

**MINUTES OF THE SPECIAL MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Time of meeting: The special meeting of the Administrative Rules Review Committee (ARRC) was held Monday, April 13, 1998, in Room 22, State Capitol, Des Moines, Iowa.

Members present: Senator H. Kay Hedge, chair, and Representative Christopher Rants, vice chair; Senators Merlin E. Bartz, John P. Kibbie, and Sheldon Rittmer; Representatives Danny Carroll, Minnette Doderer, Janet Metcalf, and Keith Weigel. Senator William Palmer was absent.

Also present: Joseph A. Royce, Legal Counsel; Kathleen K. Bates, Administrative Code Editor; Jackie Von Ekeren Romp, Administrative Rules Coordinator; caucus staff and other interested persons.

Convened •Chair Hedge convened the meeting at 8:06 a.m.

HUMAN SERVICES DEPARTMENT Mary Ann Walker and Ruth Schanke represented the department.

ARC 7892A No questions on amendments to Chapter 24 concerning accreditation standards for providers of case management, community supported living arrangements, community mental health centers and mental health services.

ARC 7893A Expansion of the pilot program for certification of providers of services to persons with mental illness, mental retardation and developmental disabilities is proposed.

ARC 7852A No action on Medicaid policy amendments to Chapters 51, 52, and 75.

ARC 7894A No questions on proposed 78.1(2)"f," Medicaid coverage of nonprescription drugs.

ARC 7895A Criminal history and child abuse registry checks are proposed for employees of nonregistered child day care providers.

•In response to Bartz's inquiry about enforcement, Walker stated that nonregistered day care homes that do not comply with the records checks will not be eligible to receive funds from the department.

ARC 7854A No questions on amendments to Chapter 182.

INDUSTRIAL SERVICES DIVISION Clair Cramer represented the division.

ARC 7887A Procedures for legal services liens and withdrawal of counsel are proposed.

•Carroll asked if such liens have been filed in the past. Cramer estimated that of the approximately 4000 to 5000 contested cases the division handles in a year, there may be up to 500 legal services liens filed.

Committee business

Minutes Doderer moved the minutes be approved. The motion carried.

May meeting The next meeting was set for Tuesday, May 12, 1998.

REVENUE AND FINANCE DEPARTMENT Carl Castelda represented the department.

ARC 7885A No questions on exemption of municipal bond interest from Iowa tax, adoption of federal provisions for partnerships and S corporations, and recognition of qualified S corporation election for franchise tax purposes.

ARC 7884A Castelda pointed out changes made at the request of the Iowa Society of CPAs regarding capital gains for nonresident owners of Iowa business entities and pension exclusions for survivors with insurable interest.

ARC 7898A Amendments to 53.12 provide for computation of federal tax deduction when there is a change in accounting methods.

ARC 7886A Proposed 123.9 requires that the director of revenue and finance be notified of appointments of assessors and deputy assessors.

•Weigel inquired about the term for which assessors are appointed; Rittmer confirmed that the term is six years.

•Castelda informed Carroll that the department has historically been the agency of accountability for county and city assessors, with responsibility for continuing education and testing and maintaining the roster.

EDUCATIONAL EXAMINERS BOARD Ann Kruse represented the board.

ARC 7802A Kruse reported that at its May meeting the board will consider the comments received on proposed Chapter 14.

•Kruse advised Bartz of the board's policy of granting two-year exchange licenses to graduates of approved programs from accredited out-of-state institutions.

•Kibbie was informed that the fees, which range from \$25 to \$50, pay for all licensing costs of the board of educational examiners as well as the department of education plus about 26¢ per license.

•Kruse indicated to Hedge that out-of-state superintendents will be afforded the same opportunity for exchange licenses as teachers.

Rants in chair

ENVIRONMENTAL PROTECTION COMMISSION Paul Nelson, Anne Preziosi, Doug Campbell, and Pete Hamlin represented EPC.

ARC 7881A No questions on certification of groundwater professionals.
 ARC 7868A Preziosi reported that applicants for air quality construction permits will be required to show that they have legal entitlement to use the property covered by the permit.

•On a related issue, Kibbie raised questions about hog facilities that have requested, under provisions for pollution control equipment, exemptions from local property tax for manure management expenditures. Hamlin clarified that the commission does not grant tax exemptions but verifies that equipment is for the purpose of pollution control and then forwards the application to the department of revenue and finance.

NATURAL RESOURCE COMMISSION Sonny Satre, Janet Ott, Sherry Baudler, and Richard Bishop represented the commission.

ARC 7867A Satre explained that the amendment to 15.8(3) would exempt teachers from the apprenticeship requirement for hunter safety instructors.

•Satre addressed Metcalf's liability concern by explaining that instructors are required to follow a procedures manual.

•Satre told Hedge that the program from which teachers would be exempted consists of three classes and a workshop.

•Carroll sought clarification about whether the apprenticeship program stressed hunter safety or teaching skills.

•Doderer asked the commission to provide information about the content of the courses and justification for exemption of teachers.

•Weigel was informed that the hunter safety course is now being taught by 1700 volunteers across the state.

•Metcalf wondered if there's a shortage of competent teachers or some other reason for offering such an exemption.

•Bartz urged the commission to give consideration to committee concerns.

ARC 7870A No action on cost-share program amendments to 28.13 and 28.14. Ott indicated that changes which were intended but inadvertently not included will be forthcoming. Funding will be awarded per application, not per club or per county.

ARC 7869A Amendments to 33.50 require that grant consideration be consistent with the department's priorities for land acquisition.

•Bartz commended the department for implementing legislative intent.

ARC 7872A A nontoxic shot requirement is proposed for wildlife areas, except for deer and turkey hunting.

•Bishop responded to Doderer that traditional lead shot, although soft and easy to make, is toxic.

•Bartz made inquiry as to how hunters will know about this change. Bishop reported that the areas have been posted with the information; and it is anticipated that initially warnings, rather than citations, will be issued. In response to Bartz's question regarding possession of lead shot, Bishop indicated that lead shot in the hunter's vehicle would be acceptable, but not on the hunter's person.

•Bishop advised Kibbie that lead shot is less expensive than steel shot.

ARC 7873A No questions on wildlife refuges, 52.1.

ARC 7871A No questions on state parks and recreation areas amendments to Chapter 61.

ARC 7874A Bishop reported that there are no proposed changes in season length or bag limits for waterfowl and coot hunting. Closed areas for Canada goose hunting are being reduced. Landowners and family members will be allowed to take eight Canada geese on their own property in closed areas.

•Hedge asked about potential problems from Canada geese population increases. Bishop agreed to the necessity for a management plan.

ARC 7875A No questions on snow geese, 92.3(11).

ARC 7876A No questions on applications for nonresident deer hunting licenses by telephone.

ARC 7877A No questions on license quotas for hunting wild turkeys, 99.5.

ARC 7878A No questions on falconry, 102.2(3).

ARC 7879A No questions on deer population management areas, Chapter 105.

ARC 7880A Proposed amendments define antlered deer as deer with 7-inch, rather than 3-inch, antlers and include handguns as legal weapons for the late muzzleloader season.

•Bartz questioned the arbitrary line at which shooting is allowed from the ditch. Bishop stressed that restricted areas are related to landowner complaints. Royce added that hunting is statutorily prohibited from the roadway, whereas the rule prohibits hunting from the highway.

PHARMACY EXAMINERS BOARD Lloyd Jessen represented the board.

- ARC 7858A No questions on proposed 6.10 regarding pharmacy technicians.
- ARC 7859A Hospital records of controlled drug inventories will be maintained four years rather than the current two years.
- ARC 7860A No questions on proposed 8.13(1) which would allow pharmacists to dispense drugs in patient med paks.
- ARC 7861A No questions on controlled substances prescriptions.
- ARC 7862A No questions on proposed maintenance of records requirements, 14.14 and 14.16.
- ARC 7863A No questions on correctional facilities' pharmacy reference libraries.
- ARC 7864A No questions on wholesaler inventory records, 17.11(2).
- ARC 7865A Proposed 22.15 clarifies requirements for new prescription orders by telephone.
- ARC 7896A Proposed Chapter 30 establishes the impaired pharmacy professional recovery program.

PUBLIC HEALTH DEPARTMENT Mike Marshall represented the department.

- ARC 7888A Chapters 38 and 46 regarding tanning facilities were amended.
•Marshall told Bartz that fees remain unchanged by the amendments.
- ARC 7889A No questions on Chapter 86.
- ARC 7866A No questions on proposed first-responder application of cervical collars, 132.2(4).
- ARC 7890A No action on 132.7(2), regarding out-of-state EMS providers.
- ARC 7891A •In response to Kibbie's concern, "state funds" was changed to "EMS fund grant."

RACING AND GAMING COMMISSION Jack Ketterer and Jeff Farrell represented the commission.

- ARC 7901A No questions on the amendments to Chapters 1, 4, 7, 10, 12, 13, 22 and 26.
- ARC 7900A Royce reminded the committee that an objection was imposed on rule 4.30 and later upheld. The rule has now been rescinded. The substance of the rule is now found in 13.11.
•Metcalf asked the commission's rationale for imposing more stringent alcohol levels than those imposed by statute. Ketterer outlined situations involving workplace safety in restricted areas.
•Given the situation of an owner who may come out of the stands to have a photograph taken in the winner's circle, Ketterer explained to Kibbie that the rule applies to licensees and employees who are on duty in restricted areas.
The committee authorized the administrative code editor to remove the objection from rescinded rule 4.30.

SUBSTANCE ABUSE COMMISSION Janet Zwick and Dean Austin represented the commission.

- ARC 7903A No questions on standards for assessment and evaluation programs, 3.25.

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA Lynette Donner represented the board.

- ARC 7883A Proposed amendments to Chapter 4 concerning reimbursements for use of corporate facilities were modeled after federal rules.
•Rants stated that candidates who are incorporated have voiced concerns that the rule does not take into consideration the size or type of corporation.
•Kibbie expressed the opinion that campaign reform should be brought about by legislation rather than rule.
•Doderer noted that the rule does not cover businesses entities that are not incorporated. Suggesting that the rule may create more problems than it solves, Doderer pointed out that reimbursement amounts are not related to costs; and provisions for the use of corporate equipment such as typewriters indicate that the federal model is outdated. The rule does not deal with E-mail, computers or fax machines.
•Weigel questioned the inclusion of "occasional, isolated and incidental" uses in the same rule as uses requiring reimbursements and the lack of a requirement that equal access be provided to other candidates. Donner responded that equal access would require a candidate that is a subchapter S corporation to make access available to the candidate's opponent. Donner indicated that the proposed rule would require that reimbursements be reported and that documentation be maintained regarding the basis for the charge.
•Bartz speculated that the seven proposed subrules are arbitrary and may result in ethical candidates' being in violation.
•Rants favored having a rule in place before the primary election so that candidates do not innocently violate the law.
- ARC 7882A No questions on proposed amendments to Chapters 4 and 6 regarding independent expenditures to candidates or committees and disavowal of expenditures.

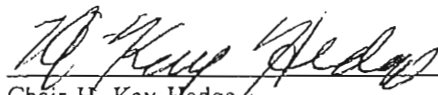
APRIL 13, 1998
Adjourn


The meeting was adjourned at 11:05 a.m.

Respectfully submitted,


Kathleen K. Bates

APPROVED:


Chair H. Kay Hedges


Vice chair Christopher Rants