

MINUTES OF THE REGULAR MEETING  
of the  
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting: Monday, September 11, 1978 and Tuesday,  
September 12, 1978.

Place of Meeting: Senate Committee Room 24, Statehouse, Des Moines, Iowa.

Members Present: Senator Berl E. Priebe, Chairman, Representative  
W. R. Monroe, Jr., Vice Chairman, Senators Minnette  
Doderer and E. Kevin Kelly and Representative  
Laverne W. Schroeder. Representative Donald V. Doyle  
excused for the morning to attend a House Administra-  
tion Committee.  
Also present: Joseph Royce, Administrative Coordinator.

CONSERVATION  
COMMISSION  
ch 34

The following rules were discussed by Roy L. Downing  
and William A. Farris:

Dock management areas, ch 34.....N.....	8/9/78
Hunting season for red and gray fox, 100.1, filed emergency...FE.....	9/6/78
Trapping season for red and gray fox, 104.3, filed emergency...FE.....	9/6/78

Farris stated that with the implementation of chapter 34, persons living on riparian property will be given more privileges. Also, guidelines and fees for dock use are set out in the chapter. Priebe called attention to a letter from Senator Phil Hill re dock management areas. Priebe asked if Hill's concern was valid. Farris replied the commission did not believe Hill had a legal concern, but the wording in the chapter has been clarified in answer to Hill's question. Farris pointed out modifications which would be made to the rules when they are filed and he added the commission will be prohibited from establishing public docks in front of privately owned riparian property.

General discussion of areas suitable for community docks and Farris explained that, many times, the water levels prohibit installation of public docks.

Schroeder called attention to the electrical standards (34.4(111)) stating that the Iowa Building Code should be mentioned. Farris indicated that, if the Iowa Building Code contains language identical to the national standards, the commission would have no qualms in doing as Schroeder suggests. Farris preferred discussing the matter with the commission's engineering department.

Priebe expressed interest in adding a date certain in requirements for certifying electrical standards. Farris noted the rule is written to prevent wiring being installed too close to water. Farris agreed to meet the committee's requests.

CONSERVATION  
COMMISSION  
(cont'd)  
chapter 34

Discussion moved to hunting and trapping of red and gray fox. Downing commented that two amendments have been filed to the proposed rules, both having been before the rules committee previously. In chapters 100.1 and 104.3, the closing date of fox hunting and trapping seasons will be moved from January 21, 1979 to January 14, 1979.

HEALTH

Peter Fox, Hearing Office and Jack Kelly, Disease Division, were present for review of the following:

Blood testing laboratory, 3.2 .....	N.....	8/23/78
Care facilities, injectable medications, 57.19(3)"c", 58.21(15)"a", 59.26(17)"a", 63.18(3)"c", 64.27(13)"a" .....	N.....	9/6/78
Nursing and homemaker—home health aide, 79.1, 79.2(4), 79.5(2), 79.6, filed emergency .....	FE.....	8/9/78
Funeral directors, continuing education, 147.102(4) .....	N.....	8/9/78

Fox noted that rule 3.2 provides reporting any positive finding in a venereal disease blood test within twenty-four hours. The department indicated this will assist them in investigating contacts for the disease. Royce questioned whether there is protection as to confidentiality and Fox replied in the affirmative.

57.19

Dana Petrosky, Director of Licensing, Health Dept., explained rules re care facilities. Amendment to 57.19(3)"c" was a result of legislation by 67GA, 1978 session. Petrosky indicated the prohibition against administering controlled drugs as defined in chapter 204 was deleted in the respective care facility amendments before the committee today.

Monroe noted that there are no variances in chapters 58 and 59 to allow self-administration for persons who are on insulin. Petrosky pointed to 58.21(14)"n" which states "residents who have been certified in writing by the physician as capable of taking their own medications may retain these medications in their bedroom, but locked storage must be provided." Monroe asked for a reference to paragraph "n" and Petrosky agreed.

79.1

Rules were filed emergency to comply with requirements of H.F. 2243, 67GA. Dr. Eckoff commented that although the total appropriation was increased, the formula remained unchanged. Because of the Rules Review Committee objection, continuing education rules for funeral directors were changed to permit self-study.

DEFERRAL

Discussion of certificate of need emergency rules was deferred until Tuesday.

## ACCOUNTANCY

Leo Burger, former Chairman of the Board, Stanton Bonta, Executive Secretary and Linda Erickson, Assistant Attorney General, were present for the discussion of the following:

Certificates of CPA, 3.1, 3.5, 3.7(4), 3.7(7) .....	N	8/23/78
License of accounting practitioner, application deadline, 4.5 .....	N	8/23/78
Resident office manager, 7.5 .....	N	8/23/78
Continuing education, 10.1-10.3, 10.4(1-4), 10.5(5), 10.6(4) .....	N	8/23/78
Professional conduct, ch 11 .....	N	8/23/78
Procedure for enforcement, ch 12 .....	N	8/23/78
Forms, 13.1 .....	N	8/23/78
Licensee discipline, ch 15 .....	N	8/23/78

The revisions to the rules are intended to implement S.F. 312, 67GA. Under continuing education, the board has defined active and inactive licensing and the cost is to be borne by the licensee. Iowa accountants away from practice three or more years must meet continuing education requirements before returning to practice. General discussion of 4.5, deadline for filing applications.

10.3(4)

Schroeder took exception to "other good cause" in 10.3(4). Priebe reminded the rule is under notice so there is time for correction by the board. Doderer questioned the equality of stating "No exceptions shall be made solely because of age." The committee discussed this problem at length. No formal action.

10.1(1)

In 10.1(1), the active and inactive status requirements for continuing education are defined. In response to Royce, Berger admitted there were inconsistencies in 10.3(3) since applicants for initial permits need not meet the 120-hour requirement. Berger reminded that once a person has a permit, continuing education requirements must be met annually. Certification of permits was also discussed and the difference between a permit and a license. Berger stated that certification verifies the fact of education and then, the person applies for a license. Royce noted that S.F. 312 defines licensing which includes the term "certification" so he feels this equates licensing with certification.

ch 11

Berger advised that the rules of professional conduct, chapter 11, were rewritten. The national association of state boards of accountancy has urged all states to adopt a uniform code. Prohibitions of advertising in 11.6(2) have been defined. Chapter 12 rules were rewritten and expanded. Berger continued with review of chapters 13 and 15.

11.6(2)

12-15

Committee recessed for five minutes at 11:25 a.m.

9-11-1978

ARCHITECTURAL  
EXAMINERS

James Lynch, President of the Board of Architectural Examiners, discussed chapter 3, continuing education, and chapter 4, disciplinary action, published under notice, IAB, 8/23/78.

ch. 3

Monroe inquired as to the basis for inclusion of paragraph "d" in 3.1(4). Lynch responded: "The title 'architect' is something acquired through a long time and those people who are retired from practice should not be disenfranchised." Monroe took the position that the rule did not convey this. He doubted the board had authority to include the paragraph "d". Doderer indicated changing a few words could resolve the problem. Monroe suggested calling the person an inactive architect. The rules are under notice, therefore there is time for the board to make the necessary changes to answer the committee's concerns. Lynch agreed to clarify the rules by addition of 3.1(5).

ch. 4

Doderer took issue with the requirement that only written complaints against licensees would be investigated. Committee members were inclined to agree with Doderer's suggestion that telephone complaints should also be allowed.

Lynch believes the written complaint requirement is valid and would discourage "crank" calls. Doderer agreed but prefers including the telephone call complaint. Lynch agreed to advise the board of the committee concern, but added the board wants to ensure confidentiality.

SOCIAL SERVICES

The committee agreed to reschedule review of Social Services until the afternoon session.

ENGINEERING  
EXAMINERS

Shirley Houvenagle, Secretary of Board, and Arnold Chapman, Chairman of the Board, were present for brief review of rules under notice being 1.2(4,5,6), registration and examination, chapter 4, discipline of registrants, IAB 8/9/78 and filed rule 1.9, 1.10, licensing 8/23/78 IAB. The committee was informed that oral exams are given, but in special situations only.

The following rules appeared in the agenda, but no agency representative had been called:

MERIT EMPLOYMENT[570]	
Definitions, 1.1(13), 1.1(31), 1.1(35)-1.1(50).....	F 8/23/78
Nonstate employment, 2.3.....	F 8/23/78
Classification plan, 3.1(2), 3.1(4)-3.1(6), 3.3, 3.4, 3.5(5), 3.6, 3.7.....	F 8/23/78
Pay plan, 4.5(8), 4.6, 4.8, 4.11-4.14.....	F 8/23/78
Project appointment, 8.3.....	F 8/23/78
Vacation and leave, 14.4, 14.9, 14.10, 14.14, 14.16.....	F 8/23/78
MERIT EMPLOYMENT[570]	
Vacation and leave, 14.3(4), 14.8.....	N 8/9/78
PRISON INDUSTRIES ADVISORY BOARD[635]	
Organization and procedures, ch 1.....	F 8/23/78
REGENTS[720]	
Animals on university property, 13.7(1).....	N 8/23/78
REVENUE[730]	
Sales and use tax, purchase of service, 26.2(6).....	F 9/6/78
SOIL CONSERVATION[780]	
Coal mines, ch 4, filed emergency after notice.....	FE 9/6/78

The committee discussed the possibility of requesting representatives, which had not been called, to appear. Priebe requested that Regents be called to review their notice during the Tuesday session. No objections.

#### RECESS FOR LUNCH

The chair recessed the committee for lunch at 12:03 p.m.

#### RECONVENED

Reconvened at 1:45 p.m. with Priebe, Doyle, Monroe and Schroeder present. Kelly was excused for the afternoon to attend another meeting. Doderer not present.

#### ENVIRONMENTAL QUALITY

David Bach, hearing officer, represented the Department of Environmental Quality for review of the following:

Phosphate processing plants, 4.4(10).....	N 9/6/78
Water supply and waste treatment, operator certification, 21.7, 21.9(6), 21.10(6), filed emergency.....	F 8/23/78
Sanitary landfills, 28.6(1)*b*(9-11), filed emergency.....	FE 8/23/78
Municipal sewage, 33.3(3)*d*(9), filed emergency.....	FE 8/23/78
Beverage container deposits, ch 34.....	N 8/23/78
Water quality standards, 16.3(1)*b*.....	F 9/6/78

#### 4.4

In re 4.4(10), Bach informed the committee that the Environmental Protection Agency requires states to establish emission standards for existing facilities of the same type. He stated that despite concern of some, the revised and more stringent rule can be met.

Schroeder mentioned the possibility of requesting an economic impact statement and Bach responded the department has met with all persons affected.

Schroeder inquired if a plant blends two fertilizers, would it be that process constitutes a "manufacturer"? Bach noted a public hearing was scheduled for December 14, 1978.

In 4.4(10)"f", Schroeder pointed out the lack of a date certain on the federal reference.

#### chapter 21

Bach noted that amendments to chapter 21 were adopted by the department to implement H.F. 566, 67GA.

ENVIRONMENTAL  
QUALITY  
(cont'd)  
28.6, 33.3

ch. 34

These rules deal with sanitary landfills and municipal sewage. Bach advised that the explanation after the subrule 28.6(1) sets out the department's reason for deleting fecal coliform analysis.

When discussing the beverage container legislation [H.F. 187, 67GA] with affected industries, Bach learned that they do not consider the rules to be broad enough. The department prefers the rules be concise to save time. Eighteen point lettering, which indicates the minimum refund value, will be printed on the beverage containers.

Bach stated that approved and unapproved redemption centers are explained in 34.4. He discussed distance requirements for location of the centers. The department prefers the centers be located convenient to the public. The preamble to the rule contains a request for comments concerning location of the centers.

Bach indicated metal refillable containers are not plentiful. He reminded the committee that both bottle and can industries request the rules be referred to as beverage container rules, not bottle bill. The committee was amenable to this suggestion.

Doyle expressed concern that the Liquor Commission might object to some of the rules and is interested in the DEQ coordinating with the Department of Agriculture in implementing these rules. General discussion of qualifications for beverage containers, both carbonated and non-carbonated.

Non-carbonated beverage containers, such as lemonade or tea, are not covered by the legislation or rules. Bach indicated the non-carbonated beverage containers should be required to comply. The industry has indicated these non-carbonated containers will be removed from vending machines, because consumers are not aware there is no refund for these containers.'

Bach reminded there is a requirement that bottles and cans, in order to be returned for refund, should be reasonably clean. He indicated this could be controversial.

16.3

Bach mentioned rule 16.3, water quality standards, and stated surface waters are required to be free from floating materials. The rule was amended to meet concerns expressed by the Rules Committee.

Doderer arrived.

AGENDA DISCUSSION The committee discussed Tuesday's agenda and Royce

AGENDA  
(cont'd)

reminded that Dr. Masters of the chiropractic association was to appear Tuesday morning and that Social Services had been rescheduled for 9:00 a.m. Tuesday.

REVENUE

Doyle informed the committee that since no representative had been called, he was prepared to file an objection. The committee agreed to approve the filing of the objection without requesting a representative's presence.

MOTION TO OBJECT

Doyle moved the following objection:

At its September 11th meeting the administrative rules review committee voted the following objection to proposed amendments to subrule 26.2(6), appearing as a filed rule in the 9-6-78 IAB:

The Committee objects to the proposed amendments to paragraph 26.2(6) on the grounds that they are unreasonable and contrary to the authority of sections 422.42 and 43, The Code. In essence the paragraph imposes sales tax upon the repair work provided by a subcontractor for a used car dealer, based on the rationale that the used car dealer is the 'consumer' of the work. This interpretation ignores the apparent legislative scheme in the Code that tangible personal property and services which change hands prior to the ultimate retail sale be taxed only once, at the time of that ultimate retail sale.

In support of its position the department cites Merriwether v. State, 42 So.2d 465 (1949), which held that services and goods provided by a subcontractor to repair used cars are subject to sales tax. This case is not persuasive in that under Alabama law used cars were not subject to sales tax, and in making its decision, the Alabama court stated that the exemption revealed a legislative intent that the reconditioning of used cars was a taxable event:

Merely because the legislature saw fit to exempt from sales tax the gross proceeds received from the sale of used automotive vehicles, it does not follow that it intended to exempt the sale of materials, supplies and equipment purchased for the purpose of reconditioning such vehicles for resale... [W]e think the reason for the exemption was the fact that the legislature recognized that a sales tax is due on the sale of a new car and on the sales of parts, accessories and supplies purchased and used for the purpose of reconditioning the car for resale.

In Iowa the opposite situation exists, use tax is imposed upon the sale of used cars. Therefore under the Merriwether case, since sales tax is imposed upon the sale of used cars, a legislative intent may be implied that sales of services and materials to recondition these cars is exempt. The question of double taxation, not addressed in Merriwether, is present in Iowa. Since the sale of used cars is taxed in Iowa, a tax on services and materials used to recondition these cars for resale would result in taxing these items twice. Based on these considerations it appears that the fact situation in the Alabama case is significantly different than Iowa's and is not applicable.

Section 422.43, The Code, imposes a tax upon "the gross receipts of tangible personal property...sold at retail in this state to users or consumers...". Section 422.42(3), The Code defines a retail sale as:

REVENUE  
(cont'd)

...the sale to a consumer or to any person for any person, other than for processing or for resale of tangible personal property or taxable services, or for resale of tangible personal property in connection with taxable services,...Tangible personal property is sold for processing within the meaning of this sub-section only when it is intended that such property shall be by means of fabrication, compounding, manufacturing, germination, become an integral part of other tangible personal property intended to be sold ultimately at retail...

The materials used by a subcontractor in repairing a used car are tangible personal property used for processing, which by fabrication and compounding become the final product; a refurbished used car destined to be sold at retail. These materials provided by the subcontractor are used in the process of restoring a used car and are therefore exempt from tax. This conclusion is supported by dicta appearing in Sandberg v. Iowa State Board of Assessment and Tax Review, 225 Ia 105, 278 N.W. 643 (1938), in which the Court considered a hypothetical case in which a shoe repairman was in the business of selling used shoes which he had refurbished. The court stated that under this hypothetical, the repairman would be considered a processor, since he was in the business of making new shoes out of old.

Section 422.43, The Code, also imposes a tax upon 'services'. 'Services' is defined in section 422.42(13) as:

...[A]ll acts or services rendered, furnished, or performed, other than services...used in processing of tangible personal property for use in taxable retail sales or services...The tax shall be due and collectible when the service is rendered, furnished or performed for the ultimate user thereof.

The department imposes tax upon services rendered by a subcontractor on the grounds that the dealer "...is the consumer of the service since he or she owns the car." (26.2(6)b). The department's conclusion is faulty in that the tax is imposed upon the "ultimate user" of the service. The addition of this adjective is significant. Section 422.42(14), The Code defines "user" as: "the immediate recipient of the services"; by substituting the word "ultimate" for "immediate" in the imposition of tax shows a clear legislative intent that subcontracted services are only to be taxed when the goods or services are finally sold at retail. Also, as discussed earlier, the services are used in processing of tangible personal property and are therefore not taxable under the subsection.

In conclusion, it is the opinion of the Committee that the proposed paragraph, 26.2(6) is unreasonable and contrary to the authority of the department because the paragraph does not recognize the clear legislative intent embodied in sections 422.42 and 422.43, The Code; that goods and services provided by a subcontractor to a retailer, for the purpose of refurbishes a product to render it fit for resale, should be taxed only at the time of the retail sale.

## VOTE

The motion was adopted unanimously.

## EXCUSED ABSENCE

Doyle requested the minutes include an excused absence for the 9-11-78 morning meeting because of his attendance at the House Administration Meeting. Also, he requested Monroe be excused Tuesday in order to attend the National Guard Hearing. No objections.

Monroe said the house members had received copies of opinion summaries from the attorney general's office.

9-11-1978

## IAC BULLETIN

Monroe brought up for discussion the committee motion made at the December 14, 1977 meeting regarding the format and contents for the Iowa Administrative Supplement. At that time, prior to the enactment of H.F. 2099, the committee voted to direct the Code Editor to publish executive orders, and opinions of the attorney general and supreme court as soon as practicable.

Barry pointed out that H.F. 2099 (effective July 1, 1978) mandates printing of executive orders. The best procedure to follow in obtaining the attorney general and supreme court information was discussed.

### MOTION

Monroe moved to require the Code Editor be authorized to publish supreme court opinions and attorney general opinions in accordance with H.F. 2099, section 3"c", which provides that the Iowa Administrative Bulletin may include: "Other materials deemed fitting and proper by the administrative rules review committee."

Doderer inquired if the information was being requested for lawyers. Committee members indicated information should be supplied to all of the public.

Monroe stated he envisions the bulletin providing information to make the public aware of what is happening in Iowa government in general.

### VOTE

Doyle called for the question and the Monroe motion was adopted.

### SUBSTANCE ABUSE

Gary Reidman, Director, Substance Abuse, was present for special review of 3.22(6), medical services, IAB, 6/28/78, 7/26/78, at the request of the committee. Discussion of the requirement that a medical director's approval is required for a person's admittance for drug abuse treatment, the committee objection filed July 11, 1978 to 3.22(6) and the 70-day delay which was imposed on the entire chapter 3.

Reidman stated he had met with Dr. S.M. Haugland, Director, Powell #3, Iowa Methodist Medical Center, and Bud Wall, President, Association of State Counselors, to write an agreement, which will be presented to the Commission. Reidman asked the committee for a waiver or removal of the objection.

### MOTION

Monroe moved to lift the 70-day delay of chapter 3, but that the objection to 3.22(6) stand. The motion carried with 5 ayes.

### INTRODUCTION

Ms. Donna Hylarides, Acting Administrative Code Coordinator, was introduced.

9-11-1978

CIVIL RIGHTS  
2.14(1)

Barbara Snethen, Hearing Officer, said that the Civil Rights Commission, by emergency rule, amended 2.14(1) to overcome the objection filed by the Rules Review Committee. She indicated the commission's opinion and mode of operation are stated in the rule. Schroeder thought the rule was more expansive than necessary for Iowa. He specifically mentioned the words "ethnic conscious goals." Royce asked Snethen what impact the Bakke case (California) had on this rule and Snethen stated the Bakke ruling was the impetus for this rule. Schroeder expressed opposition to the rule and stated the commission is going beyond the authority necessary to implement the rule.

Discussion between Royce and Snethen as to what would happen should an employer implement an unconstitutional affirmative program and if the Civil Rights Commission is responsible in aiding an employer in improvising a good program. Snethen stated that the commission lacks staff to serve as consultants in such situations, but would be willing to offer assistance. The committee was told that the Equal Employment Opportunity Commission has materials for use should this problem occur.

Schroeder questioned the reason for the 4th paragraph under 2.14(3), subparagraph 3 and stated it goes beyond the scope of the law. Royce pointed out that the particular paragraph was not under consideration by the committee at this time. Schroeder expressed interest in filing an objection to the paragraph. Snethen said the commission is implementing guidelines set by the legislature. In discussion with Royce, Schroeder moved to object to 2.14(3) subrule 3, fourth paragraph. The paragraph is as follows:

"A systematic effort to organize work and re-design jobs in ways that provide opportunities for persons lacking 'journeyman' level knowledge or skills to enter and, with appropriate training, to progress in a career field;"

DEFERRED

Schroeder requested and received permission to defer the motion until Tuesday.

TRANSPORTATION

The following items were on the agenda:

Drivers' license, [07.C], 13.21, filed emergency	EE	8/23/78
Motor vehicle dealers, manufacturers and distributors, [07.D], 10.4(1)	N	8/23/78
Vehicle registration, [07.D] 11.1(7), 11.1(8), 11.1(12), 11.3(1) and "a", "b" and "d", 11.3(6), 11.7(3), 11.7(5), 11.13, 11.13, 11.20(6), 11.23, 11.25, 11.34(1)-11.34(3), 11.42(2), 11.42(7), 11.44(4), 11.46, 11.51, 11.56, 11.64	N	8/23/78
Vehicles without plates, validation stickers, [07.D] 11.19, 11.53	N	8/23/78
Functional classification review board, [08.C] 3.15	N	8/23/78

Safety rules rescinded, [07.E], ch 5	F	8/9/78
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Craig Ongley, Accounting Director, Drivers' License Division, was present for discussion of emergency

TRANSPORTATION  
(cont'd)

rule [07,C], 13.21 in re service of suspension and revocation notices, IAB, 8/23/78, intended to implement 67GA, SF 2187, §27, effective 7/1/78. This rule [07,C] was amended by the General Assembly.

Schroeder questioned the department's use of local mail to contact legislators between sessions and requested this practice cease.

Monroe took issue with the Transportation Department's use of 17A.5(2)"b"(2) to implement the rule; in particular, the statement the rule bestows a benefit on the public.

Motor Vehicle  
Registration  
[07,D] 10.4-  
11.64

Charles Sinclair, Vehicle Registration Division, indicated that proposed rules in 10.4 provide for purchase of dealer plates. The new "plate-with-owner" law becomes effective December 1, 1978.

Doderer returned. Sinclair also discussed trailer dealer plates legislation precipitated by 67GA, SF 321. He said county treasurers have been informed of the legislative provisions which could affect their workload.

Schroeder expressed opposition to hay loader drivers being given citations for improper loading of hay on a trailer and Sinclair responded he would bring this to the attention of the proper department. The matter was not officially before the Rules Review Committee. Discussion of rear bumpers on hay trucks and both Priebe and Schroeder took exception to the requirements set out in the rules.

chapter 11

Sinclair listed technical changes in chapter 11 and discussed information appearing on a driver's license. Schroeder asked Sinclair to make a change in 11.25 because in the event a vehicle is purchased on Saturday night, registration could not be completed until Monday. Sinclair noted the language is in the statute. Further discussion of amendments to chapter 11 in re registration plates. Sinclair explained if plates are lost, replacements are \$2 each, but if a person moves from one county to another, the charge for new plates is \$5.00. The committee made the point that this could encourage people to throw away plates and buy replacements when moving.

Monroe spoke of a problem transferring of vehicles between individuals and the title not being immediately recorded as transferred to the new owner. If, subsequently, the vehicle is involved in a wreck, there is discrepancy of ownership. Monroe indicated there should be a penalty if the title is not recorded within 7 days. Sinclair replied there is a \$5.00

TRANSPORTATION  
(cont'd)  
11.42

penalty fee for failure to transfer. Monroe wanted the information printed on the title and Sinclair thought it was. In re 11.42(7), Schroeder mentioned the problem of personalized plates being sold by one individual to another. Sinclair noted one reason for this provision was to allow a spouse to transfer personalized plates to his or her spouse, child, or other family member.

11.34

Doyle inquired about the law pertaining to licensing of vans and trucks (11.34) and called attention to the fact that many persons buy vans, have them customized (such as placing seats in the rear), thus placing the van-owner in noncompliance with the rule. Sinclair advised the value and weight of a vehicle is determined after modification is made. He indicated conversions are creating problems throughout the country, and the department is drafting rules on the subject. The committee discussed licensing of stored vehicles. Monroe called attention to the exclusion of mobile homes in the rules and Sinclair agreed to advise the department of the committee's concerns. Monroe reminded the rule is under notice.

3.15

Tom Jackson, Advanced Planning, was present for the Functional Classification Review Board. He stated the rule was placed in chapter 3.15 at the discretion of the Code Editor. He informed the Committee that the board is independent of the Department of Transportation. The rule was written to implement 67GA, H.F. 491 and sets up the process for terms of transfer of jurisdiction by the agencies involved. Also, provisions for appeals to the board are contained in the rule.

Monroe commented that 3.15(7)"f" seemed inflexible. Jackson replied that the question had been raised and the board preferred as few appeals as possible. Schroeder stated the practice would leave no room for compromise. Monroe noted the rule is under notice and suggested the board may want to reconsider their proposal. Monroe prefers the board allow final negotiations. No formal action by the committee.

NATURAL RESOURCES  
COUNCIL

Gus Kerndt and Ike Smith, representing the Natural Resources Council, presented the following rules:

Restrictions on water withdrawal, 3.4, 3.5 repealed, filed emergency ..... FE ..... 8/23/78  
Hearing procedure: 10.5(2)"a"(11),(12) ..... F ..... 8/23/78

3.4, 3.5

Kerndt commented the council had drafted another rule stating that as long as there is not a need by public interest that is greater than that of power companies, operations can be phased out.

10.5(2)"a"(11),(12) Ike Smith discussed hearing procedures and indicated

NATURAL RESOURCES  
COUNCIL  
(cont'd)

the council will no longer pay for transcripts. Payment for transcripts which were formerly paid by the council will now be charged to the requesting parties.

PHARMACY  
3.3(3)"d"

Norman Johnson, Executive Secretary of the Board, discussed 3.3(3)"d", experience standards. He said a grading system had been used and the rule deletes the grading system.

6.8(5)

In the matter of continuing education, changes were to chapter 95, 67GA Session Laws, pertaining to active and inactive status for pharmacists. Monroe questioned the continuing education rule allowing a one-year waiver for a license holder. Johnson replied the board was of the opinion that a first-year licensed pharmacist who just graduated from college did not need continuing education. Monroe requested Johnson confirm this with the attorney general's office.

Doyle inquired if there was a provision for making up a one-year's absence because of illness and Johnson replied in the negative. Monroe indicated the board should allow a waiver for extenuating circumstances.

204.101

Johnson discussed the background for a change which includes the qualified individuals who can administer drugs when so delegated by a physician. The rule is written to meet the legislative intent.

Mrs. Lynne M. Illes, R.N. and Executive Director of the Iowa Board of Nursing, expressed the following viewpoint of the Nursing Board:

THE MEMBERS OF THE IOWA BOARD OF NURSING HAVE DIRECTED THAT I BE PRESENT TODAY ON THEIR BEHALF, TO SPEAK IN OPPOSITION TO THIS RULE (8.16(1)) WHICH HAS BEEN FILED BY THE BOARD OF PHARMACY RELATING TO WHO MAY ADMINISTER CONTROLLED SUBSTANCES.

IN SPEAKING AGAINST THIS RULE, THE BOARD DOES WISH THE COMMITTEE TO BE ADVISED THAT THE ADMINISTRATION OF CONTROLLED SUBSTANCES BY ADVANCED EMERGENCY MEDICAL TECHNICIANS IS NOT BEING OPPOSED. THESE INDIVIDUALS ARE A RECOGNIZED AND VERY VITAL COMPONENT OF THE HEALTH CARE TEAM IN EMERGENCY SITUATIONS. THE BOARD STRONGLY BELIEVES THAT IN LIFE AND DEATH MATTERS THESE INDIVIDUALS MUST NOT BE RESTRICTED IN ANY OF THEIR ACTIVITIES AND HAVE SUPPORTED THIS PROGRAM FROM IT'S ONSET.

THE BOARD ALSO BELIEVES THAT SINCE THE PHYSICIANS ASSISTANTS ARE UNDER THE LEGAL JURISDICTION OF THE BOARD OF MEDICAL EXAMINERS AND WORKING WITHIN THE PERIMETERS OF A PHYSICIAN'S LICENSE THAT NECESSARY SAFEGUARDS CAN BE MAINTAINED IN ALLOWING THESE INDIVIDUALS TO ADMINISTER CONTROLLED SUBSTANCES.

ISSUE IS BEING TAKEN BY THE BOARD, HOWEVER, WITH THE FOLLOWING TWO CATEGORIES OF INDIVIDUALS WHICH HAVE BEEN DEFINED BY THE

# PHARMACY (cont'd)

② BOARD OF PHARMACY AS BEING QUALIFIED TO ADMINISTER CONTROLLED SUBSTANCES:

1. PERSONS WHO HAVE SUCCESSFULLY COMPLETED A MEDICATION ADMINISTRATION COURSE APPROVED BY THE DEPARTMENT OF HEALTH AND THE BOARD OF PHARMACY EXAMINERS.

2. LICENSED PHARMACISTS.

I WISH TO FIRST ADDRESS THE LICENSED PHARMACIST. WITH YOUR PERMISSION, MR. CHAIRMAN, I WOULD LIKE TO DISTRIBUTE TO THE COMMITTEE A LETTER FROM THE COLLEGE OF PHARMACY, THE UNIVERSITY OF IOWA, AND A LETTER FROM THE COLLEGE OF PHARMACY, DRAKE UNIVERSITY. YOU WILL NOTE IN REVIEWING THESE LETTERS THAT BOTH LETTERS SUBSTANTIATE THAT THE PHARMACIST DOES NOT RECEIVE A COURSE OF INSTRUCTION IN THE ADMINISTRATION OF MEDICATION. IN THE RULE BEING PROPOSED BY THE BOARD OF PHARMACY, CARTE BLANC AUTHORITY TO ADMINISTER CONTROLLED SUBSTANCES HAS BEEN GIVEN TO THE PHARMACIST WITHOUT EVEN REQUIRING A COURSE OF INSTRUCTION FOR SAME.

THE UNIVERSITY OF IOWA ALSO INDICATED TO OUR OFFICE THAT THEY DO NOT SUPPORT THE CONCEPT OF PHARMACISTS ADMINISTERING DRUGS WHILE DRAKE INDICATED THEY HAVE NO POLICY. I WOULD ASK THAT THIS COMMITTEE REJECT THE REGISTERED PHARMACIST BEING LISTED AS A QUALIFIED INDIVIDUAL UNTIL SUCH TIME ALL LEGAL ASPECTS OF THIS CONCEPT HAVE BEEN EXPLORED.

④ THE PERSON(S) TO WHOM THE RESPONSIBILITY HAS BEEN DELEGATED. THE MEMBERS OF THE BOARD BELIEVE THAT § 152.2 AND § 148.2, CODE OF IOWA, 1977, CLEARLY DENOTE THE SCOPE OF PRACTICE AND LEGAL JURISDICTION FOR THE NURSE AS WELL AS THE INTERN. SINCE THE SCOPE OF PRACTICE OF THE "QUALIFIED INDIVIDUAL" IS NOT DEFINED IN THE CODE, THE CONCERN AND QUESTION OF THE BOARD IS: DOES THE "QUALIFIED INDIVIDUAL" IN THE ADMINISTRATION OF CONTROLLED SUBSTANCES HAVE TO BE SUPERVISED; AND IF SO, BY WHOM AND HOW IS THE WORD "SUPERVISION" TO BE INTERPRETED (I.E., IN THE PRESENCE OF, NOT IN THE PRESENCE OF, ETC.)?

3. IS THE PHYSICIAN LEGALLY ACCOUNTABLE FOR THE ACTS OF THE "QUALIFIED INDIVIDUAL" TO WHOM HE OR SHE DELEGATES THE ADMINISTRATION OF CONTROLLED SUBSTANCES; AND IF SO, HOW IS THIS ACCOUNTABILITY TO BE DETERMINED AND/OR DOCUMENTED? FOR EXAMPLE, WILL THE PHYSICIAN BE REQUIRED TO DELEGATE THE ADMINISTRATION OF CONTROLLED SUBSTANCES BY WRITTEN PRESCRIPTION TO THE "QUALIFIED INDIVIDUAL" OR WILL THEY BE ABLE TO ACCEPT TELEPHONE ORDERS, ETC.?

4. SINCE THE REGISTERED NURSE IS RESPONSIBLE, BY CODE AUTHORITY, FOR SUPERVISING AND TEACHING OTHER PERSONNEL IN THE PERFORMANCE OF ACTIVITIES RELATING TO NURSING CARE, AND SINCE THE ADMINISTRATION OF MEDICATIONS IS CONSIDERED TO BE A VITAL COMPONENT OF NURSING CARE, CAN ANOTHER LICENSING AUTHORITY (BOARD OF PHARMACY EXAMINERS) PROMULGATE RULES AND REGULATIONS GOVERNING A "QUALIFIED INDIVIDUAL" WHEN THE SUPERVISION OF SAID

③ IN ORDER TO ADEQUATELY ADDRESS THE CATEGORY BEING DEFINED BY THE BOARD OF PHARMACY AS "PERSONS WHO HAVE SUCCESSFULLY COMPLETED A MEDICATION COURSE APPROVED BY THE DEPARTMENT OF HEALTH AND THE BOARD OF PHARMACY EXAMINERS", I THINK IT IS IMPORTANT FOR THE COMMITTEE TO BE APPRISED THAT THE IOWA BOARD OF NURSING HAS REQUESTED AN ATTORNEY GENERAL OPINION RELATING TO S.F. 2200. THE QUESTIONS POSED BY THE BOARD IN THIS OPINION REQUEST, I BELIEVE, WILL PROVIDE THE COMMITTEE WITH MANY OF THE LEGAL CONCERNS OF THE BOARD IN OPENING THE ADMINISTERING OF CONTROLLED SUBSTANCES TO ANY INDIVIDUAL WHO HAS TAKEN A MEDICATION COURSE. THE OPINION HAS NOT BEEN ISSUED, AS YET, HOWEVER, I BELIEVE SEVERAL OF THE QUESTIONS ASKED BY THE BOARD RELATING TO S.F. 2200, WILL PROVIDE THE COMMITTEE WITH AN OVERVIEW OF THEIR CONCERNS:

1. THE AMENDMENT TO THE CODE STRICTLY RELATES TO THE ADMINISTRATION OF CONTROLLED SUBSTANCES. SINCE THIS AMENDMENT ADDRESSES ONLY CONTROLLED SUBSTANCES, CAN A "QUALIFIED INDIVIDUAL" WHO IS NOT DEFINED IN ANY OTHER SECTION OF THE CODE OF IOWA AS BEING AUTHORIZED TO EXECUTE THE MEDICAL REGIMEN OF A PHYSICIAN, ADMINISTER MEDICATIONS NOT LISTED AS BEING A CONTROLLED SUBSTANCE?

2. S.F. 2200 CLEARLY STATES THAT A PHYSICIAN, DENTIST, PODIATRIST, AND VETERINARIAN MAY DELEGATE THE ADMINISTRATION OF CONTROLLED SUBSTANCES TO A NURSE, INTERN OR OTHER "QUALIFIED INDIVIDUAL" YET IT PROVIDES THAT ONLY A VETERINARIAN IN DELEGATING HIS OR HER AUTHORITY MUST PROVIDE DIRECTION AND SUPERVISION OF

⑤ "QUALIFIED INDIVIDUAL" MAY FALL WITHIN THE LEGAL JURISDICTION OF A PROFESSION WHICH IS GOVERNED BY ANOTHER LICENSING AUTHORITY (IOWA BOARD OF NURSING)? IF THE RESPONSE TO THIS QUESTION IS YES, SHOULD THEN THE BOARD OF PHARMACY EXAMINERS PROMULGATE RULES GOVERNING INTERNS, PHYSICIAN ASSISTANTS, DENTAL ASSISTANTS, ETC. THAT ARE UNDER THE SUPERVISION OF OTHER LICENSED PERSONNEL?

I WOULD ASK THAT THE COMMITTEE REJECT THIS CATEGORY OF PERSONNEL FROM BEING ABLE TO ADMINISTER CONTROLLED SUBSTANCES UNTIL THE LEGAL QUESTIONS OF THE BOARD HAVE BEEN ADDRESSED.

THE BOARD BELIEVES THAT THERE MAY BE ANOTHER SERIOUS PROBLEM INHERENT IN THIS ENTIRE RULE, AND THAT IS THE PROBLEM OF DRUG ABUSE. VALID STATISTICS, AS THEY RELATE TO HEALTH CARE PROVIDER AND DRUG ABUSE ARE, IN THE OPINION OF THE BOARD, WEAK AT THIS TIME. HOWEVER, ALL LICENSING BOARDS WILL BE REQUIRED TO SUBMIT TO THE LEGISLATURE IN JANUARY OF 1979, DISCIPLINARY ACTIONS TAKEN IN SUCH MATTERS. THIS WILL BE A BEGINNING ON ESTABLISHING VALID STATISTICS. TO MAKE CONTROLLED SUBSTANCES EASILY ACCESSIBLE TO ANOTHER "QUALIFIED INDIVIDUAL" WITHOUT WELL DEFINED SAFEGUARDS, THE BOARD BELIEVES MAY ADD TO AN ALREADY EXISTING PROBLEM.

IN CLOSING, THE BOARD WISHES TO STATE TO THIS COMMITTEE THAT HEALTH CARE IS BECOMING INCREASINGLY FRAGMENTED AND SERIOUSLY QUESTIONS "WHEN WILL THIS FRAGMENTATION END?"

PHARMACY  
(cont'd)  
8.16

In re Pharmacy rule 8.16, Kay Myers, Executive Director of the Iowa Nursing Association, presented a statement of policy by the board in opposition to the proposed rule.

Illes distributed copies of her request for an A.G. opinion. In response to Priebe, Johnson was willing to wait for the opinion. Schroeder indicated he believes the opinion will support the rule as he said the law is very clear, and the legislature did not intend to include pharmacists as persons who would be permitted to administer injectables. The main area of disagreement between the nursing groups and Board of Pharmacy was whether pharmacists should be allowed to administer drugs as do nurses.

Johnson distributed letters from the University of Iowa College of Pharmacy and the Drake University College of Pharmacy with their comments on the subject. He opined that the board included "a" in 8.16(1) in order to assist the Department of Health. Monroe suggested the rule has reopened an old discussion about who dispenses and who administers and moved the following objection:

OBJECTION  
8.16 (1) "d"

The Committee objects to proposed paragraph 8.16(1)d, designating pharmacists as persons qualified to administer controlled substances, on the grounds that it is beyond the authority of the board and unreasonable. S.F. 2200 §23 authorizes the board to determine what individuals are qualified to administer these substances, however they is no evidence showing that pharmacists, either by training or experience, are qualified in the administration of controlled substances.

VOTE

The motion carried.

8.18

Another notice of intended action by the Board of Pharmacy deals with controlled substance inventory. The rule would require the pharmacy owner to take inventory of all controlled substances whenever there is a change of ownership or manager.

Monroe said the rule presents a problem for pharmacies which are corporate owned and suggested the same goal could be accomplished by requiring the respective owners or managers to maintain responsibility for taking inventory. Schroeder indicated that the board is really concerned that both buyer and seller agree on the inventory. Johnson concurred. Monroe suggested clarification by adding "cause to be taken." Johnson was amenable.

LAW ENFORCEMENT

Jack Callaghan, Director, Law Enforcement Academy, appeared before the committee to answer Schroeder's challenge that the Bureau of Criminal Investigation's (Identification) employment requirements are more stringent than those of the FBI. Schroeder stated

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LAW ENFORCEMENT  
ACADEMY  
(cont'd)

he learned that the two sets of requirements did not coincide as a result of a woman applying for a BCI position and not being accepted because her eyesight did not meet BCI requirements.

Callaghan agreed there appears to be an inconsistency, but he pointed out that standards must be job-related. He opined that the FBI positions are not that similar to the job of a law enforcement officer, since the BCI officer is right on the scene and includes a great deal of physical activity, whereas the FBI agent comes in as an investigator after the fact. Callaghan informed the committee that he had checked the requirements of 18 states and found none that would allow vision of 20/200 for a job consideration. Callaghan continued the BCI now has a 20/60 sight requirement, correctible to 20/20. The BCI considers that an officer may have his/her glasses lost in a scuffle and, in checking with an ophthalmologist, learned a person with 20/200 vision could not see well enough to fire a weapon. Callaghan informed the committee that, under other rules of the state of Iowa, a person who does not have vision stronger than 20/200, correctible to 20/20 is considered legally blind. Callaghan said: "The council, because of vicarious liability, is going to be most cautious in recommending a visual acuity test which will leave them open to charge in the event something happened to an officer in driving a vehicle or in firing a weapon." Callaghan urged the Rules Review Committee to use caution in recommending a vision acuity standard which would lead to possible liability. Schroeder expressed concern with general application of the law, not with that "one-time" situation. General discussion of eyesight requirements for mandatory retirement. Schroeder suggested the BCI take action, otherwise the legislature would change the law.

CORRECTION TO IAC

Monroe called attention to an error in 1.1(6) where the word "fingertips" was inserted for "fingerprints."

NURSING BOARD  
1.1

Lynne Illes appeared for discussion of filed rules 1.1(1,2,3) IAB 8/23/78 pertaining to description and organization of the agency. The nursing board has added the continuing education authority, and they will be holding nine informational meetings across the state.

HEALTH  
202, 203

The committee returned to discussion of the following:

Cooper Parker reviewed chapter 202, certificate of need program, and chapter 203, standards for certifi-

Certificate of need program, ch 202, filed emergency ..... FE ..... 8/23/78  
Standards for certificate of need review, ch 203, filed emergency ..... FE ..... 8/23/78

HEALTH  
(cont'd)

cate of need review. Parker said the federal government requires the implementation of the state health plan. Certificate of need rules went into effect July 1, 1978, and discussions have been held with Health Service Associations, some of whom want to apply their own standards, but the department would not agree. The HSA's are working for development of standards and criteria which are scheduled for completion by February 1979.

ADOPTION OF MINUTES Schroeder moved the adoption of the August minutes and the motion carried.

RECESS The chairman recessed the committee at 4:45 p.m. to reconvene 8:30 a.m., Tuesday, September 12, 1978.

RECONVENED The committee met Tuesday, September 12, 1978, 8:45 a.m. with the following members present: Priebe, Monroe, Doderer, Kelly, Schroeder and Doyle.

CHIROPRACTORS Dr. Ronald Masters, Chiropractor, appeared for discussion of peer review and stated the Rules Review Committee had placed a 70-day delay on 141.51(2), IAB, 7/26/78. The committee was opposed to the one-year requirement of a functioning peer review committee although Masters indicated it had existed for years. Monroe responded that the chiropractors did not have statutory authority to establish such a committee until 67GA, S.F. 312, was enacted. After further discussion of interpretation, Monroe moved the following objection:

OBJECTION

141.51(2)

The committee objects to subrule 141.51(2), establishing criteria for the registration of peer review committees, on the grounds that it is unreasonable. The subrule requires that a peer review committee must have been functioning for at least one year. It is the feeling of the committee that the requirement is unreasonable in that these committees have not had legal recognition until 1977 ( 67GA, Ch95 §3) and that the subrule would discourage practitioner from forming such committees since they would be forced to perform in an entirely informal manner for a year until they could qualify for recognition.

The motion carried.

141.14 In re 141.14, Masters advised the board had met in an emergency telephone session and made the decision to withdraw the proposed rules.

141.6 Monroe asked if implementing 141.6 would preclude partial exams and Masters replied in the affirmative. Doderer said the legislature had mandated partial exams. Royce, in researching the Code, stated there is a permissive provision in 147.41 covering a student. Masters agreed to stand by while Royce researched the history of the legislation.

REGENTS

As requested by the committee, Janet Bacon appeared for consideration of rule 13.7(1), IAB 8/23/78,

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REGENTS  
(cont'd)

pertaining to animals on university property. Bacon noted the rule was developed in co-operation with the City of Ames, Iowa. The former rule banned animals from campus buildings, with the exception of leader dogs.

EXCUSED ABSENCE

Monroe excused to attend the National Guard Investigative Meeting.

Schroeder asked about the definition of "confined". Bacon noted the language reads "confined or otherwise physically constrained" and it would be impossible to list every kind of confinement.

SOCIAL SERVICES

Judith Welp was present for review of the following rules:

Penitentiary, visits, 17.3	F	8/9/78
Riverview release center, visits, 21.2(3)"b"	F	8/9/78
Aid to dependent children, application, 40.2, 40.7(3)	F	9/6/78
Aid to dependent children, granting assistance, 41.1(5)"c"(1), (2), 41.1(5)"d", 41.6(2), 41.7(6), 41.8(1)"e", "f", 41.10	F	9/6/78
Paternity of father, 41.8(1)"b"	F	9/6/78
Supplementary assistance, eligibility, 51.7	F	8/9/78
Supplementary assistance, payment, 52.1(3)"e"	E	8/9/78
Supplementary assistance, payment, 52.1(3)"f"	E	8/9/78
Medical assistance, acceptance of benefits, 75.3	F	9/6/78
Medical assistance, eligibility, 75.5, filed emergency after notice	FE	8/23/78
Physicians' services, 78.1(1)"e"	E	9/6/78
Abortions, 78.1(17)	E	9/6/78
Prohibition against reassignment of claims, 79.1(1)	F	9/6/78
Foster care, payment, 137.9, filed emergency	FE	8/23/78

Chiropractors

Monroe returned. He approved deferring the chiropractic partial exam discussion.

Monroe excused.

SOCIAL SERVICES

Doyle made the point that 17.3(4)"a" in re penitentiary visits, was unreasonable and should be amended. Welp informed the committee that cell house number twenty visiting room had been remodeled to allow two simultaneous visitors.

In re the after 5:00 p.m. visiting hours, the committee requested Welp to include a phrase to cover extenuating circumstances. Welp agreed to discuss visiting hours with the board.

Doderer out of the meeting.

17.3(4)"a"

At the suggestion of Priebe, Welp was willing to amend 17.3(4)"a".

21.2(3)"b"

Welp advised that 21.2(3)"b" was amended to meet the committee's concerns.

41

Discussion of changes made in the rules concerning ADC payments pertaining to stepparents. The rules were acceptable as published.

CHIROPRACTORS

The committee returned to discussion of the matter of partial exams. Royce informed the committee he had consulted Lynne Illes regarding statutory mandates dealing with partial examinations. There has been no statutory change.

CHIROPRACTORS  
(cont'd)  
147.41

Masters requested written verification of the committee's requirement re partial exams.

Doderer returned.

No further action taken.

SOCIAL SERVICES  
75.3

The Committee resumed review of Social Services rule 75.3 dealing with acceptance of benefits from other types of assistance for which a recipient might be eligible.

78.1(1)"e"

In re rescinded 78.1(1)"e", Priebe questioned the department's applicability of the law. Royce pointed to the Iowa Constitution equal protection. Kelly assumed the chair.

OBJECTION

Priebe moved to object to rescinding 78.1(1)"e" on the basis that it is not equitable. Welp stated the rule requires a laboratory to bill the department separately. Psychologists will continue billing through a physician.

WITHDRAWAL

After further discussion of the matter, Priebe asked for and received unanimous consent to withdraw his motion.

REVIEW  
78.1(13)  
MOTION

The committee agreed to request the department to review payment to psychologists or psychiatrists who admit patients to mental health centers. Priebe moved to review 78.1(13) and the motion carried.

Priebe assumed the chair.  
Rules 78.1, 79.1(1) and 137.9 were acceptable as published.

CIVIL RIGHTS  
(cont'd)

Barbara Snethen was present for discussion and Schroeder requested filing a general objection to rules of the Civil Rights Commission, with emphasis on 2.14(3) that it goes beyond the authority of the commission.

OBJECTION

Royce read the following proposed objection:

"The committee objects to subrule 2.14(3) on the grounds that it goes beyond the authority of the commission. The committee notes that paragraph 3 of the subrule in part provides that as part of an affirmative action program an employer may 'organize work and re-design jobs in ways that provide opportunities for persons lacking journeyman level knowledge or skills to enter.' The purpose of chapter 601A is to combat racism and end discrimination. To

CIVIL RIGHTS  
(cont'd)

accomplish these goals, it is necessary, perhaps, to use affirmative action, but it is not necessary to redesign jobs to allow otherwise incompetent persons to enter. The journeyman requirements ensure a continued high standard in craftsmanship and should not be lowered."

In response to a question by Doderer, Schroeder indicated the concern had been expressed by Hylarides. Doderer moved that action on the objection be postponed until Hylarides returned. No action taken.

RECESS

The committee recessed for five minutes.

BANKING

Howard Hall, deputy, was present for review of chapter 27, credit union share drafts. The rules were acceptable as published.

VETERINARY  
MEDICAL EXAMINERS  
8.2, 8.3

Doderer out of meeting. Betty Duncan, attorney, Agriculture Department, was present for review of 8.2 and 8.3. Schroeder expressed opposition to the stipulation in "b" that a person must complete education computed by multiplying twenty by the number of years a certificate of exemption has been in effect. Duncan responded that the intent was a person should take an oral exam, not necessarily a written one. Schroeder asked the rule be amended and Duncan was amenable.

Doyle brought up the question of licensing of veterinarians in territories of the United States, asking the rule be amended to include "territories." Duncan agreed and will include persons in the military.

AGRICULTURE  
37.1(1)

Discussion of rules pertaining to food establishments. Duncan advised a public hearing had been held on September 25, with 25 participants. Rules have been redrafted and 37.1(1) was clarified.

Priebe asked if the requirement to cover all silverware is federal and Earl Revell indicated it is not. The rule applies to restaurants having preset dining areas, as do many located along interstate highways. Priebe indicated he has received many complaints. Duncan noted the section in the Federal Food Service Sanitation Manual (\$2.30 per copy) dealing with preset tables. Discussion of the definition of food establishment and food service establishment and Schroeder made the point that restaurants fall under both definitions. The committee was informed that the definition is on page 13, section 2 under food establishments.

Doyle discussed hotels which are being built without

AGRICULTURE  
(cont'd)

windows which open and inquired how hotels would meet the requirements of 39.3. Duncan stated the rule will be amended slightly to read "every hotel constructed or extensively remodeled after January 1, 1979." Doyle suggested including language pertaining to height and Duncan agreed to check this.

Discussion of clothing requirements and rules pertaining to hair coverings of persons working with food. Schroeder inquired if restaurants in Iowa are aware of the new standards and Revell responded the Iowa Restaurant Association has notified approximately 2000 members. Iowa has approximately 10,000 restaurants. Schroeder requested information be included with license renewal notices advising of the new rules.

COMMERCE

Mike May and David Hahn, attorneys, were present for review of the following:

Uniform accounting system, 16.2 .....	N	8/23/78
Gas and electric. meter measurement, 19.3(1), 20.3(1) .....	N	8/23/78
Customer notification procedures, 7.4(1) .....	E	9/6/78

16.2

May indicated the accounts are being updated so REA's uniform system accounts cooperatives will comport with recently adopted REA accounts--a housekeeping matter.

19.3(1)

The department is still receiving comments on master meters. The commission said master meters will be eliminated. Priebe mentioned demand meters, a type with which May was unfamiliar. Priebe advised that some municipal utilities are using such meters. May asked Priebe to submit a memo stating the particulars of the demand meter practice and agreed to investigate on an informal basis.

Doderer returned.

Doyle questioned the practice of utility companies maintaining higher minimum requirements. General discussion of the problem with May stating the remedy could only be perspective. Doyle stated there should be rules re service standards to alleviate low voltage when people are absent from their homes. May agreed to suggest to the commission. May said other changes in rules were rate increase or charge notifications -- the practice will be standardized.

Kelly out of the meeting.

CIVIL RIGHTS  
(cont'd)  
WITHDRAWAL

Schroeder withdrew his motion to object to 2.14(1) of the Civil Rights Commission rules. No objection to his withdrawal of the motion.

EMPLOYMENT  
SECURITY

Harold Keenan was present for consideration of the following rules:

## EMPLOYMENT SECURITY(370)

Employer account, 2.11(1), 2.11(3), 2.11(4), 2.12(3), 2.12(4).....F.....9/6/78  
 Employers' contribution and charges, 3.40(3), 3.40(4), 3.43(5), 3.44(3), 3.82(3), 3.86, 3.87 ..F.....9/6/78  
 Claims and benefits, 4.24(9), 4.25(9), 4.25(37), 4.57(8) .....F.....9/6/78  
 Employment services--forms, 10.7(2) .....F.....9/6/78

2.12 (4)

Keenan discussed some changes made to comply with federal government.

4.25 (37)

In re 3.40 and 4.24, they were acceptable as published. Doyle inquired about notice of resignation in 4.25(37) and Keenan responded the department wants to ensure the employee gives a resignation and that the employer is not just calling the action of the employee a resignation. Discussion of sworn statements with Keenan stating they are not taken until the claim reaches the hearing officer. Written statements are taken from each party. Doyle said the claimant should have the right to statements from parties who were present at the time of disagreement, including a spouse. The rules are fact finding and Keenan agreed to check, which he did and indicated the information is in 4.11.

## VOTER REGISTRATION

No representative was present. Lloyd McKee, member of the commission, indicated the Republican party leadership is in favor of requesting telephone numbers on voter registration lists. He has visited with John Law and Law agreed this was a valid request. McKee said treasurers and auditors will save time by having the telephone numbers on the lists. Priebe reminded that both motions had been defeated at the last meeting, leaving the rule as written.

## ARCHAEOLOGY

The representative from this group was in another meeting -- general discussion. No objection to the rules.

## OCTOBER MEETING

The committee discussed date and time of the next meeting and agreed on Tuesday, October 10, 1978, 9:00 a.m.

## ADJOURNMENT

The chair adjourned the meeting at 5:00 p.m.

Respectfully submitted,



Phyllis Barry, Secretary  
 Assistance of Vivian L. Haag

APPROVED \_\_\_\_\_

\_\_\_\_\_  
 CHAIRMAN