



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XXXIV
August 24, 2011

NUMBER 4
Pages 195 to 238

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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)"a"]; and agricultural credit corporation maximum loan rates [535.12].

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike through~~ indicates deleted material.

STEPHANIE A. HOFF, Administrative Code Editor

Telephone: (515)281-3355

Fax: (515)281-5534

CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rule Making 2011

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 22 '10	Jan. 12 '11	Feb. 1 '11	Feb. 16 '11	Feb. 18 '11	Mar. 9 '11	Apr. 13 '11	July 11 '11
Jan. 7	Jan. 26	Feb. 15	Mar. 2	Mar. 4	Mar. 23	Apr. 27	July 25
Jan. 21	Feb. 9	Mar. 1	Mar. 16	Mar. 18	Apr. 6	May 11	Aug. 8
Feb. 4	Feb. 23	Mar. 15	Mar. 30	Apr. 1	Apr. 20	May 25	Aug. 22
Feb. 18	Mar. 9	Mar. 29	Apr. 13	Apr. 15	May 4	June 8	Sep. 5
Mar. 4	Mar. 23	Apr. 12	Apr. 27	Apr. 29	May 18	June 22	Sep. 19
Mar. 18	Apr. 6	Apr. 26	May 11	May 13	June 1	July 6	Oct. 3
Apr. 1	Apr. 20	May 10	May 25	***May 25***	June 15	July 20	Oct. 17
Apr. 15	May 4	May 24	June 8	June 10	June 29	Aug. 3	Oct. 31
Apr. 29	May 18	June 7	June 22	***June 22***	July 13	Aug. 17	Nov. 14
May 13	June 1	June 21	July 6	July 8	July 27	Aug. 31	Nov. 28
May 25	June 15	July 5	July 20	July 22	Aug. 10	Sep. 14	Dec. 12
June 10	June 29	July 19	Aug. 3	Aug. 5	Aug. 24	Sep. 28	Dec. 26
June 22	July 13	Aug. 2	Aug. 17	Aug. 19	Sep. 7	Oct. 12	Jan. 9 '12
July 8	July 27	Aug. 16	Aug. 31	***Aug. 31***	Sep. 21	Oct. 26	Jan. 23 '12
July 22	Aug. 10	Aug. 30	Sep. 14	Sep. 16	Oct. 5	Nov. 9	Feb. 6 '12
Aug. 5	Aug. 24	Sep. 13	Sep. 28	Sep. 30	Oct. 19	Nov. 23	Feb. 20 '12
Aug. 19	Sep. 7	Sep. 27	Oct. 12	Oct. 14	Nov. 2	Dec. 7	Mar. 5 '12
Aug. 31	Sep. 21	Oct. 11	Oct. 26	***Oct. 26***	Nov. 16	Dec. 21	Mar. 19 '12
Sep. 16	Oct. 5	Oct. 25	Nov. 9	***Nov. 9***	Nov. 30	Jan. 4 '12	Apr. 2 '12
Sep. 30	Oct. 19	Nov. 8	Nov. 23	***Nov. 23***	Dec. 14	Jan. 18 '12	Apr. 16 '12
Oct. 14	Nov. 2	Nov. 22	Dec. 7	***Dec. 7***	Dec. 28	Feb. 1 '12	Apr. 30 '12
Oct. 26	Nov. 16	Dec. 6	Dec. 21	***Dec. 21***	Jan. 11 '12	Feb. 15 '12	May 14 '12
Nov. 9	Nov. 30	Dec. 20	Jan. 4 '12	Jan. 6 '12	Jan. 25 '12	Feb. 29 '12	May 28 '12
Nov. 23	Dec. 14	Jan. 3 '12	Jan. 18 '12	Jan. 20 '12	Feb. 8 '12	Mar. 14 '12	June 11 '12
Dec. 7	Dec. 28	Jan. 17 '12	Feb. 1 '12	Feb. 3 '12	Feb. 22 '12	Mar. 28 '12	June 25 '12
Dec. 21	Jan. 11 '12	Jan. 31 '12	Feb. 15 '12	Feb. 17 '12	Mar. 7 '12	Apr. 11 '12	July 9 '12

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
6	Wednesday, August 31, 2011	September 21, 2011
7	Friday, September 16, 2011	October 5, 2011
8	Friday, September 30, 2011	October 19, 2011

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

*****Note change of filing deadline*****

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, September 13, 2011, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ACCOUNTANCY EXAMINING BOARD[193A]

Professional Licensing and Regulation Bureau[193]
COMMERCE DEPARTMENT[181]"umbrella"

Definition of "attest," 1.1 Filed Emergency **ARC 9676B** 8/10/11

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Animal welfare—applicability to commercial establishments with federal licenses, 67.8

Filed **ARC 9670B** 8/10/11

ATTORNEY GENERAL[61]

Disclosure statement of repairs or adjustments to, or replacements of parts with new parts

on, new motor vehicles, ch 36 Notice **ARC 9669B** 8/10/11

BANKING DIVISION[187]

COMMERCE DEPARTMENT[181]"umbrella"

Licensure of real estate closing agents, amendments to ch 18 Filed **ARC 9688B** 8/24/11

CITY DEVELOPMENT BOARD[263]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]"umbrella"

Petitions for annexation—documentation, 7.2(2)"j," 8.3(9) Filed Emergency **ARC 9664B** 8/10/11

CREDIT UNION DIVISION[189]

COMMERCE DEPARTMENT[181]"umbrella"

Maintenance of allowance for loan losses account, amendments to ch 18 Notice **ARC 9672B** 8/10/11

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Neighborhood stabilization program, 27.2, 27.3(1), 27.4 to 27.7, 27.8(6) Filed **ARC 9668B** 8/10/11

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"

Denial of application during a pending professional practices case, 11.39 Filed **ARC 9659B** 8/10/11

One-year teacher exchange license, 13.17(1) Notice **ARC 9661B** 8/10/11

Mathematics endorsement, 13.28(12) Notice **ARC 9662B** 8/10/11

Physics endorsement, 13.28(17)"g" Notice **ARC 9663B** 8/10/11

Preliminary professional career authorization, 22.5 Notice **ARC 9660B** 8/10/11

EDUCATION DEPARTMENT[281]

Community colleges—approved providers of instructional course for drinking drivers, 21.31

Notice **ARC 9686B** 8/24/11

Concurrent enrollment program—transportation, 22.12 Notice **ARC 9684B** 8/24/11

Community college accreditation—criteria, standards, process, 24.4 to 24.6 Notice **ARC 9685B** 8/24/11

High school equivalency diploma—test scoring, fees, 32.3, 32.5 to 32.7 Notice **ARC 9683B** 8/24/11

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Executive branch lobbying reports, 2.15(10) Notice **ARC 9679B** 8/24/11

Lobbyist registration required, 8.7 Notice **ARC 9680B** 8/24/11

Executive branch lobbyist client reporting, 8.9 Notice **ARC 9681B** 8/24/11

Retention and availability of filed forms, 8.20 Notice **ARC 9682B** 8/24/11

HUMAN SERVICES DEPARTMENT[441]

Civil commitment unit, ch 31 Filed **ARC 9646B** 8/10/11

Iowa family planning network (IFPN)—eligibility, 75.1(41)

Notice **ARC 9648B**, also Filed Emergency **ARC 9647B** 8/10/11

Medicaid provider enrollment—licensed mental health counselors, certified alcohol and drug

counselors, 77.26, 78.29 Filed Emergency After Notice **ARC 9649B** 8/10/11

HCBS intellectual disability waiver, amendments to chs 78, 83 Filed **ARC 9650B** 8/10/11

Juvenile detention and shelter care homes—record checks, 105.3(3), 105.5(5) Notice **ARC 9687B** 8/24/11

Child care assistance, 170.1 to 170.4, 170.5(1), 170.9(6)"b" Filed **ARC 9651B** 8/10/11

IOWA FINANCE AUTHORITY[265]

Iowa jobs program—calculation of jobs created, 32.7 Filed **ARC 9691B** 8/24/11

Community housing and services for persons with disabilities revolving loan program, ch 43
Notice **ARC 9692B**, also Filed Emergency **ARC 9690B** 8/24/11

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Boating—zoning of Harpers Slough, 40.27(1) Notice **ARC 9658B**..... 8/10/11
 Wildlife refuges, 52.1 Filed **ARC 9657B**..... 8/10/11
 Dove season, 97.6 Filed Emergency After Notice **ARC 9674B** 8/10/11
 Wild turkey spring hunting, 98.2(4), 98.6(2), 98.13 Filed **ARC 9656B** 8/10/11
 Jackrabbit season, 107.2 Filed **ARC 9655B** 8/10/11
 Furbearers—hunting and trapping, 108.4, 108.7 Filed **ARC 9654B** 8/10/11
 Groundhog season, 109.1 Filed **ARC 9653B** 8/10/11

PHARMACY BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Pharmacy practice—prescriptions, amendments to chs 8, 10, 21, 23 Notice **ARC 9671B** 8/10/11

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Psychologists—licensure, discipline, amendments to chs 240, 242 Notice **ARC 9673B**..... 8/10/11
 Physician assistants—renewal notices, 326.9(1) Filed **ARC 9665B** 8/10/11
 Physician assistants—discipline, 329.2(11) Filed **ARC 9666B**..... 8/10/11
 Athletic trainers—license renewal, discipline, 351.9(1), 353.2(12) Notice **ARC 9677B**..... 8/24/11

PUBLIC HEALTH DEPARTMENT[641]

Volunteer health care provider program, 88.2, 88.3(2), 88.4(4)"a," 88.6(4), 88.9 Filed **ARC 9645B**..... 8/10/11

PUBLIC SAFETY DEPARTMENT[661]

Electrician licensure, 500.2, 502.1, 502.2 Notice **ARC 9652B** 8/10/11
 Statewide interoperable communications system board, ch 600 Filed **ARC 9678B** 8/24/11

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]"umbrella"

Fees, 12.1, 12.3 Filed **ARC 9667B** 8/10/11

REVENUE DEPARTMENT[701]

Telecommunication services, amend 18.20, 26.43; adopt ch 224 Notice **ARC 9675B**..... 8/10/11

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Eligibility of Gold Star parents for admission to state veterans home, amendments to ch 10
Filed **ARC 9689B**..... 8/24/11

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

Senator Merlin Bartz
2081 410th Street
Grafton, Iowa 50440

Senator Thomas Courtney
2200 Summer Street
Burlington, Iowa 52601

Senator Wally Horn
101 Stoney Point Road, SW
Cedar Rapids, Iowa 52404

Senator John P. Kibbie
P.O. Box 190
Emmetsburg, Iowa 50536

Senator James Seymour
901 White Street
Woodbine, Iowa 51579

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Representative David Heaton
510 East Washington Street
Mt. Pleasant, Iowa 52641

Representative Jo Oldson
4004 Grand Avenue, #302
Des Moines, Iowa 50312

Representative Rick Olson
3012 East 31st Court
Des Moines, Iowa 50317

Representative Dawn Pettengill
P.O. Box A
Mt. Auburn, Iowa 52313

Representative Guy Vander Linden
1610 Carbonado Road
Oskaloosa, Iowa 52577

Brenna Findley
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 18
Des Moines, Iowa 50319
Telephone (515)281-5211

CREDIT UNION DIVISION[189]

Maintenance of allowance for loan losses account, amendments to ch 18 IAB 8/10/11 ARC 9672B	Division Conference Room, Suite 370 200 E. Grand Ave. Des Moines, Iowa	August 30, 2011 1 to 3 p.m.
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EDUCATIONAL EXAMINERS BOARD[282]

One-year teacher exchange license, 13.17(1) IAB 8/10/11 ARC 9661B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	August 31, 2011 1 p.m.
Mathematics endorsement, 13.28(12) IAB 8/10/11 ARC 9662B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	August 31, 2011 1 p.m.
Physics endorsement, 13.28(17) IAB 8/10/11 ARC 9663B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	August 31, 2011 1 p.m.
Preliminary professional career authorization, 22.5 IAB 8/10/11 ARC 9660B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	August 31, 2011 1 p.m.

EDUCATION DEPARTMENT[281]

Community colleges—approved providers of instructional course for drinking drivers, 21.31 IAB 8/24/11 ARC 9686B	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 13, 2011 2 to 3 p.m.
Concurrent enrollment program—transportation, 22.12 IAB 8/24/11 ARC 9684B	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 13, 2011 1 to 2 p.m.
Community college accreditation—criteria, standards, process, 24.4 to 24.6 IAB 8/24/11 ARC 9685B	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 13, 2011 2 to 3 p.m.
High school equivalency diploma—test scoring, fees, 32.3, 32.5 to 32.7 IAB 8/24/11 ARC 9683B	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 13, 2011 1 to 2 p.m.

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Executive branch lobbying reports, 2.15(10) IAB 8/24/11 ARC 9679B	Suite 1A 510 E. 12th St. Des Moines, Iowa	September 13, 2011 1 to 2 p.m.
Lobbyist registration required, 8.7 IAB 8/24/11 ARC 9680B	Suite 1A 510 E. 12th St. Des Moines, Iowa	September 13, 2011 1 to 2 p.m.
Executive branch lobbyist client reporting, 8.9 IAB 8/24/11 ARC 9681B	Suite 1A 510 E. 12th St. Des Moines, Iowa	September 13, 2011 1 to 2 p.m.
Retention and availability of filed forms, 8.20 IAB 8/24/11 ARC 9682B	Suite 1A 510 E. 12th St. Des Moines, Iowa	September 13, 2011 1 to 2 p.m.

NATURAL RESOURCE COMMISSION[571]

Boating—zoning of Harpers Slough, 40.27(1) IAB 8/10/11 ARC 9658B	Fourth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa	August 30, 2011 1 p.m.
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PROFESSIONAL LICENSURE DIVISION[645]

Psychologists—licensure, discipline, amendments to chs 240, 242 IAB 8/10/11 ARC 9673B	Conference Room 415 Lucas State Office Bldg. Des Moines, Iowa	September 7, 2011 10 to 11 a.m.
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Athletic trainers—license renewal, discipline, 351.9(1), 353.2(12) IAB 8/10/11 ARC 9677B	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	September 15, 2011 9 to 9:30 a.m.
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PUBLIC SAFETY DEPARTMENT[661]

Electrician licensure, 500.2, 502.1, 502.2 IAB 8/10/11 ARC 9652B	First Floor Public Conference Room Public Safety Headquarters Bldg. 215 E. 7th St. Des Moines, Iowa	September 15, 2011 10 a.m.
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The following list will be updated as changes occur.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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ARC 9686B

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 21, “Community Colleges,” Iowa Administrative Code.

The proposed amendment implements sections 15 to 18 of 2011 Iowa Acts, Senate File 470, which authorizes the Department to approve a provider of a course for drinking drivers offered outside this state.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before September 13, 2011, at 4:30 p.m. Comments on the proposed amendment should be directed to Carol Greta, Office of the Director, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661; E-mail carol.greta@iowa.gov; or fax (515)281-4122.

A public hearing will be held on September 13, 2011, from 2 to 3 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281-5295.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement 2011 Iowa Acts, Senate File 470, sections 15 to 18.

The following amendment is proposed.

Amend rule 281—21.31(321J) as follows:

281—21.31(321J) Course.

21.31(1) A course provided ~~according to~~ in accordance with Division III of this chapter shall be offered on a regular basis at each community college or by a substance abuse treatment program licensed under Iowa Code chapter 125, ~~and may be offered at a state correctional facility listed in Iowa Code section 904.102.~~ However, a community college shall not be required to offer the course if a substance abuse treatment program licensed under Iowa Code chapter 125 offers the course within the merged area served by the community college.

21.31(2) A course provided in accordance with Division III of this chapter may be offered at a state correctional facility listed in Iowa Code section 904.102.

21.31(3) A course provided in accordance with Division III of this chapter may be offered by a provider in another state when the course and its provider are approved by the department of education pursuant to 2011 Iowa Acts, Senate File 470.

21.31(4) Enrollment in the course is not limited to persons ordered to enroll, attend, and successfully complete the course required under Iowa Code sections 321J.1 and 321J.17, subsection 2. However, any person under the age of 18 who is required to attend the courses for violation of Iowa Code section 321J.2 or 321J.17 must attend a course offered by a substance abuse treatment program licensed under Iowa Code chapter 125.

21.31(5) Any instructional course shall be approved by the department of education in consultation with the community colleges, substance abuse treatment programs licensed under Iowa Code chapter

EDUCATION DEPARTMENT[281](cont'd)

125, the Iowa department of public health, and the Iowa department of corrections. Each course of instruction shall establish the following:

- ~~1.~~ *a.* An understanding that alcohol-related problems could happen to anyone and that a person's drinking choices matter. The course illustrates common views of society that prevent people from taking drinking choices seriously. Research is presented to challenge common views with an understanding that alcohol problems are related to lifestyle choices.
- ~~2.~~ *b.* An understanding that specific low-risk choices will help reduce the risk of experiencing alcohol-related problems at any point in life. The course presents research-based, low-risk guidelines.
- ~~3.~~ *c.* Methods of providing support for making low-risk choices.
- ~~4.~~ *d.* An accurate description of the progression of drinking to the development of alcoholism to help people weigh the risk involved with high-risk drinking and to see how high-risk choices may jeopardize their lives and the lives of others.
- ~~5.~~ *e.* Opportunities to develop a specific plan of action to follow through with low-risk choices. A list of community resources is provided for ongoing support and treatment as needed.

ARC 9684B

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 22, “Senior Year Plus Program,” Iowa Administrative Code.

2011 Iowa Acts, Senate File 470, section 12, struck Iowa Code section 261E.8, subsection 5, which had provided that the parent or guardian of a student attending a community college under concurrent enrollment “shall furnish transportation to and from the community college for the student.” School districts receive supplementary funds from the state on behalf of students who participate in concurrent enrollment courses. The proposed new rule stipulates that these funds, in part, are to assist a school district in providing student transportation to and from concurrent enrollment courses.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before September 13, 2011, at 4:30 p.m. Comments on the proposed amendment should be directed to Carol Greta, Office of the Director, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661; E-mail carol.greta@iowa.gov; or fax (515)281-4122.

A public hearing will be held on September 13, 2011, from 1 to 2 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281-5295.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement 2011 Iowa Acts, Senate File 470, section 12.

The following amendment is proposed.

EDUCATION DEPARTMENT[281](cont'd)

Adopt the following new rule 281—22.12(261E):

281—22.12(261E) Transportation. The school district of enrollment shall make transportation to and from the postsecondary institution available to eligible students who are enrolled in and are attending an eligible postsecondary institution under this division.

ARC 9685B

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 24, “Community College Accreditation,” Iowa Administrative Code.

The proposed amendments conform the rules (in Items 2 and 3) to 2011 Iowa Acts, Senate File 470, sections 9 and 6, respectively. The other amendments are proposed to reflect the new accreditation process being put into place by the Higher Learning Commission, including the phasing out of accreditation by the Program to Evaluate Academic Quality. The Department discussed the proposed amendments with representatives from the following stakeholder groups: Iowa Association of Community College Presidents (IACCP), Iowa Association of Community College Trustees (IACCT), Community College Chief Academic Officers, Iowa Arts and Sciences Administrators (IASA), Community College Career and Technical Deans/Directors, Iowa State Education Association (ISEA), Community College Continuing Education Deans/Directors, Community College Business Officers, Iowa Community College Student Services Administrators (ICSSA), Community College Faculty Advisory Committee, Community College Accreditation Advisory Committee, and Community College Professional Development Advisory Committee.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before September 13, 2011, at 4:30 p.m. Comments on the proposed amendments should be directed to Colleen Hunt, Bureau Chief, Bureau of Adult, Career, and Community College Education, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-0319; E-mail colleen.hunt@iowa.gov; or fax (515)281-6544.

A public hearing will be held on September 13, 2011, from 2 to 3 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281-3125.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 2011 Iowa Acts, Senate File 470, sections 6 and 9.

The following amendments are proposed.

ITEM 1. Amend rule 281—24.4(260C), introductory paragraph, as follows:

281—24.4(260C) Accreditation components and criteria—Higher Learning Commission. In order to be accredited by the state board of education and maintain accreditation status, a community college must meet the accreditation criteria of the Higher Learning Commission and additional state standards. ~~Accreditation shall be maintained either by the Program to Evaluate Academic Quality (PEAQ) or the alternative Academic Quality Improvement Program (AQIP) process.~~ The Higher Learning Commission criteria for accreditation are as follows:

EDUCATION DEPARTMENT[281](cont'd)

ITEM 2. Amend paragraph **24.5(2)“a”** as follows:

a. ~~College parallel or transfer~~ Arts and sciences. The full-time teaching load of an instructor in ~~college parallel or transfer programs~~ arts and sciences courses shall be 15 credit hours within a traditional semester or the equivalent, and shall not exceed a maximum of 16 credit hours within a traditional semester or the equivalent. An instructor may also have an additional teaching assignment outside of the normal school hours beyond the maximum academic workload, provided the instructor ~~consents and the community college administration mutually consent~~ to this additional assignment and the total workload does not exceed the equivalent of ~~18~~ 22 credit hours within a traditional semester or the equivalent thereof.

ITEM 3. Amend subrule 24.5(6) as follows:

24.5(6) Strategic planning. The community college shall prepare a ~~five-year~~ strategic plan at least once every five years to guide the college and its decision making. ~~Consideration shall be given to the five-year statewide strategic plan, as required by Iowa Code section 256.31(4)(a), in the development of the college's strategic plan.~~

ITEM 4. Amend subparagraph **24.5(7)“b”(7)** as follows:

(7) Specific activities that ensure that faculty attain and demonstrate instructional competencies and knowledge in their subject or technical areas. It is recommended that the plan identify faculty minimum competencies and explain the method or methods of determining and assessing competencies. It is recommended that the plan contain procedures for reporting faculty progress. It is recommended that faculty be notified at least once a year of their progress in attaining competencies. ~~It is recommended that the plan include policies and provisions for length of provisional status for faculty who do not meet the minimum standards in Iowa Code section 260C.48. It is recommended that provisional status of individual faculty members not exceed five years.~~

ITEM 5. Amend paragraph **24.5(7)“c,”** introductory paragraph, as follows:

c. The department of education shall notify the community college when the department requires that a modified quality faculty plan be submitted. The department shall review the plan during the state accreditation ~~on-site visits~~ evaluations to ensure each community college's compliance and progress in implementing a quality faculty plan as approved by the local board of directors. The department shall review the following:

ITEM 6. Amend paragraph **24.6(1)“b”** as follows:

b. The department of education shall conduct ~~an~~ a comprehensive, on-site accreditation evaluation of each community college ~~during the same academic year as the evaluation by the Higher Learning Commission of the North Central Association of Colleges and Schools on a ten-year interval.~~ An interim evaluation midway between comprehensive evaluations shall also be conducted. The department shall prepare a staggered evaluation schedule which sets no more than three comprehensive or interim evaluations in any one year. No comprehensive or interim evaluation shall be required for continued accreditation prior to a community college's first evaluation under the schedule. The department shall have the authority to conduct focus evaluation visits as needed.

ITEM 7. Amend paragraph **24.6(4)“a”** as follows:

a. Accreditation granted. Continuation of accreditation, if granted, shall be for a ~~term consistent with the term of accreditation by the Higher Learning Commission of the North Central Association of Colleges and Schools ten-year term~~; however, approval for a lesser term may be granted by the state board of education if the board determines that conditions so warrant.

ARC 9683B**EDUCATION DEPARTMENT[281]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 32, “High School Equivalency Diploma,” Iowa Administrative Code.

The proposed amendment in Item 1 reflects a new test series from the General Educational Development Testing Service that changed the scoring of the tests. The proposed amendments in Items 2 to 4 reflect the provisions in Iowa Code section 259A.2 and the enactment of 2011 Iowa Acts, Senate File 470, section 7, both of which authorize the State Board of Education to establish by rule the amount of fees. The fees have not been raised in over 20 years.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before September 13, 2011, at 4:30 p.m. Comments on the proposed amendments should be directed to Carol Greta, Office of the Director, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661; E-mail carol.greta@iowa.gov; or fax (515)281-4122.

A public hearing will be held on September 13, 2011, from 1 to 2 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281-3125.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 259A as amended by 2011 Iowa Acts, Senate File 470, section 7.

The following amendments are proposed.

ITEM 1. Amend rule 281—32.3(259A) as follows:

281—32.3(259A) Minimum score. Applicants shall make a minimum standard score of ~~35~~ 410 on each test and an average standard score of ~~45~~ 450 on all five of the General Educational Development Tests.

ITEM 2. Amend rule 281—32.5(259A), introductory paragraph, as follows:

281—32.5(259A) Retest. Any applicant not achieving the minimum standard test scores as defined in rule 281—32.3(259A), upon payment of a ~~\$5~~ \$10 fee, shall be permitted to make application for retest and scoring of the retest, provided that one of the following conditions is met:

ITEM 3. Amend rule 281—32.6(259A) as follows:

281—32.6(259A) Application fee. The applicant or supporting agency shall pay an application fee of ~~\$20~~ \$25. This fee shall be paid to the official Iowa General Educational Development Testing Agency and shall allow for initial testing and scoring of the initial testing of the eligible candidate with the five General Educational Development Tests.

This rule is intended to implement Iowa Code sections 259A.2 and 259A.5.

EDUCATION DEPARTMENT[281](cont'd)

ITEM 4. Adopt the following **new** rule 281—32.7(259A):

281—32.7(259A) Diploma, transcript, verification fees. Upon payment of \$10 to the Iowa department of education, the department shall prepare and issue a high school equivalency diploma to an applicant who has achieved the minimum and average scores established in rule 281—32.3(259A). Upon payment of \$10 to the Iowa department of education, the department shall prepare and issue a copy of an applicant's transcript to the applicant or person authorized by the applicant to request the transcript. Upon payment of \$10 to the Iowa department of education, the department shall prepare and issue a verification that an applicant has earned a high school equivalency diploma to the applicant or person authorized by the applicant to request the verification.

ARC 9679B

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1) "b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A(1), the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 2, "Public Records and Fair Information Practices," Iowa Administrative Code.

This proposed amendment will conform to 2011 Iowa Acts, House File 126, which made changes to where lobbyist registration statements and lobbyist client reports are to be filed.

Any interested person may make written comments on the proposed amendment no later than September 13, 2011, addressed to Megan Tooker, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319; E-mail megan.tooker@iowa.gov.

A public hearing will be held on September 13, 2011, from 1 to 2 p.m. at 510 E. 12th Street, Suite 1A, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 68B as amended by 2011 Iowa Acts, House File 126.

The following amendment is proposed.

Amend subrule 2.15(10) as follows:

2.15(10) Executive branch lobbying reports. The ~~board~~ general assembly serves as the repository for public viewing of executive branch lobbyist registration statements, ~~executive branch lobbying reports,~~ and executive branch lobbyist client reports. These reports are ~~available by paper and are also~~ accessible via the board's Web site at www.iowa.gov/ethics. The information disclosed on these reports is required by Iowa Code sections 68B.36, ~~68B.37,~~ and 68B.38. This information does not match, collate, or permit comparison with other data processing systems.

ARC 9680B**ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A(1), the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 8, “Executive Branch Lobbying,” Iowa Administrative Code.

This proposed amendment will conform to 2011 Iowa Acts, House File 126, which made changes to where lobbyist registration statements and lobbyist client reports are to be filed.

Any interested person may make written comments on the proposed amendment no later than September 13, 2011, addressed to Megan Tooker, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319; E-mail megan.tooker@iowa.gov.

A public hearing will be held on September 13, 2011, from 1 to 2 p.m. at 510 E. 12th Street, Suite 1A, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 68B as amended by 2011 Iowa Acts, House File 126.

The following amendment is proposed.

Amend rule 351—8.7(68B) as follows:

351—8.7(68B) Lobbyist registration required.

8.7(1) *Time of filing.* Any individual engaging in executive branch lobbying activity shall register by electronically filing an executive branch lobbyist registration statement with the board chief clerk of the house of representatives or the secretary of the senate on or before the day the lobbying activity begins. Registration expires upon the commencement of a new at the end of the calendar year. Persons wishing to register for a new calendar year may do so on or after December 1 of the previous year. Beginning December 1 of each year, a person may preregister to lobby for the following calendar year.

8.7(2) *Place of filing.* Executive branch lobbyist registration statements shall be electronically filed with the board electronically chief clerk of the house of representatives or the secretary of the senate through the board’s general assembly’s Web site at www.iowa.gov/ethics <http://www.legis.iowa.gov/Lobbyist/reports.aspx>.

8.7(3) *Information required.* The following information shall be disclosed on the executive branch lobbyist registration statement:

a. to d. No change.

e. The lobbyist’s signature and date of filing. Registration statements filed electronically through the board’s general assembly’s Web site are deemed signed and dated when filed.

8.7(4) *Amendment to registration.* Any change or addition to the information in an executive branch lobbyist’s registration statement shall be filed with the board chief clerk of the house of representatives or the secretary of the senate within ten days after the change or addition is made known to the lobbyist. The lobbyist may file changes or additions by electronically filing an amended registration statement.

8.7(5) No change.

This rule is intended to implement Iowa Code section 68B.36 as amended by ~~2010~~ 2011 Iowa Acts, House File ~~2109~~ 126, section 8 1.

ARC 9681B**ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A(1), the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 8, “Executive Branch Lobbying,” Iowa Administrative Code.

This proposed amendment will conform to 2011 Iowa Acts, House File 126, which made changes to where lobbyist registration statements and lobbyist client reports are to be filed.

Any interested person may make written comments on the proposed amendment no later than September 13, 2011, addressed to Megan Tooker, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319; E-mail megan.tooker@iowa.gov.

A public hearing will be held on September 13, 2011, from 1 to 2 p.m. at 510 E. 12th Street, Suite 1A, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 68B as amended by 2011 Iowa Acts, House File 126.

The following amendment is proposed.

Amend rule 351—8.9(68B) as follows:

351—8.9(68B) Executive branch lobbyist client reporting.

8.9(1) Every executive branch lobbyist client shall file reports that contain the following information:

- a. The name and address of the client, including a contact person.
- b. The name of the client’s lobbyists.
- c. The amount of all salaries, fees, retainers, and reimbursements paid by the client to each lobbyist for engaging in lobbying activities for the period commencing on July 1 of the previous year through June 30 of the current year. A report shall be filed even if the client did not pay any compensation to the client’s lobbyist. If no compensation was paid, the client shall disclose on the report \$0.00 as compensation paid. In the case of a salaried position when lobbying is part of the individual’s duties, the reportable salary shall be based on a pro-rata basis of time spent engaging in lobbying activities.

d. The signature of the client’s contact person and the date signed. Lobbyist client reports filed electronically through the ~~board’s general assembly’s~~ Web site are deemed signed and dated when filed.

8.9(2) Place of filing. Executive branch lobbyist client reports shall be electronically filed with the ~~board electronically~~ general assembly through the ~~board’s general assembly’s~~ Web site at www.iowa.gov/ethics <http://www.legis.iowa.gov/Lobbyist/onlineFiling.aspx>.

8.9(3) Time of filing. An executive branch lobbyist client report shall be filed on or before July 31. ~~The report must be electronically received by the board on or before 11:59 p.m. on the due date. If the report due date falls on a weekend or holiday, the due date shall be extended to the next business day.~~

This rule is intended to implement Iowa Code section 68B.38 as amended by 2011 Iowa Acts, House File 126, section 2.

ARC 9682B**ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A(1), the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 8, “Executive Branch Lobbying,” Iowa Administrative Code.

This proposed amendment will conform to 2011 Iowa Acts, House File 126, which made changes to where lobbyist registration statements and lobbyist client reports are to be filed.

Any interested person may make written comments on the proposed amendment no later than September 13, 2011, addressed to Megan Tooker, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319; E-mail megan.tooker@iowa.gov.

A public hearing will be held on September 13, 2011, from 1 to 2 p.m. at 510 E. 12th Street, Suite 1A, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 68B as amended by 2011 Iowa Acts, House File 126.

The following amendment is proposed.

Amend rule 351—8.20(68) as follows:

351—8.20(68 68B) Retention and availability of filed forms.

8.20(1) *Public record.* All forms filed under this chapter are public records and shall be available in the board office for inspection and copying. A filed form shall be retained by the board for a period of at least five years from the date the form was filed.

8.20(2) *Internet access.* Forms filed under this chapter shall be accessible for viewing via the board’s Web site at www.iowa.gov/ethics as follows:

a. A list of registered executive branch lobbyists and executive branch lobbyist clients for the current calendar year and the two previous calendar years.

b. An executive branch lobbyist client report for a ~~period of at least three years from the report due date~~ as long as the general assembly posts the executive branch lobbyist client reports on the general assembly’s Web site.

c. A session function registration notice and a session function reporting form for as long as the general assembly posts the session function registration notice and a session function reporting form on the general assembly’s Web site.

This rule is intended to implement Iowa Code section 68B.32A(5) ~~as amended by 2010 Iowa Acts, Senate File 2067, section 4.~~

ARC 9687B**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 232.142(4), the Department of Human Services proposes to amend Chapter 105, “County and Multicounty Juvenile Detention Homes and County and Multicounty Juvenile Shelter Care Homes,” Iowa Administrative Code.

The proposed amendments add to existing standards for approval of juvenile shelter care and detention facilities the requirement to conduct record checks on volunteers. Child abuse and criminal record checks are already required for persons employed by or residing in these facilities. Legislation in 2011 Iowa Acts, Senate File 482, division VI, authorizes the release of child abuse and dependent adult abuse records to these facilities for volunteers.

The amendments also shorten the chapter title for convenience and remove a prohibition on sharing record check information with applicants or employees. To give the applicant or employee the opportunity to request an evaluation of a criminal or child abuse record, the nature of the record must be revealed.

Any interested person may make written comments on the proposed amendments on or before September 13, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 232.142 as amended by 2011 Iowa Acts, Senate File 482, section 7.

The following amendments are proposed.

ITEM 1. Amend **441—Chapter 105**, title, as follows:

~~COUNTY AND MULTICOUNTY JUVENILE DETENTION HOMES AND COUNTY
AND MULTICOUNTY JUVENILE SHELTER CARE HOMES~~

ITEM 2. Amend subrule 105.3(3) as follows:

105.3(3) Personnel records. A record shall be maintained by the facility ~~which contains at least the following as applicable for each volunteer who has direct responsibility for a child or access to a child when the child is alone and for each employee.~~ The record shall include at least the following:

a. Name, address, and social security number of ~~the volunteer or employee.~~

b. A job application containing sufficient information to justify the initial and current employment.

c. ~~Education~~ Verification of education and experience requirements. Applicants for positions having educational requirements shall be permanently employed only after the facility has obtained a certified copy of the transcript, diploma, or verification from the school or supervising agency. Applicants for positions having experience requirements shall be permanently employed only after the facility has obtained verification from the agency supervising the experience.

d. ~~License requirements~~ Verification of license. Applicants for positions requiring licenses shall be permanently employed only after the facility has obtained written verification of their licenses. Evidence of renewal of licenses as required by the licensing agency shall be maintained in the personnel record.

HUMAN SERVICES DEPARTMENT[441](cont'd)

e. References. At least two written references or documentation of oral references shall be contained in the volunteer's or employee's personnel record. In case of unfavorable references, there shall be documentation of further checking to ensure that the person will be a reliable volunteer or employee.

f. ~~After July 1, 1983, a~~ A written, signed and dated statement which discloses any substantiated instances of child abuse, neglect or sexual abuse committed by the volunteer or job applicant ~~is required~~.

g. Documentation of the submission of Form 470-0643, Request for Child Abuse Information, to the central abuse registry, the registry response, the department's evaluation of any abuse record discovered, and a copy of Form 470-2310, Record Check Evaluation, if the volunteer or staff person has completed and submitted it.

h. A written, signed and dated statement furnished by the new volunteer or applicant for employment which discloses any convictions of crimes involving the mistreatment or exploitation of a child.

i. Documentation of a check with the Iowa department of public safety on all new volunteers and applicants for employment using Form 595-1396, DHS Criminal History Record Check, Form B; a copy of the department's evaluation of any criminal record discovered; and a copy of Form 470-2310, Record Check Evaluation, if the volunteer or applicant has completed and submitted it.

j. to n. No change.

o. ~~Information covered in paragraphs "g," "i," "j," is confidential and may not be redisseminated to that particular applicant or employee.~~

ITEM 3. Amend subrule 105.5(5) as follows:

105.5(5) Record checks. The facility shall not employ any person ~~who~~ or give any person direct volunteer responsibility for a child or access to a child when the child is alone if that person has been convicted of a crime involving the mistreatment or exploitation of a child. The facility shall not employ a any person who or give any person direct volunteer responsibility for a child or access to a child when the child is alone if that person has a record of a criminal conviction or founded child abuse report unless the department has ~~made an evaluation of~~ evaluated the crime or ~~founded child abuse which concludes and determined that the crime or founded child abuse does not merit prohibition of~~ volunteering or employment.

a. If a record of criminal conviction or founded child abuse exists, the person shall be offered the opportunity to complete and submit Form 470-2310, Record Check Evaluation.

b. In its evaluation, the department shall consider:

(1) The nature and seriousness of the crime or founded abuse in relation to the employment or volunteer position sought;

(2) to (5) No change.

ITEM 4. Amend ~~441~~—**Chapter 105**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 232.142 as amended by 2011 Iowa Acts, Senate File 482, section 7.

ARC 9692B

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.5(1)“r” and 2011 Iowa Acts, House File 649, section 50, the Iowa Finance Authority proposes to adopt new Chapter 43, “Community

IOWA FINANCE AUTHORITY[265](cont'd)

Housing and Services for Persons With Disabilities Revolving Loan Program,” Iowa Administrative Code.

The purpose of these rules is to facilitate the administration of a fund to provide financial assistance to further the availability of affordable housing and supportive services for Medicaid waiver-eligible individuals with behaviors that provide significant barriers to accessing traditional rental and supportive service opportunities.

The Authority does not intend to grant waivers under the provisions of these rules, other than as may be allowed under the Authority’s general rules concerning waivers.

The Authority will receive written comments on the proposed rules until 4:30 p.m. on September 13, 2011. Comments may be addressed to Mark Thompson, Iowa Finance Authority, 2015 Grand Avenue, Des Moines, Iowa 50312. Comments may also be faxed to Mark Thompson at (515)725-4901 or E-mailed to mark.thompson@iowa.gov.

The Authority anticipates that it may make changes to the proposed rules based on comments received from the public.

These rules were also Adopted and Filed Emergency and are published herein as **ARC 9690B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code section 16.5(1) and 2011 Iowa Acts, House File 649, section 50.

ARC 9677B

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Athletic Training hereby gives Notice of Intended Action to amend Chapter 351, “Licensure of Athletic Trainers,” and Chapter 353, “Discipline for Athletic Trainers,” Iowa Administrative Code.

These proposed amendments rescind the requirement that the Board send a renewal notice by regular mail to licensees to be consistent with Iowa law and the online renewal system.

The proposed amendments clarify that conviction of a crime includes when the judgment of conviction or sentence was deferred. In addition, the proposed amendments change the word “felony” to “crime” to be consistent with the Iowa Code chapter 147 requirements.

Any interested person may make written comments on the proposed amendments no later than September 15, 2011, addressed to Tony Alden, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail tony.alden@idph.iowa.gov.

A public hearing will be held on September 15, 2011, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 152D and 272C.

The following amendments are proposed.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 1. Amend subrule 351.9(1) as follows:

351.9(1) The biennial license renewal period for a license to practice athletic training shall begin on March 1 of each odd-numbered year and end on February 28 of the next odd-numbered year. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive ~~the~~ notice from the board does not relieve the licensee of the responsibility for renewing the license.

ITEM 2. Amend subrule 353.2(12) as follows:

353.2(12) Conviction of a ~~felony~~ crime related to the profession or occupation of the licensee or the conviction of any ~~felony~~ crime that would affect the licensee's ability to practice ~~as an athletic trainer within the profession, regardless of whether the judgment of conviction or sentence was deferred.~~ A copy of the record of conviction or plea of guilty shall be conclusive evidence.

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA

Public Notice

NOTICE OF OFFICIAL CONTRACT LIMITATION AMOUNT ADJUSTMENT COMMENCING SEPTEMBER 1, 2011, AND ENDING AUGUST 31, 2012

In accordance with Iowa Code subsection 8D.11(1)(c), the Iowa Telecommunications and Technology Commission (Iowa Communications Network) Executive Director hereby publishes the official adjusted contract limitation amount for the period commencing on September 1, 2011, and ending on August 31, 2012, of \$2,168,738.10.

The rate becomes effective on September 1, 2011. The rate was determined by applying the formula specified in the statute. According to the federal Department of Labor, Bureau of Labor Statistics, the consumer price index for all urban consumers increased 3.6 percent from June 2010 to June 2011.

Pursuant to Iowa Code section 8D.11(1)(c), this notice is exempt from the rule-making process in Iowa Code chapter 17A.

Questions with respect to this notice may be directed to:

David Lingren, Executive Director
Iowa Telecommunications and Technology Commission
400 E. 14th Street
Des Moines, Iowa 50319
Telephone: (515)725-4707
E-mail: dave.lingren@iowa.gov

TRANSPORTATION DEPARTMENT

Advisory Notice

Adjusted Competitive Bid and Quotation Thresholds for Vertical Infrastructure Public Improvements

Pursuant to the authority of Iowa Code section 314.1B, the Director of Transportation gives an advisory notice of adjusted competitive bid and quotation thresholds for vertical infrastructure public improvements. The adjusted competitive bid and quotation threshold values will become effective January 1, 2012.

TRANSPORTATION DEPARTMENT(cont'd)

The vertical infrastructure bid threshold subcommittee, composed of three contractors, three representatives of public entities and the Director’s designee, held a meeting on June 30, 2011, to review competitive bid and quotation thresholds. The vertical infrastructure bid threshold subcommittee made the following adjustments to the competitive bid and quotation thresholds listed in Iowa Code section 26.3 and Iowa Code section 26.14:

1. The competitive bid threshold will be adjusted to \$125,000 effective January 1, 2012.
2. The competitive quotation threshold for counties, including county hospitals, will be adjusted to \$91,000 effective January 1, 2012.
3. The competitive quotation threshold for cities having a population of 50,000 or more will be adjusted to \$69,000 effective January 1, 2012.
4. The competitive quotation threshold for school districts having a population of 50,000 or more will be adjusted to \$69,000 effective January 1, 2012.
5. The competitive quotation threshold for aviation authorities created within cities having a population of 50,000 or more will be adjusted to \$69,000 effective January 1, 2012.
6. The competitive quotation threshold for cities having a population of less than 50,000, for school districts having a population of less than 50,000, and for other governmental entities will be adjusted to \$48,000 effective January 1, 2012.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for August is 5.00%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective August 9, 2011, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TREASURER OF STATE(cont'd)

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .20%
More than 397 days	Minimum .60%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 9690B

IOWA FINANCE AUTHORITY[265]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.5(1)“r” and 2011 Iowa Acts, House File 649, section 50, the Iowa Finance Authority hereby adopts new Chapter 43, “Community Housing and Services for Persons With Disabilities Revolving Loan Program,” Iowa Administrative Code.

The purpose of these rules is to facilitate the administration of a fund to provide financial assistance to further the availability of affordable housing and supportive services for Medicaid waiver-eligible individuals with behaviors that provide significant barriers to accessing traditional rental and supportive service opportunities.

The Authority does not intend to grant waivers under the provisions of any of these rules, other than as may be allowed under the Authority’s general rules concerning waivers.

Pursuant to Iowa Code section 17A.4(3), the Authority finds that notice and public participation are impractical because of the immediate need for rule making to implement this new program.

Pursuant to Iowa Code section 17A.5(2)“b”(1), these rules are Adopted and Filed Emergency and the normal effective date of these rules is waived because 2011 Iowa Acts, House File 649, section 73, provides for emergency adoption of the rules.

These rules are also published herein under Notice of Intended Action as **ARC 9692B** to allow for public comment.

The Authority adopted these rules on August 3, 2011.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code section 16.5(1) and 2011 Iowa Acts, House File 649, section 50.

These rules became effective on August 18, 2011.

The following amendment is adopted.

Adopt the following **new** 265—Chapter 43:

CHAPTER 43

COMMUNITY HOUSING AND SERVICES FOR PERSONS WITH DISABILITIES
REVOLVING LOAN PROGRAM

265—43.1(16) Purpose. Through its community housing and services for persons with disabilities revolving loan program, the authority seeks to further the availability of affordable housing and supportive services for Medicaid waiver-eligible individuals with behaviors that provide significant barriers to accessing traditional rental and supportive service opportunities. Loans from the community housing and services for persons with disabilities revolving loan program fund are to be used to provide financing to construct permanent supportive housing or develop infrastructure in which to provide supportive services, including through new construction, acquisition and rehabilitation of existing housing or infrastructure, or conversion or adaptive reuse. This chapter is intended to implement Iowa Code section 16.5(1) and 2011 Iowa Acts, House File 649, section 50.

Pursuant to 2011 Iowa Acts, House File 649, section 50, housing provided through a project under this chapter is exempt from the requirements of Iowa Code chapter 135O, Boarding Homes.

265—43.2(16) Definitions. When used in this chapter, unless the context otherwise requires:

“*Authority*” means the Iowa finance authority.

“*Department*” means the Iowa department of human services.

“*HOME*” means the HOME Investment Partnership Program, authorized by the Cranston-Gonzalez National Affordable Housing Act of 1990.

IOWA FINANCE AUTHORITY[265](cont'd)

“Infrastructure” means the building and permanent improvements necessary for the support of Medicaid waiver-eligible individuals.

“Medicaid waiver-eligible” means eligible to receive 19 United States Code Section 1915(c) home- and community-based services waivers under Iowa Administrative Code 441—Chapter 83.

“Permanent supportive housing” means a community-based dwelling that has supportive services for persons with disabilities. This type of supportive housing enables special needs populations to live as independently as possible in a permanent setting.

“PMIC” means psychiatric medical institutions for children.

“Program” means the community housing and services for persons with disabilities revolving loan program.

265—43.3(16) Award of loan funds. It is the authority’s intent to award loans under the program to those applicants that meet all of the requirements of this chapter and the published underwriting standards of the loan program. When an applicant for loan funds also qualifies for HOME program funds, the project must satisfy all application requirements of the HOME program adopted by the authority pursuant to rule 265—39.6(16). The authority intends to award the available funds under this program each year if applicants meet all applicable requirements.

265—43.4(16) Application process. The authority anticipates that it will, at least annually, publicize the approximate amount of funds available under this program for the applicable fiscal year on the authority’s Web site at www.iowafinanceauthority.gov. Any unallocated or recovered funds, or payments of interest and principal, or any combination thereof, may be awarded or may be carried over to the next year’s cycle of loans at the discretion of the authority. The authority will take such applications from time to time and will analyze and award loans to applicants on an ongoing basis, beginning on or after September 1, 2011. It is the position of the authority that such flexibility in taking and reviewing applications and making awards will best serve to develop and expand community housing and services for Medicaid waiver-eligible individuals.

Applicants may apply for joint funding of a project using both HOME program funds and funds loaned pursuant to this chapter.

265—43.5(16) Program guidelines. For-profit and nonprofit sponsors are eligible to apply for assistance under this program based on the following program guidelines; however, prior to submission of the loan application, a service provider must receive approval of a service plan to benefit the Medicaid waiver-eligible individuals who reside in the project. The service provider may apply for the loan fund; however, the service provider does not have to be the applicant for the loan fund. If the service provider is not the loan applicant, a memorandum of understanding must exist between the loan applicant and the service provider which shows an obligation on behalf of the service provider to deliver services to the Medicaid waiver-eligible individuals residing in the project and which shows that the loan applicant is obligated to offer housing to the Medicaid waiver-eligible individuals who need the services provided by the service provider.

43.5(1) Projects eligible for assistance must meet the following criteria:

a. Written approval must be obtained from the department for the proposed project prior to application for loan funds.

b. In order to be approved by the department, the project must demonstrate all of the following components:

(1) The project serves one of the following Medicaid waiver-eligible populations:

1. Individuals who are currently underserved in community settings, including individuals who are physically aggressive or have behaviors that are difficult to manage or individuals who meet the PMIC level of care; or

2. Individuals who are currently placed out of state by the department; or

3. Individuals who are currently receiving care in an Iowa-licensed health care facility.

IOWA FINANCE AUTHORITY[265](cont'd)

(2) A plan to provide each Medicaid waiver-eligible individual with crisis stabilization services to ensure that the individual's behavioral issues are appropriately addressed by the provider.

(3) Policies and procedures that prohibit discharge of the Medicaid waiver-eligible individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the individual or the individual's guardian is identified.

c. In order to be approved by the department for application for funding for development of infrastructure in which to provide supportive services under this chapter, a project shall include all of the following components:

(1) Provision of services to Medicaid waiver-eligible individuals who meet the PMIC level of care.

(2) Policies and procedures that prohibit discharge of the Medicaid waiver-eligible individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the individual or the individual's guardian is identified.

43.5(2) The following types of activities are eligible for assistance:

a. Acquisition and rehabilitation.

b. New construction.

c. Such other similar activities as may be determined by the authority to fall within the guidelines and purposes established for this program.

43.5(3) Assistance will be provided upon the following terms and conditions:

a. Generally, the minimum loan amount is \$50,000, and the maximum loan amount is \$500,000. The maximum loan term and amortization period are each 30 years.

b. The debt service ratio must be at least 1.25:1 for the authority's first mortgage, as calculated by the authority. In addition, the loan-to-value ratio of the project, as calculated by the authority, will be considered. Notwithstanding the above, the authority may, in its sole discretion, accept a lower debt service ratio based on the final underwriting of the project.

c. Interest rates will be set by the authority, in its sole discretion.

d. Loans shall be secured by a first mortgage, to the extent possible. Construction financing may be awarded to projects.

e. Recipients of assistance must agree to observe several covenants and restrictions all in accordance with such loan and mortgage documents as may be required by the authority under this program.

f. The recipient must provide adequate evidence that its title in the real estate on which the project is to be located is a marketable title pursuant to Iowa Land Title Examination Standards, or other applicable law. Adequate evidence of marketable title is demonstrated by either (1) a title opinion of an attorney authorized to practice law in Iowa showing that the loan recipient has marketable title, or (2) a title guaranty certificate issued by the title guaranty division of the Iowa finance authority showing the recipient as the guaranteed.

g. Recipients must execute such documents and instruments and must provide such information, certificates and other items as determined necessary by the authority, in its sole discretion, in connection with any assistance.

43.5(4) Loan fees.

a. Loan fees are as follows:

(1) Application fee – 0.3 percent of loan amount.

(2) Commitment fee (construction period) – 1.0 percent of loan amount.

(3) Commitment fee (permanent loan) – 2.0 percent of loan amount.

(4) Inspection fee (construction loan) – 0.5 percent of loan amount.

b. The authority may, in limited cases, reduce such fees if necessary in connection with assistance provided under this program. Such decision will be made in the sole discretion of the authority.

265—43.6(16) Authority analysis of applications. Authority staff will analyze and underwrite each potential project and will make recommendations for funding assistance to the authority board of directors. Authority staff will use such procedures and processes in its underwriting and analysis as it deems necessary and appropriate in connection with furthering the purposes of this program. In

IOWA FINANCE AUTHORITY[265](cont'd)

addition, the authority anticipates that, because of the complex nature of each transaction and the particular set of circumstances attributable to each particular application/transaction, the terms and conditions of loans will vary from project to project. The authority will make available its general operating procedures and guidelines for this program.

265—43.7(16) Discretion of authority board. The authority board of directors has the sole and final discretion to award or not to award assistance and to approve final loan terms.

265—43.8(16) Closing/advance of funds. If all requirements of the authority are not met in accordance with any time frames set by the authority and to the complete satisfaction of the authority, all in the sole discretion of the authority, the authority may determine to cease work on an approved project and, accordingly, not advance any funds for such project.

These rules are intended to implement Iowa Code section 16.5(1) and 2011 Iowa Acts, House File 649, section 50.

[Filed Emergency 8/5/11, effective 8/18/11]

[Published 8/24/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/24/11.

ARC 9688B

BANKING DIVISION[187]

Adopted and Filed

Pursuant to the authority of Iowa Code section 535B.14, the Division of Banking hereby amends Chapter 18, "Mortgage Bankers and Brokers," Iowa Administrative Code.

The amendments are primarily designed to implement 2010 Iowa Acts, Senate File 2348, which became effective July 1, 2011, and which requires independent real estate closing companies to be licensed as closing agents by the Banking Division beginning July 1, 2011. 2010 Iowa Acts, Senate File 2348, requires applicants for closing agent licensure to submit to background checks and to post a bond to be licensed.

The amendments address the processes and requirements for applying for and renewing a closing agent license. Because Chapter 18 already addresses mortgage banker and mortgage broker licensees, the amendments clarify when the rules apply only to a mortgage banker or mortgage broker licensee and not to a closing agent. The amendments make some minor changes to requirements applicable to mortgage bankers and mortgage brokers and require mortgage bankers and mortgage brokers to maintain certain records in an electronic format. The amendments also address accounting requirements for closing agent trust fund accounting and internal controls, closing standards, and the hiring of individuals responsible for handling money. Finally, the amendments outline a reporting obligation in the event of defalcation of trust funds and clarify when a real estate broker is engaged in the practice of real estate brokerage and, therefore, is exempt from the closing agent licensing requirement.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 29, 2011, as **ARC 9592B**. These amendments were also Adopted and Filed Emergency and were published as **ARC 9593B** on the same date. No public comments were received. These amendments contain one revision to the Notice of Intended Action. Language has been added to Item 12 providing for a late fee for each day a mortgage call report is late. This language simply reinstates a fee that previously existed but was inadvertently left out of the Notice of Intended Action.

Jobs impact statement: The Banking Division does not believe the amendments will have a significant impact, either positive or negative, on private-sector jobs and employment opportunities in Iowa. It is possible a few very small companies that are currently providing real estate closing services will decide not to obtain a license and, as a result, will close, but if that happens, it will be the result of 2010 Iowa Acts, Senate File 2348, not the result of these amendments.

These amendments are intended to implement Iowa Code chapter 535B and 2010 Iowa Acts, Senate File 2348 [chapter 1111].

These amendments will become effective September 28, 2011, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

The following amendments are adopted.

ITEM 1. Amend **187—Chapter 18**, title, as follows:

**MORTGAGE BANKERS, AND MORTGAGE BROKERS, AND
REAL ESTATE CLOSING AGENTS**

ITEM 2. Amend rule **187—18.1(17A,535B)**, definition of "License application," as follows:

"*License application*" means an electronic application submitted to the administrator for a license to operate as a mortgage banker, ~~or~~ mortgage broker, or closing agent in accordance with the provisions of 2009 Iowa Code Supplement section 535B.4 as amended by 2010 Iowa Acts, Senate File 2348, section 4.

ITEM 3. Amend rule **187—18.1(17A,535B)**, definition of "Licensee," as follows:

"*Licensee*" means a person who has a license to operate as a mortgage banker, ~~or~~ mortgage broker, or closing agent in accordance with the provisions of 2009 Iowa Code Supplement section 535B.4 as amended by 2010 Iowa Acts, Senate File 2348, section 4.

BANKING DIVISION[187](cont'd)

ITEM 4. Amend subrule 18.2(1) as follows:

18.2(1) Application for a license to operate as a mortgage banker, ~~or mortgage broker,~~ or closing agent shall be submitted to the administrator through the NMLS&R, and all requested information shall be provided on or with the application form. The administrator may consider an application or registration withdrawn if it does not contain all of the information required and the information is not submitted to the administrator within 30 days after the administrator requests the information.

ITEM 5. Amend subrule 18.2(4) as follows:

18.2(4) The administrator shall approve or deny a license application in accordance with the provisions of 2009 Iowa Code Supplement section 535B.5 as amended by 2010 Iowa Acts, Senate File 2348, section 5. A person shall not be eligible for licensing as a mortgage banker or mortgage broker unless all mortgage loan originators who are employed by, under contract with, or exclusive agents of the person have successfully completed the licensing requirements of ~~2009 Iowa Acts, Senate File 355~~ Iowa Code chapter 535D.

ITEM 6. Amend subrule 18.2(5) as follows:

18.2(5) An applicant for a mortgage banker or mortgage broker license must file with the administrator a bond complying with the provisions of 2009 Iowa Code Supplement section 535B.9 as amended by 2009 2010 Iowa Acts, Senate File 355 2348, section 32 7. The bond amount required to be filed and maintained by the applicant shall be set and adjusted as necessary annually in accordance with the following scale, based on the volume of residential mortgage loans made, originated, arranged, brokered, processed, ~~and~~ underwritten, and serviced, as the case may be, by the applicant or licensee during the preceding calendar year:

Loans	Bond Amount
\$0 – \$100,000,000	\$100,000
Over \$100,000,000	\$150,000

ITEM 7. Renumber subrule **18.2(6)** as **18.2(7)**.

ITEM 8. Adopt the following **new** subrule 18.2(6):

18.2(6) An applicant for a closing agent license must file with the administrator a bond in the amount of \$25,000 which complies with the provisions of 2009 Iowa Code Supplement section 535B.9 as amended by 2010 Iowa Acts, Senate File 2348, section 7.

ITEM 9. Amend rule 187—18.3(17A,535B) as follows:

187—18.3(17A,535B) Renewal of license.

18.3(1) To remain authorized to act as a mortgage banker, ~~or mortgage broker,~~ or closing agent, a licensee must renew a license before the expiration date of the license. A licensee who fails to renew a license before expiration is not authorized to act as a mortgage banker, ~~or mortgage broker,~~ or closing agent in Iowa after the expiration date.

18.3(2) Application to renew a license shall be submitted to the administrator before December 1 of the year of expiration through the NMLS&R. All requested information shall be provided to the administrator as directed by the NMLS&R. Applications for renewal of a license to transact business solely as a mortgage broker or closing agent must be accompanied by a fee of \$200. Applications for renewal of a license to transact business as a mortgage banker must be accompanied by a fee of \$400. In addition, the mortgage banker or mortgage broker licensee shall pay a branch office renewal fee of \$40 per branch. The administrator may assess late fees of up to \$10 per day for applications submitted after December 1.

18.3(3) The administrator shall grant an application to renew a license if:

- a. The administrator receives the application by December 1, accompanied by the appropriate renewal fee, or the administrator receives the application after December 1 but before January 1 and it is accompanied by the appropriate renewal fee and the appropriate late fee;
- b. The application is fully completed with all necessary information; and

BANKING DIVISION[187](cont'd)

c. The application does not reveal grounds to deny a license.

18.3(4) A renewal application received by the administrator after December 31 may, at the discretion of the administrator, be rejected for processing or may be treated as a new application for a license. A licensee who fails to renew a license before the expiration date is not authorized to act as a mortgage banker, ~~or~~ mortgage broker, or closing agent in Iowa after the expiration date.

ITEM 10. Amend rule 187—18.8(17A,535B) as follows:

187—18.8(17A,535B) Changes in the licensee's business; fees.

18.8(1) No mortgage banker or mortgage broker licensee shall conduct the residential mortgage lending activities authorized in Iowa Code chapter 535B under any name other than that stated on the license.

18.8(2) A licensee shall notify the administrator ~~in writing~~ through the NMLS&R of a change in the location, the addition, or the closing of any office prior to the change, addition, or closure.

18.8(3) A mortgage banker or mortgage broker licensee shall maintain on file with the administrator, through the NMLS&R, a list of all mortgage loan originators who are employed by, under contract with, or exclusive agents of the licensee. The licensee shall pay any fees assessed by the NMLS&R to add a mortgage loan originator to the licensee's list in the NMLS&R.

18.8(4) When a mortgage loan originator ceases to be employed by, under contract with, or an exclusive agent of a mortgage banker or mortgage broker licensee, the licensee shall notify the administrator, through the NMLS&R, within five business days. The notification shall include the reasons for the termination of the mortgage loan originator's employment, contract, or agency.

18.8(5) A mortgage banker or mortgage broker licensee shall notify the administrator ~~in writing~~ through the NMLS&R of the addition of any mortgage loan originator, owner, officer, partner, or director within five business days of addition.

18.8(6) Failure to notify the administrator within the prescribed time as required by this rule may subject the licensee to disciplinary action.

18.8(7) NMLS&R system processing fees. In addition to the fees set forth in this chapter, the applicant or licensee shall pay any fee assessed by the NMLS&R attributed to the licensee's record in the NMLS&R system including but not limited to the initial set-up fee, an annual processing fee, and a loan sponsorship transfer fee.

ITEM 11. Amend rule 187—18.16(17A,535B) as follows:

187—18.16(17A,535B) Licensee records.

18.16(1) *General record requirements.* A licensee must keep records that allow the administrator to determine the licensee's compliance with relevant statutes and regulations.

a. The licensee may keep the records as a hard copy or in an electronic equivalent.

b. The licensee shall keep records for at least ~~25~~ 36 months from the date of the final transaction with the borrower or a party in a real estate transaction.

c. The licensee shall maintain all books and records in good order and shall produce books and records for the administrator upon request. Failure to produce such books and records within 30 days of the administrator's request may be grounds for disciplinary action against the licensee.

d. The obligation to maintain records continues even after the licensee ceases business operations in Iowa and turns in or surrenders its license. The owners and directors of the licensee are responsible for ensuring this requirement is met.

e. Effective January 1, 2012, mortgage bankers and mortgage brokers shall have the capability to provide information on the characteristics of loan originations as described in subrule 18.16(11) in an electronic format prescribed by the administrator within 30 days of:

(1) The end of each calendar quarter or some other regular interval determined by the administrator;

or

(2) Notice from the administrator in the case of an examination.

BANKING DIVISION[187](cont'd)

18.16(2) Required records.

- a. A mortgage broker shall keep an index, application log, and application files.
- b. A mortgage banker shall keep an index, application log, application files, loan register, and loan files. If the mortgage banker also services loans, the mortgage banker must also keep account ledgers.
- c. A mortgage banker who only services loans needs to keep only an index, a loan register, loan files, and account ledgers.
- d. A closing agent shall keep the general business records outlined in subrule 18.16(9). The general business records are records relating to the closing agent's general business and do not include records relating to individual customer files. A closing agent shall also keep the following records relating to individual files:

(1) A closing register containing the information outlined in subrule 18.22(5); and

(2) A closing file containing the information outlined in subrule 18.22(6).

18.16(3) Index. All mortgage banker and mortgage broker records shall be accessible by the borrower's name (including the name of any endorser, comaker, or surety who is indebted to the lender) and account number.

18.16(4) Application log. A mortgage banker or mortgage broker licensee shall maintain an application log. The application log is a chronological list of applications received. The application log shall include the name of the applicant, date the application was completed, the name of the broker, the lender, and the mortgage loan originator, as applicable, including the unique NMLS&R identification number assigned to each, notes for action taken on applications (such as "approved," "denied," or "withdrawn"), and date of action. For approved applications, the application log shall show the date the loan closed and the name of the lender. For purposes of these rules, information from an applicant becomes an application when the licensee obtains the name and social security number of the applicant.

18.16(5) Loan register. A mortgage banker or mortgage broker licensee shall maintain a loan register. The loan register shall include the following information for every loan that is made: the date of the transaction, the name of the borrower, the name of the broker, the lender, the mortgage loan originator, and the closing agent, as applicable, including the unique NMLS&R identification number assigned to each, name of the lender, and the amount financed. The register shall be kept chronologically in the order the loans closed. The loan register may be combined with the application log.

18.16(6) Application file. A mortgage banker or mortgage broker licensee shall maintain an application file for each application received. The application file shall contain copies of the application and any required disclosures. A copy of any adverse action taken on the application, including any documentation supporting that action such as an appraisal report or credit report, shall also be placed in the application file. The application file shall also contain the name of the broker, the lender, and the mortgage loan originator, as applicable, including the unique NMLS&R identification number assigned to each.

18.16(7) Loan file. A mortgage banker or mortgage broker licensee shall maintain a loan file for each loan made. The loan file consists of the application file, the appraisal report, underwriting verifications, the closing file described in subrule 18.22(6) including other supporting documentation, and documents from the loan closing. These documents include: note, mortgage, all truth-in-lending disclosures, and all Real Estate Settlement Procedures Act disclosures. ~~The loan file shall include documentation of how the loan proceeds were distributed.~~ The loan file shall also contain the name of the broker, the lender, the mortgage loan originator, and the closing agent, as applicable, including the unique NMLS&R identification number assigned to each.

18.16(8) Account ledger. A mortgage banker licensee shall maintain an account ledger for each loan that is serviced, which shall include the following information:

a. ~~The account ledger shall include the following information:~~ the name and address of the borrower, loan number, loan date, payment terms, maturity date, principal amount of loan, amount financed, total of payments, property listed as security, and distribution of the loan proceeds.

b. ~~The account ledger shall include~~ a transaction history. Payments shall be posted to the account ledger effective the date payments were received. Payment entries will show the date payment was received, the total amount of the payment, and a description of how the payment was applied to the

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borrower's account (amount applied to principal, interest, escrow, late fees, or additional written description). Other transactions shall be fully described. Corrections to the transaction history shall be made by corrective entry and not by erasure.

~~c. The account ledger shall show~~ remaining balances due from the borrower, including principal, escrow, late fees, and other charges.

~~d. The account ledger shall show any~~ Any change to the interest rate and the effective date of that change.

~~e. The account ledger shall include full~~ Full descriptions of payments made outside the normal course of business, for example, payments made by the sale of security, insurance claim, or endorser. For any payments made by death claims on credit insurance, the date of death shall be noted in the account ledger.

~~f. When a loan is prepaid in full, the account ledger shall show~~ the dates and amounts of any rebates made to the borrower including escrow rebates and the refunds of unearned insurance premiums.

18.16(9) *General business records.* A licensee must keep the following general business records for at least 36 months:

a. All checkbooks, check registers, bank statements, deposit slips, withdrawal slips, and canceled checks (or copies thereof) relating to the mortgage or real estate closing business of the licensee.

b. Complete records (including invoices and supporting documentation) for all expenses and fees paid on behalf of each mortgage applicant, including a record of the date and amount of all such payments actually made by each mortgage applicant.

c. Copies of all federal tax withholding forms, reports of income for federal taxation, and evidence of payments to all employees, independent contractors, and others compensated by a licensee in connection with the conduct of the mortgage lending or real estate closing business.

d. All correspondence and other records relating to the maintenance of any surety bond required by Iowa Code chapter 535B.

e. Copies of all contractual arrangements or understandings with third parties in any way relating to the provision of mortgage lending services or real estate closing services (including, but not limited to, any delegations of underwriting authority, any agreements for pricing of goods or services, any investor contracts, any employment agreements, and any noncompete agreements).

f. Copies of all reports of audits, examinations, inspections, reviews, investigations, or other similar functions performed by any third party, including but not limited to the administrator or any other regulatory or supervisory authority.

g. Copies of all advertisements and solicitations concerning mortgage business directed at Iowa residents, including advertisements and solicitations on the Internet or by other electronic means, in the format (e.g., recorded sound, video, print) in which the advertisements and solicitations were published or distributed.

18.16(10) *Disposal of records.* If the licensee or former licensee disposes of records at the end of the retention period, the licensee or former licensee shall dispose of the records in a reasonable manner that safeguards any identification information, as defined in Iowa Code section 715A.8(1) "a." The owners and directors of licensees and former licensees are responsible for ensuring this requirement is met.

18.16(11) *Loan records required to be maintained electronically.*

a. Effective January 1, 2012, mortgage bankers and mortgage brokers shall maintain the following records electronically in a format prescribed by the administrator:

(1) Information sufficient to identify the mortgage loan and the unique identifier of the mortgage loan originator, the mortgage broker (if applicable), and the lender for the loan.

(2) Information sufficient to enable a computation of key items in the federal truth-in-lending disclosures, including the annual percentage rate, the finance charge, and a schedule of payments, and any deviations between the final disclosures and the most recent disclosures issued prior to the final disclosures.

(3) Information included in the "good faith estimate" (GFE) disclosure required under the federal Real Estate Settlement Procedures Act, including the rate, the date of any interest rate lock, and an itemization of settlement charges and all broker compensation.

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(4) Information included in the final HUD-1 Settlement Statement.

(5) Information related to the terms of each loan, including adjustable rate loan features (including timing of adjustments, indices used in setting rates, maximum and minimum adjustments, floors and ceilings of adjustments), the undiscounted interest rate (if maintained by the lender in an electronic format), penalties for late payments, and penalties for prepayment (including computation of the penalty amount, the duration of prepayment penalty, and the maximum amount of penalty).

(6) Information typically used in underwriting, including the appraised value of the property, the sales price of the property (if a purchase loan), each borrower's income, the monthly payment amount, the housing debt-to-income ratio, the total debt-to-income ratio, and the credit score of each borrower.

(7) Information included in a Loan Application Register for mortgage lenders required to submit information pursuant to the federal Home Mortgage Disclosure Act.

b. Mortgage brokers shall provide information identified in paragraph 18.16(11)“a” unless such information is not prepared or known by the mortgage broker and the mortgage broker does not reasonably have access to the information in an electronic format.

c. The administrator shall permit mortgage bankers and mortgage brokers to utilize compatible third-party software to provide information required under this subrule.

ITEM 12. Amend rule 187—18.17(17A,535B) as follows:

~~187—18.17(17A,535B) Annual report Mortgage call reports. On or before March 31 each year, a licensee shall file with the administrator an annual report for the preceding calendar year on forms prescribed by the administrator. For every day after March 31 that the report is not received, the administrator may assess late fees of \$10 per day. Each mortgage banker and mortgage broker licensee shall submit to the NMLS&R reports of condition, which shall be in such form and shall contain such information as the NMLS&R shall require. For each day after the NMLS&R-established due date that the report is not received, the administrator may assess late fees of \$10 per day.~~

ITEM 13. Amend subrule 18.18(1) as follows:

18.18(1) Any advertisement of mortgage loans which are offered by or through a mortgage banker or mortgage broker licensee shall conform to the following requirements:

a. An advertisement shall be in compliance with Truth-in-Lending, Regulation Z, and any other applicable state and federal laws and regulations.

b. An advertisement shall be made only for such products and terms as are actually available and, if their availability is subject to any material requirements or limitations, the advertisement shall specify those requirements or limitations.

c. An advertisement shall not make any statement or fail to make any statement the result of which shall present a misleading or deceptive impression to consumers.

d. An advertisement shall clearly show the licensee's unique NMLS&R identification number.

ITEM 14. Amend subrule 18.19(1) as follows:

18.19(1) The administrator may, at any time and as often as the administrator deems necessary, investigate a business licensee and examine the licensee's books, accounts, records, and files ~~used by a licensee.~~

ITEM 15. Amend subrule 18.20(2) as follows:

18.20(2) Grounds for discipline. The administrator may impose any of the disciplinary sanctions set out in Iowa Code section 535B.7 when the administrator finds any of the following:

a. The licensee has violated a provision of Iowa Code chapter 535B or a rule adopted under Iowa Code chapter 535B or any other state or federal law applicable to the conduct of ~~mortgage banking or mortgage brokering~~ the licensee's business, including but not limited to Iowa Code chapters 535 and 535A.

b. A fact or condition exists which, had it existed at the time of the original application for the license, would have warranted the administrator to refuse to issue the original license.

c. The licensee is found upon investigation to be insolvent, in which case the license shall be revoked immediately.

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- d.* The licensee has violated an order of the administrator.
- e.* The licensee fails to fully cooperate with an examination or investigation, including failure to respond to an administrator inquiry within 30 calendar days of the date of mailing a written communication directed to the licensee's last-known address on file with the administrator.
- f.* The licensee has engaged in any conduct that subverts or attempts to subvert an examination or investigation by the administrator.
- g.* The licensee continues to operate as a mortgage banker, ~~or mortgage broker,~~ or closing agent without an active and current license.
- h.* and *i.* Reserved.
- j.* The licensee fails to notify the administrator within five days of the occurrence of one of the significant events set forth in rule 187—18.7(17A,535B).
- k.* Another state or jurisdiction has denied, suspended, revoked, or refused to renew the licensee's license, registration, or authorization to act as a mortgage banker, ~~or mortgage broker,~~ or closing agent under the other state's or jurisdiction's law.
- l.* The licensee fails to create and maintain complete and accurate records as required by state or federal law, regulation, or rule.

ITEM 16. Adopt the following new rule 187—18.21(17A,535B):

187—18.21(17A,535B) Trust fund accounting and internal controls.

18.21(1) A closing agent shall establish and maintain a separate subsidiary ledger for each real estate transaction for which the closing agent performs real estate closing services.

18.21(2) A closing agent shall prepare a trial balance for each trust account and each subsidiary ledger at least once each calendar month.

18.21(3) A closing agent shall perform a three-way reconciliation of bank balance, book balance, and trust account trial balance for each bank trust account at least once each calendar month. A member of the closing agent's management team shall review and approve the reconciliation at least once each calendar month.

18.21(4) A closing agent shall design accounting processes with the appropriate level of internal controls and management oversight. The process shall include an appropriate segregation of duties. It is recommended that trust account reconciliations be prepared by a person other than a person who records receipts or makes deposits to the trust account. A closing agent may use an outside accountant to perform reconciliations.

ITEM 17. Adopt the following new rule 187—18.22(17A,535B):

187—18.22(17A,535B) Closing standards.

18.22(1) A closing agent shall read and comply with all closing instructions from the parties to the transaction.

18.22(2) A closing agent shall disburse or deliver funds only in accordance with closing instructions from the lender, the attorney's title opinion or title commitment, and the real estate purchase agreement, when applicable. All disbursements shall agree to the final signed settlement statement.

18.22(3) A closing agent shall obtain written payoff statements for any loan being paid off as part of the real estate transaction and shall make all loan payoffs as soon after the closing as is practical, but in no event more than two business days after the closing, or within one business day after the rescission period ends in the case of a refinance transaction. For the purposes of this rule, placing the loan payoffs with a delivery service for overnight delivery shall meet the requirements of this subrule.

18.22(4) A closing agent shall be responsible for ensuring that all documents for the real estate transaction that require recording are recorded with the appropriate county recorder's office in a timely manner, but in no event more than five business days after the date of the transaction.

18.22(5) A closing agent shall maintain a closing register and a closing index. A closing register is a chronological list of real estate closings. The closing register shall include for each closing the date of the transaction, the name of the buyer or borrower, the name of the seller, the name of the lender and the

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mortgage loan originator, and the property address, as applicable. A closing index shall be maintained so that all records are accessible by the names of the parties to the transaction (including the name of the buyer or borrower, the name of the seller, and the name of the mortgage loan originator) and file number. A searchable database containing the information required by this subrule satisfies the requirements of this subrule.

18.22(6) A closing agent shall maintain a closing file for each real estate transaction for which the closing agent performed real estate closing services. The closing file shall include, at a minimum, the following records:

a. An accounting ledger or disbursement sheet that details all receipts and disbursements with date, transaction type, check number, payee, amount, and the file's ending balance. All ledger or disbursement sheets shall balance zero after the transaction is completed. If any balance remains, the date, the reason for the balance, and to whom the balance belongs shall be clearly documented in the file.

b. A signed settlement statement that totals properly and is supported by written instructions for all amounts (such as closing instructions, invoices, or written payoffs). If the settlement requires changes, a copy of the new settlement statement with changes clearly documented shall be maintained in the file.

c. A copy of the closing instructions from the lender and other parties to the transaction.

d. A copy of the signed real estate contract, if applicable.

e. Detailed records of the individuals present at each closing, including copies of photo identification, and specifying where and when each closing is held.

f. Properly executed affidavits, where required.

g. Evidence that the real estate transaction documents were filed with the county recorder.

ITEM 18. Adopt the following new rule 187—18.23(17A,535B):

187—18.23(17A,535B) Employees of closing agents.

18.23(1) A closing agent shall exercise diligence in hiring practices, including policies regarding background investigations. A closing agent shall conduct a background investigation and credit check for each employee responsible for handling funds.

18.23(2) A closing agent shall provide appropriate training to employees on real estate closing matters, including trust account administration, real estate closing procedures, and fraud prevention.

ITEM 19. Adopt the following new rule 187—18.24(17A,535B):

187—18.24(17A,535B) Reporting obligation. If a closing agent detects defalcation regarding the closing agent's trust account funds, the closing agent must file the following notice with the division of banking within three days of discovering the defalcation. "We have detected circumstances regarding our trust account funds that may warrant an investigation by the banking division. The amount of funds involved is believed to be \$ _____."

ITEM 20. Adopt the following new rule 187—18.25(17A,535B):

187—18.25(17A,535B) Real estate brokers. For the purposes of applying the exemption in Iowa Code section 535B.2(6), a real estate broker performing real estate closing services shall be deemed to be engaged in practice as a real estate broker only when performing real estate closing services on a transaction in which the broker's brokerage represents one of the parties to the transaction and the closing is being administered through an account regulated by the real estate commission pursuant to Iowa Code chapter 543B.

BANKING DIVISION[187](cont'd)

ITEM 21. Amend **187—Chapter 18**, implementation sentence, as follows:
~~Rules 187—18.1(17A,535B) to 187—18.20(17A,535B)~~ These rules are intended to implement Iowa Code chapter 535B and 2010 Iowa Acts, Senate File 2348.

[Filed 8/4/11, effective 9/28/11]

[Published 8/24/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/24/11.

ARC 9691B**IOWA FINANCE AUTHORITY[265]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3(1)“b,” 16.5(1)“r,” and 16.193(1), the Iowa Finance Authority hereby amends Chapter 32, “Iowa Jobs Program,” Iowa Administrative Code.

The purpose of this amendment is to implement Iowa Code section 16.193(3)“b” and to simplify the reporting process for the Iowa Jobs Program by amending rule 265—32.7(16) to exclude temporary positions from the reporting requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 6, 2011, as **ARC 9457B**. The Authority received public comment on the proposed amendment but made no changes to the amendment as noticed.

The Iowa Finance Authority adopted this amendment on August 3, 2011.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 16.5(1)“r” and 16.193(3)“b.”

This amendment will become effective on September 28, 2011.

The following amendment is adopted.

Amend rule 265—32.7(16) as follows:

265—32.7(16) Calculation of jobs created. For purposes of this chapter, new employment positions created and filled (or to be created and filled) as a result of the project and existing positions that would not have been continued were it not for Iowa jobs funding shall be counted when estimating the number of jobs to be created during the application process and when counting the number of actual jobs created in post-grant reporting. ~~Both permanent and temporary~~ Permanent positions filled by the grantee, a contractor, or a subcontractor (or sub-subcontractor, etc.), including construction work, shall be counted. To be counted, a position must be compensated. Indirect jobs and induced jobs shall not be counted.

[Filed 8/5/11, effective 9/28/11]

[Published 8/24/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/24/11.

ARC 9678B**PUBLIC SAFETY DEPARTMENT[661]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 17A.3, the Statewide Interoperable Communications System Board hereby adopts Chapter 600, “Statewide Interoperable Communications System Board,” Iowa Administrative Code.

Iowa Code section 80.28 establishes the Statewide Interoperable Communications System Board, and Iowa Code section 80.29 specifies the responsibilities of the Board. These rules establish the procedures of the Board, including procedures for meetings, election of officers, awarding of grants, entering into of contracts, and selection of the Statewide Interoperability Coordinator.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 9516B** on May 18, 2011.

Comments were received from members of the Administrative Rules Review Committee, expressing concern that the proposed wording of rule 661—600.3(80) could be interpreted to require the appointment of a Statewide Interoperability Coordinator to support the Board and consequent obligation of funds, whether or not funds had been appropriated or otherwise made available to the Board.

In response to the expressed concern, one change has been made from the rules as proposed in the Notice of Intended Action. In rule 661—600.3(80), which provides for the appointment of a Statewide Interoperability Coordinator (SWIC) by the Board, the word “may” has been substituted for the word “shall.” This reflects the intention of the Board to appoint a Coordinator to provide staff support for the Board, but only if funds are available to compensate the SWIC. The rule now reads as follows:

“661—600.3(80) Statewide interoperability coordinator. The board may select and appoint a person who is not a member of the board as the statewide interoperability coordinator (or “SWIC”) to coordinate work performed on behalf of the board and to complete tasks related to the mission of the board as assigned by the board or by the chairperson of the board with board approval.”

These rules are not anticipated to have any fiscal impact.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code section 80.29.

These rules will become effective on October 1, 2011.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 600] is being omitted. With the exception of the change noted above, these rules are identical to those published under Notice as **ARC 9516B**, IAB 5/18/11.

[Filed 7/27/11, effective 10/1/11]

[Published 8/24/11]

[For replacement pages for IAC, see IAC Supplement 8/24/11.]

ARC 9689B

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Adopted and Filed

Pursuant to the authority of Iowa Code section 35A.3(2), the Commission of Veterans Affairs hereby amends Chapter 10, “Iowa Veterans Home,” Iowa Administrative Code.

These amendments reflect changes as a result of legislation signed by President Obama that modified the eligibility of Gold Star parents for admission to state veterans homes. Previously, Gold Star parents could be admitted only if all of their children died while serving in the armed forces. The change allows a Gold Star parent admission to a state veterans home if the parent has lost at least one child in active military service. The other changes reflect clarification of the support billing process at the Iowa Veterans Home.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 9492B** on May 4, 2011. No comments were received from the public. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 35D.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801](cont'd)

These amendments will become effective September 28, 2011.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Ch 10] is being omitted. These amendments are identical to those published under Notice as **ARC 9492B**, IAB 5/4/11.

[Filed 8/4/11, effective 9/28/11]

[Published 8/24/11]

[For replacement pages for IAC, see IAC Supplement 8/24/11.]



EXECUTIVE ORDER NUMBER SEVENTY-FOUR

- WHEREAS, strong science, technology, engineering and mathematics (STEM) education is essential to prepare the young people of Iowa for a competitive, global economy; and
- WHEREAS, scientific literacy is also the foundation of being a good citizen; and
- WHEREAS, the Iowa Constitution encourages a strong educational foundation by providing that "[t]he General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement" (Iowa Const. art. IX, 2d, § 3); and
- WHEREAS, the General Assembly has encouraged math and science education, including engineering and technology education, through several Acts of the General Assembly; and
- WHEREAS, raising achievement in STEM subjects from preschool through higher education opens doors to STEM careers and strengthens Iowa's workforce; and
- WHEREAS, an emphasis on reaching out to minority, low-income and other underrepresented students to encourage interest in STEM is vital; and
- WHEREAS, innovative STEM research at colleges and universities and by private business and industry is key to creating jobs for a more vibrant economy; and
- WHEREAS, the people and State of Iowa will be well served by a statewide advisory council charged with establishing a collaborative vision to promote STEM education.
- NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, declare that science, technology, engineering and mathematics education should be strengthened as part of providing a world-class education, encouraging innovation and enhancing economic development. I hereby order the creation of the Governor's Science Technology, Engineering and Mathematics ("STEM") Advisory Council.
1. **Purpose:** The Governor's STEM Advisory Council shall advise the Governor on ways to improve STEM education, STEM innovation and STEM careers in the public and private sectors.
 2. **Organization:** The Council shall be composed of no more than 40 members appointed by the Governor. Each member will serve at the pleasure of the Governor without compensation and in an advisory capacity. The Council shall be led by an Executive Committee. In addition to the Executive Committee, the Governor shall appoint to the Council:
 - a. representatives with STEM qualifications from the following sectors, including but not limited to: advanced manufacturing, agribusiness, biotechnology, clean energy,

- engineering, healthcare and information technology; higher education, post-secondary training institutions, early childhood, elementary and secondary education; and vocational-technical education.
- b. additional qualifying members, including up to three representatives of national STEM organizations.
- c. two members of the Iowa Senate to serve as non-voting, ex-officio members, one majority party member and one minority party member.
- d. two members of the Iowa House of Representatives to serve as non-voting, ex-officio members, one majority party member and one minority party member.

The Governor's STEM Advisory Council shall be co-chaired by the Lieutenant Governor of Iowa. The other co-chair shall be selected by the Governor from among the Council members for a two-year term. After that, the Lieutenant Governor will continue as co-chair with the other co-chair position to be selected by the Governor and to rotate on a biennial basis.

The co-chairs, or the executive director with the approval of the co-chairs, may direct the Council to form subcommittees to address particular issues facing STEM education and other STEM matters in the State of Iowa. The makeup and nature of each committee shall be determined by the co-chairs.

Administrative operations of the Council shall vest with an Executive Director who will serve at the pleasure of the Council. The Executive Director and Staff shall be housed at the University of Northern Iowa, unless otherwise transferred to another location by Governor. The Department of Education shall provide staff support to the Council, as needed, to enable the Council to fulfill its responsibilities.

3. **Executive Committee:** Membership for the Governor's Science Technology, Engineering and Mathematics Advisory Council Executive Committee shall include the following members, or their respective designees:
 - a. Lieutenant Governor of the State of Iowa
 - b. Director of the Iowa Department of Education
 - c. Director of the Iowa Partnership for Economic Progress (Department of Economic Development)
 - d. Director of the Iowa Department of Workforce Development
 - e. President of Iowa State University
 - f. President of the University of Iowa
 - g. President of the University of Northern Iowa
 - h. Community college president
 - i. Independent college president
 - j. Two representatives of preschool, elementary or secondary education
 - k. Two representatives of private employers who hire job candidates with STEM skills, appointed by the Governor.

The Executive Committee shall conduct business on behalf of the full Advisory Council including, but not limited to, launching initiatives, making final recommendations and scheduling meetings.

4. **Goals:** The Council shall have the following objectives:
 - a. collaborate with participants and parties from the public and private sectors to promote STEM education, innovation and careers statewide; and
 - b. work to dramatically increase students' interest and achievement in STEM subjects so they will have a greater opportunity to pursue STEM careers; and
 - c. recommend how to better recruit and prepare teachers to teach STEM; and
 - d. map STEM education to economic development with an emphasis on fostering innovation in research and entrepreneurship; and
 - e. build on the outstanding work of the Iowa Mathematics and Science Education Partnership and the Iowa STEM Education Roadmap to advise on development and implementation of a statewide STEM plan with clear goals; and
 - f. reach other goals and objectives as requested by the office of the Governor.

- 5. **Activities:** The Council shall undertake the following actions:
 - a. make recommendations on creating a campaign to generate public support for STEM subjects and careers by reaching out to parents, students and others; and
 - b. the Council shall report any findings or recommendations to the Governor, at the request of the Governor, and at such periods as determined by the Co-Chairs; and
 - c. commission reports on issues related to STEM education, innovation and careers to promote an important public conversation about STEM issues; and
 - d. recommend policy changes that will better position Iowa's young people, educational institutions and business and industry to compete in STEM areas; and
 - e. undertake other activities as requested by the office of the Governor.

All agencies, departments and boards of the State of Iowa shall cooperate fully with the Council. The Council may seek the expertise and services of individuals and entities outside its membership for research, advice and other needs, as required to accomplish its mission.



IN TESTIMONY WHEREOF, I HAVE
 HEREUNTO SUBSCRIBED MY NAME
 AND CAUSED THE GREAT SEAL OF
 THE STATE OF IOWA TO BE AFFIXED.
 DONE AT DES MOINES THIS 26th DAY
 OF JULY IN THE YEAR OF OUR LORD
 TWO THOUSAND ELEVEN.


 TERRY E. BRANSTAD
 GOVERNOR OF IOWA

ATTEST: 
 MATT SCHULTZ
 SECRETARY OF STATE