bryant reviewed contract compliance, 4.3(2), 4.4., 4.5, 4.7(2), ARC 9008, filed, IAB 7/27/88.

Bryant noted that the word "benefits" would be inserted in lieu of "funds" in 4.5(4)b(4).

Doyle mentioned that the NCSL Convention this year adopted a resolution asking Congress to examine fraud in minority and womens' businesses. He urged input by Management Department. No other comments.

SECRETARY  
OF STATE

Paulee Lipsman, Sandra Steinbach, and Allen Welch appeared on behalf of the Secretary of State for review of:

Amenit and transfer 750--chs 1 to 12 to 721--chs 1 to 49 ARC 8972 .....F. 7/13/88  
 Public records and fair information practices, ch 6 ARC 8971 .....F. 7/13/88  
 Athlete agent registration, 4.6, ch 42, ARC 8942, also filed emergency ARC 9041 .....N.xFE 7/27/88  
 Election forms and instructions, 21.1(4) ARC 9012 .....N. 7/27/88  
 Referenda on enhanced 911 emergency telephone communication system funding, 21.7 and 21.8 ARC 8013 .....N. 7/27/88  
 Voter registration in state offices, ch 23, ARC 9011, also filed emergency ARC 9010 .....N.xFE 7/27/88

SECRETARY  
OF STATE

No questions re 750--Chapters 1 to 49, Chapter 5, 4.6, and Chapter 41. There was brief discussion of penalties.

Priebe recalled minor differences between Resolutions relative to the proposed Constitutional amendments. However, it was pointed out that the language of the amendments per se was identical.

21.7

Tieden was advised that county auditors had submitted comments re challenges, replacement ballots, etc. previous to enactment of the legislation which resulted in rule 21.7 [1988 Acts, HF 2400, §6]

PERSONNEL  
DEPARTMENT

Clint Davis gave brief comments on the following:

Grievances and appeals, 12.1(1)"c," 12.2(5), 12.2(6) ARC 8991 .....N. 7/13/88  
Iowa public employees' retirement system, 21.4(1), 21.4(3)"a," 21.5(1)"a"(15) and (22), 21.6(9), 21.8(1)"c," 21.8(3) to 21.8(5), 21.10(1), 21.10(3), 21.10(7)"b," 21.10(8), 21.11(1), 21.11(8), 21.12(8)"a," 21.18(2), 21.15, 21.16(2)"b," 21.17(4), 21.18(4), 21.19(1), 21.19(5), 21.19(6), 21.22(2), 21.22(3), 21.24 ARC 9007, also filed emergency .....N.+FE 7/27/88  
ARC 8000.....

Also present: Maurice Baringer and Gregory Cusack for IPERS.

Davis indicated a public hearing was scheduled for next week. No questions re IPERS amendments.

DENTAL  
EXAMINERS  
BOARD

Connie Price represented Dental Examiners Board for:

Principles of professional ethics, ch 27 ARC 8020 .....N. 7/13/88  
Complaints, ch 31 ARC 8019 .....N. 7/27/88

According to Price, Chapter 27 sets guidelines for principles of professional ethics for dentists. In re Chapter 31, no questions. Doyle and Price briefly discussed the fact that there had been four suspensions of licenses to practice dentistry.

NO AGENCY  
REPS

No agency representatives were requested to appear for the following:

## ACCOUNTANCY EXAMINING BOARD[193A]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

Amend and transfer 10--chs 1 to 15 to 193A--chs 1 to 15 ARC 8967.....F. 7/13/88

Public records and fair information practices, ch 16 ARC 8968 .....F. 7/13/88

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Amend and transfer rules from [30] to [21], uniform rules, chs 3 to 6, filed emergency after notice ARC 9027 .....FEAN 7/27/88

## ARCHAEOLOGIST, STATE[685]

REGENTS BOARD[601]"umbrella"

Confidentiality of archaeological site information, ch 14 ARC 8996.....F. 7/13/88

## ARCHITECTURAL EXAMINING BOARD[193B]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

Amend and transfer 80--chs 1 to 5 to 193B--chs 1 to 5 ARC 8976 .....F. 7/13/88

Public records and fair information practices, ch 6 ARC 8977 .....F. 7/13/88

## CAMPAIGN FINANCE DISCLOSURE COMMISSION[121]

Public records and fair information practices, ch 10, filed emergency after notice ARC 8990 .....FEAN 7/27/88

## CULTURAL AFFAIRS DEPARTMENT[221]

Public records and fair information practices, ch 2 ARC 9044 .....N. 7/27/88

## GENERAL SERVICES DEPARTMENT[460]

Public records and fair information practices, ch 11 ARC 8959 .....N. 7/13/88

## JOB SERVICE DIVISION[345]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

Employer's contribution and charges, claims and benefits, benefit payment control, amendments to chs 3 to 6

ARC 8982 .....F. 7/13/88

## SUBSTANCE ABUSE DIVISION[643]

PUBLIC HEALTH DEPARTMENT[181]"umbrella"

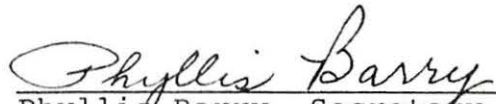
Amend and transfer 805--chs 1 to 6 to 643--chs 1 to 6 ARC 8998 .....F. 7/27/88

Next  
Meeting

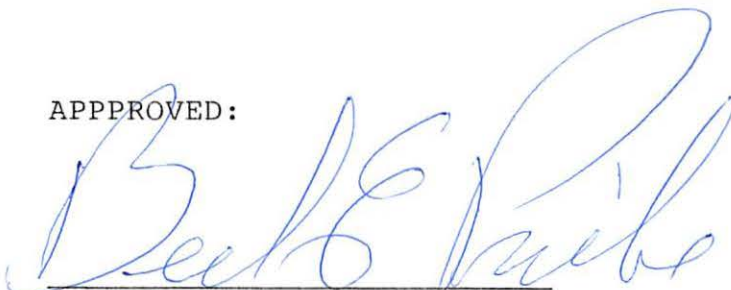
8-17-88  
The next meeting was scheduled for September 13 and 14  
to be continued on September 27, 1988. (The 9/27/88  
date was canceled later.)

The meeting was adjourned at 1:15 p.m.

Respectfully submitted,

  
Phyllis Barry, Secretary  
Assisted by Vivian Haag and  
Bonnie King

APPROVED:

  
CHAIRMAN