

MINUTES OF THE SPECIAL MEETING
of the
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting: Tuesday and Wednesday, July 15 and 16, 1980. Meeting was held in lieu of statutory date of July 8.

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

Members Present: Representative Laverne Schroeder, Chairman; Senator Berl Priebe, Vice Chairman; Senators Edgar Holden and Dale Tieden; Representatives Betty Clark and John Patchett. Also present: Joseph Royce, Committee Staff.
Brice Oakley, Governor's Administrative Rules Coordinator.

9:15 a.m. Tues. Chairman Schroeder suggested informal review of the following rules of the Health Department until a quorum was present:

HEALTH DEPARTMENT

Nonpublic water wells, ch 45 ARC 1105	..... F	6/11/80
Psychologists, suspension of license, 140.212(14) ARC 1109	..... F	6/11/80
Radiation therapy, certificate of need review, amendments to ch 203 ARC 1150	..... F	6/25/80
Uniform reporting, ch 204 ARC 1118	..... F	6/11/80
Immunization program, 7.4(3)c and "d", 7.4(4)b to "d" ARC 1103	..... N	6/11/80
Residential on-site sewage treatment, ch 12 ARC 1114	..... N	6/11/80
Mobile home parks, regulations, 71.12(1) ARC 1113	..... N	6/11/80
Health facilities construction review, 201.6(4), 201.6(5); certificate of need, 202.5(4), <u>filed emergency</u> ARC 1106	..... F	6/11/80

Psychology
Examiners

Upon recommendation of Peter Fox, Hearing Officer for the Health Department, subrule 140.212(14) re suspension of psychologists licenses was considered. Dr. Herbert Roth, Psychology Board, was present for the discussion.

Fox explained the changes included deleting the provision which specified that the Board follow the Code of Ethics of the American Psychological Association. Also omitted were reference to danger to society being grounds for a psychologist to break rules of privileged communication and the requirement that they keep abreast of federal rules. Royce raised question as to why it was considered "morally wrong for a psychologist to recommend the purchase or use of any "proprietary or single-source product or service". This would seem to presume the nature of the relationship between the psychologist and client had "some power to it and this was a safeguard for the consumer public."

Schroeder asked what would happen if there were only one source of supply. The key words were "for personal gain".

Holden considered the paragraph in question--140.212(14)d(6) was more of a statement of purpose rather than a rule. He was uncertain whether it had the necessary force. It was his opinion the licensed group was not separated enough from their own professional interests and he added that when a group writes its own Code of ethics, they tend to be self-serving. He favored more positive rules.

HEALTH
Cont'd

Royce pointed out that the rules were implementing the continuing education Act which mandated standards.

Holden preferred the matter be handled directly from the licensing board and suggested the "tone of the language be in that kind of framework."

Holden was skeptical that paragraph d (5) concerning advertisements could be enforced.

Roth noted that one psychologist who in recent years lost his license as a result of a hearing was in violation of general ethical principles, one of which was closely related to the subparagraph language. It was noted there is no peer review committee. The Health Department aids in investigations.

No formal action taken by the Committee.

9:30 a.m. Priebe arrived, making the necessary quorum.

A representative of the Energy Policy Council had not appeared at their scheduled time so Chairman Schroeder announced they would continue review of Health Department rules.

HEALTH
Ken Choquette led the discussion of chapter 45--nonpublic waterwells--which had been considered by the Committee twice previously. Schroeder commented the rules were an improvement over those first proposed. However, he wondered if they should be deferred into the general assembly. Choquette mentioned three questions to consider: (1) Is there a need, (2) do the rules address the need and (3) is there legal authority for the rules?

In answer to Schroeder, Choquette said he preferred not to delay the rule into the next general assembly. He emphasized the waterwell industry found the rules to be acceptable, but their representatives were unable to attend today's meeting. Schroeder wondered how stringent the Department would be with respect to repairing an existing facility.

Choquette advised the Committee there was flexibility in the rule to allow an individual to upgrade a well at a reasonable cost and he discussed various methods by which wells could be "rehabilitated". DEQ feels the technique is very workable.

Schroeder was inclined to recommend deferral of the rules into the next general assembly. He hoped, at the enforcement level, emphasis would be on "reasonableness". Choquette was of the opinion that any individual could come to a state agency or a county board of health seeking variance for wells -- 45.4(135).

HEALTH Holden referred to 45.3 and wondered if the Health Department could
Cont'd legally delegate authority to local administrative bodies.
45.3

Fox said local boards of health, after complying with certain procedures, do have rulemaking authority.

Holden thought if that were true there would be no need for the rule.

Schroeder noted local authorities could not exceed these rules.

Holden cautioned against rules being allowed to "balloon" out of proportion.

45.5 He opined 45.5 pertaining to location of wells was vague and lacked criteria. In answer to Schroeder, Choquette replied certified engineers could be required for wells not available to city hook-ups--there is an option. Choquette continued that greater detail appears in other areas of the chapter.

Tieden preferred more definitive descriptions of "major rehabilitation". Choquette commented work on the casing would be "a major rehabilitation", and everything cannot be put in writing--the Department must rely on good sanitarians in the field who are objective.

45.13 Tieden asked Choquette about the problem of enforcement with respect to abandoned wells--45.13. Choquette said the subrule sets minimum standard and enforcement would come through a cooperative effort with contractors. The Department contends licensing or certification answers Tieden's concern. General discussion of identifying the location of the abandoned wells. Choquette quipped he could add "All abandoned wells shall be registered" to the rules.

45.1(5) In re 45.1(5) defining "grout", Priebe questioned criteria for viscosity to discharge one quart of material through a marsh funnel viscometer. Choquette replied that was an accepted criteria, consistent with other states. Priebe also questioned minimum lateral distances for pumphouse floor drainage systems -- general discussion with Choquette commenting this would make it difficult for field people. Committee members stressed the fact there are different problems unique to specific areas in the state, but the rules have statewide application.

Choquette agreed to delete "or drainage system" from the last line of minimum lateral distances table in 45.5(2). Holden questioned the advisability of having the lateral distance for pit privy and confined feeding operations at 100 feet from the well.

Choquette pointed out originally confined feeding operations were restricted to 500 feet and farmers considered that impractical.

Discussion of chapter 12--residential on-site sewage treatment.

ch 12 Schroeder requested the Health Department to schedule another public

HEALTH hearing in western Iowa re secrete systems. Schroeder placed dia-
Cont'd grams on the blackboard and discussion followed. Schroeder declared,
ch 12 "Unless the system used in our area is added to these rules, western
Iowa will have serious problems."

Choquette introduced Harry Grant, Bill Maige and Dr. Al Austin, Dept. of Health; Jack Kleasby and Dr. Craig Beers, Iowa State University; Judy Reed, University of Iowa and Richard Biandi, Director, Public Health, City of Council Bluffs.

Ray Kalp, Pottawattamie County Health Department, who approves all sewer systems in that area, distributed copies of application for permit to use a secrete system. He said their county has been using it since 1972 because of soil conditions. Mills, Harrison, Monona and Cass Counties also use the system.

In answer to Tieden, Schroeder said the system being used in western Iowa was not addressed in these rules.

Choquette was amenable to scheduling another public hearing.

Holden inquired why chapter 12 had been rewritten. Choquette commented the rules had existed since 1970, and the Department was adding more flexibility in addressing alternative waste treatment systems. He discussed the cross section of a lateral -- the types of soil which are best suited for absorption and waste treatment.

Priebe expressed strong opposition to lineal feet of absorption trenches. He was concerned about freezing in the winter in the northern part of the state and Choquette assured him, however, a free flowing drain would not freeze if constructed properly.

Schroeder summarized comments on the rules made at a brief meeting in his area on Saturday, July 12, 1980.

Choquette was also agreeable to attending further public hearings on the rules.

Clark questioned some technical areas and pointed to 12.8(3)"o" as being vague in use of "or other suitable material".

No committee action taken.

12.14(1) Clark, in re 12.14(1)c, requested insertion of the date certain for
c the publication mentioned "The Sanitary Privy".

HEALTH
Cont'd

Biandi commended the Department for their efforts and indicated support for having a hearing in the western part of the state. He favored reinstating language to provide equal liability and responsibility between the state department and the local boards of health counterparts.

Discussion of appropriate procedure to follow in announcing the public hearings. Royce cautioned against a public hearing without complying with the specific mandates of chapter 17A.

Oakley pointed out there had been a public hearing on July 8 and very few people were present and he thought all of the geographical interests should be represented.

General agreement to schedule a hearing in western Iowa and one in northern Iowa and publish same in the IAB.

- 71.12(1) Bob Leggett, General Health Services, explained that no one had appeared for the public hearing held on 71.12(1) concerning distances between mobile homes.

The Committee made no recommendations on the remaining rules of the Health Department which appeared on the agenda.

ENERGY
POLICY
COUNCIL

Douglas True appeared for review of the following rules of Energy Policy Council:

Assignment of petroleum products, ch 4	ARC 1158	.....	6/25/80
Technical assistance and conservation grants, 5.1(3), 6.5(1), 6.5(3), 7.6(5), 7.6(4)	ARC 1159	.....	6/25/80
Conservation/Solar House design recognition, ch 11	ARC 1160	.....	6/25/80
Standby emergency energy conservation measures, ch 12	ARC 1101	.....	6/11/80
Declaratory rulings, 9.4-9.12	ARC 1157	.....	6/25/80

- ch 4 Schroeder wondered how the Department could justify 4.2(1-3)--applicant limitations--and True said they could not. EPC makes recommendations, but they use federal guidelines.

In response to Holden, True explained there are two or three requests per week re the assignment of petroleum products. True said the federal rules are more difficult to change.

Tieden wondered it the effect of 7.6(4)d (1)(2), technical assistance and conservation grants, would bring more funds for EPC and True responded in the negative. Tieden was concerned, due to the tight state financial situation, that EPC might be developing the requirement for more matching funds at the state level.

True said in this fiscal year the money distributed by the program has to be matched by the local hospital, school or whatever and that is their decision. The only support being given by the state is the work being done in the EPC office in administering the program and making recommendations. He was unsure as to how long the program would exist.

- ch 11 True commented he had made a conscientious effort to incorporate ARRC requested changes into chapter 11.

ENERGY
POLICY
COUNCIL
ch 12

Review of chapter 12 re standby emergency conservation measures. Schroeder thought there could be a problem adding people who were not certified law enforcement people to intensify efforts to enforce the 55 mph speed limit--12.6(4).

True explained to Clark that the purpose of 12.6(6) was to prevent "tank-topping" and an interagency committee assisted in drafting the rules.

Clark questioned whether 12.6(17) would be enforceable. True emphasized the governor would have power to enforce it.

True emphasized the EPC has merely prepared "a laundry list of ideas to be used in case of emergency." Revision will be made as necessary.

12.6(5) In re 12.6(5), flagging of gas pumps, Tieden commented there had been an effort for uniformity throughout the states and wondered if this rule complied with that effort. True remarked that, in order for it to work well on the interstates, it would have to be in compliance with other states.

Clark suggested removing repetitious language from 12.6(23-26). True was amenable.

True announced that, at the hearing, Hardee's Hamburgers Company made the only comment. They reasoned they would surely be considered a service store rather than a retail.

Holden stated he had several rules with which he disagreed violently -- he wanted assurance that none of the activity would be implemented until an emergency was declared.

Holden could support spending time promoting vanpooling, reducing consumption, etc. if there were shortages of products on hand. He was doubtful EPC would receive compliance in putting programs together to save fuel at this time.

True responded that it is "tough to sell conservation".

Holden viewed 12.6(5) as unnecessarily costly and confusing. He suggested placing a sack over the pump to indicate the station is closed, or use of a sign "PUMPS CLOSED"--this would eliminate education re the flag system. Holden preferred simplicity.

Holden declared 12.6(6) was "absolutely crazy" and unenforceable in the matter of ticketing the pump operator for accepting less than the required amount for purchases. True was unaware of the deliberations relative to the writing of the rule but was willing to pursue the issue. Holden continued EPC must consider individuals who cannot afford to fill a gas tank.

ENERGY
POLICY
COUNCIL
Cont'd

Re 12.6(10)--vanpool program--Holden preferred changing "would" to "may" or "might". True was amenable. Holden could foresee enforcement problems with 12.6(16)--careless days and doubted it could be effective.

Holden favored co-ordinating 12.6(17) and (19) but added they would be protested.

12.6(20) Holden was of the opinion EPC had figured out the way to "kill off" the central business districts. He said if gas is to be saved, the rural or suburban areas would have to be closed also. He also took issue with subrules 12.6(23) to (26) which would have an impact on farmers.

Re 12.6(30)--Holden thought the EPC should leave lobbying to the Congressmen or the Washington office.

True cited examples of instances when positive results were realized.

True reiterated the rules were written to give the ARRC a look at happenings in the area of fuel preservation. Holden was fearful that EPC would "create its own emergency".

Oakley explained the mechanism of the system with its "checks and balances".

Clark pondered the advisability of inserting voluntary matters into rules.

True agreed to apprise the EPC of Committee concerns when the Council meets in September.

No formal action taken by the ARRC.

FAIR
BOARD

Jim Taylor, Executive Secretary, Jerry Coughlin and Bill Fisher appeared for review of the proposed revision of rules of the Fair Board, chapters 1 to 47--ARC 1110--IAB 6/11/80. In response to Clark, Taylor said portions of the rules are made available for publication in livestock catalogs, union books, etc. Horticulture and various groups, 4-H and FFA, have booklets with applicable rules.

Clark urged elimination of repetition in the rules. In answer to Tieden, Taylor indicated that rulemaking was a relatively new endeavor for the Board.

Re 1.2--Priebe questioned the validity of the Fair Board's right to interpret these rules. Coughlin explained the reason for this was to allow the Board to settle disagreements between exhibitors. Clark preferred substituting "implement" for "interpret".

Royce interjected that inherent in any agency, there is the power

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BOARD
Cont'd

to interpret their rules when the rules might create problems for any certain individual.

General discussion of the proper way to clarify 1.2.

Schroeder and Priebe expressed dissatisfaction with 1.11(3) and Coughlin pointed out it had been drafted by the AG's office and had been submitted as an emergency rule two years ago. Priebe wanted the word "razor" deleted. Members wanted assurance law enforcement officers would be allowed to carry weapons, but visitors would be allowed to shave in the morning should they wish.

Clark requested omission of the second paragraph and first sentence of the third paragraph of 1.11(3). She recommended language to read "The possession of such instruments by persons entering the fairgrounds has resulted in serious injury and aggravated a close quarters situation. This greatly increases enforcement and security measures... This rule will promote the safety and well-being of all fairgoers."

Coughlin pointed out the Fair Board would prefer Clark's suggestion. However, the rule was in response to requests of state troopers who serve as officers during the Fair.

Priebe, in re 1.12, asked if the 60 and 30 were the standard and Taylor said the Fair had operated under the rule for several years at breed shows. Priebe thought sixty to be high and Taylor said two classes would be on display this year. Priebe preferred 50 and 25 to encourage more entries but Taylor said the barns were already crowded.

Tieden wanted to see more exotic breeds. General discussion of inherent problems in the Fair not having specific displays for longer periods of time.

In answer to Priebe, Taylor indicated 1.13 and 1.14 must be interpreted together. He added horses use more grain and feed which cannot be stocked.

Clark suggested removal of "of such" in 1.13.

1.17(1) Priebe requested deletion of the first sentence--"All persons entering the grounds must pay the admission fee." Discussion of free admission to the Fair. Taylor was amenable to the request.

3.3--Priebe asked how they determined a "reasonable price" for food and drinks. Taylor said they look at other industries. Royce thought the free market would control that.

General Committee agreement the language should be removed, or reworded. Taylor said the Fair Board was not interested in controlling the price, only to avoid excessive prices.

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BOARD
Cont'd

Oakley spoke in support of "reasonable price".
3.6--Priebe questioned the rule--Clark thought "access to any" was preferable to "access to the".

3.17--right to sell privileges--was not acceptable to members and Taylor was amenable to rewriting it.

3.20--posted prices--Priebe and Tieden contended the language was unclear. Oakley wanted to know how the rule would be reconciled with 3.3--quality standards and products. Priebe thought one or the other should be removed. After discussion, the Committee requested removal of "approved by the Fair Board" in the first sentence.

Lunch Schroeder recessed the Committee for lunch to be reconvened at 1:30 p.m.
12:15 p.m.

1:30 p.m. Committee reconvened at 1:30 p.m.

Discussion of chapter 4 pertaining to entries. 4.8--Priebe raised question as to exception for cattle. Clark thought it could be made general and list exceptions.

4.20--Priebe requested amendment by substituting "fifty" and "twenty-five" for 60 and 30.

5.2(4)--Priebe thought other exhibitors should be allowed to bring in grain and supplements or this should be reworded.

5.10--The arrival time was not consistent with other rules and Priebe preferred this to be consistent with similar rules. He suggested adding "or designated person" after "superintendent". Priebe took the position that 5.49 was too restrictive in prohibiting change of bridle after the contest starts. The consensus was a period should be inserted after the words "blind bridles". Coughlin agreed to discuss this with the Puller's Association.

6.6(6) Priebe favored deletion of "nurse cows may not be on the Iowa state fairgrounds".

6.19(173) Priebe opposed the sentence "Previous sweepstakes winners are not eligible." Coughlin said the Dairy people requested that.

7.10(2) Priebe called attention to what he considered to be a rather amusing provision--"Boar must be alive and...."

Priebe pointed out inconsistency between 43.34 and 44.20(11).

In answer to Priebe re contracts in 47.2(1)b, Taylor said that was the standard contract and he was willing to insert "unless exceptions".

Discussion of liability rates and whether or not there would be a problem with them.

FAIR
BOARD
Cont'd

Discussion of 47.6 covering cattle sales/shows. Taylor assured Priebe that charges were consistent. Taylor pointed out livestock barns are used for other occasions and the charges are different for the nonlivestock use.

Clark pointed out numerous typos and grammar and syntax corrections needed as follows:

1.14--add "and as may be necessary during the fair" instead of repeating; 1.15--second sentence needs grammar change; 1.18--second paragraph, 3rd line, add "at least" before "ten days", third paragraph, delete "for said purpose", insert a period after that and start a new sentence with "Solicitors", 4th paragraph, delete "gentlemenly" and "therein provided for"; 1.20--grammar changes "to be" to "shall be", delete "other" in 13th paragraph.

1.28--all wiring should be in accordance with the National Underwriters Electrical Safety Code.

2.15--remove "on all sides"; 2.19, delete "and all" in line 8; 3.2, 3rd line, change "to" to "will". 2.23 and 3.24--language in 2.23 to be written in same style as in 3.24 or eliminate 2.23.

3.1--Clark thought clarification needed, perhaps divide into paragraphs

3.7--include "or her". Taylor thought removing "his" would suffice.

3.25--change "said" in the last two lines to "the".

3.16--delete section, it should be a general rule. Schroeder thought it was already state law [ch 601A] and Royce said it was not needed.

3.21--remove comma after "contract" in line 3, in line 6, place a comma after "concessionaire" and start a new sentence "In the event" and delete "such" before "breach" and insert "of contract" after "breach"; 3.24, delete "thereof" in line 6; 2.9--industrial exhibits--lien on property is in two or three areas and Clark thought that could be inserted in the general rules; 3.25, change "said" to "the".

Clark questioned inclusion of entry fees in separate chapter rather than in general rules.

4.9--remove "herein"; 4.11, change "the same" to "it"; 4.13, remove "thus" in 5th line and "made"; 5.30, correct "a" to "at"; 5.40, insert "it" in place of "said pull"; 5.41, insert "be" in 4th line; 8.19, insert "be"; 13.4--obedience classes--Clark thought most people who enter the classes understand the meaning of the initials.

15.7, insert "the" in place of "said"; 15.12, insertion of commas; 15.13, suggested saying "the current year's theme"; 23.15(1)(2) Clark thought they were more of an advisory nature than rules.

2:10 p.m Patchett arrived.

23.16--Clark thought clarification was needed; 25.11, last sentence should be modified; 28.8 contained superfluous language; 30.2 and 29.3, professional is defined differently in the two areas.

Chapter 32 contained incomplete sentences. Taylor would correct. 33.3--change "to you" to "the entrant"

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BOARD
Cont'd

42.5 and 42.6, combine the two into one rule; 44.9, delete "be filled out completely and"; 44.17, delete "of the 4H-196bi form" in the last sentence; 44.17(5), not necessary; 44.19, incomplete sentence; 44.23(2) Clark wanted clarification to include "the state veterinarian" 44.23(8), include definitions of AKC, UKC, etc. She thought if they added "in accepted purebred dog registry" the kennel would be covered. 44.24(7), could be simplified by rewording to require white shirt or blouse and appropriate jeans; 44.24, use "preferably" instead of "preferable".

Schroeder questioned Taylor re 1.23--120/140 volt.

Schroeder thought 9.10 was unclear as to what was required with respect to chain or collar for goats.

Schroeder raised question concerning liability insurance--47.2(2) and Taylor said privately owned establishments provide their own liability insurance--the Board has a copy. Schroeder could foresee some legal ramifications but Taylor pointed out, in some instances, the state has no jurisdiction or control over an event held at the fairgrounds.

Tieden referred to 5.5 and expressed concern as to use of drugs to subdue certain show animals since this could provide an unfair advantage to exhibitors. He was aware of the many hours spent by some in training their animals properly and he asked what type of enforcement was implemented in this area. Taylor agreed this was a complex situation which required legal assistance. One thing, a urine test can be made to determine if an animal is drugged, if a challenge is made.

Tieden also raised question in 44.16(6) relative to "sharp practices".

Oakley referred to 1.11(1) and advised deletion of "and shall reserve the right to post and enforce speed limits" since this would be a statutory matter rather than rulemaking.

Oakley recommended that a definition section be included in the rules. He also suggested that fee schedules be included. He proposed using current definitions from the Criminal Code in 1.11(3) The Criminal Code should also be referenced in areas of the rules where extortion is mentioned, according to Oakley. Oakley continued that "matters of attachment without process of law" is under questionable legal ground and he advised the Board to discuss this with their legal counsel. He further recommended that "flameproof" be defined.

Taylor pointed out some of the areas mentioned by Oakley were in contracts and not matters for the general public. However, Oakley said the criteria would be germane to all contracts.

In matters dealing with buildings, Royce suggested that the Building Code Commissioner, Don Appell, could be of help.

Discussion of the legality of distributing political and religious literature on the fairgrounds.

FAIR
BOARD
Cont'd

Patchett doubted distribution could be restricted because of the constitutional question and Supreme Court cases on the issue. Oakley disagreed with Patchett's position. Fisher commented the State Fair is a public service with commercial aspects. Clark thought these groups could rent space. Priebe reasoned anyone could be a "walking exhibit." No formal action taken.

REVENUE

Representing the Revenue Department were: Carl Castelda, Deputy Director; Rod Erickson, Excise Tax Division; Brian Bruner, Property Tax Division. The following rules were reviewed:

Forms, 8.1(6)"a" ARC 1139.....	FE	6/25/80
Coins and currency exchanged, 15.18 ARC 1116	FE	6/11/80
Sales or services rendered by county or city, 18.39 ARC 1117	FE	6/11/80
Forms, 8.1(6)"c", filed emergency ARC 1161	FE	6/25/80
Sales and use tax, tangible personal property, 18.31, 26.5 ARC 1137	N	6/25/80
Income tax, interest on overpayments, 44.5, 44.6, filed emergency ARC 1142	N	6/25/80
Corporation income tax, interest on overpayments, 52.5(4)-52.5(6), filed emergency ARC 1143	FE	6/25/80
Franchise tax, interest on overpayments, 58.5(3)-58.5(5), filed emergency ARC 1144	FE	6/25/80
Gasohol blending, 64.4, 64.5, 64.8, 64.9, filed emergency ARC 1162	FE	6/25/80
Assessor education commission, courses, 124.6 ARC 1138	N	6/25/80

8.1(6)a Castelda explained that amendment to 8.1(6)a would add a new form --31 087--which was utilized by the department in the return of a certificate of deposit held as a bond and department authorization for bank release of the certificate.

15.18 Castelda informed the Committee that, as recommended by this Committee, the Department requested and was given an opinion by the Attorney General on the validity of 15.18(422,423). The opinion stated that the rule as drafted was valid--Griger to Bair, May 15, 1980, No 80-5-13.

Castelda added that the Excise Tax Division was developing rules to cover trade-in transactions and the next group of sales tax rules would reflect legislative changes.

Schroeder wondered about enforcement if the retailer did not advertise the coin trade-in promotion.

Castelda commented if sales tax was a transaction tax, the tax would be computed on the negotiated sale.

General discussion of the trade-in issue with Patchett commenting on the AG opinion. Castelda pointed out the rule dealt with trade-in in terms of equal value and the AG addressed "equal value" trade.

Patchett opined the matter returns to the original discussion--that there was no clear statutory authority for taxing on a higher than face value basis. Everything depends on equal value trade-in.

Castelda said the Department did not address trade-in and they did not request an opinion on the validity of trade-in exemption. Committee consensus was that the law could be circumvented by merely adding a dollar to the "deal". Castelda recalled the Department had attempted to explain this to the full legislative body when the issue was before them in March.

General agreement the issue had subsided since decline of the silver market.

Responding to Patchett, Castelda said money was being considered at face value--the situation in question was that parties were not using money as money but as tangible personal property.

REVENUE
Cont'd

The Department is suggesting the statute address "like property for like property."

18.39

Castelda advised the Committee that amendment to 18.39 deletes confusing language from the existing rule.

Erickson told the Committee that 8.1(6)c--application for gasohol blender's license/refund permit--was intended to implement 68GA, S.F. 2376.

Holden was interested in the progress of gasohol blending, in particular, the area of audits and control of excise tax on gasoline. Erickson indicated a number of audits had been conducted.

Castelda added that the Department met with Ed Kistenmacher, Iowa Oil Jobber's Association, who was somewhat upset by the Revenue position--if a blend does not contain the required 10% gasohol, the tax was due on the total blend. Each audit will be perused on its own merits and the Department is taking a strong position in those areas, according to Castelda.

Holden was of the opinion the Department should hold the dealer accountable for the full amount. Castelda remarked that they also have a responsibility to the consumer.

18.31
26.5

Castelda did not anticipate opposition to proposed sales and use tax amendments to 18.31 and 26.5. The hearing was scheduled for July 16 and they know of no dissention as this time. Holden commended the Department on their use of examples at the end of many of their rules.

Special
Review

Bruner briefed the Committee on the Department's progress with respect to rules to implement 68GA, HF 741 concerning exemption from real estate transfer tax. Copies of the proposed rules had been sent to county officers and before they are adopted, suggestions of the Bar Association will be considered.

No formal action taken on Revenue Rules.

SOIL CON-
SERVATION

The following rules were before the Committee:

Mines and minerals, effective date change, ARC 0802 notice amended (ch 4) ARC 1145 *NA*..... 6/25/80
Wind erosion control, 7.24, 7.27, 7.29, 7.32(10), 7.33, 7.34, 7.37, 7.40 ARC 1146 *N*..... 6/25/80

No recommendations were made concerning Chapter 4.

Kenneth Bruene represented the Soil Conservation Department for review of Chapter 7.

Holden questioned whether any of the \$500,000 had been allocated and Bruene reported that approximately \$175,00 had been spent. The program was expanded to cover more areas of the state.

Discussion of the \$30 per acre payment concept of the Iowa Till Program. Bruene was uncertain as to whether application could be made after the five-year period elapsed.

SOIL CON- In answer to Schroeder, Bruene said wind erosion damage occurs
SERVATION most frequently in the north central area but exists in all areas.
Cont'd Wind erosion problems must be documented prior to eligibility
for assistance.

Staff Priebe and Schroeder recommended possible revision of 7.34(1)
Research since they doubted district engineers could be required to document
wind erosion problems. Chairman Schroeder requested Royce to
research the matter.

Bruene said the philosophy was to attempt to overcome some prob-
lems in the program during 1979.

No other recommendations made by the Committee.

MINUTES Chairman Schroeder called for disposition of minutes of the
May and June meetings of this Committee.

Correction Holden referred to page 1242 of June minutes and recalled that
during discussion of the Housing Finance Authority rules, Bill
McNarney had used the expression "moral obligation" (1st line
on 1242) and Holden had taken exception to use of "moral". The
secretary agreed to amend the page to reflect this.
No other corrections. May and June minutes accepted as submitted.

Staff Holden noted that throughout minutes of various months, indiv-
Duty iduals are often directed to do something at Committee request
and he was interested in the follow-up. He asked that the Staf
be cognizant of these areas and make progress reports.

Holden cited an example concerning the Barber Examiners. Royce
responded that their entire set of rules would be reconsidered
in an attempt to meet ARRC recommendations.

Tieden reported he had requested an AG opinion concerning the fact
that nonunion barbers pay the \$15 fee which union members do not.

Staff Royce said that by August he would have prepared a written report
Report on his New York trip to the NCSL meeting. He commented briefly
that one day was dedicated to rulemaking matters. Alfred Kahn
made a 4-hour presentation on regulations. He spoke of their
impact on the economy. One hour was devoted to licensing and
how it stifles competition. He made the point licensing should
be based solely on need to protect the public rather than to create
monopolies to protect the industry.

Holden offered another suggestion concerning the minutes. He
cautioned against using the expression, "The rules were acceptable"
since a problem could come to light at a later time. Royce
commented that agencies often ask if rules are acceptable and
technically the Committee should be on record with a response.
It was decided that expressions such as "No formal action taken"
would be acceptable.

August It was decided that a special meeting would be held August 5 and 6
Meeting in lieu of statutory date of August 12, 1980.

Recess Chairman Schroeder recessed the meeting at 4:15 p.m.

Recon- Chairman Schroeder reconvened the recessed meeting at 9:10 a.m.,
 vened Senate Committee Room 24, Wednesday, July 16, 1980.
 Representative Patchett not present for roll call.

ENVIRON-
 MENTAL
 QUALITY

Those in attendance for review of rules of the Environmental Quality Department included: Odell McGhee, Hearing Officer, Joseph Obr, Construction Grant Section, and Keith Bridsen, Water Quality Division, DEQ; Winton Etchen, Executive Vice President, Iowa Fertilizer and Chemical Association Inc., as well as other interested observers.

The following rules were on the agenda:

Hazardous waste, 45.3, 45.6, 45.7	ARC 1115	N	6/11/80
Surface water classification, 16.3(5) e	ARC 1152	N	6/25/80
Construction Grant Project Priority List, 19.2(12)	ARC 1153	N	6/25/80
Water Supplies, 22.1, 22.2(3), 22.3(2, 7), 22.4(4-7), 22.5(2)	ARC 1151	F	6/25/80

Discussion centered on amendments to Chapter 45 which would adopt by reference certain federal standards dealing with hazardous waste. McGhee said the action would be taken pursuant to HF 719 (68GA, ch111). A comprehensive program is being developed. Schroeder asked if state rules would be identical to those of federal regs. McGhee indicated they are seeking input from the state level which will in turn be forwarded to federal authorities and they will attempt to "gel" the two areas.

Etchen spoke from a prepared statement and informed the group that although the rules were only proposals, the federal government was already assuming they were effective. The Region VII EPA office has mailed hazardous waste generator questionnaires to custom applicators.

McGhee stated several rules exist on the subject but those before the Committee had not been adopted.

Schroeder suspected the problem arose as a result of applicators being required to list certain chemicals as hazardous waste. He wondered if the individual could avoid listing as long as chemicals were used for agricultural purposes or other purposes as recommended.

McGhee reiterated criteria of HF 719 was being followed as well as those of federal and there are some exemptions.

Tieden was curious as to reaction at the public hearing since he viewed the proposal as "a bunch of words and figures." McGhee indicated all interested groups had participated.

Etchen maintained the federal government was proceeding as if the rules were in place and he questioned the legality of such action. He declared the industry was very disturbed and that his association could not support adoption the proposal. Etchen emphasized they favor protection of our environment but thought it could be done without "paperwork nightmare." He urged careful study of the rules.

Members were concerned as to the impact on farmers, in general.

DEQ
Cont'd

As to Priebe's question on farmer's option with respect to the questionnaire, McGhee could not answer. Dealers might be required to record numbers on every order but he could not speak as to DEQ's position.

Priebe doubted dealers could be forced to record numbers.

McGhee pointed out the notice was a continuation of ARC 0986, 4/16/80 IAB.

In answer to Tieden, McGhee said Iowa had added an amendment to government rules on hazardous waste which was acceptable to EPA.

Etohen distributed copies of the questionnaire to which he had made reference.

General discussion. Schroeder urged members of the chemical and fertilizer industry to make strong recommendations to the federal officials and he was confident the state would support them.

McGhee assured the Committee that DEQ would work with industry.

No Committee action taken.

16.3 McGhee said that amendment to 16.3 sets out certain waters to be reclassified. Tieden was pleased to note the Turkey River had not been included in the reclassification.

Priebe called for an explanation of the change and McGhee said that classification means that the waters are to be protected for primary contact use only. He clarified reasons for A, B and C categories.

9:30 a.m. Patchett arrived.

19.12(2) Obr explained 19.2(12)--construction grant project priority list. He spoke of the crisis in funding and in response to question by Tieden, he said there was a distinct possibility federal funding may be cut for the next year.

Priebe and Schroeder were interested in knowing how many projects were in process and how many were not being serviced that had expected to be this year.

Obr was confident that inflation and decreasing federal funds had a definite impact but he could not state specifically how much. He estimated dozens of cities would be affected. Criteria for this year dealt with previous commitments. Once a city reaches the third stage or design stage of a project, they are placed at the top of the priority list. Six communities were given special consideration this year. Cities which discharge into high quality waters are supposed to receive special priorities.

DEQ
Cont'd

Tieden wondered if engineering costs could be controlled. If so, it was his opinion the number of projects could be increased 10%. Under the present system, Obr was doubtful. Tieden viewed the project as a "bonanza for the engineering profession." Ober commented that EPA sets basic guidelines which are followed.

Ober concluded that he shares the Department's position that the government should stay out of the engineer-client relationship. Holden asserted that it was time to rebel against excessive federal regulation. Priebe concurred but admitted that the State ultimately succumbs.

Ch 22

Schroeder thought that amendments to Chapter 22 dealt basically with chemicals used in farming but Bridsen clarified this and explained they pertained to total trihalomethanes--a combination of organics creating a methane-like material.

Holden reported receipt of complaints from homeowners association opposing the expense of having wells tested frequently.

No Committee action taken on DEQ rules.

PAROLE
BOARD

Donald Olson, Executive Secretary, Board of Parole, appeared for review of amendment to rule 3.7--interviews of inmates serving life sentence, ARC 1122, filed 6/25/80 IAB.

Olson explained the amendment would merely add the word "consideration" after the word "parole" in the last sentence of the first paragraph and a new paragraph would be added re a special progress report which will normally include plans for gradual release.

Olson described the hearing which was attended by 16 to 18 "lifers" who were divided into four groups and permitted to participate. After listening to a tape of the proceeding, Board members adopted the amendments as proposed.

In answer to Priebe, Olson said, in 10 years, 17 lifers had sentences commuted--two of those are back in prison. Priebe had difficulty understanding why they were paroled.

No Committee action taken.

SOCIAL
SERVICES

Judith Welp, Hearing, Policy and Analysis, acted as spokesman for the Social Services Department for review of the following:

Oral presentations, 3.4(5)	ARC 1104	N	6/11/80
ADC, considered income, 41.7(5)"p"	filed emergency ARC 1125	FE	6/25/80
Work and training programs, 55.4(4), 55.3(4)"d"	filed emergency ARC 1126	FE	6/25/80
Food stamp program, 65.3, filed emergency	ARC 1127	FE	6/25/80
Domestic abuse, ch 100	ARC 1111	N	6/11/80
Displaced homemaker, ch 161	ARC 1112	N	6/11/80
Community based corrections, 25.1(2), 25.1(6), 25.1(8), 25.1(13), 25.2(7), 25.3(1)-25.3(3), 25.4(2), 25.4(9), 25.4(13), 25.4(15), 25.5(2), 25.6(2)	ARC 1129	F	6/25/80
ADC, 41.2(7), 41.2(9), 41.3(1), 41.3(3), 41.3(4), 41.4, 41.4(7), 41.6(2), 41.7(2)"e"			
41.7(8), 41.8(1), 41.8(2), 41.10(3)"d", 41.10(4)"b"	ARC 1129	F	6/25/80
Intermediate care facilities, 81.10(5)	ARC 1130	F	6/25/80
County and multicounty juvenile detention and shelter care homes, 105.1(6), 105.21	ARC 1131	F	6/25/80
Eligibility for services, 130.3(3)"r"	ARC 1132	F	6/25/80

SOCIAL SERVICES

No recommendations were offered re 3.4(5) and 41.7(6)p.

Cont'd

Schroeder questioned whether the timetable in 55.4(4)a could be met. Welp said under "a" the purchase of service agreement would not be required for the Title XX money--allowance is made to the client who in turn makes the payment. Priebe wondered about the client who fails to use the money as it was intended. Welp said the fund would be discontinued. There was general discussion of the process for recovering money when a client does not pay the bills. Welp added that the Department is developing a rule to address this situation.

65.3

Amendment to 65.3 would allow eligibility to certain blind or disabled persons living in group arrangements and adopt procedures for suspension or reduction of food stamps should that become necessary due to inadequate funds.

Schroeder and Priebe emphasized the need to deter misuse of funds in many of the programs.

Chs. 160
161

Domestic abuse amendments were modified as a result of public comment which centered on the funding. A waiver has been included to allow funds as long as the need for them is substantiated. Patchett expressed concern that a contract could be terminated without cause--160.9. Department representatives thought the provision was part of the contractual agreement.

Ch 25
Ch 41
Ch 105

No recommendations were offered for amendments to Chapters 25 and 41. Amendments to Chapter 105 re multicounty juvenile detention centers were intended to coincide with earlier rules, according to Welp. Welp said that a rule is in process to decrease the staffing requirement in the centers.

130.3

Re eligibility for services, Patchett questioned Welp as to the progress in regard to provisional legal services. Welp indicated the Department had the matter under consideration.

Bob Bray, Legal Services Corporation, asked Department consideration to provide transcripts, in certain instances, at a reduced cost or free.

No formal action taken on Social Services rules.

PUBLIC IN-
STRUCTION

The following rules of DPI were before the Committee:

PUBLIC INSTRUCTION DEPARTMENT(670)
Driver education, 6.2(4), 6.3, filed emergency ARC 1108...*FE*..... 6/11/80
Gifted and talented projects, 56.1, 56.2(3)"b", 56.2(4), filed emergency ARC 1102...*FE*..... 6/11/80

Ch 56

John Martin, Director of Instruction and Curriculum, DPI, summarized the purpose of emergency rules with respect to "gifted and talented" programs. Changes implement corrective legislation (68GA, HF 2275).

Program applications have been received and to date no major problems exist, according to Martin.

PUBLIC
INSTRUCTION
Cont'd

In response to Tieden's question, Martin said the total funds will be apportioned among the districts. Schroeder wondered if extra teachers would be required but Martin did not anticipate that need. Martin continued that Area Education Agencies had given much support to participating schools and there will be joint projects.

Martin mentioned that additional emergency rules would be forthcoming to implement new legislation. Oakley pointed out this was an example of a situation where the legislature should have provided, in the appropriation bill, an exemption from regular rulemaking.

Tieden was interested in criteria followed to determine which students will be selected for the programs. There was general discussion of the pros and cons and potential problems.

6.2(4)
6.3

Bob Roush, Driver Education Consultant, was present for review of amendments relative to scheduling practice driving and summer school courses--6.2(4) and 6.3, respectively.

Discussion of Schroeder's letter to the Department requesting rules to allow greater flexibility in driver education. DPI was doubtful they had sufficient authority to comply wholly with the request but they have made strides in that direction. It was the Department's opinion that further legislation was needed. Roush thought an advisory committee comprised of members throughout the state would be most helpful. For several years, the Department has been considering a competency based program for driver education. Schroeder favored eliminating 5½ hours of driving time if the student was already experienced from driving under parental supervision on the farm, for example.

Roush said the Department would be presenting rules on the moped program, also.

Oakley disagreed with the competency approach.

Holden thought the entire matter should not be ignored.

Certification--13.18--Orrin Herhoof and Don Cox, Associate Superintendent, explained amendments to chapters 13, 15 and 16 and addressed the following:

"The proposed amendments affect the following: (1) Modify the requirement for the issuance of the temporary certificate for new teachers who lack the human relations requirement; (2) establish new levels of preparation for media personnel and bring the terminology into compliance with section 257.25(9); (3) correct the recognized special teaching areas by including special education; (4) establish standards for teachers of reading at the elementary and junior high school levels; and (5) establish a distribution

PUBLIC
INSTRUCTION
Cont'd

of courses for approval to teach mathematics." Nerhoof reviewed the history of requirements for a specialist reading teacher at the elementary or junior high school level.

The rule on reading requirements had been mailed to educators around the state and DPI had received 4 or 5 responses expressing concern the rule would "feed the college programs."

Clark made the point there is some feeling that the extra training should be given to every elementary teacher and the specialized extra would not be needed.

Nerhoof called attention to the fact the implementation date of the rules which would be delayed three years was inadvertently omitted from the notice. Oakley could see no problem in adding that language to the adopted version.

Oakley raised question as to procedure where self-contained classroom teachers are involved. Nerhoof thought the issue would be presented at the public hearing July 18 with possible clarification.

Tieden requested definition of "self-contained classroom" and had a concern the rule would affect schools who hire English teachers, for example. Nerhoof responded it would affect reading teachers only.

Clark wanted to know if, in training of teachers, emphasis was being placed on the ability to teach reading, so there would be no need for remedial classes. Nerhoof said six college programs had been reviewed in 1979-80--two reading courses were included since there is a definite concern for the area. Each field wants more of their own subject taught at the elementary level. Clark made the point that reading is basic to all fields.

Tieden wondered if schools, in general, were returning to traditional education and response was, Iowa is more basic than most states.

Recess
Reconvened

Schroeder recessed the Committee for 5 minutes.
Reconvened at 11:10 a.m.

PHARMACY
BOARD

Norman Johnson, Executive Secretary, Board of Pharmacy, explained amendment to 5.7 relative to pharmacy law exam and reciprocal registration, Notice 6/25/80, IAB.

Oakley took exception to use of "Pharmacy Law" and requested clarification.

Johnson was amenable.

The following persons were in attendance for special review of Engineering Examiners rule 2.5--which provides "A plat shall be drawn for every property survey showing information developed by the survey and including the following elements....":

Francis Holland, State Board of Engineering Examiners; Marvin Hinkle, Verbeke-Meyer Consulting Engineers; Gary Brown, Pres., Land Surveyors of Iowa, Waterloo; David Heller, Indianola; and Philip Tunnicliff, Consulting Engineer and Surveyor, Davenport.

Holden announced he had been contacted by Tunnicliff, who interpreted the requirements that a plat be furnished for every land survey that is performed whether or not the customer needed or wanted it as an unnecessary expense and duplicative in many cases.

Holden was sympathetic with Tunnicliff and had been in correspondence with the Board which didn't share his concern. Holden took a dim view of boards mandating in areas unrelated to the health and safety of the citizens.

In answer to Schroeder, Tunnicliff said there had been no petition for a change in the rule. Tunnicliff indicated others shared his opinion that the requirement was over-regulation. He explained surveyor certificates are already printed, and when a person requests a survey, there is a copy in the engineer's office, the courthouse and probably, the city hall. Also, the property owner would have it in abstract form. Surveyors' certificates, as proof of survey, have never been refused, according to Tunnicliff.

The state Bar Association developed the certificate and the practice of using them has been instituted since 1938. The maximum cost is \$105.00.

To supply all of the details mandated in the rule would cost approximately \$400.00.

Oakley asked which mandatory requirements Tunnicliff opposed and Holden recalled sequence of events which led to this special review. He reiterated the requirement for a plat and practically every point except for the boundaries was the problem area. It was noted the plat requirement had been in effect since 1977.

Hinkle, Eldridge, presented a letter in support of the rule from consulting engineers in Davenport.

Priebe wondered what information would be contained in the plat which was not in the abstract and was told the existing dimensions of the property which would not be in the certificate.

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EXAMINERS

Cont'd

Brown commented that an abstract, when brought up-to-date, takes care of all legal occurrences to the owners of the property.

Schroeder called on Royce to brief the group as to the responsibility of the ARRC. Royce stated the Committee serves in an advisory capacity and can either make a request that the rule be changed or make recommendation to the general assembly for legislative attention.

Patchett opined it would be cheaper to bring an abstract up-to-date than to pay \$400 for a plat.

Holland interjected that sometimes costs are less using research information contained in individual offices. He added, "Without a plat, there is chance for error." Holland pointed out in his office, the plat was averaging \$5 to \$10 and a survey \$100 to \$600. He was not in favor of eliminating the plat. Tunnickliff resented the inference by opponents to the rule that he was not thorough.

In answer to Priebe, Holland said, prior to 1977, 99 percent of the Iowa surveyors made "just plain plats."

Heller commented that, prior to the requirement, most people would not have taken the plat. However, after benefits were explained, 90 to 95 percent of their clients wanted plats-- average cost \$15 to \$30.

Priebe spoke in opposition to use of "shall" in the rule and indicated preference for "may". Holden viewed use of "shall" as eliminating any option for the individual.

Royce interpreted the statute as granting broad authority to the Board. They can discipline licensees for acts and offenses. In his estimation, the Board had the authority.

Oakley urged the Board to place the rule under notice to allow both factions to weigh the pros and cons.

Tunnickliff considered the rule a "gross insult" since they have been in business since 1862 and further, he thought it was "rank injustice to the public" to place a burden of added expense. He thought credit and judgment should be given to the industry as well as to the people who know what they want and need.

Patchett reminded the Committee that there had been a dispute with the Board several months ago, and he reiterated his comment made at that time that "some of these things seem very self-serving with the businesses involved."

Holden thought the ARRC had a responsibility to review the

BOARD OF
ENGINEERING
EXAMINERS

Cont'd

Board's activities in that light and to make a decision as to whether, in fact, they are "self-serving

Priebe thought the issue should be referred to a legislative committee.

Holland agreed to bring the matter before the Board and suggested formal request be made for a hearing.

Schroeder suggested that the Board coordinate their efforts with Royce and Oakley re the rule.

Holland, in responding to Tunnicliff's earlier statement, said all (industry) should protect the public. He commended Tunnicliff for their excellent business records, but he made the point that the records should be available to all the surveyors and to the public. Tunnicliff agreed they should be available to the public, but not to other surveyors. According to Holland, the purpose of the plat is to bring the records out of his office (Tunnicliff) and others to be used and not hidden.

Brown addressed the Committee in behalf of approximately 300 registered land surveyors in Iowa in support of the rule and copies of his letter were distributed to the Committee.

Priebe said he did not disagree with the plat but thought it should be his decision whether or not to use it, and the lender is interested in the survey.

Holden was concerned about the wide variance in plat costs. Since the matter was brought to attention by a member of the licensed profession, he declared there must be a middle ground and the situation needs attention.

Recess
Lunch
Reconvened

Schroeder recessed the meeting at 12:00 p.m. for lunch to be reconvened at 1:30 p.m.

Committee reconvened at 1:30 p.m.

SPECIAL
REVIEW
PUBLIC
TRANSIT

At Committee request, there was special review of Department of Transportation rules 09B, ch 1 -- Financial Assistance. G. Richard Ambrosius, Executive Director, Iowa Lakes Area Agency on Aging, said it was his understanding the rules were filed emergency to initiate funding in 1976. He distributed a letter wherein he outlined topics which, in his opinion, should be addressed. He said the rules do not stipulate the role of public transit relative to regional transit authority.

Ambrosius was willing to encourage statutory change and Schroeder reminded him of the petition option.

Joan Short, Director, Public Transit Division, DOT, commented the rules were not filed emergency, but were adopted through the normal rulemaking process.

SPECIAL
REVIEW
PUBLIC
TRANSIT
Cont'd

She emphasized the funds were not specifically targeted for elderly and handicapped services; the transit assistance program appropriation is for the general public as well as for various transportation disadvantaged groups. In response to Priebe, Short said the elderly are considered as part of the general public.

Short did not have specific breakdown of the funding, however, a majority of the \$2 million has gone for operating assistance. Funds were used for building transportation centers in Cedar Rapids and Davenport; in NW Iowa, buses were purchased. Priebe thought transportation should have priority.

Short said, in some areas, the rules were purposely vague to allow for local option.

In the past four years, according to Ambrosius, price of gasoline has increased 200 percent, but the state funding has stayed the same. In several cases, Area Agency Aging commitment has gone up almost equivalent to gasoline. The AAA does not have the option of negotiating with local transit systems to give discount bus fares. He thought rules should be changed to adapt to current conditions. If funding has not kept pace, then it should be a matter of priorities.

Short discussed the formula and stated they could not satisfy all of the demand which has arisen--much of it in rural areas. She explained the formula has been based on programs, probability of their success and degree of development improvement which local areas submit. Some agencies oppose this approach. The Dept. deals with 33 systems--16 regional and 17 urban. Short, in response to Schroeder, said the Iowa Public Transit System is conducting a poll hopefully to reach a majority opinion. Committee members cited preference for a public hearing.

Rose Haar, Regional Director, Area III, indicated they had a "package" to present to the legislature. Schroeder cited the disadvantage of being locked into a formula; there can be more flexibility with rules process. Priebe suggested hearings on the issue.

In the absence of that process, Haar would recommend the Iowa Association of Area Agencies on Aging lobby for the elderly.

Schroeder commented one of the problems was DOT "only had a finger on a small portion of what was being discussed...."

Short referred to the Department's mandate in 601J, which was "almost impossible" to carry out. She pointed out region boundaries and planning agencies" maps were identical to avoid duplication. The Boards of Supervisors, in those regions, have responsibility to mutually designate that regional agency. She pointed out

PUBLIC
TRANSIT
Cont'd

that up to July 1980, in NW Iowa, the designated agency was the Area Agency on Aging--responsible for transportation in all nine counties.

After further discussion, Schroeder requested Short to schedule public hearings--one in Eastern Iowa and another in the North Central area. He urged those present to participate in the hearing. Committee members concurred this was a logical approach. Short was amenable.

AGRICULTURE
Pseudo
Rabies

At the request of the Committee, Dr. Merle Lang, State Veterinarian, appeared to discuss problems being encountered by the swine industry as a result of Aujeszky's disease.

Schroeder introduced Marvin Medhaus, Gilman farmer, who is in the feeder pig business. His herd has been quarantined as a result of positive reaction tests.

Lang commented the entire industry is frustrated with rules under which they must operate. The federal government has withdrawn funds for the next fiscal year and the mandate is for swine industry to resolve the problem.

Priebe asked if Iowa could use vaccination and remain under federal. Lang indicated they could vaccinate in Iowa and move intrastate providing the herd was not quarantined.

Medhaus spoke of the quarantine problem and was of the opinion a different approach should be taken now that good vaccine is available. It was his understanding that it was unlikely the disease would ever be eradicated.

Tieden inquired as to the accuracy of the pseudo rabies test and Lang answered that although it was not 100 per cent accurate, he knew of no better test.

Medhaus had reason to suspect that the disease had existed on his farm for at least three years and after visiting with several Iowa veterinarians, he was fearful the disease was quite prevalent throughout the state.

Lang doubted the disease could be eradicated with present knowledge without devastating the industry. He pointed out a pilot program in a four-county area of Michigan where swine herds were tested. Twenty-four herds were found to be infected and 57 farms were under quarantine. The program virtually collapsed.

Lang indicated he had been working with various Committees in an attempt to reach a solution to the problem. An ad hoc com-

AGRICULTURE
Cont'd

mittee representing the National Pork Producers and U.S. Animal Health Association met yesterday to feel the "pulse of the industry" and prepare recommendations for a November meeting.

Discussion of what action, if any, should be taken at this time. Priebe suggested the Department could rescind their rules on the subject. Schroeder was unsure this was the proper course at this stage.

Schroeder requested Lang to meet with Ag industry to get their views on accepting the vaccination program and rescinding the rules. Lang had challenged the Pork Producers to present feedback.

Lang preferred delaying a public hearing until the ad hoc committee presented their conclusions.

CONSERVA-
TION COMM.
Ch 106

Barry Bishop, Conservation Commission, was present to answer questions concerning the 1980 Deer Hunting Season--Chapter 106, IAB 6/25/80, ARC 1148.

In answer to Priebe, Bishop said Zone 5 had increased from 825 total licenses to 1200.

Bishop clarified for Tieden that the count taken in July or August is strictly an estimate.

General discussion of the season with Bishop noting that harvest in 1979 was the second highest in history.

Hearing Of-
ficer Sem.

Schroeder asked if there were objections to publishing in the IAB, Notice of the Seminar of the Hearing Officer Association. Priebe reasoned this was a "gray area." After some discussion, The Committee authorized the Code Editor to publish the Notice in the 8/20/80 IAB.

No Review

Representatives of the following agencies were not called to appear before this Committee for review of their respective rules:

- AUDITOR OF STATE[130]
Renegotiable rate mortgage instruments, ch 6, filed emergency ARC 1100 *FE*..... 6/11/80
- BANKING DEPARTMENT[140]
Small loans, interest rate, 21.8 ARC 1121 *F*..... 6/25/80
- CIVIL RIGHTS COMMISSION[240]
Discrimination in schools, rescinds ch 8, filed emergency ARC 1099 *FE*..... 6/11/80
- COMMERCE COMMISSION[250]
Seasonal and time of day rates for electric utilities ARC 1134 *N*..... 6/25/80
Electric line franchising, amendments to ch 11 ARC 1149 *N*..... 6/25/80
- CONSERVATION[290]
Snowmobile registration, cost-sharing, ch 52 ARC 1147 *F*..... 6/25/80
1980 Deer hunting regulations, ch 106 ARC 1148 *F*..... 6/25/80

No Review

LABOR, BUREAU OF[530]	
Air contaminants, exposure to lead and other substances, 10.1(2), 10.2(1), 10.2(3), 10.12(1), 10.12(2), 10.19-10.21 ARC 1154 .N.....	6/25/80
Occupational Safety and Health Standards for Agriculture, 28.1 ARC 1155 .N.....	6/25/80
MERIT EMPLOYMENT DEPARTMENT[570]	
Confidential employee defined, 1.1 ARC 1123 .N.....	6/25/80
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION[610]	
Procedure for hearings, amendments to ch 1 ARC 1119 .N.....	6/11/80
PLANNING AND PROGRAMMING[630]	
Building code, 5.110 to 5.800 ARC 1136 .N.....	6/25/80
PROFESSIONAL AND OCCUPATIONAL REGULATION COMMISSION[637]	
Evaluation, lawyers and shorthand reporters, 5.2(2) ARC 1120 .N.....	6/11/80
REGENTS, BOARD OF[720]	
Iowa state university, parking, 4.30(9), 4.34(5), 4.36(2)"a" and "b", 4.36(3), 4.38(8), 4.41(3), 4.42(2)"h", 4.45(1), 4.45(2), 4.50(2)"k", "o", and "p" ARC 1133 .F.....	6/25/80
SHORTHAND REPORTERS, BOARD OF EXAMINERS[760]	
General provisions, continuing education, disciplinary procedure, chs 1 to 3 ARC 1124 .F.....	6/25/80

Adjournment Chairman Schroeder adjourned the meeting at 3:10 p.m.
 Next meeting scheduled for August 5 and 6, 1980, 9:00 p.m.

Respectfully submitted,

Phyllis Barry

 Phyllis Barry, Secretary
 Assistance, Vivian Haag

APPROVED

Louise Schroeder

 Chairman