

MINUTES OF THE SPECIAL MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting

The special meeting of the Administrative Rules Review Committee was held Wednesday and Thursday, November 8 and 9, 1989, Committee Room 22, State Capitol, Des Moines, Iowa. This meeting was held in lieu of the statutory date of November 14 and 15, 1989.

Members Present

Senator Berl E. Priebe, Chairman; Representative Emil S. Pavich, Vice Chairman; Senators Donald V. Doyle and Dale L. Tieden; Representatives David Schrader and Betty Jean Clark. Staff present: Joseph A. Royce, Counsel; Phyllis Barry, Administrative Code Editor; Vivian Haag, Executive Secretary. Also present: Barbara Burnett, Governor's Administrative Rules Coordinator; Evelyn Hawthorne, Democratic Caucus.

Convened
TRANS-
PORTATION
DEPT

Chairman Priebe convened the meeting at 9:02 a.m. and called up the following Transportation Department rules:

Utilities within the right-of-way, 115.1. Notice ARC 297A 10/18/89
Regulations applicable to carriers, 520.1(1)"a" and "b," 520.1(2). Notice ARC 295A.
also Filed Emergency ARC 294A 10/18/89
Driver licenses, suspensions, revocations and nonoperators identification, 600.6, 602.11(1)"b" and "c,"
602.16(1)"c," 615.21, 615.23, 630.3(1). Filed ARC 296A 10/18/89
Special Review--Highway cleanup program

Department representatives present were Will Zitterich, Shirley Andre, Norris Davis, Lew Marsh, Michael Winfrey, Al Chrystal, and Dwight Stevens. Also present: Doug Adkisson, Legislative Service Bureau.

115.1
et al.

No questions were posed for 115.1, 520.1(1) and (2), and 600.6 et al.

Special
Review
Adopt a
Highway

A special review of the highway cleanup program was before the ARRC. Schrader indicated several concerns had been presented to him from members of his caucus and the public about the "Adopt a Highway Program." It was his opinion that, had the program been instituted through the rule-making process, several of these concerns would have been aired at that time. He asked Zitterich to provide information on the program.

According to Zitterich, a national program was initiated in Texas in 1985 when that state had a severe problem with litter. Presently, half the states have implemented such a program and another 16 are in the planning stages. Zitterich continued that Iowa spent \$674,000 last year for collecting litter along roads--approximately 10,000 cubic yards. He discussed the history of the Iowa program and reasoned that it was a service and not a regulatory program. It was the Department's opinion that administrative rules would not be needed.

Schrader disagreed with that conclusion and suspected that, by the scope of the brochure, there would be a competitive situation in many communities.

TRANS-
PORTATION
Cont'd

Schrader discussed costs and expressed his reservations about the program, in general. In response to question by Schrader, Royce advised that rules were needed to identify the program because of public involvement. He contended that some would label the large "Adopt a Highway" signs as "litter." Royce recalled several months ago when DOT was opposed to logos on school buses. They contended that drivers would be distracted when trying to read the logos. Royce favored the rule-making process in lieu of a brochure.

Pavich raised question as to liability on the part of the state for volunteers who pick up litter along the highways. Priebe was supportive of Schrader's position and thought Pavich had a valid concern as to liability. Zitterich was willing to draft rules and modify as the process dictates. He took the position that signs were an essential part of the program. A similar program, without signs, had failed in Oklahoma. Schrader contended that signs should be removed from unsuccessful areas. Zitterich concurred. No other questions.

PUBLIC
HEALTH
DEPARTMENT
Chs 38,44

Jack Kelly and Don Flater were present for the following:

Minimum requirements for radon mitigation, 38.13(4), 38.18(9), ch 44, Notice ARC 105A Terminated.
also Notice ARC 251A 10/4/89

Flater advised ARRC that the proposed rules were being renoticed in order to thoroughly address and consider several points of interest and he distributed a final version.

Schrader discussed the fee structure and his concern for the \$40 per system installed--38.13(9)b(2) which he viewed as being allowed to continue if it exceeds the \$150 renewal fee. Flater explained that all mitigation specialists will be required to pay \$150 for the first year. Fees would have been prohibitive otherwise. The Department's approach was intended to keep costs down. The specialists with more work will bear a greater financial burden. Flater continued that there was no cost information nationwide on which to base an amount.

Schrader could understand industry concern since the fee system would be more costly than for most professionals. Department officials indicated that fees would be reduced when more money was generated. However, the law requires DPH to defray cost of performing inspections. The program is being monitored. Kelly indicated they had received a mixed message from the industry and Schrader viewed the issue to be ongoing.

Flater reminded ARRC that this was a "pass through fee," and that the public would ultimately pay. Responding to Tieden, Flater explained that "radon daughter" was an international term and credentialing was used instead of licensing for the same reason. Radon, in the process of going through radioactive decay, breaks down into "daughter products." According to Flater, the investigation fee has not been used in the nine years of the program's existence.

PUBLIC
HEALTH
Radon
Cont'd

In response to Schrader, Flater commented that for two and one-half weeks, Des Moines radio and television stations had been reporting on radon information from EPA. In addition, the Department had averaged 20 to 30 calls hourly from throughout the state. Pamphlets received from EPA on October 17 were also being distributed. In conclusion, Flater emphasized that EPA has made a major, nationwide effort to disseminate accurate information on radon. He apologized for any misunderstanding which may have occurred because of his comments at the previous ARRC meeting. Schrader stressed the importance of accurate information. Flater agreed to provide Schrader with a general information package. No Committee action.

LOTTERY
DIVISION

Nichola K. Schissel and Steve King, Lottery Division, and Sherie Barnett, Department of Justice, were present for:

REVENUE AND FINANCE DEPARTMENT [701] "umbrella"
General operation of the lottery, 1.18, 1.27, 1.28 Notice ARC 811A 10/18/89
Licensing, 2.1, Notice ARC 812A 10/18/89
Licensee retailers, 3.3, 3.11 Notice ARC 808A 10/18/89
Scratch ticket general rules, 8.3, Notice ARC 809A, also Filed Emergency ARC 810A 10/18/89
Iowa lotto, 10.2, 10.3, 10.6(1), 10.6(2), 10.13(1)"j," 10.15(1), 10.15(2), 10.20, Notice ARC 77A Terminated ARC
292A 10/18/89
Iowa lotto, 10.13, 10.19, Notice ARC 818A 10/18/89
Lotto America, 12.5, 12.10, 12.15(1), Notice ARC 807A 10/18/89

- 1.28 Priebe referenced 1.28 relative to promotional use of lottery tickets and questioned authority for Channel 8 in Des Moines to give away 88 tickets. Schissel indicated Lottery may give away tickets for such purposes. The rule was intended to address situations when a car dealer might offer tickets to the purchaser of a vehicle. Priebe could foresee problems and recommended inclusion of a statement, "tickets may be given away for promotional purposes." Schissel was amenable. There was general discussion of the fact that the Division's Financial Statement contains information regarding number of tickets given away. A Committee considers all requests for promotional tickets.
- 1.18 Doyle was advised that a federal identification number was considered to be a "legal entity" although it has never been defined--1.18. Typically, individuals with one winning ticket establish their legal entity. Doyle was informed that Lottery had not attempted to address estate matters.
- 2.1 There was brief discussion of 2.1, licensing. In review
3.3 of 3.3(3), Clark inquired as to what would be considered "objectionable material" in advertising and Schissel described some ads as "graffiti." The Department would have the right to remove this type of material.
- 8.3 et al. No recommendations were offered for 8.3, 10.2, 10.13, 12.5, 12.10 and 12.15.
- Brief discussion of 12.5(7) pertaining to unclaimed jackpot and low-tiered prizes. Mention was made that the merchant keeps money for unclaimed low-end prizes.

LOTTERY
DIVISION

Schissel advised ARRC that when merchant buys a roll of tickets, Lottery has knowledge of how many low-end prizes exist in the category of \$25.00 and under. However, they have no idea how many prizes exist over \$25.00. Tickets are in packs of 300 and Lottery would know there are 50 winners but location in the pack and denomination are not known. The merchant pays \$25.00 or less to a winner and retailers are paid 5 percent for managing the game.

Priebe expressed interest in knowing the unclaimed dollar amount for last year. King pointed out that tickets can be mailed in to claim prize money. No other comments.

PROFES-
SIONAL
LICENSURE

Professional Licensure was represented by Susan Osmann, Peter R. Teahen, Mortuary Science, Harriet Miller, Barbara Charls and Kathy Williams. The following agenda was considered:

PUBLIC HEALTH DEPARTMENT "umbrella"
Cosmetology examiners, 60.10, 60.14(9), 60.14(10), 60.14(18), 60.14(19), 60.15, Filed ARC 835A 10/18/89
Board of dietetic examiners, 80.1, 80.100, 80.101, 80.102(1), 80.102(2), 80.108 to 80.108.
80.212, Filed ARC 833A 10/18/89
Board of mortuary science examiners, 101.1(3), 101.1(4), 101.2(6), 101.101(1), 101.101(2), 101.101(4), 101.212(1),
101.212(1)"e" and "h," Notice ARC 291A 10/4/89
Board of optometry examiners, 180.12(1), 180.12(3)"e," 180.12(7), 180.12(8), Notice ARC 331A 10/18/89
Podiatry examiners, declaratory rulings, 220.3(2), ch 230 Filed ARC 334A 10/18/89
COMMITTEE ON IOWA CODE - SUB SELECTION TO 645-62.3 (258A)

62.3

No questions re 60.10 et al., cosmetology. Barry called attention to an earlier objection to rule 645--62.3 [formerly 470--151.3] and the fact that the rule had been renumbered and amended since the objection was imposed in 1978. There was discussion. Priebe recommended that the objection be reinstated.

Motion
to Object

After further discussion, Pavich moved to reinstate the objection which could be overcome by allowing continuing education credit for self-study courses. Motion carried. The following objection was prepared by Royce:

In a special review held on November 8, 1989, the committee voted to renew an earlier objection to 645 IAC 62.3. That earlier objection had been rendered void when some of the provisions of that rule were amended. The committee, however, continues to feel that its original concerns remain. The committee objects to 62.3 on the grounds that it is beyond the authority of the board, in that it does not allow a licensee to obtain any continuing education credit by self study. It should be noted that Iowa Code section 258A.1(2) provides:

2. "Continuing education" means that education which is obtained by a professional or occupational licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge. This education may be obtained through formal or informal education practices, self-study, research, and participation in professional, technical, and occupational societies, and by other similar means as authorized by the board.

It is the committees feeling that the board may not restrict by rule that which is specifically allowed by statute.

Ch 80

Charls presented amendments to Chapter 80. Discussion of 80.101(5) pertaining to approval of scholarly publications. Priebe raised question as to abstracts and their relevancy. Royce advised that it would be a detailed summary.

PROFES-
SIONAL
LICENSURE
Cont'd

In review of amendments to Chapter 101, Teahen pointed out changes in services provided by funeral directors which necessitated upgrading of academic requirements--trust laws, counseling, etc. No recommendations.

180.12

There was general discussion of continuing education requirements for optometrists. With respect to selective audit of the licensees' CE records, Department officials indicated that many boards were following this practice--180.12(8). Clark cited an instance of a constituent who had his eyes dilated by an optometrist and was not advised of that fact. The individual attempted to drive and narrowly escaped a serious accident. Williams responded that a complaint should probably be written on that matter. Pavich mentioned existing rules regarding "false or missing information."

Doyle called attention to the last sentence in 180.12(8) which stated that "falsifying reports...will cause the license to lapse..." He recommended that the Department discuss the matter with the Attorney General since lapse means to "run out." If the individual falsifies, there would be some kind of verdict, revocation or suspension, and there should be a difference between penalties. No formal action.

220.3

No questions re amendments to Chapter 230 or 220.3(2).

UTILITIES
DIVISION

Gary Stump, Vicki Place, Diane Munns, and Allan Kniep represented the Utilities Division for the following:

COMMERCE DEPARTMENT (all "umbrella")
True-up of deregulated investment and expenses -- telephone, 7.4(6)"e"(1), 7.4(6)"e"(2). Filed ARC 822A 10/18/89
Alternate energy production, 15.1, 15.2(1)"a," 15.2(1)"c," 15.2(2), 15.4, 15.11, 15.11(4), 15.11(8), 15.12 to
15.16. Notice ARC 8818 Terminated, also Notice ARC 825A 10/18/89
Uniform system of accounts -- telephone, 18.5, Filed ARC 264A 10/4/89
Take-or-pay adjustments, 19.10(5), 19.10(7), Notice ARC 320A 10/18/89
Reserve margins for natural gas utilities, 19.12, Notice ARC 818A 10/18/89
Transportation service contracts between local distribution companies and end-users,
19.13(4)"b," Notice ARC 821A 10/18/89
Lowest rate quotes -- telephone, 22.4(1)"a," Filed ARC 323A 10/18/89

Ch 7

Kniep gave brief explanation of amendments to Chapter 7.

Ch 15

No questions. According to Stump, amendments to Chapter 15 being renoticed resulted from information given during a contested case proceeding. Priebe asked if uniformity on demand meters had been considered and Stump agreed to look into the matter.

15.12

With respect to 15.12(3), Tieden was told that "estimated life" of a generating facility was determined by the Board after they hear expert testimony on the issue. No questions on 16.5.

Discussion of 19.10(5) and (7). Priebe questioned new language in 19.10(5) and Munns replied that it was included for a particular pipeline problem to prevent double charging to the customer. General discussion of utilities' "perpetual opposition" to the uniform system of accounts. They would prefer the FCC system without modification. No questions on 19.12 or 19.13(4)b.

22.4(1)

There was review of amendment to 22.4(1)a. Priebe noted that information on lowest rate service would be provided

UTILITIES
DIVISION
Cont'd

upon "request." It was his opinion that the customer should be informed of options without having to ask. Kniep explained that the Company is required to ask the customer if they wish to be informed of these service alternatives. He was willing to clarify to remove possible ambiguity.

SOIL CON-
SERVATION

James Gulliford, Director, and Kenneth Tow explained the following agenda;

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT(21) "umbrella"

State soil conservation committee — regional boundaries and procedures, chs 1 and 2, rescind

ch 3, Notice ARC 276A 10/4/89

Water protection practices — water protection fund, ch 12, Notice ARC 848A 10/18/89

No questions regarding Chapters 1 and 2.

Ch 12

In discussion of Chapter 12, Gulliford said that ASCS speculations are used to establish requirements to achieve the objective. If a landlord asks for larger terraces, they will design for that but will not pay additional costs or cost-share. It was noted that the \$15 per acre cost-share rate for strip-cropping was not new--12.77(1).

12.82

Gulliford said the minimum areas in 12.82(3) and (4) were recommended by the DNR and he speculated that an increment could be added in planting trees any number of times, but to build a forest would require more. No other comments.

CORRECTIONS
DEPARTMENT

Fred Scaletta gave brief overview of the following:

Jail facilities, 60.1, 60.11(2), 60.11(3), Notice ARC 288A 10/4/89

Temporary holding facilities, 61.9(2), 61.9(3), 61.10, Notice ARC 287A 10/4/89

There were no questions.

CREDIT
UNION

Jim Forney, Superintendent, and Joan Bolin, Assistant Attorney General, appeared for the following:

COMMERCE DEPARTMENT(181) "umbrella"

Insolvency, ch 11, Filed ARC 814A 10/18/89

Powers of superintendent in control of credit union, ch 13, Filed ARC 815A 10/18/89

Ch 11

Tieden was told that although there had been insolvencies in the past, there were none at the present time. No

Ch 13

recommendations. No questions re Chapter 13.

SECRETARY
OF STATE

Allen Welsh, Secretary of State's Office, and Cindy Forsythe and Richard Cleland, Attorney General's office, appeared for special review of the provisions of 1989 Acts, House File 506, which required charitable organizations to register with the Secretary of State.

Priebe had received several calls concerning the \$10 fee and he thought there was a possibility that the matter should be referred to Legislative Committees for study. There was discussion of the legislation which was intended to restrict unscrupulous groups. However, there was consensus that the new law was broader than necessary. Welsh reported that the Secretary of State had also received calls. They heard from school boards, independent colleges and universities, churches, Kiwanis Clubs, etc., who were concerned.

11-8-89

SECRETARY
OF STATE
Cont'd

Cleland indicated the Attorney General's office had a different perspective of the legislation but acknowledged that there had been problems. Cleland recalled that prior law set out three conditions in order to solicit public donations--Code section 122.1. Cleland continued that the federal court enjoined the enforcement of the statute in 1976 because it gave the SOS "unbridled discretion" to determine who was or was not a legitimate charity. He viewed HF 506 as removing those parts that obviously made the statute unconstitutional and unenforceable. Cleland readily admitted there had been problems and the AG's office was considering recommendation for exemptions for political and religious organizations, and to broaden--except in the case of paid-for solicitors, the local exclusion, so it not only would exclude those organizations located in their own county but also in contiguous counties. There could be possible exemption for groups that solicit only among their own members and for regionally and nationally accredited colleges and universities.

Pavich wondered if an AG opinion should be requested and Cleland responded that two had been received. Referral of the matter to the Legislative Committees was recommended.

Motion to
Refer

Pavich moved that the subject be referred to the Speaker of the House and the Lt. Governor for referral to appropriate Legislative Committees. Motion carried.

Welsh concurred with Cleland's comments about the condition of the statute and the need for some improvements. He urged a comprehensive look at the statute since some important terms were not well defined. Welsh suggested sharing of expertise and it was noted that Legislative Service Bureau staff was reviewing relevant laws of other states. General discussion. Blaine Donaldson was advised that he would be required to be registered between now and the time any change would be made. Cleland was willing to help in any way possible.

Recess
Reconvened

Chairman Priebe recessed Committee for lunch at 12:15 p.m. and reconvened it at 1:38 p.m.

DENTAL
EXAMINERS

Cindy Nelson, Investigator, Iowa Board of Dental Examiners, was present for consideration of the following:

PUBLIC HEALTH DEPARTMENT 1041 "umbrella"

Definitions -- practice of dental hygiene, 1.1, Filed ARC 298A 10/18/89

Also present: Lyle Krewson and Judy Smith.

Nelson gave brief overview of 1.1 and there were no questions.

ATTORNEY
GENERAL

Cindy Forsythe, appearing on behalf of the Attorney General, gave a brief presentation of:

Regulation of physical exercise clubs, ch 26, Filed ARC 298A 10/18/89
There were no questions.

COLLEGE AID
COMMISSION

Gary Nichols, Director, was present on behalf of the College Aid Commission to review:

EDUCATION DEPARTMENT 2811 "umbrella"
Iowa Stafford loan program, 10.33, 10.34(1)"n" and "o," Filed ARC 259A 10/4/89
Iowa work-study program, 18.12, 18.13 Notice ARC 258A 10/4/89
Iowa nursing loan payments program, ch 21, Notice ARC 257A 10/4/89
Iowa minority grants for economic success, ch 22, Notice ARC 256A 10/4/89

According to Nichols, the Iowa Stafford Loan Program brings collection procedures into line with prescribed federal procedures and duplication is eliminated--

10.33

10.33, 10.34.

18.12

No questions re 18.12 and 18.13.

Ch 21

Nichols explained proposed Chapter 21 and commented that a key part of the rules would be 21.1(2)b dealing with priority for selection of recipients. There is funding for 155 nurses and approximately 3000 will apply annually. Awards are based on student need and shortage areas. The Commission is conducting a study with representatives of all medical specialties. They are aware of the overall shortage but have focused on two areas-- long-term health care facilities in rural areas being one. No recommendations.

Ch 22

In review of Chapter 22, Nichols said the first year appropriation of \$50,000 for minority students at independent colleges and universities would provide about 50 awards. Rules follow those proposed by the state Board of Regents which has responsibility for administering the same program for the three state universities. A principal goal was equal treatment for minority students.

Royce wondered why the definition of minority persons was not tied to groups which have a history of discrimination against them. Nichols responded that the question was being addressed by the state Department of Education, working with College Aid Commission, in conducting a study of minority students. The rules will be modified to reflect the completed study.

Committee
Business

The January meeting was tentatively scheduled for Thursday and Friday, January 4 and 5, 1990. Short recess.

ECONOMIC
DEVELOPMENT

JoAnn Callison, Melanie Johnson, Jeff Nall, Steve Morris, Diane Foss and Steve McCann represented the Department for the following:

Retraining program, ch 6, Notice ARC 301A 10/18/89
COG assistance, ch 44, Notice ARC 298A 10/18/89
Use of marketing logo, ch 55, Filed ARC 800A 10/18/89
Use of marketing logo, 55.1, 55.2(2)"d"(7), Notice ARC 847A, also Filed Emergency ARC 346A 10/18/89

Ch 6

Proposed Chapter 6 was explained by Callison. Tieden expressed concern over the evaluation criteria, in particular, the union endorsement with 30 points-- 6.8(16). He saw little likelihood that anyone in his area could meet that criteria. Johnson said this was an attempt to recognize that, in some instances, there may not be a union, but she also understood Tieden's problem. Schrader saw a distinct advantage in having a successful program with a union and support from all the people as well.

ECONOMIC
DEVELOPMENT
Cont'd

Callison spoke of the late start on implementing the program. Because of the rules process, funding will not begin until February 1, 1990, and reallocation begins March 1. She wondered if it were possible to use the funds the second year. Royce advised her to check with Dennis Prouty, Legislative Fiscal Bureau. Priebe suspected that funds would revert to the general fund of the state.

Johnson interjected that, initially, each area has an allocation and if it is not spent by March 1, it reverts to the Department to reallocate. She asked, "Could we still, as part of our reallocation, set it aside for each of those areas for the first year, and then, the next year, go through the other procedure?" Priebe saw no problem.

Ch 44

Foss explained proposed Chapter 44, a new program to allocate funds to Councils of Governments (COGs) for technical assistance activities. Discussion focused on rule 44.6 which provided that grants would be made on a noncompetitive basis with equal shares.

Priebe questioned the authority for reserving funds to "study feasibility"--last sentence of 44.6. Foss indicated there were only 16 Councils and this approach was agreed to by them. She recognized that this was not addressed in the Act. Royce advised that unspent money would revert by law. Foss stated that the Department wanted a study as to whether or not there should be a COG to serve central Iowa. She was willing to delete the questionable language from the final rule.

Schrader suspected concern would come from areas other than his--central Iowa. Foss reiterated that central Iowa was not receiving benefit of a COG and was losing an opportunity to receive infrastructure funds. General discussion.

Clark asked if, in the organization of the COGs, there were limitations on their perimeters? Foss responded that this could be studied. She reported that no one came to their scheduled hearing yesterday. According to Foss, \$300,000 from Lottery funds would provide approximately \$19,000 for each COG.

Schrader was concerned about the legality of "reserving funds" appropriated for existing COGs. Many legislators have voted line item appropriations in a desire to support their local cause.

Motion to
Refer to GA

Schrader moved to refer rule 261--44.6 to the Speaker of the House and President of the Senate for referral to the appropriate Legislative Committees. Motion carried.

ECONOMIC
DEVELOPMENT
Cont'd

Ch 55

Johnson reviewed proposed new rules relating to use of marketing logos. She informed Priebe that prior to reorganization, the Iowa Development Commissioners reviewed applications to use the logo. Johnson added that questions have arisen as to whether the Economic Development Board or Staff should be performing this function currently. The Board voted to delegate the responsibility to the Staff and the Department of Economic Development Director makes the final decision. Priebe expressed opposition to this practice. No other comments.

PERSONNEL
DEPARTMENT

Clint Davis presented the following:

Definitions; classification; pay; recruitment, application, and examination; probationary period; grievances and appeals; leave; benefits; IPERS, 1.1, 8.1(3) to 8.1(6), 8.3(2), 8.3(3), 8.4, 4.6(2)"b"(1), 4.6(4), 4.9(1), 4.11, 4.13, 5.2(4)"b""7," 9.7, 12.3, 14.8(1), 14.8(3), 14.8(4), 14.16, 15.1(1), 15.1(3)"b"(4), 15.2 to 15.4, 15.6(7)"c," 21.6(9), 21.6(9)"c," Filed ARC 816A 10/18/89

Ch 3

According to Davis, a few changes had been made as a result of comment at the public hearing. They heard from AFSCME Council 61, on Chapter 3 pertaining to administration of the classification plan. In addition, five employees of state government expressed opposition to extending, without limit, time frames for responding to request for classification changes. As a result, the Department modified 3.1(3) to require the Director to evaluate requests within 90 days. Also, the time for response by employees to the initial decisions by the Department was changed from 14 to 30 days.

Melanie Johnson addressed the Committee on the revised definition of "class specification" in 1.1 and 3.3(2). She had gone through classifications and reclassifications with the Department and learned that standards which were not listed in the rules were being used in decision making. She distributed some examples and voiced opposition to the misleading rules. Johnson pointed out that management theories had changed since the unpublished standards were revised in 1978. It was her position that these standards should be included in the rules or a procedure set up that describes how standards are established. She referenced new language in 3.1(3), second paragraph, "...The director shall decide the classification of positions in the executive branch except those specifically excluded by law." Iowa Code section 19A.3 lists positions and agencies exempt from the merit system. Other statutory references may exclude certain positions, e.g., at DED, professional positions are excluded and Johnson contended that would exclude the classification process as well. Since exempt positions lack the benefits and protections of the merit system, Johnson reasoned that merit restrictions should not apply. She suggested clarification that Personnel has authority over "merit" classifications. This was included in the law prior to reorganization of state government. In conclusion, Johnson recommended retention of 3.3(3) which stated:

PERSONNEL
DEPARTMENT
Cont'd

"In determining the class to which a position is assigned, consideration shall be given to the position's duties and responsibilities and its relationship to other positions and classes."

Davis responded that the Personnel Commission plans to review Chapter 3 in its entirety and points by Johnson and others will be considered. He added that the overall principle of reorganization was to consolidate personnel programs administered by the Executive Council, Comptroller, or Merit Employment into the Department of Personnel, one of which would address the merit system. The concept came from England in the late 19th century.

It was never intended that the classification system would be construed as having anything to do with the merit system. Davis took issue with the statement by Johnson relative to benefits and privileges and he cited insurance, vacation and sick leave as examples of benefits for exempt employees. He agreed that exempt employees lack the protection of the merit system as far as rights to a just cause disciplinary hearing. The law requires that distinction.

Jeff Nall, state employee, had some related concerns about standards for classification. With respect to standards for classifications, it was his opinion that, perhaps, undue emphasis was placed on strictly supervisory responsibilities in judging classifications. If public employees are asked to assume additional responsibility and learn additional skills, that should be reflected in classification schemes.

Davis indicated that he had talked with individuals in Economic Development concerning alternatives to classifications and discussed with Dennis Guffey the need for expanding opportunities for employees in technical areas.

Steve Morris, state employee, questioned the 60-day response time in the last sentence of 3.1(3) and Davis said that 90 days was intended and an emergency amendment would be adopted. Morris complained of delays by the Department in responding to classification requests.

21.6

Doyle called attention to use of "marshal" in 21.6(9)c. He thought the term was abolished in 1971. Davis would research. He also agreed to review 21.6(9)c(2), paragraph 5, relative to airport safety officers in a city of 100,000. Doyle pointed out that Sioux City was less than 100,000 population.

ENVIRON-
MENTAL
PROTECTION &
NATURAL
RESOURCE
COMMISSIONS

Allen Stokes, Vic Kennedy, Richard Bishop and Marion Conover were present for the following:

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[501] "umbrella"

Criteria for award of grants, 01.7(2)"a," E[10] ARC 887A 10/18/89

EPC & NATURAL
RESOURCE
COMMISSIONS

NATURAL RESOURCE COMMISSION[671]

NATURAL RESOURCES DEPARTMENT[661]"umbrella"
Fishing regulations, 81.1, 81.2(2), 81.2(3) to 81.2(5), 81.2(9). Filed ARC 268A 10/4/89
Waterfowl and coot hunting seasons, 91.1 to 91.3, 91.4(1), 91.4(2)"a" and "j." Filed Emergency After Notice 10/4/89
ARC 270A
Pheasant, quail and gray (Hungarian) partridge hunting seasons, 96.1(1), 96.2, 96.3. Filed Emergency After Notice ARC 267A 10/4/89
Wild turkey spring hunting regulations, 98.1, 98.2(5), 98.3, 98.4. Notice ARC 266A 10/4/89

91.7 Stokes explained the criteria for award of grants--
92.7(2)a. Pavich in the Chair.

Tieden was told that small communities would receive funds for wastewater treatment plants, lagoon systems, pretreatment facilities, etc. No other questions.

81.1 Conover presented amendments to 81.1 et al., Natural Resource Commission. Brief discussion of length limits for various species of fish.

Ch 91 Bishop said the season for Canada geese was changed from 70 to 45 days. A daily bag limit for snow geese was increased to 7. Tieden asked if a time specific had been considered for hunting waterfowl. Bishop replied in the affirmative but added that ducks respond more to daylight hours and as the daylight changes, the season would change.

96.1, 98.1 No questions on 96.1(1) or 98.1 et al.

RACING AND
GAMING
COMMISSION

Lorenzo Creighton and Chuck Patton, Director for river-boat gambling, appeared for review of:

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"
Harness racing, thoroughbred racing, 9.4(13)"p," 10.4(13)"s," Filed ARC 302A 10/18/89
Application process for excursion gambling boats, criteria for granting an excursion gambling boat license, chs 20 and 21, Notice ARC 303A 10/18/89

9.4, 10.4 No questions re 9.4(13)p and 10.4(13)s.

Chs 20, 21 Discussion of application and licensing process for excursion gambling boats. Lorenzo was aware of their obligation to keep records as open as possible, with focus on confidentiality--20.10(7). He was willing to clarify the last sentence by adding specific language about access and openness as provided in Iowa Code chapter 22 and the uniform rules on confidentiality.

In response to Schrader, Patton said it was the Commission's position that a minimum admissions fee would not be imposed. However, the boat operators and nonprofit entities may charge one. Patton explained an admissions tax of 50 cents per the first 500 to 1000. Local subdivisions can also add a fee to that. Regarding public input, Patton had received many telephone calls but no one appeared at the hearing yesterday. Tieden was told the abstract of vote was being sent from the county referendum election. General discussion.

21.10 Clark called attention to 21.10 and asked if the applicant would be given specifics as to reasons for

RACING &
GAMING

denial. Lorenzo thought there would be 4 or 5 applications and the market could probably bear that number of applicants. He admitted that the Commission should provide reasons for denial.

Royce commented that the application process could be decided by a contested case where there would be documentation of Commission deliberations.

Creighton pointed out that a similar process was used for pari-mutuel and it has been fairly successful. Priebe returned to the Chair and stressed the importance of maintaining gambling operations where nothing is "hidden--everything should be above reproach." Pavich suggested that Lorenzo and Patton work with Royce and Burnett before final filing of the rules. Further discussion of 20.10(7) with Lorenzo reiterating his intent to clarify the provision. No formal action.

Recess

Committee in recess until 9 a.m., Thursday, November 9, 1989.

Reconvened

Chairman Priebe reconvened the meeting at 9:05 a.m. and recognized Schrader, who moved approval of the October minutes. Motion carried. All members and staff present.

Minutes

AGRICUL-
TURE AND
LAND
STEWARD-
SHIP
Ch 15

Steve Pedersen, Marketing Director, and Morris Boswell, Chief, Sheep Bureau, were present for the following:

Pilot lamb and wool management education project, 15.2, 15.3(1), 15.5(4), 15.9. Notice ARC 827A,
also Filed Emergency ARC 841A 10/18/89

According to Boswell, emergency amendments to Chapter 15 address the pilot lamb education program for area community colleges in the state. There were no questions.

Priebe spoke in support of two programs, one at Waterloo, and one at Spencer, and was hopeful a third would be implemented. However, he mentioned that funding might not be available since commodity groups were no longer being funded from the general fund. No action.

CAMPAIGN
FINANCE
DISCLOSURE
6.1, 6.5

Kay Williams, Executive Director, appeared for review of civil penalties, 6.1, 6.5, Notice, ARC 277A, IAB 10-4-89. Minor changes were made to conform with legislative action which changed reporting due dates for municipal, school and local ballot issue committees. No questions.

Williams reported that a joint House and Senate Committee met on comprehensive campaign reform and a final report will be delivered to the Legislature. The Comprehensive Campaign Reform Committee authorized Williams to promulgate specific rules under Code section 56.10 for review by the ARRC. Williams said that the Commission has been requested to change the rules on disclosure forms to provide categorized schedules similar to federal reporting. This would mean treasurers would

CAMPAIGN
FINANCE
DISCLOSURE
Cont'd

list individual contributions in one category and PAC contributions in another, and partisan contributions in still another. Similarly, on expenditures, Campaign Finance would promulgate rules so that true "campaign" expenditures would be categorized first on Schedule B, and then legal expenditures which do not relate to the campaign per se would be on another schedule, etc.

Williams emphasized the Commission's strong philosophy that they regulate, not legislate, and will do as directed. General discussion. Priebe could envision more work for treasurers. He thought the appropriate Legislative Committees should be notified. On the contrary, Williams could see an advantage to properly designed forms. Schrader opined that the Commission was well within its authority. No other discussion.

HUMAN
SERVICES
DEPARTMENT

Mary Ann Walker, Charlene Hansen, Gloria Conrad, Mary Helen Cogley, Debborah Ozga, C. S. Ballinger, Charlcie Parrish and Marg Corkery appeared on behalf of Human Services for the following:

County maintenance of effort calculations and reporting, ch 28	Filed ARC 260A	10/4/89
Granting assistance, 41.7(2), 41.7(7)"g," 41.7(8)"b"(1), 41.7(9)"c"(2),	Filed Emergency ARC 265A	10/4/89
Payment, 45.4, 45.4(1), 45.4(2)"a" and "c," 45.5,	Filed Emergency After Notice ARC 271A	10/4/89
Food stamp employment and training program, 65.28(2)"c," 65.28(8), 65.28(8)"a" and "e," 65.28(9)"a" and "i,"		
65.28(11), 65.28(13), 65.28(15)"a,"	Notice ARC 272A, also Filed Emergency ARC 273A	10/4/89
Certified registered nurse anesthetists, transportation claims, 77.81, 78.18(12), 78.36, 79.1(2),		
80.2(2)"ff,"	Filed ARC 289A	10/4/89
Medicaid-certified hospice providers—standards and basis of reimbursement, 77.32, 78.36, 79.1(2), 79.1(14),		
80.2(2)"dd" and "gg,"	Notice ARC 284A	10/4/89
General provisions, child day care services, 130.7, 170.4(1), 170.4(6),	Filed ARC 290A	10/4/89
Subsidized adoptions, 201.5(9),	Filed ARC 274A	10/4/89
Foster care services, 202.3,	Filed ARC 275A	10/4/89

Also present: Jennifer Tyler, Iowa Council of Health Care Centers.

There were no recommendations re Chapter 26, 41.7(2) or 45.4 et al.

- 65.28 Walker told the Committee that amendments to 65.28 reflect federal legislation. Tieden was interested in the reason for problems with the original program and Walker said that it was strictly voluntary with a sanction for failure to comply in the job search effort. The Department discovered that the voluntary program was not successful. A staff shortage in the central office had left no one to monitor.
- 77.31 No questions on 77.31 et al.
- 77.32 et al. Discussion of amendments to 77.32 et al. Tyler referenced comments she had mailed to ARRC members relative to the proposed rules. She had suggested additional language to clarify the responsibility of the Medicare Hospice care provider and the Department included language from Code section 135C.32. Another concern was the definition of room and board and this was clarified. No comments on 130.7 et al., 201.5(9) and 202.3
- 130.7 et al.

INSPECTIONS
AND APPEALS
DEPARTMENT

Carol Rice and Sherry Hopkins represented Inspections and Appeals for consideration of the following:

Iowa targeted small business certification program, 25.1, 25.2, 25.3(3), 25.8(3), 25.10, Filed ARC 317A 10/18/89

Rice explained that the two percent set aside for owners of targeted small businesses had been rescinded in response to a U. S. Supreme Court decision, City of Richmond v. Croson, which found this practice to be unconstitutional. No Committee action.

MANAGEMENT
DEPARTMENT

Lawrence Bryant presented the following agenda and there were no comments:

Iowa targeted small business interim guidelines, ch 10, Filed ARC 261A 10/4/89

INSURANCE
DIVISION

Kevin Howe, Craig Goettsch, Superintendent of Securities, and Susan Barnes, Securities Bureau, Attorney General's Office, appeared on behalf of the Insurance Division to review:

COMMERCE DEPARTMENT (181) "umbrella"

Individual accident and health — minimum standards, 36.5(7), 36.5(8), 36.5(10), 36.6, 36.6(9), 36.7(1)"j."

36.7(1). Notice ARC 253A 10/4/89

Registration and operation of broker-dealers, ch 50 title, 50.9, 50.10(1)"a," 50.10(2) to 50.10(6), 50.17, 50.22, 50.25,

50.26(4), 50.26(6), 50.43, 50.44, 50.46, 50.55, 50.58 to 50.67, 50.79, Filed ARC 318A 10/18/89

Workers' compensation self-insurance for individual employers, 57.13(2), Notice ARC 255A 10/4/89

36.5 No questions on amendments to 36.5.

Ch 50 Barnes gave brief overview of amendments to Chapter 50. Clark observed a large number of changes since the Notice and Barnes assured her they were essentially for clarification.

57.13 Proposed rescission of subrule 57.13(2) had generated much interest, according to Howe. The Commissioner plans to meet with interested individuals to reach a compromise on the subject. The provision to be rescinded gives the Insurance Commissioner authority to waive rules in Chapter 57.

Recess The Committee was in recess for 20 minutes.

SECRETARY
OF STATE

Allen Welsh was present for consideration of:

Election forms and instructions — benefited recreational lake district elections, 21.10, Notice ARC 285A 10/4/89

Names distinguishable upon corporate records, 40.3, Notice ARC 296A 10/4/89

Notarial acts, ch 43, Filed ARC 237A 10/4/89

There were no questions on 21.10 or Chapter 43.

Tieden raised question as to whether sections 189 and 190 of SF 502 had been implemented in proposed rule 40.3 According to Welsh, the language in the bill describes what is required to be in corporate management. Rule 40.3 addresses distinguishable names upon corporate records in the office of the Secretary of State. Welsh concluded that they are attempting to tie together similar name statutes that apply to a variety of tax and business organizations, etc. No Committee action.

IOWA FINANCE
AUTHORITY

Ted Chapler, Counsel, and Kent Powell, Deputy Director, were present for review of the following:

Housing assistance fund program, 15.14(2), Notice ARC 286A 10/4/89

IOWA
FINANCE
AUTHORITY
Cont'd

15.14(2)

Department officials described the housing assistance fund program as a flexible financial assistance program for housing projects to serve low and moderate income Iowans. In 1989, the first round of funding was completed and with the type of applications received, it was decided that the former maximum award of \$300,000 was too small as approximately 130 applications were received. Also, larger projects usually tend to achieve better leverage with funds. With the proposed amendment, no single project will receive more than the lesser of \$400,000 or 25 percent of the funds available.

Powell cited examples of small projects as roof repair and adding a few windows. No Committee action.

PUBLIC
HEALTH
DEPARTMENT

Mike Guely, Don Kerns, Cheryl Christie, Joan Muldoon, Ronald D. Eckoff, Gerd Clabaugh, Phyllis Blood, Dennis Bach, and Carolyn Adams represented the Department. The agenda follows.

Agriculturally related injuries, 1.2(1)"d," 1.2(8), <u>Notice</u> ARC 244A	10/4/89
AIDS, direct notification of an identifiable third party, 11.40, <u>Notice</u> ARC 243A	10/4/89
Central registry for brain and spinal cord injuries, ch 21, <u>Notice</u> ARC 242A	10/4/89
Practice of tattooing, ch 22, <u>Notice</u> ARC 245A	10/4/89
Special supplemental food program for women, infants, and children (WIC program), 73.5(6), 73.6(2)"c," 73.7(3)"a"(3)"2," 73.7(3)"b"(5), 73.7(3)"c," <u>Filed</u> ARC 262A	10/4/89
Statewide indigent obstetrical and orthopedic patient care program, 82.2(1)"f," <u>Filed</u> ARC 263A	10/4/89
State emergency medical board, ch 84, <u>Filed</u> ARC 264A	10/4/89
Basic emergency medical care, 131.1 to 131.7, 131.10(5) to 131.10(7), <u>Notice</u> ARC 262A	10/4/89
Advanced emergency medical care, 132.1 to 132.6, 132.7(1)"a," 132.7(5), 132.7(6), 132.8(1)"b"(1) and (2), 132.8(1)"l," 132.8(1)"o" and "p," 132.8(2), 132.8(4), 132.8(7), 132.8(8)"l" and "n," 132.9, 132.10(5), 132.10(8) to 132.10(10), 132.11(3), 132.11(7), 132.12(5), 132.14(7), 132.15, <u>Filed</u> ARC 262A	10/4/89

Also present: Keith Luchtel, Iowa Medical Society.

1.2

Guely advised ARRC that the Board had met on Wednesday to consider changes in 1.2 for clarification purposes. Tieden observed use of a Note in 1.2(1) and questions were raised as to its legal status. Guely said it was meant to be a part of the rule but Royce was not sure it would be. Schrader favored assigning a number or letter to the Note to avoid possible controversy. No other comments.

11.40

Christie and Guely reviewed 11.40 which would establish procedure by which a physician or the Department may provide third-party notification in those instances when the physician believes there is "an identifiable third party at risk" and the AIDS infected person will not notify that individual.

Priebe thought that innocent persons should be protected and cited EMTs, firefighters and ambulance personnel as examples. Luchtel referenced another part of the Act, HF 641, wherein that issue was addressed by providing for an emergency testing program at state expense for a "snagged glove incident," for example.

Priebe declared that "90 percent or more of AIDS victims contribute to their problem," and he wanted "the poor, innocent third party protected." Guely admitted that many share Priebe's view but the Department was limited by the legislation.

PUBLIC
HEALTH
DEPARTMENT

11-9-89

Schrader spoke of the large volume of mail which he had received relevant to the statute and rules. Many were concerned that their views were not being considered. Guely added that the Department had "gone out of our way to provide the rules to interested groups" for comment. He was frank in admitting that, from a public health standpoint, some suggestions could not be adopted. He cited 11.40(1)a, 11.40(4), 11.40(7) where revisions had been made. Schrader referenced a disagreement among "experts" as to ways AIDS can be carried. Guely indicated they would add this language: "through sexual intercourse and sharing of intravenous equipment." He was aware of 161 AIDS cases in Iowa.

Guely speculated that the Department may be waiting for a legislator to indicate an interest in this area. Since the whole subject is so volatile, there is a need to proceed cautiously. Schrader urged the Department to continue discussions in an attempt to negotiate differences. Guely assured the ARRC that "dialogue would be maintained." Priebe commented that the ARRC could do no more than the law allows.

With respect to time frame for notification, Guely told Tieden that the Department's position is that this should be left to the physician. Schrader asked Guely to provide him a copy of the revised rules before they are printed in adopted form. He concluded there was much "fear-driven information." No other comments.

Ch 21 According to Guely and Muldoon, a number of comments had been received on proposed Chapter 21. Future meetings will be held before the rules are considered for adoption in January. Jurisdiction for the brain injury registry had been transferred from the Department of Human Services. No questions.

Ch 22 Guely indicated that several clarifying changes would be made in Chapter 22. Pavich wondered if the itinerant tattoo artist still existed and Guely mentioned two who were at the Iowa State Fair. The Department had concern from the public health standpoint.

Tieden cited use of "Notes" in the rules and contended they should be a part of rules. General discussion. No Committee action.

Ch 73 Bach gave a brief review of amendments to Chapter 73. Vendor agreements will no longer expire on September 30 but will be valid for the period of time specified. This practice will spread out the workload of signing agreements.

82.2(1)
Ch 84 Blood presented amendment to 82.2(1) and there were no questions. No questions regarding Chapter 84.

PUBLIC
HEALTH
Cont'd
Ch 131,
132

Proposed revisions of Chapter 131 were reviewed by Kerns. Priebe questioned statutory authority to require an EMT student to have a high school diploma-- 131.4(1)g. Kerns replied that the language had been in the rules for 10 years. Tieden pointed out that the law allows the Department to establish minimum requirements. Kerns clarified that enrollment could not require a high school diploma but to establish minimum requirements, it is acceptable. Pavich concurred with Priebe. Kerns stated that the law requires them to establish equivalency and he stressed the importance of the ability to read and comprehend.

Clark took the position that many extremely intelligent people, for one reason or another, do not have a high school diploma. Consensus of the Committee was that, if the individuals could pass the test and perform well, they should be certified. No formal action on Chapters 131 or 132.

HEALTH
DATA
COMMISSION

Gerd Clabaugh, Administrator, Office of Health and Planning, Public Health Department, offered proposed Chapter 9, "Health Care Utilization Task Force," published in 10/18/89 IAB as ARC 336A. At the recommendation of the ARRC, Clabaugh agreed to modify 9.2(3) relative to quorum requirement, to provide that action can be taken "by an affirmative vote of the majority of the total membership."

PUBLIC
SAFETY
DEPARTMENT

Mike Coveyou, Public Safety, and Don Appell, Supervisor, Building Code Bureau, Fire Marshal Division, presented the following agenda pertaining to requirements for handicapped parking spaces and handicapped access to multiple dwelling residential units:

State of Iowa building code, 16.120(3), 16.120(6), 16.140(1)"k," 16.200, 16.700(2), 16.702(2), 16.704(4), 16.704(5), figure "3," 16.705(3), 16.705(7), 16.706(1), table 705A, 16.800(3), Notice ARC B46A..... 10/18/89

Also present: Mel Meyer, City of Cedar Rapids; Shirley Lang and Al Heitzman, City of Dubuque; Reggie Ancelet, Cedar Rapids Citizens Committee for the Handicapped; Kent Sovern, Director of Legislative Services, League of Iowa Municipalities; and Dean Schade, League of Iowa Municipalities. Pavich took the Chair.

Coveyou said the amendments were intended to comply with 1989 Acts, HF 745, and the Federal Fair Housing Act of 1988.

Pavich recognized Sovern who stated that the position of their membership was that the rules do not exceed the Act. However, he recalled that the bill had three essential elements: Off-street parking, on-street parking, and enforcement. The rules address only off-street parking. Also, Sovern contended that Code section 25B.6 had been disregarded. That section requires that any rule which has a fiscal impact on political subdivisions must be accompanied by a fiscal note for measuring this impact.

11-9-89

PUBLIC
SAFETY
Cont'd
Ch 16

Appell explained that the amendments to Chapter 16 address only sections 2 and 16 of the Act [HF 745, Ch 247, 1989 Acts]. The authority of the Department of Public Safety was limited to governing the manner in which handicapped parking spaces are provided. The Department of Transportation has responsibility for identification devices and permits to park in the spaces.

Coveyou pointed out that 16.704(5)h addressed off-street parking--the Table was excerpted from the Act. Clark was sympathetic to the need for municipal governments to be aware of potential expenditures. Appell thought the law was clear as to on-street parking but he would have to contact legal counsel regarding fiscal impact. Coveyou was unsure how to measure the fiscal impact and would welcome input.

Motion

Tieden moved to request the Department to prepare a fiscal note on amendments to Chapter 16.

Doyle questioned the need for the fiscal note if the law were repeated in the rule. Appell pointed out that the law will become effective January 1, 1990. Doyle recommended that Department and League representatives work together during public hearing process to estimate costs and apprise legislative committees responsible for the law. He favored an informal process during the hearings.

Schrader thought it premature to ask for an economic impact statement when public hearing and input process had not begun.

Motion
Withdrawn

After further discussion, Tieden withdrew his motion. Tieden was concerned about the economics of the entire municipal structure. Doyle suggested that parking meters be installed to obtain revenue from the spaces. Tieden cited the large number of unused handicapped spaces around the Capitol. Coveyou pointed out that 16.704(5)h would apply to privately owned as well as municipal lots.

Sovern reiterated that the League was in total support of access for handicapped but wanted clarification as to definition of "business district." They want to review the "total package" of Public Safety and Department of Transportation. No other comments.

REAL
ESTATE
COMMISSION

K. Marie Thayer presented the following agenda:

REAL ESTATE COMMISSION[198E]
Professional Licensing and Regulation Division[198]
COMMERCE DEPARTMENT[181] "umbrella"
Preliminary education and continuing education, 8.3(5), Notice ARC 806A 10/18/89

3.3(5)

Thayer told the Committee that revision to 3.3(5) would bring it into compliance with 1989 Acts, HF 764. She discussed circumstances for exemption from Continuing Education for nonresident Iowa real estate licensees.

REVENUE
DEPARTMENT

Carl Castelda, Deputy, appeared for review of the following:

Interest rate on interest-bearing taxes, 10.2(9), <u>Notice ARC 829A</u>	10/18/89
Administration, 11.1, <u>Notice ARC 248A</u>	10/4/89
Sales and use tax rules, 11.4(2), 11.10(1)"c", 11.10(3), 12.10(3)"a", 12.14(4)"c", 15.12, 16.20, 16.22, 16.51(1)"a"(4), 17.3(1)"d", 18.21, 18.45(1), 19.13(3), 19.20, 26.16, 26.18, 26.39, 31.4, 32.9, 33.2, <u>Notice ARC 844A</u>	10/18/89
Electronic remittances, 12.2, 34.4, 46.3(3)"a"(3), 46.3(3)"b"(3), 62.4(8), 66.2(2)"d", 66.4, <u>Notice ARC 828A</u>	10/18/89
Exempt sales, taxable and exempt sales determined by method of transaction or usage, 17.18, 17.19(2)"b", 18.52, <u>Notice ARC 330A</u>	10/18/89
Administration of the environmental protection charge imposed upon petroleum diminution, 37.1, 37.8, forms, <u>Notice ARC 250A</u>	10/4/89
Administration, filing return and payment of tax, determination of net income, assessments and refunds, withholding, estimated income tax for individuals, 38.2(2), 38.9, 38.11, 39.3(5), 40.1, 40.4, 40.21, 40.33 to 40.37, 43.3(12), 46.4(6), 49.1(1), 49.3(4), 49.4(1), 49.4(2)"b", <u>Filed ARC 839A</u>	10/18/89
Composite returns, 48.4, 48.6, 48.7, <u>Notice ARC 246A</u>	10/4/89
Determination of net income, 53.2(5), 59.2(5), 59.13, <u>Notice ARC 249A</u>	10/4/89
Administration; filing returns, payment of tax and penalty and interest; determination of net income, administration; determination of net income; assessments, refunds, appeals, 51.2(2), 51.2(3), 52.4(4), 53.11, 55.5, 57.1(2), 57.2(2), 57.2(3), 59.8, 60.4, 60.5, <u>Filed ARC 843A</u>	10/18/89
Declaration of estimated tax for corporations and financial institutions, 66.1 to 66.4, 61.1 to 61.4, <u>Filed ARC 338A</u>	10/18/89
Administration, motor fuel, special fuel, administration, cigarette tax, 63.2, 63.8(5), 63.22, 64.8, 65.7, 65.9, 81.1(2), 81.16, 82.4(1), 82.11(1), <u>Filed ARC 840A</u>	10/18/89
Inheritance tax, 86.2(2)"c", 86.3(3)"b", 86.3(6), 86.9(4)"a", <u>Filed ARC 342A</u>	10/18/89
Hotel and motel — imposition of tax, 105.3(1), <u>Notice ARC 247A</u>	10/4/89

Castelda gave brief overview of the agenda items and there were no questions on 10.2(9), 11.1, 11.4(2) et al., 12.2 et al., 17.18, 17.19, 18.52, 37.1, 37.8, 38.2(2) et al., 48.4, 48.6, 48.7.

Castelda said that the Department had filed a Termination Notice on the amendments to 53.2, 59.2(5) and 59.13 pertaining to determination of net income--ARC 249A. The Department plans to seek statutory change. Meanwhile, they will adopt the federal standards. No questions were raised on the remainder of the Revenue agenda.

PHARMACY
EXAMINERS
BOARD

Norman Johnson gave brief overview of the following:

PUBLIC HEALTH DEPARTMENT[041]"umbrella"	
Itinerant vendors, rescind 1.1(3)"f" and ch 12, <u>Filed Emergency ARC 238A</u>	10/4/89
Reference library requirements, rescind 6.3"1", 7.3"1", 15.3"1", <u>Filed ARC 240A</u>	10/4/89
Minimum standards for the practice of pharmacy, 8.1, 8.1(4), 8.8, <u>Notice ARC 241A</u>	10/4/89
Temporary designation of controlled substances, rescind 10.20(1) to 10.20(4), <u>Filed Emergency ARC 239A</u>	10/4/89

In his comments on proposed 657--8.8, Johnson stated they were trying to prohibit pickup stations where an individual would leave a prescription at a local service station to be picked up by a pharmacist, who would fill it, and return it to the service station. There was brief discussion of use of FAX machines by pharmacists. No recommendations for Pharmacy amendments.

No Agency
Reps

No agency representatives requested to appear for the following:

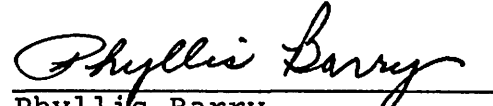
ARCHITECTURAL EXAMINING BOARD[193B]	
Professional Licensing and Regulation Division[103]	
COMMERCE DEPARTMENT[181]"umbrella"	
Registration, 2.1(3), <u>Filed ARC 283A</u>	10/4/89
JOB SERVICE DIVISION[345]	
EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"	
Employer records and reports, employer's contribution and charges, claims and benefits, placement, public records and fair information practices, 2.3(6), 3.3(3)"e", 3.36, 4.2(1)"c"(2), 4.2(4), 4.9(2)"b", 4.34(7), 7.2(19), 8.10(2)"d", <u>Filed ARC 326A</u>	10/18/89
REGENTS BOARD[681]	
Personnel administration, 8.14, 8.102(3), 8.127, <u>Filed ARC 305A</u>	10/18/89
EDUCATION DEPARTMENT[281]	
Educating the homeless, ch 33, <u>Filed ARC 281A</u>	10/4/89
Extracurricular interscholastic competition, 36.17, <u>Filed ARC 278A</u>	10/4/89
Procedure for charging and investigating incidents of abuse of students by school employees, 102.2, 102.4(1), 102.4(2), 102.5(2), 102.8(5), 102.9(5), 102.10 to 102.12, <u>Filed ARC 280A</u>	10/4/89
Procedure for charging and investigating incidents of abuse of students by school employees, 102.2, 102.8(1), 102.8(6), 102.9(1), 102.9(3), 102.9(4), <u>Notice ARC 279A</u>	10/4/89

11-9-89

January Meeting The next meeting was set for December 5 and 6, 1989.

Adjourned Chairman Priebe adjourned the meeting at 12:40 p.m.

Respectfully submitted,


Phyllis Barry
Assisted by Vivian Haag

APPROVED:

CHAIRMAN