



# IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XXXVI  
March 5, 2014

NUMBER 18  
Pages 1797 to 1858

## CONTENTS IN THIS ISSUE

Pages 1805 to 1854 include **ARC 1350C** to **ARC 1369C**

### ACCOUNTANCY EXAMINING BOARD[193A]

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

Filed, Renewal cycle for reinstated  
licensees, 10.5(7) **ARC 1360C** ..... 1825

### ALL AGENCIES

Agency identification numbers ..... 1803  
Citation of administrative rules ..... 1799  
Schedule for rule making ..... 1800

### EMPLOYMENT APPEAL BOARD[486]

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Filed, Online filing of unemployment  
insurance appeals, 2.2, 3.1(2) **ARC 1358C** .... 1826

### EXECUTIVE DEPARTMENT

Executive order numbers 83 and 84 ..... 1855

### HUMAN SERVICES DEPARTMENT[441]

Notice, Health insurance premium  
payment program, 75.21 **ARC 1368C** ..... 1805

Notice, Online training for brain injury  
(BI) waiver providers; removal of  
services from monthly cost limits for  
certain waivers; removal of age limit  
for BI waiver, 77.39, 83.22(2), 83.82,  
83.102(2), 83.122(6) **ARC 1366C** ..... 1806

Notice, Child care assistance sliding fee  
schedule, 170.4(2)"a" **ARC 1365C** ..... 1808

Filed, State supplementary assistance  
program—annual adjustments to  
eligibility and payment levels, 51.4(1),  
51.7, 52.1 **ARC 1352C** ..... 1827

Filed, Individual assistance grant  
program, 58.1, 58.2(2), 58.3 to 58.6,  
58.7(1) **ARC 1353C** ..... 1828

Filed, Iowa health and wellness  
plan—enrollment for IowaCare  
members, 74.15 **ARC 1354C** ..... 1832

Filed, Medicaid—member lock-in, 75.30  
**ARC 1355C** ..... 1833

Filed, Financial eligibility determinations  
for family planning services, 75.70,  
75.71 **ARC 1356C** ..... 1835

Filed,  
Supreme court guidelines—establishment  
and modification of child support,  
amendments to chs 95, 99 **ARC 1357C** ..... 1837

### PUBLIC HEALTH DEPARTMENT[641]

Notice, State mechanical code, ch 61  
**ARC 1364C** ..... 1810

### PUBLIC HEARINGS

Summarized list ..... 1801

### REVENUE DEPARTMENT[701]

Notice, Motor fuel—penalty for  
violations, administration, tax rates,  
distributors' and dealers' right to blend,  
10.71, 67.1, 68.2, 68.19 **ARC 1362C** ..... 1813

Notice, Reinvestment districts program,  
ch 237 **ARC 1363C** ..... 1817

### SOIL CONSERVATION DIVISION[27]

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella"

Notice, Financial incentive program  
for soil erosion control, 10.51, 10.52,  
10.60(1)"c" **ARC 1369C** ..... 1821

**TRANSPORTATION DEPARTMENT[761]**

Notice, Permitting of implements  
of husbandry—manual for bridge  
evaluation, 181.1(2) **ARC 1350C** ..... 1822

Filed, Aviation programs—eligibility;  
funding; application process; project  
review, approval, and administration,  
amendments to chs 700, 710, 715 to  
717 **ARC 1351C**..... 1841

**USURY**

Notice ..... 1823

**UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]“umbrella”

Filed, Natural gas and electric safety  
standards, 10.12(1), 10.17, 15.10(1),  
19.2(5), 19.5(2), 19.17(2), 20.5(2),  
20.19(2), 21.9, 25.2, 25.3(5), 25.5(3),  
45.1 **ARC 1359C** ..... 1848

**VOTER REGISTRATION COMMISSION[821]**

Filed, Revision of official Iowa voter  
registration application, 2.16 **ARC 1361C**..... 1853

**WORKFORCE DEVELOPMENT  
DEPARTMENT[871]**

Filed, Vacation pay deductible from  
unemployment, 24.13(3), 24.16(1)  
**ARC 1367C** ..... 1854

## PREFACE

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

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

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

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

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### CITATION of Administrative Rules

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

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

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

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

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

## Schedule for Rule Making 2014

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

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
20	Friday, March 14, 2014	April 2, 2014
21	Friday, March 28, 2014	April 16, 2014
22	Friday, April 11, 2014	April 30, 2014

**PLEASE NOTE:**

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

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

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

**EDUCATIONAL EXAMINERS BOARD[282]**

Eligibility to file ethics complaint, 11.4(1) IAB 2/19/14 <b>ARC 1344C</b>	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	March 12, 2014 1 p.m.
Out-of-state and exchange license applicants—provision of valid or expired license with application, 13.3(6), 13.17(1) IAB 2/19/14 <b>ARC 1343C</b>	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	March 12, 2014 1 p.m.

**EDUCATION DEPARTMENT[281]**

Drinking drivers course, amendments to ch 21 IAB 2/19/14 <b>ARC 1340C</b>	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 11, 2014 3 to 4 p.m.
Nutritional content standards, 58.11 IAB 2/19/14 <b>ARC 1341C</b>	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 11, 2014 12 noon to 1 p.m.
Alternate subject assessment for teacher candidates, 79.15(7) IAB 2/19/14 <b>ARC 1339C</b>	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 11, 2014 2 to 3 p.m.
Professional development for teachers, 83.6 IAB 2/19/14 <b>ARC 1338C</b>	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 11, 2014 4 to 5 p.m.

**LABOR SERVICES DIVISION[875]**

Boiler and pressure vessel program—fees, 90.7 IAB 2/19/14 <b>ARC 1333C</b>	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	March 12, 2014 9 a.m. (If requested)
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**PUBLIC HEALTH DEPARTMENT[641]**

State mechanical code, ch 61 IAB 3/5/14 <b>ARC 1364C</b> (ICN Network)	Kelinson Room Public Library Information Center 2950 Learning Campus Dr. Bettendorf, Iowa	March 25, 2014 11:30 a.m. to 12:30 p.m.
	Ottumwa Regional Health Center 1001 E. Pennsylvania Ottumwa, Iowa	March 25, 2014 11:30 a.m. to 12:30 p.m.
	Public Library 529 Pierce St. Sioux City, Iowa	March 25, 2014 11:30 a.m. to 12:30 p.m.
	Iowa Western Community College – 2 923 East Washington Clarinda, Iowa	March 25, 2014 11:30 a.m. to 12:30 p.m.
	Spirit Lake High School 2701 Hill Ave. Spirit Lake, Iowa	March 25, 2014 11:30 a.m. to 12:30 p.m.
	Crestwood High School 1000 4th Ave. East Cresco, Iowa	March 25, 2014 11:30 a.m. to 12:30 p.m.
	Iowa Workforce Development 1000 E. Grand Ave. Des Moines, Iowa	March 25, 2014 11:30 a.m. to 12:30 p.m.

**REAL ESTATE COMMISSION[193E]**

Operations of grant committee; grant applications and awards, rescind chs 22, 23 IAB 2/19/14 <b>ARC 1347C</b>	Bureau Conference Room, Suite 350 200 E. Grand Ave. Des Moines, Iowa	March 11, 2014 9 a.m.
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**TRANSPORTATION DEPARTMENT[761]**

Permitting of implements of husbandry—manual for bridge evaluation, 181.1(2) IAB 3/5/14 <b>ARC 1350C</b>	First Floor North Conference Room DOT Administration Building 800 Lincoln Way Ames, Iowa	March 27, 2014 2 p.m. (If requested)
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The following list will be updated as changes occur.

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

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

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

ADMINISTRATIVE SERVICES DEPARTMENT[11]  
AGING, DEPARTMENT ON[17]  
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]  
    Soil Conservation Division[27]  
ATTORNEY GENERAL[61]  
AUDITOR OF STATE[81]  
BEEF INDUSTRY COUNCIL, IOWA[101]  
BLIND, DEPARTMENT FOR THE[111]  
CAPITAL INVESTMENT BOARD, IOWA[123]  
CITIZENS’ AIDE[141]  
CIVIL RIGHTS COMMISSION[161]  
COMMERCE DEPARTMENT[181]  
    Alcoholic Beverages Division[185]  
    Banking Division[187]  
    Credit Union Division[189]  
    Insurance Division[191]  
    Professional Licensing and Regulation Bureau[193]  
        Accountancy Examining Board[193A]  
        Architectural Examining Board[193B]  
        Engineering and Land Surveying Examining Board[193C]  
        Landscape Architectural Examining Board[193D]  
        Real Estate Commission[193E]  
        Real Estate Appraiser Examining Board[193F]  
        Interior Design Examining Board[193G]  
    Utilities Division[199]  
CORRECTIONS DEPARTMENT[201]  
    Parole Board[205]  
CULTURAL AFFAIRS DEPARTMENT[221]  
    Arts Division[222]  
    Historical Division[223]  
EARLY CHILDHOOD IOWA STATE BOARD[249]  
ECONOMIC DEVELOPMENT AUTHORITY[261]  
    City Development Board[263]  
IOWA FINANCE AUTHORITY[265]  
EDUCATION DEPARTMENT[281]  
    Educational Examiners Board[282]  
    College Student Aid Commission[283]  
    Higher Education Loan Authority[284]  
    Iowa Advance Funding Authority[285]  
    Libraries and Information Services Division[286]  
    Public Broadcasting Division[288]  
    School Budget Review Committee[289]  
EGG COUNCIL, IOWA[301]  
EMPOWERMENT BOARD, IOWA[349]  
ENERGY INDEPENDENCE, OFFICE OF[350]  
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]  
EXECUTIVE COUNCIL[361]  
FAIR BOARD[371]  
HUMAN RIGHTS DEPARTMENT[421]  
    Community Action Agencies Division[427]  
    Criminal and Juvenile Justice Planning Division[428]  
    Deaf Services Division[429]  
    Persons With Disabilities Division[431]  
    Latino Affairs Division[433]  
    Status of African-Americans, Division on the[434]

Status of Women Division[435]  
Status of Iowans of Asian and Pacific Islander Heritage[436]  
HUMAN SERVICES DEPARTMENT[441]  
INSPECTIONS AND APPEALS DEPARTMENT[481]  
Employment Appeal Board[486]  
Child Advocacy Board[489]  
Racing and Gaming Commission[491]  
State Public Defender[493]  
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]  
IOWA PUBLIC INFORMATION BOARD[497]  
LAW ENFORCEMENT ACADEMY[501]  
LIVESTOCK HEALTH ADVISORY COUNCIL[521]  
LOTTERY AUTHORITY, IOWA[531]  
MANAGEMENT DEPARTMENT[541]  
Appeal Board, State[543]  
City Finance Committee[545]  
County Finance Committee[547]  
NATURAL RESOURCES DEPARTMENT[561]  
Energy and Geological Resources Division[565]  
Environmental Protection Commission[567]  
Natural Resource Commission[571]  
Preserves, State Advisory Board for[575]  
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]  
PREVENTION OF DISABILITIES POLICY COUNCIL[597]  
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]  
PUBLIC DEFENSE DEPARTMENT[601]  
Military Division[611]  
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]  
PUBLIC EMPLOYMENT RELATIONS BOARD[621]  
PUBLIC HEALTH DEPARTMENT[641]  
Professional Licensure Division[645]  
Dental Board[650]  
Medicine Board[653]  
Nursing Board[655]  
Pharmacy Board[657]  
PUBLIC SAFETY DEPARTMENT[661]  
RECORDS COMMISSION[671]  
REGENTS BOARD[681]  
Archaeologist[685]  
REVENUE DEPARTMENT[701]  
SECRETARY OF STATE[721]  
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]  
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]  
TRANSPORTATION DEPARTMENT[761]  
TREASURER OF STATE[781]  
TURKEY MARKETING COUNCIL, IOWA[787]  
UNIFORM STATE LAWS COMMISSION[791]  
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]  
VETERINARY MEDICINE BOARD[811]  
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]  
VOTER REGISTRATION COMMISSION[821]  
WORKFORCE DEVELOPMENT DEPARTMENT[871]  
Labor Services Division[875]  
Workers' Compensation Division[876]  
Workforce Development Board and Workforce Development Center Administration Division[877]

## ARC 1368C

## HUMAN SERVICES DEPARTMENT[441]

## Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

These proposed amendments are required in order for the Department to be in compliance with the Patient Protection and Affordable Care Act, which amends the current Health Insurance Payment Plan (HIPP) statute at 42 U.S.C. 1396e-1. These amendments also eliminate obsolete references to the IowaCare program and Medicare supplemental policies.

Any interested person may make written comments on the proposed amendments on or before March 25, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

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

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

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Rescind subrule **75.21(1)**.

ITEM 2. Renumber subrules **75.21(2)** to **75.21(17)** as **75.21(1)** to **75.21(16)**.

ITEM 3. Amend renumbered paragraph **75.21(1)“b”** as follows:

*b.* The health plan is cost-effective as defined in subrule ~~75.21(3)~~ 75.21(2).

ITEM 4. Amend renumbered subrule 75.21(4) as follows:

**75.21(4) Exceptions to payment.** Premiums shall not be paid for health insurance plans under any of the following circumstances:

*a. to f.* No change.

*g.* The person is eligible only for a coverage group that does not provide full Medicaid services, such as the specified low-income Medicare beneficiary (SLMB) coverage group in accordance with subrule 75.1(34) ~~or the IowaCare program in accordance with the provisions of 441—Chapter 92.~~ Members under the medically needy coverage group who must meet a spenddown are not eligible for HIPP payment.

*h. and i.* No change.

~~*j.* The insurance is a Medicare supplemental policy and the Health Insurance Premium Payment Application, Form 470-2875, was received on or after March 1, 1996.~~

~~*k. j.* The person has health coverage through Medicare. If other Medicaid members in the household are covered by the health plan, cost-effectiveness is determined without including the Medicare-covered member.~~

~~*l. k.* The health plan does not provide major medical coverage but pays only for specific situations (i.e., accident plans) or illnesses (i.e., cancer policy).~~

~~*m. l.* The health plan pays secondary to another plan.~~

~~*n. m.* The only Medicaid members covered by the health plan are currently in foster care.~~

## HUMAN SERVICES DEPARTMENT[441](cont'd)

~~o. n.~~ All Medicaid members covered by the health plan are eligible for Medicaid only under subrule 75.1(43). This coverage group requires the parent to apply for, enroll in, and pay for coverage available from the employer as a condition of Medicaid eligibility for the children.

ITEM 5. Amend renumbered subrule 75.21(10) as follows:

**75.21(10) *Reviews of cost-effectiveness and eligibility.*** Reviews of cost-effectiveness and eligibility shall be completed annually and may be conducted more frequently at the discretion of the department.

*a.* and *b.* No change.

*c.* Failure of the household to cooperate in the review process shall result in cancellation of premium payment and may result in Medicaid ineligibility as provided in subrule 75.21(1).

*d.* and *e.* No change.

*f.* If a change in the number of members in the Medicaid household causes the health plan not to be cost-effective, lesser health plan options, as defined in paragraph ~~75.21(16)~~“*a.*,” 75.21(15)“*a.*,” shall be considered if available and cost-effective.

*g.* No change.

ITEM 6. Amend renumbered subrule 75.21(11) as follows:

**75.21(11) *Time frames for determining cost-effectiveness.*** The department shall determine cost-effectiveness of the health plan and notify the applicant of the decision regarding payment of the premiums within 65 calendar days from the date an application or referral (as defined in subrule ~~75.21(8)~~ 75.21(7)) is received. Additional time may be taken when, for reasons beyond the control of the department or the applicant, information needed to establish cost-effectiveness cannot be obtained within the 65-day period.

ITEM 7. Amend renumbered paragraph **75.21(15)“c”** as follows:

*c.* For both group and individual health plans, if another household member must be covered to obtain coverage for the Medicaid members, the HIPP program shall pay the cost of covering that household member if the coverage is cost-effective as determined pursuant to subrules 75.21(2) and 75.21(3) and ~~75.21(4)~~.

**ARC 1366C**

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” and Chapter 83, “Medicaid Waiver Services,” Iowa Administrative Code.

These amendments document the requirement for brain injury (BI) waiver providers and employees providing direct care to BI waiver recipients to complete the Department’s online brain injury training. These amendments also remove the cost of case management and home and vehicle modifications from the total monthly cost of services for the brain injury waiver, elderly waiver and physical disability waiver. These amendments also remove the cost of environmental modifications, adaptive devices and therapeutic resources from the total monthly cost of services for the children’s mental health waiver. Finally, these amendments remove the age limit of 65 from the BI waiver, thereby enabling members to continue to receive services through the BI waiver beyond the age of 65.

The administrative rules currently require home- and community-based BI waiver providers and each of their staff members involved in direct consumer service to have training regarding, or experience with, individuals who have a brain injury. Currently, the training content varies among providers. By

## HUMAN SERVICES DEPARTMENT[441](cont'd)

providing a standardized training that is required of each person working with individuals receiving services through the waiver, the Department can ensure that providers and their employees have consistent information regarding brain injuries before the provision of care.

Exceptions have routinely been granted to allow brain injury waiver, elderly waiver, physical disability waiver and children's mental health waiver members to exceed the monthly cap for services. As a result of the removal of the cost of case management, home and vehicle modifications, environmental modifications, adaptive devices and therapeutic resources from the total monthly cost of services for applicable waivers, members will have additional dollars available each month for direct face-to-face services per member per month.

Exceptions have routinely been granted to allow BI waiver services beyond the age of 65. The amendments will allow BI waiver services to members beyond the age of 65 without the need for an exception to policy.

Any interested person may make written comments on the proposed amendments on or before March 25, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments do not provide for waivers in specified situations because these amendments provide a benefit to elderly, BI, physical disability, and children's mental health waiver participants. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend rule 441—77.39(249A), introductory paragraph, as follows:

**441—77.39(249A) HCBS brain injury waiver service providers.** Providers shall be eligible to participate in the Medicaid brain injury waiver program if they meet the requirements in this rule and the subrules applicable to the individual service. Providers and each of their staff members involved in direct consumer service must have ~~training regarding or experience with consumers who have a brain injury~~ completed the department's online brain injury training course, with the exception of providers of home and vehicle modification, specialized medical equipment, transportation, personal emergency response, financial management, independent support brokerage, self-directed personal care, individual-directed goods and services, and self-directed community supports and employment.

ITEM 2. Amend subparagraph **83.22(2)“c”(2)** as follows:

(2) Services must be the least costly available to meet the service needs of the member. The total monthly cost of the elderly waiver services exclusive of case management services shall not exceed the established monthly cost of the level of care. Aggregate monthly costs, excluding the cost of case management and home and vehicle modifications, are limited as follows:

Skilled level of care	Nursing level of care
\$2,765	\$1,339

ITEM 3. Amend paragraph **83.82(1)“c”** as follows:

c. ~~Be aged 1 month to 64 years~~ at least one month of age.

ITEM 4. Amend paragraph **83.82(2)“d”** as follows:

d. The total cost of brain injury waiver services, excluding the cost of case management and home and vehicle modifications, shall not exceed \$2,954 per month. ~~If more than \$520 is paid for home and vehicle modification services, the service worker shall encumber up to \$520 per month within the monthly dollar cap allowed for the member until the total amount of the modification is reached within a 12-month period.~~

## HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 5. Amend paragraph **83.102(2)“b”** as follows:

*b.* The total cost of physical disability waiver services, excluding the cost of home and vehicle modifications, shall not exceed \$692 per month. ~~If more than \$520 is paid for home and vehicle modification services, the service worker shall encumber up to \$520 per month within the monthly dollar cap allowed for the member until the total amount of the modification is reached within a 12-month period.~~

ITEM 6. Amend paragraph **83.122(6)“b”** as follows:

*b.* The total cost of children’s mental health waiver services needed to meet the member’s needs, excluding the cost of environmental modifications, adaptive devices and therapeutic resources, may not exceed \$1,967 per month.

**ARC 1365C**

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 170, “Child Care Services,” Iowa Administrative Code.

The purpose of this amendment is to revise the child care assistance (CCA) fee chart based on new federal poverty levels (FPLs). This is an annual update that will allow families that have received raises to maintain eligibility for CCA without paying increased fees.

Any interested person may make written comments on the proposed amendments on or before March 25, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

This amendment does not provide for waivers in specified situations because families may request a waiver of these provisions in a specified situation under the Department’s general rule on exceptions at 441—1.8(17A,217).

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

This amendment is intended to implement Iowa Code section 237A.13.

The following amendment is proposed.

Amend paragraph **170.4(2)“a”** as follows:

*a. Sliding fee schedule.*

(1) The fee schedule shown in the following table is effective for eligibility determinations made on or after July 1, ~~2013~~ 2014:

## HUMAN SERVICES DEPARTMENT[441](cont'd)

Level	Monthly Income According to Family Size										Unit Fee Based on Number of Children in Care		
	1	2	3	4	5	6	7	8	9	10	1	2	3 or more
A	<u>\$940</u>	<u>\$1,228</u>	<u>\$1,547</u>	<u>\$1,865</u>	<u>\$2,183</u>	<u>\$2,501</u>	<u>\$2,820</u>	<u>\$3,138</u>	<u>\$3,456</u>	<u>\$3,774</u>	\$0.00	\$0.00	\$0.00
	<u>\$924</u>	<u>\$1,245</u>	<u>\$1,568</u>	<u>\$1,889</u>	<u>\$2,210</u>	<u>\$2,532</u>	<u>\$2,853</u>	<u>\$3,174</u>	<u>\$3,496</u>	<u>\$3,817</u>			
B	<u>\$958</u>	<u>\$1,293</u>	<u>\$1,628</u>	<u>\$1,963</u>	<u>\$2,298</u>	<u>\$2,633</u>	<u>\$2,968</u>	<u>\$3,303</u>	<u>\$3,638</u>	<u>\$3,973</u>	\$0.20	\$0.45	\$0.70
	<u>\$973</u>	<u>\$1,311</u>	<u>\$1,650</u>	<u>\$1,988</u>	<u>\$2,326</u>	<u>\$2,665</u>	<u>\$3,003</u>	<u>\$3,341</u>	<u>\$3,680</u>	<u>\$4,018</u>			
C	<u>\$985</u>	<u>\$1,329</u>	<u>\$1,674</u>	<u>\$2,018</u>	<u>\$2,362</u>	<u>\$2,707</u>	<u>\$3,051</u>	<u>\$3,395</u>	<u>\$3,740</u>	<u>\$4,084</u>	\$0.45	\$0.70	\$0.95
	<u>\$1,000</u>	<u>\$1,348</u>	<u>\$1,696</u>	<u>\$2,044</u>	<u>\$2,391</u>	<u>\$2,740</u>	<u>\$3,087</u>	<u>\$3,435</u>	<u>\$3,783</u>	<u>\$4,131</u>			
D	<u>\$1,012</u>	<u>\$1,365</u>	<u>\$1,719</u>	<u>\$2,073</u>	<u>\$2,427</u>	<u>\$2,780</u>	<u>\$3,134</u>	<u>\$3,488</u>	<u>\$3,842</u>	<u>\$4,195</u>	\$0.70	\$0.95	\$1.20
	<u>\$1,027</u>	<u>\$1,384</u>	<u>\$1,742</u>	<u>\$2,099</u>	<u>\$2,456</u>	<u>\$2,814</u>	<u>\$3,171</u>	<u>\$3,528</u>	<u>\$3,886</u>	<u>\$4,243</u>			
E	<u>\$1,040</u>	<u>\$1,404</u>	<u>\$1,767</u>	<u>\$2,131</u>	<u>\$2,495</u>	<u>\$2,858</u>	<u>\$3,222</u>	<u>\$3,586</u>	<u>\$3,949</u>	<u>\$4,313</u>	\$0.95	\$1.20	\$1.45
	<u>\$1,056</u>	<u>\$1,423</u>	<u>\$1,791</u>	<u>\$2,158</u>	<u>\$2,525</u>	<u>\$2,893</u>	<u>\$3,260</u>	<u>\$3,627</u>	<u>\$3,995</u>	<u>\$4,362</u>			
F	<u>\$1,068</u>	<u>\$1,442</u>	<u>\$1,815</u>	<u>\$2,189</u>	<u>\$2,563</u>	<u>\$2,936</u>	<u>\$3,310</u>	<u>\$3,683</u>	<u>\$4,057</u>	<u>\$4,430</u>	\$1.20	\$1.45	\$1.70
	<u>\$1,085</u>	<u>\$1,462</u>	<u>\$1,840</u>	<u>\$2,217</u>	<u>\$2,594</u>	<u>\$2,972</u>	<u>\$3,349</u>	<u>\$3,726</u>	<u>\$4,104</u>	<u>\$4,481</u>			
G	<u>\$1,098</u>	<u>\$1,482</u>	<u>\$1,866</u>	<u>\$2,250</u>	<u>\$2,634</u>	<u>\$3,018</u>	<u>\$3,402</u>	<u>\$3,786</u>	<u>\$4,170</u>	<u>\$4,554</u>	\$1.45	\$1.70	\$1.95
	<u>\$1,115</u>	<u>\$1,503</u>	<u>\$1,891</u>	<u>\$2,279</u>	<u>\$2,666</u>	<u>\$3,055</u>	<u>\$3,443</u>	<u>\$3,830</u>	<u>\$4,219</u>	<u>\$4,606</u>			
H	<u>\$1,128</u>	<u>\$1,523</u>	<u>\$1,917</u>	<u>\$2,312</u>	<u>\$2,706</u>	<u>\$3,101</u>	<u>\$3,495</u>	<u>\$3,890</u>	<u>\$4,284</u>	<u>\$4,679</u>	\$1.70	\$1.95	\$2.20
	<u>\$1,146</u>	<u>\$1,544</u>	<u>\$1,943</u>	<u>\$2,341</u>	<u>\$2,739</u>	<u>\$3,138</u>	<u>\$3,536</u>	<u>\$3,934</u>	<u>\$4,334</u>	<u>\$4,732</u>			
I	<u>\$1,160</u>	<u>\$1,565</u>	<u>\$1,971</u>	<u>\$2,376</u>	<u>\$2,782</u>	<u>\$3,187</u>	<u>\$3,593</u>	<u>\$3,998</u>	<u>\$4,404</u>	<u>\$4,810</u>	\$1.95	\$2.20	\$2.45
	<u>\$1,178</u>	<u>\$1,587</u>	<u>\$1,997</u>	<u>\$2,407</u>	<u>\$2,816</u>	<u>\$3,226</u>	<u>\$3,635</u>	<u>\$4,044</u>	<u>\$4,455</u>	<u>\$4,864</u>			
J	<u>\$1,191</u>	<u>\$1,608</u>	<u>\$2,024</u>	<u>\$2,441</u>	<u>\$2,858</u>	<u>\$3,274</u>	<u>\$3,691</u>	<u>\$4,107</u>	<u>\$4,524</u>	<u>\$4,941</u>	\$2.20	\$2.45	\$2.70
	<u>\$1,210</u>	<u>\$1,630</u>	<u>\$2,052</u>	<u>\$2,472</u>	<u>\$2,892</u>	<u>\$3,314</u>	<u>\$3,734</u>	<u>\$4,155</u>	<u>\$4,576</u>	<u>\$4,996</u>			
K	<u>\$1,225</u>	<u>\$1,653</u>	<u>\$2,081</u>	<u>\$2,509</u>	<u>\$2,938</u>	<u>\$3,366</u>	<u>\$3,794</u>	<u>\$4,222</u>	<u>\$4,651</u>	<u>\$5,079</u>	\$2.45	\$2.70	\$2.95
	<u>\$1,244</u>	<u>\$1,676</u>	<u>\$2,109</u>	<u>\$2,541</u>	<u>\$2,973</u>	<u>\$3,407</u>	<u>\$3,839</u>	<u>\$4,271</u>	<u>\$4,704</u>	<u>\$5,136</u>			
L	<u>\$1,258</u>	<u>\$1,698</u>	<u>\$2,138</u>	<u>\$2,578</u>	<u>\$3,018</u>	<u>\$3,458</u>	<u>\$3,897</u>	<u>\$4,337</u>	<u>\$4,777</u>	<u>\$5,217</u>	\$2.70	\$2.95	\$3.20
	<u>\$1,278</u>	<u>\$1,722</u>	<u>\$2,167</u>	<u>\$2,611</u>	<u>\$3,054</u>	<u>\$3,500</u>	<u>\$3,943</u>	<u>\$4,387</u>	<u>\$4,832</u>	<u>\$5,276</u>			
M	<u>\$1,293</u>	<u>\$1,745</u>	<u>\$2,198</u>	<u>\$2,650</u>	<u>\$3,102</u>	<u>\$3,554</u>	<u>\$4,007</u>	<u>\$4,459</u>	<u>\$4,911</u>	<u>\$5,363</u>	\$2.95	\$3.20	\$3.45
	<u>\$1,313</u>	<u>\$1,770</u>	<u>\$2,227</u>	<u>\$2,684</u>	<u>\$3,140</u>	<u>\$3,598</u>	<u>\$4,054</u>	<u>\$4,510</u>	<u>\$4,968</u>	<u>\$5,424</u>			
N	<u>\$1,328</u>	<u>\$1,793</u>	<u>\$2,258</u>	<u>\$2,722</u>	<u>\$3,187</u>	<u>\$3,651</u>	<u>\$4,116</u>	<u>\$4,580</u>	<u>\$5,045</u>	<u>\$5,509</u>	\$3.20	\$3.45	\$3.70
	<u>\$1,349</u>	<u>\$1,818</u>	<u>\$2,288</u>	<u>\$2,757</u>	<u>\$3,225</u>	<u>\$3,696</u>	<u>\$4,164</u>	<u>\$4,633</u>	<u>\$5,103</u>	<u>\$5,572</u>			
O	<u>\$1,366</u>	<u>\$1,843</u>	<u>\$2,321</u>	<u>\$2,798</u>	<u>\$3,276</u>	<u>\$3,753</u>	<u>\$4,231</u>	<u>\$4,709</u>	<u>\$5,186</u>	<u>\$5,664</u>	\$3.45	\$3.70	\$3.95
	<u>\$1,387</u>	<u>\$1,869</u>	<u>\$2,352</u>	<u>\$2,834</u>	<u>\$3,316</u>	<u>\$3,799</u>	<u>\$4,281</u>	<u>\$4,763</u>	<u>\$5,246</u>	<u>\$5,728</u>			
P	<u>\$1,403</u>	<u>\$1,893</u>	<u>\$2,384</u>	<u>\$2,875</u>	<u>\$3,365</u>	<u>\$3,856</u>	<u>\$4,346</u>	<u>\$4,837</u>	<u>\$5,327</u>	<u>\$5,818</u>	\$3.70	\$3.95	\$4.20
	<u>\$1,425</u>	<u>\$1,920</u>	<u>\$2,416</u>	<u>\$2,911</u>	<u>\$3,406</u>	<u>\$3,903</u>	<u>\$4,397</u>	<u>\$4,892</u>	<u>\$5,389</u>	<u>\$5,884</u>			
Q	<u>\$1,442</u>	<u>\$1,946</u>	<u>\$2,451</u>	<u>\$2,955</u>	<u>\$3,459</u>	<u>\$3,964</u>	<u>\$4,468</u>	<u>\$4,972</u>	<u>\$5,477</u>	<u>\$5,981</u>	\$3.95	\$4.20	\$4.45
	<u>\$1,465</u>	<u>\$1,974</u>	<u>\$2,484</u>	<u>\$2,993</u>	<u>\$3,501</u>	<u>\$4,012</u>	<u>\$4,521</u>	<u>\$5,029</u>	<u>\$5,540</u>	<u>\$6,049</u>			
R	<u>\$1,481</u>	<u>\$1,999</u>	<u>\$2,517</u>	<u>\$3,036</u>	<u>\$3,554</u>	<u>\$4,072</u>	<u>\$4,590</u>	<u>\$5,108</u>	<u>\$5,626</u>	<u>\$6,144</u>	\$4.20	\$4.45	\$4.70
	<u>\$1,505</u>	<u>\$2,027</u>	<u>\$2,551</u>	<u>\$3,074</u>	<u>\$3,597</u>	<u>\$4,121</u>	<u>\$4,644</u>	<u>\$5,166</u>	<u>\$5,691</u>	<u>\$6,213</u>			
S	<u>\$1,523</u>	<u>\$2,055</u>	<u>\$2,588</u>	<u>\$3,121</u>	<u>\$3,653</u>	<u>\$4,186</u>	<u>\$4,718</u>	<u>\$5,251</u>	<u>\$5,783</u>	<u>\$6,316</u>	\$4.45	\$4.70	\$4.95
	<u>\$1,547</u>	<u>\$2,084</u>	<u>\$2,623</u>	<u>\$3,160</u>	<u>\$3,698</u>	<u>\$4,236</u>	<u>\$4,774</u>	<u>\$5,311</u>	<u>\$5,850</u>	<u>\$6,387</u>			
T	<u>\$1,564</u>	<u>\$2,111</u>	<u>\$2,658</u>	<u>\$3,205</u>	<u>\$3,753</u>	<u>\$4,300</u>	<u>\$4,847</u>	<u>\$5,394</u>	<u>\$5,941</u>	<u>\$6,488</u>	\$4.70	\$4.95	\$5.20
	<u>\$1,589</u>	<u>\$2,141</u>	<u>\$2,694</u>	<u>\$3,246</u>	<u>\$3,798</u>	<u>\$4,352</u>	<u>\$4,904</u>	<u>\$5,456</u>	<u>\$6,009</u>	<u>\$6,561</u>			
U	<u>\$1,608</u>	<u>\$2,171</u>	<u>\$2,733</u>	<u>\$3,295</u>	<u>\$3,858</u>	<u>\$4,420</u>	<u>\$4,982</u>	<u>\$5,545</u>	<u>\$6,107</u>	<u>\$6,669</u>	\$4.95	\$5.20	\$5.45
	<u>\$1,633</u>	<u>\$2,201</u>	<u>\$2,770</u>	<u>\$3,337</u>	<u>\$3,905</u>	<u>\$4,474</u>	<u>\$5,041</u>	<u>\$5,608</u>	<u>\$6,178</u>	<u>\$6,745</u>			
V	<u>\$1,652</u>	<u>\$2,230</u>	<u>\$2,807</u>	<u>\$3,385</u>	<u>\$3,963</u>	<u>\$4,540</u>	<u>\$5,118</u>	<u>\$5,696</u>	<u>\$6,273</u>	<u>\$6,851</u>	\$5.20	\$5.45	\$5.70
	<u>\$1,678</u>	<u>\$2,261</u>	<u>\$2,845</u>	<u>\$3,428</u>	<u>\$4,011</u>	<u>\$4,596</u>	<u>\$5,178</u>	<u>\$5,761</u>	<u>\$6,346</u>	<u>\$6,929</u>			

## HUMAN SERVICES DEPARTMENT[441](cont'd)

Level	Monthly Income According to Family Size										Unit Fee Based on Number of Children in Care		
	1	2	3	4	5	6	7	8	9	10	1	2	3 or more
W	\$1,698 <u>\$1,725</u>	\$2,292 <u>\$2,324</u>	\$2,886 <u>\$2,925</u>	\$3,480 <u>\$3,524</u>	\$4,074 <u>\$4,123</u>	\$4,667 <u>\$4,724</u>	\$5,261 <u>\$5,323</u>	\$5,855 <u>\$5,923</u>	\$6,449 <u>\$6,523</u>	\$7,043 <u>\$7,123</u>	\$5.45	\$5.70	\$5.95
X	\$1,744 <u>\$1,772</u>	\$2,355 <u>\$2,387</u>	\$2,965 <u>\$3,005</u>	\$3,575 <u>\$3,620</u>	\$4,185 <u>\$4,236</u>	\$4,795 <u>\$4,853</u>	\$5,405 <u>\$5,468</u>	\$6,015 <u>\$6,084</u>	\$6,625 <u>\$6,701</u>	\$7,235 <u>\$7,317</u>	\$5.70	\$5.95	\$6.20
Y	\$1,793 <u>\$1,821</u>	\$2,420 <u>\$2,454</u>	\$3,048 <u>\$3,089</u>	\$3,675 <u>\$3,721</u>	\$4,302 <u>\$4,354</u>	\$4,929 <u>\$4,989</u>	\$5,556 <u>\$5,621</u>	\$6,183 <u>\$6,254</u>	\$6,810 <u>\$6,889</u>	\$7,437 <u>\$7,522</u>	\$5.95	\$6.20	\$6.45
Z	\$1,842 <u>\$1,871</u>	\$2,486 <u>\$2,521</u>	\$3,131 <u>\$3,173</u>	\$3,775 <u>\$3,823</u>	\$4,419 <u>\$4,473</u>	\$5,063 <u>\$5,125</u>	\$5,707 <u>\$5,775</u>	\$6,351 <u>\$6,425</u>	\$6,996 <u>\$7,076</u>	\$7,640 <u>\$7,726</u>	\$6.20	\$6.45	\$6.70
AA	\$1,894 <u>\$1,923</u>	\$2,556 <u>\$2,592</u>	\$3,218 <u>\$3,262</u>	\$3,880 <u>\$3,930</u>	\$4,543 <u>\$4,598</u>	\$5,205 <u>\$5,268</u>	\$5,867 <u>\$5,936</u>	\$6,529 <u>\$6,604</u>	\$7,192 <u>\$7,275</u>	\$7,854 <u>\$7,943</u>	\$6.45	\$6.70	\$6.95
BB	\$1,945 <u>\$1,976</u>	\$2,626 <u>\$2,662</u>	\$3,306 <u>\$3,351</u>	\$3,986 <u>\$4,037</u>	\$4,666 <u>\$4,723</u>	\$5,347 <u>\$5,412</u>	\$6,027 <u>\$6,098</u>	\$6,707 <u>\$6,784</u>	\$7,387 <u>\$7,473</u>	\$8,068 <u>\$8,159</u>	\$6.70	\$6.95	\$7.20

(2) and (3) No change.

## ARC 1364C

## PUBLIC HEALTH DEPARTMENT[641]

## Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 105.4 as amended by 2013 Iowa Acts, Senate File 427, section 5, the Plumbing and Mechanical Systems Board hereby gives Notice of Intended Action to adopt new Chapter 61, “State Mechanical Code,” Iowa Administrative Code.

The rules in Chapter 61 describe the minimum standards for mechanical materials and mechanical methods in buildings and on premises in Iowa. These proposed rules include the adoption by reference of the International Mechanical Code, 2012 edition. The rules also delete all references in the International Mechanical Code to permitting and inspecting which the Board has no authority to implement. Initial interpretive authority over the mechanical code is retained by state or local jurisdictions that perform inspections. The ultimate appeal for any interpretation remains with the Plumbing and Mechanical Systems Board and may be made by the filing of a petition for declaratory order or a petition for waiver.

Other proposed modifications to the International Mechanical Code include:

- Replacing the phrase “International Fuel Gas Code” with “NFPA 54, National Fuel Gas Code, 2012 edition” and “NFPA 58, Liquefied Petroleum Gas Code, 2011 edition,” both of which have been adopted by reference by the Department of Public Safety in 661—Chapter 226.
- Replacing all references to the “International Plumbing Code” with “state plumbing code.”
- Adding requirements for hospitals and health care facilities.
- Eliminating all references to the IC Electrical Code and the National Electrical Code.

Any interested person may make written suggestions or comments on the rules on or before March 25, 2014. Written materials should be directed to Cynthia Houlson, Plumbing and Mechanical Systems Board, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075; fax (515)281-6114; e-mail [cindy.houlson@idph.iowa.gov](mailto:cindy.houlson@idph.iowa.gov).

A public hearing will be held over the Iowa Communications Network (ICN) on March 25, 2014, from 11:30 a.m. to 12:30 p.m., at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

their remarks to the subject of the rules. This hearing will originate from and be accessible over the ICN from the following locations:

Public Library Information Center Kelinson Room 2950 Learning Campus Drive Bettendorf	Spirit Lake High School 2701 Hill Avenue Spirit Lake
Ottumwa Regional Health Center 1001 E. Pennsylvania Ottumwa	Crestwood High School 1000 4th Avenue East Cresco
Public Library 529 Pierce Street Sioux City	Iowa Workforce Development 1000 E. Grand Ave. Des Moines
Iowa Western Community College – 2 923 East Washington Clarinda	

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Iowa Department of Public Health and advise staff of specific needs.

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

These rules are intended to implement Iowa Code section 105.4 as amended by 2013 Iowa Acts, Senate File 427, section 5.

The following amendment is proposed.

Adopt the following **new** 641—Chapter 61:

CHAPTER 61  
STATE MECHANICAL CODE

**641—61.1(105) Definitions.** The following definitions apply to this chapter:

*“Ambulatory health care facility”* means a facility or portion thereof used to provide services or treatment that provides, on an outpatient basis, treatment for one or more patients that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others; or provides, on an outpatient basis, anesthesia that renders the patient incapable of taking action for self-preservation under emergency conditions without the assistance of others.

*“Hospice”* means a facility licensed or seeking licensure pursuant to Iowa Code section 135J.2.

*“Hospital”* means a facility licensed or seeking licensure pursuant to Iowa Code chapter 135B.

*“Intermediate care facility for persons with an intellectual disability”* means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.2(3)“c.”

*“Life Safety Code”* means the 2000 edition of the Life Safety Code of the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, or the most recent version of the Life Safety Code adopted by reference by the federal Centers for Medicare and Medicaid Services.

*“Nursing facility”* means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.6, including a nursing facility for intermediate care or a nursing facility for skilled care.

**641—61.2(105) Adoption by reference.** The provisions of the International Mechanical Code, 2012 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, are hereby adopted by reference as the requirements for the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings, with the following amendments:

**61.2(1)** Delete section 101.1.

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

**61.2(2)** In section 101.2, delete the phrase “International Fuel Gas Code” and insert in lieu thereof “NFPA 54, National Fuel Gas Code, 2012 edition; NFPA 58, Liquefied Petroleum Gas Code, 2011 edition; and the state plumbing code.”

**61.2(3)** Delete sections 103, 104, 105, 106, 107, 108, 109, and 110 and sections therein.

**61.2(4)** Delete section 401.1 and insert in lieu thereof the following new section:

**401.1 Scope.** This chapter shall govern the ventilation of spaces within a building intended to be occupied. These buildings shall meet either the requirements of ASHRAE Standard 62.1, “Ventilation for Acceptable Indoor Air Quality,” 2010 edition, published by the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, 1791 Tullie Circle N.E., Atlanta, GA 30329, or the requirements contained in this chapter. Mechanical exhaust systems, including exhaust systems serving clothes dryers and cooking appliances; hazardous exhaust systems; dust, stock, and refuse conveyor systems; subslab soil exhaust systems; smoke control systems; energy recovery ventilation systems; and other systems specified in Section 502 shall comply with Chapter 5.

**61.2(5)** Add the following footnote “i” related to the gym, stadium, arena (play area) category of the sports and amusement occupancy classification in Table 403.3, Minimum Ventilation Rates:

i. When combustion equipment is intended to be used on the playing surface, additional dilution ventilation and/or source control shall be provided.

**61.2(6)** Delete appendices A and B.

**61.2(7)** Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code.”

**641—61.3(105) Hospitals and health care facilities.**

**61.3(1)** A hospital that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the hospital is in compliance with the provisions of rule 661—205.5(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the hospital shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

**61.3(2)** A nursing facility or hospice that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the nursing facility or hospice is in compliance with the provisions of rule 661—205.10(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the nursing facility or hospice shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

**61.3(3)** An intermediate care facility for persons with an intellectual disability or intermediate care facility for persons with mental illness that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the intermediate care facility is in compliance with the provisions of rule 661—205.15(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the intermediate care facility shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

**61.3(4)** An ambulatory health care facility that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the ambulatory health care facility is in compliance with the provisions of rule 661—205.20(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the ambulatory health care facility shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

**61.3(5)** A religious nonmedical health care institution that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the provisions of the state mechanical code if the institution is in compliance with the provisions of rule 661—205.25(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

of the state mechanical code, the religious nonmedical health care institution shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

**641—61.4(105) Enforcement.** Any state or local jurisdiction retaining authority to perform inspections of mechanical installations in the state of Iowa shall retain initial interpretive authority over the state mechanical code, and may implement an appeals process with respect to such interpretation. Ultimate appeal of any initial interpretation may be made to the plumbing and mechanical systems board by the filing of a petition for declaratory order pursuant to rule 641—57.1(17A), or the filing of a petition for waiver pursuant to 641—Chapter 31.

These rules are intended to implement Iowa Code section 105.4.

**ARC 1362C****REVENUE DEPARTMENT[701]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 17A.3 and 421.17, the Department of Revenue hereby gives Notice of Intended Action to amend Chapter 10, “Interest, Penalty, Exceptions to Penalty, and Jeopardy Assessments,” Chapter 67, “Administration,” and Chapter 68, “Motor Fuel and Undyed Special Fuel,” Iowa Administrative Code.

The proposed amendments are necessary to reflect the enactment of 2013 Iowa Acts, House File 640, sections 6, 7, 11 and 12, which amended Iowa Code sections 452A.2 and 452A.3 and added new Iowa Code section 452A.6A, and to clarify existing rules.

Item 1 amends subrule 10.71(1) to add an explanation of how the penalty rule applies when multiple vehicles in violation of the rule are discovered during one inspection.

Item 2 adopts new subrule 10.71(8) to explain the penalty and enforcement for violations of a distributor’s or dealer’s right to blend certain fuel types. This subrule is necessary following the enactment of 2013 Iowa Acts, House File 640.

Item 3 amends the implementation sentence of rule 701—10.71(452A).

Item 4 amends rule 701—67.1(452A) to add definitions to reflect the enactment of 2013 Iowa Acts, House File 640. A definition of “ethanol distribution percentage” has also been added.

Item 5 amends the implementation sentence of rule 701—67.1(452A).

Item 6 amends subrules 68.2(1) and 68.2(2). These amendments are necessary to reflect the extension of the variable tax rate on gasoline following the enactment of 2013 Iowa Acts, House File 640, sections 11 and 12. Clarifications related to the ethanol distribution percentage have also been added.

Item 7 amends the implementation sentence of rule 701—68.2(452A).

Item 8 adopts new rule 701—68.19(452A). This rule is necessary following the enactment of 2013 Iowa Acts, House File 640.

The proposed amendments will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions.

Any person who believes that the application of the discretionary provisions of these amendments would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

The Department has considered the factors listed in Iowa Code section 17A.4A. The Department will issue a regulatory analysis as provided in Iowa Code section 17A.4A if a written request is filed by delivery or by mailing postmarked no later than April 7, 2014, to the Policy Section, Policy and

## REVENUE DEPARTMENT[701](cont'd)

Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306. Alternatively, requests may be e-mailed to [idrpolicy@iowa.gov](mailto:idrpolicy@iowa.gov). The request may be made by the Administrative Rules Review Committee, the Administrative Rules Coordinator, at least 25 persons signing that request who each qualify as a small business or an organization representing at least 25 such persons.

Any interested person may make written suggestions or comments on the proposed amendments on or before March 25, 2014. Such written comments should be directed to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 14457, Des Moines, Iowa 50306. Electronic submissions may be directed to Alana Stamas at [idrpolicy@iowa.gov](mailto:idrpolicy@iowa.gov).

Persons who want to convey their views orally should contact the Policy Section, Policy and Communications Division, Department of Revenue, at (515)281-8036 or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

Requests for a public hearing must be received by March 25, 2014.

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

These amendments are intended to implement Iowa Code sections 452A.2, 452A.3 and 452A.6A and 2013 Iowa Acts, chapter 127.

The following amendments are proposed.

ITEM 1. Amend subrule 10.71(1) as follows:

**10.71(1) *Illegal use of dyed fuel.***

*a.* The illegal use of dyed fuel in the supply tank of a motor vehicle shall result in a civil penalty assessed against the owner or operator of the motor vehicle as follows:

~~*a.*~~ (1) A \$500 penalty for the first violation.

~~*b.*~~ (2) A \$1,000 penalty for a second violation within three years of the first violation.

~~*c.*~~ (3) A \$2,000 penalty for third and subsequent violations within three years of the first violation.

*b.* For the purposes of this subrule, if multiple vehicles are discovered to be in violation of this subrule during one inspection, each vehicle is considered a separate first violation. For example, if three vehicles are discovered to be in violation during one inspection, the result is three \$500 penalties or \$1,500. On the other hand, if three vehicles owned by the same taxpayer are discovered to be in violation during three separate inspections, the first inspection would result in a \$500 penalty, the second inspection would result in a \$1,000 penalty, and the third inspection would result in a \$2,000 penalty. If one vehicle is discovered to be in violation during the first inspection, resulting in a \$500 penalty, but two vehicles are discovered to be in violation in a second inspection, the result of the second inspection would be two \$1,000 penalties, or \$2,000 total.

ITEM 2. Adopt the following **new** subrule 10.71(8):

**10.71(8) *Violation of a distributor's and dealer's right to blend conventional blendstock for oxygenate blending, gasoline, or diesel fuel and biofuel.*** A refiner, supplier, terminal operator, or terminal owner, as defined in Iowa Code section 452A.2, who violates a distributor's or dealer's right to blend conventional blendstock for oxygenate blending, gasoline, or diesel fuel and biofuel, as described in Iowa Code section 452A.6A, is subject to a civil penalty.

*a.* Suspected violations should be reported to the motor fuel examination section of the department. Supporting documentation should be provided.

*b.* The department will investigate to determine whether a violation has occurred.

*c.* If the department determines that a violation has occurred, a civil penalty of \$10,000 per violation will be assessed against the violator. Each day that a violation continues is a separate violation.

For more information on the blending rights of distributors and dealers, see 701—68.19(452A).

ITEM 3. Amend rule **701—10.71(452A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 452A.2, 452A.6A and 452A.74A as ~~amended by 2009 Iowa Acts, Senate File 478, section 141.~~

## REVENUE DEPARTMENT[701](cont'd)

ITEM 4. Adopt the following **new** definitions in rule **701—67.1(452A)**:

“*Conventional blendstock for oxygenate blending*” means one or more motor fuel components intended for blending with an oxygenate or oxygenates to produce gasoline.

“*Diesel fuel*” or “*diesel*” means diesel as defined in Iowa Code section 214A.1.

“*Ethanol distribution percentage*” means the number of gallons of ethanol blended gasoline that is distributed in this state as expressed as a percentage of the number of gallons of motor fuel, excluding aviation gasoline, distributed in this state during the determination period. The determination period is the previous calendar year.

“*Nonrefiner biofuel manufacturer*” means an entity that produces, manufactures, or refines biofuel and does not directly or through a related entity refine, blend, import, or produce a conventional blendstock for oxygenate blending, gasoline, or diesel fuel.

“*Refiner*” means a person engaged in the refining of crude oil to produce motor fuel or special fuel, and includes any affiliate of such person.

“*Terminal owner*” means a person who holds a legal or equitable interest in a terminal.

ITEM 5. Amend rule **701—67.1(452A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 452A.2 and 452A.59 ~~as amended by 2008 Iowa Acts, Senate File 2400.~~

ITEM 6. Amend subrules 68.2(1) and 68.2(2) as follows:

**68.2(1)** The following rates of tax apply to the use of fuel in operating motor vehicles and aircraft:

Gasoline	20.3¢ per gallon (for July 1, 2003, through June 30, 2004)
	20.5¢ per gallon (for July 1, 2004, through June 30, 2005)
	20.7¢ per gallon (for July 1, 2005, through June 30, 2006)
	21¢ per gallon (for July 1, 2006, through June 30, 2007)
	20.7¢ per gallon (for July 1, 2007, through June 30, 2008)
	21¢ per gallon (for July 1, 2008, through June 30, <del>2010</del> <u>2014</u> )
LPG	20¢ per gallon
Ethanol blended gasoline	19¢ per gallon (for July 1, 2003, through June 30, <del>2010</del> <u>2014</u> )
E-85 gasoline	17¢ per gallon beginning January 1, 2006, through June 30, 2007
	19¢ per gallon (for July 1, 2007, through June 30, <del>2010</del> <u>2014</u> )
Aviation gasoline	8¢ per gallon
Special fuel ( <u>biodiesel</u> , diesel, <u>LNG</u> )	22.5¢ per gallon
Special fuel (aircraft)	3¢ per gallon
CNG	16¢ per 100 cu. ft.

**68.2(2)** Except as otherwise provided in this subrule, until June 30, ~~2013~~ 2014, this subrule shall apply to the excise tax imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state. The rate of the excise tax shall be based on the ethanol distribution percentage. The ethanol distribution percentage is the number of gallons of ethanol blended gasoline that is distributed in this state as expressed as a percentage of the number of gallons of motor fuel, excluding aviation gasoline, distributed in this state. ~~Aviation gasoline shall not be used, beginning calendar year January 1, 2009, in determining the percentage basis for the tax rates effective July 1, 2010, and after.~~ The number of gallons of ethanol blended gasoline and motor fuel distributed in this state shall be based on the total taxable gallons of ethanol blended gasoline and motor fuel as shown on the fuel tax monthly reports issued by the department for January through December for each determination period. The department shall determine the percentage for each determination period beginning January 1 and ending December

## REVENUE DEPARTMENT[701](cont'd)

31. The rate for the excise tax shall apply for the period beginning July 1 and ending June 30 following the end of the determination period. The rate for the excise tax shall be as follows:

Ethanol <u>Distribution</u> %	Ethanol Tax	Gasoline Tax
00/50	19.0	20.0
50+/55	19.0	20.1
55+/60	19.0	20.3
60+/65	19.0	20.5
65+/70	19.0	20.7
70+/75	19.0	21.0
75+/80	19.3	20.8
80+/85	19.5	20.7
85+/90	19.7	20.4
90+/95	19.9	20.1
95+/100	20.0	20.0

Except as otherwise provided in this subrule, after June 30, ~~2013~~ 2014, an excise tax of 20 cents is imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

ITEM 7. Amend rule **701—68.2(452A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 452A.3 ~~as amended by 2012 Iowa Acts, House File 2472, and sections 452A.8 and 452A.85.~~

ITEM 8. Adopt the following new rule 701—68.19(452A):

**701—68.19(452A) Right of distributors and dealers to blend conventional blendstock for oxygenate blending, gasoline, or diesel fuel using a biofuel.**

**68.19(1)** A dealer or distributor may blend a conventional blendstock for oxygenate blending, gasoline, or diesel fuel using the appropriate biofuel, or sell unblended or blended gasoline or diesel fuel on any premises in this state. This subrule does not apply to the extent that the use of the premises is restricted by federal, state, or local law.

**68.19(2)** A refiner, supplier, terminal operator, or terminal owner who in the ordinary course of business sells or transports a conventional blendstock for oxygenate blending, gasoline unblended or blended with a biofuel, or diesel fuel unblended or blended with a biofuel shall not refuse to sell or transport to a distributor or dealer any conventional blendstock for oxygenate blending, unblended gasoline, or unblended diesel fuel that is at the terminal, based on the distributor's or dealer's intent to use the conventional blendstock for oxygenate blending, or blend the gasoline or diesel fuel with a biofuel.

**68.19(3)** This rule shall not be construed to do any of the following:

*a.* Prohibit a distributor or dealer from purchasing, selling or transporting a conventional blendstock for oxygenate blending, gasoline that has not been blended with a biofuel, or diesel fuel that has not been blended with a biofuel.

*b.* Affect the blender's license requirements under Iowa Code section 452A.6.

*c.* Prohibit a dealer or distributor from leaving a terminal with a conventional blendstock for oxygenate blending, gasoline that has not been blended with a biofuel, or diesel fuel that has not been blended with a biofuel.

*d.* Require a nonrefiner biofuel manufacturer to offer or sell a conventional blendstock for oxygenate blending, gasoline that has not been blended with a biofuel, or diesel fuel that has not been blended with a biofuel.

REVENUE DEPARTMENT[701](cont'd)

**68.19(4)** A refiner, supplier, terminal operator, or terminal owner who violates this rule is subject to a civil penalty of not more than \$10,000 per violation. Each day that a violation continues is deemed a separate offense. For more information on enforcement of this penalty, see 701—subrule 10.71(8).

This rule is intended to implement Iowa Code section 452A.6A.

**ARC 1363C****REVENUE DEPARTMENT[701]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 17A.3 and 421.17, the Department of Revenue hereby gives Notice of Intended Action to adopt new Chapter 237, “Reinvestment Districts Program,” Iowa Administrative Code.

The subject matter of proposed Chapter 237 is the administration of the state reinvestment district fund for the Reinvestment Districts Program. In 2013 Iowa Acts, House File 641, the General Assembly authorized the Economic Development Authority to establish and administer the Iowa Reinvestment Act, a program that provides certain state hotel and motel and sales tax revenues to be reinvested into designated reinvestment districts. The Department of Revenue is charged with administering the calculation of state sales tax and hotel and motel tax funding under the program and with remitting that funding to governmental entities with eligible districts.

The proposed chapter will necessitate additional expenditures by the Department of Revenue; however, the Department is statutorily required to administer the sales tax increment fund for the Reinvestment Districts Program pursuant to 2013 Iowa Acts, House File 641.

Any person who believes that the application of the discretionary provisions of these rules would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

The Department has considered the factors listed in Iowa Code section 17A.4A. The Department will issue a regulatory analysis as provided in Iowa Code section 17A.4A if a written request is filed by delivery or by mailing postmarked no later than April 7, 2014, to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 14457, Des Moines, Iowa 50306. The request may be made by the Administrative Rules Review Committee, the Administrative Rules Coordinator, at least 25 persons signing that request who each qualify as a small business or an organization representing at least 25 such persons.

Any interested person may make written suggestions or comments on the proposed rules on or before March 25, 2014. Such written comments should be directed to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 14457, Des Moines, Iowa 50306. Electronic submissions may be directed to Alana Stamas at [idrpolicy@iowa.gov](mailto:idrpolicy@iowa.gov). Persons who want to convey their views orally should contact the Policy Section, Policy and Communications Division, Department of Revenue, at (515)281-8036 or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

Requests for a public hearing must be received by March 25, 2014.

After analysis and review of this rule making, no negative impact on jobs has been found, and the Department finds that the new program is likely to benefit the Iowa economy by investing up to \$100 million of future tax revenue in economically distressed areas of the state and by increasing private investment in those areas.

These rules are intended to implement Iowa Code chapter 15J.

The following amendment is proposed.

REVENUE DEPARTMENT[701](cont'd)

Adopt the following **new** 701—Chapter 237:

CHAPTER 237  
REINVESTMENT DISTRICTS PROGRAM

**701—237.1(15J) Purpose.** The economic development authority board is authorized by the general assembly and the governor to oversee the implementation and administration of certain provisions of a new economic development program known as the Iowa Reinvestment Act, which was enacted in 2013 Iowa Acts, House File 641. The program provides for as much as \$100 million in state hotel and motel and state sales tax revenues from new revenue-generating projects in certain districts to be reinvested within those districts. In general, the economic development authority has the responsibility to evaluate projects and make funding decisions, while the department of revenue has the responsibility for collecting the tax revenues used to fund projects under the program and making payments to municipalities. This chapter sets forth the department of revenue's administration of the calculation of the state sales tax and hotel and motel tax funding and the remittance of such funding to governmental entities. The administrative rules for other aspects of the Iowa reinvestment Act may be found in the economic development authority's rules at 261—Chapter 200.

This rule is intended to implement Iowa Code chapter 15J.

**701—237.2(15J) Definitions.**

*"Board"* means the economic development authority board established pursuant to Iowa Code section 15.105.

*"Commencement date"* means the date established for each district by the board under Iowa Code section 15J.4, subsection 3, upon which the calculation of new state sales tax and new state hotel and motel tax revenue for deposit in the fund shall begin.

*"Department"* means the department of revenue.

*"District"* means the area within a municipality that is designated a reinvestment district pursuant to Iowa Code section 15J.4.

*"Fund"* means the state reinvestment district fund created in Iowa Code section 15J.6.

*"Governing body"* means the county board of supervisors, city council, or other body in which the legislative powers of the municipality are vested.

*"Municipality"* means a county or an incorporated city.

*"New lessor"* means a lessor, as defined in Iowa Code section 423A.2, operating a business in the district that was not in operation in the area of the district before the effective date of the ordinance establishing the district, regardless of ownership. "New lessor" also includes any lessor, as defined in Iowa Code section 423A.2, operating a business in the district if the place of business for that business is the subject of a project that was approved by the board.

*"New retail establishment"* means a business operated in the district by a retailer, as defined in Iowa Code section 423.1, that was not in operation in the area of the district before the effective date of the ordinance establishing the district, regardless of ownership. "New retail establishment" also includes any business operated in the district by a retailer, as defined in Iowa Code section 423.1, if the place of business for that retail establishment is the subject of a project that was approved by the board.

*"Project"* means a vertical improvement constructed or substantially improved within a district using sales tax revenues and hotel and motel tax revenues received by a municipality pursuant to this chapter. "Project" does not include any of the following:

1. A building, structure, or other facility that is in whole or in part used or intended to be used to conduct gambling games under Iowa Code chapter 99F.
2. A building, structure, or other facility that is in whole or in part used or intended to be used as a hotel or motel if such hotel or motel is connected to or operated in conjunction with a building, structure, or other facility described in paragraph "1" above.

*"State hotel and motel tax"* means the state-imposed tax under Iowa Code section 423A.3.

## REVENUE DEPARTMENT[701](cont'd)

“*State reinvestment district fund*” means the fund created in Iowa Code section 15J.6, pursuant to Iowa Code section 423.2, subsection 11, paragraph “b,” and Iowa Code section 423A.6, and described in rule 701—237.4(15J).

“*State sales tax*” means the sales and services tax imposed pursuant to Iowa Code section 423.2.

“*Substantially improved*” means that the cost of the improvements are equal to or exceed 50 percent of the assessed value of the property, excluding the land, prior to such improvements.

“*Vertical improvement*” means a building that is wholly or partially above grade and all appurtenant structures to the building.

This rule is intended to implement Iowa Code section 15J.2.

**701—237.3(15J) New state tax revenue calculations.**

**237.3(1) *State sales tax calculation.*** The department shall calculate quarterly the amount of new state sales tax revenues for each district established in the state to be deposited in the state reinvestment district fund, subject to remittance limitations established by the board.

The amount of new state sales tax revenue for purposes of this subrule shall be the product of the amount of sales subject to the state sales tax in the district during the quarter from “new retail establishments,” as defined in rule 701—237.2(15J), multiplied by 4 percent.

**237.3(2) *State hotel and motel tax calculation.*** Pursuant to Iowa Code section 423A.6, the department shall calculate quarterly the amount of new state hotel and motel tax revenues for each district established in the state to be deposited in the state reinvestment district fund created in Iowa Code section 15J.6, subject to remittance limitations established by the board pursuant to Iowa Code section 15J.4, subsection 3.

The amount of new state hotel and motel tax revenue for purposes of this subrule shall be the product of the amount of sales subject to the state hotel and motel tax in the district during the quarter from “new lessors,” as defined in rule 701—237.2(15J), multiplied by the state hotel and motel tax rate imposed under Iowa Code section 423A.3.

**237.3(3) *Identification of new retail establishments and new lessors.*** Each municipality that has established a district under this chapter shall assist the department in identifying new retail establishments in the district that are collecting state sales tax and new lessors in the district that are collecting state hotel and motel tax. This process shall be ongoing until the municipality ceases to utilize state sales tax revenue or state hotel and motel tax revenue under this chapter or the district is dissolved.

This rule is intended to implement Iowa Code sections 15J.5, 423.2(11) and 423A.6.

**701—237.4(15J) State reinvestment district fund.**

**237.4(1) *Establishment of the fund.*** A state reinvestment district fund is established in the state treasury under the control of the department consisting of the new state sales tax revenues collected within each district and deposited in the fund pursuant to Iowa Code section 423.2, subsection 11, paragraph “b,” and the new state hotel and motel tax revenues collected within each district and deposited in the fund pursuant to Iowa Code section 423A.6. Moneys deposited in the fund are appropriated to the department for the purposes of remittance of moneys to municipalities as set forth in subrule 237.4(3). Moneys in the fund shall only be used as set forth in economic development authority rule 261—200.8(15J).

**237.4(2) *District accounts.*** A district account is created within the fund for each district created by a municipality under Iowa Code chapter 15J.

**237.4(3) *Timing of deposits.*** The department shall deposit the moneys described in subrule 237.4(1) that were collected in a quarter beginning on or after the district’s commencement date into the appropriate district account in the fund. However, moneys shall not be deposited in the fund before the period for processing returns for the quarter is complete.

**237.4(4) *Late-filed returns.*** Moneys described in subrule 237.4(1) that are collected from late-filed returns shall be deposited in the fund. Such moneys shall be deposited following the period for processing returns for the quarter in which the late return is received, subject to the limitations of Iowa Code chapter 15J.

## REVENUE DEPARTMENT[701](cont'd)

**237.4(5) *Reinvestment project fund deposits.*** All moneys in each district account within the fund shall be remitted quarterly by the department to the municipality that established the district for deposit in the municipality's reinvestment project fund described in rule 701—237.5(15J).

**237.4(6) *Refund claims.*** If the moneys described in subrule 237.4(1) are the subject of a refund claim and that claim is granted by the department, the department may offset any refund at a later date against funds remitted to the district in which the new retail establishment or new lessor that had remitted the refunded tax amount is located.

This rule is intended to implement Iowa Code section 15J.6.

**701—237.5(15J) Reinvestment project fund.**

**237.5(1) *Reinvestment project fund deposits.*** State sales tax revenue and state hotel and motel tax revenue remitted by the department to a municipality pursuant to Iowa Code section 15J.6 shall be deposited in a reinvestment project fund of the municipality and shall be used to fund projects within the district from which the revenues were collected. If the municipality determines that the revenue accruing to the reinvestment project fund exceeds the amount necessary for these purposes, the excess moneys that are remittances received under Iowa Code section 15J.6 and all interest in the fund attributable to such excess amounts shall be remitted by the municipality to the department for deposit in the general fund of the state.

**237.5(2) *Other funds.*** In addition to the moneys received pursuant to subrule 237.4(1), a municipality may deposit in the reinvestment project fund any other moneys lawfully at the municipality's disposal, including but not limited to local sales and services tax receipts collected under Iowa Code chapter 423B if such use is a purpose authorized for the municipality under Iowa Code chapter 423B.

**237.5(3) *Use of funds.*** Moneys from any source deposited into the reinvestment project fund shall not be expended for or otherwise used in connection with a project that includes the relocation of a commercial or industrial enterprise not presently located within the municipality.

For the purposes of this subrule, "relocation" means the closure or substantial reduction of an enterprise's existing operations in one area of the state and the initiation of substantially the same operation in the same county or a contiguous county in the state. "Relocation" does not include an enterprise expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

**237.5(4) *Remittance of unused funds.*** Upon dissolution of a district pursuant to rule 701—237.6(15J), if moneys remitted to the municipality pursuant to subrule 237.4(1) remain in the municipality's reinvestment project fund and those moneys are not necessary to support completion of a project in the dissolved district, such amounts and all interest remaining in the fund that was earned on such amounts shall be remitted by the municipality to the department for deposit in the general fund of the state.

Upon dissolution of a district pursuant to rule 701—237.6(15J), moneys remaining in the reinvestment project fund that were deposited pursuant to subrule 237.5(2) and all interest remaining in the fund that was earned on such amounts shall be deposited in the general fund of the municipality.

**237.5(5) *Audit of records.*** The records of the municipality related to the district and the reinvestment project fund are subject to audit by the department or the auditor of state.

This rule is intended to implement Iowa Code section 15J.7.

**701—237.6(15J) End of deposits—district dissolution.**

**237.6(1) *Cessation of deposits.*** As of the date 20 years after the district's commencement date, the department shall cease to deposit state sales tax revenues and state hotel and motel tax revenues into the district's account within the fund, unless the municipality dissolves the district by ordinance prior to that date. Once the maximum benefit amount approved by the board for the district has been reached, the department will cease to deposit new tax revenues into the district's account within the fund. If a district reaches the maximum benefit amount, the department shall notify the municipality and the board within a reasonable amount of time.

REVENUE DEPARTMENT[701](cont'd)

**237.6(2) District dissolution.** If the municipality dissolves the district by ordinance prior to the expiration of the 20-year period, the municipality shall notify the director of revenue of the dissolution by certified mail as soon as practicable after adoption of the ordinance, and the department shall, as of the effective date of dissolution, cease to deposit state sales tax revenues and state hotel and motel tax revenues into the district's account within the fund. If a municipality is notified that its maximum benefit amount has been reached, the municipality shall dissolve the district by ordinance as soon as practicable after notification.

This rule is intended to implement Iowa Code section 15J.8.

ARC 1369C

**SOIL CONSERVATION DIVISION[27]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 161A.4(1), the Division of Soil Conservation hereby gives Notice of Intended Action to amend Chapter 10, “Iowa Financial Incentive Program for Soil Erosion Control,” Iowa Administrative Code.

The amendments add an additional recall of unobligated cost-share funds from districts annually on December 31 to allow for the reallocation of these funds to districts that have the immediate ability to use the funds. The amendments also allow districts more flexibility in their ability to distribute funds based upon the type of practice. Additionally, the amendments would allow the use of publicly owned lake funds for management practices near designated publicly owned lakes.

Any interested persons may make written suggestions or comments on the proposed amendments on or before March 25, 2014. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to [Margaret.Thomson@IowaAgriculture.gov](mailto:Margaret.Thomson@IowaAgriculture.gov).

These proposed amendments are subject to the Division's general waiver provisions.

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

These amendments are intended to implement Iowa Code section 161A.2.

The following amendments are proposed.

ITEM 1. Amend subrules 10.51(2) and 10.51(3) as follows:

**10.51(2) Supplemental allocation.** The remaining balance of the fiscal year funds plus recalled funds ~~from the mandatory program as distributed in subrule 10.41(3), and from the public lakes fund as distributed in subrule 10.41(2) that were not obligated, from the reserve fund established in subrule 10.57(1), and from districts as specified in subrule 10.51(3)~~ will be provided to the districts in a supplemental allocation. The districts shall identify valid applications and cost estimates, if any, for supplemental allocations to the division by September 1 and by December 31. ~~The Factors to be considered in making a supplemental allocation to any a district will be the lesser amount of include:~~

*a.* The sum of cost estimates (for pending applications) in each district, divided by the total cost estimates (for pending applications) for all 100 districts, multiplied by the remaining available program funds; ~~or and~~

*b.* ~~Three~~ Whether or not the proposed supplemental allocation exceeds three times the original allocation to the district.

## SOIL CONSERVATION DIVISION[27](cont'd)

~~10.51(3) Recall of funds. Any funds allocated in the current fiscal year that the districts have not spent or obligated by June 30 may be recalled by the division. The division shall recall unobligated funds from district accounts on December 31 and on June 30. Recalled funds will be made available to qualifying districts as supplements to their initial allocation.~~

ITEM 2. Amend subrules 10.51(5) and 10.51(6) as follows:

~~10.51(5) Eligibility for supplemental allocations. A district must have obligated 75 percent of current fiscal year funds to qualify for a supplemental allocation. In order to be considered as a pending application for the purpose of calculating supplemental need, an application must be immediately ready to proceed to layout, design and construction upon approval by the district.~~

~~a. Fall supplemental funding shall only be available to those districts that have 75 percent of their funds obligated and have demonstrated an ability to use available funds.~~

~~b. Spring supplemental funding shall be made available to practices that will be completed by June 30 of the current year.~~

~~10.51(6) Recall and reallocation of funds by division director. When the unspent balance of funds allocated to a district exceeds that district's annual allocation by more than 150 percent for a period of 12 months or more, the division director may recall these unspent funds and reallocate them to a district or districts that can demonstrate a need. If districts are not demonstrating an ability to use available funding, the division director may recall these funds and reallocate the funds to a district that has an immediate need for additional funding.~~

ITEM 3. Amend rule 27—10.52(161A), introductory paragraph, as follows:

**27—10.52(161A) Publicly owned lakes.** The division of soil conservation maintains the funds that are distributed to the publicly owned lakes program. These funds may be used to provide cost sharing not to exceed 75 percent of the approved cost of permanent soil conservation practices on watersheds above publicly owned lakes and reservoirs. The division will allocate these program funds to eligible districts in steps identified as original allocation, recall of unobligated funds, and reallocation.

ITEM 4. Amend paragraph **10.60(1)“c”** as follows:

~~c. For currently funded fiscal years, the division will make one-time payments of up to \$10 per acre for no-tillage, ridge-till and strip-till; \$6 per acre for contour farming; \$25 per acre for establishing a cover crop; and 50 percent of the cost up to \$25 per acre for strip-cropping, field borders and filter strips. Not more than 30 percent of the district's original allocation and supplemental allocation may be used for the establishment of management practices to control soil erosion on land that is now row-cropped. The one-time only payment may apply to management practices lasting up to four consecutive years. The one-time only payment for multiple years is calculated based on the listed annual amounts. A performance agreement is required for incentive payments covering a time period of one year or longer.~~

**ARC 1350C**

## **TRANSPORTATION DEPARTMENT[761]**

### **Notice of Intended Action**

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

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 181, “Statewide Standard for Permitting Certain Implements of Husbandry,” Iowa Administrative Code.

The proposed amendment updates the references to the most current American Association of State Highway and Transportation Officials (AASHTO) publication, the Manual for Bridge Evaluation. This publication is used by local authorities when performing bridge evaluations.

## TRANSPORTATION DEPARTMENT[761](cont'd)

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning this proposed amendment or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; Internet e-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than March 25, 2014.

A meeting to hear requested oral presentations is scheduled for Thursday, March 27, 2014, at 2 p.m. at the Administration Building, First Floor North Conference Room, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

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

This amendment is intended to implement Iowa Code sections 321.463(4) and 321.471.

The following amendment is proposed.

Amend subrule 181.1(2) as follows:

**181.1(2)** A local authority shall evaluate a bridge according to section 6 of the American Association of State and Highway and Transportation Officials (AASHTO) Manual for ~~Condition Evaluation of Bridges~~, Bridge Evaluation (MBE), Second Edition (2000 ~~2010~~), as revised by the 2004 ~~2014~~ Interim Revisions. The operating level shall be used for the evaluation of the bridge with only one fence-line feeder, grain cart, tank wagon or tracked implement of husbandry on the bridge at a time. The live load to be used in the analysis for permit decisions should be the actual vehicle crossing the bridge, together with ~~an impact factor~~ a dynamic load allowance in accordance with section ~~3 6A.4.4.3 or 6A.4.5.5~~ of the AASHTO ~~Standard Specifications for Highway Bridges, Sixteenth Edition (1996)~~, as revised by the ~~1997, 1998, 1999 and 2000~~ MBE Second Edition (2010) and 2014 Interim Revisions.

## USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

March 1, 2013 — March 31, 2013	4.00%
April 1, 2013 — April 30, 2013	4.00%
May 1, 2013 — May 31, 2013	4.00%
June 1, 2013 — June 30, 2013	3.75%
July 1, 2013 — July 31, 2013	4.00%
August 1, 2013 — August 31, 2013	4.25%
September 1, 2013 — September 30, 2013	4.50%

## USURY(cont'd)

October 1, 2013 — October 31, 2013	4.75%
November 1, 2013 — November 30, 2013	4.75%
December 1, 2013 — December 31, 2013	4.50%
January 1, 2014 — January 31, 2014	4.75%
February 1, 2014 — February 28, 2014	5.00%
March 1, 2014 — March 31, 2014	4.75%

**ARC 1360C**

**ACCOUNTANCY EXAMINING BOARD[193A]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 542.4, the Accountancy Examining Board hereby amends Chapter 10, "Continuing Education," Iowa Administrative Code.

The amendment provides a reinstated licensee or a licensee who changes status from "inactive" to "active" the ability to take advantage of the alternate renewal cycle immediately at the next renewal cycle. Without this amendment, the licensee would not be qualified to use the alternate continuing education cycle until four years after reinstatement or a change of status. The amendment is consistent with how all other licensees are expected to maintain continuing education. The amendment eliminates the four years of progressive educational requirements that a reinstated licensee now has to complete and also removes unnecessary complexity in the renewal process. The Accountancy Examining Board also has the support of the Iowa Society of CPAs in this amendment.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 8, 2014, as **ARC 1284C**. A public hearing was held on January 28, 2014, at 9 a.m. in the Board office, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa. No comments were received. This amendment is identical to that published under Notice of Intended Action.

This amendment was adopted by the Board on February 13, 2014.

This amendment does not have any fiscal impact to the state of Iowa.

This amendment is subject to waiver or variance pursuant to 193—Chapter 5.

After analysis and review of this rule making, there is a positive impact on jobs. A licensee who reinstates will now be able to take advantage of the alternate renewal cycle effective immediately at the next renewal cycle. The amendment also eliminates the cumbersome tracking of the four years of progressive educational requirements and removes unnecessary complexity in the renewal process.

This amendment is intended to implement Iowa Code chapters 17A, 272C and 546 and Iowa Code section 542.20.

This amendment will become effective on April 9, 2014.

The following amendment is adopted.

Amend subrule 10.5(7) as follows:

**10.5(7)** Licensees who apply to reinstate a lapsed or inactive certificate or license to active status pursuant to 193A—subrule 5.6(3) or 5.9(7) shall satisfy the basic requirement of 120 hours of continuing professional education earned in the preceding three-year period prior to the date of the application, including all required mandatory education described in rule 193A—10.7(542), to reinstate on an annual renewal schedule, modified as needed to incorporate the phase-in schedule for initial licensees described in subrules 10.5(1) to 10.5(3). Once the certificate or license is reinstated, the following schedule shall apply: basic requirement shall apply at each subsequent renewal.

~~a.—No continuing professional education shall be required on the first annual renewal after reinstatement of a lapsed or inactive certificate or license to active status.~~

~~b.—40 hours of continuing professional education that has not previously been reported shall be required in the one-year period ending December 31 prior to the second July 1 annual renewal date following reinstatement to active status. In the second and subsequent renewals following reinstatement, the applicant must demonstrate compliance with the mandatory education described in rule 193A—10.7(542).~~

~~c.—80 hours of continuing professional education that has not previously been reported shall be required in the two-year period ending December 31 prior to the third July 1 annual renewal date following reinstatement to active status.~~

ACCOUNTANCY EXAMINING BOARD[193A](cont'd)

~~d.—120 hours of continuing professional education shall be required in the three-year period ending December 31 prior to the fourth and subsequent July 1 annual renewal dates following reinstatement to active status.~~

[Filed 2/13/14, effective 4/9/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1358C**

**EMPLOYMENT APPEAL BOARD[486]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 10A.601(6), the Employment Appeal Board hereby amends Chapter 2, "General Rules of Procedure," and Chapter 3, "Unemployment Insurance Appeals," Iowa Administrative Code.

These amendments permit parties to file unemployment insurance appeals online using a form developed by the Iowa Workforce Development Department and made available through the Department's Web site.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 8, 2014, as **ARC 1269C**. No comments were received. The adopted amendments are identical to those published under Notice of Intended Action.

The Board does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

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

These amendments are intended to implement Iowa Code section 10A.601(6).

These amendments shall become effective April 9, 2014.

The following amendments are adopted.

ITEM 1. Amend rule **486—2.2(10A)**, definitions of "Appeal" and "Filing date," as follows:

*"Appeal"* means any instrument, including an online appeal submitted through the online appeal form available on the Iowa workforce development Web site, used to notify the employment appeal board that ~~the~~ an aggrieved individual wishes to appeal a decision of an administrative law judge. The instrument must be in writing ~~and signed by the individual or an authorized representative.~~ ~~If the instrument is signed by an authorized representative, the person or party filing the appeal must be designated in the document.~~

*"Filing date"* means the date prescribed by statute or rule for an action required to be taken. The filing date will be the date the document is postmarked, if filed by U.S. Postal Service; the date of the faxed document, if filed by facsimile transmission; the date of the document, if the postmark is illegible; the earliest date the transmission indicates that it was submitted if filed via the online appeal form; or the date received, if filed by any other means. If filed by fax, the original copy of the document shall be mailed to the employment appeal board. If the document is filed by U.S. Postal Service and the document contains both a postal meter mark and a U.S. Postal Service postmark, the U.S. Postal Service postmark shall be used to determine the filing date.

ITEM 2. Amend subrule 3.1(2) as follows:

**3.1(2) Form and time of appeal.** A party aggrieved by a decision of an administrative law judge may appeal to the employment appeal board within 15 days from the date of the decision. The appeal shall state the grounds for the appeal. ~~The~~ If sent by mail or courier, the appeal shall be addressed to Employment Appeal Board, Lucas State Office Building, Fourth Floor, 321 East 12th Street, Des Moines, Iowa 50319. The appeal may also be filed in any office maintained by the workforce development department which processes claims for unemployment insurance. Appeals may also be filed by facsimile transmission (fax). If the appeal is filed by fax, the original copy shall be mailed to the employment

## EMPLOYMENT APPEAL BOARD[486](cont'd)

appeal board at the above address. The date of the appeal is the date of the fax transmission. Appeals may also be filed online by completing and submitting an online appeal form available on the Iowa workforce development Web site.

[Filed 2/12/14, effective 4/9/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1352C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 234.6 and 2013 Iowa Acts, chapter 138, section 14(2) and (3), the Department of Human Services amends Chapter 51, "Eligibility," and Chapter 52, "Payment," Iowa Administrative Code.

These amendments allow the state to meet the maintenance of fiscal effort requirement of the Social Security Act in the State Supplementary Assistance Program.

Effective January 1, 2014, the SSI benefit is increased according to the increase in the consumer price index from October 1, 2012, through September 30, 2013. The Social Security Administration has announced that this increase will be 1.5 percent. In order to comply with the federal pass-along requirement in calendar year 2014 using the payment levels method of compliance, Iowa must increase the payment amounts and income limits for each State Supplementary Assistance category (except in-home health-related care (IHHRC) provider rates and the supplement for Medicare and Medicaid eligibles) effective January 1, 2014, to equal the minimum levels required by the federal government. The minimum levels are increased each time the SSI benefit is increased. Also, the Iowa General Assembly has directed the Department to increase the personal needs allowance of clients in the residential care facility program by the same percentage and at the same time as the SSI cost-of-living increase.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1267C** on January 8, 2014. The amendments were also Adopted and Filed Emergency and published as **ARC 1268C** on the same date and became effective January 1, 2014. The Department received no comments. These amendments are identical to those published under Notice of Intended Action and Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on February 12, 2014.

These amendments do not provide for waivers in specified situations since the increases are required by federal and state law.

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

These amendments are intended to implement Iowa Code section 217.3(6) and 2013 Iowa Acts, chapter 138, section 14, subsections 2 and 3.

These amendments will become effective April 9, 2014, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

The following amendments are adopted.

ITEM 1. Amend subrule 51.4(1) as follows:

**51.4(1) Income.** Income of a dependent relative shall be less than \$364 370. When the dependent's income is from earnings, an exemption of \$65 shall be allowed to cover work expense.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 2. Amend rule 441—51.7(249) as follows:

**441—51.7(249) Income from providing room and board.** In determining profit from furnishing room and board or providing family life home care, \$364 370 per month shall be deducted to cover the cost, and the remaining amount treated as earned income.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

ITEM 3. Amend subrule 52.1(1) as follows:

**52.1(1) Protective living arrangement.** The following assistance standards have been established for state supplementary assistance for persons living in a family life home certified under rules in 441—Chapter 111.

<u>\$774 783</u>	Care allowance
<u>\$98 100</u>	Personal allowance
<u>\$872 883</u>	Total

ITEM 4. Amend subrule 52.1(2) as follows:

**52.1(2) Dependent relative.** The following assistance standards have been established for state supplementary assistance for dependent relatives residing in a recipient’s home.

a. Aged or disabled client and a dependent relative . . . . .	<u>\$1,074 1,091</u>
b. Aged or disabled client, eligible spouse, and a dependent relative . . . . .	<u>\$1,430 1,452</u>
c. Blind client and a dependent relative . . . . .	<u>\$1,096 1,113</u>
d. Blind client, aged or disabled spouse, and a dependent relative . . . . .	<u>\$1,452 1,474</u>
e. Blind client, blind spouse, and a dependent relative . . . . .	<u>\$1,474 1,496</u>

ITEM 5. Amend subrule 52.1(3) as follows:

**52.1(3) Residential care.** Payment to a recipient in a residential care facility shall be made on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of ~~\$29.30~~ 29.66. The department shall establish a cost-related per diem rate for each facility choosing this method of payment according to rule 441—54.3(249).

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

a. All income of a recipient as described in this subrule after the disregards described in this subrule shall be applied to meet the cost of care before payment is made through the state supplementary assistance program.

Income applied to meet the cost of care shall be the income considered available to the resident pursuant to supplemental security income (SSI) policy plus the SSI benefit less the following monthly disregards applied in the order specified:

- (1) No change.
  - (2) An allowance of ~~\$98~~ 100 to meet personal expenses and Medicaid copayment expenses.
  - (3) to (6) No change.
- b. to g. No change.

[Filed 2/12/14, effective 4/9/14]

[Published 3/5/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1353C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 29C.20A(2), the Department of Human Services amends Chapter 58, “Emergency Assistance,” Iowa Administrative Code.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

The purpose of these amendments is to implement the provision of assistance under the Iowa Individual Assistance Grant Program (IIAGP) by an entity contracted by the Department as the result of a disaster. The Department will establish contracts for service for local provision of assistance to individuals affected by Governor-designated disaster events.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1257C** on December 25, 2013. The Department received no comments. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on February 12, 2014.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217). After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 29C.20A.

These amendments will become effective May 1, 2014.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition of "Department" in rule **441—58.1(29C)**:  
 "Department" means the Iowa department of human services.

ITEM 2. Amend subrule 58.2(2) as follows:

**58.2(2) Voucher system.** ~~To implement a~~ The IIAGP will be implemented through a reimbursement or voucher system for IIAGP, the county board of supervisors shall authorize a local administrative entity to administer the system.

~~a. The local administrative entity may be, but is not limited to:~~

- ~~(1) A local community organization active in disaster (COAD);~~
- ~~(2) A local long-term recovery committee (LTRC);~~
- ~~(3) A nonprofit organization;~~
- ~~(4) A faith-based organization, or~~
- ~~(5) A regional or statewide LTRC.~~

~~b. The local administrative entity shall enter into a contract with the department of human services using Form FA 09-15-2010, Fiscal Agent Contract. The contract shall specify the terms for the administration of IIAGP benefits through a voucher system.~~

ITEM 3. Amend rule 441—58.3(29C) as follows:

**441—58.3(29C) Application for assistance.** To request assistance for disaster-related expenses, the household shall complete Form 470-4448, Individual Disaster Assistance Application, and submit it within 45 days of the disaster declaration to the ~~county emergency management coordinator~~ contracted administrative entity along with: (1) receipts for the claimed expenses or (2) a request to participate in a voucher system.

**58.3(1)** Application forms are available from ~~county emergency management coordinators and local offices of the department of human services~~ an approved administrative entity, as well as the Internet Web site of the department at [www.dhs.iowa.gov](http://www.dhs.iowa.gov).

**58.3(2)** The application shall include:

a. A declaration of the household's annual income, accompanied by:

- (1) A current pay stub, W-2 form, or income tax return, or
- (2) Documentation of current enrollment in an assistance program administered by the department of human services, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), or other subsidy program.

b. An authorization to release of confidential information to personnel involved in administering the program.

c. A certification of the accuracy of the information provided.

d. An assurance that the household had no insurance coverage for claimed items.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

*e.* A commitment to refund any part of a grant awarded that is duplicated by insurance or by any other assistance program, such as but not limited to local community development groups and charities, the Small Business Administration, or the Federal Emergency Management Administration.

*f.* A short, handwritten narrative of how the disaster event ~~and how the disaster~~ caused the claimed loss being claimed.

*g.* A copy of a picture identification document for each adult applicant.

*h.* When vehicle damage is claimed, current copies of the vehicle registration and liability insurance card.

ITEM 4. Amend rule 441—58.4(29C) as follows:

**441—58.4(29C) Eligibility criteria.** To be eligible for assistance, an applicant household must meet all of the following conditions:

**58.4(1)** and **58.4(2)** No change.

**58.4(3)** The household's self-declared annual income is at or less than 200 percent of the federal poverty level for a household of that size.

*a.* Poverty guidelines are updated annually.

*b.* All income available to the household is counted, including wages, child support, interest from investments or bank accounts, social security benefits, and retirement income. Proof of income is required.

**58.4(4)** The household has disaster-related expenses or serious needs that are not covered by insurance or ~~the claim is less~~ that are less than the deductible amount. This program will not reimburse the amount of the insurance deductible when the claim exceeds the deductible amount.

**58.4(5)** No change.

ITEM 5. Amend rule 441—58.5(29C) as follows:

**441—58.5(29C) Eligible categories of assistance.** The maximum assistance available to a household in a single disaster is \$5,000. Assistance is available under the program for the following disaster-related expenses:

**58.5(1)** Assistance may be issued for personal property, including repair or replacement of the following items, based on the item's condition:

*a.* Kitchen items, excluding appliances covered under subparagraph 58.5(1)“d”(8), up to a maximum of \$560, including:

(1) Equipment and furnishings, up to a maximum of \$560.

(2) Food, up to a maximum of \$50 for one person plus \$25 for each additional person in the household.

*b.* Personal hygiene items, up to a maximum of \$30 per person and \$150 per household.

*c.* Clothing and bedroom furnishings, up to a maximum of \$875, including:

(1) Mattress, box spring, frame, and storage containers, up to a maximum of \$250 per person.

(2) Clothing, up to a maximum of \$145 per person.

*d.* Other items, including:

(1) Infant car seat, up to a maximum of \$40.

(2) Dehumidifier, up to a maximum of \$150.

(3) Sump pump (in a flood event only), up to a maximum of \$200 installed.

(4) Electrical or mechanical repairs, up to a maximum of \$1,000.

(5) Water heater, up to a maximum of \$425 installed.

(6) Vehicle repair, up to a maximum of \$500.

(7) Heating and air-conditioning systems, up to a maximum of \$2,100 installed. Air conditioning is covered only with proof of medical necessity.

(8) Kitchen or laundry appliances up to a maximum of \$700 per appliance and a maximum per household not to exceed \$2,100.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

**58.5(2)** Assistance may be issued for home repair as needed to make the home safe, sanitary, and secure, up to a maximum of \$5,000.

*a.* Assistance will be denied if preexisting conditions are the cause of the damage.

*b.* Assistance may be authorized for:

(1) The repair of structural components, such as the foundation and roof.

(2) The repair of floors, walls, ceilings, doors, windows, and carpeting of essential interior living space that was occupied at the time of the disaster.

(3) Debris removal, including trees, up to a maximum of \$1,000.

(4) Replacement or repair of other items of necessity as approved by the department on a case-by-case basis up to a maximum of \$5,000.

*c.* Repairs to rental property or landlord-owned equipment are excluded under this program.

**58.5(3)** No change.

ITEM 6. Amend rule 441—58.6(29C) as follows:

**441—58.6(29C) Eligibility determination and payment.**

**58.6(1)** ~~The county emergency management coordinator or designee shall:~~

~~*a.* Confirm The contracted administrative entity or designee shall confirm that:~~

~~(1) The the address provided on the application is a valid address and is reasonably believed to be in the disaster-affected area, and~~

~~(2) Disaster-related expenses were possible as a result of the current disaster.~~

~~*b.* If receipts are included, submit the household's application form and receipts to the Homeland Security and Emergency Management Division, Camp Dodge, Building W-4, 7105 NW 70th Avenue, Johnston, Iowa 50131. The envelope shall be marked "IIAGP application." The department reserves the right to view the damaged property prior to providing any assistance pursuant to IIAGP.~~

~~*c.* If the applicant requests to participate in the voucher system, forward the application to the local administrative entity for the county.~~

**58.6(2)** For applications with receipts:

~~*a.* The homeland security and emergency management division of the department of public defense shall:~~

~~(1) Review the application.~~

~~(2) Submit the household's application form and receipts to the DHS Office of the Deputy Director for Administration, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. The envelope shall be marked "IIAGP application."~~

~~*b.* Designated staff in the department of human services shall:~~

~~*a.* Monitor applicants' names and addresses as reports are submitted by the administrative entity.~~

~~*b.* Monitor, review, and provide timely submission of invoices by the administrative entity for payment and shall process appeals.~~

~~(1) Determine eligibility and the amount of payment.~~

~~(2) Notify the applicant household of the eligibility decision.~~

~~(3) Authorize payment to an eligible household.~~

~~(4) Process appeals.~~

**58.6(3)** For applications with a voucher or reimbursement request:

~~*a.* The local administrative entity for the county, the department or its designee shall:~~

~~(1) *a.* Determine eligibility and the amount of payment within the rules of the program.~~

~~(2) *b.* Notify the applicant household of the eligibility decision.~~

~~(3) *c.* Authorize vouchers to an eligible household to purchase needed goods and services.~~

~~(4) *d.* Pay vendors for goods and services purchased with vouchers.~~

~~(5) Submit a claim to the department of human services for reimbursement for voucher purchases.~~

~~*b.* Designated staff in the department of human services shall:~~

~~(1) Process reimbursement to the local administrative entity for claims.~~

~~(2) Process appeals.~~

## HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 7. Amend subrule 58.7(1) as follows:

**58.7(1) Reconsideration.** ~~The household may request reconsideration of the department's decisions regarding eligibility and the amount of assistance awarded.~~

*a.* The household may request reconsideration of decisions regarding eligibility and the amount of assistance awarded.

~~*b.*~~ To request reconsideration, the household shall submit a written request to the DHS Office of the Deputy Director for Administration, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the department's letter notifying the household of its the department's decision.

~~*c.*~~ The department shall review any additional evidence or documentation submitted and issue a reconsideration decision within 15 days of receipt of the request.

ITEM 8. Amend **441—Chapter 58**, Division I implementation sentence, as follows:

These rules are intended to implement 2009 Iowa Code Supplement chapter 29C as amended by 2010 Iowa Acts, House File 2294.

[Filed 2/12/14, effective 5/1/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1354C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 74, "Iowa Health and Wellness Plan," Iowa Administrative Code.

This amendment adds a new rule to Chapter 74 based on a waiver of 1902(e)(14)(A) of the Social Security Act (42 U.S.C. § 1396a(e)(14)(A)) approved by the Centers for Medicare and Medicaid Services (CMS). This waiver allows Iowa to process eligibility determinations for current IowaCare members based on income verified via food assistance applications, income verified on Medicaid cases associated with the IowaCare member, Iowa Workforce Development (IWD) wage and unemployment insurance benefits, and income data received from the Income and Eligibility Verification System (IEVS) from the federal government.

All individuals who were IowaCare members on October 1, 2013, will be evaluated for eligibility for the Iowa Health and Wellness Plan (IHAWP). The members who meet the eligibility requirements, including family income of no more than 138 percent of the federal poverty level (FPL), will be notified that they will be enrolled in the Iowa Health and Wellness Plan effective January 1, 2014. This will allow an estimated 55,000 members to transition directly from IowaCare to IHAWP. Those members who are not eligible for IHAWP or the Family Medical Assistance Program (FMAP) with children will be informed that they will need to apply for new health assistance.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1213C** on December 11, 2013. This amendment was also Adopted and Filed Emergency and published as **ARC 1214C** on the same date and became effective November 13, 2013. The Department received no comments. This amendment is identical to that published under Notice of Intended Action and Adopted and Filed Emergency.

The Council on Human Services adopted this amendment on February 12, 2014.

This amendment does not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

This amendment is intended to implement Iowa Code section 249A.4 and 2013 Iowa Acts, chapter 138, section 177.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

This amendment will become effective April 9, 2014, at which time the Adopted and Filed Emergency amendment is hereby rescinded.

The following amendment is adopted.

Adopt the following new rule 441—74.15(249A,85GA,ch138):

**441—74.15(249A,85GA,ch138) Enrollment for IowaCare members.**

**74.15(1)** Subject to a waiver of the eligibility requirements of 42 U.S.C. § 1396a(e)(14)(A) by the federal Centers for Medicare and Medicaid Services, and notwithstanding any other provision of this chapter, an individual who is enrolled in the IowaCare program under 441—Chapter 92 on October 1, 2013, shall be enrolled without an application in the Iowa Health and Wellness Plan effective January 1, 2014, if department records show:

*a.* That the income of all household members considered in determining the individual's eligibility for IowaCare (other than child support income) does not exceed 138 percent of the federal poverty level for a household of that size, based on the following sources of income information, in the following order of priority:

(1) Income used to determine eligibility for food assistance for the individual and other IowaCare household members, pursuant to 441—Chapter 92;

(2) Income used to determine eligibility for medical assistance for other IowaCare household members, pursuant to 441—Chapter 75;

(3) Iowa workforce development unemployment insurance benefit data available to the department pursuant to 441—paragraph 9.10(4) "c";

(4) Iowa workforce development wage data available to the department pursuant to 441—paragraph 9.10(4) "c";

(5) Income and eligibility verification system data available to the department pursuant to 441—paragraph 9.10(4) "c"; and

*b.* That the individual meets all eligibility requirements of the Iowa Health and Wellness Plan, pursuant to this chapter, other than income.

**74.15(2)** Individuals enrolled pursuant to this rule will thereafter be subject to all the provisions of this chapter, with no further application of this rule.

[Filed 2/12/14, effective 4/9/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1355C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

This rule making reinstates the rule governing the Iowa Medicaid "lock-in" program that was inadvertently omitted from recently adopted 441—Chapter 76.

Federal Medicaid regulations allow for the "lock-in" of beneficiaries who overutilize Medicaid services, restricting the beneficiaries to obtaining services from designated providers; see 42 CFR § 431.54. Iowa Code section 249A.4(7)"a" also provides that the Department may restrict Medicaid recipients' selection of providers to control overuse of care and services and that the Department "shall promulgate rules for determining the overuse of services, including rights of appeal by the recipient." Consistent with the federal regulations and the Iowa Code, Iowa's state plan for medical assistance, approved by the Centers for Medicare and Medicaid Services as a condition of federal funding, provides an exception to recipients' free choice of providers for lock-in; see Iowa State Plan for Medical Assistance, sec. 4.10(b)(1).

## HUMAN SERVICES DEPARTMENT[441](cont'd)

As of September 2013, the Department had a long-standing administrative rule at 441—76.9(249A) establishing and governing the Iowa Medicaid lock-in program. In amending its rules to comply with the federal Affordable Care Act, the Department intended to move its lock-in rule from Chapter 76 (on enrollment procedures) to Chapter 75 (on eligibility for services). However, the lock-in rule was inadvertently omitted from new Chapter 76 (see **ARC 1069C**, IAB 10/2/13, effective 10/1/13) and not included in revised Chapter 75 (see **ARC 1134C**, IAB 10/30/13, effective 10/2/13). Thus, the Notice of Intended Action (**ARC 0908C**, IAB 8/7/13) and Adopted and Filed Emergency After Notice (**ARC 1069C**, IAB 10/2/13) for new Chapter 76 made no mention of the fact that the lock-in rule was omitted.

This rule making reinstates the lock-in rule and places the rule in Chapter 75. The term “recipient” is updated to “member” throughout and cross references are updated. No other substantive changes are made to the rule as it existed prior to October 1, 2013.

Notice of Intended Action for this rule was published in the Iowa Administrative Bulletin as **ARC 1265C** on January 8, 2014. This rule was also Adopted and Filed Emergency and published as **ARC 1266C** on the same date.

The Department received comments on the proposed rule from three respondents. Each comment received by the Department was similar in nature, varying only in the specific group of persons the individual respondents wanted to add to the rules.

As a direct result of the comments, the Department agreed that subrule 75.30(2) should be broadened to allow for inclusion of various provider groups, including those represented by the respondents.

Specifically, the Department agreed to revise subrule 75.30(2) to read as follows:

“**75.30(2)** Provider selection. The member may select the provider(s) from which services will be received. The designated providers will be identified on the department’s eligibility verification system (ELVS). Only prescriptions written or approved by the designated primary provider(s) will be reimbursed. Other providers of the restricted service will be reimbursed only under circumstances specified in subrule 75.30(3).”

The Council on Human Services adopted this rule on February 12, 2014.

This rule does not provide for waivers in specified situations because lock-in is based on individual determinations of overuse. Requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

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

This rule is intended to implement Iowa Code section 249A.4.

This rule will become effective April 9, 2014, at which time the Adopted and Filed Emergency rule is hereby rescinded.

The following amendment is adopted.

Adopt the following **new** rule 441—75.30(249A):

**441—75.30(249A) Member lock-in.** In order to promote high-quality health care and to prevent harmful practices such as duplication of medical services, drug abuse or overuse, and possible drug interactions, members that utilize medical assistance services or items at a frequency or in an amount which is considered to be overuse of services as defined in subrule 75.30(7) may be restricted (locked-in) to receive services from a designated provider(s).

**75.30(1)** A lock-in or restriction shall be imposed for a minimum of 24 months with longer restrictions determined on an individual basis.

**75.30(2)** Provider selection. The member may select the provider(s) from which services will be received. The designated providers will be identified on the department’s eligibility verification system (ELVS). Only prescriptions written or approved by the designated primary provider(s) will be reimbursed. Other providers of the restricted service will be reimbursed only under circumstances specified in subrule 75.30(3).

**75.30(3)** Payment will be made to a provider(s) other than the designated (lock-in) provider(s) in the following instances:

*a.* Emergency care is required and the designated provider is not available. Emergency care is defined as care necessary to sustain life or prevent a condition which could cause physical disability.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

*b.* The designated provider requires consultation with another provider. Reimbursement shall be made for office visits only. Prescriptions will be reimbursed only if written or approved by the primary physician(s). Referred physicians may be added to the designation as explained in subrule 75.30(5).

*c.* The designated provider refers the member to another provider. Reimbursement shall be made for office visits only. Prescriptions will be reimbursed only if written or approved by the primary physician(s). Referred physicians may be added to the designation as explained in subrule 75.30(5).

**75.30(4)** When the member fails to choose a provider(s) within 30 days of the request, the division of medical services will select the provider(s) based on previously utilized provider(s) and reasonable access for the member.

**75.30(5)** Members may change a designated provider(s) when a change is warranted, such as when the member has moved, the provider no longer participates, or the provider refuses to see the patient. The worker for the member shall make the determination when the member has demonstrated that a change is warranted. Members may add additional providers to the original designation with approval of a health professional employed by the department for this purpose.

**75.30(6)** When lock-in is imposed on a member, timely and adequate notice shall be sent and an opportunity for a hearing given in accordance with 441—Chapter 7.

**75.30(7)** Overuse of services is defined as receipt of treatments, drugs, medical supplies or other Medicaid benefits from one or multiple providers of service in an amount, duration, or scope in excess of that which would reasonably be expected to result in a medical or health benefit to the patient.

*a.* Determination of overuse of service shall be based on utilization data generated by the Surveillance and Utilization Review Subsystem of the Medicaid Management Information System. The system employs an exception-reporting technique to identify the members most likely to be program overutilizers by reporting cases in which the utilization exceeds the statistical average.

*b.* In addition to referrals from the Surveillance and Utilization Review Subsystem described in paragraph 75.30(7) “*a*,” referrals for utilization review shall be made when utilization data generated by the Medicaid Management Information System reflects that utilization of Medicaid member outpatient visits to physicians, advanced registered nurse practitioners, federally qualified health centers, rural health centers, other clinics, and emergency rooms exceeds 24 visits in any 12-month period. This utilization review shall not apply to Medicaid members who are enrolled in the MediPASS program or a health maintenance organization or who are children under 21 years of age or residents of a nursing facility. For the purposes of this paragraph, the term “physician” does not include a psychiatrist.

*c.* An investigation process of Medicaid members determined in paragraph 75.30(7) “*a*” or “*b*” to be subject to a review of overutilization shall be conducted to determine if actual overutilization exists by verifying that the information reported by the computer system is valid and is also unusual based on professional medical judgment. Medical judgments shall be made by physicians, pharmacists, nurses and other health professionals either employed by, under contract to, or as consultants for the department. These medical judgments shall be made by the health professionals on the basis of the body of knowledge each has acquired which meets the standards necessary for licensure or certification under the Iowa licensing statutes for the particular health discipline.

[Filed 2/12/14, effective 4/9/14]

[Published 3/5/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1356C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4 and 2013 Iowa Acts, chapter 138, section 7(6), the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments are due to a mitigation strategy approved by the Centers for Medicare and Medicaid Services (CMS) to allow Iowa to keep the current family planning eligibility system until June 30, 2014. Iowa requested to keep the family planning system separate from the new Medicaid eligibility system due to the time constraints of developing a new medical assistance eligibility system to process applications as required under the Patient Protection and Affordable Care Act. The family planning system will continue to process applications under non-modified adjusted gross income (MAGI) determinations.

CMS waived requirements of 42 U.S.C. § 1396a(e)(14) to allow Iowa to use non-MAGI determinations on a time-limited basis.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1211C** on December 11, 2013. These amendments were also Adopted and Filed Emergency and published as **ARC 1212C** on the same date and became effective January 1, 2014. The Department received no comments. These amendments are identical to those published under Notice of Intended Action and Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on February 12, 2014.

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

These amendments are intended to implement Iowa Code section 249A.4 and 2013 Iowa Acts, chapter 138, section 7(6).

These amendments will become effective April 9, 2014, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

The following amendments are adopted.

ITEM 1. Amend rule 441—75.70(249A) as follows:

**441—75.70(249A) Financial eligibility based on modified adjusted gross income (MAGI).** Notwithstanding any other provision of this chapter, effective January 1, 2014, financial eligibility for medical assistance shall be determined using “modified adjusted gross income” (MAGI) and “household income” pursuant to 42 U.S.C. § 1396a(e)(14), to the extent required by that section as a condition of federal funding under Title XIX of the Social Security Act. For this purpose, financial eligibility for medical assistance includes any applicable purpose for which a determination of income is required, including the imposition of any premiums or cost sharing. From January 1, 2014, through June 30, 2014, subject to a waiver of the requirements of 42 U.S.C. § 1396a(e)(14) by the federal Centers for Medicare and Medicaid Services, use of MAGI and “household income” shall not be considered to be required by that section for persons otherwise eligible for family planning services under subrule 75.1(41).

ITEM 2. Amend rule 441—75.71(249A) as follows:

**441—75.71(249A) Income limits.** Notwithstanding any other provision of this chapter, effective January 1, 2014, the following income limits apply to the following coverage groups, as identified by the legal references provided:

## HUMAN SERVICES DEPARTMENT[441](cont'd)

Coverage Group	Legal Reference	Household Size (persons)	Income Limit (per month)
Family Medical Assistance Program and Child Medical Assistance Program	441—subrule 75.1(14) and 441—subrule 75.1(15); 42 CFR Part 435.110; Title XIX of the Social Security Act, Section 1931	1	\$447
		2	\$716
		3	\$872
		4	\$1,033
		5	\$1,177
		6	\$1,330
		7	\$1,481
		8	\$1,633
		9	\$1,784
		10	\$1,950
			over 10
Mothers and Children, for pregnant women and for infants under one year of age	441—subrule 75.1(28); 42 CFR Part 435.116; Title XIX of the Social Security Act, Section 1902		375% of the federal poverty level for the household
Mothers and Children, for children aged 1 through 18 years	441—subrule 75.1(28); 42 CFR Part 435.116; Title XIX of the Social Security Act, Section 1902		167% of the federal poverty level for the household
Medicaid for Independent Young Adults	441—subrule 75.1(42); Title XIX of the Social Security Act, Section 1902(a)(10)(A)(ii)(VII)		254% of the federal poverty level for the household
Family Planning Services	441—subrule 75.1(41)		369% of the federal poverty level for the household

[Filed 2/12/14, effective 4/9/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1357C****HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 217.6, 252B.3(3), and 252H.4(4), the Department of Human Services amends Chapter 95, "Collections," and Chapter 99, "Support Establishment and Adjustment Services," Iowa Administrative Code.

The Federal Family Support Act of 1988 requires each state to maintain uniform child support guidelines and criteria and to review the guidelines and criteria at least once every four years. The Iowa General Assembly has entrusted the Iowa Supreme Court with this responsibility (see Iowa Code section 598.21B). These amendments update rule 441—95.1(252B) and Chapter 99, Divisions I, II (Part B), III, and V, to conform to Iowa Supreme Court Guidelines changes, to conform to a statutory change adopted in 2012 regarding administrative paternity, and other technical changes related to the establishment and modification of child support.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1228C** on December 11, 2013. The Department received no comments during the comment period. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on February 12, 2014.

These amendments do not provide for waivers in specified situations because the amendments are technical changes to conform the rules to the Iowa Supreme Court Guidelines and a statutory change adopted in 2012. The rules and Iowa Code chapters 252A, 252C, 252F and 252H provide for parties' rights to challenge an action to establish or modify a support order or present the information to a judge if the parties disagree with the support order. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code sections 217.6, 252B.3(3), and 252H.4(4). These amendments will become effective May 1, 2014.

The following amendments are adopted.

ITEM 1. Amend rule **441—95.1(252B)**, definition of "Responsible person," as follows:

"*Responsible person*" shall mean a parent, relative or guardian, or any other designated person who is or may be declared to be legally liable for the support of a child or a child's caretaker. For the purposes of calculating a support obligation pursuant to the mandatory child support guidelines prescribed by the Iowa Supreme Court in accordance with Iowa Code section 598.21B, ~~subsection 4~~, this shall mean the person from whom support is sought.

ITEM 2. Amend subrule 99.2(2) as follows:

**99.2(2)** Social security and Medicare tax deductions, mandatory pensions, and union dues as specified in the Iowa Supreme Court guidelines.

ITEM 3. Amend subrule 99.2(3) as follows:

**99.2(3)** ~~Full cost of health insurance premiums either deducted from wages or paid by a parent or a stepparent, provided the health insurance coverage includes the dependents for whom support is being sought. The parent claiming the deduction shall verify the health insurance premium before the deduction is allowed. Any expected health insurance premiums shall be allowed as a deduction if the parent provides verification of this anticipated expense.~~ Mandatory occupational license fees as specified in the Iowa Supreme Court guidelines.

ITEM 4. Amend subrule 99.2(5) as follows:

**99.2(5)** ~~Actual payments of medical support paid pursuant to a court order or administrative order in another order for other children, not the pending matter.~~ All medical support payments shall be verified before being allowed as a deduction and shall be calculated in the same manner as the deductions for support in subrule 99.2(4).

ITEM 5. Rescind subrule **99.2(6)**.

ITEM 6. Renumber subrules **99.2(7)** and **99.2(8)** as **99.2(6)** and **99.2(7)**.

ITEM 7. Amend renumbered subparagraph **99.2(6)"d"(3)** as follows:

(3) Subtract the amount the parent may claim as "credit for child and dependent care expenses" for federal income tax from the amount of child care expenses reported on the financial statement. The difference, ~~rounded to the nearest dollar~~, is the amount allowed for a deduction in determining income for child support.

ITEM 8. Adopt the following **new** subrule 99.2(8):

**99.2(8)** Cash medical support as specified in the Iowa Supreme Court guidelines.

ITEM 9. Amend rule 441—99.3(234,252B) as follows:

**441—99.3(234,252B) Determining net income.** Unless otherwise specified in these rules, the child support recovery unit shall determine net income as prescribed by the Iowa Supreme Court guidelines.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

**99.3(1) Calculating net income.** All includable income and allowable deductions shall be expressed in monthly amounts. Income and corresponding deductions received at a frequency other than monthly shall be converted to equivalent monthly amounts by multiplying the income and corresponding deductions received on a weekly basis by 4.33, on a biweekly basis by 2.17, and on a semimonthly basis by 2. ~~All converted figures shall be rounded to the nearest dollar.~~

**99.3(2)** No change.

ITEM 10. Amend subrule 99.4(1) as follows:

**99.4(1) ~~Selecting guidelines chart~~ Applying the guidelines.** The child support recovery unit shall use the child support guidelines chart schedule as prescribed by the Iowa Supreme Court only for the number of children for whom support is being sought sharing the same two legal parents.

EXCEPTION: For foster care recovery cases, the guidelines ~~chart schedule~~ shall be used as set forth in ~~paragraph 99.5(4)“e.”~~ subrule 99.5(4).

ITEM 11. Amend paragraph **99.4(2)“a”** as follows:

*a. Calculation.* The child support recovery unit shall calculate the amount of support ~~required under as prescribed by the Iowa Supreme Court guidelines as follows:~~

- ~~(1) Determine the net monthly income of the custodial parent.~~
- ~~(2) Determine the net monthly income of the noncustodial parent.~~
- ~~(3) Use the chart for the appropriate number of children and the respective incomes of the parents to determine the appropriate percentage to apply.~~
- ~~(4) Multiply the noncustodial parent’s net monthly income by the percentage determined appropriate. Round this amount of support to the nearest whole dollar.~~

ITEM 12. Amend subparagraph **99.4(2)“b”(2)** as follows:

(2) In foster care cases, CSRU may establish current support payable in monthly or weekly frequencies. To establish a weekly amount, CSRU shall divide the figure in ~~subparagraph 99.4(2)“a”(4)~~ paragraph 99.4(2)“a” by 4.33 and round to the nearest whole dollar.

ITEM 13. Amend subrule 99.4(5) as follows:

**99.4(5) Extraordinary visitation adjustment.** The extraordinary visitation adjustment is a credit ~~to the guideline amount of child support~~ as specified in the supreme court guidelines. The credit shall not reduce the child support amount below the ~~minimum support~~ amount required by the supreme court guidelines.

The extraordinary visitation adjustment credit shall be given if all of the following apply:

*a. to c.* No change.

ITEM 14. Adopt the following **new** subrule 99.4(6):

**99.4(6) Establishing medical support.** The child support recovery unit shall calculate medical support as required by Iowa Code chapter 252E and the Iowa Supreme Court guidelines. The cost of the health insurance premium for the child is added to the basic support obligation and prorated between the parents as provided in the Iowa Supreme Court guidelines, and the parent ordered to provide health insurance must provide verification of this expense or anticipated expense.

ITEM 15. Amend subrule 99.5(1) as follows:

**99.5(1) Criteria for deviation.** The court shall not vary from the amount of child support that would result from application of the guidelines without a written finding as required by the Iowa Supreme Court guidelines. Variation from the child support guidelines shall not be considered without a record or written finding, based on stated reasons, that the guidelines would be unjust or inappropriate under the following criteria:

- a.* Substantial injustice would result to the obligor, the obligee, or the child.
- b.* Adjustments are necessary to provide for the needs of the child and to do justice between the parties under the special circumstances of the case.
- c.* ~~In certain foster care cases, adjustments are necessary due to expenses related to the goals and objectives of the case permanency plan or other circumstances contemplated in Iowa Code section 234.39.~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 16. Amend subrule 99.5(4) as follows:

**99.5(4) Foster care case.** In a foster care case, the child support recovery unit may deviate from the guidelines by applying a 30 percent flat rate deduction for parents who provide financial documentation. The flat rate deduction represents expenses under the case permanency plan and financial hardship allowances or other circumstances contemplated in Iowa Code section 234.39.

~~a. and b. Rescinded IAB 5/5/99, effective 7/1/99.~~

e. CSRU shall calculate the support obligation of the parents of children in foster care when the parents have a legal obligation for additional dependents in the home, as follows: The support obligation of each parent shall be calculated by allowing all deductions the parent is eligible for under the child support guidelines as provided in rule 441—99.2(234,252B) and by using the guidelines ~~chart~~ schedule corresponding to the sum of the children in the home for whom the parent has a legal obligation and the children in foster care. The calculated support amount shall be divided by the total number of children in foster care and in the home to compute the support obligation of the parent for each child in foster care.

ITEM 17. Amend rule 441—99.22(252F) as follows:

**441—99.22(252F) Mother's certified statement.** Before initiating an action under Iowa Code chapter 252F, the unit may obtain a signed ~~Paternity Questionnaire, Form 470-0172~~ Child Support Information, Form 470-3877, or Establishment Questionnaire, Form 470-3929, or a similar document from the child's caretaker. The unit shall obtain the Mother's Written Statement Alleging Paternity, Form 470-3293, from the child's mother certifying, in accordance with Iowa Code section 622.1, that the man named is or may be the child's biological father. ~~A similar document~~ Government records, including but not limited to an application for public assistance, which substantially meets meet the requirements of Iowa Code section 622.1 may also be used. In signing Form 470-3293 ~~or similar document~~, the mother acknowledges that the unit may initiate a paternity action against the alleged father, and she agrees to accept service of all notices and other documents related to that action by first-class mail. The mother shall sign and return Form 470-3293 ~~or a similar document~~ to the unit within ten days of the date of the unit's request.

ITEM 18. Amend rule 441—99.23(252F) as follows:

**441—99.23(252F) Notice of alleged paternity and support debt.** Following receipt of the Mother's Written Statement Alleging Paternity, Form 470-3293, ~~or a similar document~~ government records, including but not limited to an application for public assistance, which substantially meets meet the requirements of Iowa Code section 622.1, the unit shall serve a notice of alleged paternity and support debt as provided in Iowa Code section 252F.3.

ITEM 19. Amend rule 441—99.29(252F) as follows:

**441—99.29(252F) Agreement to entry of paternity and support order.** If the alleged father admits paternity and reaches agreement with the unit on the entry of an order for support, the father ~~shall~~ may acknowledge his consent on the ~~Administrative Paternity Order, Form 470-3294~~ Child Support Declaration, Form 470-4084. If the mother does not contest paternity within the allowed time period ~~or if the mother waives the time period for contesting paternity~~, the unit ~~shall~~ may file the Child Support Declaration, if applicable, and Administrative Paternity Order with the court in accordance with Iowa Code section 252F.6.

ITEM 20. Amend subrule 99.41(1) as follows:

**99.41(1) When order may be established.** The bureau chief may establish a child or medical support obligation against a responsible person through the administrative process. This does not preclude the child support recovery unit from pursuing the establishment of an ongoing support obligation through other available legal proceedings. When gathering information to establish a support order, the unit may obtain a signed ~~Form 470-3929~~, Child Support Information, Form 470-3877, or Establishment Questionnaire, Form 470-3929, or a similar document from the child's caretaker.

~~a. to d. Rescinded IAB 11/6/96, effective 1/1/97.~~

## HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 21. Amend subrule 99.41(3) as follows:

**99.41(3) Notice to responsible person.** When the bureau chief establishes a support debt against a responsible person, a notice of child support debt shall be served in accordance with the Iowa Rules of Civil Procedure or Iowa Code section 252B.26. The notice shall include all of the rights and responsibilities shown in Iowa Code section 252C.3. The notice shall also inform the responsible person which of these rights may be waived pursuant to Iowa Code section 252C.12, and the procedures for and effect of waiving these rights. The notice shall include a statement that failure to respond within the time limits given and to provide information and verification of financial circumstances shall result in the entry of a default judgment for support.

ITEM 22. Amend paragraph **99.41(9)“b”** as follows:

*b.* The bureau chief shall file a copy of the approved order with the clerk of the district court, ~~as stated in 441—paragraph 95.11(7)“b.”.~~

ITEM 23. Amend paragraph **99.83(2)“a”** as follows:

*a.* A parent requests, in writing, or the unit determines that it is appropriate to add an additional child to the support order and modify the obligation amount according to the guidelines pursuant to Iowa Code section ~~598.21(4)~~ 598.21B and Iowa Code section 252B.7A; and

[Filed 2/12/14, effective 5/1/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1351C**

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation, on February 12, 2014, adopted amendments to Chapter 700, “Aeronautics Administration,” Chapter 710, “Airport Improvement Program,” Chapter 715, “Commercial Air Service Marketing Program,” Chapter 716, “Commercial Air Service Vertical Infrastructure Program,” and Chapter 717, “General Aviation Airport Vertical Infrastructure Program,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the January 8, 2014, Iowa Administrative Bulletin as **ARC 1270C**.

The Department is making changes to five chapters concerning aviation. Generally, these amendments make the following changes: update the contact information, provide updates to reflect current practices, and provide consistency in documenting eligibility, funding, application processes, review and approval of projects and project administration.

The following summarizes the changes for each chapter:

Chapter 700: The definition of “sponsor” is clarified.

Chapter 710: The Web site addresses are corrected; application instructions and procedures are updated to reflect current processes and for consistency with other grant programs; “airport enhancements” is added to the list of eligible projects; funding information is included; “emergency operations project” is changed to “immediate safety enhancement project” to reflect current program terminology; two additional factors in reviewing the applications are added to reflect current practice; and an implementation sentence is corrected.

Chapter 715: The name of the program is changed to reflect current practice; the purpose of the program is expanded to place more emphasis on sustaining and enhancing air service; and the application instructions, procedures, types of eligible project activities, selection criteria and project administration are updated to reflect current practices.

## TRANSPORTATION DEPARTMENT[761](cont'd)

Chapter 716: The name of the program is changed to reflect current practice; citations to the Iowa Code are corrected; funding information is added; and application instructions, procedures and project administration are updated to reflect current processes and for consistency with other grant programs.

Chapter 717: The name of the program is changed to reflect current practice; citations to the Iowa Code are corrected; application instructions, procedures, applicant eligibility, funding information, and project administration are updated to reflect current processes and for consistency with other grant programs; and the items the Department shall consider when selecting projects are updated to reflect current procedure.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

These amendments are identical to those published under Notice of Intended Action.

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

These amendments are intended to implement Iowa Code sections 8.57B, 328.12 and 330.13.

These amendments will become effective April 9, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 761—700.1(328) as follows:

**761—700.1(328) Definitions.** The definitions in Iowa Code section 328.1 and the following definitions shall apply to 761—Chapters 700 to 799.

*“FAA:”* ~~The~~ means the Federal Aviation Administration.

*“Sponsor:”* ~~The~~ means the person or governmental subdivision ~~responsible~~ that has the authority for improving, maintaining and operating an aviation facilities facility.

This rule is intended to implement Iowa Code section 328.1.

ITEM 2. Amend rule 761—700.2(17A) as follows:

**761—700.2(17A) ~~Location and submission of documents~~ Information and forms.** Program information, forms and application instructions are available on the department's Web site at [www.iowadot.gov/aviation](http://www.iowadot.gov/aviation). Requests for information, assistance or forms and all submissions shall be sent to: such materials or assistance may also be made by calling the office of aviation at (515)239-1048. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1691. Information and forms are also available through the Internet at <http://www.iawings.com>.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 3. Amend rule 761—710.3(17A) as follows:

**761—710.3(17A) ~~Location and information~~ Information and forms.** Program information, forms and application instructions are available on the department's Web site at [www.iowadot.gov/aviation](http://www.iowadot.gov/aviation). Requests for information, forms or assistance in completing the forms, and all submissions shall be sent to: such materials or assistance may also be made by calling the office of aviation at (515)239-1048. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1875. Information and forms are also available through the Internet at <http://www.iawings.com>.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 4. Amend rule 761—710.4(330) as follows:

**761—710.4(330) Federal airport improvement funds.**

**710.4(1) Applicant eligibility.** A governmental subdivision owning a public airport that is listed in the Federal Aviation Administration's (FAA) National Plan of Integrated Airport Systems (NPIAS)

## TRANSPORTATION DEPARTMENT[761](cont'd)

is eligible to apply for federal funds. The NPIAS published report is available at the FAA Web site: ~~www.faa.gov/arp/planning/npias~~ www.faa.gov/airports. An airport that receives federal primary commercial service entitlement funds is not required to submit preapplications ~~through the department~~.

**710.4(2) Project eligibility.** Projects must meet the FAA eligibility guidelines for federal airport improvement projects. Federal airport improvement program guidelines are available at the FAA Web site: ~~www.faa.gov/arp/ace/aip/aip-guide.cfm~~ www.faa.gov/airports.

**710.4(3) Preapplication.**

a. No change.

b. The completed preapplication for federal airport improvement funds shall be ~~sent~~ submitted to the department ~~at the address in rule 710.3(17A)~~ according to the method and time frame specified in the annual application instructions.

**710.4(4) Project prioritization.**

a. and b. No change.

c. The department shall ~~send~~ submit the preapplications with priorities identified to the FAA, and the FAA will contact the applicant directly concerning all subsequent action on the preapplication.

This rule is intended to implement Iowa Code section 330.13.

ITEM 5. Amend rule 761—710.5(328) as follows:

**761—710.5(328) State airport improvement funds.**

**710.5(1)** No change.

**710.5(2) Project eligibility and funding.**

a. No change.

b. Airport projects may include, but are not limited to: runway, taxiway, and apron surfaces; lighting and navigational aids; obstruction removal; grading, drainage, and surfacing airfield surfaces and protection areas; signage, security access control and lighting; ~~and planning;~~ and other airport enhancements. A project that involves airfield infrastructure shall comply with the airport master plan or airport layout plan as adopted by the governmental subdivision.

c. The department establishes the maximum percentage of state share of eligible projects. The department may annually set a maximum dollar amount per award. Funding criteria are included in application instructions provided to airport sponsors.

**710.5(3) Application for funding.**

a. The department shall ~~distribute~~ make available the application instructions and forms ~~annually~~ to each publicly owned airport in Iowa. A complete application will include all materials identified in the annual application instructions.

b. Project applications shall be submitted to the ~~office of aviation~~ department by the due date specified in the instructions.

c. ~~Emergency operations~~ Immediate safety enhancement project applications may be submitted at any time during the year to the ~~office of aviation~~ department according to instructions that are part of the application form.

d. The department shall ~~send~~ make available applications for ~~any~~ special projects to all eligible airports. Airport sponsors shall submit applications for special projects to the department as specified in the application instructions.

**710.5(4) Review and approval.** The department shall review each completed application and evaluate the impact of the project on the aviation system considering the following factors: state system plan airport roles, goals and objectives; justification provided in the application; ~~and~~ ability to enhance aeronautical activity for the airport and system; local participation; and multijurisdictional support of the airport. The department shall recommend projects to the transportation commission for approval. The commission is responsible for approving the projects to be funded.

**710.5(5) Project agreement and responsibilities administration.**

a. and b. No change.

c. The department may inspect the improvement for compliance with the agreement and may audit all project costs incurred ~~before sending the final payment to the governmental subdivision~~.

TRANSPORTATION DEPARTMENT[761](cont'd)

**710.5(6)** No change.

This rule is intended to implement Iowa Code chapters ~~chapter 328 and 329 and sections 384.95 to 384.103 and 573.12.~~

ITEM 6. Amend **761—Chapter 715**, title, as follows:

**COMMERCIAL AIR SERVICE MARKETING DEVELOPMENT PROGRAM**

ITEM 7. Amend rule 761—715.1(328) as follows:

**761—715.1(328) Purpose.** ~~The purpose of the commercial air service marketing development program is to provide funding for marketing, advertising and public relations programs to improve scheduled air service and increase passenger traffic at Iowa's commercial service airports help commercial service airports sustain and enhance available air service options for the traveling public.~~

ITEM 8. Amend rule 761—715.3(328) as follows:

**761—715.3(328) Program administration Eligibility and funding.**

**715.3(1)** Participation in the ~~commercial air service marketing development~~ program shall be limited to airports currently receiving scheduled ~~commercial~~ air service and designated as Level-I commercial service airports in the Iowa aviation system plan.

**715.3(2)** The transportation commission shall establish annually:

a. The maximum amount of funds to be allocated to the air service ~~marketing development~~ program for the program year.

b. The amount to be allocated to each ~~commercial service~~ airport for sustainment project activities.

c. ~~The funding ratio to be used to reimburse airport sponsors for eligible project costs~~ The amount of funds that will be added to the enhancement fund pool.

**715.3(3)** ~~The program shall be administered by the department's office of aviation.~~ Information Program information, instructions and application forms may be obtained from the department's Web site at [www.iowadot.gov/aviation](http://www.iowadot.gov/aviation). Requests for such materials or assistance may also be made by calling the office of aviation at (515)239-1689. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1691; or through the Internet at <http://www.iawings.com>.

**715.3(4)** Allocated program funds shall be available to each commercial service airport ~~until the end of the state's fiscal year~~ for the time period specified in the application instructions and in the agreement.

ITEM 9. Amend rule 761—715.4(328) as follows:

**761—715.4(328) Eligible project activities.** Activities that are eligible for reimbursement include, but are not limited to, the following:

~~715.4(1) Advertising.~~

**715.4(2) 715.4(1)** ~~Public relations activities~~ Activities to sustain or improve air service, which include, but are not limited to, marketing, advocacy, educational efforts and leveraging local and federal funds in collection of data, studies or other efforts.

~~715.4(3) 715.4(2)~~ Service improvement enhancement activities—including, which include, but are not limited to, route analyses, service studies, airline presentations and other activities targeted at increasing air service from an existing or new entry airline market entry support, financial incentives and data analysis studies to help airports enhance service on new routes, provide for entry of a new carrier, or achieve an increase in seat capacity on existing routes.

ITEM 10. Rescind and reserve rule **761—715.5(328)**.

ITEM 11. Amend rule 761—715.6(328) as follows:

**761—715.6(328) Project selection criteria.** ~~Projects~~ Sustainment projects at each commercial service airport that meet the eligibility criteria ~~will~~ may be funded up to the limit of each airport's allocation.

TRANSPORTATION DEPARTMENT[761](cont'd)

Enhancement project requests that meet program requirements may be funded if funding is available in the enhancement fund pool.

ITEM 12. Amend rule 761—715.7(328) as follows:

~~761—715.7(328) Application.~~ Completed applications shall be submitted to the office of aviation and shall contain: department and include the information requested in the annual application instructions.

~~715.7(1) General information, including the airport sponsor's name, contact person, mailing address and telephone number.~~

~~715.7(2) A detailed description of the project, including its purpose.~~

~~715.7(3) Cost information, including the estimated total cost of the project and an itemized breakdown of project components.~~

~~715.7(4) The amount of funds requested for the project.~~

~~715.7(5) Rescinded IAB 1/7/04, effective 2/11/04.~~

~~715.7(6) A resolution from the airport sponsor endorsing the proposal and stating that local matching funds are or will be available.~~

ITEM 13. Amend rule 761—715.8(328) as follows:

**761—715.8(328) Project administration.**

~~715.8(1) Agreement.~~ After a funding commitment has been made for a project application has been approved, the department shall enter into a project agreement with the airport sponsor that specifies the responsibilities of the sponsor. The agreement shall specify the amount of state funds, the contract period, the payment process, and the responsibilities for project planning, development, and reporting. The department may inspect the improvement for compliance with the agreement and may audit all project costs.

~~715.8(2) No change.~~

~~715.8(3) Remedies for noncompliance with project agreement.~~ The department may revoke the funding commitment and require repayment of funds if the terms of the project agreement are not fulfilled.

~~715.8(4) Cost overruns.~~ Funds committed for a project are for a maximum dollar amount. Cost overruns shall be the responsibility of the airport sponsor.

ITEM 14. Amend **761—Chapter 716**, title, as follows:

COMMERCIAL AIR SERVICE VERTICAL INFRASTRUCTURE PROGRAM

ITEM 15. Amend rule 761—716.2(328) as follows:

**761—716.2(328) Definitions.** The definitions in Iowa Code section 328.1 and rule 761—700.1(328) apply to these rules. Also, In addition:

"Vertical infrastructure" is means the same as defined in Iowa Code section 8.57, subsection 5 8.57B.

ITEM 16. Amend rule 761—716.3(328) as follows:

**761—716.3(328) Information and forms.** Program information, instructions, and forms ~~may be obtained from~~ are available on the department's Web site at [www.iowadot.gov/aviation](http://www.iowadot.gov/aviation). Requests for such materials or assistance may also be made by calling the office of aviation at (515)239-1048. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1691; or through the Internet at <http://www.iawings.com>.

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 17. Amend rule 761—716.7(328) as follows:

**761—716.7(328) ~~Work plan~~ Project application and review.**

**716.7(1)** Each airport shall ~~develop a work plan of~~ submit an application with the project or projects it intends to accomplish ~~under the program~~ with the allocated funding. ~~A work plan shall contain:~~ The completed application shall include the information and documents identified in the application instructions. The complete application shall be submitted to the department according to the annual application instructions.

*a.* ~~General information, including the airport sponsor's name, contact person, mailing address and telephone number.~~

*b.* ~~A brief description of each project, including its purpose.~~

*c.* ~~Cost information for each project, including total project cost and an itemized breakdown of project components.~~

*d.* ~~A resolution from the airport sponsor endorsing the work plan.~~

**716.7(2)** ~~Completed work plans shall be submitted to the office of aviation. The department shall review projects for eligibility and recommend projects and funding levels to the transportation commission. Funding criteria are included in application instructions provided to airport sponsors.~~

**716.7(3)** ~~The transportation commission shall determine the eligibility of projects contained in work plans is responsible for approving the projects to be funded.~~

ITEM 18. Amend rule 761—716.8(328) as follows:

**761—716.8(328) Project administration.**

**716.8(1)** *Agreement.* ~~After the eligibility of projects in a work plan has been determined the projects are approved by the commission, the department shall enter into an agreement with the airport sponsor that specifies the responsibilities of the sponsor. The agreement shall specify the amount of state funds, the contract period, the payment process, and the responsibilities for project planning, development, and reporting. The department may inspect the improvement for compliance with the agreement and may audit all project costs.~~

**716.8(2)** *Payments.* ~~Payments to the airport sponsor for eligible project costs shall be made on a cost reimbursement basis. Engineering fees are an eligible project expense and shall be reimbursed in compliance with the agreement.~~

**716.8(3)** *Cost overruns.* ~~Rescinded IAB 1/7/04, effective 2/11/04.~~

ITEM 19. Amend **761—Chapter 716**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections ~~8.57~~ 8.57B and 328.12.

ITEM 20. Amend **761—Chapter 717**, title, as follows:

GENERAL AVIATION AIRPORT VERTICAL INFRASTRUCTURE PROGRAM

ITEM 21. Amend rule 761—717.1(328) as follows:

**761—717.1(328) Purpose.** The purpose of the general aviation ~~airport~~ vertical infrastructure program is to provide funding for improvements to the vertical infrastructure at Iowa's general aviation airports.

ITEM 22. Amend rule 761—717.2(328) as follows:

**761—717.2(328) Definitions.** The definitions in Iowa Code section 328.1 and rule 761—700.1(328) apply to these rules. In addition:

*"Vertical infrastructure"* ~~is~~ means the same as defined in Iowa Code section ~~8.57, subsection 6~~ 8.57B.

ITEM 23. Amend rule 761—717.3(328) as follows:

**761—717.3(328) Information and forms.** ~~Information~~ Program information, instructions, and application forms may be obtained from the department's Web site at www.iowadot.gov/aviation.

## TRANSPORTATION DEPARTMENT[761](cont'd)

Requests for such materials or assistance may also be made by calling the office of aviation at (515)239-1048. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1875.

ITEM 24. Amend rule 761—717.4(328) as follows:

**761—717.4(328) Applicant eligibility.** ~~Eligible airports are those general aviation airports that are in compliance with minimum state safety standards (see 761—Chapter 720). The applicant must be the governmental subdivision charged with managing the general aviation airport. An airport sponsor, as defined in rule 761—700.1(328), of a publicly owned general aviation airport is eligible to apply for funding.~~

ITEM 25. Amend rule 761—717.7(328) as follows:

**761—717.7(328) Funding.** ~~The department may fund up to 85 percent~~ establishes the maximum percentage of state share of an eligible project projects. ~~The department may annually set a maximum dollar amount per award. Funding criteria are included in application instructions provided to airport sponsors.~~

ITEM 26. Amend rule 761—717.8(328) as follows:

**761—717.8(328) Project priorities.** The department shall consider the following in project selection: airport role and objectives defined in the state aviation system plan; demonstration of increased aeronautical activity; ~~and justification showing the ability to produce additional income for the airport for the project; local participation; and multijurisdictional support of the airport.~~

ITEM 27. Amend rule 761—717.9(328) as follows:

**761—717.9(328) Project applications.**

**717.9(1)** ~~The department shall make available application instructions and forms to each publicly owned airport in Iowa. Project applications shall be submitted to the office of aviation department as directed in the annual application instructions.~~

**717.9(2)** Each application shall ~~contain:~~ include the information and forms identified in the annual application instructions.

*a.* ~~General information, including the airport sponsor's name, contact person, mailing address and telephone number.~~

*b.* ~~A capital improvement program (CIP) data sheet. The CIP data sheet shall include a sketch of the project, a brief description of the project and its purpose, and cost information including total project cost and an itemized breakdown of project components.~~

*c.* ~~A resolution from the airport sponsor endorsing the project and authorizing the necessary local match funding.~~

ITEM 28. Amend rule 761—717.11(328) as follows:

**761—717.11(328) Project agreement and administration.**

**717.11(1) Agreement.** After a project has been approved by the commission, the department shall enter into an agreement with the airport sponsor that specifies the responsibilities of the sponsor. ~~The agreement shall specify the amount of state funds, the contract period, the payment process, and the responsibilities for project planning, development, and reporting. The department may inspect the improvement for compliance with the agreement and may audit all project costs.~~

**717.11(2) Payments.** Payments to the airport sponsor for eligible project costs shall be made on a cost reimbursement basis. ~~Engineering fees are an eligible project expense and shall be reimbursed in compliance with the agreement.~~

**717.11(3) Cost overruns.** ~~Rescinded IAB 11/14/01, effective 12/19/01.~~

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 29. Amend **761—Chapter 717**, implementation sentence, as follows:  
 These rules are intended to implement Iowa Code sections ~~8.57~~ 8.57B and 328.12.

[Filed 2/12/14, effective 4/9/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1359C**

## **UTILITIES DIVISION[199]**

### **Adopted and Filed**

Pursuant to Iowa Code sections 17A.4, 476.2, 476.8, 478.19, and 479.4, the Utilities Board (Board) gives notice that on February 13, 2014, the Board issued an order in Docket No. RMU-2013-0001, In re: Updates and Corrections of Rules Establishing Natural Gas and Electric Safety Standards [199 IAC Chapters 10, 15, 19, 20, 25, and 45] and Amendment to Competitive Natural Gas Provider Rules to Address Compressed Natural Gas Providers [199 IAC 19.14], “Order Adopting Amendments to Natural Gas and Electric Safety Standards and Not Adopting Amendments to Competitive Natural Gas Provider Rules,” adopting, with certain revisions, updates to the Board’s natural gas and electric safety standards. In addition, the Board stated that it was not adopting the proposed amendments to the competitive natural gas provider (CNGP) rule, 199 IAC 19.14, to establish separate requirements for natural gas vehicle fuel providers (VFPs). The amendments proposed by the Board were published in the Iowa Administrative Bulletin in Vol. XXXVI, No. 10 (11/13/13), p. 1244, as **ARC 1169C**.

The safety standards in 199 IAC Chapters 10, 15, 19, 20, 25, and 45 are designed to ensure natural gas and electric facilities under the Board’s jurisdiction comply with federal statutes and regulations and other national standards addressing the safety of these facilities. Board Safety and Engineering Section staff periodically review the electric and gas technical standards that are incorporated by reference in the Board’s rules and that Board staff use as standards when inspecting natural gas and electric facilities.

The federal regulations and national standards change periodically, and the Board is required to update the standards in the Board’s rules to ensure that the Board’s standards are consistent with those federal regulations and national standards. In most instances, the Board is adopting the most recent standards to the natural gas and electric safety standards that have been adopted since the Board last updated its rules. The changes are primarily updates of technical standards incorporated by reference.

Of particular importance is the renewal of the adoption date of the federal pipeline safety standards. Timely adoption of amendments to the federal standards is a factor in the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration (PHMSA) performance score upon which the Board’s pipeline safety grant is based. For adoption of federal regulations, the proposed amendments provided for insertion of the latest possible date by which the amendments can become effective. This practice ensures the Board will adopt the most current amendments to federal standards.

In addition to updating natural gas safety standards, the Board is incorporating in 199 IAC 19.2(5)“g” the PHMSA reporting requirements in 49 CFR Parts 192 and 199 that are not currently included in this subrule. Since paragraph 199 IAC 19.2(5)“g” only applies to regulated utility companies, other natural gas pipeline operators subject to Board jurisdiction pursuant to Iowa Code chapter 479 have a similar reporting requirement in rule 199 IAC 10.17. However, the existing provision in 199 IAC 10.17 only addresses accident and incident reports required by 49 CFR Part 191. The Board is adopting additional reporting requirements in 199 IAC 10.17 required by 49 CFR Parts 192 and 199.

The Board is also adopting a requirement in 199 IAC 10.17 that nonutility pipeline operators file copies of any required federal report with the Board. This is particularly important because PHMSA expects that the Board will review these reports for completeness and accuracy as part of the Board’s pipeline safety grant-funded activities. The Board is adopting an additional requirement in new subrule 199 IAC 10.17(4) that nonutility companies notify the Board’s duty officer of reportable incidents.

## UTILITIES DIVISION[199](cont'd)

As explained in the Notice of Intended Action, the Board opted not to propose adoption of the updated version of the American Society of Mechanical Engineers (ASME) standard in ASME B31.8, "Gas Transmission and Distribution Piping Systems." The federal listing of standards, which PHMSA incorporates by reference in its regulations, continues to use the 2007 edition. PHMSA has not adopted either the 2010 or 2012 edition, and the Board considers it important for these safety standards to be consistent with the standards adopted in the federal regulations.

In 199 IAC 20.5(2) and 15.10(1)"c," Board rules refer to the 2008 edition of the National Fire Protection Association (NFPA) standards in NFPA 70, the National Electrical Code (NEC), which is applicable to customer-owned wiring. The Iowa Electrical Licensing and Inspection Program, part of the State Fire Marshal's office, is responsible for inspection of customer-owned wiring. The Board is adopting the 2011 edition of the NFPA 70 since the State Fire Marshal has adopted that edition.

In 199 IAC Chapter 25, recent changes to the National Electrical Safety Code (NESC) have eliminated the need for the clarifying language in subparagraph (1) of 199 IAC 25.2(2)"a," and the Board is striking the subparagraph. Also, when the 2012 NESC was first released, it had errors in the drawings and formulas used to determine required clearances from grain bins, and a correction sheet was issued. Utilities frequently include those drawings and formulas in the annual grain bin public information campaigns required by 199 IAC 25.2(3). To prevent confusion or error, the Board is adopting an amendment that requires utilities to use the corrected versions of the NESC drawings and formulas.

The Board is also adopting revisions to its rules for the reporting of natural gas, electric and water incidents and outages. The revisions update the Board Duty Officer's e-mail address in 199 IAC 19.17(2), 20.19(2)"a," 21.9(476), and 25.5(3).

The Notice of Intended Action published in the Iowa Administrative Bulletin in Vol. XXXVI, No. 10 (11/13/13), p. 1244, as **ARC 1169C** included amendments to the Board's CNGP rules to address providers of natural gas as vehicle fuel. The amendments were designed to streamline the application process for the natural gas vehicle fuel providers. Based upon comments concerning the proposed amendments, the Board has decided that it will not adopt the proposed amendments to 199 IAC 19.14 but will commence a new rule making with a more comprehensive revision of the CNGP rules.

The order approving this Adopted and Filed rule making can be found on the Board's Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2013-0001.

After analysis and review of this rule making, the Board tentatively concludes that the adopted amendments will have a beneficial effect on the safety and reliability of natural gas and electric service in Iowa. Safe and reliable natural gas and electric service is a necessity for economic development, so the adopted amendments will have a beneficial effect on jobs in Iowa, although that effect cannot be quantified.

These amendments are intended to implement Iowa Code sections 17A.4, 476.2, 476.8, 478.19, and 479.4.

These amendments will become effective April 9, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 10.12(1) as follows:

**10.12(1)** All pipelines, underground storage facilities, and equipment used in connection therewith shall be designed, constructed, operated, and maintained in accordance with the following standards:

- a. 49 CFR Part 191, "Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through ~~June 22, 2011~~ April 9, 2014.
- b. 49 CFR Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards," as amended through ~~June 22, 2011~~ April 9, 2014.
- c. 49 CFR Part 199, "Drug and Alcohol Testing," as amended through ~~June 22, 2011~~ April 9, 2014.
- d. ASME B31.8 - 2007, "Gas Transmission and Distribution Piping Systems."
- e. 199—Chapter 9, "Restoration of Agricultural Lands During and After Pipeline Construction."

## UTILITIES DIVISION[199](cont'd)

*f.* At railroad crossings, 199—42.7(476), “Engineering standards for pipelines.”

Conflicts between the standards established in paragraphs 10.12(1) “a” through “f” or between the requirements of rule 199—10.12(479) and other requirements which are shown to exist by appropriate written documentation filed with the board shall be resolved by the board.

ITEM 2. Amend rule 199—10.17(479) as follows:

**199—10.17(479) Accidents and incidents. Reports to federal agencies.** ~~Any pipeline incident or accident which is reportable to the U.S. Department of Transportation under 49 CFR Part 191 as amended through June 22, 2011, shall also be reported to the board, except that the minimum economic threshold of damage required for reporting to the board is \$15,000. Duplicate copies of any written accident reports and safety-related condition reports submitted to the U.S. Department of Transportation shall be provided to the board.~~

**10.17(1)** Upon submission of any incident, annual, or other report to the U.S. Department of Transportation pursuant to 49 CFR Part 191, Part 192, or Part 199, a copy of the report shall be filed with the board. The board shall also be advised of any telephonic incident report made.

**10.17(2)** In addition to incident reports required by 49 CFR Part 191, the board shall be notified of any incident or accident where the economic damage exceeds \$15,000 or which results in loss of service to 50 or more customers.

**10.17(3)** Utilities operating in other states shall provide to the board data for Iowa only.

**10.17(4)** The board shall be notified, as soon as practical, of any reportable incident by calling the board duty officer at (515)745-2332 or by e-mail to dutyofficer@iub.iowa.gov.

ITEM 3. Amend subrule 15.10(1) as follows:

**15.10(1) Acceptable standards.** The interconnection of qualifying facilities and AEP facilities and associated interconnection equipment to an electric utility system shall meet the applicable provisions of the publications listed below:

*a.* Standard for Interconnecting Distributed Resources with Electric Power Systems, ANSI/IEEE Standard 1547-2003. For guidance in applying IEEE Standard 1547, the utility may refer to:

(1) IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems—IEEE Standard 519-1992; and

(2) IEC/TR3 61000-3-7 Assessment of Emission Limits for Fluctuating Loads in MV and HV Power Systems.

*b.* Iowa Electrical Safety Code, as defined in 199—Chapter 25.

*c.* National Electrical Code, ANSI/NFPA 70-2008 2011.

ITEM 4. Amend paragraph **19.2(5)“g”** as follows:

*g.* ~~Reports to federal agencies.~~ Copies of reports submitted to the U.S. Department of Transportation pursuant to 49 CFR Part 191, Part 192, or Part 199, as amended through June 22, 2011 April 9, 2014, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” shall be filed with the board. Utilities operating in other states shall provide to the board data for Iowa only.

ITEM 5. Amend subrule 19.5(2) as follows:

**19.5(2) Standards incorporated by reference.**

*a.* The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” as amended through ~~June 22, 2011~~ April 9, 2014.

(2) 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” as amended through ~~June 22, 2011~~ April 9, 2014.

(3) 49 CFR Part 193, “Liquefied Natural Gas Facilities: Federal Safety Standards,” as amended through ~~June 22, 2011~~ April 9, 2014.

## UTILITIES DIVISION[199](cont'd)

(4) 49 CFR Part 199, "Drug and Alcohol Testing," as amended through ~~June 22, 2011~~ April 9, 2014.

(5) ASME B31.8 - 2007, "Gas Transmission and Distribution Piping Systems."

(6) NFPA 59-2008, "Utility LP-Gas Plant Code."

(7) At railroad crossings, 199—42.7(476), "Engineering standards for pipelines."

*b.* The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54-~~2009~~ 2012, "National Fuel Gas Code."

(2) NFPA 501A-~~2009~~ 2013, "Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities."

ITEM 6. Amend subrule 19.17(2) as follows:

**19.17(2) Information required.** The utility shall notify the board by telephone, as soon as practical, of any reportable incident by calling the board duty officer at (515)745-2332 or by e-mail at ~~iubdutyofficer@iub.iowa.gov~~ dutyofficer@iub.iowa.gov. The caller shall leave a call-back number for a person who can provide the following information:

*a. to h.* No change.

ITEM 7. Amend subrule 20.5(2) as follows:

**20.5(2) Standards incorporated by reference.** The utility shall use the applicable provisions in the publications listed below as standards of accepted good practice unless otherwise ordered by the board.

*a.* Iowa Electrical Safety Code, as defined in 199—Chapter 25.

*b.* National Electrical Code, ANSI/NFPA 70-~~2008~~ 2011.

*c.* American National Standard Requirements for Instrument Transformers, ANSI/IEEE C57.13.1-2006; and C57.13.3-2005.

*d.* American National Standard for Electric Power Systems and Equipment Voltage Ratings (60 Hertz), ANSI C84.1-~~2006~~ 2011.

*e. to h.* No change.

ITEM 8. Amend paragraph **20.19(2)"a"** as follows:

*a.* Notification shall be provided regarding outages that meet the requirements of subrule 20.19(1) by notifying the board duty officer by e-mail at ~~iubdutyofficer@iub.iowa.gov~~ dutyofficer@iub.iowa.gov or by telephone at (515)745-2332. Notification shall be made at the earliest possible time after it is determined the event may be reportable and should include the following information, as available:

(1) to (5) No change.

The notice should be supplemented as more complete or accurate information is available.

ITEM 9. Amend rule 199—21.9(476) as follows:

**199—21.9(476) Incident reports.** A regulated public water utility shall notify the board when it notifies the Iowa department of natural resources or the local county health department about an incident involving: (1) an occurrence of waterborne emergency (e.g., treatment process malfunction, chemical/biological spill in the water supply, contamination event in the distribution system, emergency that has the potential for drinking water contamination); (2) a boil water advisory and contamination event; or (3) a low-pressure event (less than 20 psi) affecting a widespread area of the system. Notification shall be made to the board by calling the board duty officer at (515)745-2332 or by e-mail at dutyofficer@iub.iowa.gov. The caller shall leave a call-back number for a person knowledgeable about the incident. The utility shall report to the board when the incident has ended and normal water service has been restored.

ITEM 10. Amend subrule 25.2(1) as follows:

**25.2(1) National Electrical Safety Code.** ~~The American National Standards Institute (ANSI) C2-2007 "National Electrical Safety Code" (NESC) as ultimately conformed to the ANSI approved draft by correction of publishing errors through issuance of printed corrections is adopted as part of the Iowa electrical safety code, except Part 4, "Rules for Operation of Electric Supply and Communications Lines and Equipment," which is not adopted by the board.~~ The American National Standards Institute

## UTILITIES DIVISION[199](cont'd)

(ANSI) C2-2012, “National Electrical Safety Code” (NESC), including issued Correction Sheets, is adopted as part of the Iowa electrical safety code, except Part 4, “Rules for Operation of Electric Supply and Communications Lines and Equipment,” which is not adopted by the board.

ITEM 11. Amend paragraph **25.2(2)“a”** as follows:

a. Introduction to the National Electrical Safety Code.

(1) ~~The following paragraph replaces NESC 011B: “The National Electrical Safety Code (NESC) covers utility facilities and functions from the point of generation by the utility, or delivery from another entity, of electricity or communications signals through the utility system to the point of delivery to a customer’s facilities.”~~

(2) NESC 013A2 is modified to read as follows: “Types of construction and methods of installation other than those specified in the rules may be used experimentally to obtain information, if done where:

“1. Qualified supervision is provided,

“2. Equivalent safety is provided,

“3. On joint-use facilities, ~~all affected parties agree~~ all joint users are notified in a timely manner,  
and

“4. Prior approval is obtained from the Iowa utilities board.”

ITEM 12. Amend subparagraph **25.2(2)“b”(4)** as follows:

(4) Except for clearances near grain bins, for measurements made under field conditions, the board will consider compliance with the overhead vertical line clearance requirements of Subsection 232 and Table 232-1 of the 1987 NESC indicative of compliance with the 1990 through ~~2007~~ 2012 editions of the NESC. (For an explanation of the differences between 1987 and subsequent code edition clearances, see Appendix A of the 1990 through ~~2007~~ 2012 editions of the NESC.)

ITEM 13. Amend subrule 25.2(3) as follows:

**25.2(3) Grain bins.**

a. Electric utilities shall conduct annual public information campaigns to inform farmers, farm lenders, grain bin merchants, and city and county zoning officials of the hazards of and standards for construction of grain bins near power lines. Where drawings and formulas from the NESC are used as part of public information campaigns, they are to be based on the “Errata to 2012 Edition National Electrical Safety Code” Correction Sheet issued February 6, 2012.

b. An electric utility may refuse to provide electric service to any grain bin built near an existing electric line which does not provide the clearances required by the American National Standards Institute (ANSI) C2-~~2007~~ 2012 “National Electrical Safety Code,” Rule 234F. This paragraph “b” shall apply only to grain bins loaded by portable augers, conveyors or elevators and built after September 9, 1992, or to grain bins loaded by permanently installed augers, conveyors, or elevator systems installed after December 24, 1997.

ITEM 14. Amend subrule 25.2(5) as follows:

**25.2(5) Other references adopted.**

a. The “National Electrical Code,” ANSI/NFPA 70-~~2008~~ 2011, is adopted as a standard of accepted good practice for customer-owned electrical facilities beyond the utility point of delivery, except for installations subject to the provisions of the state fire marshal standards in ~~661—~~IAC 661—504.1(103).

b. “The Lineman’s and Cableman’s Handbook,” ~~Eleventh~~ Twelfth Edition; Shoemaker, Thomas M. and Mack, James E.; New York, McGraw-Hill Book Co., is adopted as a recommended guideline to implement the “National Electrical Safety Code” or “National Electrical Code,” and for developing the inspection and maintenance plans required by ~~199—~~IAC 199—25.3(476,478).

ITEM 15. Amend subrule 25.3(5) as follows:

**25.3(5) Guidelines.** Applicable portions of Rural Utilities Service (RUS) Bulletins 1730-1, 1730B-121, and 1724E-300 and “The Lineman’s and Cableman’s Handbook” are suggested as guidelines for the development and implementation of an inspection plan. ANSI A300 (Part 1)-~~2001~~

UTILITIES DIVISION[199](cont'd)

2013, "Pruning," and Section 35 of "The Lineman's and Cableman's Handbook" are suggested as guides for tree trimming practices.

ITEM 16. Amend subrule 25.5(3) as follows:

**25.5(3)** The board shall be notified by telephone immediately, or as soon as practical thereafter, by calling the board duty officer at (515)745-2332 or by e-mail to [iubdutyofficer@iub.iowa.gov](mailto:iubdutyofficer@iub.iowa.gov) ~~dutyofficer@iub.iowa.gov~~. The caller shall leave a telephone number of a person who can provide the following information:

a. to g. No change.

ITEM 17. Amend rule ~~199~~—**45.1(476)**, definitions of "Nationally recognized testing laboratory" and "UL Standard 1741," as follows:

"*Nationally recognized testing laboratory*" or "*NRTL*" means a qualified private organization that meets the requirements of the Occupational Safety and Health Administration's (OSHA) regulations. See 29 CFR 1910.7 (~~July 31, 2000~~) as amended through April 9, 2014. NRTLs perform independent safety testing and product certification. Each NRTL shall meet the requirements as set forth by OSHA in its NRTL program.

"*UL Standard 1741*" means the standard titled "Inverters, Converters, and Controllers for Use in Independent Power Systems," ~~November 7, 2005~~ January 28, 2010, edition, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096.

[Filed 2/13/14, effective 4/9/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

## ARC 1361C

### VOTER REGISTRATION COMMISSION[821]

#### Adopted and Filed

Pursuant to the authority of Iowa Code sections 47.8 and 17A.3, the Voter Registration Commission hereby amends Chapter 2, "Voter Registration Forms, Acceptability, Registration Dates, and Effective Dates," Iowa Administrative Code.

This amendment is necessary because the Commission has determined that the voter registration application approved by the Commission and effective August 1, 2013, is in need of clarification for individuals who have been convicted of felonies.

This amendment was published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 1281C** on January 8, 2014. No public comments or request for a public hearing was received. This amendment is identical to the one published under Notice of Intended Action.

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

This amendment is intended to implement Iowa Code sections 47.8(2) and 48A.11.

This amendment will become effective April 9, 2014.

The following amendment is adopted.

Amend rule 821—2.16(47,48A) as follows:

**821—2.16(47,48A) Form of official Iowa voter registration application.** The official Iowa voter registration application pursuant to Iowa Code section 48A.11 shall be the State of Iowa Official Voter Registration Form Revised ~~8/1/2013~~ 4/9/2014.

[Filed 2/13/14, effective 4/9/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.

**ARC 1367C**

**WORKFORCE DEVELOPMENT DEPARTMENT[871]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 96.11, the Director of the Workforce Development Department hereby amends Chapter 24, "Claims and Benefits," Iowa Administrative Code.

The amendments to subrules 24.13(3) and 24.16(1) clarify that paid time off, annual leave, and excused personal leave are included in the term "vacation pay" and are likewise deductible from unemployment.

Notice of Intended Action was published in the January 8, 2014, Iowa Administrative Bulletin as **ARC 1286C**. No public comment was received. These amendments are identical to those published under Notice.

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

These amendments are intended to implement Iowa Code sections 96.3(3), 96.5(5), 96.5(7), 96.11(1) and 96.19(38).

These amendments will become effective on April 9, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 24.13(3) as follows:

**24.13(3)** *Fully deductible payments from benefits.* The following payments are considered as wages; however, such payments are fully deductible from benefits on a dollar-for-dollar basis:

a. No change.

b. Excused personal leave. Excused personal leave, also referred to as casual pay or random pay, is personal leave with pay granted to an employee for absence from the job because of personal reasons. It shall be ~~fully deductible only when taken in conjunction with a scheduled period of vacation in which case it shall be~~ treated as vacation and be fully deductible in the manner prescribed in rule ~~871—24.16(96)~~.

c. to e. No change.

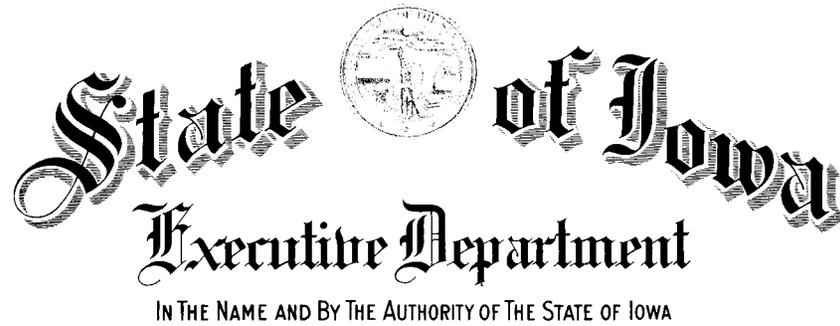
ITEM 2. Amend subrule 24.16(1) as follows:

**24.16(1)** If the employer properly notifies the department within ten days after the notification of the filing of the claim that an amount of vacation pay, either paid or owed, is to be applied to a specific vacation period, a sum equal to the wages of the individual for a normal workday shall be applied to the first and each subsequent workday of the designated vacation period until the amount of the vacation pay is exhausted. For the purposes of this rule, rule 871—24.13(96), and rule 871—24.17(96), the term "vacation pay" shall include paid time off and annual leave payments.

[Filed 2/14/14, effective 4/9/14]

[Published 3/5/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.



**EXECUTIVE ORDER NUMBER EIGHTY-THREE**

**WHEREAS,** the Iowa Constitution encourages a strong educational foundation by providing that, “[t]he General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement” (Iowa Const. art. IX, 2d, § 3); and

**WHEREAS,** rigorous state standards detailing expected academic achievement are essential to provide a high-quality education, which is key to students’ futures and the future of this state; and

**WHEREAS,** the adoption of state standards should be done in an open, transparent way that includes opportunities for Iowans to review and offer input; and

**WHEREAS,** it is the responsibility of local school districts to make decisions related to curricula, instruction, and learning materials consistent with state academic standards; and

**WHEREAS,** it is inappropriate for the federal government to require as a condition of application of federal grants the adoption of any federally developed standards; and

**WHEREAS,** the protection of student and family privacy is paramount and Iowa must protect its citizens against intrusive, unnecessary data collection and tracking.

**NOW, THEREFORE, I,** Terry E. Branstad, Governor of the State of Iowa, declare the following:

The State of Iowa, not the federal government or any other organization, shall determine the content of Iowa’s state academic standards, which are known as the Iowa Core. The Iowa Department of Education shall develop a regular review cycle for the Iowa Core, including public comment, to determine the contents of and to continually improve state academic standards.

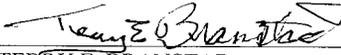
The State of Iowa, not the federal government or any other organization, shall choose the statewide assessments that will measure how well students have mastered the Iowa Core. School districts may also choose to use additional assessments to measure student academic progress.

The collection of student data by school districts and the Iowa Department of Education shall be done in a manner consistent with state and federal laws intended to protect student and family privacy. Only aggregate student data shall be provided to the federal government to comply with federal laws.

No Constitutional right of Iowa children and their families shall be violated through an overreach by the federal government into Iowa’s educational system.



IN TESTIMONY WHEREOF, I HAVE  
HEREUNTO SUBSCRIBED MY NAME  
AND CAUSED THE GREAT SEAL OF  
THE STATE OF IOWA TO BE AFFIXED.  
DONE AT DES MOINES THIS  
16<sup>TH</sup> DAY OF OCTOBER IN THE YEAR  
OF OUR LORD TWO THOUSAND  
THIRTEEN.

  
\_\_\_\_\_  
TERRY E. BRANSTAD  
GOVERNOR OF IOWA

ATTEST:   
\_\_\_\_\_  
MATT SCHULTZ  
SECRETARY OF STATE



State of Iowa  
Executive Department  
IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

## EXECUTIVE ORDER NUMBER EIGHTY-FOUR

**WHEREAS,** volunteerism and service is an integral part to Iowa's future and well-being; and

**WHEREAS,** Iowans are dedicated to making a difference in both their local communities and throughout the country through service and volunteering as demonstrated by the more than 79.8 million hours volunteered in 2012; and

**WHEREAS,** applications from individuals seeking to participate in national service programs far exceed the number of available positions and by creating new partnerships that expand national service opportunities in areas aligned with agency missions, volunteers can both impact those they serve and develop skills that will enable the volunteers to help prepare them for long-term careers and build a pipeline to employment; and

**WHEREAS,** the demand for young people to serve our country is strong.

**NOW, THEREFORE, I,** Terry E. Branstad, Governor of the State of Iowa, declare that volunteerism is an integral part to Iowa's future and well-being. I hereby order the creation of the Governor's Council on National Service in Iowa ("Council").

1. **Purpose:** The Council shall make recommendations on how to expand volunteer opportunities and national service for Iowans both here in Iowa and across the country.
2. **Organization:** The Council shall be composed of members appointed by the Governor. Each member will serve at the pleasure of the Governor without compensation and in an advisory capacity. The Governor shall select the chair and co-chair from the council members.
3. **Council:** Members of the Council shall include the following members appointed by the Governor:
  - a. Executive Director of the Iowa Commission on Volunteer Service
  - b. Representatives from private businesses
  - c. Representatives from private foundations or charities
  - d. Representatives from State Government
  - e. Representatives from local government
  - f. Representatives from preschool, elementary, secondary, or post-secondary education
  - g. Representatives of private employers who hire job candidates with Science, Technology, Engineering, and Mathematics (STEM) skills
  - h. Representatives from the faith community
  - i. A representative from the Corporation for National and Community Service
  - j. Any other individuals that the Governor may appoint.
4. **Goals:** The Council shall have the following objectives:

- a. Identify existing and new policies or practices that support the expansion of national service opportunities in Iowa; and
- b. Facilitate and identify opportunities for interagency agreements between the Iowa Commission on Volunteer Service and other State departments, local governments, school district or other subdivisions of the State to support the expansion of national service in Iowa and help agencies meet their mission efficiently and effectively; and
- c. Develop new public/private partnerships to support the expansion of national service in Iowa and help agencies meet their mission; and
- d. Use technology to facilitate the certification of qualified nonprofits, public agencies, and social enterprises to create national service opportunities, recruit and retain service members; and
- e. Reach other goals and objectives as requested by the Office of the Governor.

The Iowa Commission on Volunteer Service shall provide staff support to the Council, as needed, to enable the Council to fulfill its responsibilities. The Council's meeting shall be open pursuant to Iowa Code chapter 21.

All agencies, departments and boards of the State of Iowa shall cooperate fully with the Council. The Council may seek the expertise and services of individuals and entities outside its membership for research, advice and other needs, as required to accomplish its mission. The Council shall report its preliminary findings and make them available to the public no later than July 1, 2014. The Council shall report its final recommendations and findings no later than February 1, 2015 and dissolve on February 1, 2015 or upon the date of completion of the work described herein, whichever is sooner.



IN TESTIMONY WHEREOF, I HAVE  
 HEREUNTO SUBSCRIBED MY NAME  
 AND CAUSED THE GREAT SEAL OF  
 THE STATE OF IOWA TO BE AFFIXED.  
 DONE AT DES MOINES THIS  
 17<sup>TH</sup> DAY OF FEBRUARY IN THE YEAR  
 OF OUR LORD TWO THOUSAND  
 FOURTEEN.

  
 TERRY E. BRANSTAD  
 GOVERNOR OF IOWA

ATTEST:   
 \_\_\_\_\_  
 MATT SCHULTZ  
 SECRETARY OF STATE