

MINUTES OF THE REGULAR MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting

The regular meeting of the Administrative Rules Review Committee was held Tuesday and Wednesday, June 14 and 15, 1988, Committee Room 24, State Capitol, Des Moines, Iowa.

Members Present

Senator Berl E. Priebe, Chairman; Representative Edward G. Parker, Vice Chairman; Senators Donald V. Doyle and Dale L. Tieden; Representative Betty Jean Clark were present. Staff present: Joseph A. Royce, Counsel; Phyllis Barry, Administrative Code Editor; Bonnie King, Administrative Assistant. Also present: Barbara Burnett, Governor's Administrative Rules Coordinator. Not present: Representative David M. Tabor.

Convened
EPC - DNR

Chairman Priebe convened the Tuesday meeting at 10:04 a.m. There was brief discussion of proposed rules 567--39.5 to 39.7 relative to closing of abandoned wells--ARC 8658, IAB 4/20/88. Clark moved to request an Economic Impact Statement which would estimate the number of wells in each of the four categories and comparative costs for plugging each type. The statement should also estimate the number of available drillers and the number of wells requiring their services as well as comparison of costs for professional closing versus "do-it-yourself." Motion carried.

Economic Impact Statement Motion

Carried

LABOR SERVICES DIVISION

Chairman Priebe called on Walter Johnson, Deputy Labor Commissioner, for the following:

Description of organization and procedures before division--division I, administration; diversion II, uniform rules, ch 1 ARC 8758.....	F	5/18/88
OSHA rules for general industry, 10.20 ARC 8716.....	F	5/18/88
Asbestos control procedures; licensing of business entities, licensing of training courses, and worker certification, ch 81, 82.1, 82.3(1)"a"(11), 82.3(1)"b," 82.3(4), 82.4, 82.6 to 82.8, 82.9(2) to 82.9(4), 82.10, 82.11 ARC 8722.....	F	5/18/88
Administrative hearings, 1.4, 1.5, rescind ch 78, new ch 200 ARC 8757.....	N	5/18/88
Administrative hearings, rescind 1.6, 1.7, ch 78; new ch 200 Notice ARC 7778 <u>terminated</u> ARC 8759.....	N	5/18/88
OSHA rules for general industry, 10.20 ARC 8718.....	N	5/18/88
OSHA rules for construction, 26.1 ARC 8717.....	N	5/18/88
Amusement railroad rides, 62.1(1), 62.20 ARC 8760.....	N	5/18/88
Business entity definition, 82.1 ARC 8721.....	N	5/18/88
Hazardous chemicals risks right to know, public safety/emergency response right to know, 110.1(4) to 110.1(7), 110.1(7)"e,"(6), 110.2, 140.1(4) ARC 8761.....	N	5/18/88

No recommendations were offered for Chapter 1.

10.20

Johnson described amendment to rule 10.20 as the routine adoption of the OSHA regulations relative to asbestos and benzene exposure.

Chs 81, 82

Johnson explained that Chapters 81 and 82 address asbestos removal procedure and the worker and supervisor training requirements. The asbestos rules are based on the Federal Asbestos Hazardous Emergency Response Act. Johnson added rules in Chapter 82 are similar to those which were published under Notice and Emergency provisions by the Department of Education. The Department will be responsible for all the worker

LABOR
SERVICES
DIVISION
(Cont.)

and supervisor training certification.

Johnson indicated that no major comments were presented on these rules at the public hearing. However, an issue for clarification was the removal of tile or linoleum tile, for example, which contains asbestos. The definition of "asbestos project" was clarified by adding "substantial" before alteration. Sawing, cutting, etc., would be examples of substantial alteration. Johnson emphasized that Labor Services had worked closely with the Department of Education on the two sets of rules. He pointed out an addition since the Notice: Requirement for a physician's certificate that the applicant is capable of wearing a respirator. The rules also include provision for a "competent person's fit test results."

82.4 Johnson and Tieden discussed the notification process for those who intend to engage in an asbestos project and emergency situations--82.4.

Johnson cited the basic purpose of the rule was to give the Division an opportunity to conduct inspections. The Education Department has all of the plans as to the location of the asbestos.

1.4, 200 Johnson stated that 1.4 and Chapter 200 were identical to those published under Notice. Johnson was expecting an Attorney General's opinion as to the jurisdiction between the Department of Inspections and Appeals and the Labor Services Division on some of the hearings. The "all encompassing rules" address any hearing which the Division would handle.

It was noted that 1988 Acts, H.F. 2430, created a category of administrative law judges to supersede hearing officers, in some instances. Johnson noted that rule 200.1 defines "presiding officer."

200.7 Clark referred to 200.7(1)c and asked if there could be extenuating circumstances. Royce took the position that "time lines are set in stone." Johnson concurred that time lines are statutory but some rules can be waived. Doyle wondered if "appearance and answer" might be a better procedure for the agency to follow.

10.20, 26.1 No recommendation re amendments to 10.20 or 26.1.

62.1 According to Johnson, amendments to Chapter 62 adopt
62.20 certain parts of the rules administered by the Federal Railroad Administration for Amusement Railroad rides. The current rules governing carnival amusement rides were not appropriate for the tourist line. Therefore, the Department of Transportation rules which would be applicable to an Amtrak operation were followed.

LABOR
SERVICES
DIVISION
(Cont.)

Dean Briley, representing Boone and Scenic Valley Railroad, Board of Directors member and General Manager for two years, addressed the Committee concerning the Boone operation. Briley stated that they carry \$3 million dollars worth of liability insurance. DOT has made courtesy inspections of the bridges and a former railroad bridge inspector also inspects them. However, it is not a certified inspection.

Johnson stated that they were advised by DOT that the Attorney General thought that the Boone and Scenic Valley Railroad, as well as other similar facilities in the state, were covered under the amusement ride statute. There was discussion of the definition of "amusement device" and possible jurisdictional lines for regulation by Labor. Johnson stated that the dinner train operating in the Waterloo area would be considered a common carrier and, therefore, would not be subject to the rules. He continued that procedures of other states were studied before the rules were drafted.

Briley contended the Boone operation was neither an "amusement" ride nor "an Amtrak." He pointed out that they own the tracks and, therefore, are not federally regulated.

Priebe suggested that an official opinion should be requested. Johnson stated that inspectors would have to be trained and Royce asked about fees. Johnson stated that the fee for a complete facility inspection is \$150.00, plus \$10.00 for a certificate. Cost of training would depend upon cooperation of the Federal Railroad Administration. He added that DOT was willing to work with the Division.

Motion

Doyle moved that an Attorney General's opinion be requested as to the legality of the Division's proposal to regulate scenic railroads as amusement rides. Although railroads may fall within the letter of the law as amusement devices, the Committee was concerned about going beyond legislative intent of Code Chapter 88A. The Committee asked that the Division postpone adoption of the rules until the opinion is available. Doyle motion carried.

82.1, Brief review of amendments to 82.1 and 110.1 et al.
110.1 et al. No action.

AGRICULTURE
AND LAND
STEWARDSHIP
DEPARTMENT

Donna Gwinn, David Werning, Lynette Donner and Steve Moline, Assistant Attorneys General, presented the following rules:

Temporary storage facilities, 60.27 ARC 8803	<i>F.</i>	6/1/88
Waiver of per-bushel and annual grain dealer and warehouse operator fees, 63.8 ARC 8752	<i>E.</i>	5/18/88
Amend and transfer rules from [30] to [21]; uniform rules, chs 3 to 6 ARC 8848	<i>N.</i>	6/1/88
Agricultural revitalization program, ch 66, Notice ARC 8260 terminated ARC 8835	<i>N.T.</i>	6/1/88

AGRICULTURE
AND LAND
STEWARDSHIP
DEPARTMENT
(Cont.)

Discussion of 60.27. In response to Priebe, re 60.27(11) which precluded Grade 2 corn from temporary storage, Moline stated that because of vastly improved facilities, good grain can be preserved. However, lesser quality grain does not keep. The Department has authority to determine suitability of grain to be stored. Werning recalled that Industry favored more than one 90-day extension but the reapplication process is costly for the Department since samples must be taken from the large facilities.

Under the adopted rules, an additional 90-day extension may be granted if the licensee pays for the cost of inspection.

Priebe reasoned that the Department was "changing in the middle of the stream." He suspected that some facilities contain corn that would not meet the standard but is retaining its quality. Moline stated that the new rules would be applicable when the licensing period starts over in August.

Gwinn pointed out that moisture is no longer a factor in determining grade of grain and it was noted that most of the facilities are empty at the present time.

Parker
in Chair

Parker took the Chair.

63.8

Donner explained rule 63.8. No recommendations.

Discussion of proposed uniform rules and the Department's plan to revise their rules to implement state reorganization.

6.3(7)

Clark questioned 6.3(7) on fees and Royce advised that the Task Force did not take a position on fees.

6.12

Clark and Royce discussed 6.12(1)a relative to the "identity of a person providing information to the agency." Royce cited allegations made to a licensing board which would not be made public. When evidence has been substantiated by the agency, it would take action. No Committee recommendation.

SOIL
CONSERVATION
DEPARTMENT
5.41

Kenneth Tow presented proposed amendments to 780--5.41 re Iowa financial incentives program for soil erosion control, ARC 8827, published in 6/1/88 IAB. Tow stated that existing program rules will apply to their FY '89 appropriations for cost share and financial incentives. They anticipate much interest in the program. No Committee action.

INSPECTIONS
AND APPEALS
DEPARTMENT

Xenda Lindel-Prine, Mary Oliver and Bob Minkler were present for review of the following:

Public records and fair information practices, ch 5 ARC 8743	F	5/18/88
Health care facilities administration, 50.8 ARC 8735	F	5/18/88
County care facilities, 57.49, 58.53, 63.48, 64.59 ARC 8736	F	5/18/88
Birth centers, ch 52 ARC 8811	N	6/1/88

INSPECTIONS
AND APPEALS
DEPARTMENT
(Cont.)
Ch 52

No recommendations were offered for Chapter 5, 50.8, or amendments to 57.49 et al.

Brief discussion of proposed standards for licensing birth centers. Department officials indicated that two of the three existing centers are in Des Moines. In response to Committee questions re liability, Oliver stated that the rules require that the mother be informed of the risks. No Committee action.

COLLEGE
AID
COMMISSION

Darlane Lawler represented the Commission for the following:

COLLEGE AID COMMISSION[283]
EDUCATION DEPARTMENT[281]"umbrella"
Public records and fair information practices, ch 6 ARC 8817 F 6/1/88

Brief discussion of the rules. No action taken.

CIVIL
RIGHTS
COMMISSION
Ch 11

Inga Bumbarly-Langston explained their rules on public records and fair information practices, being Chapter 11, filed emergency and Notice in 6/1/88 IAB. She said that a public hearing on the rules was scheduled for June 27 and any necessary changes will be implemented.

Royce referred to 11.12(2)"g" with respect to personally identifiable information in the complaint process. Bumbarly-Langston said that when a case goes to public hearing, the information is public. She continued that the respondent's attorney would be given information especially if they plan to file an appeal to the case. It would be unlikely that the agency would allow that attorney to see the complainant's information when there was no further litigation. Bumbarly-Langston informed Doyle that records would be available for an appeal to a "no probable cause." They would resist a judge's order to turn over the information. Royce commented that availability of records in a contested case process is handled by case law. Bumbarly-Langston said that this was not a contested case situation. No Committee action.

HUMAN RIGHTS
DEPARTMENT
AND
DIVISIONS

The following rules of Human Rights Department and Divisions within the Department were before the Committee with Eloise Lietzow in attendance:

- HUMAN RIGHTS DEPARTMENT[421]
Public records and fair information practices, ch 2 ARC 8773 N 5/18/88
- COMMUNITY ACTION AGENCIES DIVISION[427]
HUMAN RIGHTS DEPARTMENT[421]"umbrella"
Public records and fair information practices, ch 2 ARC 8775 N 5/18/88
- CHILDREN, YOUTH AND FAMILIES DIVISION[425]
HUMAN RIGHTS DEPARTMENT[421]"umbrella"
Public records and fair information practices, ch 2 ARC 8774 N 5/18/88
- DEAF SERVICES DIVISION[429]
HUMAN RIGHTS DEPARTMENT[421]"umbrella"
Public records and fair information practices, ch 3, 4.1. ARC 8779 N 5/18/88
- PERSONS WITH DISABILITIES DIVISION[431]
HUMAN RIGHTS DEPARTMENT[421]"umbrella"
Public records and fair information practices, ch 2 ARC 8776 N 5/18/88
- SPANISH-SPEAKING PEOPLES DIVISION[433]
HUMAN RIGHTS DEPARTMENT[421]"umbrella"
Public records and fair information practices, ch 6 ARC 8777 N 5/18/88
- STATUS OF WOMEN DIVISION[435]
HUMAN RIGHTS DEPARTMENT[421]"umbrella"
Public records and fair information practices, ch 4 ARC 8778 N 5/18/88

HUMAN
RIGHTS
DEPARTMENT
AND
DIVISIONS
(Cont.)

Lietzow explained that 421--Chapter 2 would be adopted by reference by each of the Divisions under the umbrella of Human Rights. She pointed out that their "laundry list" of records applicable to each Division was stored in the central administration computer.

Rule 2.14 enumerates the various types of records which are similar for each Division. In response to a question by Royce, Lietzow stated that advocacy records would be confidential under HF 2255 (1988). Each Division is responsible for deciding which records are confidential. Lietzow stated that print-outs of the computer information of a particular Division could be made available to constituents.

Doyle raised question as to use of "deaf services will violate its rule of confidentiality..." in 429--3.14(2). Royce agreed to research the matter. No formal action.

PUBLIC
SAFETY
DEPARTMENT
Ch 25

Jan Worthington and Michael Coveyou represented the Department for review of Chapter 25 on public records and fair information practices, published 5/18/88 IAB as ARC 8756.

Coveyou described changes from the Notice which included new language re confidential records dealing with criminal history and intelligence data contained in Code chapter 692. There would be no legal access to the records.

25.13

Employers can obtain criminal histories but not criminal intelligence files for specific types of work. Coveyou agreed to provide Doyle information relative to 25.13, paragraph 7, investigative and complaint files.

Minutes
Motion
Carried

Priebe moved to approve the minutes of the May meeting as submitted. Motion carried.

RACING AND
GAMING
DIVISION

Mick Lura represented the Division for the following:

Greyhound rules, mutuel departments, 7.2(9)"b," 8.2(4)"i"j," 8.6 ARC 8832.....F 6/1/88
Harness racing -- claiming races, 9.178 ARC 8834, also filed emergency after notice ARC 8833FEAN 6/1/88

No recommendations re amendments to 7.2, 8.2 or 8.6. In review of 9.178, Lura explained that "claiming" a horse must be done prior to the race. Lura agreed to eliminate gender references when the rules are rewritten. No Committee action.

Recessed

The Committee was in recess for lunch at 12:10 p.m.

Reconvened

Chairman Priebe reconvened the meeting at 1:32 p.m. He suggested that someone from the Human Services Department be requested to discuss rule 88.3(2) [6-15-88] pertaining to "voluntary enrollment" by Medicaid recipients in an HMO. It was decided that the provisions would be reviewed at 8:30 a.m. Wednesday.

ENVIRONMENTAL PROTECTION COMMISSION The Commission was represented by Mike Murphy, Randy Clark, Mark Landa, Dennis Alt, Wayne Reed, and Diana Hansen. The following agenda was considered:

Private water well construction permits, ch 38, 49.2 ARC 8749	F	5/18/88
Private well sampling and abandonment—grants to counties, 40.1, ch 47 ARC 8750	F	5/18/88
Controlling pollution, 22.1(2)"d" ARC 8746	N	5/18/88
Water supply, 40.2, 41.3(2), 41.3(2)"d," 41.4(4)"d" to "f," 41.4(5) to 41.4(17), 41.5(1)"c," 41.5(2), 41.5(4), 41.5(4)"c,"	N	5/18/88
41.12(10), 41.15, 41.16 ARC 8747	N	5/18/88
Floodplain development — waiver of certified plans, 70.4(2)"b" ARC 8748	N	5/18/88

Randy Clark stated that Chapter 38 and 49.2 are consistent with the Groundwater Protection Act. Modifications made as a result of the hearing included removal of the exemption for livestock and irrigation wells. The definition of contiguous limits the radius of a "contiguous property" to one mile for the purpose of reporting existing wells.

38.3 Subrule 38.3(1) exempts temporary dewatering wells from the construction standards of Chapter 49. Subrule 38.3(2) exempts all monitoring wells required as part of a permit or construction approval from the permit requirements of Chapter 38. In response to a question from Tieden, Alt stated that abandonment of a monitoring well would have to be in accordance with abandoned well rules. R. Clark continued that 38.3(2)c requires test holes to be properly closed in accordance with chapter 39. The issue of "plugging" wells was still under study. Alt advised Priebe of legislation last year which required registered well drillers for construction or reconstruction of wells.

38.13 Priebe and Alt discussed the appeal process to the department--38.13. R. Clark clarified that the Department has authority without delegation to allow the emergency construction of a replacement well. Priebe reasoned that "every well could be an emergency."

40.1,
Ch 47 Murphy and Reed explained amendments to 40.1 and Chapter 47. Reed pointed out that grant money was derived from the tax placed on pesticides and fertilizers. The application period for grants is July and August with \$400,000 and \$200,000 available for the two programs. In response to a question from Tieden, Mike Murphy responded that the Commission wanted to fund closing wells and not fund more "bureaucrats." He added, originally under the abandonment grant program, there were no funds allotted to the counties to help pay for the plugging of wells. Murphy advised that after the hearings, the rules were changed to require that 75% of grant funds to the counties be used to assist in the cost of well closings--a \$200 limit per well. According to Alt, funds will be allotted equally among counties to use at their discretion.

Tieden observed that about 20 changes had been made since the Notice. Murphy assured him that the public was pleased with this "fine tuning."

ENVIRONMENTAL PROTECTION COMMISSION (Cont.) Murphy responded to question by Tieden re drinking water that counties must comply with standards set out in 567--Chapters 49 and 69 but can be more stringent. Discussion of available certified laboratories for water testing--approximately 50. Reed offered suggestions for acceptable methods to be used in filling wells.

Landa told the Committee that amendment to 22.1(2) was developed in conjunction with the Cattlemen's Association. No comments were received at the hearing.

40.2 et al. In review of 40.2 et al., Hansen stated that the prohibition on use of lead pipes, solder and flux pertains to installation or repair and new construction. Terminology was taken from EPA regulations.

70.4 R. Clark said that amendment to 70.4(2)b was designed to broaden the circumstances under which the Department can waive the normal requirement for certified engineering plans in considering a floodplain construction application. If the Department can determine that a project satisfies all applicable criteria without certified plans, those plans can be waived even if a project is not minor in scope. No comments have been received.

NATURAL RESOURCE COMMISSION

The following rules were considered:

Agency procedure for rule making, petitions for rule making, chs 4 and 5 ARC 8845.....	F	6/1/88
Motor regulations, 45.4(2)"b" ARC 8837	F	6/1/88
Game management areas, 51.3(1)"a" ARC 8840	F	6/1/88
Common snipe, Virginia rail, sora, woodcock and ruffed grouse hunting seasons, 97.1 to 97.4 ARC 8842	F	6/1/88
Wild turkey fall hunting, ch 99 ARC 8843	F	6/1/88
Deer hunting regulations, 106.1, 106.1(3), 106.2, 106.6, 106.8(2) to 106.8(4) ARC 8841	F	6/1/88
Rabbit and squirrel hunting, 107.1 to 107.3 ARC 8839	F	6/1/88
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 108.7 ARC 8838	F	6/1/88
Boating speed and distance zoning 40.29, 40.30 ARC 8846	N	6/1/88
Agency procedure for rule making, petitions for rule making, chs 4 and 5 ARC 8844	F	6/1/88

No comments re Chapters 4 and 5.

45.4 Richard McGeough said that amendment to 45.4 would allow unrestricted horsepower at a no-wake speed on West Lake.

51.3 Richard Bishop reported that negative comments had not been received on amendment to 51.3(1).

Ch 97 No recommendations re Chapter 97.

Ch 99 Bishop reviewed changes from the Noticed version of Chapter 99 which included a new sentence in 99.1(1) which read: "No person while hunting turkey shall carry or have in possession any license or transportation tag issued to another person." The word "dogs" was stricken from 99.3(2).

Ch 106 In review of Chapter 106, Bishop pointed out that quotas for any sex regular gun licenses will be established in June--106.6.

NATURAL
RESOURCE
COMMISSION
(Cont.)

Re Chapter 107, Bishop stated that a few more areas were added to restriction on beaver trapping near lodges and dens.

Rule 108.7--exposed bait restriction was expanded to include the Mississippi, Missouri, and Des Moines Rivers. Doyle and Bishop discussed the damage created by beavers. The Department lacks personnel to remove beavers but they will issue a permit for this purpose. Priebe asked about woodchucks.....if they can be legally killed. Bishop informed Priebe that the woodchuck season is June 15 to October 31.

Ch 40

No recommendations for amendments to Chapter 40.

NATURAL
RESOURCES
DEPARTMENT

No comments with respect to Chapters 4 and 5 pertaining to agency procedure for rule making and petitions for rule making, published in 6/1/88 IAB as ARC 8844.

CREDIT UNION
DIVISION

James Brody, Deputy, was present to explain Chapter 25, public records and fair information practices published in 5/18/88 IAB as ARC 8780. No Committee action.

FAIR
BOARD

A representative for the Fair Board could not be present for the following rules:

- Transfer 430--chs 1 to 8 to 371--chs 1 to 8; amend 4.9, 4.27(5), 4.28(2), 4.28(7), 4.28(8), 4.29, 7.9 ARC 8713 F 5/18/88
- Liability insurance, 1.7 ARC 8715 N 5/18/88
- Public records and fair information practices, ch 9 ARC 8714 N 5/18/88

4.9

Priebe expressed concern with 4.9 which eliminates specific dollar amount for liability insurance.

Motion to
Delay
4.9
Carried

Doyle moved to delay 4.9, rescission of 4.27(5) and 4.28(8), 4.28(2), 4.28(7), 4.29 and 7.9. He also requested that today's Fair Board agenda be placed on the July ARRC agenda. Motion carried.

INSURANCE
DIVISION

The Insurance Division was represented by Kevin Howe who explained the following:

- COMMERCE DEPARTMENT(101)"umbrella" F 5/18/88
- Long-term care insurance, ch 39 ARC 8734 N 5/18/88
- Disclosure regarding uninsured/underinsured auto coverage, 15.12 ARC 8732 N 5/18/88
- Preneed funeral contracts, 15.41(5), 15.44(17), 15.67(2)"c," 15.68(8), 15.69(4) ARC 8731 N 5/18/88

Ch 39

Howe said that Chapter 39 was based on the National Association of Insurance Commissioners model language. Comments at the hearing were made by Blue Cross/Blue Shield and the Health Insurance Association of America, which represents companies with 80 percent of their business in long-term care insurance. Howe advised Tieden that an insurance agent must provide a disclosure statement at the time the application is signed.

Rule 15.12 will require sellers of auto insurance to disclose on policies that uninsured/underinsured coverage does not include physical damage to the auto.

INSURANCE DIVISION Continued Amendments to rules 15.41 et al. will add preneed funeral contracts to advertising and disclosure requirements for life insurance policies and annuity contracts. The rules are based on model language from the National Association of Insurance Commissioners. David Brown, Family Service Life, spoke in support of the amendments.

ENGINEERING AND LAND SURVEY The Engineering and Land Surveying Examining Board was represented by Pat Peters and Kevin Kelly, Attorney. The following was considered:

<small>Professional Licensing and Regulation Division 1831</small>	
<small>COMMERCE DEPARTMENT 1811 "umbrella"</small>	
Transfer 390—chs 1 to 4 to 193C—chs 1 to 4 ARC 8831	F 6/1/88
Administration, 1.1 to 1.4, 1.7 to 1.9 ARC 8829	F 6/1/88
Administration, 1.2"3" ARC 8770	F 6/18/88
Public records and fair information practices, ch 5 ARC 8830	F 6/1/88

No comments re transfer of rules to implement state reorganization.

Ch 1 Amendments to Chapter 1 will implement 1987 Acts, Chapter 165, which increased educational requirements for engineers and land surveyors. Modifications were also made in the examination procedures. The National Council will now administer a three-hour regional examination.

Ch 5 Discussion of Chapter 5 which basically adopted the uniform rules on records and fair information. Royce questioned inclusion of personnel records in those exempt from public disclosure--5.13(2). He took the position that licensing information on professional engineers and land surveyors would not be interpreted as personnel records. Kelly pointed out that there is no statutory definition of personnel files and he saw no problem with the rule. Royce observed other boards have not adopted such a provision. Kelly described the files as including professional references--not personal records of work experience, etc. No Committee action.

MANAGEMENT DEPARTMENT Ch 4 Lawrence Bryant and Ray Peterson explained proposed amendments to 4.3(2), 4.4, 4.5 and 4.7(2), published as ARC 8004, 6/1/88 IAB. Bryant pointed out that contractors with 50 or more employees may be required to submit an affirmative action plan if business with the state exceeds \$5,000 annually.

Subrule 4.5(4) will ensure utilization of minority and women business enterprises as sources of supplies, equipment, construction and service. Royce thought it could be argued that the rules would be applicable to contracts of the Legislative and Judicial branches, also.

Bryant said that the Department works with an excess of 50,000 contractors each year. Peterson added that initially all contractors were required to file affirmative action plans. This figure was compiled from information obtained from Regents, Transportation and Management.

MANAGEMENT
DEPARTMENT
Continued

Responding to question by Tieden in 4.7(2)d, Bryant recalled that specific sanctions had been opposed in a previous draft of the rules. In response to Parker, Bryant said that Management has records of the affirmative action reports.

UTILITIES
DIVISION

The following Terminatin of Notice was explained by Vicki Place, Utilities Division:

COMMERCE DEPARTMENT "umbrella"
Customer definition, 19.1(3), 20.1(3)"c," 21.4(10), 22.1(1), Notice ARC 8059 terminated ARC 8745 *N.I* 5/18/88

Place indicated that the proposal to define "customer" was very controversial and the Board decided that individual utility tariffs would be preferable at this time.

EDUCATION
DEPARTMENT

The Education Department was represented by Kathy Collins, Attorney, Terry Voy and Dwight Carlson, School Transportation Consultants, Frank Vance, Bureau of Special Education Chief, and Joseph Frielinger, for the following:

Public records and fair information practices, 670—ch 83 ARC 8754 *F* 5/18/88
Special education, 670—12.3, 12.5(6)"a""b," 12.8(1), 12.8(3) to 12.8(5), 12.10(9), 12.17(1)"b," 12.17(2), 12.17(8),
12.20(2)"b," 12.21, 12.25(3)"n," 12.31(7), 12.32 ARC 8836 *N* 6/1/88
School buses, 670—ch 44, rescind 670—ch 23 ARC 8800 *N* 6/1/88

Ch 83

No recommendations re Chapter 83.

Ch 12

Vance described amendments to Chapter 12 as basically clean-up to comply with the federal government. The authority of AEA directors of special education was addressed. Decisions concerning handicapped children must be based upon a multi-disciplinary team decision. Circumstances under which special education transportation can be provided was clarified. Another issue dealt with was the extended year special education programs. Vance continued that the district plan for special education was necessary because of change in other school standards. Priebe observed the deletion of "director" and was interested in knowing how individuals affected by the rules would know who was responsible for decisions. Department officials said that a staffing team would include the parent, the child's teacher, the building principal and others.

12.21

Tieden referred to "related services" in 12.21 and asked if this would result in additional costs. Vance did not anticipate any and he pointed out that the term was used in federal regulations.

Ch 44

Voy and Carlson reviewed Chapter 44. Clark wondered if the voluminous rules could be included in a manual and adopted by reference. Voy noted that the revision included both state and federal standards.

Voy informed Priebe that "fuel system integrity" was a federal standard all school buses must meet with respect to the design and qualifications. According to Voy, school buses must meet the standards that were applicable at the

EDUCATION
DEPARTMENT
Continued
Ch 44

time of their construction. In 1985, a National Minimum Standards Conference modified many of the national standards. The proposed rules will conform to those standards.

Doyle offered a suggestion for mounting of fuel tanks but Carlson advised that in the larger chassis, there was insufficient space between the frame rails--44.2(16)d. Doyle and Voy discussed tow hooks--44.2(32). Voy said that chassis manufacturer provides the front bumper and the body company supplies the rear bumper. Voy informed Doyle that the Communications Division had provided them with the technical data in 44.3(27) pertaining to radio systems. No Committee action.

PROFES-
SIONAL
TEACHING
PRACTICES
COMMISSION

Betty Chapman presented rules of the Commission on public records and fair information practices, being Chapter 7, published as ARC 8728, 5/18/88 IAB. There was no discussion.

TRANSPOR-
TATION
DEPARTMENT

The following Transportation rules were offered by Julie Fitzgerald:

- Public records and fair information practices, ch 4 ARC 8725 ~~F~~ 5/18/88
- Designated highway system, 510.1(1) ARC 8802 ~~F~~ 6/1/88

Fitzgerald spoke of the detail of their confidential records.

Priebe expressed his frustration in attempting to learn the identity of a vehicle owner through the registration plate number. Fitzgerald stressed that such information was public record and should be readily available through county treasurers.

4.6

Royce questioned inclusion of the following sentence in 4.6 on procedure by which additions, dissents, or objections may be entered into certain records: "The department reserves the right to take measures to assure that the written statement is succinct and pertinent to the record in question." Fitzgerald stated that a DOT attorney who worked on their rules insisted that the language be included. Discussion as to whether "reasonable" should be added before "measures." Burnett interjected that the statute does not use "reasonable." No formal action.

Recess

Chairman Priebe recessed the meeting at 4:08 p.m. and announced that a special review of HMOs would be held at 8:30 a.m. tomorrow.

Wednesday
June 15

Chairman Priebe reconvened the ARRC at 8:34 a.m., June 15, 1988, Room 24. All members and staff present with the exception of Representative David Tabor, who was excused.

JOB
SERVICES

In a matter not on the agenda, Joseph Bervid and Paul Moran were present for discussion of rules on employer records and reports relative to unemployment tax rate (345--Chapter 2). Bervid referenced federal guidelines followed in determining "experience rating." Legal entities may include an individual, trust, estate, partnership, association or corporation. Whether an entity is entitled to a separate experience rating is based on the statute (96.7). Experience funnels into the last operating entity when there is no separate incorporation. According to Bervid, recent Supreme and District Court cases have touched on this issue. He spoke of the agency's interpretation that all of the "experience in the system goes to someone."

Bervid pointed out that the agency has no way of verifying charges to a specific location. They rely on quarterly reports listing employers and social security numbers on the employers' records. With benefit ratio under the new tax system, any experience over five years old "falls off." This will reduce problems that would affect the buyer's rate.

Parker saw the problem as one of equity and computation of the unemployment tax rate. Bervid stated that the agency is reviewing cases and will recommend legislation if warranted. No Committee action.

HUMAN
SERVICES

Priebe called for special review of subrule 88.3(2), 6/15/88 IAB, which would appear on the July ARRC agenda. The rule provides for Polk County recipients to make a choice between an HMO or regular Medicaid enrollment by July 8, 1988. Priebe noted that the July 8 deadline would be past before the next ARRC meeting.

Sandra Scott was present to explain the intent of the rule which is currently being implemented in Dubuque County. The amendment would be applicable to Polk County. The Department will notify clients of their option to select an HMO or continue medical care by the regular Title XIX process with any certified provider. If clients fail to exercise the option, they will be automatically assigned to an HMO. The following month, clients could change to the regular process. Scott reported the system had worked well in Dubuque and that the Council on Human Services had adopted the rules which would be effective August 1. She continued that often the Department must take action on an issue prior to ARRC input. Lois Copple spoke of the limitations of the Sure Care HMO.

Robert Kreamer, representing Sure Care, contended that Sure Care has ample providers. Scott defended use of the July 8 deadline since time is needed to enter information in the computer before the August 1 effective date. Ruth Schlesinger reiterated the importance of filling out the forms so that recipients would be registered in a timely fashion.

HUMAN
SERVICES
Special
Review
Continued

Parker voiced opposition to the July 8 date. He contended that a month's delay would not create a problem. Clark was also concerned that the rule-making process was negated by the procedure being followed.

Copple contended that many people would not return the form because they do not understand it or fail to read it. Judy Davis, Broadlawns Medical Center, indicated that they plan to explain the Sure Care system to the recipients. She spoke of the "credibility gap" between the clients and the Department.

Chairman Priebe stated that subrule 441--88.3(2) would be before the ARRC on July 12.

HUMAN
SERVICES
DEPARTMENT

The following regular agenda of Human Services was considered:

Public records and fair information practices, ch 9 ARC 8711	F	5/18/88
Iowa veterans home, ch 10 ARC 8712	F	5/18/88
Granting assistance, 41.1(6)"c"(4), 41.7(7)"f" ARC 8812	F	6/1/88
Granting assistance, unemployed parent, 41.2(14), 42.4(3), 42.4(6)"a" ARC 8710	F	5/18/88
ADC eligibility under the grant diversion program, 47.2(1), 47.3 ARC 8814	F	6/1/88
Unemployed parent workfare program, 59.3(4), 59.4, 59.6(2)"f" ARC 8704	F	5/18/88
Medicaid program, 75.1(27), 75.4(3)"l", 81.4(2), 81.10(3), 82.9(2), 85.4(1)"a" ARC 8709	F	5/18/88
Amount, duration and scope of medical and remedial services; other policies relating to providers of medical and remedial care, 78.31(1), 78.31(2)"b", 78.31(3), 78.31(4), 79.1(5)"c", filed emergency after notice ARC 8737	F	5/18/88
Title XIX waiver services, 83.5(8), 83.5(8)"b", filed emergency after notice ARC 8816	F	6/1/88
Medically needy, 86.2(4), 86.6(3), 86.8(1), 86.8(3) ARC 8705	F	5/18/88
Iowa state juvenile home, 101.14, 101.20 ARC 8707	F	5/18/88
Purchase of service, 150.2(1)"a", 150.3(3)"j"(2), 150.3(5), 150.6(2)"b"(2), filed emergency after notice ARC 8708	F	5/18/88
Family planning services, 173.1, 173.2, 173.3(2), 173.4 to 173.7 ARC 8813	F	6/1/88
Foster care services, 202.1, 202.4, 202.5, 202.6(1), 202.6(4), 202.8(4), 202.15 ARC 8706	F	5/18/88
ADC under the SEID project, 48.3 ARC 8739	N	5/18/88
Refugee cash assistance, 60.1(1)"e""f", filed emergency ARC 8815	F.E.	6/1/88
Conditions of eligibility, 75.1(3), filed emergency ARC 8703	F.E.	5/18/88

Those in attendance included Mary Ann Walker, Don Kearney, Suzanne Boyde, and several other Department representatives.

No comments re chapters 9, 10, amendments to Chapter 41, 42 and 47.

- Ch 59 With respect to the unemployed parent workfare program, Priebe asked if written notification were federally mandated--59.6(2). Kearney said that the rules were intended to provide equal application of the program. No recommendations were offered for amendments to the Medicaid program.
- 75.1 et al.
- Chs 78, 79, 83 Brief discussion of amendments to chapters 78 and 79 which were adopted after Notice.
- 83.5 Walker told the Committee that amendment to 83.5(8) raises from 50 to 200 the number of clients allowed on the Model Waiver Program. No Committee action re amendments to Chapter 86.
- Ch 86
- Ch 101 Discussion of amendments to Chapter 101. Chairman Priebe recognized James Peterson, Citizens' Aide staff, who had toured the Iowa Juvenile Home and observed crowded conditions. Peterson referred to 101.20(1) which stated that "sleeping rooms currently in use are acceptable..." He contended that three beds occupied the space for one. Royce was interested in the fire marshal's assessment of the rule.

HUMAN SERVICES Continued Motion to Delay

Parker moved that subrule 101.20(1) be delayed for 70 days to allow time for study and for the fire marshal to ensure that no threat exists to residents of the juvenile home. Motion carried.

Discussion of amendments to Chapter 173 intended to clarify the definition of "delegate agency" and to make the rules consistent with statutory requirements for family planning services. Priebe was informed that a "service client without Medicaid coverage" would be someone who was not eligible for Medicaid but with low income. Walker pointed out that the services are funded by a block grant.

Boyde recalled that there are 17 "delegate agencies."

Ch 202 et al.

Walker explained amendments to Chapter 202, 48.3, 60.1 and 75.1. No Committee action.

ELDER AFFAIRS DEPARTMENT

David Ancell represented the Elder Affairs Department for their rules on public records and fair information practices, being Chapter 19, published as ARC 8771, 5/18/88 IAB. Ancell advised that their medical records would cover the Ombudsman program. Basically, they are concerned with long-term complaints.

PHARMACY EXAMINERS BOARD

The Board was represented by Norman Johnson, who reviewed the following:

PHARMACY EXAMINERS BOARD(657)	
PUBLIC HEALTH DEPARTMENT(641)"umbrella"	
Licensure, 2.2 ARC 8720	F. 5/18/88
License fees, renewal dates, fees for duplicate licenses and certification of grades, 3.1, 3.4, 3.4(2) to 3.4(6)	
ARC 8719	F. 5/18/88
Discipline, 9.1(4)"v" ARC 8723	N. 5/18/88

Under rule 2.2, the examination fee was increased from \$100 to \$140 and the refund policy was clarified. Johnson stated that amendments to Chapter 3 included an increase in the late payment penalty for license renewals.

Tieden observed that the "graduated penalty" was unique--3.1. He favored disciplinary action. Johnson responded that those who fail to renew their licenses must appear before the Board which can take some action.

9.1

Johnson advised Doyle that they have no provision for holding a license for a pharmacist who leaves the state. Under certain conditions, a license can be reactivated for up to \$500 with proof of continuing education. In the case of pharmacists in the military, Johnson said that CE requirements are waived, but the fees are not.

There was discussion about the seriousness of practicing without an active and current license--an amendment to 9.1(4) will allow the Board to take disciplinary action.

PROFESSIONAL
LICENSURE
DIVISION

The following rules of the Professional Licensure Division were considered:

PUBLIC HEALTH DEPARTMENT "umbrella"	
Public records and fair information practices, ch 10 ARC 8782	F 5/18/88
Barber examiners—public records and fair information practices, ch 29 ARC 8783	F 5/18/88
Chiropractic examiners—public records and fair information practices, ch 49 ARC 8784	F 5/18/88
Cosmetology examiners—public records and fair information practices, ch 69; transfer 470—ch 160 to 645—ch 60 ARC 8785	F 5/18/88
Dietetic examiners—public records and fair information practices, ch 89; transfer 470—ch 162 to 645—ch 80 ARC 8786	F 5/18/88
Mortuary science examiners—public records and fair information practices, ch 100 ARC 8788	F 5/18/88
Hearing aid dealers examiners—public records and fair information practices, ch 129; transfer 470—ch 146 to 645—ch 120 ARC 8787	F 5/18/88
Nursing home administrators examiners—public records and fair information practices, ch 149 ARC 8789	F 5/18/88
Ophthalmic dispensers—public records and fair information practices, ch 169; transfer 470—ch 169 to 645—ch 160 ARC 8796	F 5/18/88
Optometry examiners—public records and fair information practices, ch 189; transfer 470—chs 143 and 144 to 645—ch 180 ARC 8790	F 5/18/88
Physical and occupational therapy examiners—public records and fair information practices, ch 209 ARC 8791	F 5/18/88
Podiatry examiners—public records and fair information practices, ch 229; transfer 470—ch 139 to 645—ch 220 ARC 8792	F 5/18/88
Psychology examiners—public records and fair information practices, ch 249 ARC 8793	F 5/18/88
Social work examiners—public records and fair information practices, ch 289; transfer 470—ch 161 to 645—ch 280 ARC 8794	F 5/18/88
Speech pathology and audiology examiners—public records and fair information practices, ch 309 ARC 8795	F 5/18/88
Cosmetology examiners—fees, 60.9(7), 60.9(8) ARC 8809	N 6/1/88
Respiratory care practitioners; public records and fair information practices, chs 260 and 269 ARC 8810	N 6/1/88

Persons in attendance included Harriett Miller, Chiropractic Examiners, Barbara Charls, Cosmetology Examiners, and Greg A. Hicklin, Pulmonary Specialist, Iowa Board of Respiratory Therapy Advisers.

Ch 60

No questions re rules on fair information practices. In review of amendments to Chapter 60, Charls stated that the fees were mandated by the Legislature.

Ch 260

Hicklin presented proposed rules for the certification of respiratory care practitioners, Chapter 260. The new rules will be applicable to individuals who provide respiratory therapy in hospitals and to patients at home. Discussion of quorum requirements in 260.3(1). Royce called attention to Code section 17A.2 which requires 2/3 of the membership eligible to vote to take formal action. If Code chapter 135F does not address quorum, the 17A provision would prevail. Hicklin advised Doyle that certification is voluntary. No Committee action. Parker in the Chair.

PUBLIC
HEALTH
DEPARTMENT

The Department was represented by Susan Osmann, Mike Guely, Joann Muldoon, Muriel Ceden, Cheryl Grasty, Pierce Wilson, Russell Carrier and Dennis Bach. The agenda was:

Hospitals, 470—51.3(4), 51.3(6) ARC 8819	F 6/1/88
Hospitals—abuse prohibited, 470—51.4(4) ARC 8820	F 6/1/88
Confidentiality of records, 103.1(4) ARC 8808	F 6/1/88
Basic emergency medical care, ch 131 ARC 8806	F 6/1/88
Hospital protocol for donor requests, ch 180 ARC 8807	F 6/1/88
Communicable disease control, blood testing laboratories, 1.1 to 1.5, 3.3 to 3.5 ARC 8805	N 6/1/88
WIC program, 73.7(3)"a"(1)(2), 73.18(2), filed emergency ARC 8823	FE 6/1/88
Financial assistance to eligible end-stage renal disease patients, 111.4(4), filed emergency ARC 8821	FE 6/1/88
Health facilities construction review program, rescind ch 201 ARC 8824	N 6/1/88

No comments re amendments to 51.3 or 51.4.

Ceden told the Committee that revised subrule 103.1(4) would clarify entitlement to information and copies of out of wedlock birth certificates. The process is simplified but maintains confidentiality. Ceden said that the prior rule prohibited release of any information about

PUBLIC HEALTH DEPARTMENT

a child born out of wedlock and the certificate could not reflect the names of the parents. Frequently, certificates were not accepted as proof of identification, e.g., for passports.

In response to Tieden, Cedeno said that under Iowa law, anyone having a "direct and tangible interest is entitled to a certified photo copy of the birth certificate." The words "out of wedlock" do not appear on the certificate. Doyle and Cedeno discussed legal action which can be taken to place the father's name on the certificate.

Ch 131 In review of Chapter 131, Guely indicated that several clarification changes had been made since the Notice. Tieden expressed concern that stringent rules would affect rural area services.

Ch 180 According to Osmann, legislation mandated Chapter 180.

Ch 1 Guely explained that amendments to Chapter 1 would change "communicable" to "reportable," since some diseases are not communicable. Currier defined "reportable" injury or disease as one which would require medical attention. Royce recalled legislation which requires collection of information re reportable diseases. He wondered about mandatory reporting of work-related injuries and the inclusion of conditions. Muldoon stated that the proposal was a result of a three-year study.

Ch 73 Bach reported that no complaints had been received with respect to amendments relative to the WIC program--Chapter 73. Clark suspected that some groups would be eliminated from participation in the program. Bach agreed to keep the Committee informed.

111.4 Wilson stated that amendment to 111.4(4) would change the financial assistance eligibility period for renal disease patients from six to twelve months.

Ch 201 Osmann explained that Chapter 201 would be rescinded since the federal government no longer has the program. Priebè resumed the Chair.

CAMPAIGN FINANCE DISCLOSURE COMMISSION Ch 10

Kay Williams, Director, presented the following:

Public records and far information practices, ch 10 ARC 8768 N 5/18/88
Petitions for rule making, declaratory rulings, chs 8 and 9 ARC 8847 N 6/1/88

No questions re Chapter 10. In a matter not officially before them, the Committee discussed compliance problems with reporting requirements in Code section 56.6(1)b. Often, the legislator's treasurer is not aware of contribution from a political committee or lobbyist within the 14-day reporting deadline. Williams suggested placing responsibility with the contributor. Perhaps lobbyists should be required to inform legislators that they are registered.

CAMPAIGN
FINANCE
Continued

Parker thought this could be addressed in both the House and Senate Rule Governing Lobbyists. Priebe recognized the importance for each legislator "to stay on top of this."

Williams spoke of modifications by the Commission in the uniform rules--Chapters 8 and 9. Royce observed that the time frame in 9.4(56) was expanded from 30 to 60 days. He pointed out that the 30-day requirement was statutory, and any deviation could create problems.

LIVESTOCK
HEALTH
ADVISORY
COUNCIL

Mark Truesdell, Attorney, submitted annual recommendations to the Council for research into livestock diseases, being Chapter 1, ARC 8818, Notice, 6/1/88 IAB.

Truesdell clarified that bovine immunity enhancement was a category of research. Priebe questioned the need for continuing to fund research on pseudorabies since the vaccine would be eliminated in July. Truesdell would refer Priebe's concern to the Council. Parker in the Chair.

INDUSTRIAL
SERVICES
DIVISION

David Lindquist, Commissioner, and Sharon Tow were in attendance for review of Chapter 9, Public Records and Fair Information Practices, adopted rules published in 5/18/88 IAB as ARC 8755.

9.6

Discussion of 9.6 and the additional sentence which was added to the uniform language --"any additions, dissents, or objections entered into the record shall not be considered evidence in a contested case proceeding." According to Lindquist, the language is intended to exclude material from the record which cannot be validated.

Parker questioned Lindquist as to their backlog and Lindquist estimated one year.

ALCOHOLIC
BEVERAGES

The Committee had no questions on the following items:

SAVINGS &
LOAN

ALCOHOLIC BEVERAGES DIVISION[185]
COMMERCE DEPARTMENT[181] "umbrella"
Public records and fair information practices, ch 18 ARC 8798 F. 5/18/88

SECRETARY
OF STATE

SAVINGS AND LOAN DIVISION[197]
COMMERCE DEPARTMENT[181] "umbrella"
Public records and fair information practices, ch 1 ARC 8727 N. 5/18/88

SECRETARY OF STATE[721]
Transfer 760--chs 1 to 12 to 721--chs 1 to 49; amend renumbered 1.5(2) ARC 8765 N. 5/18/88
Public records and fair information practices, ch 5 ARC 8766 N. 5/18/88

REVENUE AND
FINANCE
DEPARTMENT

Carl Castelda, Deputy, represented the Department for the following:

REVENUE AND FINANCE DEPARTMENT[701]
Public records and fair information practices, ch 5 ARC 8724 F. 5/18/88
Determination of a sale and sale price, 16.2 ARC 8738 F. 5/18/88
Composite returns, ch 48 ARC 8740 F. 5/18/88
Special review -- Code §22.7

Castelda called attention to their inadvertent omission of the word "not" between "does" and "identify". A corrective amendment was published in IAB 6/15/88.

No comments re 15.2 or Chapter 48.

REVENUE AND FINANCE Continued
 Castelda briefed Committee members on the Department's position with tax exemptions for agriculture-related business.

Committee Business Ch 22
 There was discussion of Code chapter 22 as to possible need for legislative action to remove ambiguities. Parker asked Royce to prepare necessary amendments.

NO AGENCY REPS
 No agency representatives were requested to appear for:

- ATTORNEY GENERAL[61]
 Public records and fair information practices, ch 2 ARC 8729F 5/18/88
- AUDITOR OF STATE[81]
 Public records and fair information practices, ch 24 ARC 8767F 5/18/88
- BANKING DIVISION[187]
 COMMERCE DEPARTMENT[181]"umbrella"
 Public records and fair information practices, ch 7 ARC 8730F 5/18/88
- DENTAL EXAMINERS BOARD[650]
 PUBLIC HEALTH DEPARTMENT[641]"umbrella"
 Public records and fair information practices, ch 6: transfer 320—chs 1 to 51 to 650—chs 1 to 51 ARC 8741F 5/18/88
- PROCEDURAL RULES, 51.8(3) ARC 8742F 5/18/88
- HEALTH DATA COMMISSION[411]
 Transfer 465—chs 1 to 8 to 411—chs 1 to 8: amend 1.2, 1.2(1), 1.2(2), 1.3 ARC 8781F 5/18/88
- HIGHER EDUCATION LOAN AUTHORITY[284]
 EDUCATION DEPARTMENT[281]"umbrella"
 Uniform rules, chs 2 to 5: amend and transfer 480—ch 1 to 284—ch 1, rescind 480—ch 2 ARC 8726F 5/18/88
- LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]
 Professional Licensing and Regulation Division[193]
 COMMERCE DEPARTMENT[181]"umbrella"
 Public records and fair information practices, ch 5 ARC 8822F 6/1/88
- MEDICAL EXAMINERS BOARD[653]
 PUBLIC HEALTH DEPARTMENT[641]"umbrella"
 Public records and fair information practices, ch 1 ARC 8799F 5/18/88
- PERSONNEL DEPARTMENT[581]
 Public records and fair information practices, ch 17: amend 4.5(9)"d," 4.9(2)"a," 10.3(6), 11.1(1)"b," 11.3(6), 12.2(7), 14.2(2)"1," 14.3(12), 14.5(1), 14.5(3), 14.5(4), 14.6, 14.8(3), 14.9, 15.6(11), 19.1(1), 19.1(5), 19.5 ARC 8751F 5/18/88
- PUBLIC DEFENSE DEPARTMENT[650]
 Military division—public records and fair information practices, ch 2 ARC 8762F 5/18/88
- Disaster services division—public records and fair information practices, ch 9 ARC 8797F 5/18/88
- SCHOOL BUDGET REVIEW COMMITTEE[289]
 EDUCATION DEPARTMENT[281]"umbrella"
 Amend and transfer 740—ch 1 to 289—ch 1 ARC 8801N 6/1/88
- SUBSTANCE ABUSE COMMISSION[643]
 PUBLIC HEALTH DEPARTMENT[641]"umbrella"
 Public records and fair information practices, ch 5 ARC 8764F 5/18/88
- TREASURER OF STATE[781]
 Public records and fair information practices, ch 2 ARC 8744F 5/18/88
- VETERANS AFFAIRS DEPARTMENT[841]
 Public records and fair information practices, ch 4 ARC 8763F 5/18/88

Hearings Next Meeting
 Priebe announced that pseudorabies hearings were planned for July 5, 6, and 7 and that the ARRC would meet on the statutory dates of July 12 and 13.

Adjourned
 Committee was adjourned at 12:35 p.m.

Respectfully submitted,

Phyllis Barry
 Phyllis Barry, Secretary
 Assisted by Bonnie King and Vivian Haag

APPROVED:

Burt E. Priebe

CHAIRMAN

Tuesday, June 14, 1988

The Administrative Rules Review Committee will hold its regular statutory meeting Tuesday, June 14, 1988, 10 a.m. and Wednesday, June 15, 1988, 9 a.m. in Committee Room 24, State Capitol. The following rules will be reviewed:

10:00	LABOR SERVICES DIVISION[347]								
	EMPLOYMENT SERVICES DEPARTMENT[341] "umbrella"							Bulletin	
	Description of organization and procedures before division—division I, administration; diversion II, uniform rules, ch 1 ARC 8758	F	5/18/88					2242	
	OSHA rules for general industry, 10.20 ARC 8716	F	5/18/88					2244	
	Asbestos control procedures; licensing of business entities, licensing of training courses, and worker certification, ch 81, 82.1, 82.3(1)"a"(11), 82.3(1)"b," 82.3(4), 82.4, 82.6 to 82.8, 82.9(2) to 82.9(4), 82.10, 82.11 ARC 8722	F	5/18/88					2245	
	Administrative hearings, 1.4, 1.5, rescind ch 78, new ch 200 ARC 8757	N	5/18/88					2154	
	Administrative hearings, rescind 1.6, 1.7, ch 78; new ch 200 Notice ARC 7778 <u>terminated</u> ARC 8759	N.T.	5/18/88					2157	
	OSHA rules for general industry, 10.20 ARC 8718	N	5/18/88					2157	
	OSHA rules for construction, 26.1 ARC 8717	N	5/18/88					2158	
	Amusement railroad rides, 62.1(1), 62.20 ARC 8760	N	5/18/88					2158	
	Business entity definition, 82.1 ARC 8721	N	5/18/88					2159	
	Hazardous chemicals risks right to know, public safety/emergency response right to know, 110.1(4) to 110.1(7), 110.1(7)"e,"(6), 110.2, 140.1(4) ARC 8761	N	5/18/88					2160	
10:30	AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]								
	Temporary storage facilities, 60.27 ARC 8803	F	6/1/88					2376	
	Waiver of per-bushel and annual grain dealer and warehouse operator fees, 63.8 ARC 8752	F	5/18/88					2173	
	Amend and transfer rules from [30] to [21]; uniform rules, chs 3 to 6 ARC 8848	N	6/1/88					2319	
	Agricultural revitalization program, ch 56, Notice ARC 8260 <u>terminated</u> ARC 8835	N.T.	6/1/88					2322	
10:35	SOIL CONSERVATION DEPARTMENT[780]								
	Iowa financial incentives program for soil erosion control, 5.41 ARC 8827	N	6/1/88					2364	
10:45	INSPECTIONS AND APPEALS DEPARTMENT[481]								
	Public records and fair information practices, ch 5 ARC 8743	F	5/18/88					2234	
	Health care facilities administration, 50.8 ARC 8735	F	5/18/88					2237	
	County care facilities, 57.49, 58.53, 63.48, 64.59 ARC 8736	F	5/18/88					2238	
	Birth centers, ch 52 ARC 8811	N	6/1/88					2347	
11:00	COLLEGE AID COMMISSION[283]								
	EDUCATION DEPARTMENT[281] "umbrella"								
	Public records and fair information practices, ch 6 ARC 8817	F	6/1/88					2377	
11:10	CIVIL RIGHTS COMMISSION[161]								
	Public records and fair information practices, ch 11, ARC 8826, <u>also filed emergency</u> ARC 8825	N.F.F.	6/1/88					2366	
11:20	COMMUNITY ACTION AGENCIES DIVISION[427]								
	HUMAN RIGHTS DEPARTMENT[421] "umbrella"								
	Public records and fair information practices, ch 2 ARC 8775	N	5/18/88					2135	
11:30	HUMAN RIGHTS DEPARTMENT[421]								
	Public records and fair information practices, ch 2 ARC 8773	N	5/18/88					2149	
11:30	CHILDREN, YOUTH AND FAMILIES DIVISION[425]								
	HUMAN RIGHTS DEPARTMENT[421] "umbrella"								
	Public records and fair information practices, ch 2 ARC 8774	N	5/18/88					2135	
11:30	DEAF SERVICES DIVISION[429]								
	HUMAN RIGHTS DEPARTMENT[421] "umbrella"								
	Public records and fair information practices, ch 3, 4.1, ARC 8779	N	5/18/88					2138	
11:30	PERSONS WITH DISABILITIES DIVISION[431]								
	HUMAN RIGHTS DEPARTMENT[421] "umbrella"								
	Public records and fair information practices, ch 2 ARC 8776	N	5/18/88					2160	
11:30	SPANISH-SPEAKING PEOPLES DIVISION[433]								
	HUMAN RIGHTS DEPARTMENT[421] "umbrella"								
	Public records and fair information practices, ch 6 ARC 8777	N	5/18/88					2167	
11:30	STATUS OF WOMEN DIVISION[435]								
	HUMAN RIGHTS DEPARTMENT[421] "umbrella"								
	Public records and fair information practices, ch 4 ARC 8778	N	5/18/88					2167	
11:40	PUBLIC SAFETY DEPARTMENT[661]								
	Public records and fair information practices, ch 25 ARC 8756	F	5/18/88					2283	
11:50	RACING AND GAMING DIVISION[491]								
	INSPECTIONS AND APPEALS DEPARTMENT[481] "umbrella"								
	Greyhound rules, mutuel departments, 7.2(9)"b," 8.2(4)"i,""j," 8.6 ARC 8832	F	6/1/88					2403	
	Harness racing — claiming races, 9.178 ARC 8834, <u>also filed emergency after notice</u> ARC 8833	FEAN	6/1/88					2373	
<i>Lunch</i>									
1:30	ENVIRONMENTAL PROTECTION COMMISSION[567]								
	NATURAL RESOURCES DEPARTMENT[561] "umbrella"								
	Private water well construction permits, ch 38, 49.2 ARC 8749	F	5/18/88					2204	
	Private well sampling and abandonment—grants to counties, 40.1, ch 47 ARC 8750	F	5/18/88					2207	
	Controlling pollution, 22.1(2)"d" ARC 8746	N	5/18/88					2139	
	Water supply, 40.2, 41.3(2), 41.3(2)"d," 41.4(4)"d" to "f," 41.4(5) to 41.4(17), 41.5(1)"c," 41.5(2), 41.5(4), 41.5(4)"c," 41.12(10), 41.15, 41.16 ARC 8747	N	5/18/88					2140	
	Floodplain development — waiver of certified plans, 70.4(2)"b" ARC 8748	N	5/18/88					2147	

(over)

Tuesday, June 14, 1988 (Continued)

1:45	NATURAL RESOURCE COMMISSION[571] NATURAL RESOURCES DEPARTMENT[561] "umbrella" Agency procedure for rule making, petitions for rule making, chs 4 and 5 ARC 8845	F	6/1/88	2390
	Motor regulations, 45.4(2)"b" ARC 8837	F	6/1/88	2390
	Game management areas, 51.3(1)"a" ARC 8840	F	6/1/88	2390
	Common snipe, Virginia rail, sora, woodcock and ruffed grouse hunting seasons, 97.1 to 97.4 ARC 8842	F	6/1/88	2390
	Wild turkey fall hunting, ch 99 ARC 8843	F	6/1/88	2391
	Deer hunting regulations, 106.1, 106.1(3), 106.2, 106.6, 106.8(2) to 106.8(4) ARC 8841	F	6/1/88	2392
	Rabbit and squirrel hunting, 107.1 to 107.3 ARC 8839	F	6/1/88	2394
	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 108.7 ARC 8838	F	6/1/88	2394
	Boating speed and distance zoning 40.29, 40.30 ARC 8846	N	6/1/88	2355
2:00	NATURAL RESOURCES DEPARTMENT[561] Agency procedure for rule making, petitions for rule making, chs 4 and 5 ARC 8844	F	6/1/88	2395
2:10	CREDIT UNION DIVISION[189] COMMERCE DEPARTMENT[181] "umbrella" Public records and fair information practices, ch 25 ARC 8780	N	5/18/88	2135
2:20	FAIR BOARD[371] Transfer 430—chs 1 to 8 to 371—chs 1 to 8; amend 4.9, 4.27(5), 4.28(2), 4.28(7), 4.28(8), 4.29, 7.9 ARC 8713	F	5/18/88	2212
	Liability insurance, 1.7 ARC 8715	N	5/18/88	2147
	Public records and fair information practices, ch 9 ARC 8714	N	5/18/88	2147
2:30	INSURANCE DIVISION[191] COMMERCE DEPARTMENT[181] "umbrella" Long-term care insurance, ch 39 ARC 8734	F	5/18/88	2239
	Disclosure regarding uninsured/underinsured auto coverage, 15.12 ARC 8732	N	5/18/88	2153
	Preneed funeral contracts, 15.41(5), 15.44(17), 15.67(2)"c," 15.68(8), 15.69(4) ARC 8731	N	5/18/88	2153
2:40	ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C] Professional Licensing and Regulation Division[193] COMMERCE DEPARTMENT[181] "umbrella" Transfer 390—chs 1 to 4 to 193C—chs 1 to 4 ARC 8831	F	6/1/88	2378
	Administration, 1.1 to 1.4, 1.7 to 1.9 ARC 8829	F	6/1/88	2378
	Administration, 1.2"3" ARC 8770	F	5/18/88	2204
	Public records and fair information practices, ch 5 ARC 8830	F	6/1/88	2382
2:55	MANAGEMENT DEPARTMENT[541] Contract compliance, 4.3(2), 4.4, 4.5, 4.7(2) ARC 8804	N	6/1/88	2353
3:00	EDUCATION DEPARTMENT[281] Public records and fair information practices, 670—ch 83 ARC 8754	F	5/18/88	2194
	Special education, 670—12.3, 12.5(6)"a" "b," 12.8(1), 12.8(3) to 12.8(5), 12.10(9), 12.17(1)"b," 12.17(2), 12.17(8), 12.20(2)"b," 12.21, 12.25(3)"n," 12.31(7), 12.32 ARC 8836	N	6/1/88	2325
	School buses, 670—ch 44, rescind 670—ch 23 ARC 8800	N	6/1/88	2327
3:10	PROFESSIONAL TEACHING PRACTICES COMMISSION[640] Public records and fair information practices, ch 7 ARC 8728	F	5/18/88	2273
3:20	UTILITIES DIVISION[199] COMMERCE DEPARTMENT[181] "umbrella" Customer definition, 19.1(3), 20.1(3)"c," 21.4(10), 22.1(1), Notice ARC 8059 terminated ARC 8745	N.I	5/18/88	2167
3:30	TRANSPORTATION DEPARTMENT[761] Public records and fair information practices, ch 4 ARC 8725	F	5/18/88	2292
	Designated highway system, 510.1(1) ARC 8802	F	6/1/88	2404

Wednesday, June 15, 1988

9:00	HUMAN SERVICES DEPARTMENT[441] Public records and fair information practices, ch 9 ARC 8711	F	5/18/88	2217
	Iowa veterans home, ch 10 ARC 8712	F	5/18/88	2225
	Granting assistance, 41.1(5)"c"(4), 41.7(7)"f" ARC 8812	F	6/1/88	2385
	Granting assistance, unemployed parent, 41.2(14), 42.4(3), 42.4(6)"a" ARC 8710	F	5/18/88	2225
	ADC eligibility under the grant diversion program, 47.2(1), 47.3 ARC 8814	F	6/1/88	2385
	Unemployed parent workfare program, 59.3(4), 59.4, 59.6(2)"l" ARC 8704	F	5/18/88	2222
	Medicaid program, 75.1(27), 75.4(3)"f," 81.4(2), 81.10(3), 82.9(2), 85.4(1)"a" ARC 8709	F	5/18/88	2227
	Amount, duration and scope of medical and remedial services; other policies relating to providers of medical and remedial care, 78.3(1), 78.3(2)"b," 78.3(3), 78.3(4), 79.1(5)"c," filed emergency after notice ARC 8737	F	5/18/88	2168
	Title XIX waiver services, 83.5(8), 83.5(8)"b," filed emergency after notice ARC 8816	F	6/1/88	2371
	Medically needy, 86.2(4), 86.6(3), 86.8(1), 86.8(3) ARC 8705	F	5/18/88	2228
	Iowa state juvenile home, 101.14, 101.20 ARC 8707	F	5/18/88	2228
	Purchase of service, 150.2(1)"a," 150.3(3)"j"(2), 150.3(5), 150.6(2)"b"(2), filed emergency after notice ARC 8708	F	5/18/88	2171
	Family planning services, 173.1, 173.2, 173.3(2), 173.4 to 173.7 ARC 8818	F	6/1/88	2386
	Foster care services, 202.1, 202.4, 202.5, 202.6(1), 202.6(4), 202.8(4), 202.15 ARC 8706	F	5/18/88	2229
	ADC under the SEID project, 48.3 ARC 8739	N	5/18/88	2152
	Refugee cash assistance, 60.1(1)"e" "f," filed emergency ARC 8815	F.E.	6/1/88	2371
	Conditions of eligibility, 75.1(3), filed emergency ARC 8703	F.E.	5/18/88	2168
9:30	EIDER AFFAIRS DEPT.			
9:30	PHARMACY EXAMINERS BOARD[657] PUBLIC HEALTH DEPARTMENT[641] "umbrella" Licensure, 2.2 ARC 8720	F	5/18/88	2262
	License fees, renewal dates, fees for duplicate licenses and certification of grades, 3.1, 3.4, 3.4(2) to 3.4(6) ARC 8719	F	5/18/88	2262
	Discipline, 9.1(4)"v" ARC 8723	N	5/18/88	2160
9:40	PROFESSIONAL LICENSURE DIVISION[645] PUBLIC HEALTH DEPARTMENT[641] "umbrella" Public records and fair information practices, ch 10 ARC 8782	F	5/18/88	2263
	Barber examiners—public records and fair information practices, ch 29 ARC 8783	F	5/18/88	2264
	Chiropractic examiners—public records and fair information practices, ch 49 ARC 8784	F	5/18/88	2267
	Cosmetology examiners—public records and fair information practices, ch 69; transfer 470—ch 160 to 645—ch 60 ARC 8785	F	5/18/88	2267
	Dietetic examiners—public records and fair information practices, ch 89; transfer 470—ch 162 to 645—ch 80 ARC 8786	F	5/18/88	2268
	Mortuary science examiners—public records and fair information practices, ch 109 ARC 8788	F	5/18/88	2268
	Hearing aid dealers examiners—public records and fair information practices, ch 129; transfer 470—ch 145 to 645—ch 120 ARC 8787	F	5/18/88	2269

9:40

PROFESSIONAL LICENSURE DIVISION[645] (Continued)

Table with columns for department, description, date, and number. Includes rows for Nursing home administrators examiners, Ophthalmic dispensers, Optometry examiners, Physical and occupational therapy examiners, Podiatry examiners, Psychology examiners, Social work examiners, Speech pathology and audiology examiners, Cosmetology examiners, and Respiratory care practitioners.

10:00

Table with columns for department, description, date, and number. Includes rows for PUBLIC HEALTH DEPARTMENT[641] Hospitals, Confidentiality of records, Basic emergency medical care, Hospital protocol for donor requests, Communicable disease control, WIC program, Financial assistance, and Health facilities construction review program.

10:20

Break

10:30

Table with columns for department, description, date, and number. Includes rows for CAMPAIGN FINANCE DISCLOSURE COMMISSION[121] Public records and far information practices, and Petitions for rule making.

9:30

10:40

Table with columns for department, description, date, and number. Includes row for ELDER AFFAIRS DEPARTMENT[231] Public records and fair information practices.

10:50

Table with columns for department, description, date, and number. Includes row for LIVESTOCK HEALTH ADVISORY COUNCIL[521] Recommendations.

11:00

Table with columns for department, description, date, and number. Includes rows for INDUSTRIAL SERVICES DIVISION[343] EMPLOYMENT SERVICES DEPARTMENT[341] and Public records and fair information practices.

11:10

Table with columns for department, description, date, and number. Includes row for ALCOHOLIC BEVERAGES DIVISION[185] PUBLIC RECORDS AND FAIR INFORMATION PRACTICES.

11:20

Table with columns for department, description, date, and number. Includes row for SAVINGS AND LOAN DIVISION[197] PUBLIC RECORDS AND FAIR INFORMATION PRACTICES.

11:30

Table with columns for department, description, date, and number. Includes row for SECRETARY OF STATE[721] Transfer 750—chs 1 to 12 to 721—chs 1 to 49; amend renumbered 1.5(2) ARC 8765.

12:00

Table with columns for department, description, date, and number. Includes rows for REVENUE AND FINANCE DEPARTMENT[701] Public records and fair information practices, Determination of a sale and sale price, and Composite returns.

No Representatives requested to appear

N/R

Table with columns for department, description, date, and number. Includes row for ATTORNEY GENERAL[61] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for AUDITOR OF STATE[81] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for BANKING DIVISION[187] PUBLIC RECORDS AND FAIR INFORMATION PRACTICES.

N/R

Table with columns for department, description, date, and number. Includes row for DENTAL EXAMINERS BOARD[650] PUBLIC RECORDS AND FAIR INFORMATION PRACTICES.

N/R

Table with columns for department, description, date, and number. Includes row for HEALTH DATA COMMISSION[411] Transfer 465—chs 1 to 8 to 411—chs 1 to 8; amend 1.2, 1.2(1), 1.2(2), 1.3 ARC 8781.

N/R

Table with columns for department, description, date, and number. Includes row for HIGHER EDUCATION LOAN AUTHORITY[284] EDUCATION DEPARTMENT[281] Uniform rules.

N/R

Table with columns for department, description, date, and number. Includes row for LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D] PROFESSIONAL LICENSING AND REGULATION DIVISION[193] PUBLIC RECORDS AND FAIR INFORMATION PRACTICES.

N/R

Table with columns for department, description, date, and number. Includes row for MEDICAL EXAMINERS BOARD[653] PUBLIC RECORDS AND FAIR INFORMATION PRACTICES.

N/R

Table with columns for department, description, date, and number. Includes row for PERSONNEL DEPARTMENT[581] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for PUBLIC DEFENSE DEPARTMENT[650] Military division and Disaster services division.

N/R

Table with columns for department, description, date, and number. Includes row for SCHOOL BUDGET REVIEW COMMITTEE[289] EDUCATION DEPARTMENT[281] Amend and transfer 740—ch 1 to 289—ch 1 ARC 8801.

N/R

Table with columns for department, description, date, and number. Includes row for SUBSTANCE ABUSE COMMISSION[643] PUBLIC RECORDS AND FAIR INFORMATION PRACTICES.

N/R

Table with columns for department, description, date, and number. Includes row for TREASURER OF STATE[781] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for VETERANS AFFAIRS DEPARTMENT[841] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for VETERANS AFFAIRS DEPARTMENT[841] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for VETERANS AFFAIRS DEPARTMENT[841] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for VETERANS AFFAIRS DEPARTMENT[841] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for VETERANS AFFAIRS DEPARTMENT[841] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for VETERANS AFFAIRS DEPARTMENT[841] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for VETERANS AFFAIRS DEPARTMENT[841] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for VETERANS AFFAIRS DEPARTMENT[841] Public records and fair information practices.

N/R

Table with columns for department, description, date, and number. Includes row for VETERANS AFFAIRS DEPARTMENT[841] Public records and fair information practices.