

**HOMELAND SECURITY AND EMERGENCY
MANAGEMENT DEPARTMENT[605]**

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3, the Homeland Security and Emergency Management Department hereby amends Chapter 11, “Repair, Calibration, and Maintenance of Radiological Monitoring, Detection, and Survey Equipment,” Iowa Administrative Code.

These amendments implement changes that have been made in Iowa Code chapter 29C that transformed the Homeland Security and Emergency Management Division of the Department of Public Defense to a stand-alone department.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2211C** on October 28, 2015. A public hearing was held on November 17, 2015. No public comment was received during the comment period or during the public hearing. These amendments are identical to those published under Notice of Intended Action.

The Department of Homeland Security and Emergency Management adopted these amendments on December 2, 2015.

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

These amendments are intended to implement Iowa Code chapter 29C.

These amendments will become effective January 27, 2016.

The following amendment is adopted.

Amend **605—Chapter 11** as follows:

CHAPTER 11

REPAIR, CALIBRATION, AND MAINTENANCE OF RADIOLOGICAL MONITORING,
DETECTION, AND SURVEY EQUIPMENT

The homeland security and emergency management ~~division~~ department operates a licensed radiological maintenance facility for the purpose of calibrating, repairing and performing the routine maintenance of radiological detection equipment. Iowa Code sections 23A.2 and 29C.8 provide that the ~~division~~ department may enter into contracts and charge fees for performance of these services.

605—11.1(29C) Purpose. The homeland security and emergency management ~~division~~ department shall establish fees to be charged for the performance of the calibration, repair and maintenance of radiological detection equipment.

605—11.2(29C) No change.

605—11.3(29C) No change.

605—11.4(29C) Contracts for services. The ~~division~~ department may enter into contracts with public and private entities for the purposes of providing radiological detection equipment, calibration, repair, and maintenance services. Such contracts will specify, at a minimum:

1. to 5. No change.

605—11.5(29C) Application of fees. In instances where the ~~division~~ department has not previously entered into a contract with a public or private entity, the ~~division~~ department will assess a fee for the performance of calibration, repair, and maintenance services it provides for radiological detection equipment and instruments not owned by the ~~division~~ department or owned by the ~~division~~ department but used for other than the ~~division's~~ department's specified purpose.

The ~~division~~ department will not assess a fee for the performance of calibration, repair, and maintenance services for radiological detection equipment and instruments:

1. Used in the administration and operation of the ~~division's~~ department's radiological emergency preparedness program.
2. Used by hazardous materials response teams recognized by the ~~division~~ department.
3. Otherwise owned by the ~~division~~ department and used for its express purposes.

605—11.6(29C) Fees. Unless otherwise specified by contract, the ~~division~~ department will charge the following fees for the performance of its services:

Calibration Fees:

One radiation instrument and one radiation detector	\$70
Each additional radiation detector	\$20
Each dosimeter	\$10

Repair Fees:

Hourly rate	\$70
Parts	Cost plus 15 percent

The ~~division~~ department will also assess a fee to recover actual shipping expenses, to include insurance coverage for the equipment being shipped.

Estimates will be given for instruments that are in need of repair. The customer will have the option of having the instrument repaired at the established rates or may have the instrument returned, at which time shipping expenses will be charged.

The ~~division~~ department may offer to replace equipment with like equipment that is fully functional and that has been properly calibrated, in lieu of making calibrations or the necessary repairs. If the customer accepts this offer, the fee charged is the fee that would normally be charged for the calibration or repair of the instrument or dosimeter.

605—11.7(29C) Returned check and late fees. Applicable fees are due to the ~~division~~ department within 30 days from the date of invoice. Persons who fail to pay required fees to the ~~division~~ department are subject to the following penalties:

1. Fifteen dollars for each payment received by the ~~division~~ department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the ~~division~~ department.
2. Fifteen dollars for each month for which a payment is overdue, or for each additional month for which insufficient funds are available to fulfill the obligation of such payment to the ~~division~~ department.

605—11.8(29C) Records and reports. The ~~division~~ department will maintain records and file reports regarding the calibration, maintenance, and repair of radiological detection equipment, in accordance with the requirements set forth in 641—Chapter 40.

These rules are intended to implement Iowa Code section 23A.2, subsection 10, and Iowa Code section 29C.8.

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