

MINUTES OF THE SPECIAL MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of meeting The special meeting of the Administrative Rules Review Committee (ARRC) was held on Monday, March 13, 1995, in Room 22, State Capitol, Des Moines, Iowa.

Members present: Representative Janet Metcalf and Senator Berl E. Priebe, Co-chairs; Senators H. Kay Hedge, John P. Kibbie, and Sheldon Rittmer; Representatives Horace Daggett, Roger Halvorson, Minnette Doderer and Keith Weigel. Absent: Senator William Palmer.

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

Convened: Co-chair Metcalf convened the meeting at 8 a.m.

DHS Mary Ann Walker, Lucinda Wonderlich, Deloris Conner, Jo Sheeley, Charlene Hansen, Glenna Clark, Sally Nadolsky, Doris Taylor, Charlie Parrish and Daniel Hart were present for the following:

HUMAN SERVICES DEPARTMENT[441]

Centralized employee registry database access, 9.12(2)"c." Filed ARC 5380A 2/1/95

Food stamp policy — terminated income of FIP participant, welfare reform, 41.7(7)"ae," 41.27(7)"ah," 65.29(10), 65.44, 65.129(9), 65.129(13), 65.143, Filed Emergency After Notice ARC 5381A 2/1/95

Food stamp policy — scheduling of interviews, verification, repayment agreements, 65.2(1), 65.2(2), 65.21(4), 65.102(1), 65.102(2), 65.121(4), Filed ARC 5378A 2/1/95

Medicaid eligibility, 75.10(2)"d," Notice ARC 5404A 2/15/95

Payment to orthodontists for braces for children under the EPSDT program, 79.6, Notice ARC 5373A 2/1/95

Standard deduction for personal care services provided in RCFs, 86.14(2)"d," Notice ARC 5374A 2/1/95

Rate adjustment for foster family care, subsidized adoptions, group foster care and shelter, 150.3(5)"p"(1), 156.6(1), 156.6(3), 156.6(4)"a" to "e," 156.9(1), 156.9(2), 156.11(2), 185.83(1)"e," 185.83(2)"c," 185.83(3)"c," 185.106(4)"c," 201.5(9), Notice ARC 5403A 2/15/95

Family development and self-sufficiency program, 165.1, 165.2, 165.2(1), 165.2(1)"d," "f," "h" and "i," 165.2(2)"c," 165.2(3), 165.2(3)"a," "c," "d," "f," and "h," 165.3(1), 165.3(2), 165.3(4), 165.4(1), 165.4(2), 165.4(4), 165.4(4)"c" and "d," 165.4(5), 165.5(1), 165.8(1)"e," 165.8(2), 165.10(4), Filed ARC 5379A, See text LAB 11/9/94 2/1/95

Adoption services — counseling of biological parents, 200.1, 200.2, 200.6(2), Notice ARC 5372A 2/1/95

Mental illness, mental retardation, developmental disabilities, and brain injury community services, ch 23 preamble, 23.1, 23.3(2)"a"(6), 23.4(1)"a," 23.4(3), Filed ARC 5440A 3/1/95

9.12(2)"c" Hedge asked if revision in 9.12 would result in increased paperwork and personnel. Taylor responded this would not cause an increase in staff for the Bureau of Collections but additional paperwork would be generated. Reporting was required on the Iowa W-4 form and many employers were choosing to report through magnetic tapes or computer disks and printouts. No Committee action.

41.7(7)"ae" et al. No questions on 41.7(7)"ae" et al.

65.2(1) et al. Walker stated that two written comments had been received from legal services with respect to the food stamp policies. Legal services contended they would place a burden on the client in rescheduling appointments. Daggett inquired if failure to appear occurred often. Hansen did not have statistics but indicated it was a frequent occurrence. Daggett wondered if the change in rules would encourage appearance of clients. Hansen took the position that it would not but clients who were no longer interested in pursuing the application would be eliminated, thus reducing some paperwork and unnecessary scheduling.

DHS (Cont.)

75.10(2)"d" and 79.6 No questions on 75.10(2)"d" and 79.6.

86.14(2)"d"

Walker stated 86.14 would have a heavy fiscal impact—estimated state share would be \$1.382 million for fiscal year 1995. Daggett inquired if this was included in the budget and Wonderlich explained the figures for 1996 were not in the budget. She clarified the cost for 1995 was approximately \$91,618 for June only. The larger amount was for all of 1996.

Hart stated federal rules require allowance for spenddown. He added that the state had been sued over failure to allow any deduction for the medical component of an RCF. No Committee action.

165.1 et al. and
150.3(5)"p"(1)

No questions on 165.1 et al. and 150.3(5)"p"(1).

200.1 et al.

In response to Rittmer, Walker stated that amendments to adoption services rules were voluntary. Daggett asked about the criteria for becoming a certified adoption investigator. Walker responded that investigators had been governed by rules of the Department for some time. No Committee action.

Ch 23 et al.

No questions on Ch 23 et al.

Objection Lifted
Motion
24.1

Barry advised the Committee of revisions to the definition of "persons with mental retardation" in rule 24.1. An objection was in place on the previous language which should be lifted. Priebe moved to lift the objection which was voted in July 1994. There was discussion of pending legislation on the issue. Motion to lift the objection carried.

May meeting

Priebe moved to schedule time for a special review of rule 24.1 at the May meeting tentatively scheduled for the 15th and 16th. Motion carried.

Minutes

Priebe moved to approve the February minutes as submitted and the motion carried.

EPC

Darrell McAllister, Water Quality Bureau Chief, Dennis Alt, Commission representative, Linda Kading, Iowa Association of Municipal Utilities, Mark Dickey, Iowa Rural Water Association, Janet Mortimore, City of Lineville, and Dawn Goodrich, Des Moines Water Works, were present for the following:

ENVIRONMENTAL PROTECTION COMMISSION[567]
NATURAL RESOURCES DEPARTMENT[561]"umbrella"
Fees for water supply operation permits, 40.2, 40.5, 43.2(3)"b," 43.3(3)"b," Filed ARC 5410A 2/15/95
Laboratory certification, 42.1(3), 42.26, 42.27, Filed ARC 5409A, See text IAB 11/9/94 2/15/95
Water quality — designated uses for 90 stream segments, 61.2(5), 61.3(5)"e," Notice ARC 5411A 2/15/95

40.2 et al.

McAllister explained changes from the Notice of Intended Action in 40.2 et al. Metcalf requested an example of 43.2(3)"b"(9), multiple public water supply systems. McAllister cited a sizable county park with more than one entrance with a well at one entrance which was not connected to a well at another entrance. Both wells would be considered public water supplies for testing purposes. For fee purposes this would be counted as one system with one base fee.

Kibbie opined the fees were excessive for small communities and he asked about a population of 1000. McAllister replied current fees were approximately \$120 for a three-year period or \$40 to \$50 per year. The fees for this year would be \$175 plus \$0.04 per person over 500 or \$195 as an annual fee. Next year the fees

- EPC (Cont.) would be approximately \$320. For a nonvulnerable water system serving 1000 people, the Department would be able to reduce monitoring costs.
- McAllister advised Kibbie that it was procedure to monitor upstream and downstream and this information was documented and available. Kibbie took the position that the state should subsidize costs of this program.
- Motion to Delay and Refer Kibbie moved to delay ARC 5410A until adjournment of the 1995 General Assembly and to refer these rules to the Speaker and President of the Senate.
- Rittmer inquired if larger communities were allocated the cost of monitoring. McAllister stated the Department did not pay for the cost of monitoring water supplies. In response to Rittmer, McAllister stated the frequency of analysis varied depending upon the size of the water supply and the contaminants being analyzed. Larger water supplies were not eligible for monitoring waivers and must have maximum monitoring. Therefore, larger water supplies pay more for monitoring services than smaller water supplies and actually pay some of the costs of smaller supplies. Rittmer also favored a state subsidy for the smaller supplies. McAllister stated nontransient, noncommunity water supplies pay approximately 6 percent of the total fees, Department facilities pay 1 1/2 percent, transient noncommunities would pay 21 percent, cities which serve a population of less than 500 would pay 22 percent and cities serving greater than 500 would pay 34 percent.
- Hedge did not view fees as exorbitant but believed the costs would be shifted to larger communities.
- In response to Metcalf, McAllister stated the fees would cover increased personnel costs rather than testing. Halvorson asked about other fees for a population of 1000. McAllister responded a water supply that was nonvulnerable would have a monitoring cost each year of \$1000 if the Department were running the program. Under federal regulation it would be \$5900.
- McAllister concurred with Priebe that most complaints were with the monitoring costs. Metcalf asked if a session delay would present difficulty and McAllister replied EPA would be notified and the timeframe for payment of fees would be uncertain.
- In response to Daggett, McAllister explained that communities which were on another water supply would not pay for the monitoring fees directly but would pay for analysis.
- Motion to Delay The motion to refer these rules to the Speaker of the House and President of the Senate and to Session delay was carried.
- 42.1(3) et al. In response to Kibbie, McAllister stated there were 35 certified laboratories both in and out of the state. No Committee action.
- 61.2(5), 61.3(5)"e" In response to Priebe, McAllister stated that there were 14 dischargers and only one industry on the stream segments in 61.2(5) and 61.3(5)"e." Notification was sent to all 14 dischargers and no comments had been received. Priebe wondered why the lake at Brushy Creek was not classified and McAllister agreed to investigate.

EPC (Cont.)

Weigel requested information on the location of the 14 dischargers and McAllister indicated that he would provide the information. He added that there would be a change in allowed discharges.

Rittmer questioned use of "limited resource" and McAllister described it as a stream segment lacking the capacity to support sports fisheries but containing aquatic species which needed protection. Streams under "A" heading had whole body protection for swimming or sports canoeing. Dischargers would be required to disinfect discharge before releasing into that segment. McAllister also explained the other headings: LW—Lakes and Wetlands; HQ—High Quality (water quality was of higher quality than needed; and HQR—High quality Resource (physical characteristics of the stream are of high quality). A stream designated as "higher quality than needed: signified the natural quality of the river was such that there were no natural pollutants and the quality that existed naturally was to be maintained. No Committee action.

REAL ESTATE

K. Marie Thayer and Roger Hansen represented the Commission for the following:

REAL ESTATE COMMISSION[193e]
Professional Licensing and Regulation Division[193]
COMMERCE DEPARTMENT[181]"umbrella"
Business conduct, 1.27(1), 1.30(4), 1.36, 1.38, Filed ARC 5435A, See text IAB 1/4/95 3/1/95

1.27(1) et al.

Hansen explained the amendments to Chapter 1 which were promulgated to address the occurrence of negative balances in brokers' equity accounts which was a violation. Hedge was informed that brokers would be required to deposit earnest money in the broker's account within one banking day. No recommendations.

PUBLIC SAFETY

Mike Coveyou, Carroll Bidler, Tim McDonald, Steve Bogle and Calvin Rayburn were present for the following:

PUBLIC SAFETY DEPARTMENT[661]
Ignition interlock devices, 7.8(1)"d," 7.8(2), 7.8(5), 7.8(8), 7.8(14). Filed ARC 5421A 2/15/95
Fingerprinting of juveniles, 11.19, Filed ARC 5422A 2/15/95
Governor's traffic safety bureau — application for funding, 20.3(6), Notice ARC 5420A, also
Filed Emergency ARC 5419A 2/15/95
Criminal justice information, ch 8 title, rescind 8.1 to 8.101, new 8.101 to 8.206, Notice ARC 5175A Terminated,
Notice ARC 5461A 3/1/95

7.8(1)"d" et al.

No questions on 7.8(1)"d" et al.

11.19

With respect to 11.19, Daggett asked about fingerprint records and McDonald stated the agency retained the fingerprints in the automated fingerprint identification system with a name file used for audit purposes and then expunged them. A criminal history record was not created as it would be in adult cases. If a juvenile were tried as an adult and had a criminal history record, this information would be available to schools statewide. Juvenile fingerprints would only be accessed by law enforcement. No Committee action.

20.3(6)

No questions on 20.3(6).

Ch 8

In review of Chapter 8 amendments, Bidler indicated there would be no impact on FTEs or the budget.

**DENTAL
EXAMINERS**

Constance Price represented the Board for the following:

DENTAL EXAMINERS BOARD[650]**PUBLIC HEALTH DEPARTMENT[641]"umbrella"**

Definitions — Code references corrected, 1.1, Notice ARC 5424A 2/15/95
 Public records and fair information practices — Code references corrected, 6.13(2)"b" and "h," 6.14(2), 6.14(3),
 6.14(3)"a" and "b," 6.14(4), 6.14(5), 6.14(10), Notice ARC 5425A 2/15/95
 Sales of goods and services, 8.2(2)"b," Notice ARC 5432A 2/15/95
 Renewal of special licenses — continuing education report, 13.2(6), Notice ARC 5431A 2/15/95
 Renewal — assessment of penalties for late fees, 14.4, Filed ARC 5430A 2/15/95
 Exemption for new graduates of dental assisting program from observation requirement,
 22.7(1)"d," Notice ARC 5427A 2/15/95
 Dental assistants in radiography — penalties for late fees, 22.9(3), Filed ARC 5429A 2/15/95
 Professional ethics — unnecessary services, 27.7(7), 27.7(8), Filed ARC 5428A 2/15/95
 Complaints — Code references corrected, 31.1, 31.6 to 31.13, Notice ARC 5426A 2/15/95
 Examinations, 12.1(6), 12.1(7), 12.1(9), 12.2 to 12.5, Notice ARC 5460A 3/1/95

- 1.1 Price stated that no comments had been received on 1.1.
- 6.13(2)"b" et al.,
8.2(2)"b" and 13.2(6) No questions on 6.13(2)"b" et al., 8.2(2)"b" and 13.2(6).
- 14.4 In response to Rittmer, Price explained the date penalties would be assessed for late fees was changed by one day.
- 22.7(1)"d" and
22.9(3) No questions on 22.7(1)"d" and 22.9(3).
- 27.7(7) and 27.7(8) Price told the Committee that the Dental Association favored use of "advocate" rather than "recommend" in revisions of rule 27.7.
- In response to Doderer, Price replied this rule addressed the issue of dentists who recommended removal of amalgam fillings because of toxicity without informing the patient of other facts. The Board wanted authority to discipline a dentist if necessary.
- 31.1 et al. No questions on 31.1 et al.
- 12.1(6) et al. There was brief discussion of revised rules in Chapter 12 relative to examinations for dental licensure.

**ECONOMIC
DEVELOPMENT**

Lane Palmer, Gleen Coates, Mike Miller and Melanie Johnson were present for the following:

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Expansion of SELP to persons with disabilities, 8.1, 8.2, 8.3(6), Filed ARC 5400A 2/15/95
 High technology apprenticeship program, 17.1 to 17.7, Notice ARC 5413A 2/15/95
 CDBG — set-aside for welfare reform activities, 23.5(1), 23.6(3), 23.6(4), 23.6(6) to 23.6(10), 23.17,
Filed Emergency ARC 5402A 2/15/95
 Targeted small business financial assistance program — inclusion of persons with disabilities, 27.2, 27.4(6)"a,"
Filed ARC 5401A 2/15/95

- 8.1 et al. and
27.2 et al. Priebe asked how amendments to Chapter 8 would apply for a compulsive gambler. According to Miller, the language was taken directly from the law. Royce advised that compulsive gambler would not be covered under the definition of disability. Miller added that participation would be limited to those eligible under the Division of Vocational Rehabilitation rules. Priebe was concerned about who would determine ineligibility. Miller pointed out this definition was not consistent with the federal definition. Rittmer interpreted the rule to say that someone could qualify because of a disability and have one of these other

- DED (Cont.) problems but could not qualify solely because of one of these problems. Miller agreed. No Committee action.
- 17.1 to 17.7 Metcalf asked if this was the first year for the program and Johnson explained the apprenticeship program in Chapter 17 which was in the second year. Last year funds were distributed on a formula basis to fund existing programs. This would be the first full year under a request for proposal (RFP) process. Metcalf wondered if training preceded approval of funds. Johnson believed this was prospective.
- Hedge asked about guidelines to determine "growth industry" and Johnson stated this referred to strategic planning where research had been done and information compiled on target industries. Johnson was unsure what the specific criteria would be for a growth industry. Hedge referred to 17.1 and wondered what was meant by "multistate coordination." Coates agreed to supply information. Kibbie wondered if this would be training in another border state.
- 23.5(1) et al. No questions on 23.5(1).
- COLLEGE STUDENT AID** Laurie Wolf represented the Commission for the following:
- COLLEGE STUDENT AID COMMISSION[283]
EDUCATION DEPARTMENT[281]"umbrella"
Student loans discharged in bankruptcy, 11.1(3)"c," 12.1(8), 13.1(8), 14.1(7), 18.15, 19.1(1)"f," 20.1(1)"f," 21.1(1)"f," 22.1(5), 25.1(3), 27.1(11), 28.1(11), 29.1(8), 30.1(9), 33.10,
Filed ARC 5398A, See text IAB 12/7/94 2/15/95
State of Iowa scholarship program, 11.1(4), 11.1(7), Filed ARC 5397A 2/15/95
Iowa work-study program, 18.3, 18.4, 18.7, Filed ARC 5396A 2/15/95
Cosmetology and barber grants, ch 34, Filed ARC 5395A 2/15/95
- Priebe in Chair.
- 11.1(3)"c" et al. No questions on 11.1(3)"c."
- 11.1(4) and 11.1(7) Hedge inquired if the ranking factors in 11.1(4) were considered equally. Wolf replied they were considered on the basis of a formula prepared by the American College Testing Program on a weighted scale. No Committee action.
- 18.3 et al. and Ch 34 No questions on 18.3 et al., and Chapter 34.
- Metcalf in Chair.
- INSURANCE** Craig Goettsch, Superintendent of Securities, and Tom Fey, Palmer College of Chiropractic, were present for the following:
- INSURANCE DIVISION[191]
COMMERCE DEPARTMENT[181]"umbrella"
Charitable gift annuity exemption, 50.14, Notice ARC 5408A 2/15/95
National securities exchange — exemption, 50.47, Notice ARC 5423A 2/15/95
- 50.14 Goettsch gave a brief history of 50.14 and noted the public hearing scheduled for March 22. Mailing labels were obtained from charitable councils and copies of the rules were sent to more than 100 persons and institutions. The Division had also accepted invitations to speak to groups. No Committee action.
- 50.47 No questions on 50.47.

UTILITIES

Cynthia Dilley, Vicki Place, Gary Stump and Twila Morris were present from the Division for the following:

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

Telephone bill forms, 22.4(1)"b," Notice ARC 5387A 2/1/95
 Affiliate transactions, ch 31 title, 31.7, 31.8, Notice ARC 5386A 2/1/95

22.4(1)"b"

No questions on 22.4(1)"b."

Ch 31 et al.

Hedge asked if Chapter 31 revisions involved alternative sources of energy and Stump replied in the negative. No Committee action.

REVENUE

Carl Castelda, Deputy Director and Coadministrator of the Compliance Division, was present for the following:

REVENUE AND FINANCE DEPARTMENT[701]

Practice and procedure before the department, 7.1, 7.2, 7.7, 7.8, 7.8(2), 7.11(1)"a"(6), 7.11(1)"b," 7.11(2), 7.12, 7.14(2), 7.16, 7.17, 7.17(1), 7.17(2)"c"(1) and (3), 7.17(3), 7.17(5), 7.17(6), 7.20"2""d," 7.21, 7.24(1), 7.24(3)
Notice ARC 5412A 2/15/95

7.1 et al.

Castelda gave a brief history of the rules and reviewed "summary judgment procedure" in 7.17(3)"c"(3). He clarified that "a protester" and "a protesting party" were synonymous.

Priebe questioned the revision in 7.7 and Castelda cited changes in the structure of the Department.

Hedge was interested in who was responsible for costs relative to the fiber optic network referred to in 7.17. Castelda replied the Department would pay the minimal costs. No Committee action.

INSPECTIONS

Rebecca Walsh represented the Department for the following:

INSPECTIONS AND APPEALS DEPARTMENT[481]

Targeted small business certification program — certification of disability, 25.1, Notice ARC 5389A 2/1/95

25.1

Walsh stated the Department of Education had requested clarification of the definition of "targeted group persons" to identify that federal standards were used to determine eligibility of persons with disabilities for vocational rehabilitation services. The Department was willing to include this in the final adoption. In response to Metcalf, Walsh stated the Department was in compliance with federal rules. Metcalf referred Walsh to Economic Development's rules on the same topic in ARC 5401A.

**PROFESSIONAL
LICENSURE**

Carolyn Adams and Harriett Miller represented the Division for the following:

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Cosmetology arts and sciences, 60.13(1)"a," 60.13(3), 63.4(4), 63.4(7), 63.4(8), 63.4(13), 64.1(3),
Notice ARC 5384A 2/1/95
 Mortuary science, 100.1(4)"a," 100.1(5)"c," 100.1(8)"a," 100.6, 100.7, 101.3, 101.98(3), 101.212(16),
Filed ARC 5414A 2/15/95
 Mortuary science — continuing education, 101.103(1), 101.106, Notice ARC 5415A 2/15/95
 Occupational therapy — application for permit and licensure, 201.5(5), 201.6(5), 201.6(6), Filed ARC 5417A 2/15/95
 Podiatry — renewal fee for temporary license, 220.3(6), Notice ARC 5418A 2/15/95
 Social work — continuing education literature, 280.102(1)"k"(5), Filed ARC 5383A 2/1/95

60.13(1)"a" et al.

No questions on 60.13(1)"a."

Prof. Licensure
(Cont.)
100.1(4)"a" et al.

Metcalf asked about changes made as the result of comments on revision relative to mortuary science. Miller recalled concern about privacy in the preparation room and new paragraph 100.1(5)"c" was intended to address this issue.

Priebe wondered why "and the funeral director's assistants" was stricken in 100.1(4)"a." Miller replied the statute did not mention assistants and many funeral homes employed interns instead.

Priebe interpreted these rules to preclude a funeral director from having assistance other than an intern in transporting a body.

Royce stated that paragraph "a" seemed to regulate outer garments of the funeral director only—not the helpers. Doderer felt the problem was with the word "assistant."

Priebe referred to rule 101.3 and questioned the meaning of "board-certified preceptor." Miller explained that preceptors complete a training program before being certified. A preceptor and a licensed funeral director were the same. Doderer opined these rules should be clarified. In response to Doderer, Miller stated a funeral home was not required to have a preceptor. Royce understood that a preceptor was someone qualified to teach the duties of a funeral director to an intern.

In response to Kibbie, Miller stated the law provided for a body to be taken charge of by a licensed funeral director or someone with a burial-transit permit. This was the responsibility of the medical examiner prior to that time.

Metcalf noted the Funeral Directors Association was satisfied with the rules.

Motion to Delay

After further discussion, Rittmer moved to delay the rules in ARC 5414A for 70 days to allow time for further study.

Priebe asked how many preceptors the Department anticipated and who would verify the criteria to become a preceptor. According to Miller, the Board would certify preceptors. There were approximately 30 interns per year.

Motion Carried

The motion to delay ARC 5414A for 70-days was carried. Royce noted these rules would be on the May agenda.

101.103(1),
101.106 and
201.5(5) et al.

No questions on 101.103(1), 101.106 or 201.5(5) et al.

Priebe in Chair.

220.3(6)

Daggett questioned reduction of the podiatrist's annual renewal fee for a temporary license—from \$70 to \$15. Miller replied the internship was for a one-year period and the first fee would be \$75. There was a period of two to three months after the internship and prior to licensing when a second temporary license would be needed. A lower fee would be charged for the two- or three-month period. No Committee action.

Metcalf in Chair.

280.102(1)"k"(5)

No questions on 280.102(1)"k"(5).

PUBLIC HEALTH Carolyn Adams and Sharon Dozier were present for the following:

PUBLIC HEALTH DEPARTMENT[641]

Center for rural health and primary care, ch 110, Filed Emergency After Notice ARC 5399A 2/15/95

Ch 110

Dozier gave a brief overview of the changes made since the Noticed rules. Daggett asked when the scholarship program would be established and Dozier replied applications for state funds were due March 20. The federal applications for matching dollars were due March 21. No Committee action.

SUBSTANCE ABUSE

Carolyn Adams and Dean Austin were present for the following:

SUBSTANCE ABUSE COMMISSION[643]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Methadone — central registry system, take-home medication, 3.35(1), 3.35(2),

Notice ARC 4967A Terminated ARC 5382A 2/1/95

3.35(1) and 3.35(2)

Austin gave an update on the methadone program. The Federal Center for Substance Abuse Treatment had arranged for a national consultant to provide technical assistance. The consultant felt the previous rules were not as detailed as they should be and that the state was within its authority to promulgate rules. Revised rules had been sent to the four local programs and a meeting over the ICN had been set for April 21.

NATURAL RESOURCE

Nancy Exline-Downing, Richard Bishop and Steve Dermand represented the Commission for the following:

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

State parks — price of camping coupon books, 61.3(1)"i," Filed Emergency ARC 5448A 3/1/95Turtles, 86.1(2), Filed ARC 5449A 3/1/95Nonresident deer hunting, 94.1(2), 94.1(3), 94.2, 94.6(1), 94.8, Filed ARC 5451A 3/1/95

61.3(1)"i"

Exline-Downing stated that revision in 61.3 lowered the price of camping coupon books and reduced the number per book. The change was intended to address low sales.

86.1(2)

In review of 86.1(2), Halvorson and Dermand discussed commercial fishing gear which consisted of traps or hooks. Dermand advised Hedge that nuisance turtles could be taken by commercial turtle trappers. Weigel wondered if licenses were required and Dermand replied in the affirmative. For fishing purposes, up to 100 pounds could be taken on a fishing license.

94.1(2) et al.

There was brief discussion regarding nonresident landowners obtaining deer hunting licenses. No Committee action.

**NO REPS.
CARRIED OVER
TO APRIL**

There was consensus that the following agencies be requested to appear at the April meeting:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Dairy — update of federal documents used in inspections of dairy farms and approval of dairy laboratories,

68.13(2)"1," 68.14, 68.36(11)"a," Notice ARC 5406A 2/15/95

FAIR BOARD[371]

Mailing address; board members; insurance requirements for exhibitors; elimination of classification;

buildings, machinery and services available for interim events, 1.2(1), 1.2(2), 1.2(4)"c," 4.9, 4.27(1), 5.2, 6.21,

6.31, 7.2(1), 7.2(1)"e," 7.2(2)"a" to "d," 7.2(3)"b," 7.4(1), 7.4(3)"a" and "c," 7.4(5)"a," 7.5(1), 7.5(3)"a,"

7.5(5)"a," 7.6(1), 7.7(5)"b," 7.8(1), 7.8(5)"a," 7.15, 7.16(7), 7.16(10), 7.17(1), 7.18(1), 7.18(2), 7.19(1),

7.20(1), 7.20(5), 7.21(1), Notice ARC 5405A 2/15/95

NO REPS. (Cont.)

HUMAN SERVICES DEPARTMENT[441]

Mental health, mental retardation and developmental disabilities special services fund, ch 39 title and preamble, 39.21, 39.22, 39.23(1), 39.23(3), 39.23(4), 39.23(4)"p," 39.23(5), 39.25, 39.27 to 39.29, 39.29(1)

Notice ARC 5441A 3/1/95
 Medicaid eligibility, 75.15(2)"b," 75.24(3)"b," 75.24(3)"b"(1) to (3), Notice ARC 5433A 3/1/95
 Nursing facilities, 81.16(6), 81.17, 81.18(4), 81.19, 81.31 to 81.57, Notice ARC 5469A 3/1/95
 Payments for foster care and foster parent training, 156.8(7), Notice ARC 5438A 3/1/95
 Juvenile detention reimbursement, 167.5, 167.6, rescind ch 167, division II, Notice ARC 5439A 3/1/95

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Waterfowl and coot hunting seasons, 91.1 to 91.3, 91.4(2)"d," "g," "h," and "p," Notice ARC 5450A 3/1/95

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Physician assistants, 325.2, 325.3(1), 325.3(2), 325.4(1) to 325.4(9), 325.5 to 325.18,
Notice ARC 5197A Terminated, Notice ARC 5466A 3/1/95

NO. REPS.

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

ARCHITECTURAL EXAMINING BOARD[193b]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

Registration, continuing education, disciplinary action, 2.2(1), 3.1(6), 5.22, Filed ARC 5434A 3/1/95

COMMUNITY ACTION AGENCIES DIVISION[427]

HUMAN RIGHTS DEPARTMENT[421]"umbrella"

Emergency community services homeless grant program, rescind 23.6(3), Filed ARC 5375A 2/1/95

EDUCATION DEPARTMENT[281]

Community colleges — apprenticeship programs, 21.72 to 21.74, Notice ARC 5468A 3/1/95

GENERAL SERVICES DEPARTMENT[401]

Terrace Hill endowment for the musical arts, 16.2 to 16.4, Notice ARC 5416A 2/15/95

INDUSTRIAL SERVICES DIVISION[343]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

General provisions, contested cases, substantive and interpretive rules, 2.6, 4.44, 4.44(1)"k" to "m," 4.44(4) to 4.44(7), 4.44(12), 4.44(13)"a," 8.9, Filed ARC 5385A, See text IAB 12/7/94 2/1/95

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Reporting requirements on licenses, small group health benefit plans, 9.2, 9.3, 71.3(5)"a," 71.3(5)"b"(2), 71.7(3)"b," 71.8, 71.14, Notice ARC 5388A 2/1/95

IOWA ADVANCE FUNDING AUTHORITY[515]

Transfer 515—ch 1 to [285], rescind the chapter and adopt a new 285—ch 1, Notice ARC 5407A 2/15/95

LABOR SERVICES DIVISION[347]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

General industry safety and health — logging operations, 10.20, Filed Emergency After Notice ARC 5370A .. 2/1/95
 Safety and health standards for agriculture — logging operations, 28.1,

Filed Emergency After Notice ARC 5371A 2/1/95

LIBRARIES AND INFORMATION SERVICES DIVISION[286]

EDUCATION DEPARTMENT[281]"umbrella"

Disposal of library materials, 1.7, Notice ARC 5394A 2/1/95

LOTTERY DIVISION[705]

REVENUE AND FINANCE DEPARTMENT[701]"umbrella"

General operation of the lottery, 1.3, 1.12, 1.27, Filed ARC 5464A 3/1/95

Licensing — computerized game tickets, 2.4(1), 2.4(3), 2.4(4), Filed ARC 5465A 3/1/95

Computerized lottery games, ch 13, rescind chs 9, 10, 12 to 15, Filed ARC 5463A, See text IAB 10/12/94 3/1/95

NO REPS. (Cont.)

NATURAL RESOURCE COMMISSION[571]	
NATURAL RESOURCES DEPARTMENT[561]"umbrella"	
General license regulations — termination of license depository, 15.2(5)"e"(10), <u>Notice</u> ARC 5443A	3/1/95
Snowmobile and all-terrain vehicle registration revenue cost-share program, ch 28, <u>Notice</u> ARC 5444A	3/1/95
Speed restrictions on Brown's Lake and Snyder Bend Lake, Woodbury County, 40.29, 40.30, <u>Notice</u> ARC 5445A	3/1/95
Wildlife refuges, 52.1(2)"a," <u>Notice</u> ARC 5446A	3/1/95
State parks and recreation areas, 61.2, 61.6(4)"b" and "c," 61.22(15), <u>Notice</u> ARC 5447A	3/1/95
Pheasant, quail and gray (Hungarian) partridge hunting seasons, 96.1(1), 96.2, 96.3, <u>Notice</u> ARC 5452A	3/1/95
Common snipe, Virginia rail and sora, woodcock and ruffed grouse hunting seasons, 97.1 to 97.4, <u>Notice</u> ARC 5453A	3/1/95
Wild turkey fall hunting, ch 99, <u>Notice</u> ARC 5454A	3/1/95
Deer population management areas, 105.4(2)"e," 105.4(4), <u>Notice</u> ARC 5455A	3/1/95
Deer hunting, 106.2(1) to 106.2(3), 106.5(1), 106.5(2), 106.6, 106.8, 106.10(1), 106.10(2), 106.10(6), <u>Notice</u> ARC 5456A	3/1/95
Rabbit and squirrel hunting, 107.1 to 107.3, <u>Notice</u> ARC 5457A	3/1/95
Mink, muskrat, raccoon, badger, opossum, weasel, striped skunk, fox (red and gray), beaver, coyote, otter and spotted skunk seasons, 108.1, 108.1(2), 108.2 to 108.4, 108.5(2), <u>Notice</u> ARC 5458A	3/1/95
Trapping limitations — mechanical snares, 110.2(4), <u>Notice</u> ARC 5459A	3/1/95
PROFESSIONAL LICENSING AND REGULATION DIVISION[193]	
COMMERCE DEPARTMENT[181]"umbrella"	
Allocation of disciplinary fees and costs, ch 2, <u>Notice</u> ARC 5436A	3/1/95
PUBLIC EMPLOYMENT RELATIONS BOARD[621]	
Bargaining, impasse procedures, public records and fair information practices, 4.8, 7.6, 12.3(1), <u>Filed</u> ARC 5377A, See text IAB 12/7/94	2/1/95
REAL ESTATE COMMISSION[193e]	
Professional Licensing and Regulation Division[193]	
COMMERCE DEPARTMENT[181]"umbrella"	
Preliminary education and continuing education, 3.2(3), 3.3(2), <u>Filed</u> ARC 5391A	2/1/95
Mandatory errors and omissions insurance, 6.1(5), 6.1(6), 6.2(4), 6.2(6), 6.2(7), Code references corrected in chs 1 to 7, <u>Filed</u> ARC 5390A	2/1/95
REVENUE AND FINANCE DEPARTMENT[701]	
Determination of residence, 38.1(9), 38.17, <u>Notice</u> ARC 5442A	3/1/95
Composite returns, corporate income tax, railroad operations, telecommunications companies, publishing, 40.18(3), 48.2, 48.3"1," 48.9(2), 48.9(3), 52.1(5)"a" and "c," 52.10 to 52.12, 53.2(3)"b," 53.2(5), 54.7(1), 54.7(4), 54.7(6), 59.2(3), 59.2(5), <u>Filed</u> ARC 5393A	2/1/95
TRANSPORTATION DEPARTMENT[761]	
Bikeways and walkways, rescind ch 127, <u>Notice</u> ARC 5392A	2/1/95
Licensing — examination, sanctions, 604.13(1), 604.13(2)"a," 604.13(4)"b"(1) and (2), 607.3, 615.23, 615.32, 615.38(1), <u>Filed</u> ARC 5376A	2/1/95
Vehicle registration and certificate of title, special registration plates, 400.38, 400.41, ch 401, <u>Filed</u> ARC 5437A, See text IAB 1/4/95	3/1/95

Motion to Delay

Halvorson moved a 70-day delay on the following rules of the Attorney General:

ATTORNEY GENERAL[61]	
Victim services grant program, 9.50 to 9.65, <u>Filed</u> ARC 5467A, See text IAB 11/23/94	3/1/95
Sales of former salvage and damaged motor vehicles, ch 27, <u>Filed</u> ARC 5462A	3/1/95

Motion carried.

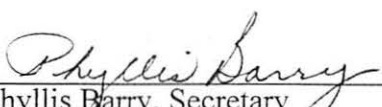
Meeting Dates

The next meeting was scheduled for Monday, April 10, 1995, 7 a.m.

Adjournment

Co-Chair Metcalf adjourned the meeting at 11:15 a.m.

Respectfully submitted,


Phyllis Barry, Secretary
Assisted by Kimberly McKnight

APPROVED:


Representative Janet Metcalf, Co-chair