

STATE OF IOWA
1967

DEC. 11 1968

**IOWA
DEPARTMENTAL
RULES**

JULY
1967
SUPPLEMENT

Containing

The permanent rules and regulations of general application promulgated
by the state departments from January 1, 1967 to July 19, 1967



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NOTICE

The statutes provide that the Code Editor may publish cumulative, semi-annual supplements to the Iowa Departmental Rules. Inquiry should be made each six months of the Superintendent of Printing for distribution of these supplements.

PREFACE

This volume is published in compliance with section 14.3(7) of the Code. The rules of the various boards and departments are arranged in alphabetical order, using the names of the departments in general use.

Not all of the rules and regulations promulgated by the state departments have been included. The Act specifies "permanent" rules of "general application." Where rules have been omitted by the editor there is a notation indicating where such rules may be obtained.

July 1967

THE EDITOR.

PUBLICATION OF DEPARTMENTAL RULES

Section 14.3 of the Code, subsection 7, requires the Code Editor to:

"Prepare the manuscript copy, and cause to be printed by the state superintendent of printing in each year in which a Code is published, a volume which shall contain the permanent rules and regulations of general application, promulgated by each state board, commission, bureau, division or department, other than a court, having statewide jurisdiction and authority to make such rules. The Code Editor may omit from said volume all rules and regulations applying to professional and regulatory examining and licensing provisions and any rules and regulations of limited application. The Code Editor may make reference in the volume as to where said omitted rules and regulations may be procured.

"This volume shall be known as the Iowa departmental rules and any rule printed therein may be cited asI.D.R..... giving the year of publication and the page where the particular rule, by number, may be found.

"The Code Editor may provide cumulative, semiannual supplements for insertion in the latest published volume and a place shall be provided in the binding of such volume for insertion of such supplements."

TABLE OF CONTENTS

| | Page |
|--|------|
| Agriculture Department | 5 |
| Appeal Board, State | 5 |
| Commerce Commission | 15 |
| Conservation Commission | 15 |
| Health Department | 16 |
| Labor, Bureau of | 20 |
| Pharmacy Department | 27 |
| Public Instruction Department | 31 |
| Real Estate Commission | 31 |
| Regents, Board of | 32 |
| State Preserves Advisory Board | 35 |
| Water Pollution Control Commission | 38 |

IOWA DEPARTMENTAL RULES JULY 1967

AGRICULTURE DEPARTMENT

Pursuant to authority of Section 351.35, 1966 Code of Iowa, the rules on rabies control, as they appear on page 20 of the 1966 IDR, are amended as follows:

[Filed March 21, 1967]

1.132(351) Control and prevention of rabies

1.132(1) *Antirabies vaccine.*

a. By adding the sentence: "It shall be given intramuscularly."

b. By striking paragraph "b" and inserting in lieu thereof:

b. In the event the professional judgment of the veterinarian indicates the use of modified live virus chick embryo vaccine in a particular animal is contraindicated, inactivated nervous tissue vaccine may be used on an annual basis.

[Effective March 21, 1967]

APPEAL BOARD, STATE

Pursuant to authority of Section 25A.3 of the Code the following rules are adopted.

[Filed June 16, 1967]

CHAPTER 1

TORT CLAIMS

1.1(25A) *Definitions.* As used in these rules, "state agency," "employee of the state," "claim," and "award" bear the definitions ascribed to them in section 25A.2, 1966 Code of Iowa. "Board" means "state appeal board" as defined in section 23.1, 1966 Code of Iowa. "Executive secretary" means executive secretary of the state appeal board.

1.2(25A) *Meetings of board.* The board shall meet regularly on Tuesday after the first Monday of each month at a time and place fixed by the chairman or a majority of the board. The chairman or a majority of the board may in addition call special meetings and fix the time and place of such meetings.

1.2(1) *Orders of board.* The board shall be considered in continuous session for the purpose of entering orders, issuing determinations, and making awards.

1.2(2) *Quorum.* A majority of the membership of the board shall constitute

a quorum for the transaction of all business. But the compromise, settlement, or allowance of any claim in an amount larger than \$5,000 shall require the approval of all members of the board and of the district court of Polk county.

1.2(3) *Executive secretary.* The state comptroller shall appoint an employee of his office to serve as executive secretary of the board.

1.3(25A) *Form of claims.* All claims should be typewritten, but claims printed by hand in permanent ink will be accepted if legible.

1.3(1) *Place of filing.* Claims shall be filed in triplicate with the State Comptroller, State Capitol, Des Moines, Iowa.

1.3(2) *Verification.* Claims shall be verified.

1.3(3) *Names and signatures.* Claims shall state thereon the names, addresses and telephone numbers of the persons making the claim and of the attorney, if any, preparing or assisting in preparing the claim, and their signatures.

1.3(4) *Designation by number.* The executive secretary shall assign a number to each claim. Thereafter, it may be referred to by such a number.

1.4(25A) Content. All claims shall set forth information as follows:

1.4(1) Description of accident. State, in detail, all known facts and circumstances attending the damage or injury, identifying persons and property involved and the cause thereof.

1.4(2) In connection with personal injuries or death.

a. A detailed description of the nature, extent, and duration of any and all injuries.

(1) The names and addresses of any and all physicians, surgeons, dentists or other medical personnel providing treatment or services.

(2) The dates and places of the treatments or services.

(3) The date of the final treatment or service, and the name of the physician or other person providing same.

(4) If treatment or services are continuing, the name and address of each physician or other person rendering said treatment or service, and the nature of the treatment or service.

b. The name and address of any hospital in which claimant is or was confined, and the dates of admission and discharge.

c. The name and address of any and all persons who have taken x-rays of claimant, the dates of such x-rays, and a statement as to what the x-rays purportedly established.

d. A statement as to any pre-existing injury, illness, or condition, the nature of such pre-existing injury, illness, or condition, and the name and present address of each physician or other person who has rendered or who is rendering treatment for such disability.

e. If employed at the time of the injury or death, the name and address of the employer, the position or job held and nature of the work performed, the average weekly wage or salary for the year immediately past, the period of time lost from employment (dates), and the sum of the wages or salary claimed to have been lost, if any, by reason of injury or injuries.

f. If other loss of income, profit or earnings is claimed, the amount of such loss or losses and how computed, the source of such loss, the date of deprivation thereof, the period of time, and whether it is continuing.

g. Name and address of present employer if claimant has returned to work, the position or job held, the nature of the work being performed, and present weekly wages, earnings, income, or profits.

h. Itemization in detail of any and all moneys expended or expenses incurred in connection with said claim.

i. Names and addresses of all persons who have personal knowledge of any facts relating to said claim.

1.4(3) In connection with property damage or loss.

a. Motor vehicle.

(1) Make, model, year.

(2) Date of purchase and purchase price.

(3) Cost estimates for repairs or actual costs thereof, with copies of estimates or bills.

(4) Specific part or parts allegedly damaged.

(5) Names and addresses of any and all persons having personal knowledge of any facts relating to the claim.

b. Other property.

(1) Nature and description of such other property or items of property separately listed.

(2) Method by which such property was acquired. If purchased, then the name of the person or place from which purchased, the price, date, and usage made of the property.

(3) Depreciated value at date of damage or loss.

(4) Cost estimates for repairs, or actual costs thereof, with copies of cost estimates made or of bills paid.

(5) Names and addresses of any and all persons having personal knowledge of any facts relating to the claim.

1.5(25A) Allegations denied. No answer to a claim shall be required of the state, and all allegations of the claim shall be treated as denied.

1.6(25A) Inspection of claims. Claims and any documents or affidavits filed in connection with claims may be inspected and copied in the office of the executive secretary by persons affected or interested in the subject matter thereof.

1.7(25A) Attorney general. The executive secretary shall deliver or cause deliv-

ery of two copies of each claim to the special assistant attorney general assigned to claims.

1.8(25A) Investigation. Upon receipt of said copy, the special assistant attorney general shall fully investigate the claim. He shall ex officio be empowered to administer oaths or may take testimony in the form of affidavits, depositions or oral or written interrogatories, or otherwise. He may compel the attendance of witnesses and certify to any district court for contempt.

1.8(1) No hearing requested. If no hearing is requested within the time hereinafter allowed, the special assistant attorney general shall file with the executive secretary not later than sixty days after the expiration of such period all testimony, affidavits, and other papers in connection with the claim, and his report.

1.8(2) Hearing requested. If a hearing is requested within the time hereinafter allowed, the special assistant attorney general shall retain the fruits of his investigation for presentation at the hearing.

1.9(25A) Depositions. In the event claimant requests a hearing as hereinafter provided, he may file with the executive secretary in triplicate a written application for the taking of depositions in support of his claim, naming the employee sought to be deposed, the state agency which employs him, and stating reasons why it should be taken. The application shall be filed with the request for hearing.

1.9(1) Copies. The executive secretary shall transmit copies of the application for the taking of depositions to the special assistant attorney general and the chief executive of the state agency named in the application.

1.9(2) Approval. If the special assistant attorney general consents, the executive secretary shall fix a time, date, and place for the taking of depositions, and shall notify the claimant or his attorney, the chief executive of the state agency named in the application, and the special assistant attorney general.

1.9(3) Reporter. The claimant who makes application for the taking of depositions shall arrange for and provide the services of a certified court reporter who shall administer oaths and record the testimony.

1.9(4) Costs. Claimant shall pay all costs of taking the depositions.

1.10(25A) Interrogatories. In the event claimant requests a hearing as hereinafter provided, he may file with the executive secretary in triplicate written interrogatories, which shall be limited in number to thirty, and which shall be addressed to the state agency. The interrogatories shall be filed with the request for hearing.

1.10(1) Copies. The executive secretary shall transmit copies of the interrogatories to the special assistant attorney general and the chief executive of the state agency which employs the employee on whose act or omission the claim is based.

1.10(2) Answers. Within thirty days after receipt of interrogatories, the state agency or employee shall furnish such information in response as is available. But no one shall be required to answer any interrogatories which, in the opinion of the special assistant attorney general, would be objectionable were the rules of civil procedure applicable. Answers shall be filed in triplicate with the executive secretary, who shall transmit copies to the claimant or his attorney and to the special assistant attorney general.

1.11(25A) Hearing. Any claimant desiring a hearing on the merits of his claim shall make application for such hearing in writing and transmit said application to the executive secretary within thirty days after filing his claim. But no hearing shall be had on any claim of less than \$50.00.

1.11(1) Notice. The executive secretary shall, within fourteen days after receipt of said application, mail to the claimant a notice of hearing.

1.11(2) Time. The notice shall fix a time, date and place for hearing, which date shall not be more than sixty days subsequent to the date of receipt of the request.

1.12(25A) Hearing officer. The board may appoint one or more persons as hearing officers to appear on behalf of and to act for the board as hereinafter provided.

1.12(1) Conduct. The hearing officer shall regulate the conduct of the hearing and of the parties thereto, and maintain order.

1.12(2) Proceedings. The hearing officer shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but

shall make such investigations and inquiries in such manner as is best suited to ascertain and conserve the substantial rights of all parties thereto. If in his discretion disposition of the claim may be expedited thereby, he may by preliminary conference seek clarification and simplification of the factual and legal issues, solicit admissions of facts and of documents and records not really controverted, limit the number of witnesses, or cause the consideration of any other matter which may aid, expedite or simplify the hearing. Process and procedure shall be as summary as reasonably may be.

1.12(3) Arguments. Claimant may make a brief opening statement, setting forth what he intends to prove. No closing arguments will be heard, but briefs, written statements, or memoranda may be submitted.

1.12(4) Evidence. Claimant may introduce evidence of whatever nature and in whatever form he deems advisable, subject to the rulings of the hearing officer, who may receive, exclude, or limit it.

1.12(5) Objections. Objections to testimony or to exhibits may be made, but they must be timely and must state the grounds relied on. The hearing officer's rulings shall be conclusive. The authenticity of exhibits shall be deemed admitted unless objections are timely made.

1.12(6) Cross-examination. Cross-examination of witnesses shall be limited to the subject matter of the direct examination.

1.13(25A) Representation. The claimant shall have the right of representation by attorney at such hearings. The special assistant attorney general shall represent the state and shall have all rights afforded claimant.

1.14(25A) Extensions. An extension of the time fixed for hearing may be granted the claimant or the special assistant attorney general upon written application for good cause shown. Such application shall be filed with the executive secretary, who shall notify the claimant or his attorney and the special assistant attorney general of denial or of the extended time for hearing.

1.15(25A) Failure to appear. Failure of the claimant and his attorney, if any, to appear at the time, date and place fixed for hearing shall be deemed a waiver of the application for hearing and consent to

submission of the claim to the board on such information as it possesses; provided, that for good cause shown, the hearing officer may in his discretion cause a new date to be fixed.

1.16(25A) Venue. Hearings shall be conducted in Polk county in the place designated by the board, provided, however, that on application by the claimant or the special assistant attorney general, the board may, on good cause shown, designate a place not within Polk county.

1.17(25A) Report. After a hearing, the hearing officer shall promptly make a written report to the board of his findings of fact and conclusions of law.

1.18(25A) Determination. The board, after evaluation of the hearing officer's report, shall determine whether liability exists, and if so, the amount of damages in money to be awarded as compensation.

1.19(25A) Notification. The executive secretary shall notify the claimant or his attorney, in writing, of the board's determination and of the amount of the award, if any.

1.20(25A) Release. The executive secretary shall transmit, with notification of the determination, a release of the claim in consideration of the amount of the award fixed by the board. The release shall be prepared by the special assistant attorney general.

1.21(25A) Acceptance. Return of the release properly executed by the claimant or his attorney within ten days after its receipt shall constitute acceptance of the award in full settlement of the claim.

1.22(25A) Attorney fee affidavit. Along with the executed release the claimant's attorney shall submit in affidavit form the amount of his attorney fees in connection with his services to claimant.

1.23(25A) Warrant. If the board determines the claimant's attorney's fees to be reasonable and the release properly executed the comptroller shall cause the issuance of a warrant in the amount of the award, payable to claimant and to his attorney, if he has one.

1.24(25A) Final disposition. Notification of the claimant or his attorney of the board's determination and the amount of the award, if any, shall constitute final disposition of the claim. Where no hearing is requested, the board will make its

determination on the report submitted by the special assistant attorney general and such other information as is available to it, and shall proceed to dispose of it thereafter in the manner prescribed where hearing has been held.

1.25(25A) Withdrawal. Withdrawal of claims shall be by notice in writing addressed to the State Appeal Board, Office of the State Comptroller, Des Moines, Iowa.

1.26(25A) Suit. In the event the determination and the award, if any, are not acceptable to claimant, or if the board makes no final disposition of the claim within six months after it is filed, claimant may instigate suit against the state.

1.27(25A) Liability insurance. If any claim filed as herein provided is based on an act or omission of a state agency or employee thereof covered by liability insurance, the executive secretary shall immediately notify the claimant or his attorney of the name of the insurance company and the address of its claims department.

1.28(25A) Attorneys. Only duly licensed attorneys at law may practice in or before the hearing officers designated by the board, but a claimant may represent himself.

mediately upon filing". Approved by the Departmental Rules Review Committee July 11, 1967.]

[Filed June 16, 1967 "to be effective im-

APPENDIX TO RULES

The following forms are suggested as aids to claimants.¹

Form A, Iowa Tort Claims Act

State Appeal Board of the State of Iowa

CLAIM AGAINST THE STATE OF IOWA

(For damages under the Iowa Tort Claims Act)

| | | |
|-------------------|---|-----------------|
| _____ CLAIMANT | } | Claim No. _____ |
|-------------------|---|-----------------|

1. Post-office address of Claimant: _____

2. Nature of claim (check one):

Personal injury _____

Property Damage _____

Both of above _____

3. Time, date, and place claim arose _____

4. State agency and employee whose act or omission gave rise to this claim

5. Attached hereto and made a part of this claim are:

Statement of facts, personal injury _____

Statement of facts, property damage _____

(Note: Statements of facts are those required by Rules 1.4(2) and 1.4(3). They should be as detailed as possible).

¹This appendix is not a part of the rules and has not been adopted by the State Appeal Board. The forms are not official forms and their use is not mandatory except to the extent that they incorporate provisions required by the rules.

6. Amount of award claimed as compensation:

For personal injury _____

For property damage _____

Total award claimed _____

7. I (am) (am not) represented by an attorney.

Claimant's signature

Address _____

Telephone No. _____

Attorney for Claimant

Address _____

Telephone No. _____

STATE OF IOWA }
COUNTY OF } SS.

I, _____, being duly sworn, depose and say that I am the claimant herein, and have read the foregoing claim filed by me or on my behalf, and that the facts stated therein are true as I verily believe.

Claimant's signature

Subscribed in my presence and sworn to before me by the said _____

_____ this _____ day of _____, 19____.

Notary Public

APPEAL BOARD

Form B, Iowa Tort Claims Act

State Appeal Board of the State of Iowa

CLAIM AGAINST THE STATE OF IOWA

(For damages under the Iowa Tort Claims Act)

| | |
|--|--|
| <hr/> <hr/> <p>CLAIMANT</p> <hr/> | <hr/> <p>Claim No. _____</p> <p>REQUEST FOR HEARING¹</p> <hr/> |
|--|--|

**To: EXECUTIVE SECRETARY
STATE APPEAL BOARD**

COMES NOW the claimant herein and requests a hearing on the issues arising under his claim. Said claim was filed with the State Comptroller on the _____ day of _____, 19_____.

Claimant's signature

Address _____

Telephone No. _____

Attorney for Claimant

Address _____

Telephone No. _____

¹A request for hearing must be filed within thirty (30) days after the claim is filed with the State Comptroller. (Rule 1.11) If claimant desires to depose a state employee, or submit interrogatories to be answered in writing, he must file with his request for hearing applications to do so. (Rules 1.9, 1.10).

Form C, Iowa Tort Claims Act

State Appeal Board of the State of Iowa
CLAIM AGAINST THE STATE OF IOWA
 (For damages under the Iowa Tort Claims Act)

| | |
|--------------------------|---|
| _____ CLAIMANT | Claim No. _____ APPLICATION TO TAKE DEPOSITION¹ |
|--------------------------|---|

COMES NOW the claimant herein and files this application in triplicate for the taking of the deposition of the following employee of the State of Iowa:

1. Name: _____

2. State agency which employs him: _____

3. Place of employment: _____

4. Name and address of immediate superior (if known): _____

5. Time, date, and place preferred for taking of deposition: _____

6. Is person named the person whose act or omission gave rise to this claim? Yes _____ No _____

7. Reasons why deposition is sought _____

8. I (am) (am not) submitting written interrogatories.

 Signature of Claimant or Attorney

Address _____

Telephone No. _____

¹The application shall be filed with the request for hearing. (Rule 1.9).

APPEAL BOARD

14

Form D, Iowa Tort Claims Act

State Appeal Board of the State of Iowa

CLAIM AGAINST THE STATE OF IOWA

(For damages under the Iowa Tort Claims Act)

| | |
|--------------------------|---|
| _____ CLAIMANT | Claim No. _____ APPLICATION FOR CONTINUANCE |
|--------------------------|---|

COMES NOW the claimant herein and requests continuance of the hearing on his claim previously set for the _____ day of _____, 19_____, at _____ o'clock, at (place) _____, for the reasons that:

Claimant's (or attorney's) signature
Address _____

Telephone No. _____

COMMERCE COMMISSION

Pursuant to authority of sections 325.3 and 325.11, Code of Iowa, the following rule is adopted.

[Filed July 14, 1967]

**MOTOR TRANSPORTATION DIVISION
CHAPTER 4 (MV)**

Iowa State Commerce Commission, Rule 4.2(9), *suspension*, [July 1966 Supplement, I.D.R.] is amended as follows:

1. By striking from line nine (9) thereof of the number "325.25" and substituting therefor the number "325.35".

2. By adding to line nine (9) following the word "(fees)" the words "or both".

[Effective 30 days after filing]

COMMERCE COMMISSION

(continued)

Pursuant to the authority of section 327A.17, Code of Iowa, the following rule is adopted.

[Filed July 14, 1967]

**MOTOR TRANSPORTATION DIVISION
CHAPTER 13 (LC)**

Iowa State Commerce Commission Rules, Chapter 13, [July 1966 Supplement, I.D.R.] are amended as follows:

1. By adding to section 13.2, the following subsection:

"13.2(9) *Suspension*. Where a liquid transport carrier fails to have effective insurance on file with the commission or fails to pay the regulatory certificate fee, the commission may suspend the authority of such carriers. The suspension shall remain in force and effect until the operator has met the requirements of chapter 327A.5 (insurance) and chapter 327A.19 (fees). The carrier affected by the suspension order shall, upon request, have a hearing before the commission."

[Effective 30 days after filing]

COMMERCE COMMISSION

(continued)

Pursuant to the authority of section 327A.17, Code of Iowa, the following rule is adopted.

[Filed July 14, 1967]

**MOTOR TRANSPORTATION DIVISION
CHAPTER 13**

Iowa State Commerce Commission Rules, Chapter 13, [July 1966 Supplement, I.D.R.] are amended as follows:

1. By adding to subsection 13.8(5) line six (6) following the word "medicine" the words "or osteopathy".

2. By adding to subsection 13.8(5) line ten (10) following the word "medicine" the words "or osteopathy".

3. By adding to subsection 13.8(6) line five (5) following the word "medicine" the words "or osteopathy".

[Effective 30 days after filing]

CONSERVATION COMMISSION

Pursuant to the authority of section 106.3 and 106.9, Chapter 106, Code of Iowa 1966, the following rule is hereby adopted.

[Filed March 17, 1967]

DIVISION OF LANDS & WATERS

Administrative Order No. 307, dated December 6, 1961, [Filed December 19, 1966 and appearing in 1966 I.D.R. 132, 133 and 134] is hereby amended by rescinding all of regulation six (6), regula-

tion seven (7), and regulation eight (8) and inserting in lieu thereof.

SAFETY EQUIPMENT

40.1(106) White lights for sailboats. Vessels of class I, II, III, and IV, propelled by sail alone between sunset and sunrise shall exhibit in addition to the combined lantern or separate side lights, a white light so placed as to illuminate the sail and be visible at a distance of at least one-half (1/2) mile.

HEALTH DEPARTMENT

40.2(106) Buoyant safety equipment. Life preservers, life belts, ring buoys, or similar devices shall be coast guard approved.

40.3(106) Fire extinguishers. Fire extinguishers shall be a coast guard approved type as identified in the coast guard publication equipment list (CG-

190) by manufacturer's model, number and size, or type bearing the labeling "marine type" by the Underwriter's Laboratories, Inc., which are coast guard approved as per Federal Register 5, November, 1960.

[Effective on filing]

HEALTH DEPARTMENT

BOARD OF BARBER EXAMINERS

Pursuant to authority of sections 135.11 (17), 147.29, 147.32, 147.36, 147.53, 147.90, and 158.11, Code 1966, the rules that appear in 1966, I.D.R. 260, 261, 262 are rescinded and the following adopted in lieu thereof.

[Filed July 11, 1967]

Section 1(158) Course of study.

Each Iowa school of barbering approved by the Iowa board of barber examiners shall conduct a course of study of at least eighteen hundred (1,800) hours to be equally divided over a period of nine months. Such course of study shall include the following:

1(1) Supervised practical instruction.

The following shall be included:

- Scalp care and shampooing
Honing and stropping
Shaving
Facial, massage and packs
Hair cutting
Hair tonics and singeing
Dyeing and bleaching
Hair styling
Total 1,400 hours

1(2) Demonstrations and lectures. The following shall be included:

- Law, ethics, economics, equipment, shop management and history of barbering
Sanitation, sterilization, personal hygiene and first aid
Bacteriology
Anatomy
Skin, scalp, hair and their common disorders
Electricity, as applied to barbering
Chemistry and pharmacology
Scalp care
Honing and stropping

- Shaving
Facials, massage and packs
Hair cutting
Hair tonics and singeing
Dyeing and bleaching
Instruments, soaps, shampoos, creams, lotions and tonics
Total 361 hours

1(3) Physician's lectures. The course of study shall include lectures of at least one hour per week by a licensed medical doctor.

Total 39 hours

1(4) Grand total. Total 1,800 hours

Sec. 2(158) Qualifications of managers and instructors.

A manager or instructor of a school of barbering, approved by the Iowa board of barber examiners, shall be registered with the Iowa state department of health as an instructor in barbering or shall pass an instructor's examination given by said board. To qualify for an instructor's examination, applicant shall submit to the board satisfactory evidence as to character and ability to operate a school of barbering, shall be a high school graduate or the equivalent thereof and be the holder of an Iowa license to practice barbering for either a five-year period immediately prior to the application, or have six months experience as an assistant instructor immediately prior to the application.

Sec. 3(158) Assistant instructors.

Temporary permits may be issued to assistant instructors in an approved school of barbering provided the following qualifications are furnished. The person shall be of good moral character, shall be a graduate of an accredited high school or the equivalent thereof, shall be a graduate of an approved school of barbering and the holder of an Iowa barber license. After six months as an assistant instructor, said person shall make application for an instructor's examination. If he should fail

to receive a passing grade, he may continue as an assistant instructor until the next regular examination by the board. If he should fail the second examination, he is not eligible for another examination and shall discontinue all connections with the school.

Sec. 4(158) Application for approval and licensing.

An application for approval and licensing of a proposed school shall be in writing and made to the board of barber examiners at its office in Des Moines, Iowa, for a hearing. Notice of the time and place fixed for a hearing shall be given to the applicant, and he shall appear in person before the board. At the hearing the applicant shall submit to the board the following information in typed form:

4(1) The exact location of the proposed school.

4(2) A statement of the maximum number of students proposed to be trained at any time as determined by the physical facilities.

4(3) Photostatic copy of the essential parts of all leases, with the lease of at least one year, or other documents, giving the owner of the school the right of possession of the premises.

4(4) Evidence that the applicant has sufficient finances to acquire the facilities and equipment required by the board and that finances are available to provide for operation of the proposed school for a minimum period of twelve months without income. Such evidence shall be presented by sworn affidavit of applicant and financial statement duly signed in affidavit form as to its truth and veracity.

4(5) A complete plan of the physical facilities to be utilized and as applied to sections relative to classroom and minimum equipment required.

Sec. 5(147) Minimum equipment of school of barbering.

Each school of barbering shall have the following minimum equipment:

5(1) One chair, lavatory and backstand, providing proper cabinet for immediate linen supply, and individual sterilizers for each chair. There shall be not less than ten such sets in the classroom equipped for practice on the general public.

5(2) One textbook of barbering for each student and instructor.

5(3) Electric equipment: one high frequency electrode, one twin vibrator, one dermal lamp, one scalp steamer, one infrared lamp.

5(4) One microscope.

5(5) Compressed air equipment for each barber chair.

5(6) Automatic lather mixer.

5(7) Complete supply of standard tonics, shampoos and cosmetics commonly used in barber shops.

5(8) Sufficient clean linen cabinet space.

5(9) One blackboard, not less than four by six feet in size.

5(10) One large bulletin board conspicuously located for posting rules and regulations, notices, and similar bulletins.

5(11) One set of record files.

5(12) One set of books used solely for history and activity of students.

5(13) One file for duplicate copies of reports sent to the state board of barber examiners.

5(14) The study and lecture room shall be equipped with the specified blackboard and charts showing illustrations of the skin, circulation of the blood, muscles and bones of the face, scalp, and neck. This room shall be used for the sole purpose of giving scientific instruction to students.

Sec. 6(147) Miscellaneous requirements.

6(1) No school of barbering shall accept students nor be open for business until approved and licensed to operate as a school of barbering.

6(2) There shall be not more than two students enrolled for each barber chair installed in approved school of barbering.

6(3) No student shall be accepted unless he is at least sixteen years of age, has a tenth grade education or the equivalent thereof, and is of good moral character.

6(4) Each school of barbering shall maintain a library of suitable reference books including all of the required books later mentioned in curriculum.

6(5) Each school of barbering shall hold regular classes for the teaching of both the theory and practice of all phases of barbering.

6(6) No one in any way connected with a school of barbering shall guarantee positions to students nor guarantee financial aid in equipping a shop.

6(7) Instructors shall familiarize students with the different standard supplies and equipment used in barber shops.

6(8) No student shall receive pay nor be allowed any rebates, refunds or commissions on any money taken in at the barber chair for service rendered to patrons.

6(9) Each school shall advertise only under the designation of a barber school and shall display conspicuously at the entrance to said school a sign in plain, block display lettering at least one inch in height, as follows:

"ALL WORK IN THIS SCHOOL DONE BY STUDENTS ONLY."

6(10) When school service prices are displayed or in any manner advertised by a school of barbering, they shall be followed by the words "STUDENT WORK" in lettering at least one-half the size of the lettering used to display the price.

6(11) Instructors, as well as students, shall be attired in washable uniforms, which must be kept clean and neat at all times during school hours.

6(12) All bottles and containers in use must be distinctly and correctly labeled, showing the intended use of the contents.

6(13) Smoking shall not be permitted in classrooms.

Sec. 7(147) Attendance requirements.

7(1) All schools of barbering shall establish regular school hours. Any time lost by students shall be made up before diploma is issued.

7(2) Classes shall be held during daylight hours with the exception of the physician's lectures and demonstrations, which may be held during evening classes.

7(3) A minimum of five recitations per week of two hours each shall be given to all students. These periods shall include lectures, individual instruction and written examinations.

7(4) All examinations and other written papers shall be carefully graded and returned to students in order that they may see errors.

7(5) If a student enrolled in approved school of barbering should discontinue his attendance in the school and should desire to return after a period of thirty days, he shall not return until at such time that he could start with the regular class at the point in the textbook where he had previously left the school.

7(6) All students shall be given a complete course in barbering as prescribed in this curriculum.

7(7) No registered barber or student who has received an apprentice license as issued by the Iowa board of barber examiners may return to the school for post-graduate work unless it is for theoretical study only.

Sec. 8(147) Records requirements.

8(1) Each school or college shall forward to the barber division, state department of health, a completed application for enrollment upon the date of admittance of student together with required credentials.

8(2) Each school shall keep a daily class record of each student showing the hours devoted to the respective subjects, the total number of hours in attendance, and days present and absent, which shall be subject to inspection by the examiners or representative thereof at any time.

8(3) An owner of a school shall furnish the state department of health at the end of each month the names of students therein, days absent by student, if any, and show the time devoted by student to each subject.

8(4) The manager of each school shall compile from his records a summary of each student's grades, hours and attendance, which shall be presented to the student upon graduation and which shall also be made a part of his application for registration by examination. The manager shall sign each copy of the required records and must certify said record is correct and that the student has received a diploma from his school.

Sec. 9(147) Library requirements.

Each school of barbering operating in Iowa shall maintain a library for the students enrolled therein consisting of all the following:

First Text on Anatomy by Francis S. Wildner, M.D.; *Anatomy* by Dr. Henry Gray; *Electricity & Light* by Eberhart; *Salesmanship & Business Efficiency* by Know; *Civic Sociology* by Ross; *Building Citizenship* by R. O. Hughes; *Elementary Economics* by Carver and Carmichael; *Manual of Ethics* by MacKenzie; *Chemistry for Today* by McPherson, Henderson & Fowler; the *American Pocket Medical Dictionary* by Dorland; a standard dictionary; *Diseases of the Hair & Scalp* by Hubbard; *Standardized Textbook of Bar-*

bering by the Associated Master Barbers and Beauticians of America; *Practical & Scientific Barbering Textbook* by the Journeymen Barbers, Cosmetologists, and Proprietors International Union of America; and current trade journals.

[These rules are intended to implement sections 135.11(17), 147.29, 147.32, 147.36, 147.53, 147.90, and 158.11, Code of Iowa, 1966.]

[Effective 30 days after filing]

HEALTH DEPARTMENT

(continued)

SANITARY OPERATION OF BARBER SHOPS AND BARBER SCHOOLS

Pursuant to authority of sections 135.11 and 158.7 of the Code of Iowa, 1966, the following amendments to the rules and regulations governing sanitary operation of barber shops and barber schools found in 1966 I.D.R. pages 262-263 are adopted.

[Filed July 11, 1967]

Section 1(158)

Amend section four (4) by adding the following: "All shops or schools established after July 1, 1967 shall have approved handwashing and toilet facilities accessible within the building. All shops established after July 1, 1967 shall have a minimum length of at least ten feet for a one-chair shop, fifteen feet for a two-chair shop, and five feet additional length for each additional chair and a minimum width of not less than twelve feet."

Sec. 2(158)

Section six (6) is rescinded and the following adopted in lieu thereof:

"*Quarters adjacent to other business.* A barber shop located in a room adjacent to a restaurant, tavern, or grocery shall be in a completely separate room. Doors between the barber shop and the aforesaid shall be rendered unusable."

Sec. 3(158)

Section ten (10) is rescinded and the following adopted in lieu thereof:

"*Instruments.* Instruments of the profession shall be thoroughly cleansed and then immersed for at least one minute in an approved disinfectant before being used. When not in use, they shall be kept in a clean closed compartment provided

for and used only for the storage of such equipment. Electric clipper plates shall be properly sterilized by the open-flame method."

Sec. 4(158)

Section seventeen (17) is rescinded and the following adopted in lieu thereof:

"*Towels.* Freshly laundered towels shall be used for each patron. In haircutting, shampooing, or similar activities, a freshly laundered towel or new neck strip shall be used to prevent the hair cloth from directly contacting the skin of the patron. Soiled towels shall not be left on lavatory or workstand but shall be immediately disposed of in a container for that purpose. All clean linens shall be kept in an enclosed dust proof cabinet."

Sec. 5(158)

The section relating to disinfectant solutions found in 1966 I.D.R. page 263 is rescinded and the following adopted in lieu thereof:

"*Disinfectant solutions.* All disinfectant solutions shall be labeled. The following disinfectant solutions have been approved by the State Department of Health; formalin ten percent solution; isopropyl alcohol, seventy percent solution; potassium mercuric iodide, one to one thousand (1:1000) solution; mercuric bichloride, one to one thousand (1:1000) solution, saponated cresol, two percent solution; or other solutions approved by the State Department of Health."

[These rules are intended to implement section 135.11, subsection 17, lines 1 through 5, and section 158.7, lines 1 through 8, Code of Iowa, 1966.]

[Effective 30 days after filing]

LABOR BUREAU

Pursuant to authority of section 88A.11 of the Code, the following rules are adopted.

[Filed July 12, 1967]

EMPLOYMENT SAFETY RULES

CONSTRUCTION DIVISION

TITLE III

CHAPTER 2

EXCAVATION WORK

2.1(88A) Definitions.

2.1(1) *Equipment*. "Equipment" shall mean ladders, scaffolds, ramps, runways, railings, barricades, sheet piling, bracing, and any such safeguards, protective construction, and devices used in affording protection to the men engaged in excavating work.

2.1(2) *Jack*. A "jack" shall mean a mechanical or hydraulic device to lift, lower, support, or move a load by man power applied through leverage.

2.1(3) *Ramp*. A "ramp" shall mean any inclined runway including those constructed entirely of dirt.

2.1(4) *Runway*. A "runway" shall mean any planked-over walkway or drive constructed and maintained as a passageway for workmen or rolling equipment.

2.1(5) *Shaft*. A "shaft" shall mean a hole sunk into the ground at an angle of forty-five (45) degrees or less with the vertical.

2.1(6) *Trench*. A "trench" shall mean a narrow excavation made below the surface of the ground. In general the depth will be greater than one of the horizontal dimensions.

2.1(7) "C to c." "C to c" shall mean center to center.

2.1(8) *Shoring*. "Shoring" shall mean the art of supporting with or as if with a prop, a system or group of shores, may include sheet piling or bracing.

2.2(88A) General.

2.2(1) This part on "Excavation Work" provides for the protection of the public, employees and property during all excavation work in connection with building and trenching operations, including

related subsurface or below grade-level work such as the underpinning, shoring, and bracing of foundations, retaining walls, and the like, provided, however, that none of the regulations comprising this part shall apply to any of the foregoing operations when such operations do not require personnel to work within the excavation.

2.2(2) Any device or equipment used in connection with excavation work shall be constructed, installed, inspected, maintained, and operated by the owner or operator as specified in applicable parts of these rules.

2.2(3) Trees, boulders, and other surface encumbrances located in the work area shall be removed, secured, or protected so as not to constitute a hazard.

2.2(4) If the stability of adjoining buildings or walls is endangered by excavations, shoring, bracing, or underpinning shall be provided and inspected as necessary to ensure the safety of the workmen.

2.2(5) Excavations shall be inspected after every rainstorm or other hazard-increasing occurrence, and the protection against slides and cave-ins increased if necessary.

2.2(6) If it is necessary to place or operate power shovels, derricks, trucks, material, or other heavy objects on a level above and near an excavation, the side of the excavation shall be shored and braced as necessary to resist the extra pressure due to such superimposed loads.

2.2(7) The sides of every excavation six feet or more in depth shall be supported by substantially braced sheet piling or shoring unless the sides of the excavation are sloped to the angle of repose of the material being excavated or the excavation is in solid rock.

2.2(8) Whenever any part of an excavation is protected by a masonry wall, such wall shall be braced to ensure stability. This shall not include reinforced concrete walls known to be of ample strength.

2.2(9) Temporary shoring which has been installed to permit the construction of a retaining wall shall not be removed until such wall has acquired adequate strength.

2.2(10) Except in hard rock, excavations below the level of the base or footing of any foundation or retaining wall shall not be permitted unless the wall is underpinned and all other precautions taken to ensure the stability of the adjacent walls for the protection of the men.

2.2(11) Undercutting of earth banks shall not be permitted unless they are adequately shored.

2.2(12) Excavated material shall not be placed on the ground surface nearer than eighteen inches from the edge of the excavation.

2.2(13) All fixed-in-place ladders and stairways giving access to levels twenty or more feet apart shall be provided with landing platforms at vertical intervals of twenty feet. Every landing platform shall be equipped with standard railings and toe boards.

2.2(14) Lumber sizes, when used in these rules, refer to nominal sizes.

2.3(88A) Protection to the public.

2.3(1) All public walkways, sidewalks, and thoroughfares immediately bordering on or running through any construction site where there is a hazard shall be provided with substantial guardrails or board fences at each hazard. In addition, temporary footwalks beyond the curb shall be substantially constructed and provided with protection on both sides.

2.3(2) Sidewalks and walkways to be kept open for pedestrian traffic shall be kept clear of excavated material or other obstructions and no sidewalks shall be undermined unless shored to carry a live load of one hundred and twenty-five pounds per square foot.

2.3(3) If planks are used for sidewalks or raised walkway protection, they shall be laid parallel to the length of the walk and fastened together against displacement.

2.3(4) All walkways shall be uniform in thickness and all exposed ends shall be provided with beveled cleats to prevent tripping.

2.3(5) Raised walkways shall be provided with plank steps on strong stringers. Ramps used in lieu of steps shall be provided with cleats or safety footing to ensure safe walking.

2.3(6) During the hours of darkness, all public sidewalks and walkways to be

kept open for traffic shall be illuminated, and warning lights or flares shall be placed about the property to ensure safety for pedestrian and vehicular traffic.

2.3(7) The public shall not be required or permitted to travel under loads handled by power shovels, derricks, or hoists, unless ample side barricades and overhead protection are provided.

2.4(88A) Sheet piling, shoring and bracing.

2.4(1) All shoring, bracing or sheet piling shall be consistent with the magnitude of the work and the character of the soil or material in which the excavation is made.

2.4(2) If workmen are engaged near the face of an excavation, where the ground is cracked or of such character that caving is likely to occur, shoring necessary to prevent caving shall be provided.

2.4(3) Wood materials used for shoring shall be sound straight-grained timber equal to long leaf yellow pine, Douglas fir, or other timber of equal strength. All timber shall be free from splits, shakes, large or loose knots, and shall be of the required dimensions throughout. Metal shoring of equal or superior strength may be used in lieu of timber.

2.4(4) Wooden sheet piling shall be not less than two inches in thickness and the thickness shall be increased as may be necessary to adequately support the sides of the excavation.

2.4(5) Where temporary sheet piling is used during the excavation work, the shoring and bracing to be provided shall comply with the following requirements:

a. When shores, stringers, and braces are required, they shall be placed at intervals of not more than eight feet.

b. Shores or braces shall bear at the earth against a footing of sufficient area to keep within the allowable soil pressure, "dead men" being buried when necessary to resist the thrust of the braces.

c. Braces at the wood shoring shall not be cut to a bevel but shall be held by wedges and the wedges shall be nailed.

d. The timber shores or braces shall be designed as columns, the following formula being recommended:

$$P = A \left(1300 - 20 \frac{L}{D} \right)$$

Where:

P=total permissible load in pounds.

A=cross-sectional area of timber in square inches.

L=unbraced length of timber in inches.

D=least dimension of cross section of timber in inches.

e. The shores or braces shall make an angle not greater than thirty degrees with the horizontal.

2.4(6) For excavations where heavy lateral pressures are encountered, which cannot be adequately braced with normal materials, the use of interlocking steel sheet piling is required. Choice of piling should be made from recognized standard tables. Piling must be driven sufficiently below the bottom of the excavation to resist the overturning moment. Steel or timber bracing can be added where necessary.

2.5(88A) Jacks.

2.5(1) General.

a. The rated capacity of every jack should be legibly marked in a prominent location on the jack by casting or stamping.

b. To prevent loading beyond the rated capacity, the manufacturer should designate in printed matter, or otherwise, the intended supporting point of the load and the maximum permissible length of lever and force applied.

c. If auxiliary load-supporting points are provided, the manufacturer should also designate the rated capacity for these points.

d. The design of all jacks shall incorporate a positive stop to prevent over-travel or an indicator where a positive stop is impracticable.

e. The design shall be such that parts may be replaced without requiring special adjustment of either the replacement part or other parts of the jack.

f. When the object has been lifted to the desired height, blocking or cribbing shall be immediately placed under it.

g. A capable man shall be appointed and held responsible for the inspection of all jacks at regular intervals. The inspection shall be made in accordance with rules governing "Inspection of Jacks", below.

2.5(2) Inspection of jacks.

a. Jacks shall be examined for cracked, distorted, or worn parts and to ensure that they are receiving proper lubrication. Time of examination shall depend upon service conditions as follows:

(1) For constant or intermittent use at one locality, thorough inspection once every week.

(2) For jacks shipped between shop and job, thorough inspection when sent out and when returned.

(3) For jacks upon which abnormal load or shock has occurred, thorough inspection before being reused.

b. Jacks which are found to have cracked, distorted, or badly worn parts shall be tagged "out of order" and not reused until repairs are made.

c. Repair or replacement parts shall be examined for possible defects, and only parts which fit properly shall be used.

d. Before being returned to service, repaired jacks shall be subjected to test and should meet the same requirements as when new.

2.6(88A) Ramps and runways.

2.6(1) Timber ramps or runways used for vehicles eight foot or more in width shall have a width of not less than twelve feet. Timber guards not less than eight inches by eight inches shall be securely fastened on top of the runway along each of the outside edges.

2.6(2) Timber ramps or runways, when used as passageways for workmen, shall be provided with standard railings.

2.6(3) All ramps and runways shall be maintained in a safe and serviceable condition.

2.6(4) Workmen shall be instructed to stay off ramps and runways when trucks are passing over them.

2.6(5) Where the incline of the wood ramp is too steep for safe walking, foot cleats, not more than sixteen inches apart, or other nonslip material, shall be provided to prevent slipping.

2.7(88A) Trenches.

2.7(1) General requirements.

a. In all trench operations where men are at work or where they must pass to and from their work, sufficient light,

either natural or artificial, shall be provided at all times.

b. All trenches six feet or more in depth shall at all times be supplied with at least one ladder or ramp for each one hundred feet in length or fraction thereof. The ladder shall extend from the bottom of the trench to at least three feet six inches above the surface of the ground.

c. Red lanterns, torches or flashers shall be placed along the exposed sides of all trenches at night as required for necessary warning to the public.

d. Guardrailings or barricades shall be provided at or near the sides of trenches as necessary to protect the workmen and the public, provided, however, that the guardrailings or barricades do not interfere with the orderly progress of the work.

e. The sides of all trenches which are six feet or more in depth, and where the earth is not sloped to the angle of repose, shall be securely held by shoring. The shoring shall be carried along with the excavation and must in no case be omitted unless the trench is cut in solid rock or hard shale.

f. Where a mechanical digger is used, the shoring shall be placed as close as possible to the lower end of the boom.

g. The shoring shall be held in place by screw or hydraulic jacks that are of sufficient capacity to do the work or by cross braces cleated and wedged in place. Where the width of the trench prevents this, the lower end of the cross brace shall bear against a footing in the earth at the bottom of the trench, provided adequate means are taken to keep it from kicking out.

h. When the sloping of trenches to the angle of repose does not extend to the bottom of the trench, the shoring shall be as required to support the vertical part of the trench. The shoring shall extend not less than twelve inches above the bottom of the slope and, if necessary, toe boards shall be placed behind the shoring to prevent material from sliding into the trench. The surface of the slope shall be cleaned of boulders, stumps, or other hard masses of earth to eliminate the danger of their sliding into the trench.

i. Excavated material and superimposed loads shall not be placed nearer than eighteen inches from the sides of the trench, unless bracing has been installed

of sufficient strength to withstand the load.

j. When trenches are undercut, they shall be shored to safely support the overhanging material.

k. If a trench is cut alongside an existing structure and the footings of the structure are nearer to the trench than the plane of repose for the soil, they shall be underpinned or the side wall of the trench rigidly supported.

l. Considering the planks used for sheet piling as beams to support the load imposed by the lateral earth pressure, the maximum allowable distance between the horizontal stringers or wales shall be such as will keep the planks within their safe bending stress.

m. Braces shall be considered as columns or struts and shall be of adequate dimension for stiffness.

n. In hand excavated trenches, cleats shall be spiked or bolted to join the ends of braces to stringers to prevent the braces from being knocked out of place.

o. When the depth of the trench required two lengths of sheet piling, one above the other the lower length shall be set inside the bottom stringers or wales of the upper length and driven down and braced as the excavation continues.

2.7(2) *In trenches of varying widths and depths.*

a. In trenches of varying widths and depths the use of the following timbers is required and any deviations therefrom shall be on the side of safety. Where wood stringers are specified adequate, jacks may be substituted.

b. For trenches from six feet to ten feet in depth and not more than forty-two inches in width:

(1) In hard solid soil

Uprights: 2x6 in. planks spaced approximately 6 ft. apart c to c.

Stringers: None.

Cross Braces: Two 2x6 in. planks for depths less than 7 ft.

Three 2x6 in. planks for depths 7 ft. to 10 ft.

If the nature of the soil or parallel excavations close to trenches necessitate the spacing of uprights closer than six feet, they may be held in place by two by six inch horizontal stringers or wales and cross braces spaced not more than six feet apart c to c.

(2) In soil likely to crack.

Uprights: 2x6 in. planks spaced approximately 3 ft. apart c to c.

Stringers: 2x6 in. planks placed near bottom and top of trench.

Cross Braces: Two 2x6 in. planks for depths less than 7 ft.

Three 2x6 in. planks for depths 7 ft. to 10 ft.

Cross braces spaced horizontally not more than 6 ft. apart c to c.

(3) In soft sandy soil or filled ground.

Uprights: 2x6 in. close sheeting.

Stringers: 4x6 in., two for depths less than 7 ft. three for depths 7 ft. to 10 ft.

Cross Braces: 4x6 in., spaced horizontally not more than 6 ft. c to c.

c. For trenches from ten feet to fifteen feet in depth and not more than forty-two inches in width:

(1) In hard solid soil.

Uprights: 2x6 in. planks spaced approximately 4 ft. apart c to c.

Stringers: None.

Cross Braces: Three 2x6 in. planks for depths less than 13 ft.

Four 2x6 in. planks for depths 13 ft. to 15 ft.

In lieu of one cross brace to each upright, and where the nature of the soil or nearby parallel excavations makes the spacing of uprights closer than four feet, they may be held in place by two by six inch stringers or wales, and cross braces spaced not to exceed six feet c to c.

(2) In soil likely to crack.

Uprights: 2x6 in. planks spaced 3 ft. apart c to c.

Stringers: 2x6 in. planks, three in the height of the trench.

Cross Braces: Three 2x6 in., for depths less than 13 feet.

Four 2x6 in., for depths 13 ft. to 15 ft.

Cross braces spaced horizontally not more than 6 ft. apart c to c.

(3) In soft sandy soil or filled ground.

Uprights: 2x6 in. close sheeting.

Stringers: 4x6 in., three for depths less than 13 ft., four for depths 13 ft. to 15 ft.

Cross Braces: 4x6 in., spaced horizontally not more than 6 ft. apart.

d. For trenches more than fifteen feet in depth and not more than forty-two inches in width:

(1) In soil of all kinds.

Uprights: 2x6 in. close sheeting.

Stringers: 4x12 in., spaced vertically not to exceed 4 ft. c to c.

Cross Braces: 4x12 in., spaced horizontally not to exceed 6 ft. c to c.

e. For trenches from six to ten feet in depth and more than forty-two inches in width:

(1) In hard soil.

Uprights: 2x6 in. planks spaced 6 ft. apart c to c.

Stringers: 4x6 in., spaced vertically 4 ft. apart c to c.

Cross Braces: 4x4 in., spaced horizontally 6 ft. apart c to c.

(2) In soil likely to crack.

Uprights: 2x6 in. planks spaced 3 ft. apart c to c.

Stringers: 4x6 in., spaced vertically 4 ft. apart c to c.

Cross Braces: 4x4 in., spaced horizontally 6 ft. apart c to c.

(3) In soft sandy soil or filled ground.

Uprights: 2x6 in. close sheeting.

Stringers: 4x6 in., two for depths less than 7 ft., three for depths 7 ft. to 10 ft.

Cross Braces: 4x4 in., spaced horizontally 6 ft. apart c to c.

f. For trenches from ten to twenty feet in depth, and more than forty-two inches in width:

(1) In soil of all kinds.

Uprights: 2x6 in. close sheeting.

Stringers: 6x6 in., spaced vertically 4 ft. apart c to c.

Cross Braces: 6x8 in., spaced horizontally 6 ft. apart c to c.

g. For trenches more than twenty feet in depth, and more than forty-two inches in width:

(1) In soil of all kinds.

Uprights: 2x6 in. close sheeting.

Stringers: 6x8 in., spaced vertically 4 ft. apart c to c.

Cross Braces: 6x8 in., spaced horizontally 6 ft. apart c to c.

2.7(3) In trenches with hydrostatic pressure.

a. For trenches not more than eight feet in depth:

Uprights: 2x6 in. tongued and grooved close sheeting.

Stringers; 6x8 in., spaced vertically 4 ft. apart c to c.

Cross Braces: 6x6 in., or 6x8 in., spaced horizontally 6 ft. apart c to c.

The greater dimension of the stringers shall be placed at right angles to the sheeting.

b. Where desired, steel sheet piling and bracing may be substituted for wood.

c. In lieu of the above-described shoring, a traveling metal cage of strength and protection equal or greater to the wood shoring specified above may be used. No men shall be allowed to work in the excavation except under the protection of this cage.

2.8(88A) Power-driven shovels.

2.8(1) General requirements.

a. The operator of every shovel shall be protected by a cab, screen, or other suitable means in case a cable should break or material fall from a dipper when racked in close to the machine at a high level.

b. No unauthorized person shall be allowed on the operating platform when the shovel is in operation, and the machine operator shall not converse with any unauthorized person while operating the machine.

c. A suitable ladder or steps and handholds shall be provided when necessary to afford safe access to the operating platform.

d. All shovels when not in use shall be left with the dipper on the ground.

e. In case of a breakdown, the shovel should, if practicable, be moved well away from the foot of the slope before repairs are made.

f. All persons shall be warned to keep away from the range of the shovel's swing, and to avoid being struck by the cab as it rotates.

g. Workmen shall not be permitted to stand back of the shovel or in line with the swing of the dipper when the shovel is in operation or being moved.

h. The trucks of all power shovels shall be inspected regularly, particular consideration being given to brakes and steering gear. All defects shall be promptly repaired.

i. Shovels shall be inspected for safe operations each morning before starting work.

j. All oiling and greasing of equipment shall be done when the machine is shut down.

k. Operators shall not be permitted to leave the cab while the master clutch is engaged.

l. Whenever it is necessary to move the shovel under electric wires, ample clearance shall be provided, together with such precautions as may be necessary to prevent contact between any part of the shovel and the wires. A most serious hazard in crane or shovel operation is contact with the electrical power lines. A minimum distance of 10 feet is required between any part of the crane or shovel and its load and power lines. If possible, all interfering wires should be relocated during construction. It should never be assumed that a power line taken out of service is harmless, as it may be inadvertently switched back into the circuit at any time or may be energized by feed back from the power system. Where crane or shovel must pass under power lines and where the equipment can come within 10 feet of said lines, the installation of a safety guard is required. In addition, if a crane boom is operating within fifteen feet of a power line a lookout man should be stationed under the line thirty to forty feet away where he can judge the distance between the boom and its closest point and the line.

m. The wire rope on power-operated shovels shall be regularly inspected and shall be changed when ten percent of the wires in any three-foot length are broken.

2.8(2) Electric shovels.

a. All wiring and electrical apparatus shall be installed, equipped, and maintained according to the rules of the local code governing such equipment.

b. Temporary wiring shall be properly grounded to minimize the danger of shock.

c. In the handling of electrical equipment, experienced electricians and operators shall be employed to do the work.

2.8(3) Steam shovels.

a. Steam boilers shall be installed, equipped, and maintained and tested in accordance with the rules of Iowa Boiler Code.

b. The boiler and all steam pipes shall be insulated or guarded, and all other necessary precautions taken to protect workmen from burns.

c. Before starting, the drip cocks in the pipes leading from the boiler to the engine shall be opened and the cylinders and pipes drained.

d. Drains and blow-offs shall discharge under the shovel or the discharge pipe shall be shielded to protect persons passing or working near the shovel.

2.8(4) Compressed-air and gasoline shovels.

a. The compressor, air receiver, and other parts of the compressed-air equipment shall be installed, equipped, and maintained as prescribed by the local code and regulations governing such equipment.

b. Every compressor shall be provided with approved safety devices, including a safety valve, pressure gauge, and fusible plug.

c. Only a mineral oil having a high flash point shall be used for lubricating air compressors, and the quantity carefully regulated.

d. All automatic controls shall be inspected daily and kept in first-class working condition.

e. Compressors shall always be supplied with a plentiful supply of cooling water kept in continuous free circulation, unless the compressors are air-cooled.

f. When transporting gasoline from the general supply to the equipment in five gallon quantities or less, safety cans of the nonspill type shall be used.

g. If tank truck service is not available, gasoline in quantities in excess of five gallons shall be transported in steel drums or barrels. All bungs shall be tight, and the drum chocked to prevent movement.

h. No open lights shall be used when transporting gasoline. Approved electric flash lamps only shall be used.

i. When gasoline is pumped from drum to storage tank on the equipment, a

hose with a metallic nonstatic nozzle shall be used. The pump must be of a type which does not create pressure inside the drum.

j. When gasoline is being pumped into the storage tank, the engine of the shovel shall be shut down.

k. A fire extinguisher of suitable type shall be placed on or convenient to every shovel or other similar piece of operating equipment.

2.9(88A) Trucks.

2.9(1) All employees shall be strictly prohibited from:

a. Riding on trucks unless specifically authorized to do so.

b. Getting on or off moving vehicles.

2.9(2) Truck engines shall never be allowed to run in closed garages or other enclosed places unless properly ventilated.

2.9(3) All parts and accessories of trucks shall be kept in good repair and safe condition. Trucks with broken or cracked parts or defective tires shall be removed from service until the defects have been corrected.

2.9(4) No person shall be permitted to remain on a truck when it is being loaded by a power shovel or to remain within reach of the swing of the dipper unless truck is provided with a steel cab guard.

2.9(5) Loose material shall never be loaded on a truck so as to project horizontally beyond the sides of the body nor so that it can be jarred off due to vibration during transit.

2.9(6) Driverless trucks while being loaded shall be properly blocked where there is a possibility of their moving by gravity, vibration, from blasts, or other causes.

2.9(7) Loads not fully contained within the body of the truck shall be secured by means of chains, cables, ropes, or other effective devices.

2.9(8) Completely deflated tires on trucks shall never be inflated until after the load has been removed by jacking up the truck. Truck drivers and mechanics shall be instructed in this procedure.

2.9(9) Dump bodies of dump trucks shall be blocked or cribbed before in-

specting, servicing, or repairing while hoisted.

2.10(88A) Wheelbarrows.

2.10(1) Wheelbarrows with split or cracked handles shall not be used.

2.10(2) Wheels shall be strong, true running, and well secured to the frame.

2.10(3) When wheelbarrows are used in narrow passageways, knuckle guards or gloves shall be provided.

2.10(4) Workmen shall not be permitted to run with empty wheelbarrows with the handles in an upright position.

2.10(5) Wheelbarrows shall never be left in such a position that they can readily tip over or fall.

2.11(88A) Hard hats.

2.11(1) All men on any excavation job shall be required to wear approved type "hard hats."

Note: In instances of future improved technology or methods, which are equally or of greater safety than herein specified, such improved technology or methods may be used upon approval in writing of the Iowa employment safety commission and shall later become an amendment to the rules by appropriate action of the commission.

[This rule is intended to implement Chapter 88A of the Code of Iowa (as provided above).]

[Effective on filing]

LABOR BUREAU

(continued)

Pursuant to the authority conferred by section 89.4(1), Code 1966, section 3 of rules of the Boiler Inspection Division relating to miniature boilers, appearing on pages 339 and 340, 1966 I.D.R., are hereby amended to read as follows, in lieu of the old rule.

[Filed May 4, 1967]

No miniature boiler shall hereafter be brought into this state and installed after March 31, 1967 unless it has been constructed and inspected in accordance with the requirements of the Iowa Code for miniature boilers and is so stamped or is inspected and stamped in accordance with the requirements of the National Board of Boiler and Pressure Vessel Inspectors. A boiler having a standard stamping of a state that has adopted a standard of construction equivalent to the standard of the state of Iowa may be accepted by the de-

partment provided, however, that the person desiring to install same shall make application for the installation of same and shall file with the application a manufacturer's data report covering the construction of the boiler in question.

Upon completion of installation all such boilers shall be inspected by the chief inspector, a deputy inspector or a special inspector commissioned to inspect boilers in this state and at least once each year thereafter shall be subjected to a regular internal and external inspection.

Also at time of first inspection after installation all said boilers must be stamped with the serial number of the state of Iowa, followed by the letters Ia., said letters and figures to be not less than 5/16 inch in height.

[Effective on filing]

PHARMACY DEPARTMENT

Pursuant to authority of section 155.19 of the Code the following rules are adopted.

[Filed May 16, 1967]

CHAPTER 2

PHARMACY BUSINESS LICENSES

2.1(155) Pharmacy business license requirements.

2.1(1) Each person must be not less than twenty-one years of age.

2.1(2) Each person must be of good moral character.

[This rule is intended to implement section 155.12.]

2.2(155) Change of residence and sanitation requirements.

2.2(1) Each pharmacy shall be provided with adequate lighting.

2.2(2) Storage areas, restrooms, basement and all other areas in the pharmacy shall be kept in a thoroughly clean condition.

2.2(3) Every employer must notify the board of pharmacy examiners of any change of address of his pharmacist.

[This rule is intended to implement section 155.17.]

2.3(155) Reference library and prescription equipment.

2.3(1) The following shall be deemed as minimum reference material required of a pharmacy.

a. The latest edition and supplements to the United States Pharmacopeia.

b. The latest edition and supplements to the National Formulary.

c. Up-to-date reference work on recent prescription drugs such as Facts and Comparisons or Modern Drug Encyclopedia.

d. Copies or summaries of federal, state, and local laws governing the practice of pharmacy.

e. An antidote chart—telephone number of the nearest poison control center.

[This rule is intended to implement section 155.18.]

2.3(2) The following shall be considered necessary equipment for the proper compounding and dispensing of drugs and medicines.

a. Class A prescription balance sensitive to 10 mg.

b. Weights—metric and apothecary—complete set.

c. Graduates capable of accurately measuring from 1 ml. to 250 ml. (15 minims to 8 fluid ounces.)

d. Mortars and pestles—glass, porcelain, or wedgewood.

e. Spatulas—steel and nonmetallic.

f. Filtration funnel with filter papers.

g. A heating unit.

h. Suitable refrigeration unit for proper storage of biologicals and other pharmaceuticals.

i. Ointment slab or ointment paper or equivalent.

j. Exempt narcotic and poison register.

k. Glass stirring rods and indicator paper.

l. Powder papers, parchment or wax.

[This rule is intended to implement section 155.18.]

2.4(155) Prescription compounding and dispensing area.

2.4(1) Minimum area, or space, where prescriptions are dispensed, or compounded, shall be no less than fifty square feet. Active and reserve storage area shall be double the dispensing and compounding space, or larger as needed to meet the requirement of the pharmacy.

2.4(2) The prescription dispensing and compounding area shall be in open view and clearly identified.

[This rule is intended to implement section 155.17.]

2.5(155) Prescription identification.

2.5(1) All prescriptions shall be dated and numbered by the pharmacist at the time of filling and dated at the time of refilling.

2.5(2) The original prescription must be retained by the pharmacy filling the prescription, excepting in governmental or compensational prescriptions in which case a copy or a record must be retained.

2.5(3) All medication dispensed on a prescription shall be in a clean container and have a clean legible label.

2.5(4) No pharmacist shall fill, and no pharmacy shall permit the filling of, a copy of a prescription.

2.5(5) Every reference copy of a prescription shall bear the following statement—"This prescription copy is issued for medical practitioner reference only."

[This rule is intended to implement section 155.3.]

2.6(155) Return of drugs and appliances. For the protection of the public health and safety, no prescription drugs of any description or items of personal contact nature which have been removed from the original package or container after sale, shall be accepted for return, exchanged or resold by any pharmacist.

[This rule is intended to implement section 155.3.]

2.7(155) Pharmacist temporary absence. In case of the temporary absence of the pharmacist, or the temporary absence of the pharmacist while fulfilling the pharmaceutical services in a local hospital or other health care institution, the pharmacy must display a card or sign which can be read from the front of the pharmacy

"PHARMACIST TEMPORARILY ABSENT. NO PRESCRIPTIONS WILL BE FILLED UNTIL HIS RETURN". Letters not less than 1 3/4 inches high.

[This rule is intended to implement section 155.3.]

[Effective 30 days after filing]

PHARMACY DEPARTMENT

(continued)

Pursuant to authority of section 155.19 of the Code the following rules are adopted as a substitute for Minimum Standards for Evaluating Practical Experience rules (1-9) which appear on pages 383-384 Iowa Departmental Rules, 1966.

[Filed July 19, 1967]

CHAPTER 3

MINIMUM STANDARDS FOR EVALUATING PRACTICAL EXPERIENCE

3.1(155) Internship. These regulations are for the purpose of defining and regulating the practical experience requirements of prospective pharmacists as provided by Iowa statute, chapter 155.

3.2(155) Effective date. These regulations shall take effect immediately after filing with the secretary of state, but the provision contained herein shall not nullify any period of internship experience by any individual previous to its adoption provided such period of internship is filed in a proper manner with the secretary of the board of pharmacy.

[This rule is intended to implement section 155.6.]

3.3(155) Definitions. As used herein the following terms are defined.

3.3(1) "Pharmacist intern" or "intern" means a person registered by the state board of pharmacy for the purpose of obtaining instructions in the practice of pharmacy from a pharmacist preceptor licensed in this state pursuant to the practical experience requirements of the Code. The board may register, as an intern, any person who has satisfied the board that he is of good moral character, and, who has successfully completed not less than one year of prepharmacy training and who has been accepted for admission to

a college of pharmacy recognized and approved by the board.

3.3(2) "Year of practical experience in pharmacy" means fifty-two work weeks of not less than forty hours per week of internship training acquired under the supervision of a preceptor, not concurrent with undergraduate academic work other than established vacation periods.

3.3(3) "Preceptor" means a person licensed as a pharmacist by the state board of pharmacy, or by a duly constituted licensing agency of any state.

a. Each preceptor shall have been actively engaged in full-time practice of pharmacy for at least two years.

b. Each preceptor shall be a graduate of a recognized college of pharmacy.

c. Each preceptor shall subscribe to the principles of the Code of Ethics of the American Pharmaceutical Association.

d. Each preceptor shall attend or participate in at least one professional continuing educational meeting, seminar, or correspondence course, recognized by the board, each year.

e. The pharmacy in which a preceptor is practicing, must fill at least six thousand prescriptions annually and have a grade of "A" as defined in the board's inspection and rating report and must be operated in a professional manner.

3.3(4) "In a professional manner", as used in connection with these regulations means being operated within federal, state, and local laws. Any pharmacist found to be in violation of the law, or operating his pharmacy in other than a clean and orderly manner, is not operating in a "professional manner" and, therefore, is not eligible for certification as a preceptor.

[This rule is intended to implement section 155.6.]

3.4(155) Interns shall not be left in charge of a pharmacy at any time when direct personal supervision of a pharmacist is required. Violation of this rule will result in citation of the intern and pharmacist involved, before the board, for such action as the board may desire after a proper hearing.

[This rule is intended to implement section 155.6.]

3.5(155) Registration and reporting.

3.5(1) Every person shall register before beginning his internship. Registration shall remain in effect during successive training periods if progress reports, and other required records and affidavits prescribed by the board are executed promptly upon beginning or terminating employment and if the board is satisfied that the registrant is in good faith and with reasonable diligence pursuing a degree in pharmacy.

3.5(2) Credit for internship time will not be granted unless registration, progress reports, and other required records and affidavits of experience for preceding time are completed.

a. The pharmacist-intern shall be so designated in his professional relationships, and shall not falsely assume to be a pharmacist. The board shall upon proper registration issue to the intern a pocket registration card for purposes of identification and verification of his role as an intern.

b. All registered interns shall notify the board immediately upon change of employment or mailing address.

c. The intern shall maintain additional records of his professional activities. Such records are to be prescribed by the board for the purpose of recording details of the scope of internship experience, and are to be submitted not less than quarterly during the internship year. Quarterly progress reports and other required records must be filed in the office of the board not later than thirty days following completion date of each quarter.

3.5(3) No credit shall be given for experience prior to registration as an intern, except that credit may be granted for experience obtained while employed as an intern or pharmacist in another state if properly documented.

[This rule is intended to implement section 155.6.]

3.6(155) Training requirements.

3.6(1) The intent of these regulations is to provide a proper preceptor-intern (teacher-student) relationship within the context of the employer-employee relationship and provide a broad base of internship experience and to supplement academic training in a manner which prepares the intern for all aspects of the practice of pharmacy.

3.6(2) Nothing in these regulations shall imply that the standards described herein are intended to change reciprocal agreements with other states.

3.6(3) When an intern desires to obtain credit for training received in a state other than Iowa, he shall abide by all the provisions of these regulations. Where a possible conflict may exist between the provisions of this rule and the requirements of the state in which the intern is training, the intern shall contact the secretary of the board of pharmacy and outline any possible problem.

3.6(4) No more than one intern shall be trained by a preceptor at one time.

3.6(5) Upon registration and payment of two dollars, interns will be furnished all progress reporting forms and such other records prescribed by the board. Interns and preceptors will be furnished a copy of the "PHARMACY PRECEPTOR'S GUIDE" sponsored by the National Association of Boards of Pharmacy and the American Association of Colleges of Pharmacy. The guide is furnished to suggest appropriate types, scope and order of training experiences. It is not intended to be restrictive in the method of instruction, but shall be used as a guide to insure that the intern's practical experiences are commensurate with his educational level, and that his total experience will be broad in scope.

[This rule is intended to implement section 155.6.]

3.7(155) Practical experience in armed forces. No more than six months of practical experience acquired while engaged in pharmaceutical pursuits in the armed forces will be accepted toward the one year prerequisite. Said experience must be substantiated by a notarized affidavit signed by a duly licensed pharmacist under whose supervision the applicant has served and must comply with the minimum standards of evaluating apprentice training.

[This rule is intended to implement section 155.6.]

[Effective on filing]

PUBLIC INSTRUCTION DEPARTMENT

Pursuant to authority conferred by section 280A.25(7), Code 1966, and for the purpose of implementing sections 280A.18(3) and 280A.23 (3, 5), Code 1966, section 5.14(280A), rules of the department of public instruction, adopted August 19, 1966, and filed with the secretary of state October 10, 1966, is hereby rescinded and the following adopted in lieu thereof:

[Filed March 17, 1967]

5.14(280A) Tuition rates.

5.14(1) Residents. The board of directors of any merged area vocational or area community college may establish tuition rates not to exceed one hundred dollars per semester of eighteen weeks, for resident students of the state, who are subject to tuition under section 280A.18, Code of Iowa, enrolled for a full course of

study and may establish equivalent and lesser rates for such resident students of the state enrolled for less than a full semester work-load or for specific course-subjects of less than eighteen weeks' duration.

5.14(2) Nonresidents. The board of directors of any merged area vocational or area community college may establish tuition rates not to exceed the actual operational costs per semester of eighteen weeks for students who are nonresidents of the state of Iowa enrolled for a full course of study and may establish equivalent or lesser rates for nonresident students of the state enrolled for less than a full semester work-load or for specific course-subjects of less than eighteen weeks' duration. In no case shall these rates be less than for Iowa resident students.

[Effective 30 days after filing]

PUBLIC INSTRUCTION DEPARTMENT

(continued)

Pursuant to authority conferred by sections 257.10(12), 257.25, and 257.26, Code of Iowa; and for the purpose of implementing section 257.26(2), Code of Iowa, as construed by the attorney general of Iowa in an opinion dated November 4, 1965, and further construed in an opinion of the attorney general dated April 27, 1967; chapter 7, Rules of the department of public instruction, which appears at pages 62 to 64, *July 1966 Supplement to Iowa Departmental Rules*, is amended as follows:

[Filed July 13, 1967]

1. Section 7.1(257), Rules of the department of public instruction is amended by inserting after the figures "1965" in line twelve (12) the words, "and further construed in the opinion of the attorney general dated April 27, 1967".

2. Section 7.3(257), Rules of the department of public instruction, is amended by striking from lines five (5) and six (6) the words, "or jointly with interested private schools".

3. Section 7.5(257), Rules of the department of public instruction, is amended by striking from the catchwords in line one (1) the word "Agreement" and inserting in lieu thereof the word "Report".

4. Section 7.9(257), Rules of the department of public instruction, is amended by striking the comma after the word "programs" in line six (6), inserting in lieu thereof a period and striking the balance of said section.

[Effective 30 days after filing]

REAL ESTATE COMMISSION

Pursuant to authority of Section 117.9 of the Code of Iowa, the following changes and amendments have been adopted:

[Filed July 13, 1967]

Rule 1, appearing in the July, 1966 Supplement, I.D.R., page 65, is rescinded and the following adopted in lieu thereof:

1.1(117) Conduct of examinations. All examinations for licenses as real estate brokers or salesmen shall be conducted on the Thursday preceding the second Tuesday of the months of February, March, May, July, September and November by the commission or its authorized representative in the State Capitol Building,

Des Moines, Iowa, or such other place as designated by the commission.

Amending the rules and regulations as they appear in the 1966 I.D.R., pages 624 and 625, by adopting a new rule, as follows:

1.21(117) Part-time brokers or broker-salesman. A duly-licensed broker whose

principal business is other than that of a real estate broker, or one who operates as a salesman for another duly-licensed broker, may not sponsor a salesman for his twelve-month apprenticeship period.

[Effective 30 days after filing]

REGENTS, BOARD OF

ADMISSION REQUIREMENTS OF THE STATE UNIVERSITY OF IOWA, THE IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY, AND THE UNIVERSITY OF NORTHERN IOWA

[Filed July 12, 1967]

Pursuant to authority conferred in section 262.9(3), Code of Iowa, 1966, Rules and Regulations of the state board of regents, as they appear on pages 628 and 629 I.D.R. 1966, the rules concerning the classification of Residents and Nonresidents for Admission and Fee Purposes are hereby rescinded and the following adopted in lieu thereof:

SECTION D. CLASSIFICATION OF RESIDENTS AND NONRESIDENTS FOR ADMISSION AND FEE PURPOSES

1. **General.** Students enrolling at one of the three state institutions shall be classified as resident or nonresident for admission, fee, and tuition purposes by the registrar. The decision shall be based upon information furnished by the student and all other relevant information. The registrar is authorized to require such written documents, affidavits, verifications, or other evidence as are deemed necessary to establish the domicile of a student, including proof of emancipation, adoption, award of custody, or appointment of a guardian. The burden of establishing that a student is exempt from paying the nonresident fee is upon the student.

For purposes of resident and nonresident classifications, the word "parents" as herein used shall include legal guardians or others standing in loco parentis in all cases where lawful custody of any applicant for admission has been awarded to persons other than actual parents.

2. **Residence for Tuition Purposes.** Regulations regarding residence for admission, fee and tuition payment are gener-

ally divided into two categories—those that apply to students who are minors and those that apply to students who are over twenty-one years of age. The requirements in these categories are different. Domicile within the state means adoption of the state as a fixed permanent home and involves personal presence within the state. The two categories are discussed in more detail below.

3. **Students Who Are Minors.** The residence of a minor shall follow that of the parents at all times, except in extremely rare cases where emancipation can be proved beyond question. The residence of the father during his life, and after his death, the residence of the mother, is the residence of the unemancipated minor; but if the father and the mother have separate places of residence, the minor takes the residence of the parent with whom he lives or to whom he has been assigned by court order. The parents of a minor applying for admission will be considered residents of Iowa only if they have a domicile within the state at the time of the beginning of the semester, quarter or session in which the minor is first enrolled at Iowa State University or the state University of Iowa, or University of Northern Iowa, and if the parents establish such domicile for purposes other than to qualify their child for resident tuition.

A minor admitted before his parents have moved to Iowa may be reclassified as a resident at the beginning of the next semester or quarter in which the student is enrolled after his parents have a domicile in Iowa. A minor student whose parents move their residence from Iowa to a location outside of Iowa shall be considered to be a nonresident at the beginning of the next semester, quarter, or session in which the student is enrolled after the date of the parents removal from the state.

A minor under legal guardianship shall not be granted resident status if the pri-

mary purpose of the guardianship is to qualify the minor for resident tuition.

A minor living with and being supported by a relative or a friend who is a resident of Iowa, but not a minor's legal guardian, may be granted resident status if he has lived with the relative or friend at least three years prior to high school graduation.

4. Students Over Twenty-one Years of Age and Married Students Under Twenty-one Years of Age. A student twenty-one years of age or over and a married student under twenty-one years of age shall be classified as a resident if (1) the student's parents were residents of the state at the time such student reached majority or was married and the student is not domiciled in another state, or (2) who after marriage or reaching majority has established a bona fide residence in the state of Iowa by residing in the state for at least twelve consecutive months immediately preceding the beginning of the semester, quarter or session. Bona fide residence in Iowa means that the student is not in the state primarily to attend a college; that he is in the state for purposes other than to attempt to qualify for resident status.

Any nonresident student who reaches the age of 21 years or is married while under twenty-one years of age while a student at any school or college does not by virtue of such fact attain residence in this state for admission or tuition payment purposes.

5. General Facts. The resident status for admission, fee, and tuition purposes of a married student shall usually be determined under these rules irrespective of the classification of the spouse. Married students under twenty-one years of age shall be considered to have attained legal age as of the date of their marriage.

Persons who are moved into the state as the result of military or civil orders from the government, or the minor children of such persons, are entitled to resident status. However, if the arrival of the parents is subsequent to the time of the beginning of the semester, quarter or session in which the minor child is first enrolled, nonresident tuition will be charged in all cases until the beginning of the next semester, quarter or session in which the student is enrolled.

Dependents of persons whose legal residence is permanently established in Iowa,

who have been classified as residents for tuition purposes may continue to be classified as residents so long as such residence is maintained, even though circumstances may require extended absence of said persons from the state. It is required that persons who claim an Iowa residence while living in another state or country will provide proof of the continual Iowa domicile such as (1) evidence that they have not acquired a domicile in another state, (2) they have maintained a continuous voting record in Iowa, and (3) they have filed regular Iowa income tax returns during their absence from the state.

Ownership of property in Iowa, or the payment of Iowa taxes, does not in itself establish residence.

A student from another state who has enrolled for a full program or substantially a full program in any type of educational institution will be presumed to be in Iowa primarily for educational purposes, and will be considered not to have established residence in Iowa. Continued residence in Iowa during vacation periods or occasional periods of interruption to the course of study does not of itself overcome the presumption.

All students not classified as resident students shall be classified as nonresidents for admission, fee and tuition purposes.

A student who willfully gives incorrect or misleading information to evade payment of the nonresident fees and tuition shall be subject to serious disciplinary action and must also pay the nonresident fee for each semester, quarter or session attended.

An alien who has entered the United States on an immigration visa and who has established a bona fide residence in Iowa by living in the state for at least twelve consecutive months immediately preceding the beginning of the semester, quarter or session may be eligible for resident classification providing he is in the state for purposes other than to attempt to qualify for resident status as a student.

Men in military service (except career servicemen) who listed Iowa as their residence prior to entering service and who, immediately upon release, return to Iowa to establish their residence or enter college, will be classified as residents unless their parents moved from the state while the individual was still a minor.

Change of classification from nonresident to resident will not be made retroactive beyond the semester, quarter, or session in which application for resident classification is made.

6. **Review Committee.** The decision of the registrar on the residence of a student

for admission, fee and tuition purposes may be appealed to a review committee. The finding of the review committee may be appealed to the board of regents.

[These rules shall become effective with the beginning of the academic year 1967-68.]

REGENTS, BOARD OF

(continued)

IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

Pursuant to authority conferred in section 262.9(3), Code of Iowa, 1966, Rules and Regulations of the State Board of Regents, admission requirements to the Iowa State University of Science and Technology as they appear on page 636, I.D.R., 1966, Section B-1-e, College of Veterinary Medicine are hereby rescinded and the following adopted in lieu thereof:

[Filed March 21, 1967]

Applicants for admission to the College of Veterinary Medicine must present 1½ units of algebra and 1 unit of geometry from an approved high school and a total of not less than 90 quarter (60 semester) credits from an approved college or university.

The specific college credits will be prescribed by the faculty of the college.

Preprofessional students at Iowa State University enroll in either the College of Agriculture or the College of Sciences and Humanities. A preveterinary student at Iowa State University may elect a three-year preveterinary program which when combined with the veterinary curriculum will lead to a Bachelor of Science Degree in the College of Agriculture or in the College of Sciences and Humanities.

All preveterinary students must have completed at least 45 quarter (30 semester) credit hours prior to filing an application for admission to the College of Veterinary Medicine. Applications must be filed with the director of admissions and records (Room 104 Beardshear Hall) prior to March 1 of the year in which the applicant seeks admission. A transcript of all high school and college credits must accompany the application. All preveter-

inary requirements must be fulfilled by the time of filing or scheduled for completion by June 15 of the year in which the applicant seeks admission. A list of courses in progress at the time of filing or scheduled for completion by June 15 should accompany the application and transcript. Preprofessional college credits must average at least 2.25 on a four-letter marking system with "A" as the highest mark (4.0) and "D" as the lower mark (1.0). The preceding scholastic requirements are minimum and do not assure admission even though these requirements have been fulfilled.

Because of limited facilities, admission to the College of Veterinary Medicine is on a competitive and selective basis. A preadmission conference with members of the veterinary faculty or other persons designated by the dean is required. High school records, scholastic performance in preprofessional course studies, aptitude, character and personality are given special consideration in the selection of candidates. Other qualifications being equal, residents of the state of Iowa are given preference.

Admission to the College of Veterinary Medicine is granted annually at the beginning of the fall quarter only.

READMISSION

Any student who voluntarily withdraws from the College of Veterinary Medicine or who is dropped for cause, forfeits his standing and must make written application for reinstatement to this college 30 or more days prior to the opening of the quarter in which the student desires readmission.

[These rules shall become effective with the beginning of the academic year 1969-70.]

STATE PRESERVES ADVISORY BOARD

GENERAL RULES OF MANAGEMENT FOR STATE PRESERVES

[Filed March 17, 1967]

Preamble. The Iowa State Preserves System was established in 1965 to preserve, for future generations, certain portions of our natural and historical heritage.

The state preserves advisory board establishes and manages the state preserves, under the provisions of chapter 135, Acts of 61st G. A., now codified as chapter 111B, Code of Iowa 1966.

The management of each state preserve is according to the provisions of the following:

1. The articles of dedication for the preserve. At the time of dedication, the private owner or public agency may place specific restrictions on the development, use, management, or administration of the preserve.

2. The general rules of management for state preserves. The purpose of these rules is:

(a) To restrict active management which could change the basic condition of a preserve before specific directions are provided by the master plan for the preserve.

(b) To provide administrator(s) or custodian(s) of a preserve with a general management plan.

(c) To serve as general guidelines in the preparation of the specific master plan for a preserve.

3. The master plan for the preserve. This plan, prepared as described in the general rules of management, is designed to clearly point out the specific implementation of the general rules for the particular preserve, rather than to broaden or further restrict the utilization of the area. At the same time it should be clearly understood that these areas are limited to passive recreation, hiking, bird watching, nature study, and educational utilization of an archeological, historical, or geological nature. Such uses are permitted only to a degree which is commensurate with the preservation of the area as specifically described in the master plan.

CHAPTER 1

MANAGEMENT OF STATE PRESERVES

1.1(111B) General provisions.

1.1(1) *Definitions.* As used in these rules, the following terms shall have the meanings indicated, except where the context otherwise requires. "Act" means "An Act to establish a system of state preserves and to provide for the control and management of same", as it is codified as chapter 111B, Code of Iowa 1966. "Board" means the State Preserves Advisory Board established by this Act. "Articles of dedication" means the term articles of dedication as that term is used in section 111B.9 of the Act. "Master Plan" means a plan for management of an individual preserve as described in part 1.7 of these provisions. "Commission" means the state conservation commission of the state of Iowa. "Preserve" means an area of land or water, or both land and water, formally dedicated under the provisions of the Act.

In the management of preserves, in the state system of preserves, five major classes are recognized:

1. "Nature Preserves": These areas which are of value primarily because they contain natural flora and fauna which has undergone little or no disturbance by modern man, or which contain species which are in danger of extinction in the state of Iowa.

2. "Archeological Preserves": These are areas which contain deposits of archeological importance.

3. "Historical Preserves": These are areas which contain structures or objects which are of significance in studying the tenure of man in Iowa since the advent of the first explorers.

4. "Geological Preserves": These are areas which contain rare or distinctive geological features or deposits.

5. "Scenic Preserves": These are areas which contain scenic features of scientific or educational value.

1.1(2) *Applicability of rules.* Management of each Iowa preserve shall be in accordance with these rules except only as may be provided in the articles of dedication of the preserve or in the master plan therefore.

There shall be a master plan for each preserve, such plan to be in the form hereinafter indicated.

Whenever it is required by the articles of dedication, or otherwise provided in the master plan, that there be a deviation from these rules in the management of a preserve, such deviation shall be set forth in detail, together with the reasons therefore, in the master plan. A deviation from these rules shall take effect only by majority vote of the board. Written notice of the change in these rules shall be given to the board members at least 10 days prior to the vote of the board.

1.1(3) Administration and custody. The method of administration and custody of each preserve shall be designated in the master plan. The master plan shall designate an agency or individual as custodian of the preserve. In case of resignation, death, disability, or other failure of the custodian to administer and manage a preserve in accordance with these rules and the master plan, the commission may, with the approval of the board, undertake such custodial functions as may be necessary for the maintenance and protection of the preserve, until the disability of the custodian is removed, or a successor is designated.

1.1(4) Reports. The custodian shall submit periodic reports to the commission and the board in such form and at such time as the commission and the board may designate. The reports shall constitute a portion of the record to be kept for each preserve.

1.1(5) Intrusions. No intrusions, including but not limited to structures, easements, rights of way, and other uses which are not related to the purposes and definition of a preserve as specified or as permitted by these rules, shall be allowed to continue or to be established unless recorded in the articles of dedication in the manner prescribed in the Act.

1.2(111B) Structures and facilities.

1.2(1) Boundary marking. Preserve boundaries which shall be recorded with the county recorder in the county or counties in which the preserve is located, shall be made clearly evident by placing permanent markers or fences as necessary.

1.2(2) Access lanes. Vehicular access lanes will be installed and maintained in

preserves only where necessary to implement the use and protection of the areas. They will be located and constructed in accordance with the master plan. Their use will be limited to vehicles authorized in the master plan.

1.2(3) Firebreaks. Necessary boundary firebreaks shall be constructed in a buffer area outside the preserve if possible. Firebreaks within a preserve shall be kept to a minimum and shall be constructed only in accordance with the master plan.

1.2(4) Trails and walks. Location and form of any trails and walks, other than natural wildlife paths, shall be specified in the master plan. Trails and walks shall be adequate to provide for permitted use of a preserve and to prevent erosion, trampling of vegetation, and other deterioration; but otherwise shall be kept to a minimum. Use of surface materials, footbridges and elevated walks is permissible when necessary and provided for in the master plan.

1.2(5) Other structures and improvements. Necessary signs, trash receptacles, service areas, and minor structures required to house research instruments or hand tools are permitted if provided for in the master plan.

Signs and structures shall conform to such style and standards as the commission and the board may establish.

1.3(111B) Management of adjacent land.

1.3(1) Buffer areas. Buffer areas may be established adjacent to all areas, particularly small ones, wherever possible, in order to eliminate the adverse effects of external influences. Buffer areas may be controlled by ownership, dedication, easement, or other appropriate means. Provisions for buffer areas shall be included in the master plan, where such areas are possible.

1.3(2) Service areas. Service areas may be established to provide access and parking, management facilities, and visitor facilities. Provisions for necessary service areas shall be included in the master plan.

1.4(111B) Land management practices.

1.4(1) Scenic and landscape management. No measures will be taken to alter the features of the preserve which would destroy the characteristics for which the area is preserved.

1.4(2) Removal or introduction of objects. Except as provided in the master plan, there shall be no removal or consumptive use of any material, product, or object from a preserve and there shall be no introduction of any material, product, or object to a preserve.

1.4(3) Environmental and biotic management. The control of management of environmental or biotic factors will be restricted to those techniques in normal use in state parks unless further limited in the appendix of these management rules or designated otherwise in the master plan.

1.5(111B) Management of visitors and use.

1.5(1) Use of preserves. Use of preserves shall be allowed only to such extent and in such manner as will not impair the conditions for which the site is preserved. The master plan will define tolerance of the various portions of the area and shall set up controls and restrictions to be placed on access and use. A map of the allowable use, intensity zones, shall be included in the master plan. If the allowable use results in apparent disturbance of the area, the custodian will be empowered to restrict access until the classification can be re-evaluated.

The above restrictions are designed to protect the areas and not to excessively restrict proper utilization. Whenever possible, maximum utilization of the preserve should be encouraged commensurate with its continued existence.

1.5(2) Classes of visitors. Visitors to a preserve may be divided into three classes: Casual (persons who come individually or in small groups without prior arrangements); Organized (persons who come in larger groups under more definite leadership); and Research (persons who come to carry on serious studies or creative work relating to matters within a preserve).

Provisions shall be made in the master plan and in custodial operations for handling each of these classes of visitors. The custodian shall classify visitors into these groups for purposes of visitor control and management of use of the preserve, and may restrict each class in such manner as is appropriate and necessary for the protection and proper management of the preserve.

1.5(3) Character of visitor activity—prohibited activities and practices. The

principal visitor activities in a preserve shall be walking and observing. These activities shall be regulated to prevent disturbance of a preserve beyond what it can tolerate without permanent deterioration. Visitors without permits for research or educational activities shall generally be restricted to trails or walks and may be otherwise restricted in movement. Persons wishing to traverse a preserve elsewhere than on trails and walks shall obtain permission from the custodian.

Activities and uses which are unrelated to observation and study are prohibited unless included in the master plan. Prohibited activities include but are not limited to picnicking, camping, games and sports, horseback riding, wheeled vehicular traffic, gathering of plants or plant products, hunting, fishing, trapping, and removal, disturbance, molestation, or defacement of minerals, fossils, plants, animals, or natural features. There shall be no collecting except with the permission of the board. No dogs or other animals shall be brought into a preserve, leashed or unleashed unless permitted in the master plan.

There shall be no fires, littering, or smoking except as permitted by the master plan.

1.5(4) Access control. Ingress and egress shall be allowed only at such locations and under such conditions as may be specified in the master plan.

The custodian shall have authority to further limit the number of visitors, the visiting hours, and the movement of visitors within the preserve, or to restrict visitor presence and activities in such other manner as may be necessary for the protection and proper management of the preserve.

1.5(5) Orientation and guidance of visitors. There may be an interpretive program for the orientation and guidance of visitors. Exhibits, programs, and printed materials may be provided in service areas. Guide service and labeled trails and walks may be provided within the preserve. The interpretive program shall conform to the provisions of the master plan and to such additional general or special rules as the board may establish.

1.5(6) Permits for researcher educational activities. Research or educational activities not otherwise permitted in these rules or in the master plan may be

authorized by the board if approved by the dedicator.

Each individual who wishes to engage in such activity must obtain a permit from the board in writing.

1.6(111B) Management research. In addition to the systematic accumulation of descriptive and management information in the master plan and to other routine or casual accumulation of such information, there shall be continuing studies of the general problems of managing nature preserves and the particular problems of each preserve in such manner as the board may determine.

1.7(111B) Plans and records.

1.7(1) Master plan. Responsibility for preparation, revision, and adoption of the master plan for each preserve shall rest with the board. However, the custodian

and other interested persons may participate in the formulation of master plans. Except for deviation from these rules, the master plan for each preserve and revisions thereto shall take effect upon approval by the board. A deviation from these rules shall take effect only as provided in rule 1.2.

The master plan shall consist of text and maps. The amount of detail may vary according to circumstances. The form and content shall be as the board may establish. An up-to-date copy of the master plan shall be held by the custodian, the dedicator, the board, and the commission.

1.7(2) Record. A record shall be kept in triplicate for each preserve. One copy shall be held by the custodian, one by the commission and one by the board. These copies shall be open to public inspection.

[Effective 30 days after filing]

WATER POLLUTION CONTROL COMMISSION

WATER QUALITY STANDARDS

Pursuant to the authority of sections 455B.9 and 455B.13, Code of Iowa, 1966, the water quality standards found in the July, 1966, Supplement, Iowa Departmental Rules, page 70, are hereby amended by adding the following to Chapter 1.

[Filed March 20, 1967]

Section 1.2(455B) Surface water quality criteria.

1.2(1) General policy considerations. Surface waters are to be evaluated according to their ability to support the legitimate (beneficial) uses to which they can feasibly be adapted, and this specific designation of quality areas shall be done by the Iowa water pollution control commission.

Sampling to determine conformance to these criteria shall be done at sufficient distances downstream from waste discharge points to permit adequate mixing of waste effluents with the surface waters.

1.2(2) General criteria. The following criteria are applicable to all surface waters at all places and at all times:

a. Free from substances attributable to municipal, industrial or other discharges that will settle to form putrescent or otherwise objectionable sludge deposits;

b. Free from floating debris, oil, scum and other floating materials attributable to municipal, industrial or other discharges in amounts sufficient to be unsightly or deleterious;

c. Free from materials attributable to municipal, industrial or other discharges producing color, odor or other conditions in such degree as to be detrimental to legitimate uses of water;

d. Free from substances attributable to municipal, industrial or other discharges in concentrations or combinations which are detrimental to human, animal, industrial, agricultural, recreational, aquatic or other legitimate uses of the water.

1.2(3) Specific criteria for designated water uses. The following criteria are applicable at flows greater than the lowest flow for seven consecutive days which can be expected to occur at a frequency of once every ten years.

a. Public water supply. The following criteria for surface water quality apply to the point at which water is withdrawn for treatment and distribution as a potable supply:

(1) *Bacteria:* Waters shall be considered to be of unsatisfactory bacteriological quality as a source when:

A sanitary survey indicates the presence or probability of the presence of

sewage or other objectionable bacteria-bearing wastes or

A bacteriological survey using coliform or other appropriate indices indicates bacteriological concentrations significantly higher than those normally found or expected in these waters when free from pollution by sewage.

(2) *Radioactive substances:* Gross beta activity (in the known absence of strontium-90 and alpha emitters) not to exceed 1000 micro-microcuries per liter.

(3) *Chemical constituents:* Not to exceed the following concentrations:

Specific constituents (mg/l)

| | | | |
|--------------------------|------|----------|-------|
| Arsenic | 0.05 | Cyanide | 0.025 |
| Barium | 1.0 | Flouride | 1.5 |
| Cadmium | 0.01 | Lead | 0.05 |
| Chromium (hexavalent) | 0.05 | Phenols | 0.02 |

All substances toxic or detrimental to humans or detrimental to treatment processes shall be limited to nontoxic or nondetrimental concentrations in the surface water.

b. Aquatic life. The following criteria are designed for the maintenance and propagation of a well-balanced fish population. They are applicable to any place in surface waters but cognizance will be given to opportunities for admixture of waste effluents with such waters.

(1) *Warm water areas.* Dissolved oxygen: Not less than 5.0 mg/l during at least 16 hours of any 24-hour period and not less than 4.0 mg/l at any time during the 24-hour period.

pH: Not less than 6.8 nor above 9.0.

Temperature: Not to exceed 93°F during the months of May through November, and not to exceed 73°F during the months of December through April.

Chemical constituents: Not to exceed the following concentrations:

Specific constituents (mg/l)

| | | | |
|--------------|------|-------------|-------|
| Ammonia | | *Chromium | |
| Nitrogen (N) | 2.0 | (trivalent) | 1.00 |
| *Arsenic | 1.0 | *Copper | 0.02 |
| *Barium | 5.0 | Cyanide | 0.025 |
| *Cadmium | 0.05 | *Lead | 0.10 |
| *Chromium | | Phenols | 0.20 |
| (hexavalent) | 0.05 | *Zinc | 1.0 |

*A maximum of 5.0 mg/l for the entire heavy metal group shall not be exceeded.

All substances toxic or detrimental to aquatic life shall be limited to nontoxic or nondetrimental concentrations in the surface water.

(2) *Cold water areas.* All criteria stated for warm water areas apply to cold water areas except as follows:

Dissolved oxygen: Not less than 7.0 mg/l during at least 16 hours of any 24-hour period nor less than 5.0 mg/l at any time during the 24-hour period.

Temperature: No greater than 70°F.

c. Recreation. The following criteria are applicable to any waters used for recreational activities involving whole body contact such as swimming and water skiing:

(1) *Bacteria:* Waters shall be considered to be of unsatisfactory bacteriological quality for the above recreational use when:

A sanitary survey indicates the presence or probability of the presence of sewage or other objectionable bacteria-bearing wastes or

A bacteriological survey using coliform or other appropriate indices indicates bacteriological concentrations significantly higher than those normally found or expected in these waters when free from pollution by sewage.

[These rules are intended to implement sections 455B.9 and 455B.13, Code of Iowa, 1966.]