

MINUTES OF THE SPECIAL MEETING
of the
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting: Tuesday, January 3, 1978, 10:00 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, Representatives LaVerne Schroeder and Donald V. Doyle, Senators E. Kevin Kelly and Minnette Doderer.

Also Present: Joseph Royce, Administrative Co-ordinator.

MINUTES

Monroe moved for the adoption of the minutes of the December 13, 1977 meeting with the correction of the spelling of the Bakke case, the motion carried un-animously.

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Appearing before the Committee, Dave Bach represented DEQ in presenting the following rule on notice:

Construction and operation standards for public water supply systems, 22.12(2)

12/28/77

Bach along with Mike Murphy of the department discussed the proposed change in the construction of polyvinyl chloride pipe (PVC) brought on by the non-availability of materials in the construction industry. In response to questions by Schroeder and Monroe, Bach stated that the department is considering this loosening of standards and will be holding a hearing which additionally will address the problem of supply on January 25, 1978. The department expects input from the State Association of Iowa Rural Water Distributors at the hearing as they are concerned with the problem.

BANKING
DEPARTMENT

Board, Ch 4

12/14/77

Board policy--reconsideration of applications, 4.5

12/14/77

Tom Huston, Superintendent of Banking and Howard Hall, Deputy Superintendent presented the rules to the Committee.

The Committee discussed the filed rules dealt with in Chapter 4 and determined that more specific reference to procedural operations was unnecessary as the board acts in an advisory capacity and substantive issues are decided solely by the Superintendent.

John Sullivan, Credit Union Representative and Ron Riley, Legal Counsel for the Credit Unions questioned rule 4.3 as to the function of the board. Riley said that Code Chapter 524 dictates the duties and advisory

BANKING
DEPARTMENT
(continued)

capacity of the board and that the board should act to this chapter of the Code, however, board extends its activities to Chapter 533 of the Code and in doing so it exceeds its authority and usurps the superintendent's duties in the credit union's organization. This causes a distinct problem as the banking board does not understand credit union activities. Monroe stated that pursuant to Code section 524.205(4), this activity with the credit unions appears to be beyond the scope of the board. Hall stated that the department had requested an Attorney General's opinion in view of this conflict and Ms. Nolan of the Attorney General's office had opined that as statutory prohibitions against the board acting in credit union matters did not exist, the board had authority to act on credit union matters.

Hall explained that the board as a matter of practicality has for years dealt with both credit unions and small loan matters and this is why the department generalized the language of the board function.

OBJECTION

Schroeder moved to object and the Committee voted unanimously in favor of the following:

The committee objects to rule [140]-4.3, functions of the state banking board, on the grounds that the rule exceeds the authority granted the board under Iowa Code Section 524.205(4). The committee notes that the authority of the board is limited to matters falling under the authority of Code chapter 524. The objection may be overcome by reflecting this limitation within the rule.

In response to a question by Kelly, Huston discussed rule 4.5 under notice handled for years without written rules. Huston stated that denials by the board are handled so that the denial is specific, and discussed the fact that denial of application by the old board would not apply to the new board, seated in July.

Barbara Snethen, Hearing Officer, appeared before the Committee to present the commissions rules on notice.

Subpoenas and temporary injunctions, 3.6, 3.7
Ex parte communications, 3.9—3 13

12/14/77
12/14/77

Snethen stated that the commission was in the process of revamping its rules and that with rule 3.6 and 3.7 the commission gives authority to the staff to issue subpoenas and temporary injunctions to aid the staff in carrying out their duties.

The rule on ex parte communication is promulgated as a result of a petition by Senator Redmond. Snethen, as a result of Doyle's question as to the procedure to be followed if the oral communication is not completed, 3.9(2), said that she would review this portion of the rules and provide a definition of completed oral

Doderer arrived.

10:50 a.m.

CIVIL RIGHTS
COMMISSION

CIVIL RIGHTS
COMMISSION
(continued)

APPEAL BOARD

communication and not completed oral communication. Monroe suggested that the Committee might look into the possibility of inviting Senator Redmond to state his position personally before the Committee.

Fred Haskins, Tort Claims-Attorney General's Office, presented the following rules to the Committee:

Tort claims, 1.3, 1.4
General claims, Ch 3

12/28/77
12/28/77

Haskins stated that the board has redone its claim forms to indicate whether the claim is against an employee or the state of Iowa. Haskins and Monroe discussed 3.2(3), documentary evidence, Monroe contending that the language was too broad and could be re-phrased and Haskins explaining that this language pertained only to small claims but that perhaps it could be clarified. Doyle suggested that the board also desex the rules. Haskins said this would be changed.

Doderer inquired as to rule 1.3(3), if the claim would be valid without the naming of the spouse if such information was not pertinent to the claim. Haskins said that the claim would be valid. Doderer, on the same rule, inquired as to whose signatures were necessary to validate the claim. Haskins agreed that the language in the rule could be clarified.

Schroeder and Haskins discussed briefly substance of rules which were not before the Committee.

CONSERVATION

The following rules filed by the commission were acceptable as presented to the Committee by Ken Kakac, Superintendent of Law Enforcement.

1978 wild turkey hunting regulations, Ch 11

12/28/77

EDUCATIONAL RADIO
AND TELEVISION
BOARD

Hugh Cordier, interim Executive Director, and James Dysart, acting Administrator, presented the following filed rule to the Committee:

Project appointments, 6.12

12/28/77

The board wants to make appointments of personnel on projects dealing with community service grant dollars for the length of the project. For projects for which there are federally matching funds, such appointments cannot be for longer than 12 months; however, they can be stated in 12-month increments for the length of the project. Doderer inquired if these temporary employees are entitled to full benefits. Cordier replied that for the length of the project full benefits were awarded. Doderer and Cordier discussed employment practices of the board and how these practices compare with the Merit System used by other agencies.

EDUCATIONAL RADIO
AND TELEVISION
BOARD
(continued)

Monroe pointed out to the board representatives that there was an error in 6.12 of the permanently filed rules, omission of the word "more." [It was determined later to be a printer's error which would be corrected by the IAC editors.]

GENERAL SERVICES
Ch 2

Stan McCausland, Director, presented the following rules on notice to the Committee:

Purchasing procedures, Chapter 2 12/14/77
Filed amendment to 5.4(5) in re centralized printing was acceptable as published 12/14/77.
McCausland pointed out that 2.7 of the rules would provide that a state agency has the right to appeal the director's decision to deny purchases. This would be similar to a vendor's right to appeal.

Doyle pointed out that the rules need to be desexed and inquired if the lists presented in rule 2.1 are all inclusive. McCausland said that the rules would be desexed and that the lists were to be considered examples, and that the language would be changed in both instances to clarify the rules.

Doyle inquired if fire alarm smoke detectors were to be included in 2.6(1), McCausland stated that he thought the language of the rule limited the systems to those which use telephonic system of transmission but that he would check on this to be certain.

Both Doyle and Monroe commented on the language used in 2.18(1) and suggested that it be changed so that it doesn't appear to be instructions, McCausland said that this would be changed.

Doyle called attention to the fact that the Department did not allude to the prison industries in the rules. McCausland was willing to include such reference.

Doderer questioned, in light of the Governor's vetoing a similar bill on exempting county offices, 2.2 which cites purchases exempt from competitive bidding. However, the director has statutory authority to exempt pursuant to 18.6(2) of the Code.

Priebe questioned the amount of power given the director in 2.7; however, Monroe and Doderer pointed out that this too has statutory authority.

Priebe took the position that 2.7 would give the Director excessive power. Monroe and Doderer, however, concurred with McCausland that there is sufficient statutory authority for the rule.

SOCIAL SERVICES

Judith Welp, Methods and Procedures, was present for review of the following rules:

SOCIAL SERVICES
(continued)

SOCIAL SERVICES[770] F

Organization, 1.2
Medical assistance, third party assignment, 75.3
Rehabilitation agencies, independent laboratories, 77.19, 77.20
Medical assistance, Ch 78
Medical assistance, 78.4
Medical and remedial care, 79.1
Foster family homes, examinations, 106.8(1)
Chore service, Ch 149

12/28/77
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12/28/77

SOCIAL SERVICES[770] N

Aid to dependent children, 41.1[5]
Aid to dependent children, self-employment, 42.6
Aid to dependent children, foster care, 44.1, 44.4
Medical assistance, audiologists, 77.14

12/28/77
12/28/77
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12/28/77

Welp began a resume of the filed rules and Doyle reminded her that rule 1.3(4) organization at state level, though not before the Committee, was out of date and should be rewritten. Doyle and Welp also had a discussion of references to Title XVIII in rules 78.19 and 78.20, with Welp explaining that Title XVIII (medicare) funded through federal government and Title XIX (medicaid) funded through state. In essence Medicaid which is paid by the state is on the same basis as Medicare and these rules set out the requirements for agencies which process Medicaid. Priebe inquired what this procedure does to appropriations made by the state to the department of social services for the purpose of funding state aid projects. Welp said that the department was mandated by federal regulations to channel state funds in the prescribed manner for this particular project otherwise like projects funded federally would be denied the state. However, requests for appropriations for these projects were so designated at the time of the request. Priebe stated that with the continual changes in federal regs governing such things, it was a wonder that anyone could keep track of the state appropriations.

Schroeder and Welp discussed the chore service rule 149.4(5) dealing with provider insurance and Schroeder continued to be concerned about a minor doing odd jobs and being forced to carry liability insurance. Schroeder suggested that the wording "except that variances could be obtained from the department upon written request" be an addition to this subrule.

REVENUE

The Committee agreed to briefly review the rules presented by the Revenue Department, interrupting Social Service's presentation, thereby allowing revenue to be excused from further appearance at this meeting. Joe Booth, Revenue Dept., presented the following rules:

Practice and procedure, Ch 7
Selling cigarette revenue in banks, Ch 83

12/14/77
12/14/77

Chapter 7

Chapter 83

The Committee had no discussion of the notice rules.

Schroeder inquired about liability in case of theft of the stamps, Booth stated that this responsibility would

REVENUE (continued)	lie with the bank through its own insurance program. There was no further discussion of these rules.
SOCIAL SERVICES (continued)	Welp continued with her presentation to the Committee of the rules on notice. There was no discussion by the Committee, however, the Committee did request that
SOCIAL SERVICES CORRESPONDENCE	Welp ask Joe Baker of the department to appear before the Committee at the afternoon session of the meeting as they were planning to further discuss his correspondence concerning the delay between the rulemaking and administration procedures and the necessity to have certain administration privileges available so that quick action could be taken.
MOTION TAPE RECORDER	After discussion by the Committee and the Secretary, Kelly moved that the Secretary be allowed to purchase a new tape recorder for use during committee meetings. The motion carried unanimously.
IOWA 2000	The Secretary presented the proposed rules submitted to the Code Editor's office for publication by the Iowa 2000 State Commission and reported that no authority could be found to determine whether this body did in fact need to publish such rules. The Committee directed that Royce research the matter and report his findings to the Code Editor's office.
MOTION SEMINAR TUITION	After discussion by the Committee, Monroe moved that the Committee approve tuition to the IAC seminar for the members of the Committee who can avail themselves and 3 members of the staff (Royce, Mrs. Barry and LaVerne Swanson) and for the purchase of additional seminar materials for the Committee, if necessary. The motion carried unanimously.
NOON RECESS	Chairperson Priebe recessed the meeting at 12:23 and appointed Monroe acting Chairperson as Priebe would be absent temporarily when the meeting reconvenes.
RECONVENED	The meeting was reconvened at 1:55 p.m., with Monroe as acting Chairperson and Doderer absent.
TRANSPORTATION [06,c]	Representing the highway department, Lester Chelsvig summarized notice rule 3.1 to the Committee. Schroeder confirmed that this rule covered those funds so earmarked by the legislature.
[06,K]	Julie Fitzgerald of traffic engineering presented filed rules [06,K] Chapters 3 & 5 to the Committee, there was no discussion.
[07,D]	Charles Sinclair presented the filed rules Chapter 2 and 10.8, mobile home sale and transfer, to the Committee.
	Sinclair reported to the Committee that the changes to 10.1(4) as requested at the last Committee meeting were being implemented through the amendment process

TRANSPORTATION
(continued)

2:10 p.m.

and that in the meantime the rules would be enforced as if amendment process completed. Doderer arrived.

Sinclair stated that with the implementation of Ch. 2, the department meets the criteria of the statute on abandoned vehicles. Doyle and Sinclair discussed the recovery of personal property from abandoned vehicles. Schroeder suggested that the department promulgate rules allowing for such recovery of personal property and Monroe suggested that perhaps the department could incorporate such recovery within contracts to vendors who deal with abandoned vehicles.

Sinclair stated that rule 10.8 on the sale or transfer of mobile homes implements SF 167, section 27. Doyle and Sinclair had a brief discussion on what constitutes a dealer.

VOTER REGISTRATION

Dale Nelson, State Registrar and Terry Swanson presented the following filed rules to the Committee:

Lists, 3.1(4)	12/14/77
Election registers, Ch 5	12/14/77
County data processing systems, Ch 6	12/14/77
State registration file, Ch 7	12/14/77

Monroe questioned the state's availability with regard to Ch. 6, rules dictating the terms of processing systems, in that if the counties would deluge the state with requests for assistance; could the state comply. Nelson said that the purpose of these rules was to bring uniformity to the counties so that certain standards would be state-wide and more efficient assistance could be offered the counties.

Doderer questioned in subrule 3.1(4) that payment could only be made to the State Registrar. Nelson agreed that county offices should be able to receive payments and this section will be amended.

A discussion followed on the sale of lists, what the criteria was for bona fide political purposes, and penalties imposed for improper sale of lists.

APPEAL BOARD,
STATE INSTITUTION
CONSTRUCTION
CONTRACTS

Margaret (Peg) Bick, representing the Comptroller's office, presented the filed rules, Ch. 1 organization and function, of the appeal board. With discussion Bick revealed that this board has had no recent activity, and in checking with the Comptroller it was found that the board had not met for the past 17 years.

OBJECTION

Doderer moved to object as follows:

The Committee objects to the administrative rules filed by the appeal board for state institution contracts on the grounds that the rules exceed the

APPEAL BOARD,
STATE INSTITUTION
CONSTRUCTION
CONTRACTS
OBJECTION
(continued)

statutory authority delegated to the board. The committee notes that Code section 17A.5(1) provides that administrative rules must be 'adopted' by an agency before they may be filed with the secretary of state; since the appeal board for state institution contracts has not met for over seventeen years it is impossible for the board to adopt rules.

The motion carried 4 aye (Priebe changing his pass to aye) to 2 no, Kelly and Schroeder voting no.

Doderer also suggested that Royce look into the possibility of notifying the appropriate legislative committee on obsolete boards that this board should be an addition to their list.

Priebe resumed the Chair.

2:50 p.m.

PUBLIC
INSTRUCTION
Special Review
13.8

Orrin Nearhoof appeared before the Committee for a special review of 13.8, certification of teachers, for the department. Nearhoof requested that the Committee re-evaluate the rules to determine whether they wished the Committee's objection to stand.

After discussion, the Committee determined that those factors which prompted the objection originally had not changed, therefore the Committee reaffirmed their objection as follows:

OBJECTION RE-
AFFIRMED see
p. 120 minutes
for 3-9-76
meeting

The Committee objects to 13.8 (257), relating to the preparation requirements for an original certificate, as the rule discriminates against women teachers of child-bearing age since they will be unable to maintain their certificates for the five year period. Therefore, the Committee objects on the ground that the rule is arbitrary and further, that it is beyond the department's authority to promulgate a discriminatory rule. The objection can be overcome by rewriting the rule based on a ten-year period.

PUBLIC
INSTRUCTION

Leland Wolf, consultant in the curriculum division, presented the following notice rules to the Committee:

Area education agency educational services, Ch 41

12/28/77

Wolf stated that these rules on area education and services would be presented at a public hearing on January 23, 1978. Monroe and Wolf discussed definition of educational services, 41.2(5). Schroeder questioned 41.3(4) and 41.4(1) application if the forms would not be available, Wolf stated that the department mandates that the appropriate forms be available and such forms are generally standard from year to year. Schroeder suggested that 41.4(1) be clarified as wording "all forms" may be subject to misinterpretation.

MERIT EMPLOYMENT

Wallace L. Keating, Director, presented the following notice rules to the Committee:

Vacation and leave, 14.2, 14.3
Rights upon return from leave, 14.8

12/28/77
12/28/77

Keating and the Committee briefly discussed sick leave policies.

JUDICIAL
NOMINATING
COMMISSION

12/14/77 Supp.

William J. O'Brien, Court Administrator, presented Chapter 1, procedure, rules on notice to the Committee. Doyle and O'Brien discussed the desexing of the rules, and Doyle questioned several sections of the rules as follows: 1.3(2)c, citizens and commission members may submit names of qualified persons for nomination, but may qualified person nominate him/her self; 1.3(3) why limit making available questionnaire to commissioner; 1.3(7) questioned advisability of such a complicated voting procedure especially in view of the fact that nominees are to be considered in alphabetical order, 1.4(4), which would seem to give those with names at the beginning of the alphabet a decided advantage.

Monroe questioned 1.4(1) and 1.5(5) in view of Chapters 28A and 68A of the Code which set out open meetings regulations. Monroe suggested that these rules be reviewed for possible violations of statute.

Doderer recommended that the commission strike the next to the last sentence in 1.2 as it might be subject to misinterpretation. She also recommended striking "and these rules of procedure" from 1.4(1) as it is beyond the scope of the commission as the rules which they adopt must only implement statute not alter it. Doderer and Monroe asked that the commission submit a copy of the publication to which they referred in setting out sub-rule 1.5(7)c in re personal attributes and qualities desired in a nominee.

Schroeder asked that the commission correct the reference in 1.3(8) to "adjourned public meeting" and replace it with "recessed public meeting" as this would convey the concept of handling all this business in a close time proximity, if possible.

The Committee requested that Justice Mason [REDACTED] appear before the Committee at the next committee meeting to discuss these suggested changes.

PUBLIC EMPLOYMENT
RELATIONS BOARD

Peter Paschler, Director of the PERB, appeared and presented the following rules on notice to the Committee:

Board action and ex parte communications, 1.6(2), 2.20
Acceptance of proposed agreement, 6.4

12/28/77
12/28/77

PUBLIC EMPLOYMENT
RELATIONS BOARD
(continued)

Doderer recommended that the wording in the proposed amendment to subrule 1.6(2) which allows for two members of the board to hear an appeal and non concurrence results in affirmation of recommendation, as the Committee has traditionally asked that in substantive matters a majority make such decisions. Paschler said that the board is strictly advisory and that the director must render the final decision. Kelly suggested that the addition of the words "are eligible" to "however, that when only two members are eligible to hear" would take care of those instances when board members must disqualify themselves from rendering a decision on a particular hearing. However, Kelly said that the board must not make recommendations when members could not vote because of absence, thereby reducing their numbers to fewer than the needed majority. Doderer recommended that the board try to find some other solution to their problem as the Committee would recommend changes to this subrule as amended. The Committee suggested that the board discuss the problem with Prof. Bonfield at the University of Iowa.

The question of completed and not completed oral communication as set out in proposed rule 2.20(1)b and the lack of a meaningful definition therefor was brought to the attention of Paschler by the Committee. See minutes of Civil Rights Commission, p. 484-485.

SOCIAL SERVICES
CORRESPONDENCE

Joe Baker who had previously corresponded with the Committee on the question of the critical timing necessary when federal regulations had to be implemented and the difficulty of rule filing procedures in order to accommodate said timing. Baker said that the Supreme Court had eliminated emergency filings. However, the Committee pointed out that to keep in compliance with federal regulations was an exception and emergency filings are quite acceptable. Kelly suggested that when the department files emergency, they should spell out that federal regulations mandate that compliance be by a specified date. Monroe suggested that Baker avail himself of the IAC seminar coming up in late January and early February.

INSURANCE

Bill Hager presented the following rules on notice and filed to the Committee: Solicitations of life insurance, effective date, 15.72 12/28/77
Licenses, Ch 9 N 12/14/77
Termination of Notice, 15.72 N 12/28/77
Life insurance solicitations, effective date, 15.72, filed emergency 12/28/77

There was no discussion of the rules by the Committee.

HEALTH

Dana Petrosky, Peter Fox and Neil Verhoof presented the following rules to the Committee:

HEALTH
(Continued)

Residential care facilities, classification numbers, Ch 27	12/14/77
Intermediate care facilities, classification numbers, Ch 58	12/14/77
Skilled nursing facilities, classification numbers, Ch 59	12/14/77
Standards for residential care facilities, classification numbers, Ch 60	12/14/77
Standards for intermediate care facilities, classification numbers, Ch 61	12/14/77
Residential care facilities for mentally retarded, classification numbers, Ch 63	12/14/77
Intermediate care facilities for mentally retarded, classification numbers, Ch 64	12/14/77
Psychology examiners, examination fee, 140.8(3)	12/14/77
Cosmetology, examination requirements, out-of-state, 149.7(4) rescinded	12/28/77
Barbers, communicable diseases, 153.14	12/28/77
Speech and audiology continuing education, Ch 156	12/28/77
Ex parte communications, 173.9	12/28/77

Petrosky presented the classification numbers on Chapters 27, 58 through 61, and 63 and 64 to the Committee explaining that the department was now in compliance with SF 525 which mandated separate filing procedures on citations.

Fox presented the rules for psychology examiners stating that examination fees were brought into line with what such costs were to the department.

Fox explained that the cosmetology out-of-state examination requirements were rescinded.

Fox presented the change in the barbers' rules on communicable diseases stating that these changes were made per the request of the Committee.

The rules pertaining to continuing education requirements of speech and audiology were discussed by the Chairman of the Board of Speech Pathology and Audiology, Verhoof, and he stated that these rules would allow more liberal carry-over of hours from year to year.

AGRICULTURE

Betty Duncan, Legal Counsel, presented the rules on notice for the department on hopper scales, 55.47(1). Curtis McNeil whose responsibility with the department is hopper scales discussed with Priebe and Schroeder the liability responsibility for the angle irons with hooks and whether or not they were cleared with OSHA.

AUJESZKY'S DISEASE

Secretary of Agriculture, Robert Lounsberry and State Veterinarian Dr. M.H. Lang appeared before the Committee to discuss the rules filed emergency on Aujeszky's Disease.

Duncan summarized the rules filed emergency dealing with Aujeszky's Disease 16.150, 16.151 filed 11-18-77 and 16.150, 16.151 filed 11-22-77.

Schroeder complained that these rules did not treat Aujeszky's Disease in the same manner as other contagious diseases (Transmittable Gastro-enteritis & Bloody Scours), to which Dr. Lang responded with the

AUJESZKY'S DISEASE inherent differences between the diseases in question as far as how transmitted and in the basic makeup of the disease.
(continued)

Lounsberry and Dr. Lang explained that as of a couple of weeks ago, a livestock producer could take sows to salebarn untested for Aujeszky's, sell them, get them vaccinated, get permit from the department of agriculture to move them into a quarantined herd. However, this process is only allowable if the sows are from an area in the state declared an endemic area.

Schroeder pointed out that not all areas of the state were being treated equally in that this process of vaccination and special permits issued could only be done in the endemic areas and was not allowed for the non-endemic areas, and he thought this objectionable. Schroeder discussed this topic at length with Lounsberry and Dr. Lang. Dr. Lang stated that as of the survey taken in December, 61 counties in the state were considered endemic areas. Lounsberry stated that in all probability, the entire state would be considered endemic in the near future.

The availability of vaccine was discussed and Dr. Lang stated that at the present time the only vaccine available was being produced by Norden Labs from a process developed by Purdue University. The department was hopeful that a killed vaccine being developed by the testing laboratories at Ames could be made available as the present vaccine had to be readministered every six months and was a very expensive procedure.

Lounsberry discussed the new facilities of the department which would enable them to split blood samples and test for both Brucellosis and Aujeszky's simultaneously cutting down on costs and time wasted on awaiting test results.

MOTION TO OBJECT

Schroeder moved to object to the rules dealing with immunization, 16.152, however the resulting discussion pointed out that these particular rules are not before the Committee as they are filed, therefore, an objection at this time would be out of order. Priebe stated that most of the problem of immunization was taken care of if the department would look into the possibility of dealing with vaccination on a state-wide basis after studying the results of the special permit and transporting of vaccinated sows to quarantined herds in the endemic areas. The Committee agreed to hold off on a selective review of the immunization rules until the meeting in February to obtain the results of the agriculture department study.

OBJECTION OUT OF ORDER

Paul Quick of the Iowa Pork Producer's expressed his opposition to equal treatment state-wide in that those

AUJESZKY'S DISEASE
(continued)

producers who own breeding stock wish that their herds be continued to be certified disease free and they do not wish to vaccinate. Priebe agreed that breeders probably would prefer not to vaccinate. However, he pointed out that with the spread of disease, ultimately they too would probably be forced to vaccinate.

PROCEDURAL QUESTION

Monroe raised the question of whether the department's filing on an emergency basis declaring that notice and public participation were unnecessary was the procedurally correct method of filing. Monroe stated that if the notice and participation were unnecessary, why was this Committee spending hours going over the material involved. The department should have filed emergency on the basis that notice and public participation were impracticable, with provision for expiration after 180 days, then refiled to extend rule to permanently filed status.

IOWA DEVELOPMENT
COMMISSION

Dave Schuetts presented the following filed rules to the Committee:

Amendments to Chapters 1 and 2

11/30/77

Schuetts stated that the commission made suggested changes in their rules per requests by the Committee. The rules were accepted as filed.

IOWA
ADMINISTRATIVE
BULLETIN

Monroe stated that it had come to the attention of the Committee that without statutory changes, the proposed Iowa Administrative Bulletin cannot include the text of executive orders, opinions of Attorney General, or Opinions of the Supreme Court. Monroe proposed that until such statutory changes were made, the Committee consent to the publishing the material for which there is statutory authority, with publishing to begin as soon as practicable. The Committee unanimously consented to the proposal. ~~Monroe also suggested that the full objection, not just the referral to the notice rules by means of footnote, be printed in Part II for inclusion in the permanently filed rules.~~

PRINTING OF
OBJECTIONS IN PART
II

ACCOUNTANCY
ATTORNEY GENERAL
CONSERVATION
COMPTROLLER
LABOR
NATURAL RESOURCES
PHARMACY
PLANNING &
PROGRAMMING

The following rules were acceptable to the Committee as published:

Accountancy [10],	Ex parte communications	12/28/77
Attorney General [120],	Department of justice,	
	generally, Ch. 1	12/14/77
Conservation [260],	Ex parte communications,	
	60.4(3)	12/28/77
Comptroller [270],	preaudit of claims,	
	1.2, 1.6, 1.7	12/28/77
Labor [520],	Recording & reporting occupational	
	injuries, small employers, 4.16(1)	12/14/77
Natural Resources [580],	Ex parte communications	
	Ch. 13	12/28/77
Pharmacy [620],	Certificates, delete social security	
	number, 6.8(3) filed emerg.	12/28/77
Planning & Programming [630],	Building code, referenced	
	code date, 5.800(3) filed	
	emergency	12/28/77

1-3-78

PAROLE BOARD Review of Chapters 1 to 9 of rules of the Parole Board was postponed until the February meeting due to illness of the Board representative. The Board agreed to delay filing of the rules until after Committee perusal.

ADJOURNMENT Chairman Priebe adjourned the meeting at 5:45 p.m. to be reconvened February 14, 1978 at 7:30 a.m.

Respectfully submitted,

Phyllis Barry
(Mrs.) Phyllis Barry, Secretary
Assistance of Mary Applegate

APPROVED

Chairman

DATE _____