



IOWA GENERAL ASSEMBLY

Administrative Rules Review Committee

STATEHOUSE * ROOM 116 * DES MOINES, IOWA 50319 * (515) 281-3084/3355
FAX (515) 281-5995/4424 * E-MAIL jroyce@legis.state.ia.us

THE RULES DIGEST

May, 2005

Scheduled for committee review
Tuesday, May 10 2005
Senate Room #116

Reference
XXVII IAB No. 21(04/13/05)
XXVII IAB No. 22(04/27/05)

HIGHLIGHTS IN THIS ISSUE:

ADVERTISING, Iowa Lottery Authority.....1
RULES OF PERSONAL CONDUCT, Regents.....1

ADMINISTRATIVE SERVICES
DEPARTMENT

9:20

Disposal of state property, IAB Vol. XXVII, No. 22, ARC
4124B, NOTICE.

Similar rules were proposed in April, 2004. As set out in Code §8A.324 the director may dispose of personal property by two means: property that is "unfit or unnecessary" may be sold and the proceeds deposited in the general fund. If the property has little or no value, the director may enter into an agreement with a not-for-profit organization or governmental agency to dispose of the personal property. Disposal methods include sale, trade-in, or recycling. Property may also be transferred between agencies. The department and its predecessor, the General Services Department, has always had control over the disposal of surplus property. The rules set out standards for making agreements with not-for-profit organizations or agencies to dispose of state surplus. The department currently has an agreement with prison industries for the disposal of state property.

LOTTERY AUTHORITY

10:00

Monitor vending machines-advertising, IAB Vol. XXVII, No. 21, ARC 4097B, EMERGENCY.

A monitor vending machine (MVM) is a vending machine that dispenses or prints and dispenses lottery tickets that have been determined to be winning or losing tickets by a predetermined pool-drawing machine prior to the dispensing of the tickets. A MVM has a video monitor for display of ticket symbols and audio capabilities to provide entertainment value.

Some retailers have, without consultation with the lottery authority, advertised these machines as slot machines---devises which are prohibited under §99G.3. For that reason the authority emergency adopts rules to strictly prohibit such advertising. The first violation will garner a seven day suspension; the second violation in a 12-month period will result in a 30-day suspension; the third violation in a year will result in a one year suspension.

BOARD OF REGENTS

10:40

Rules of personal conduct, IAB Vol. XXVII, No. 21, ARC
4110B, NOTICE.

The board updates current rule relating to student conduct---largely to add provisions relating to public riot! The revisions begin by broadening the scope of the personal conduct code, by

THE RULES DIGEST

-2-

expanding the definition of student to include students who have been temporarily suspended, persons admitted but not yet enrolled; and persons not formally enrolled who are working on a program of studies.

The revisions clearly establish that improper conduct either on campus or in the adjacent community will result in discipline. Improper conduct is detailed in the existing rules; the revision expands the list to include rioting and clarifies that the restrictions apply to conduct on campus and during any university-authorized function or event.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT

11:00

Weights & measures: diesel fuel lubricity standard, IAB Vol. XXVII, No. 21, ARC 4112B, ADOPTED.

The department proposes to adopt national "lubricity" standards established by the American Society for Testing and Materials (ASTM). Lubricity is the fuel quality that prevents or minimizes wear in diesel fuel injection equipment. The standard will require an additive to increase lubricity; but doing that increases the fear that the residue of the additive might contaminate other fuels which may more through the same pipeline--- such as jet fuel. The solution is to temporarily delay the standard until equipment is in place to inject the additive at the fuel terminal, thus leaving the pipeline uncompromised. The final rule does this by delaying the effective date of the standard until October 1, 2005.

DEPARTMENT OF PUBLIC SAFETY

11:40

Fire safety in hospitals and care facilities, IAB Vol. XXVII, No. 22, ARC 4125B, NOTICE.

The department proposes an update to the life safety code for hospitals, hospice facilities and care facilities. Iowa's code must be in compliance with federal requirements if Iowa facilities are to remain eligible for the Medicaid and Medicare programs. The most significant change in policy relates to nursing homes. Each patient or public room must have either a smoke detector or a sprinkler.

COLLEGE AID COMMISSION

Advisory committee on post secondary registration, IAB Vol. XXVII, No. 21, ARC 4109B, ADOPTED.

Chapter 261B, 2005 Code requires that post-secondary schools be registered with the Secretary of State, following approval for operation by the College Student Aid Commission. The statute provides no further details on this approval process.

Initially, the procedure was controversial because of the role of the non-governmental Iowa Coordinating Council for Post High School Education. At issue was whether applicants should not be required to follow the procedures of the council. Those requirements were dropped in the final rule. The council's role is limited to providing commentary on the applicant to the commission.

LABOR DIVISION

Elevator remodeling, IAB Vol. XXVII, No. 22, ARC 4122B, NOTICE.

Under existing rules when any combination of alterations or changes is made, to an elevator or hoistway, which constitutes more than 50 percent construction, the entire facility must be brought up to code. This proposal establishes the criteria to be used in determining whether this threshold is met.

This proposed rule sets out a table, listing all the components of a hydraulic, geared or gearless elevator and assigning a point value for each component. When the point value of the repair reaches 50 percent of the total available points, the elevator must be brought up to code.

LABOR DIVISION

Elevator fee increase, IAB Vol. XXVII, No. 22, ARC 4121B, NOTICE.

The labor division proposes to significantly increase the various fees imposed for elevator inspections. Elevator inspections are set at \$500 for four landings--\$600 for anything over those levels. The current rule varies according to the value of the installation; the maximum fee is \$130 plus \$1 for each \$1,000 over \$40,000 of valuation. Consultation services remain at \$100 per hour. For

THE RULES DIGEST

-3-

dumbwaiters and wheelchair lifts the fee is set at \$350. Again, the current rule varies according to the value of the installation; \$90 plus \$1 for each \$1,000 over \$30,000.

Annual inspection fees are also raised: elevator-\$75; escalator, wheelchair lift and moving walk-\$60. The current fees include \$50 for elevators and escalators. The special inspector fee is raised from \$30 to \$60.