

MINUTES OF THE SPECIAL MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting Monday, March 10, 1986, 8:00 a.m., Committee Room 116, State Capitol, Des Moines, Iowa, in lieu of statutory date.

Members Present Senator Berl E. Priebe, Chairman; Representative James D. O'Kane, Vice Chairman; Senators Donald V. Doyle and Dale L. Tieden; Representatives Edward G. Parker and Betty Jean Clark. Also present: Joseph Royce, Committee Counsel; Barbara Burnett, Governor's Administrative Rules Coordinator; Phyllis Barry, Deputy Code Editor; and Vivian Haag, Executive Administrator.

PLANNING & PRO-GRAMMING Chairman Priebe convened the meeting and announced the first order of business would be consideration of OPP Rule 19.8 relative to the Iowa job training partnership Act. The rule which was published in IAB 12/18/85 as ARC 6235 had been delayed 70 days at the February meeting. The Department was represented by Melanie Johnson who stated that OPP had received no further complaints from Area I. No Committee action.

HEALTH DEPT The following agenda was reviewed by Robert Minkler, Health Care Facilities; Irene G. Howard, Professional Licensing; and Mark Wheeler, Hearing Officer:

Hospitals, 51.3(4), 51.3(5) ARC 6357 ... *M* 2/26/86
Residential care facilities for the mentally retarded, 63.3(4) ARC 6358 ... *M* 2/26/86
Physical and occupational therapy examiners, CE and disciplinary procedures, 138.8, 138.104 ARC 6367 ... *M* 2/26/86
Podiatry examiners, declaratory rulings, 139.5 ARC 6359 ... *M* 2/26/86
Optometry examiners, applicants licensed by another state, 143.6 ARC 6368 ... *M* 2/26/86
Speech pathology and audiology aides, 157.2 ARC 6329 ... *N* 2/12/86
Social work examiners, disciplinary procedures, unethical practices, 161.211(8) ARC 6360 ... *N* 2/26/86
Social work examiners, code of ethics, 161.212 to 161.217, filed emergency ARC 6361 ... *F.E.* 2/26/86

Special training for aides in ICFSNF 58.11-59.13.....IAC

51.3(4) In re 51.3(4), Minkler indicated the subrule was added to clarify standards used by the Department to provide for acceptance of accreditations. Priebe inquired as to reason the Department would sanction the inspection by the osteopathic hospitals. Minkler replied that if the hospitals are surveyed by American Osteopathic Association, joint rules exist with the Joint Commission on Accredited Hospitals--both are accepted by Medicare and Health Care Finance Administration.

Priebe wondered if a precedent were being set for other accredited groups. Minkler could foresee no problems.

51.3(5) Clark thought a date certain should be included in 51.3(5). Committee concurred that March 1, 1986, would be appropriate and Minkler was amenable.

63.3(4) In review of 63.3(4), Minkler reported that the Iowa Association of Retarded and Residential Facilities had requested deemed status for the AC MR/DD survey, an accrediting council.

HEALTH
DEPT.
Cont'd

The Department has determined that the Association criteria meets or exceeds the Health Department's standards. Clark called attention to more comprehensive language in 63.3(4)a, "...is notified of the inspection...thirty days in advance of the inspection,..." It was her opinion that either the remainder of that paragraph should be added to subrule 51.3(4) or deleted from 63.3(4).

Minkler explained that the provision in 51.3(4) was a reiteration of exact practice since 1977 and the survey referenced in 63.3(4) was new. The language in 63.3(4)b reflects the fact that AC MR/DD gives accreditation every two years--the Code requires annual inspections so this is an exception to the Iowa Code.

No questions were forthcoming for amendments to 138.8, 138.104 and 139.5. Howard gave brief overview of 143.6. Doyle recommended that the words "disciplinary action" be substituted for "discipline" in the last line. Howard was amenable.

157.2 Clark took the position that 157.2, defining speech pathology and audiology aides, was in need of clarification. She commented that in this day when jobs are scarce, what if the individual cannot find anything but an aide job. According to Howard, the Board had learned of licensees who applied for communication aide to avoid the expense of license renewal. This was basically defeating the purpose for licensing of communication aide.

ch 161 Discussion of amendments to subrule 161.211(8). Doyle observed that existing language in paragraph "b"--"Betrayal of a professional confidence"--was beyond the statute. He asked Howard to seek an opinion from their attorney on the matter. Clark suggested adding the words "to other than law enforcement".

Howard noted that 161.212 to 161.217 had been revised to substitute "shall" for "must" in response to ARRC request. Tieden presented Howard with an advertisement which he suspected was illegal with respect to audio testing. Howard agreed to pursue the matter.

58.11 There was brief special review of Health rules 58.11(1)i
58.19 and 59.13(1)h--training for aides in ICFSNF. Royce reported that Representative Doris Peick had received complaints that nurses aides were not properly trained in the most basic nursing care in nursing facilities. Wheeler advised that the Health Department had submitted a Notice to address the issue. [IAB 3/26/86 ARC 6427] Tieden was interested in knowing the number of complaints from other areas as well, and he was interested in the financial impact for facilities. Clark viewed the problem as one of internal management which affects lives of patients.

3-10-86

CONSERVATION
COMMISSION

Doyle Adams, Al Farris, Arnold Sohn, and Richard
Bishop represented the Conservation Commission for
review of:

Motor regulations, 40.4(1)"b" ARC 6384	.....	2/26/86
Water recreation access through cost-sharing with public agencies, ch 79 ARC 6385	.....	2/26/86
Safety equipment, water skis and surfboards, 27.13(9) ARC 6372	.....	2/26/86
Speed and distance — zoning, 30.10, 30.27 ARC 6373	.....	2/26/86
Motor regulations, 40.4(1)"b," 40.4(2)"b," 40.5 ARC 6374	.....	2/26/86
Saylorville multiuse trail and wildlife area, ch 56 ARC 6375	.....	2/26/86
Crow hunting regulations, 101.1 ARC 6378	.....	2/26/86
Rabbit and squirrel hunting season, 102.1 to 102.3 ARC 6377	.....	2/26/86
Pheasant, quail and gray (Hungarian) partridge hunting seasons, 103.1 to 103.3 ARC 6378	.....	2/26/86
Mink, muskrat, raccoon, badger, opossum, weasel, striped skunk, fox, beaver, coyote, otter, and spotted skunk seasons, 104.1 to 104.4, 104.7 ARC 6379	.....	2/26/86
Deer hunting regulations, ch 106 ARC 6380	.....	2/26/86
Waterfowl and coot hunting seasons, 107.1 to 107.3 ARC 6381	.....	2/26/86
Common snipe, Virginia rail, sora, woodcock, and ruffed grouse hunting seasons, 109.1 to 109.4 ARC 6382	.....	2/26/86
Wild turkey fall hunting regulations, 112.1, 112.2, 112.4 ARC 6383	.....	2/26/86

Farris reviewed 40.4(1)b and noted a request from the Iowa County Conservation Board to add Iowa Lake to the list of lakes allowed unrestricted horsepower at a no-wake speed. Priebe wondered about possible precedent being set and Farris agreed there was a tendency to be more liberal. He added that Code chapter 106 allows a local entity to petition for special rules on motor regulations. The 10-horsepower requirement does create a financial burden. Farris stressed that enforcement has not been a problem.

ch 79

Sohn noted that new chapter 79 sets out procedures for cost-sharing to provide recreational access to Iowa waters. The Iowa Association of County Conservation Boards had expressed preference for a 100 per cent grant program.

In re 79.14(1), Doyle questioned use of "certificate of title" in paragraph d. He thought that it would normally be used to reference title to a motor vehicle. Sohn agreed to pursue the matter.

ch 30

Farris commented that amendment to 30.10 was relative to the Mississippi River lock and dam safety zone. An arrangement with the Corps of Engineers necessitated the change. Tieden recalled this had been a "hot" issue. Farris concurred.

27.13
40.4,
40.5

No questions re 27.13(9). Discussion of amendments to chapter 40 pertaining to horsepower restrictions and exceptions on small undeveloped lakes which are not state park lakes. The Conservation Commission had been requested by Creston City Waterworks Board to institute 40.4(2)b. Rule 40.5 is applicable to two marsh areas which were artificially constructed. O'Kane pointed out pending legislation on motor size and took the position the rules should not be finalized until the General Assembly has acted. Farris stated that he lacked flexibility to withdraw the rule at this juncture. He was concerned that if Conservation were to wait and the GA took no action, it would be too late for this fishing season.

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CONSERVATION
COMMISSION
Continued
Refer to
GA

O'Kane stressed that inaction by the GA would be an indication to Conservation that change was not wanted. Priebe suggested referral of the proposed rules to the appropriate legislative committees. O'Kane so moved with recommendation for referral to Natural Resources Committees. Motion carried. Committee members clarified that this referral would not delay the rulemaking process.

ch 56

Proposed Chapter 56 to regulate Saylorville multi-use trail and wildlife area was reviewed by Adams. He presented brochures to the Committee outlining the access area under control of Conservation. Responding to Priebe, Adams said agreement had been made long before the trail was built that if the Corps of Engineers built it, the Conservation Commission would assume maintenance.

101.1

Crow hunting--101.1--Bishop explained the rule and reported that all hunting and trapping rules would be reviewed with the public at seven different meetings throughout the state. Bishop noted that length of the crow season is a federal regulation of 128 days.

chs 102-104
ch 106

No questions were posed re chapters 102, 103 or 104. In discussion of deer hunting, Bishop mentioned several changes, one being that a landowner will be permitted to have an any-sex license. Bishop clarified that 106.2(4) addressed two hunting seasons.

Priebe had received complaints that bow and arrow hunters were being given preferential treatment. Bishop was aware of complaints but reminded that two licenses are necessary. Tieden voiced support of the concept. Priebe was of the opinion that the farmer who feeds the deer should have some advantage since they lack time to hunt with the bow and arrow. Doyle was informed that cross bows were illegal. Bishop thought any-sex license had resolved the farmer issue for the most part.

chs 107,109

No questions re 107.1-107.3, 109.1-109.4.

ch 112

There was brief discussion of chapter 112. Bishop clarified that hunters would be allowed 10 turkeys per season. He was confident that there would be no overkill. No action taken.

WATER, AIR
& WASTE
MANGEMENT

The following agenda was before ARRC:

Criteria for award of grants. 91.1, 91.541a"(1), 91.621, 91.641g." 91.831c." 91.861, 91.911, 91.971) ARC 6339 .N..... 2/12/86
Fees for disposal of solid waste at sanitary landfills. ch 109 ARC 6315N..... 2/12/86
Underground storage tanks. ch 135. notice ARC 6031 terminated. ARC 6346.....NT..... 2/12/86

WATER, AIR &
WASTE MANAGE-
MENT-CONT'D

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The Department was represented by Mark Landa, Morris L. Preston, Ubbo Agena. Also present: Gary Schmidt, Hamilton County Solid Waste; Curtis L. Martin, Schlotfeldt Engineering, Inc.; Charles M. Trails, Shelby County; Eldo Schornhorst, Shelby County Engineer and Landfill Manager; Dale Wight, Crawford County Engineer and Landfill Manager.

In the discussion of criteria for award of grants, Priebe asked if the policy for making awards had changed. He cited Algona which had been at the top of the qualifying list but was now removed. However, Red Oak and others, who were seemingly incomplete in their work, were at the top. Preston indicated that this Notice did not address this matter but he suggested Priebe contact Steve Ballou who could explain the funding process. Preston pointed out that funds have dwindled considerably and the proposed criteria was for the 1987 FY--allotments had not been received for 1986.

ch 109

Chapter 109 proposed assessment and collection of fees for disposal of solid waste at sanitary landfills to begin July 1, 1986. Landa commented that the rules would implement 1985 Code Supplement section 455B.309 which created a groundwater fund to be used for monitoring groundwater quality. A fee of 25 cents per ton was provided by section 455B.310.

Priebe was informed that the WAWM Form referenced in 109.6(3) would be numbered in the final rule. Schornhorst had filed comments with DAWM contending that the rules were not adaptable to small county operations. Landfills similar to theirs have been funded by levy on rural property plus a per capita charge by cities of the county. Schornhorst continued that they currently have no gate charge or scale. He could foresee the need to hire additional help. He urged consideration of the smaller operations to avoid placing greater financial burden on rural people.

Agena indicated that similar positions had been taken by a number of landfills and he anticipated proposal of a per capita value. However, he pointed out that the statute seemed to tie itself to a waste volume and waste ratio.

Royce interpreted the statutory language to be quite open re method to calculate the formula.

Wight called attention to the Energy Policy Council publication with specific reference to counties under 75,000 population. He could foresee increased fees.

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WATER, AIR &
WASTE MANGE-
MENT, Cont'd

Martin interpreted that 90 per cent of the fund would be for administration and only 10 per cent for monitoring. Priebe recalled the purpose of the legislation was to clean up the groundwater and he asked the Department officials to provide information to the ARRC.

Agena estimated fee collections of \$500,000 per year.

Motion to
Refer

Doyle moved that the Energy Committee or appropriate legislative committee be provided copy of the rules and written statements concerning them. In addition, the legislative committee should review Code Supplement \$455B.309 relative to the limitation on use of the groundwater fund for cleanup purposes. Motion carried.

Department officials stressed that interested persons were notified that the rules would be available for perusal before final adoption.

COMMERCE
COMMISSION

David Lynch, Dan Hanson, and Ray Vawter appeared on behalf of Commerce Commission for the following;

Gas and electric utilities, second payment plans and service limiters. 19.4(10), 20.4(11), filed
emergency after notice ARC 6370 F.E.A.N. 2/26/86
Form of briefs, 7.7(13)"e" ARC 6369 F 2/26/86
Intrastate access service charge tariffs, 22.14(4) to 22.14(6) ARC 6371 F 2/26/86

19.4(10)
20.4(11)

Lynch said that 19.4(10) and 20.4(11) were initiated by Commission to clarify the second payment plan following winter disconnection moratorium. Parker was advised that service limiter rules were postponed since utilities have not commented on an implementation plan. No recommendations offered for 7.7(13)e.

7.7(13)e

22.14

Subrules 22.14(4) to 22.14(6) set procedure to be followed when a local exchange company changes its access service charge tariff. It must give notice to long distance companies and the Commission will maintain the list of companies requesting notification. Hanson said that clarification would be made in the provisions as a result of a concern expressed by AT&T.

In re 22.14(4)c, Doyle called attention to the fact that, in many instances, affidavits are no longer required. Filing a certificate would eliminate need of notary. According to Hanson, the Commission did not see this as a potential problem.

No Committee action.

CODE
OFFICE

At the request of the ARRC, Donovan Peeters, Director, Legislative Service Bureau (LSB), appeared for informal discussion of a House File draft relative to reorganization of the Code Editor's Office and sponsored by Representative John Connors. The proposal purports to create the Iowa Code Office as a Division within the Legislative Service Bureau. Copies of a second draft were presented to the ARRC by Peeters and Chairman Priebe announced that each section would be reviewed.

Section 1--amending Code Supplement section 2.42(1). Peeters noted this would conform Code language to changes made elsewhere in the bill. Under the proposal, the Director of LSB would appoint a Code Editor and Deputy subject to approval of the Legislative Council--presently, the Legislative Council appoints the CE. Responding to Priebe, Peeters pointed out that the original draft provided for appointment of the CE by the Council in consultation with the Director of LSB. Members of the Service Committee of the Council, Representative Connors, in particular, preferred to delegate the appointment process to the LSB Director. Priebe saw no reason for change when the existing law was working well. Peeters was willing to reinstate language from the original draft of the section. He explained that the Service Committee had directed him to study all aspects of the working relationship between the Code office and the Legislative Service Bureau and to make recommendations. Peeters proposed that the Council make the CE appointment in consultation with the Director.

Clark reasoned that the appointment process could follow the bill but provide that the appointees "serve at the pleasure of the Legislative Council." Priebe reiterated his preference for Legislative Council involvement.

Priebe questioned new language added at the end of 2.42(11). Peeters responded that existing provision enumerates powers of the Council and implies that they have complete discretion. The amendment clarifies that other specific statutory provisions may be applicable.

Section 2--2.58A Iowa Code Office. Peeters viewed §2.58A as being the heart of the bill developed as a result of his interim study. He continued that creation of the Iowa Code Office would eliminate the existing ambiguous situation.

Priebe questioned necessity of "...subject to review of the legislative council" in line 1 of page 2.

Peeters said the Council supervises and reviews operation of all legislative staff agencies. Priebe asked for inclusion of "with the approval of legislative council" after Code editor in line 5 (end of 2.58A). Peeters agreed.

CODE
OFFICE
Continued

Section 3--\$2.66 Office and Supplies...
General consensus that the new words "state office" before "buildings" should be deleted to ensure that LSB would not be subject to removal from the capitol. Doyle asked for deletion of "special" before "interim study committees" in line 19. Peeters was amenable.

Section 4--\$7.17 Office of Administrative Rules Coordinator. Peeters pointed out that language stricken from 7.17 appears later on in the bill [17A.6(2)]. Currently, the Administrative Rules Coordinator, Executive Branch, has the final decision-making authority in regard to items concerning style and format and numbering system for administrative rules with a consultative role for the CE. In reality, it is the Code Office, CE and Deputy that actually edits, compiles and publishes the Administrative Bulletin and Iowa Administrative Code. Peeters thought CE office should have final editorial authority in consultation with the Administrative Rules Coordinator. Priebe saw a need for representation by the Administrative Rules Coordinator who receives the rules documents. Peeters referred to the language at the end of 7.17 which he thought could be clarified. Discussion of what is meant by "style and form" of rules. Barry interpreted it to include editorial functions, arrangement, numbering, type size, etc.

Burnett took the position that definition of style and form was the crux of the matter. She had no problem if it were limited to an editing or numbering function. She referenced form for petition for declaratory ruling which was developed by the Coordinator and Committee Counsel. Currently, the Governor's Task Force is also developing uniform rules for agency procedure. Burnett concluded that the chief executive should have that authority.

Priebe stressed the importance of protecting the rights of the three branches of government. He saw the function of the ARRC as intervening when they believe the executive branch has overstepped its authority. O'Kane stressed the importance of Committee involvement only at the appropriate time.

Peeters suspected that "everyone might be in agreement without realizing it"--the struggle being with definition of terms. He reiterated that intent was for the Iowa Code Office to have purely nonsubstantive editorial authority. Similar style rules could be developed for the Iowa Code and Iowa Administrative rules, e.g., capitalization, grammar, verbs, tense, etc. This would help proofreaders and text processors as well. Priebe saw potential problem in making the "nonsubstantive" determination.

CODE
OFFICE
Continued

Tieden asked Royce for comment. Royce recalled that when the language was drafted in 1978, intent was to allow the Code Editor's office, specifically, the Deputy Code Editor's office, to make editorial changes--crossing the t's, putting in the commas, making non-substantive corrections.

Peeters was unsure it should go that far. He saw the role of the Code Editor's office as setting guidelines for the executive branch to follow. If rules are submitted in noncompliance, the Coordinator should require a "redraft".

Royce noted that the large number of agencies have varying expertise and really need the Deputy Code Editor's assistance in the whole process. Barry commented on the large volume of rules which are submitted to the Coordinator every other Friday. She emphasized there is good rapport with the Coordinator and agencies--all editorial changes are cleared with them.

Burnett called attention to use of "style and format" in 2.42(11). Preibe suggested that Peeters, Burnett, Royce, and Barry should meet in an attempt to resolve any problem with use of "style and form."

Section 5--§14.1 Code Editor and Deputy Code Editor. This was considered in conjunction with Section 1, and Priebe recommended that "legislative council" be substituted for "director" in line 13.

Section 6--With respect to 14.21, it was noted that the amendment to delete "rules review committee" from participation in determining costs of court rules was included in the Code Editor's bill [H.F.2066].

Section 7--§17.22. Peeters called attention to language in 17.22 relative to the role of the ARRC in pricing legal publications. A consultative role was added for the Code Editor in regard to pricing. Peeters said the Council sets price only in consultation with the state printer and LSB, and this will be added in the Code. Also, archaic references to Books and Supplements of Code annotations were stricken.

Section 8--amending §17A.6(1) and (2). Peeters pointed out changes from the original draft suggested by Connors and the Service Committee. In the original draft, language was added to allow the ARRC to establish a publication schedule for IAC Supplements which the Committee had endorsed. This discretion was extended to the Bulletins as well in the second draft.

Priebe asked for inclusion of "or designee" in line 13 of page 4 (sec.7), and for inclusion of "or designee" wherever possible throughout the bill.

CODE
OFFICE
Continued

Doyle asked that "appropriate" be substituted for "fitting and proper" in 17A.6(1)c. (sec.8) Peeters called attention to change in lines 7 and 8, [17A.6(2)]-- publication of the Administrative Code by Code Editor is made subject to direction of the ARRC rather than the Administrative Rules Coordinator with the theory being that the current law might be unconstitutional. An executive branch official cannot direct a legislative branch official.

Priebe asked Burnett if she had problems with that. Burnett responded that it would depend on what is done with style and format.

Peeters continued that new language in lines 20 to 25 [17A.6(2)] allows the Code Editor, in consultation with the ARRC, to provide subscription to portions of the IAC and Supplements. He added that it might not be feasible to set this up, at least not in the immediate future.

Priebe asked for inclusion of "or designee" after "Code Editor" in line 21. Barry interjected that Mr. Lundquist [Printing Division] was aware of the demand for portions of the IAC but lacked necessary funds for two additional staff members to handle that.

Peeters said lines 25 through 32 contain language to be revised relative to consultation with the Administrative Rules Coordinator. Committee consensus was that they, too, should have a consultative role.

Section 9--new section relative to printing of the Code and related publications. Peeters said the language tracks similar provisions in the Code.

Doyle suggested changing the word "power" in line 35 to "authority". Peeters pointed out that it refers to the Director of General Services who currently lets all printing contracts. The proposed amendment would allow a consultative role for the Code Editor. Peeters continued that, "We feel we have some complaints about some of the printers that have been selected in the past." Priebe thought the Administrative Rules Review Committee should also be included in this process.

O'Kane commented on policies of other states with respect to Code editing and publishing. Priebe was of the opinion that the statutory provisions for free distribution of IAC and IAB should be studied. Currently, free distribution is made for 782 Bulletins; there are 284 paid subscriptions. Free distribution for the IAC Supplement is 682 and there are 372 paid. Priebe suggested that someone from LSB, the Governor's Coordinator, and two ARRC members review the matter for next year. Doyle noted that \$18.97 was amended last year and Priebe suggested the sponsor be contacted for input re free distribution.

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CODE There was Committee consensus that the final bill could be
OFFICE sponsored by the Administrative Rules Review Committee.

REVENUE Clair R. Cramer, Gene Eich and Carl Castelda were present
DEPT for review of:

School district surtax, setoffs against income tax refunds and rebates, 42.1, 43.3(3) to 43.3(6)	ARC 6350	.....F.....	2/12/86
Computation of tax, local sales and service tax, 14.2, ch 107	ARC 6363	.....F.....	2/26/86
Local earnings tax, ch 113	ARC 6364	.....F.....	2/26/86
Sale or rental of computers, industrial machinery and equipment, refund of and exemption from tax paid, 18.45	ARC 6351	.....N.....	2/12/86
Assessment practices and equalization, 71.1(6), 71.1(7), notice	ARC 5788 terminated	ARC 6349N.....	2/12/86
Assessment practices and equalization, 71.1(6), 71.1(7)	ARC 6352	.....N.....	2/12/86

No questions re 42.1-42.3(3), 43.3(5), chapter 107 or 14.2. Priebe had heard complaints of inconsistencies in collection of sales tax by auctioneers. Castelda agreed to contact the Iowa Association of Auctioneers to clarify the procedure to be followed.

ch 113 Castelda said chapter 113 was identical to the Notice. The Department had received a letter from Jack Soner, Iowa Association of Business and Industry, wherein he expressed concern about the statute. Copies had been sent to Royce and Burnett.

O'Kane pointed out that legislation to repeal local earnings tax had passed the House.

18.45 Castelda said that sales tax refund and exemption on sales or rental of computers, industrial machinery, and equipment were explained in proposed rule 18.45. Castelda noted that since computers were not defined as a commercial enterprise, farmers would not be exempt from the tax. The Department anticipated problems with the complex issue.

In response to Tieden, Castelda explained that the rule to address service tax on "lobbying" would be published under separate notice. Revenue had requested an AG opinion on the matter.

71.1 No questions re amendments to 71.1(6) and 71.1(7).

HUMAN Mary Ann Walker, Miriam Turnbull, Jim Hennesey, Linda
SER- Foster, C. S. Ballinger, Ruth E. Schlesinger, Barb Momber,
VICES and Kathleen Kellen were present for:

Food stamp program, voluntary quit, 65.27	ARC 6335	.....F.....	2/12/86
Medical and health services, nurse-midwives, 77.26, 78.29, 79.1(2), 80.2(2)"y" and "z"	ARC 6334	.....F.....	2/12/86
Title XIX waiver services, eligibility criteria, 83.5(2)	ARC 6336	.....F.....	2/12/86
County and multicounty juvenile detention homes and county and multicounty juvenile shelter care homes, 105.3(3)"i," 105.10(3)"h," 105.15(1), 105.15(3)"b" to "d," 105.16(4)	ARC 6337	.....F.....	2/12/86
Adult abuse information disseminated, 176.10	ARC 6338	.....F.....	2/12/86
Medical assistance, eligibility, 75.1(2)	ARC 6341	.....N.....	2/12/86
Medical assistance, submission of claims, 80.2(2)"a," "c," "j" to "m," 80.2(3)	ARC 6366	.....N.....	2/26/86

65.27 No recommendations were offered for 65.27. Walker dis-
77.26 cussed the payment schedule for nurse midwives--slightly
et al less than the amount paid a physician. Presently,
there are two nurse midwives. No recommendations for
83.5(2), 105.3(3)i et al, or 176.10. In review of 75.1(2),
Tieden was interested in knowing if there would be extra
costs. Schlesinger estimated that any increase would be
minimal.

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HUMAN
SERVICES
Continued

Clark observed that new subrule 80.2(3) was written in the negative. Walker said that information relative to the required forms would be included in their manual and she was willing to redraft the subrule in the positive.

Minutes

Doyle moved that minutes of the February meeting of the ARRC be approved as submitted. Motion adopted.

No Agency
Reps

No representatives were requested to appear for the following agencies:

AGRICULTURE DEPARTMENT[30]

Specifications and standards for moisture measuring devices, 65.54 ARC 6325 ..F..... 2/12/86
Livestock movement, 18.4(5), 18.11 ARC 6326 ..N..... 2/12/86
Dairy, tests for abnormal milk, 30.26 ARC 6327 ..N..... 2/12/86

HEALTH DATA COMMISSION[465]

Submission of data, 6.1, 6.3 to 6.6 ARC 6365 ..N..... 2/26/86

HEALTH DEPARTMENT[470]

Psychology examiners, declaratory rulings, 140.3(7) ARC 6343 ..F..... 2/12/86
Chiropractic examiners, CE, 141.68 ARC 6328 ..F..... 2/12/86
Optometry examiners, fees, 143.10(1) ARC 6386 ..F..... 2/26/86
Funeral directors, 146.5(1), 146.5(10) ARC 6344 ..F..... 2/12/86

HIGHER EDUCATION LOAN AUTHORITY[480]

Organization and operation, rule making and declaratory rules, chs 1 and 2 ARC 6330 ..N..... 2/12/86

NURSING, BOARD OF[690]

Continuing education — providers, 5.3(6) ARC 6332 ..F..... 2/12/86
License to practice — RN/LPN, 3.4(7) and "e." 3.5(2) and "c." 3.5(3) ARC 6355 ..N..... 2/26/86
Continuing education — providers, 5.3(2)"b"(7) ARC 6356 ..N..... 2/26/86

NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS[600]

Declaratory rulings, license fees, continuing education — attendance record report, 1.4, 2.5(3), 2.5(5), 3.7 ARC 6331 ..F..... 2/12/86

PUBLIC INSTRUCTION DEPARTMENT[670]

Issuance of certificates and endorsements, requirements for special education endorsements, 70.19(4), 70.20, 70.21, 73.2(8), 73.2(10) ARC 6353 ..N..... 2/12/86

RACING COMMISSION, STATE[693]

Greyhound racing, mutual departments, 7.3(9), 7.11(2), 7.13(1), 8.2(4)"h"(7), 8.3(2), 8.10 ARC 6354 ..N..... 2/26/86

SOIL CONSERVATION DEPARTMENT[780]

Abandoned mined land program forms, 27.100 ARC 6348, also filed emergency ARC 6347 ..N..F.F..... 2/12/86

TRANSPORTATION, DEPARTMENT OF[820]

Gender and related editorial corrections, (06.C) 1.4(2), 1.4(5), (06.F) 7.3(2), (07.E) 1.2, 1.2(1), 1.2(2), 2.2(3), (07.F) 3.1(4)"a." 3.7(1)"h." 7.6(2)"b." (08.E) 2.2 ARC 6362 ..F..... 2/26/86
RISE program, (06.Q) ch 4 ARC 6333 ..F..... 2/12/86

VOTER REGISTRATION COMMISSION[845]

Voter registration forms and instructions, 2.1(8) ARC 6340 ..F..... 2/12/86

DOT

Question was raised as to use of the expression "private investment"... in the definition of "Economic development"--RISE program. Tieden noted that "private" was not included in the statute. Royce agreed to pursue the matter.

Agriculture

Priebe could envision problems with proposed amendments to Agriculture rules chapter 18 relative to livestock transportation where a change of ownership is involved. Discussion of rule 30--30.26 with Clark asking about use of "certified or officially designated laboratory ..." for testing of milk.

No Agency Reps Agriculture Meeting in Recess Royce was directed to contact the Agriculture Department concerning questions raised. Chairman Priebe recessed the meeting at 11:50 a.m.

Reconvened The Administrative Rules Review Committee reconvened Monday, March 17, 1986, 12:30 p.m., Senate Committee Room 116. Members present: Senator Berl Priebe, Senator Donald Doyle and Senator Dale Tieden (late arrival); Representative James D. O'Kane. Also present: Donovan Peeters, Director, Legislative Service Bureau; Joseph Royce, Committee Counsel; Phyllis Barry, Deputy Code Editor; and Vivian Haag, Executive Administrator.

CODE OFFICE Peeters provided revised copies of the proposed bill relative to restructuring of the Office of Code Editor. Changes recommended at the March 10 meeting had been incorporated.

Doyle recalled that he had written a grievance procedure several years ago relative to firing of legislative employees, including those in the House and the Senate. However, it had never passed in the Senate, and Doyle wondered if that should be addressed in this draft. Peeters took the position that it should not be. He pointed out that, under the proposal, firing or dismissal authority would be under the Legislative Council, not the LSB Director.

Priebe asked for inclusion of "or designee" after "Code editor" in Sec. 6, lines 19 and 30 and he suggested inclusion of the words "or designee" after "Code editor" wherever the words appear.

It was noted that deletion of reference to "rules review committee" in section 14.21 would eliminate the ARRC role in pricing various state documents. This was requested by the ARRC at an earlier date and was included in H.F. 2066 as well.

Discussion of the free distribution of various state publications. Peeters understood that this would be an interim project. Doyle pointed out that the Code section [18.97] had been amended last year. Priebe thought a resolution might be needed but Doyle favored personal contact of the two Chairmen of the State Government Committees. He was confident the Legislative Council would approve a one-day study.

Copies of a letter from Barbara Burnett, Governor's Administrative Rules Coordinator, were distributed. In her absence, the letter was intended to convey her opinion regarding proposed changes in the Code Office bill.

CODE
OFFICE
Continued

In re page 5, lines 28 to 32, amending §17A.6(2), Priebe read proposed language which was acceptable to Burnett. Royce pointed out that Burnett favored use of "style and format" rather than "style and form". He then read possible compromise language to be added at the end of §17A.6(2), lines 27 to 32: "The Code editor or designee, in consultation with and with the approval of the administrative rules coordinator shall prescribe..."

Doyle saw no need for "with the approval" since the governor already has veto power. There was general discussion of that power. Peeters suggested substituting "jointly" for "consultation with" in line 28 and the Committee concurred. Doyle expressed opposition to use of "correlate" in line 31. O'Kane suggested another draft of the proposal.

Mention was made that the draft would probably be introduced by Representative Connors as a study bill and then referred to the ARRC to be reported out as a Committee bill.

Priebe recapped the recommended changes for the proposed bill: Page 1, no changes; page 2, change "power" to "duty" in line 4 and insert a period; page 3, line 2, change "form" to "format", line 4, strike "and form" and insert "or format", lines 19 and 31, insert "or designee" following "Code editor"; page 4, lines 28 and 32, insert "or designee" after "Code editor"; page 5, lines 7, 10, 16, 24, and 28, insert "or designee" after "Code editor", lines 27 to 32, to be rewritten; page 6, lines 1 and 2, insert "or designee" following "editor".

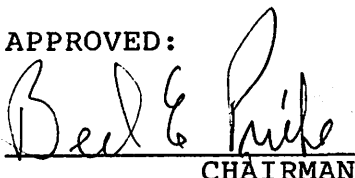
Beer & Liquor The Committee granted a request of the Beer and Liquor Department to terminate four Notices of Intended Action: ARC 5854, 5856, 5858, and 5956. Emergency rules had been implemented with no problems.

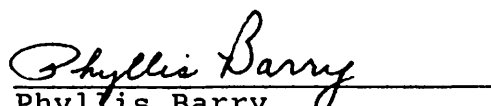
DWAWM Priebe discussed the grant program for sewer construction. He asked that Steve Ballow be requested to appear at the May meeting of the ARRC to explain rationale followed by DWAWM in making the awards.

Adjourned Chairman Priebe adjourned the meeting at 1:10 p.m. The next regular meeting was scheduled for April 8, 1986.

Respectfully submitted,

APPROVED:


CHAIRMAN


Phyllis Barry
Assisted by Vivian Haag