

MINUTES OF THE REGULAR MEETING
of the
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting: Tuesday, July 12, 1977 at 9:00 a.m.

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; Senator E. Kevin Kelly; Representative Laverne Schroeder. Not present for roll call, Senator Minnette Doderer, Representative Donald V. Doyle.
Also present: Joseph Royce, Administrative Co-ordinator.

MINUTES Moved by Monroe to dispense with reading of minutes of the June 14 meeting and that they stand approved. Carried.

BOARD OF PODIATRY Peter J. Fox of the Department of Health told the
EXAMINERS Committee rule 139.1(18) requiring citizenship
 licensure will be rescinded and that the Department
 will desex their rules. Senator Kelly suggested that
 139.1(13) limit any examination in personal history
 to matters pertinent to the practice of podiatry.
 Representative Monroe suggested a change in rule
 139.1(4) requiring two years practice for a reciprocal
 license. Fox agreed that the rule be changed to no
 time specified. There were no other comments.

EMPLOYMENT OF Don Westergaard, Executive Secretary for the Governor's
HANDICAPPED Committee on the Handicapped appeared before the
 Committee to present organizational rules. Monroe
 suggested the telephone number, hours of service,
 divisions, etc. be included. Schroeder added regular
 meeting dates should also be included. Westergaard
 agreed to amend.

SOCIAL SERVICES Judith Welp, Methods and Procedures, appeared for
 review of the rules. Welp explained that the rules
 for the Riverview Release Center have been brought
 into conformance with the rules of other institutions. In
 discussion concerning the establishment of an advisory
 council for correction relief, Monroe made the following
 motion:

The committee objects to rule 25.2, creating
an advisory panel for corrections, on the
grounds that it exceeds the statutory authority
of the department. The committee feels that the
authority granted in chapter 217 of the Code is
not sufficient to allow the department to expend
public moneys in the creation and maintenance of
an advisory group.

Carried with 4 ayes.

SOCIAL SERVICES
Cont'd

Monroe moved that the current rule 25.2 be submitted to the general assembly. Welp observed that the current rule would be rescinded with the adoption of the new rule. Monroe withdrew his motion.

Discussion of chapter 81 regarding intermediate care facilities acknowledged the possible repercussion by the county boards of supervisors over the change from a flat rate per patient to the actual cost of care for each patient. It was agreed that the change is actuarially sound, and hopefully will not affect county budgets too much.

Kelly voiced an objection to social workers being required to work 4 years which is limiting. Kelly made the following motion:

The committee objects to rule 81.10(6), relating to payments to out of state care, on the grounds that the rule is beyond the statutory authority of the department, and that it is arbitrary and capricious. The committee notes that the rule encourages the seeking of lower health care rates in other states.

Motion carried with 4 ayes.

It was suggested the language in 81.13(15)f be revised to include the source where training is available. Welp will check. Kelly suggested legislative action to strengthen authority for confidentiality in patients' rights.

Schroeder moved that a letter be sent to the Speaker of the House and the President of the Senate recommending a bill draft to insure that foster children would be treated the same as children of the foster home with respect to OSHA safety and related matters, and the proposed bill referred to the proper standing committee.

Passed unanimously.

Monroe suggested that telephone cost be dropped from basic home service.

Schroeder requested the word "town" be amended to "city" in 146. Welp agreed to do so.

AGRICULTURE

M. R. Van Cleave presented the rules on pesticides. After general discussion of amendments to chapter 10 relating to pesticide applicators, in which selective review of 10.28 relating to restricted use pesticide was commented on, the rules were approved.

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AGRICULTURE
Cont'd

William R. Shoenhair, Chairman, Iowa Poultry Association, Planning Division, representing the Department of Agriculture's Poultry Division appeared before the committee to discuss chapter 11, relating to poultry. Doderer moved that an employee of the department appear before the committee. Priebe amended the motion to include that Shoenhair confer with the department and return with their employee. The motion carried with 5 ayes.

CAMPAIGN FINANCE
DISCLOSURE

Steve Johnson, Deputy Director, appeared before the committee and the report form 3.3 was approved.

ENERGY POLICY
COUNCIL

Rod Riggs, Director, presented the organizational rules. Schroeder suggested regular meeting dates be included. Doderer suggested by-laws also be added.

ENVIRONMENTAL
QUALITY

David Bach presented the rules for review, explaining new foundaries have more standards to meet because bringing formerly established foundaries up to date is the concern. Rules approved.

INSURANCE

Insurance Commissioner Herbert W. Anderson appeared before the committee. Change in chapter 21 relating to surplus line requirements was approved.

OCCUPATIONAL
SAFETY & HEALTH
REVIEW COMMISSION

G. Lawrence Ragan, Executive Secretary, and R. David Fahey, former hearing officer, presented changes in OS&HRC rules which were approved.

OFFICE FOR
PLANNING &
PROGRAMMING

Delores Abels, Secretary to the Director, informed committee that changes previously requested by the committee have been made.

PUBLIC
INSTRUCTION

A representative informed the committee that the requested changes have been made.

BOARD OF REGENTS

*agenda
showed
12.*

Dwight Wolf presented the rule changes for the University of Iowa. Senator Doderer requested 2.7 be desexed. It was decided rules regarding sports would be discussed at the September meeting. [12.1, 12.7] ?

TRANSPORTATION

Dennis Ehlerer agreed with the committee's suggestion that the handbook cannot be adopted by reference and should be brought in for review using a date certain.

EDUCATIONAL
RADIO & T.V.

Thomas M. Ditzel, Executive Director, was asked by Doderer to delete the word "privilege" in 6.12. Ditzel will check with Royce.

AGRICULTURE

Con't from a.m.

Schoenhair returned with Betty Duncan and discussion resumed concerning chapter 11. Duncan informed the committee authority is given in the last clause of section 159.1, subsection 2, to allow the department to authorize the Iowa Poultry Association to act as the department's agent, also authority is granted through the United States Department of Agriculture cooperation program. Schoenhair described in detail the inspection program of the Iowa Poultry Association. Monroe made the following motion to proposed agriculture rule 11.1:

The committee objects to rules 11.1(1), 11.1(3) and 11.2(2), relating to the role played by the Iowa Poultry Association and the National Poultry Improvement Plan in poultry inspection, on the grounds that the department exceeds its statutory authority. It is the feeling of the committee that the department should administer the inspection program and not delegate the responsibility to a private association.

11.1(1) may be cured by deleting the reference and designation of the national poultry association.

11.1(3) may be cured by having the department, not the association supply the label.

11.2(2) may be cured by perhaps adopting the "plan" as an administrative rule.

The motion carried with 6 ayes.

Duncan will retract and revise present rules.

BANKING

Thomas H. Huston, Superintendent, informed the committee the proposed rules were a result of Judge Eads ruling. Schroeder expressed fear that banks might apply for a branch bank and later classify it as an integral part of the principal place of business and apply for another branch. The rules were accepted.

COMMERCE

Patrick Cavanaugh from the commissioners office agreed to a typing correction suggested by Doderer and explained that the rule was proposed before the committee suggested change in another rule which was being redrafted.

BOARD OF DENTAL
EXAMINERS

Doderer suggested to the representative of the dental examiners that wherever a pronoun appears it should be changed to a noun. Doderer also questioned the term "good moral character" which has been ruled undefinable by the legislature and suggested that phrase be deleted and "character reference" used.

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DENTAL EXAMINERS
Con't

Doderer also questioned the legal status of dental assistants since the definition does not appear in the Code. Doderer then made the following motion:

The committee requests that the Board of dental examiners review all their rules.

6 aye votes passed the motion unanimously.

DEPARTMENT OF
REVENUE

*agenda showed
chs 12-15, 19, 26,
30, 33, 34*

Carl Castelda, Director of the Sales and Use Tax Division, noted Schroeder's presentation of H.F. 311 which is pending legislation. Chairman Priebe inquired if there were dissenting persons present wishing to speak. Steven C. Schoenebaum, attorney for the Iowa Trucking Association addressed the committee.

Monroe suggested discussion on the rules be deferred until after the public hearing which was to be held later in the week. It was so decided.

Econ. Impact

Schroeder made a request for a fiscal impact statement, Doyle seconded the request and the committee unanimously agreed.

LANDSCAPE
ARCHITECTURAL
EXAMINERS

Tom Gardner, member of the Board, informed the committee there has been no problem with the increased renewal fees and the committee approved the fee change.

INDUSTRIAL
COMMISSION

Alan Gardner, Deputy Commissioner, presented the changes in rules. There were no objections.

*Code Ed
Office*

Schroeder moved that it be duly noted that the Office of Code Editor assigned to act as secretary for the committee had not sent a representative to take minutes for the meeting, therefore the committee wished to thank Ruth McGhee of the Legislative Service Bureau for taking the minutes in the absence of someone from the Office of the Code Editor. The committee passed the motion unanimously.

No action was taken on the Juvenile Justice Advisory Council as the rules submitted by that office are incomplete and a more thorough set is expected.

Royce was instructed to send a notice to the Governor's Office for compliance with section 16.1.

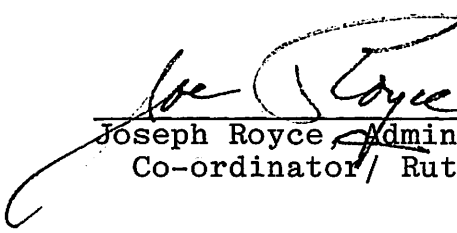
Kelly suggested the psychologists be called in for a review of their rules.

ADJOURN

The next regular meeting was tentatively set for August 10. Chairman Priebe adjourned the meeting at 4:10.

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Respectfully submitted,



Joseph Royce Administrative
Co-ordinator/ Ruth McGhee

APPROVED

Chairman

DATED _____