



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

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

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

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

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

STEPHANIE A. HOFF, Administrative Code Editor

Telephone: (515)281-3355

Fax: (515)281-5534

CITATION of Administrative Rules

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

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

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

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

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

Schedule for Rule Making 2012

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

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
21	Friday, March 30, 2012	April 18, 2012
22	Friday, April 13, 2012	May 2, 2012
23	Friday, April 27, 2012	May 16, 2012

PLEASE NOTE:

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, April 9, 2012, at 8 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"

Cleanup of citations and outdated language, amendments to chs 1, 3, 5, 10, 11, 13, 15, 17,
20, 25 Filed **ARC 0026C** 3/7/12
Disqualifying criminal convictions, 11.35(2)"a," 25.3(1)"b" Filed **ARC 0025C** 3/7/12

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Compliance and enforcement procedures, ch 17 Notice **ARC 0051C** 3/21/12
Commercial septic tank cleaners; private sewage disposal systems, amendments to chs 68,
69 Notice **ARC 0046C** 3/21/12
Annual reports of solid waste environmental management systems, ch 111 Filed **ARC 0041C** 3/21/12

FAIR BOARD[371]

Iowa state fair—general practices, year-round activities, amendments to chs 1, 3 to 8
Notice **ARC 0049C** 3/21/12

HUMAN SERVICES DEPARTMENT[441]

Family investment and food assistance programs—determination of self-employment
income, 40.27(4)"b," 41.27(2), 65.29(1) Notice **ARC 0048C** 3/21/12
Medicaid for employed people with disabilities—premiums, reopening of cases canceled for
nonpayment, 75.1(39)"b" Notice **ARC 0047C** 3/21/12
Medicaid eligibility determination—telephone scheduling of interviews, 76.2(1) Notice **ARC 0039C** 3/21/12
Increase in dispensing fee for prescribed drugs, 79.1(2), 79.1(8)"g" Filed **ARC 0029C** 3/7/12
Maximum reimbursement for care in non-state-owned psychiatric medical institutions for
children, 79.1(2), 85.25(1)"c" Filed **ARC 0028C** 3/7/12
Child care centers, 109.1 Filed **ARC 0030C** 3/7/12

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Unfair trade practices—annuity disclosure, 15.61 to 15.78 Filed **ARC 0035C** 3/7/12

NATURAL RESOURCES DEPARTMENT[561]

Groundwater hazard statement, 9.2(1) Notice **ARC 0045C** 3/21/12

PHARMACY BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Pseudoephedrine tracking system, 100.2, 100.3(4), 100.4(2) Notice **ARC 0053C** 3/21/12

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Hearing aid dispensers—discipline, 124.2 Filed **ARC 0032C** 3/7/12

PUBLIC HEALTH DEPARTMENT[641]

Plumbing and mechanical systems board—licensure fees, 28.1(5)"c" Notice **ARC 0042C** 3/21/12
Plumbing and mechanical systems board—renewal of lapsed license, 29.7(2) Notice **ARC 0043C** 3/21/12

PUBLIC SAFETY DEPARTMENT[661]

Electrical examining board—reciprocal licensing, failure to pay fees, 502.2(14), 502.4(6),
552.2(4) Notice **ARC 0038C** 3/7/12

REGENTS BOARD[681]

Application fee for nondegree students at ISU; telecommunications, 1.7, 9.5 Filed **ARC 0037C** 3/7/12

REVENUE DEPARTMENT[701]

Voluntary disclosure program, 3.1 Filed **ARC 0036C** 3/7/12
Subpoena of records from public or private utility companies, 151.9 Notice **ARC 0052C** 3/21/12

SECRETARY OF STATE[721]

Fee for filing of notice in conjunction with service of process, 2.3 Notice **ARC 0054C** 3/21/12
Corporations—inclusion of alternate e-mail address for electronically filed documents, 40.9
Filed **Emergency ARC 0040C** 3/21/12

Electronic filing of documents by corporations, 40.9 Notice **ARC 0055C** 3/21/12

STATE PUBLIC DEFENDER[493]

INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”

Indigent defense fund payments for certified shorthand reporters, 12.7, 12.10, 13.2(4), 13.5

Notice **ARC 0050C** 3/21/12

TRANSPORTATION DEPARTMENT[761]

Traffic safety improvement program—application deadline, 164.9(1)“b” Filed **ARC 0033C** 3/7/12

Federal motor carrier safety and hazardous materials regulations, 520.1(1) Filed **ARC 0034C**..... 3/7/12

Commercial driver licensing, 607.3, 607.10, 607.50 Filed **ARC 0031C**..... 3/7/12

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]“umbrella”

Iowa broadband initiative, rescind ch 43 Filed **ARC 0027C** 3/7/12

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

Senator Merlin Bartz
2081 410th Street
Grafton, Iowa 50440

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

Senator Thomas Courtney
2609 Clearview
Burlington, Iowa 52601

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

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

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

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

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

Senator James Seymour
901 White Street
Woodbine, Iowa 51579

Representative Guy Vander Linden
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Des Moines, Iowa 50319
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Compliance and enforcement procedures, ch 17 IAB 3/21/12 ARC 0051C	Conference Rooms, Air Quality Bureau 7900 Hickman Rd., Suite 1 Windsor Heights, Iowa (To attend by conference call, dial (866)685-1580 and enter code 5152425196#)	April 23, 2012 10 a.m.
Commercial septic tank cleaners; private sewage disposal systems, amendments to chs 68, 69 IAB 3/21/12 ARC 0046C	Conference Room 5E Wallace State Office Bldg. Des Moines, Iowa	April 12, 2012 3 to 5 p.m.
	DNR Field Office 4 1401 Sunnyside Lane Atlantic, Iowa	April 16, 2012 2 to 4 p.m.
	Public Library 805 1st St. East Independence, Iowa	April 17, 2012 4 to 6 p.m.
	Public Library 104 West Adams Fairfield, Iowa	April 18, 2012 4 to 6 p.m.
	Public Library 609 Cayuga St. Storm Lake, Iowa	April 19, 2012 4 to 6 p.m.

FAIR BOARD[371]

Iowa state fair—general practices, year-round activities, amendments to chs 1, 3 to 8 IAB 3/21/12 ARC 0049C	Des Moines Register Service Center Iowa State Fairgrounds East 30th St. and Grand Ave. Des Moines, Iowa	April 11, 2012 2 p.m.
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NATURAL RESOURCES DEPARTMENT[561]

Groundwater hazard statement, 9.2(1) IAB 3/21/12 ARC 0045C	Conference Room 5E Wallace State Office Bldg. Des Moines, Iowa	April 12, 2012 3 to 5 p.m.
	DNR Field Office 4 1401 Sunnyside Lane Atlantic, Iowa	April 16, 2012 2 to 4 p.m.
	Public Library 805 1st St. East Independence, Iowa	April 17, 2012 4 to 6 p.m.
	Public Library 104 West Adams Fairfield, Iowa	April 18, 2012 4 to 6 p.m.
	Public Library 609 Cayuga St. Storm Lake, Iowa	April 19, 2012 4 to 6 p.m.

PUBLIC HEALTH DEPARTMENT[641]

Plumbing and mechanical systems board—licensure fees, 28.1(5) IAB 3/21/12 ARC 0042C (ICN Network)	Main Conference Room, Second Floor Economic Development Authority 200 East Grand Ave. Des Moines, Iowa	April 10, 2012 11 a.m. to 12 noon
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PUBLIC HEALTH DEPARTMENT[641] (cont'd)**(ICN Network)**

National Guard Armory
2858 N. Court Rd.
Ottumwa, Iowa

April 10, 2012
11 a.m. to 12 noon

National Guard Armory
3200 2nd Mech Dr.
Sioux City, Iowa

April 10, 2012
11 a.m. to 12 noon

National Guard Armory
3306 Airport Blvd.
Waterloo, Iowa

April 10, 2012
11 a.m. to 12 noon

PUBLIC SAFETY DEPARTMENT[661]

Identification cards for former
peace officers of the department,
ch 93
IAB 2/8/12 **ARC 9988B**

First Floor Conference Room
Public Safety Headquarters Bldg.
215 E. 7th St.
Des Moines, Iowa

April 3, 2012
9:30 a.m.

Electrical examining
board—reciprocal licensing,
failure to pay fees, 502.2(14),
502.4(6), 552.2(4)
IAB 3/7/12 **ARC 0038C**

First Floor Conference Room
Public Safety Headquarters Bldg.
215 E. 7th St.
Des Moines, Iowa

April 19, 2012
10 a.m.

STATE PUBLIC DEFENDER[493]

Indigent defense fund payments
for certified shorthand reporters,
12.7, 12.10, 13.2(4), 13.5
IAB 3/21/12 **ARC 0050C**

Conference Room 424, Fourth Floor
Lucas State Office Bldg.
Des Moines, Iowa

April 10, 2012
1 p.m.

The following list will be updated as changes occur.

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

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

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

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ARC 0051C

ENVIRONMENTAL PROTECTION COMMISSION[567]

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 455B.105, the Environmental Protection Commission hereby gives Notice of Intended Action to adopt new Chapter 17, “Compliance and Enforcement Procedures,” Iowa Administrative Code.

The purpose of this proposed chapter is to formalize the Department’s current compliance and enforcement options that may be used prior to, or in lieu of, assessing the administrative penalties specified in 567—Chapter 10. This chapter is intended to meet the Department’s responsibility to protect public health and the environment, while, at the same time, providing regulated entities and the public with transparency, clarity, consistency and fairness in addressing potential violations of Iowa’s environmental statutes and rules.

The Department remains committed to working openly, cooperatively and fairly with regulated entities to ensure that Iowa’s public health and air, water and land resources are protected and maintained. The Department achieves this mandate by issuing permits and adopting administrative rules, coaching for compliance, and duly enforcing these permits and rules. When violations do occur, the Department’s primary objective is for the responsible party to return to compliance quickly and to remain in compliance in the future.

This proposed chapter affirms the variety of compliance and enforcement options the Department may consider in responding to possible violations of environmental statutes, rules, permits, licenses, certifications, and plans. The Department has used these or similar procedures for many years, and this chapter simply formalizes this practice. The Department believes that this approach will result in increased and improved cooperation with the regulated community, prompt and effective resolution of violations, and reduced and prevented occurrences of environmental noncompliance.

Any person may make written suggestions or comments on the proposed rule making on or before 4:30 p.m. on Monday, April 23, 2012. Written comments should be directed to Christine Paulson, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324; fax (515)242-5094; or by E-mail to christine.paulson@dnr.iowa.gov.

A public hearing will be held on Monday, April 23, 2012, at 10 a.m. in the conference rooms at the Department’s Air Quality Bureau offices. The public may attend the meeting in person or by conference call. To access the meeting by conference call, please follow these instructions: Approximately five minutes prior to the start of the meeting, call (866)685-1580. When prompted, enter Conference Code 5152425196 followed by #.

All comments must be received no later than 4:30 p.m. on Monday, April 23, 2012.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact Christine Paulson at (515)242-5154 or by E-mail at christine.paulson@dnr.iowa.gov to advise of any specific needs.

After analysis and review of this rule making, no adverse impact on jobs exists. Further, the proposed rules promote collaboration between the business industry and the Department by ensuring compliance with rules and regulations within the least restrictive means possible. The rules will provide a benefit to regulated entities by affirming the variety of compliance and enforcement options that the Department may consider in responding to possible violations.

These rules are intended to implement Iowa Code section 455B.105.

The following amendment is proposed.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Adopt the following new 567—Chapter 17:

CHAPTER 17
COMPLIANCE AND ENFORCEMENT PROCEDURES

567—17.1(455B) Scope. Prior to the initiation of administrative penalties pursuant to 567—Chapter 10, the department may consider other compliance and enforcement activities. This chapter sets out the possible compliance and enforcement procedures that the department may consider and utilize.

567—17.2(455B) Basis. While serious violations of rules, regulations and permits may result in administrative penalties, many activities by regulated entities may not rise to the level of requiring such formal enforcement action. In some instances, development of additional facts is appropriate, and in other instances, notification of the nature of the violation with an opportunity to correct the violation may be sufficient. The following compliance and enforcement procedures are available to the department and may be considered in those instances where it is necessary for the department to undertake a compliance or enforcement initiative:

17.2(1) *Informal meeting.* Department staff may attempt to resolve a potential violation or obtain additional information with an informal meeting. This meeting may be at the facility where the inspection took place. The discussion will usually focus on corrective actions to be taken, and in most instances, only department staff and the facility representative are present.

17.2(2) *Letter of inquiry (LOI).* If an informal meeting is not practical or is insufficient, the department may issue a letter of inquiry (LOI). The purpose of the LOI is to allow the regulated entity the opportunity to provide information that would be helpful for a determination of whether a violation has occurred. The letter should be labeled “Letter of Inquiry” and should, to the extent possible, seek specific information that will aid in the enforcement review.

17.2(3) *Letter of noncompliance (LNC).* If the information available to the department indicates a violation has taken place, the department may issue a letter of noncompliance (LNC). This letter is used to address violations of a less significant nature, such as a single incident of late reporting. An LNC will most often be used when no environmental harm or threat to human health or safety has occurred or is imminent, the regulated entity is not a repeat offender, the corrective action is not deemed an emergency, or the violation is considered insignificant. The letter is similar to a notice of violation but is captioned “Letter of Noncompliance” and is intended to provide the regulated entity with an opportunity to correct the identified deficiencies prior to further enforcement activity. In the LNC, the department also may suggest remedial measures and set a date for returning to compliance. The department will usually request a response from the regulated entity within a specific time period as to how the identified problems will be resolved. The LNC will typically be followed by a notice of violation if the regulated entity does not respond.

17.2(4) *Notice of violation (NOV).* When the other compliance and enforcement activities described in this chapter are not appropriate for the violation, or when the regulated entity has not returned to compliance, the department may issue a notice of violation (NOV). An NOV will most often be used when environmental harm or a threat to human health or safety has occurred or is imminent, the regulated entity is a repeat offender, the corrective action is deemed an emergency, or the violation is considered significant. The NOV identifies the nature of the violation and any corrective action being required of the regulated entity.

567—17.3(455B) Option to respond. Upon receiving a written inquiry, letter, or notice from the department as described in this chapter, the regulated entity has the option to respond to the department even if a response is not specifically requested. A letter of noncompliance (LNC) or notice of violation (NOV) will typically suggest a written response and corrective action from the regulated entity within a specified time period. In responding to an LNC or NOV, the regulated entity should, as appropriate, clearly outline any disagreements with the department’s LNC or NOV, provide any pertinent additional information, describe any current or planned corrective action, and provide a schedule for returning to

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compliance. The department will review written information submitted in response to the compliance and enforcement procedures described in this chapter and will include this information in the file of record.

567—17.4(455B) Department discretion. At the department's sole discretion, the department may follow the compliance and enforcement procedures described in this chapter, commence with an LNC or NOV, or forego these options and commence with an administrative action (567—Chapter 10), or the department may request referral to the attorney general. The procedures in this chapter are intended to inform the regulated community of possible forms of compliance and enforcement procedures available to the department.

These rules are intended to implement Iowa Code section 455B.105.

ARC 0046C**ENVIRONMENTAL PROTECTION COMMISSION[567]****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 455B.172, 455B.172A, 455B.173 and 455B.197, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 68, “Commercial Septic Tank Cleaners,” and Chapter 69, “Private Sewage Disposal Systems,” Iowa Administrative Code.

In conjunction with this rule making, the Iowa Department of Natural Resources is proposing to update the Groundwater Hazard Statement form through a separate rule making which will amend 561—Chapter 9 (see Notice **ARC 0045C** herein). Changes to the Groundwater Hazard Statement form are intended to provide clarification as to the applicability of the time of transfer inspection requirements.

Iowa Code section 455B.172 directs the Commission to establish uniform statewide inspection criteria for time of transfer inspections.

Pursuant to Iowa Code section 455B.172A, the Commission is required to adopt by rule standards for the disposal of wastewater from an on-farm processing operation.

Pursuant to Iowa Code section 455B.173(3), the Commission is required to establish, modify, or repeal rules relating to the location, construction, operation, and maintenance of private sewage disposal systems. In addition, Iowa Code section 455B.173(11) requires the Commission to adopt rules for the issuance of a single general permit, after notice and opportunity for a public hearing. The single general permit shall cover numerous facilities to the extent that they are representative of a class of facilities which can be identified and conditioned by a single permit. The proposed amendments will fulfill the Commission's and the Department's requirements pursuant to Iowa Code sections 455B.173(3) and 455B.173(11).

The proposed amendments do not significantly change current practices for private sewage disposal systems. The changes to time of transfer inspections simplify and clarify current practices. The National Pollution Discharge Elimination System (NPDES) permit will be reissued with no new requirements for permit holders. Other language changes are expected to clarify current requirements.

The following summary describes the significant changes that are proposed for Chapters 68 and 69. It does not detail each of the proposed changes but highlights the changes that will have the most impact on private sewage disposal systems and the state of Iowa.

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Chapter 68

The proposed amendments to Chapter 68 are largely the result of the passage of 2011 Iowa Acts, Senate File 321, dealing with the disposal of wastewater from small-scale on-farm food processing operations. Rule 567—68.11(455B) outlines the wastewater disposal options for on-farm food processing operations that produce less than 1500 gallons per day of wastewater. The primary new option for these facilities is the ability to land-apply the wastewater in accordance with rules consistent with the land application rules for septage. This process is outlined in new subrule 68.11(4).

The amendments also include new definitions related to on-farm food processors and an updated definition of private sewage disposal system. Also included are minor changes to the licensing requirements to match streamlined procedures that are currently used for commercial septic tank cleaner licensing.

The amendments to Chapter 68 to provide additional wastewater disposal options for small-scale on-farm food processing operations, such as cheese-making, winery and other similar operations, are intended to lessen the burden of the regulations and allow for the continued growth of these Iowa small businesses. The amendments to Chapter 68 will also provide some additional work for commercial septic tank cleaners, but it is not expected to be a large enough increase to significantly benefit this group. The Department will continue to host meetings throughout the state with stakeholders in order to ensure this rule making has no adverse impact on jobs and positively impacts jobs as much as possible.

Chapter 69

The proposed amendments to Chapter 69 include changes to the time of transfer septic system inspection program required by the passage of 2010 Iowa Acts, House File 2437. Several changes were made in the Iowa Code to simplify the inspection process. These include situations where an inspection may not be required because an agreement is signed in which the buyer agrees to replace a private sewage disposal system or where a building served by a private sewage disposal system will be demolished. The original requirement for an inspection at the time of a contract sale will now be included in the chapter. Additions to the exemptions to the inspection requirement were added by 2010 Iowa Acts, House File 2437, and all the exemptions will now be included in the chapter. Other minor language changes to the rules are proposed to be consistent with the new Iowa Code language. Minor changes to the inspection reporting requirements, certified inspector continuing education and certificate renewal requirements, and inspection processes are proposed to be consistent with current practices and discharge permit sampling requirements.

Technical changes to Chapter 69 include clarification of setback distances to public wells to be consistent with Chapter 43, "Public Water Supplies," flow rates per bedroom that are currently used in the rule, the use and type of effluent screens, the size of septic tank risers and the applicable standards for plastic septic tanks. Other technical changes include removal of language related to dual sand filters, which were removed in a previous rule making, and removal of language dealing with the width of mounds and at-grade septic systems.

Several changes to the language dealing with the maintenance and sampling of packaged treatment devices and sand filters are proposed. These changes are proposed to make each rule uniform since the sampling and maintenance requirements are largely identical. Maintenance contracts would be required prior to the installation of systems requiring maintenance to ensure the contract is in place and the system owner is fully aware of the owner's responsibilities. Language is added to ensure the use of lower-maintenance systems before high-maintenance systems where applicable.

Finally, the NPDES General Permit No. 4 has been revised for renewal. The current permit expired March 18, 2011. That permit has been administratively extended until the new permit is issued. The General Permit will remain largely unchanged with the exception of the addition of antidegradation language required by rule and the U.S. EPA. The addition of this language should have a minimal impact on the use of discharging private sewage disposal systems for two reasons. First, the outstanding Iowa waters that antidegradation protects are typically in areas where the vast majority of private sewage disposal systems are soil-based systems that do not discharge. Secondly, Chapter 69 already requires the use of soil-based systems or nondegrading systems prior to the consideration of discharging systems. The new NPDES General Permit No. 4 will be renewed for a five-year period.

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Any person may submit written suggestions or comments on the proposed amendments through May 1, 2012. Such written material should be submitted to Daniel Olson, NPDES Section, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895; or by E-mail to daniel.olson@dnr.iowa.gov. Persons who have questions may contact Daniel Olson by E-mail or by telephone at (515)281-8263.

Persons may also present their views orally or in writing at five public hearings that will be held as follows:

April 12, 2012	3 to 5 p.m.	Wallace State Office Bldg. Conference Room 5E 502 E. 9th St. Des Moines
April 16, 2012	2 to 4 p.m.	Iowa DNR Field Office #4 1401 Sunnyside Lane Atlantic
April 17, 2012	4 to 6 p.m.	Independence Public Library 805 1st St. East Independence
April 18, 2012	4 to 6 p.m.	Fairfield Public Library 104 W. Adams Fairfield
April 19, 2012	4 to 6 p.m.	Storm Lake Public Library 609 Cayuga St. Storm Lake

At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subjects of the amendments. Any person who intends to attend a public hearing and has special requirements, such as those related to mobility or hearing impairments, should contact the Department to advise of any specific needs.

After analysis and review of this rule making, a positive impact on jobs should result. The changes to time of transfer inspections simplify and clarify current procedures related to private sewage disposal systems. The NPDES permit will be reissued with no new requirements for permit holders. Other language changes are expected to clarify current requirements.

These amendments are intended to implement Iowa Code chapter 455B, division III, part I.

The following amendments are proposed.

ITEM 1. Amend rule 567—68.1(455B) as follows:

567—68.1(455B) Purpose and applicability. The purpose of this chapter is to implement Iowa Code subsection 455B.172(5) and 2011 Iowa Code Supplement section 455B.172A by providing standards for the commercial cleaning of and the disposal of waste from private sewage disposal systems and on-farm food processing operations and by providing licensing requirements and procedures. These rules govern the commercial cleaning of and the disposal of wastes from private sewage disposal systems and on-farm food processing operations.

ITEM 2. Amend rule **567—68.2(455B)**, definition of “Private sewage disposal systems,” as follows:

“*Private sewage disposal systems system*” means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of fewer than 16 individuals on a continuing basis, including domestic waste, whether residential or nonresidential, but not including industrial waste of any flow rate except as provided for in 567—68.11(455B). “Private sewage disposal systems system” includes, but is not limited to, septic tanks as defined in 567—subrule 69.1(2); holding tanks for waste; and impervious vault toilets, portable toilets, and chemical toilets as described in 567—69.15(455B).

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ITEM 3. Adopt the following **new** definitions in rule **567—68.2(455B)**:

“*Food commodity*” means any commodity that is derived from an agricultural animal or crop, both as defined in Iowa Code section 717A.1, which is intended for human consumption in its raw or processed state.

1. A food commodity in its raw state for processing includes, but is not limited to, milk, eggs, vegetables, fruits, nuts, syrup, and honey.

2. A food commodity in its processed state includes, but is not limited to, dairy products, pastries, pies, and meat or poultry products.

“*On-farm processing operation*” means any place located on a farm where the form or condition of a food commodity originating from that farm or another farm is changed or packaged for human consumption, including but not limited to a dairy, creamery, winery, distillery, cannery, bakery, or meat or poultry processor. “On-farm processing operation” does not include food commodities processed by a person exclusively for use by the person and members of the person’s household and the person’s nonpaying guests and employees.

ITEM 4. Rescind and reserve paragraph **68.4(2)“i.”**

ITEM 5. Amend subrule 68.4(3) as follows:

68.4(3) License fee. ~~The initial license application and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order made payable to the Department of Natural Resources. The application fee is \$150 per year for the first registered vehicle and \$50 for each additional vehicle. If the applicant intends to land-apply any septage during the year, there will be an additional application fee of \$7 per 1,000 gallons of septage to be land-applied per year. Land application fees shall be based on the previous year’s records. First-time applicants shall pay a \$300 annual land application fee if they propose to land-apply. New license applicants will be charged monthly prorated fees until the next June 30.~~

ITEM 6. Amend subrule 68.4(4) as follows:

68.4(4) License renewal. In order to remain valid, a commercial septic tank cleaner license must be renewed by June 30 of each year. Renewal application must be made on a form provided by the department, and must be received by the department or postmarked at least 30 days prior to the expiration date. ~~The renewal application form must be accompanied by the license fee specified in subrule 68.4(3), a copy of all waste disposal records as defined in 68.6(3) for the previous year, and a revised waste management plan.~~

ITEM 7. Amend subrule 68.6(3) as follows:

68.6(3) Records. The licensee shall maintain records of private sewage disposal systems cleaned and the location, method of septage disposal, and volume of septage disposed of for each trip. Such records shall be maintained for a period of five years, and shall be made readily available upon request ~~to county board of health or department officials and submitted with the waste management plan by the~~ administrative authority.

ITEM 8. Amend subparagraph **68.10(2)“c”(4)** as follows:

(4) When septage is applied to land, the person who applies the septage shall develop the following information and shall retain the information for five years ~~and include it in the annually submitted waste management plan:~~

1. to 8. No change.

ITEM 9. Adopt the following **new** rule 567—68.11(455B):

567—68.11(455B) Standards for disposal of on-farm food processing wastewater. Disposal of on-farm food processing wastewater shall be carried out by utilizing one or more of the following methods:

68.11(1) On-farm food processing wastewater shall be discharged to a publicly owned treatment works or other permitted wastewater treatment system with the treatment works owner’s approval.

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68.11(2) On-farm food processing wastewater shall be discharged to a subsurface soil absorption system that is in compliance with 567—Chapter 69 and the United States Environmental Protection Agency's Underground Injection Control Program or other applicable regulations.

68.11(3) On-farm food processing wastewater shall be discharged through a disposal system that meets all of the following:

- a. The disposal system is located on the same site as the on-farm processing operation.
- b. The disposal system is constructed in conformance with a permit issued by the department in accordance with Iowa Code section 455B.183, implemented by 567—Chapter 64.
- c. For a disposal system that discharges wastewater to a water of the United States, the system must be operated in conformance with a National Pollutant Discharge Elimination System permit issued by the department under Iowa Code section 455B.197.

68.11(4) Land application.

a. On-farm food processing wastewater may be land-applied if all of the following apply:

(1) The volume of wastewater produced by the on-farm processing operation is less than 1,500 gallons per day.

(2) The wastewater is land-applied by a person licensed by the department as a commercial septic tank cleaner under Iowa Code section 455B.172.

(3) The application rate does not exceed 30,000 gallons per acre per year.

(4) The application rate does not exceed 1,500 gallons per acre per day.

b. On-farm food processing wastewater shall be land-applied in accordance with the following requirements:

(1) The maximum application rate is 30,000 gallons of septage per acre of cropland per 365-day period. The nitrogen application rate shall be no more than is utilized by the crop. A crop capable of using the nitrogen applied must be grown and harvested from the site after application of the maximum annual allocation or, at a minimum, every third year.

(2) The following site restrictions shall be met when on-farm food processing wastewater is applied to land:

1. On-farm food processing wastewater shall not be applied to a lawn or a home garden.

2. On-farm food processing wastewater shall not be applied to land where there is a bedrock layer or seasonal high water table within 3 feet of the soil surface. Determination of these confining layers may be ascertained by consulting the soil types noted in the county USDA soil surveys.

3. Land application sites shall have soil pH maintained above 6.0, unless crops prefer soils with lower pH conditions. If the soil pH is below 6.0, it is acceptable to use agricultural lime to increase the pH to an acceptable level. Soil pH shall be measured and reported as part of the annual waste management plan.

4. The on-farm food processing wastewater shall not be applied to ground that has greater than 9 percent slope.

5. If application on frozen or snow-covered ground is necessary, application shall be limited to land areas of less than 5 percent slope.

6. On-farm food processing wastewater shall not be applied to land that is 35 feet or less from an open waterway. If on-farm food processing wastewater is applied within 200 feet of a stream, lake, sinkhole or tile line surface intake located downgradient of the land application site, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours of application.

7. If the on-farm food processing wastewater is applied to land subject to flooding more frequently than once in ten years, the on-farm food processing wastewater shall be injected or shall be applied to the surface and mechanically incorporated into the soil within 48 hours. Information on which land is subject to flooding more frequently than once in ten years is available from the department.

8. On-farm food processing wastewater shall not be applied within 750 feet of an occupied residence, except the residence of the owner of the on-farm processing operation, nor within 500 feet of a well.

9. Crop harvesting restrictions:

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- Food crops with harvested parts that touch the on-farm food processing wastewater mixture and are totally above ground shall not be harvested for 14 months after application of on-farm food processing wastewater.

- Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of on-farm food processing wastewater.

- Animal feed, fiber, and those food crops with harvested parts that do not touch the soil surface shall not be harvested for 30 days after application of the on-farm food processing wastewater. Animals shall not be allowed to graze on the land for 30 days after application of on-farm food processing wastewater.

(3) One of the following vector attraction reduction requirements shall be met when on-farm food processing wastewater is applied to land:

1. On-farm food processing wastewater shall be injected below the surface of the land. No significant amount of the on-farm food processing wastewater shall be present on the land surface within one hour after it is injected.

2. On-farm food processing wastewater applied to the land surface shall be incorporated into the soil within six hours after application to or placement on the land.

3. On-farm food processing wastewater shall be stabilized by adding and thoroughly mixing sufficient alkaline material such as hydrated or quicklime to produce a mixture with a pH of 12. For example, adding and thoroughly mixing approximately 50 pounds of lime with each 1,000 gallons of on-farm food processing wastewater is usually sufficient to bring the pH to 12 for 30 minutes. A minimum of 30 minutes of contact time shall be provided after mixing the lime with the on-farm food processing wastewater prior to applying to land. Each container of on-farm food processing wastewater shall be monitored for compliance by testing, using a pH meter or litmus paper, two representative samples of the batch of lime-treated on-farm food processing wastewater taken a minimum of 30 minutes apart to verify that the pH remains at 12 or greater for the minimum 30-minute time period.

(4) When on-farm food processing wastewater is applied to land, the person who applies the on-farm food processing wastewater shall develop the following information and shall retain the information for five years:

1. The location, by either street address or latitude and longitude, of each site on which on-farm food processing wastewater is applied.

2. The number of acres and precise application area in each site on which on-farm food processing wastewater is applied.

3. The gallons of on-farm food processing wastewater applied each time.

4. The total gallons applied at each site to date for the year.

5. The date and time on-farm food processing wastewater is applied to each site.

6. The rate, in gallons per acre, at which on-farm food processing wastewater is applied to each site.

7. A description of how the vector attraction reduction requirements are met.

8. The following certification statement shall be provided with the records when the records are submitted to or requested by the department:

“I certify, under penalty of law, that the pathogen requirements and the vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.”

(5) Other methods of stabilization may be acceptable if shown to be equivalent to 68.10(2)“c”(3)“3.”

ITEM 10. Amend subrule **69.1(2)**, definition of “Private sewage disposal system,” as follows:

“*Private sewage disposal system*” means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis.—~~This includes, including~~ domestic waste, whether residential or nonresidential, but ~~does not include including~~ industrial waste of any flow rate except as provided for in 567—68.11(455B).

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“Private sewage disposal system” includes, but is not limited to, septic tanks, holding tanks for waste, chemical toilets, impervious vault toilets and portable toilets.

ITEM 11. Amend subrule 69.2(1), introductory paragraph, as follows:

69.2(1) *Inspections required.* ~~Beginning July 1, 2009, prior~~ Prior to any transfer of ownership of a building where a person resides, congregates, or is employed that is served by a private sewage disposal system, the sewage disposal system serving the building shall be inspected. ~~A building that will be demolished without being occupied does not require an inspection. A legally binding document verifying that the building will be demolished shall be provided to the county and to the department for record.~~ In the event that weather or other temporary physical conditions prevent the certified inspection from being conducted, the buyer shall execute and submit a binding acknowledgment agreement with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. ~~Title abstracts to property with private sewage disposal systems shall include documentation of compliance with the requirements in this rule.~~ In the event that all parties agree the existing private sewage disposal system will not pass inspection, the buyer may forego the inspection and execute a binding agreement with the local board of health to install a private sewage disposal system compliant with this rule at a time specified by the administrative authority. The inspection requirement applies to all types of ownership transfers not specifically exempted, including when a seller-financed real estate contract is signed.

ITEM 12. Reletter paragraphs **69.2(1)“a”** and **“b”** as **69.2(1)“b”** and **“c.”**

ITEM 13. Adopt the following new paragraph **69.2(1)“a”**:

a. Inspection exemptions. The following types of real estate transactions are exempt from the inspection requirement. However, the discharge restrictions in paragraph 69.1(3)“b” shall always apply.

(1) A transfer made pursuant to a court order, including but not limited to a transfer under Iowa Code chapter 633 or 633A, the execution of a judgment, the foreclosure of a real estate mortgage pursuant to Iowa Code chapter 654, the forfeiture of a real estate contract under Iowa Code chapter 656, a transfer by a trustee in bankruptcy, a transfer by eminent domain, or a transfer resulting from a decree for specific performance.

(2) A transfer to a mortgagee by a mortgagor or successor in interest who is in default, a transfer by a mortgagee who has acquired real property as a result of a deed in lieu of foreclosure or has acquired real property under Iowa Code chapter 654 or 655A, or a transfer back to a mortgagor exercising a right of first refusal pursuant to Iowa Code section 654.16A.

(3) A transfer by a fiduciary in the course of the administration of a decedent’s estate, guardianship, conservatorship, or trust.

(4) A transfer between joint tenants or tenants in common.

(5) A transfer made to a spouse or to a person in the lineal line of consanguinity of a person making the transfer.

(6) A transfer between spouses resulting from a decree of dissolution of marriage, a decree of legal separation, or a property settlement agreement which is incidental to the decree, including a decree ordered pursuant to Iowa Code chapter 598.

(7) A transfer in which the transferee intends to demolish or raze the building.

(8) A transfer of property with a system that was installed not more than two years prior to the date of the transfer.

(9) A deed arising from a partition proceeding.

(10) A tax sale deed issued by the county treasurer.

(11) A transfer for which consideration is \$500 or less.

(12) A deed between a family corporation, partnership, limited partnership, limited liability partnership, or limited liability company as defined in Iowa Code section 428A.2, subsection 15, and its stockholders, partners, or members for the purpose of transferring real property in an incorporation or a corporate dissolution or in the organization or dissolution of a partnership, limited partnership, limited liability partnership, or limited liability company under the laws of this state, where the deed is

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given for no actual consideration other than for shares or for debt securities of the family corporation, partnership, limited partnership, limited liability partnership, or limited liability company.

ITEM 14. Amend relettered paragraph **69.2(1)“b”** as follows:

b. Inspection criteria. If a private sewage disposal system is failing to ensure effective wastewater treatment or is otherwise improperly functioning, the private sewage disposal system shall be renovated to meet current construction standards, as adopted by the department, either by the seller or, by agreement, within a reasonable time period as determined by the ~~county or the department~~ administrative authority, by the buyer. If the private sewage disposal system is properly treating the wastewater and not creating an unsanitary condition in the environment at the time of inspection, the system is not required to meet current construction standards. However, the discharge restrictions in paragraph 69.1(3)“b” shall always apply.

ITEM 15. Amend paragraph **69.2(2)“b”** as follows:

b. Examination application. A person wishing to take the examination necessary to become a certified inspector shall complete the Certified Time of Transfer Inspector Application, Form 542-0192. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate pertinent educational background, training and past experience in providing private sewage disposal services. The completed application and the application fee shall be sent to Time of Transfer Inspector Certification, Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50319-0034. An application for examination must be received by the department at least ~~60~~ 30 days prior to the date of the examination.

ITEM 16. Rescind and reserve subparagraph **69.2(2)“e”(4)**.

ITEM 17. Adopt the following new paragraph **69.2(2)“g”**:

g. Renewal rights. Inspectors seeking renewal more than 45 days following expiration of the certificate shall lose the right to renew under the normal renewal process and must retake the inspector class and test to become recertified.

ITEM 18. Amend paragraph **69.2(4)“b”** as follows:

b. Application for renewal. Renewal applications shall be submitted ~~on DNR Form 542-0192~~ 60 days before the expiration date of the current certificate. Late applications or incomplete applications may lead to revocation of the certificate. Renewal of certificates will only be granted to inspectors in good standing.

ITEM 19. Amend paragraph **69.2(4)“c”** as follows:

c. CEUs. Only those certified inspectors fulfilling the continuing education requirements before the end of each two-year period (~~June~~ March 30) will be allowed to renew their certificates. The certificates of inspectors not fulfilling the continuing education requirements shall expire on June 30 of the even-numbered year.

ITEM 20. Amend paragraph **69.2(4)“d”** as follows:

d. Renewal fee. A renewal fee in the amount of \$300 must accompany the renewal application in order for the certificate to be renewed. Failure to submit the renewal fee on time may lead to revocation of the certificate ~~in addition to a penalty fee.~~

ITEM 21. Amend paragraph **69.2(5)“b”** as follows:

b. Following an inspection, the inspection form and any ~~related reports~~ attachments shall be provided to the county environmental health department for enforcement of any follow-up mandatory improvements to the system, to the department for record, and to the ~~county recorder's office~~ person ordering the inspection.

ITEM 22. Amend paragraph **69.2(8)“f,”** introductory paragraph, as follows:

f. Discharging systems. An effluent test shall be performed on any legally discharging private sewage disposal system. The effluent quality shall ~~be tested to determine if it meets~~ meet the requirements of NPDES General Permit No. 4, ~~and the~~ for CBOD₅ and TSS. The test results shall be included in the inspection report.

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ITEM 23. Amend subparagraph **69.2(8)“f”(1)** as follows:

(1) ~~The certified inspector shall ensure that a legally discharging private sewage disposal system has an NPDES General Permit No. 4, if applicable~~ report the location of the discharge point of a legally discharging private sewage disposal system and the discharge point’s proximity to a perennial stream or drainage tile.

ITEM 24. Rescind and reserve subparagraph **69.2(8)“f”(2)**.

ITEM 25. Amend paragraph **69.2(8)“i”** as follows:

i. Inspection reports. Following an inspection, the inspection form and a narrative report describing the condition of the private sewage disposal system at the time of the inspection shall be provided to the county environmental health department, to the department for record, and to the ~~county recorder in the county where the inspection occurred~~ person who ordered the inspection.

The certified inspector shall provide the completed inspection report to the county environmental health office within 10 business days of the inspection date.

ITEM 26. Amend subrule 69.3(1), introductory paragraph, as follows:

69.3(1) Site evaluation. A site evaluation shall be conducted by the administrative authority prior to issuance of a construction permit. Consideration shall be given to, but not be limited to, the impact of the following: topography; drainage ways; terraces; floodplain; percent of land slope; location of property lines; location of easements; buried utilities; existing and proposed tile lines; existing, proposed and abandoned water wells; amount of available area for the installation of the system; evidence of unstable ground; alteration (cutting, filling, compacting) of existing soil profile; and soil characteristics determined from a soil analysis, percolation tests, and soil survey maps if available.

ITEM 27. Amend subrule 69.3(2) as follows:

69.3(2) Minimum distances. All private sewage disposal systems shall be located in accordance with the minimum distances shown in Table I.

Table I

<u>Minimum Distance in Feet From</u>	<u>Closed Portion of Treatment System⁽¹⁾</u>	<u>Open Portion of Treatment System⁽²⁾</u>
Private water supply well	50	100
Public <u>Shallow public water supply well⁽³⁾</u>	200	200 <u>400</u>
<u>Deep public water supply well⁽⁴⁾</u>	<u>100</u>	<u>200</u>
Groundwater heat pump borehole	50	100
Lake or reservoir	50	100
Stream or pond	25	25
Edge of drainage ditch	10	10
Dwelling or other structure	10	10
Property lines (unless a mutual easement is signed and recorded)	10	10
Other type of subsurface treatment system	5	10
Water lines continually under pressure	10	10
Suction water lines	50	100
Foundation drains or subsurface tiles	10	10

⁽¹⁾ Includes septic tanks, aerobic treatment units, fully contained media filters and impervious vault toilets.

⁽²⁾ Includes subsurface absorption systems, mound systems, intermittent sand filters, constructed wetlands, open bottom media filters and waste stabilization ponds.

⁽³⁾ “Shallow well” means a well located and constructed in such a manner that there is not a continuous layer of low-permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

⁽⁴⁾ “Deep well” means a well located and constructed in such a manner that there is a continuous layer of low-permeability soil or rock at least 5 feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

ITEM 28. Amend subrule 69.5(2) as follows:

69.5(2) Private sewage disposal systems that require a maintenance contract shall be inspected by a manufacturer's certified technician ~~or person demonstrating knowledge of the system in accordance with the manufacturer's standards.~~

ITEM 29. Adopt the following new subrule 69.5(4):

69.5(4) No private sewage disposal system shall discharge to a state-owned natural or artificial lake, an outstanding Iowa water or an outstanding national water as defined in 567—subrule 61.2(2) unless authorized by an individual NPDES permit.

ITEM 30. Amend paragraph **69.8(2)“c”** as follows:

c. Determination of flow rates. Residential wastewater flows are based on 150 gallons per bedroom per day. For wastewater flow rates for nonresidential and commercial domestic waste applications serving the equivalent of fewer than 16 individuals on a continuing basis, refer to Appendix A.

ITEM 31. Amend subparagraph **69.8(3)“d”(1)** as follows:

(1) Four-inch-diameter Schedule 40 plastic pipe tees shall be used as inlet and outlet baffles. Inlet tees shall extend at least 6 inches above and 8 inches below the liquid level of the tank. The inlet tee shall extend below the liquid level no more than 20 percent of the liquid depth. The outlet tee shall extend above the liquid level a distance of at least 6 inches and below the liquid level a distance of at least 15 inches but no more than 30 percent of the liquid depth. A minimum 2-inch clearance between the top of the inlet and outlet tees and the bottom of the tank lid shall be provided. A horizontal separation of at least 36 inches shall be provided between the inlet baffle and the outlet baffle in each compartment. Outlet baffles shall be fitted with, or replaced by, an approved effluent screen. All effluent screens shall be certified by an ANSI-accredited third-party certifier to meet National Sanitation Foundation Standard 46, including appendices, or other equivalent testing as determined by the department. Effluent screens require periodic inspection and cleaning to ensure their continued proper operation.

ITEM 32. Amend subparagraph **69.8(3)“e”(3)** as follows:

(3) Watertight risers with a minimum diameter of 18” shall be installed to bring the access openings to the ground surface. Risers shall be secured using stainless steel fasteners of sufficient complexity, locking devices, concrete lids of sufficient weight, or another device approved by the administrative authority to deter tampering.

ITEM 33. Amend subrule 69.8(5) as follows:

69.8(5) *Wall thickness.* Minimum wall thickness for tanks shall conform to applicable IAPMO¹ standards or the following specifications:

Poured concrete	6 inches thick
Poured concrete, reinforced	4 inches thick
Special concrete mix, vibrated and reinforced	2.5 inches thick
Fiberglass or plastic	.25 inches thick

¹International Association of Plumbing and Mechanical Officials

ITEM 34. Amend paragraph **69.10(3)“j”** as follows:

j. The base absorption area of the mound is to be calculated based on the results of the percolation rate test or soil analysis as indicated in Table IIIa or IIIb and the flow rate. ~~The maximum width of the mound shall be 12 feet.~~

ITEM 35. Amend paragraph **69.11(2)“i”** as follows:

i. The gravel bed absorption area of the at-grade system is to be calculated based on the results of the percolation rate test or soil analysis as indicated in Table IIIa or IIIb and the flow rate. ~~The maximum width of the at-grade system shall be 8 feet.~~

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

ITEM 36. Amend paragraph **69.13(1)“c”** as follows:

c. Sampling port. ~~A sampling port shall be available at the~~ The discharge point of the filter shall be accessible for effluent sampling or a sampling port shall be installed in the discharge line.

ITEM 37. Rescind and reserve paragraph **69.13(2)“a.”**

ITEM 38. Amend subparagraph **69.13(3)“b”(4)** as follows:

(4) Nonhousehold. Effluent application rates for commercial systems treating domestic waste shall not exceed the following:

1. 1.0 gallon/square feet/day for ~~single bed~~ intermittent sand filters.
2. The total surface area for any subsurface sand filter system shall not be less than 200 square feet.

ITEM 39. Amend paragraph **69.13(6)“a”** as follows:

a. Use. Peat moss biofilter systems may be used when the administrative authority determines the site is unacceptable for a soil absorption system or an intermittent sand filter.

ITEM 40. Amend paragraph **69.13(6)“d”** as follows:

d. Maintenance contract. ~~A Prior to installation, a maintenance contract for the proper monitoring and servicing of the entire treatment system shall be established between the owner and a certified technician. A maintenance contract is required for the life of the system. All monitoring and servicing shall be performed by a manufacturer’s certified technician or person demonstrating knowledge of the system in accordance with the manufacturer’s standards. Manufacturers are responsible for ensuring that an adequate number of maintenance providers certified technicians are available to service all peat moss biofilters at the specified intervals. Maintenance contracts and responsibility waivers shall be recorded with the county recorder and in the abstract of title for the premises on which the system is installed. The maintenance provider certified technician shall perform the required maintenance and reporting to the owner and to the administrative authority. The maintenance provider certified technician shall also report any discontinuance of maintenance of the peat moss biofilter system to the administrative authority. Peat moss biofilter systems shall be inspected at least once annually by the maintenance provider certified technician. A copy of the maintenance contract shall be on file in the office of the administrative authority.~~

ITEM 41. Amend paragraph **69.13(6)“e”** as follows:

e. Effluent sampling. ~~A sampling port shall be available at the~~ The discharge point of the filter shall be accessible for effluent sampling or a sampling port shall be installed in the discharge line. All peat moss biofilter systems ~~having~~ that have an open discharge shall be sampled in accordance with the requirements of NPDES General Permit No. 4 if applicable.

ITEM 42. Amend paragraph **69.13(7)“a”** as follows:

a. Use. Recirculating textile filter systems may be used when the administrative authority determines the site is unacceptable for a soil absorption system or an intermittent sand filter.

ITEM 43. Amend paragraph **69.13(7)“e”** as follows:

e. Maintenance contract. ~~A Prior to installation, a maintenance contract for the proper monitoring and servicing of the entire treatment system shall be established between the owner and a certified technician. A maintenance contract is required for the life of the system. All monitoring and servicing shall be performed by a manufacturer’s certified technician or person demonstrating knowledge of the system in accordance with the manufacturer’s standards. Manufacturers are responsible for ensuring that an adequate number of maintenance providers certified technicians are available to service all recirculating textile filters at the specified intervals. Maintenance contracts and responsibility waivers shall be recorded with the county recorder and in the abstract of title for the premises on which the system is installed. The maintenance provider certified technician shall perform the required maintenance and reporting to the owner and to the administrative authority. The maintenance provider certified technician shall also report any discontinuance of maintenance of the system to the administrative authority. Recirculating textile filter systems shall be inspected; at ~~minimum,~~ least once~~

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

annually by the ~~maintenance provider~~ certified technician. A copy of the maintenance contract shall be on file in the office of the administrative authority.

ITEM 44. Amend paragraph **69.13(7)“f”** as follows:

f. Effluent sampling. ~~A sampling port shall be available at the~~ The discharge point of the filter shall be accessible for effluent sampling, or a sampling port shall be installed in the discharge line. All recirculating textile filter systems having that have an open discharge shall be sampled in accordance with the requirements of NPDES General Permit No. 4 if applicable.

ITEM 45. Amend subrule 69.14(1) as follows:

69.14(1) Use. Aerobic treatment units may be used only when the administrative authority determines that the site is unacceptable for a soil absorption system or an intermittent sand filter. Because of the higher maintenance requirements of aerobic treatment units, preference should be given to packed bed media filters, where conditions allow.

ITEM 46. Amend subrule 69.14(6) as follows:

69.14(6) Maintenance contract. ~~A maintenance contract with a manufacturer certified technician or equivalent, as determined by the department, shall be maintained at all times. The maintenance contract shall include the aerobic treatment unit and effluent disposal system. Prior to installation, a maintenance contract for the proper monitoring and servicing of the entire treatment system shall be established between the owner and a certified technician. A maintenance contract is required for the life of the system. All monitoring and servicing shall be performed by a manufacturer's certified technician. Manufacturers are responsible for ensuring that an adequate number of maintenance providers certified technicians are available to service all aerobic treatment units at the specified intervals. Maintenance agreements and responsibility waivers shall be recorded with the county recorder and in the abstract of title for the premises on which an aerobic treatment unit is installed. Aerobic treatment units shall be inspected for proper operation at least twice a year at six-month intervals by the certified technician.~~

ITEM 47. Amend subrule 69.14(7) as follows:

69.14(7) Effluent sampling. The discharge point of the aerobic treatment unit system shall be accessible for effluent sampling or a sampling port shall be installed in the discharge line. All aerobic treatment unit systems having that have an open discharge shall be sampled in accordance with the requirements of NPDES General Permit No. 4 if applicable.

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FAIR BOARD[371]

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 173.1 and 173.14A, the Iowa State Fair Authority hereby gives Notice of Intended Action to amend Chapter 1, “General Rules,” Chapter 3, “Campgrounds,” Chapter 4, “Space Sales,” Chapter 5, “Youth Housing and Dining Hall,” Chapter 6, “Competitive Exhibits and Competitions General Rules,” Chapter 7, “Interim Events,” and Chapter 8, “Admittance and Use of Fairgrounds,” Iowa Administrative Code.

These amendments make changes and updates pertaining to general practices conducted during the yearly Iowa State Fair and year-round activities at the state fairgrounds.

Any interested party may make written suggestions or comments on these amendments on or before April 11, 2012. Such written comments should be directed to Stacy Jorgensen, Iowa State Fair, P.O. Box

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57130, Des Moines, Iowa 50317; or via e-mail to sjorgensen@iowastatefair.org. Persons who wish to convey their views orally should contact Stacy Jorgensen via telephone at (515)262-3111, ext. 213.

There will be a public hearing on April 11, 2012, at 2 p.m. in the Des Moines Register Service Center located on the Iowa State Fairgrounds, East 30th Street and Grand Avenue, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who intends to attend the public hearing and has special requirements, such as those relating to hearing or mobility impairments, should contact Stacy Jorgensen to advise of specific needs.

The Iowa State Fair Authority does not intend to grant waivers under the provisions of these rules.

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

These amendments are intended to implement Iowa Code chapter 173.

The following amendments are proposed.

ITEM 1. Amend subrule 1.2(1) as follows:

1.2(1) Location. The board's office is located on the Iowa State Fairgrounds, East 30th and Grand Avenue, Des Moines, Iowa; telephone (515)262-3111; mailing address: Iowa State Fair Board, ~~400 E. 14th Street~~ P.O. Box 57130, Des Moines, Iowa 50319-0198; office hours are 8 a.m. to 4:30 p.m., Monday through Friday.

ITEM 2. Amend subrule 1.2(2) as follows:

1.2(2) The board. The Iowa state fair board consists of ~~13~~ 15 members. ~~A president is~~ All officers are elected by the regular board membership. The ~~13~~ 15 members consist of ~~10~~ 12 members elected by authorized delegates as specified in Iowa Code section ~~173.2~~ 173.1, the governor, the state agriculture secretary and the president of Iowa State University, or their designees.

ITEM 3. Amend paragraph **1.2(4)“c”** as follows:

c. Voting. The board consists of ~~ten~~ 12 elected members and three members consisting of the governor, the state agriculture secretary and the president of Iowa State University who vote on issues. Two-thirds of the board members eligible to vote shall constitute a quorum. A majority of the board members is sufficient to carry an action.

ITEM 4. Amend subrule 1.2(6) as follows:

1.2(6) Records. The records of all of the business transacted and other information with respect to the operation of the Iowa state fair and grounds are public records and are on file in the board's offices. All records including board minutes are available for inspection during regular business hours. (Copies of records up to ten pages in number may be obtained without charge. Pages in excess of ten will be provided at a cost of ~~ten~~ 50 cents per page. The charge may be waived by the secretary if deemed advisable.)

ITEM 5. Adopt the following new subrule 1.3(3):

1.3(3) Appeal procedures. All protests, challenges to disciplinary action or complaints shall be heard initially by the Iowa state fair board's competition committee according to procedures set out in the fair's annual premium book. An exhibitor may appeal the decision of the competition committee to the fair board. An exhibitor appealing a disqualification or recommended disciplinary action may request an evidentiary hearing conducted pursuant to Iowa Code chapter 17A. If the exhibitor requests that the appeal be heard as an evidentiary hearing, the fair board shall retain an administrative law judge from the department of inspections and appeals to conduct the evidentiary hearing and to render a proposed decision. The fair board may affirm, reverse or modify the proposed decision.

ITEM 6. Amend paragraph **1.4(2)“b”** as follows:

b. Refund for shows. ~~Refunds will be made for canceled shows in cash on demand and receipt of proper ticket stubs to the canceled show except for cases when the fair would not be able to handle the number of transactions involved nor have sufficient amounts of cash on the grounds to complete such transactions on short notice.~~ In the event the fair is not able to provide cash refunds on demand, refunds will be made by mail upon receipt of proper ticket stub and a self-addressed return envelope.

FAIR BOARD[371](cont'd)

ITEM 7. Amend rule 371—1.5(173) as follows:

371—1.5(173) Returned checks. A In accordance with fair board policy, a fee of \$10 ~~\$20~~ will be charged to anyone whose issued document is not honored by the issuing institution, and the issuer could be liable for up to three times the amount of the document with a maximum charge of \$500 in accordance with Iowa Code section ~~554.3806~~ 554.3513.

ITEM 8. Amend rule 371—1.7(173) as follows:

371—1.7(173) Liability insurance. All concessionaires, commercial exhibitors and competitive events exhibitors shall carry liability insurance and shall name the ~~Iowa state fair authority, Iowa state fair board and its agents, and the state of Iowa~~ Iowa state of Iowa, Iowa state fair authority, their officers, employees and agents as additional insured and shall furnish a certificate of such insurance to the authority.

ITEM 9. Adopt the following new rule 371—1.8(173):

371—1.8(173) Hiring. A person who has served as a member of the Iowa state fair board shall not, within a period of two years after termination of membership on the board, accept employment with the Iowa state fair.

ITEM 10. Amend rule 371—3.1(173) as follows:

371—3.1(173) Camping facilities available. Camping facilities will be available to the public in the campgrounds area of the fairgrounds or as designated.

3.1(1) ~~Camping overnight in parking lots on the fairgrounds is prohibited~~ is permitted only in designated areas.

3.1(2) ~~The campgrounds open the Sunday second Saturday preceding opening day of the fair. No campers are permitted before that time for fair camping.~~

3.1(3) The campgrounds are available for interim camping from April through October 1; exact dates will be determined by the fair board.

ITEM 11. Amend subrule 3.2(1) as follows:

3.2(1) ~~Each campsite will be approximately 20 × 30 feet in size. Campers may arrange their tent, trailer, pickup or car in this area~~ the campsite to suit their needs; however, all camping equipment and vehicles must be situated on the campsite.

ITEM 12. Amend rule 371—3.3(173) as follows:

371—3.3(173) Advance ~~registry~~ registration. Advance registry registration is only for season campsites (campers staying for the entire fair), and all campers who preregister for campsites must occupy those sites by ~~the day before~~ the opening day of the fair or take the closest available site upon arrival.

ITEM 13. Amend rule 371—3.4(173) as follows:

371—3.4(173) Parking and traffic. The fair board shall employ those persons necessary to direct all traffic and parking in the campground.

3.4(1) All parking must be in designated campsite areas or in a designated area.

3.4(2) Drainage water or sewage shall not be disposed of on the surface of the grounds.

3.4(3) ~~Vehicles~~ Personal vehicles shall not be driven around campground after curfew unless in an emergency with permission of campground security.

3.4(4) Excessive noise which disturbs other campers shall not be allowed in the campground.

3.4(5) Generators shall not be operated between 10 p.m. and 6 7 a.m.

FAIR BOARD[371](cont'd)

ITEM 14. Amend rule 371—3.5(173) as follows:

371—3.5(173) Violation of rules. Violation of any rules may be grounds for revocation of all campground permits and immediate expulsion from the grounds ~~for the remainder of the fair~~ indefinitely without refunds.

ITEM 15. Amend subrule 4.1(2) as follows:

4.1(2) Privilege ~~contracts~~ license agreements. The Iowa state fair board shall issue ~~contracts~~ license agreements for the purpose of granting sales and advertising privileges as it deems ~~are~~ warranted and proper.

ITEM 16. Amend rule 371—4.2(173) as follows:

371—4.2(173) Limited to ~~contracted~~ license agreement privileges. The ~~contractor~~ licensee will conduct the privileges granted by ~~their contract~~ the license agreement according to the laws and rules of the state of Iowa, and without infringement upon the rights or privileges of others, and will not handle, advertise or sell any commodity or transact any business whatsoever, except that which has been expressly stipulated and ~~contracted~~ licensed for, and will confine ~~their~~ transactions to the space and privilege provided in that ~~contract~~ license agreement.

ITEM 17. Amend rule 371—4.3(173) as follows:

371—4.3(173) ~~Contract~~ License agreement renewal. Space ~~contracts~~ license agreements are for the period specified, and the fair board reserves the right to refuse renewal.

ITEM 18. Amend rule 371—4.4(173) as follows:

371—4.4(173) Reassignment of ~~contracts~~ license agreements. No ~~contract~~ license agreement or privilege granted by the fair board may be assigned or otherwise disposed of without the written consent of the fair board.

ITEM 19. Amend rule 371—4.5(173) as follows:

371—4.5(173) Extortion. A violation of Iowa Code section 711.4, ~~on extortion~~ will cause the forfeiture of ~~contracts~~ license agreements, money paid and expulsion from the grounds, as the board may elect.

ITEM 20. Amend rule 371—4.6(173) as follows:

371—4.6(173) Board approval of space used. The ~~contractor~~ licensee will not conduct or permit to be conducted on the space which ~~they have~~ the licensee has leased; any stand, show, amusement or exhibition of any character which does not meet with the approval of the fair board.

ITEM 21. Amend rule 371—4.7(173) as follows:

371—4.7(173) Rental fee. The ~~contractor~~ licensee will pay a rental fee in the amount determined by the fair board and stipulated in ~~their contract~~ the license agreement with the board when the ~~contract~~ license agreement is executed. Any payment made as a deposit or full payment for space shall be refundable until June 1 of the given year. After that time, no refunds shall be made.

ITEM 22. Amend rule 371—4.8(173) as follows:

371—4.8(173) Liens. The Iowa state fair shall have a lien upon all property being kept, used or situated upon the fairgrounds whether the property be exempt or not, for the rent or privilege money to be paid under a space ~~contract~~ license agreement and for any damages sustained for any breach thereof. The Iowa state fair board shall have the right to attach the same without process of law, and appropriate such property to the use of the Iowa state fair to satisfy its claims against the ~~contractor~~ licensee as per ~~contractual~~ licensee agreement.

FAIR BOARD[371](cont'd)

ITEM 23. Amend rule 371—4.9(173) as follows:

371—4.9(173) Insurance. ~~Contractors~~ Licensees must have a general liability insurance policy in the minimum amount of ~~\$500,000~~ \$1 million. “The state of Iowa, Iowa state fair authority, ~~its agents, officers and staff~~ their officers, employees and agents” must be included on the certificate of insurance as additional insured which shall be provided to the fair board before the ~~contractor~~ licensee can set up for operation on the fairgrounds.

ITEM 24. Amend rule 371—4.10(173) as follows:

371—4.10(173) Preparation opening date. ~~Contractors~~ Licensees will not be permitted to occupy a plot or space more than 13 days before the opening of the fair, but must occupy the space by 12 noon on the day preceding the opening of the fair or be subject to forfeiture of the space at the board’s election.

ITEM 25. Amend rule 371—4.11(173) as follows:

371—4.11(173) Building on space. ~~Contractors~~ Licensees will be permitted to build on space assigned to them. Any part of an exhibit or concession showing to public must be finished.

ITEM 26. Amend rule 371—4.12(173) as follows:

371—4.12(173) Approval of board. All buildings, tents or enclosures put up by the ~~contractor~~ licensee must be approved by the fair board.

ITEM 27. Amend rule 371—4.14(173) as follows:

371—4.14(173) Removal of structures. All structures, footings or foundations above or below ground level must be removed at the expense of the ~~contractor~~ licensee, unless other arrangements have been made through the Iowa state fair board.

ITEM 28. Amend rule 371—4.15(173) as follows:

371—4.15(173) Opening day. All ~~contractors~~ licensees will be in place and ready for public inspection by 9 a.m. on the opening day of the fair.

ITEM 29. Amend rule 371—4.17(173) as follows:

371—4.17(173) Dismantling. Exhibits or concessions will be dismantled or removed from the space at the time stated in the ~~contract~~ license agreement. If a commercial exhibitor dismantles any or all of its exhibit prior to the time designated in its ~~contract~~ license agreement and wishes to exhibit the following year, the fair board shall require that the commercial exhibitor pay an amount which is double the amount paid for the previous year for the same space or an equal amount of space.

ITEM 30. Amend rule 371—4.18(173) as follows:

371—4.18(173) Quitting premises. At the expiration of ~~contracts~~ license agreements, ~~contractors~~ licensees shall surrender possession of the premises to the Iowa state fair board without further notice to quit. Premises shall be in good repair as when possession was given, with the exception of unavoidable wear or damage.

ITEM 31. Amend rule 371—4.19(173) as follows:

371—4.19(173) Removal of structures. Any structure erected on the fairgrounds must be removed from the grounds immediately after the fair unless authorized in writing by Iowa state fair board as per ~~contractual~~ license agreement.

FAIR BOARD[371](cont'd)

ITEM 32. Amend rule 371—4.21(173) as follows:

371—4.21(173) Electric light and power. ~~120/240 volt AC power is available in most buildings and outside areas. In the varied industries building 120 volt single phase, 208 volt three phase is available. Three phase power is also available in other areas for special applications.~~ All wiring must be safe and not create a safety or fire hazard, fire, tripping or mobility obstructive hazard. The chief electrician must approve all wiring in accordance with the National Electrical Code. Electrical service charges will be set by the Iowa state fair board and ~~published in the current year's premium book~~ stated in the license agreement.

ITEM 33. Amend rule 371—4.22(173) as follows:

371—4.22(173) Use of sound. No band, orchestra, musicians, loudspeaker, amplifier, radio or other sound device can be used unless the sound or amplification is confined to the area occupied by the ~~contractor~~ licensee or otherwise approved by the fair board.

ITEM 34. Amend rule 371—4.25(173) as follows:

371—4.25(173) Discrimination. ~~Contractors~~ Licenses shall not discriminate because of race, creed, color, national origin, religion, age, mental or physical disability, ~~or sex~~ sexual orientation, or gender identity and must further agree that their ~~contract~~ license agreement shall be terminated by the state fair board if a violation is found.

ITEM 35. Amend rule 371—4.26(173) as follows:

371—4.26(173) Violation of ~~contract~~ license agreement. Any violation of any of the fair board's administrative rules or the terms and agreements of a space sales ~~contract~~ license agreement shall, at the election of the fair board, cause the whole amount of the ~~contract~~ license agreement to become due and be cause for revocation and forfeiture of all rights and privileges granted to the ~~contractor~~ licensee, and in the event of a breach or rule violation by the ~~contractor~~ licensee, any and all sums paid or ~~contracted~~ due to be paid under the ~~contract~~ license agreement to the fair board shall be and become the property of the fair as liquidated damages for the breach or rule violation.

ITEM 36. Amend rule 371—4.27(173) as follows:

371—4.27(173) Direct selling. Orders for future delivery may be taken under an industrial exhibit ~~contract~~ license agreement, but direct selling from exhibits is prohibited unless authorized in ~~contract~~ license agreement by the Iowa state fair board.

4.27(1) Parking in exhibit space. Parking of automobiles or trailers in exhibit space will not be permitted, except when they are being exhibited and are open to the public. Travel trailers in an exhibit space can only be used as an office when they are part of the exhibit. Trailers cannot be used for overnight camping.

4.27(2) Exhibition hours. All exhibits will be open to the public during the hours specified in their individual ~~contracts~~ license agreements.

4.27(3) and 4.27(4) No change.

ITEM 37. Amend subrule 4.28(2) as follows:

4.28(2) Quality standards and products. All dining halls, lunch booths and refreshment stands must be substantial in structure and neat in appearance. All structures and food must meet standards of the city, county and state health board boards, as provided in Iowa Code chapter 137.

ITEM 38. Amend subrule 4.28(7) as follows:

4.28(7) Space rate. The concessionaire shall pay a space rate in the amount and manner determined by the fair board and ~~the concessionaire shall pay the balance, if any, of the sum determined and stated in the contract, before 10 a.m. of the first Monday of the fair.~~

FAIR BOARD[371](cont'd)

ITEM 39. Amend rule 371—5.1(173) as follows:

371—5.1(173) Housing. Youth inn privileges will be available to those 4-H, ~~vo ag/~~ and FFA members and other youth participants, leaders, staff and other fair personnel who will abide by the rules and will cooperate with the state fair management and youth inn supervisors.

4-H and ~~vo ag/~~FFA exhibitors staying overnight on the fairgrounds are to sleep in the youth inns ~~—(members unless the exhibitors are staying with parents excepted—the parent's personal appearance is required,~~ in which case the parents must appear in person to make arrangements). Chaperons accompanying youth staying at youth inn must sleep in the dorm area assigned to this group. Exhibitors violating this rule will forfeit all rights to show and any premium money previously won. A fee on a per-night basis will be charged for each person.

ITEM 40. Amend rule **371—6.1(173)**, introductory paragraph, as follows:

371—6.1(173) Composition of exhibits. The Iowa state fair board shall sponsor, organize, produce and stage competitive exhibits and competitions that it deems are educational, enjoyable or possess social redeeming value for the participants and spectators. The composition of all competitive exhibits and competitions shall be determined by the fair board annually at its regular April meeting. ~~(See 1.3(1).)~~

ITEM 41. Amend rule 371—6.6(173) as follows:

371—6.6(173) Entries. ~~All entries~~ Entries into competitive exhibits or competitions ~~must~~ may be made online at www.iowastatefair.org or on printed forms, which may be obtained free at www.iowastatefair.org or by writing the Entry Department, Iowa State Fair, ~~Statehouse~~ P.O. Box 57130, Des Moines, Iowa 50319.

ITEM 42. Amend rule 371—6.12(173) as follows:

371—6.12(173) Early removal of exhibits. Gatekeepers and police are instructed to ~~restrain~~ restrict any person from leaving the grounds with stock or other articles that have been on exhibition, before the hour of release, without written permission of the superintendent of the department.

ITEM 43. Amend subrule 6.15(3) as follows:

6.15(3) All warrants must be cashed ~~before November 1 of the year of the fair~~ 60 days from the date of issuance. No claims for errors will be honored after October 15, the year of the fair.

ITEM 44. Amend rule 371—6.19(173) as follows:

371—6.19(173) Entries by owner. ~~Animals, with the exception of cattle, must be entered in the name of the owner and must have been owned not less than 30 days prior to the opening of the fair. Cattle must be owned by the exhibitor at the time of the exhibition, and be entered in owner's name. Refer to premium book, which may be found at www.iowastatefair.org/competition/categories.~~

ITEM 45. Amend rule 371—6.21(173) as follows:

371—6.21(173) Elimination of classification. ~~When a breed of cattle, swine or sheep entered and shown in the breeding classes drops below 35 head, of which 25 head are Iowa-owned, it will be dropped from classification the following year, and in order to regain entry into the classification, breed representatives must present satisfactory evidence to the state fair board that they will have a show of the required number and quality in keeping with Iowa state fair standards. The same rules apply for new breed competition and must have fair board approval. Refer to premium book, which may be found at www.iowastatefair.org/competition/categories.~~

ITEM 46. Amend rule 371—6.26(173) as follows:

371—6.26(173) Prompt showing. No animal will be awarded a prize unless promptly brought into the show ring with catalog number attached when class is called. ~~Animals entered and not brought into the~~

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ring at the proper time, unless excused by the superintendent, will be charged double the regular stall or pen fee.

ITEM 47. Amend rule 371—6.29(173) as follows:

371—6.29(173) Rent refund. No refunds for ~~stall fees or pen rent~~ of any kind will be made unless cancellation is made before ~~August 1~~ July 2, year of the fair.

ITEM 48. Amend subrule 7.2(1) as follows:

7.2(1) Policy. According to Iowa Code section 173.14(7), the fair board has the authority to grant written permission to individuals and organizations to use the fairgrounds and its facilities when the fair is not in progress.

a. Preference in scheduling shall be given to promoters who have previously sponsored the same interim events.

b. ~~All contracts to license agreements shall~~ be based on scheduled rates. Scheduled rates will be approved by the Iowa state fair board ~~at its regular November meeting, setting the rules for the following year.~~ If any rate change needs to be made during the year because of emergency, the change will be made at an open regular meeting with this item on a published agenda. In any area when gate admission is charged in addition to regular rental rates, 10 percent of gross receipts after sales tax will be added.

c. Secretary may grant variances from listed policies and charges subject to board review.

d. A 1.5 percent per month penalty charge on unpaid bills will commence 30 days after original billing. (This amounts to an annual percentage rate of 18 percent.)

e. ~~Terms of contracts~~ license agreements regarding the use of facilities shall be negotiated based upon event requirements, services rendered, and availability.

f. A building deposit is required to secure an event date. Deposit amount is generally one day's rent for the facility being rented.

g. No event shall run past midnight without written consent of the Iowa state fair board.

h. Decorating guidelines are available with the license agreement or upon request.

i. The Iowa state fair reserves the right to cancel the license agreement when the facility is required pursuant to declaration of public necessity, emergency use or act of God or legislative action resulting in dissolution of the Iowa state fair. A refund will be made for the deposit.

j. Licensee is responsible for all damages.

k. Licensee will not sell or assign the license agreement or sublet premises outlined in the agreement without written consent of the Iowa state fair board.

ITEM 49. Amend subrule 7.2(2) as follows:

7.2(2) Insurance requirements.

a. All persons as defined by Iowa Code section 4.1(43)(20) must provide liability insurance jointly protecting the ~~contracting lessee licensee, state of Iowa, Iowa state fair authority, Iowa state fair board, and the state of Iowa, its~~ their officers, employees and agents, ~~officers and staff.~~

b. The coverage shall provide liability insurance in the minimum of ~~\$500,000~~ \$1 million bodily injury for any person, ~~\$500,000~~ \$1 million for each occurrence, including spectator protection.

c. Evidence of this insurance must be presented to the Iowa state fair staff in time for review and approval 14 days prior to use of any facility by the ~~lessee licensee.~~

d. For auto races or hazardous events, ~~the same as above, except the requirements of paragraphs 7.2(2) "a" to "c" apply, and~~ the minimal insurance will be ~~from \$500,000 to \$1,000,000~~ \$1 million for each occurrence.

ITEM 50. Amend paragraph **7.2(3)"b"** as follows:

b. The Iowa state fair shall charge an amount not to exceed ~~25~~ 30 percent of the gross sales from facilities provided by the Iowa state fair and from those other than fair-owned facilities.

ITEM 51. Amend subrule 7.3(1) as follows:

7.3(1) The following items are available upon request ~~from lessee~~ by the licensee:

a. Service and labor requested:

FAIR BOARD[371](cont'd)

- (1) Electrician.
- (2) Security ~~or mounted patrol, or both.~~
- (3) End loader and driver.
- (4) Plumber.
- (5) Grader and driver.
- (6) Truck and driver.
- (7) Carpenter.
- (8) Ordinary labor.
- (9) Janitor.
- (10) Internet/telephone.

b. Equipment:

- ~~(1) Projection equipment items~~
- ~~(2) (1) Park benches~~ Benches.
- ~~(3) Paddock~~
- ~~(4) (2) Folding chairs.~~
- ~~(5) (3) Folding tables.~~
- ~~(6) (4) Picnic tables.~~
- ~~(7) Poultry and rabbit coops~~
- (5) Banquet tables.
- (6) Stage sections.
- (7) Podium.
- (8) Easels.
- (9) Bleachers.
- (10) Stanchions.
- (11) Ice machines.
- (12) Sign stands.
- (13) Information booths.
- (14) Livestock panels.

c. Public address systems are available ~~from the sound service contractor, (515)961-2286 for the following buildings:~~ for all buildings at a daily rate.

- ~~(1) Livestock pavilion~~
- ~~(2) Cattle show ring~~
- ~~(3) Cattle barn~~
- ~~(4) Sheep and swine show rings~~
- ~~(5) Barn paging systems~~
- ~~(6) Grandstand~~

d. Telephones (pay telephones):

- ~~(1) Locations: Cattle barn office — (515)266-9568~~
 Cattle barn foyer — (515)266-9443
 Horse barn office — (515)266-9239
 Stock pavilion/horse barn “hot line” — additional cost.

e. d. Feed ~~Barn barn~~ service. Feed, hay and livestock bedding are available on the Iowa state fairgrounds during interim events. ~~Contact the service office for telephone number of operator.~~

f. e. Fly control. Fly control will be charged when as needed and at cost.

ITEM 52. Amend rule 371—7.4(173) as follows:

371—7.4(173) Horse shows.

7.4(1) Iowa state fair may provide:

- a. Horse barn with box stalls and tie stalls.
- ~~b. Race horse barns for overflow.~~
- ~~c. Outside space for those who work out of truck or trailer.~~
- d. b. Office in horse barn.

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- ~~e. c.~~ Parking areas.
- ~~f. d.~~ Police and parking supervisors.
- ~~g. e.~~ Livestock pavilion for show, cleaned and ready.
- ~~h. f.~~ Toilet facilities in livestock pavilion and horse barn.
- ~~i. g.~~ Toilet attendants for livestock pavilion.
- ~~j. h.~~ Loading and unloading chutes.
- ~~k. i.~~ Hauling of manure, garbage and other refuse from barn area and concession areas.
- ~~l. j.~~ Food and drink concessions.
- ~~m. k.~~ Permission to permit others to sell materials and equipment needed for horse shows provided:
 - (1) Fees are paid to the Iowa state fair board.
 - (2) The concessionaires clean up area on leaving.
- ~~n. l.~~ Equipment to maintain show ring in livestock pavilion.
- ~~o. Telephone service (pay telephones).~~
- 7.4(2) Lessee Licensee to provide:**
 - a. Show manager.
 - b. Manager to assign definite stalls to exhibitors.
 - c. Manager or informed designated person to be on the show site during the entire time of the lease.
 - d. Manager to prevent vehicles from parking inside the barn and from blocking outside drives.
 - e. Manager to help supervise parking of all vehicles.
 - f. Manager to plan and authorize the schedule for the use of the livestock pavilion.
 - g. Security for horses and fire guard.
 - ~~h. Telephone service as needed.~~
- 7.4(3) Policy.**
 - a. All camping units will be assigned to designated areas. Camping fees will be determined by the Iowa state fair. Camping fees will be collected by fair personnel and will be paid to the Iowa state fair or show committee.
 - b. All vehicles and equipment must be parked in designated areas.
 - c. Licensees shall provide liability insurance (see subrule 7.2(2)).
- 7.4(4) Prohibitions.**
 - a. Trailers, campers and trucks ~~cannot be parked~~ are prohibited from parking inside any building.
 - b. Heating and cooking units using volatile fuel are prohibited by the fire marshal inside all buildings.
- 7.4(5) Charges.**
 - a. ~~Barns will be rented by the aisle or the entire barn is rented.~~ Barns are available at a daily rate. The fee schedule will be approved by the Iowa state fair board ~~at its February meeting each year and a~~ A copy of these the fee schedule may be obtained by writing the Iowa state fair board. Stalls will be rented on a first stall basis are available at a daily rate.
 - ~~There may be a charge for trailer, jump-out and tie.~~
 - ~~The prices of barns are good for up to four days' and four nights' use. Add 10 percent per day each additional day or night occupied.~~
 - b. Livestock pavilion ~~charges will be made for each morning, afternoon or evening session, plus a charge for each hour before the first session and after the last session each day~~ will be available at a daily rate, plus fuel utilities.
 - c. Any show using exercise ring west of horse barn covered area or warm-up east of pavilion in lieu of stock pavilion will be charged a fee per day.
 - ~~d. When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost.~~
 - ~~e. Cleanup of seats between shows at cost and done only if two hours are available for cleanup.~~
 - ~~f. d.~~ Added service and labor, equipment, and telephone, and Internet services will be charged at established rates (see rule 371—7.3(173)).
 - ~~g. e.~~ Preparation with lights will be charged a fee per hour.

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ITEM 53. Amend rule 371—7.5(173) as follows:

371—7.5(173) Horse sales.

7.5(1) Iowa state fair may provide:

- a. Horse barn with stalls and tie stalls.
- ~~b. Race horse barns for overflow.~~
- ~~e. b.~~ Outside space for those who work out of truck or trailer.
- ~~d. c.~~ Office in horse barn or in cattle barn as needed.
- ~~e. d.~~ Parking areas.
- ~~f. e.~~ Police and parking supervisors.
- ~~g. f.~~ Toilet facilities in cattle barn or horse barn as needed.
- ~~h. g.~~ Loading and unloading chutes.
- ~~i. h.~~ Hauling of manure, garbage and other refuse from barn area and concession areas.
- ~~j. i.~~ Food and drink concessions.
- ~~k. j.~~ Permission to permit selling others to sell materials and equipment needed for horse sales,

provided:

- (1) Fees are paid to the Iowa state fair board.
- (2) ~~That the~~ The concessionaires clean up area on leaving.

~~l. Telephone service (pay telephones).~~

7.5(2) Lessee Licensee to provide:

- a. ~~Sale Show~~ manager who must cooperate with fair personnel.
- b. Security for horses and fire guard.
- c. ~~Pay~~ Payment for cost of services requested and not covered in 7.5(1).
- d. Check-in for animals before the sale and check-out after.

7.5(3) Policy.

- a. All camping units will be assigned to designated areas. Camping fees will be determined by the Iowa state fair. Camping fees will be collected by fair personnel or show committee.
- b. All vehicles and equipment must be parked in designated areas.
- c. ~~When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost.~~ Licensees shall provide liability insurance (see subrule 7.2(2)).

7.5(4) Prohibitions.

- a. Trailers, campers and trucks ~~cannot be parked~~ are prohibited from parking inside any building.
- b. Heating and cooking units using volatile fuel are prohibited by the fire marshal inside all buildings.

7.5(5) Charges.

- a. ~~Barns will be rented by the aisle or the entire barn is rented.~~ Barns are available at a daily rate. The fee schedule will be approved by the Iowa state fair board at its February meeting each year and a. A copy of these the fee schedule may be obtained by writing the Iowa state fair board. Stalls will be rented on a first stall basis are available at a daily rate.

~~There may be a charge for trailer, jump-out and tie.~~

~~The prices of barns are good for up to four days' and four nights' use. Add 10 percent per day each additional day or night occupied.~~

- b. Livestock pavilion—~~charges will be made for each morning, afternoon or evening session, plus a charge for each hour before the first session and after the last session each day, plus fuel will be charged at a daily rate, plus utilities.~~

c. ~~Sale ring— and cattle barn—~~ will be charged at a daily charge rate, plus fuel utilities.

~~d. Front section of cattle barn will be charged daily, plus fuel.~~

~~e. When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost.~~

~~f. d.~~ Added service, labor, equipment, and telephone, and Internet services will be charged at established rates; (see 371—7.3(173)).

FAIR BOARD[371](cont'd)

ITEM 54. Amend rule 371—7.6(173) as follows:

371—7.6(173) Cattle sales/shows.

7.6(1) Iowa state fair may provide:

- a. Tie stalls for cattle in cattle barn.
- b. Hauling of manure, garbage and other refuse from barn area.
- c. Washing, drying and grooming area in north foyer or SW annex.
- d. Show ring annex with bleachers for showing cattle in NW corner of the barn.
- e. Office area for making entries, settling for sale and other purposes.
- f. Restrooms for both men and women.
- g. Heat for show ring, office, north foyer, sale ring, toilets and lunch room for the cost of propane.
- h. Lunch room.
- i. For large sales, and on request, wash rack area and foyer ~~will~~ may be cleaned once and made ready for ~~extra lunching facilities use.~~
- j. On show and sale days, wash rack ~~area~~ and foyer ~~area~~ will be cleaned once daily. Extra cleanings will result in an extra charge. Sale manager to notify ~~barn worker~~ Iowa state fair when to clean the area.
- k. Electric current to the capacity of the electric wiring and properly fused fuse boxes.
- l. Sale ring with lights.
- m. ~~Seales~~ Noncertified scales on request for supervised weighing.
- n. ~~Barn worker~~ Staff to:
 - (1) Operate furnace.
 - (2) Check electrical systems.
 - (3) Prepare show and sale rings, clean seats, dampen rings, etc.
 - (4) Clean office and foyer area at appointed times.
 - (5) Be on watch for fires.
 - (6) Notify ~~sales~~ sale/show manager or representative when sighting loose cattle, but will not be responsible for tying up the loose cattle.
 - ~~(7) Be responsible to the service department manager.~~
- o. Snow removal.
- ~~p. Telephone at established cost.~~
- ~~q. p.~~ Necessary permission to approve magazine and supply exhibits and sale, provided approved by sale manager and at no expense to the fair board. The usual concession fee ~~to~~ shall be paid to the Iowa state fair.

7.6(2) Policy.

- a. All camping units will be assigned to designated areas. Camping fees will be charged at a daily rate. Fees will be collected by a representative of the Iowa state fair.
- b. All vehicles and equipment must be parked in designated areas.
- c. ~~When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost~~ Licensees shall provide liability insurance (see subrule 7.2(2)).

7.6(3) Prohibitions.

- a. Trailers, campers and trucks ~~cannot be parked~~ are prohibited from parking inside buildings.
- b. Heating and cooking units using volatile fuel are prohibited by the fire marshal inside all buildings. Electric dryers and heating units may be used in wash rack ~~foyer~~ area and foyer at outlets provided.

7.6(4) ~~Lessee~~ Licensee. The licensee shall:

- a. Be ~~completely~~ responsible for checking cattle in and out of barn.
- b. ~~Will check~~ Check with fair officials before leaving grounds regarding number of aisles used, and billing, etc.
- ~~c. Provide insurance and other items mentioned in the contract.~~
- d. ~~Will pay~~ Pay additional costs for service requested and not covered ~~in~~ above.

7.6(5) Charges. ~~Charges for stalls in cattle barn will be for all stalls, stalls in short aisles, stalls in long aisles and stalls in SW annex.~~

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~~a. Show ring in NW annex will be charged for on a daily basis, plus fuel. Barns are available at a daily rate. The fee schedule will be approved by the Iowa state fair board. A copy of the fee schedule may be obtained by writing the Iowa state fair board. Stalls are available at a daily rate.~~

~~b. Sale ring will be charged for on a daily basis, plus fuel.~~

~~c. Per day use of front section of barn is charged on a daily basis, plus fuel.~~

~~d. Barn will be rented by the aisle. Any aisle used but not contracted will be charged at the established rate.~~

~~e. When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular fair security at cost.~~

~~f. b. Added service and labor, equipment, and telephone, and Internet services will be charged at established rates (see 371—7.3(173)).~~

~~g. c. Wash rack—(north), north or south, will be charged at a daily rate (south) daily rate, plus heat.~~

~~h. d. Livestock pavilions—charge for the first four hour session plus a charge per hour before first session and after last session each, plus fuel will be charged at a daily rate, plus utilities.~~

~~i. The above prices are good up to five days' and five nights' use. Add 20 percent per day for the added use after the fifth night.~~

ITEM 55. Amend rule 371—7.7(173) as follows:

371—7.7(173) Sheep sales.

7.7(1) Iowa state fair will provide:

a. Sheep barn with pens.

b. Office area ~~approximately 10' × 20'~~.

c. Unloading, parking and service areas.

d. Bleachers ~~as they are~~ located near sale and show rings.

e. Normal water and electricity.

f. Auction block.

g. Panels available as needed to get sheep to and from show and sale rings.

h. Scales on request for supervised weighing.

i. Toilet facilities.

j. Hauling of manure, garbage and other refuse from barn area.

~~k. Public address system on request and at cost.~~

~~l. Telephone at cost.~~

~~m. k. Necessary permission to approve magazine and supply exhibits and sale, provided approved by sale manager and at no expense to the fair board. The usual concession fee to shall be paid to the Iowa state fair.~~

7.7(2) Policy.

~~a. All camping units will be assigned to designated areas. Camping fees to will be charged on a daily basis; fees will be collected by a representative of the Iowa state fair.~~

~~b. All vehicles and equipment must be parked in designated areas.~~

~~c. When warranted, mounted patrol or parking supervisor, or both, must be used in addition to regular state fair security at cost. Licensees shall provide liability insurance (see subrule 7.2(2)).~~

7.7(3) Prohibitions.

~~a. Trailers, campers and trucks cannot be parked are prohibited from parking inside any building.~~

~~b. Heating and cooking units using volatile fuel are prohibited by the fire marshal inside all buildings.~~

7.7(4) Lessee to Licensee shall provide:

a. Security for sheep and fire guard.

b. Pay Payment at cost for service requested and not covered above.

~~c. Representative to check the number of pens used and other charges with fair officials before leaving grounds at close of sale.~~

d. Wood chips for sale/show ring.

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7.7(5) Charges.

~~a. Pen fees—a charge per pen—if alleys are used to house the sheep, charges will be made on the equivalent pen area considering the alley two pens wide. Barns are available at a daily rate. The fee schedule will be approved by the Iowa state fair board. A copy of the fee schedule may be obtained by writing the Iowa state fair board. Pens are available at a daily rate.~~

~~b. For each day the sheep are in barn over four days, add 10 percent of total pen charge.~~

~~e. When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost.~~

~~d. b. Added service and labor, equipment, and telephone, and Internet services will be charged at established rates; (see 371—7.3(173)).~~

~~e. c. Rings— will be charged at a daily rate for each ring.~~

ITEM 56. Amend rule 371—7.8(173) as follows:

371—7.8(173) Swine sales/shows.**7.8(1) Iowa state fair may provide:**

- a. Swine barn and pens.
- b. Bleachers normally in area.
- c. Office and store room.
- d. Toilet facilities.
- e. Normal water and electricity.
- f. Wash racks.
- g. Auction block.
- h. Loading and unloading chutes.
- i. Scales on request for supervised weighing.
- j. Panels are available in swine barn area.
- k. Hauling of manure, garbage and other refuse from barn area.
- ~~l. Telephone at cost.~~

~~m. l. Necessary permission to approve magazine and supply exhibits and sale, provided approved by sale manager and at no expense to the fair board. The usual concession fee to shall be paid to the Iowa state fair.~~

7.8(2) Policy.

~~a. All camping units will be assigned to designated areas. Camping fees to will be charged on a daily rate; fees will be collected by a representative of the Iowa state fair.~~

~~b. All vehicles and equipment must be parked in designated areas.~~

~~e. When warranted, mounted patrol or parking supervisor, or both, must be used in addition to regular state fair security at cost.~~

~~c. Licensees shall provide liability insurance (see subrule 7.2(2)).~~

7.8(3) Prohibitions.

~~a. Trailers, campers and trucks cannot be parked are prohibited from parking inside any building.~~

~~b. Heating and cooking units using volatile fuel are prohibited by the fire marshal.~~

7.8(4) Lessee to Licensee shall provide:

~~a. Security for swine and fire guard.~~

~~b. Pay at cost for service requested and not covered in 7.8(1).~~

~~e. b. Representative to check the number of pens used and other charges with fair officials before leaving grounds at close of sale/show.~~

~~d. c. Wood chips for sale/show ring.~~

7.8(5) Charges.

~~a. Pen rent—a charge per pen, plus 10 percent for each day pen is used over four days. Barns are available at a daily rate. The fee schedule will be approved by the Iowa state fair board. A copy of the fee schedule may be obtained by writing the Iowa state fair board. Pens are available at a daily rate.~~

~~b. Added service and labor, equipment, and telephone, and Internet services will be charged at established rates; (see 371—7.3(173)).~~

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c. Each ring charge will be made on a daily basis.

ITEM 57. Amend rule 371—7.9(173) as follows:

371—7.9(173) Walnut Square Center.

7.9(1) Area. ~~Walnut Square, 180' × 240'; 65' × 107'. The facility includes:~~

~~a. Pavilion, 80' in diameter with 8' × 16' stage, minimum size.~~

~~b. Walnut Center, 72' × 120'.~~

~~c. Concession area.~~

~~d. Dressing room 10' × 12'.~~

~~e. a. Ordinary electricity and water.~~

~~f. b. Preparation and cleanup.~~

7.9(2) Charges. Licensees are subject to the following charges:

a. At a daily rate.

b. Final cleanup and garbage hauling ~~at cost.~~

c. Added service, labor, ~~and equipment, telephone and Internet services~~ at established rates; (see 371—7.3(173)).

7.9(3) Policy.

a. All camping fees ~~to~~ will be charged on a daily basis; fees will be collected by a representative of the Iowa state fair.

b. All vehicles and equipment must be parked in designated areas.

c. ~~When warranted, mounted patrol or parking supervisor, or both, must be used in addition to regular state fair security at cost~~ Licensees shall provide liability insurance (see subrule 7.2(2)).

ITEM 58. Rescind rule 371—7.10(173).

ITEM 59. Renumber rules 371—7.11(173) to 371—7.13(173) as 371—7.10(173) to 371—7.12(173).

ITEM 60. Amend renumbered rule 371—7.10(173) as follows:

371—7.10(173) Varied industries building.

7.10(1) Area. ~~The varied industries building includes the entire area, 230' × 482'; 480' × 230'.~~

7.10(2) Charges. Licensees are subject to the following charges:

a. ~~A set charge for the first four hours and an hourly charge thereafter.~~ At a daily rate.

b. Added service, labor, ~~and equipment, telephone and Internet services~~ at established rates (see 371—7.3(173)).

c. Final cleanup ~~at cost.~~

~~d. Preparation if lights are used is at an hourly rate.~~

7.10(3) Policy.

a. All camping units will be assigned to designated areas. Camping fees ~~to~~ will be charged at a daily rate; fees will be collected by a representative of the Iowa state fair.

b. ~~All vehicles and equipment must be parked in designated areas~~ Licensees shall provide liability insurance (see subrule 7.2(2)).

~~c. When warranted, mounted patrol or parking supervisor, or both, must be used in addition to regular state fair security at cost.~~

ITEM 61. Amend renumbered rule 371—7.11(173) as follows:

371—7.11(173) Agriculture building.

7.11(1) Size. ~~The size of the agriculture building's main floor is 126' × 295'~~ Area: 100' × 290'.

7.11(2) Charges. Licensees are subject to the following charges:

a. ~~Main floor—a set charge for the first four hours and an hourly rate for each additional hour. Entire building—a set charge for the first four hours and an hourly rate for each additional hour~~ At a daily rate.

b. Final cleanup ~~at cost.~~

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~~c.~~ Added service, labor, ~~and~~ equipment, telephone and Internet services at established rates; (see 371—7.3(173)).

~~d.~~ Preparation if lights are used is at an hourly rate.

7.11(3) Policy.

a. All camping units will be assigned to designated areas. Camping fees ~~to~~ will be charged at a daily rate; fees will be collected by a representative of the Iowa state fair.

b. All vehicles and equipment must be parked in designated areas.

~~c.~~ When warranted, mounted patrol or parking supervisor, or both, must be used in addition to regular state fair security at cost Licensees shall provide liability insurance (see subrule 7.2(2)).

ITEM 62. Amend renumbered rule 371—7.12(173) as follows:

371—7.12(173) Youth inns.

7.12(1) Area. Main floor of boys' youth inn includes dorm area, kitchen area, dining area and auditorium and toilet facilities.

7.12(2) Charges. Charges are as follows:

a. ~~A set charge per day~~ daily rate plus preparation, cleanup and ~~fuel~~ utilities.

~~b.~~ Added services, labor, ~~and~~ equipment, telephone and Internet services at established rates (see 371—7.3(173)).

c. Boys' youth inn second floor dorm fee negotiable.

d. Girls' youth inn first floor dorm fee negotiable.

e. Girls' youth inn second floor dorm fee negotiable.

f. Dorm area in boys' youth inn per daily ~~charge~~ rate.

~~g.~~ Auditorium in boys' youth inn ~~at set fee for four hours and an additional fee for each additional hour~~ per daily rate.

7.12(3) Policy. Licensees shall provide liability insurance (see subrule 7.2(2)).

ITEM 63. Rescind rule **371—7.14(173)**.

ITEM 64. Renumber rules **371—7.15(173)** to **371—7.21(173)** as **371—7.13(173)** to **371—7.19(173)**.

ITEM 65. Amend renumbered rule 371—7.13(173) as follows:

371—7.13(173) Campgrounds.

1. Available Campgrounds are available for interim camping from April through October, exact date to be determined by fair.

~~2.~~ Fourteen-day maximum limit for any camper or group of campers in a 30-day period other than during the fair.

~~3.~~ Charges The following charges apply: A set fee per campsite per night, including electricity, showers, restroom and space. All fees must be paid in advance. A current camping permit must be visibly displayed on camping unit.

~~4.~~ 3. Registration/parking. All campers must register with the campground attendant upon arrival. Camper units will be placed by the campground attendant on designated site, two vehicles maximum.

~~5.~~ 4. Checkout time is 2 p.m.

~~6.~~ 5. Quiet hours are 10 p.m. to 7 a.m.; no visitors are allowed after 10 p.m.

~~7.~~ 6. Motorcycles/mopeds must be driven in a responsible and considerate manner. They may not be driven during quiet hours.

~~8.~~ 7. Pets must be on a leash and not left unattended.

~~9.~~ 8. All campers must secure their own personal property. Any property left unattended over 24 hours may be considered abandoned and be subject to impoundment.

~~10.~~ 9. Open fires on the ground are prohibited. However, barbecue grills are allowed on the campsite.

FAIR BOARD[371](cont'd)

~~11. 10. Lanterns are not allowed to~~ Fuel lanterns shall not be hung on trees. Nails and spikes are not allowed to be put into trees.

~~12. 11. Weapons, explosives and fireworks are prohibited under all circumstances.~~

~~13. 12. Parents are responsible for supervising their children. Playing in or around toilets/showers or with fairgrounds property is not allowed prohibited.~~

~~14. 13. Campers will keep sites free of trash and litter. Trash containers are located throughout the campgrounds as provided.~~

~~15. 14. Dump A dump out area for waste is provided for waste. Check Campers shall check with attendant for dumping procedures. Gray water will not be dumped on a site.~~

~~16. 15. These rules will be enforced in order that all campers may have a safe and enjoyable visit. Violations of these rules will result in expulsion from the campground or legal action, or both.~~

ITEM 66. Amend renumbered subrule 7.14(3) as follows:

7.14(3) Insurance—refer to 7.2(2) for minimum requirements for the different types of events Licensees shall provide liability insurance (see subrule 7.2(2)).

ITEM 67. Amend renumbered rule 371—7.15(173) as follows:

371—7.15(173) Livestock pavilion.

7.15(1) Iowa state fair may provide:

- a. Indoor arena—170' NS x 120' EW: 170' x 120'.
- b. Seating—; 2,000.
- c. Building heating and ventilating systems.
- d. Restroom facilities.
- e. Indoor ticket booths.
- f. Judge's stand.

7.15(2) Policy.

- a. In all events, the Iowa state fair reserves the right of concession privileges.
- b. All camping units will be assigned to designated areas. Camping fees to will be charged at set rate per night; fees will be collected by a representative of the Iowa state fair.
- c. ~~When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost~~ Licensees shall provide liability insurance (see subrule 7.2(2)).
- d. All vehicles and equipment must be parked in designated areas.

7.15(3) Charges. Licensees are subject to the following charges:

- a. ~~A set fee for the first four hours and an hourly rate thereafter~~ At a daily rate.
- b. Fuel ~~at cost.~~
- c. Added service, ~~and~~ labor, equipment, ~~and~~ telephone, ~~and~~ Internet services at established rates, (see ~~371—7.3(173)~~).

ITEM 68. Amend renumbered rule 371—7.16(173) as follows:

371—7.16(173) Multimedia center.

7.16(1) Iowa state fair may provide:

- a. Sale arena with seating.
- b. Four reverse projection screens above the arena.
- c. Projection room behind the screens.
- d. Restroom facilities.
- e. Parking areas.
- f. Office area.

7.16(2) Charges. Licensees are subject to the following charges:

- a. ~~A daily charge plus heating fuel~~ At a daily rate.
- b. Added service, labor, ~~and~~ equipment, ~~and~~ telephone ~~and~~ Internet services at established rates (see ~~371—7.3(173)~~).

7.16(3) Policies.

FAIR BOARD[371](cont'd)

a. All camping units will be assigned to designated areas. Camping fees ~~to~~ will be charged at a set rate per night; fees will be collected by a representative of the Iowa state fair.

b. All vehicles and equipment must be parked in designated areas.

c. ~~When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost~~ Licensees shall provide liability insurance (see subrule 7.2(2)).

~~7.16(4) Rentals. Slide projector, tape player, opaque projector, overhead projector, dissolve unit and programmer unit—available at a daily rate.~~

ITEM 69. Amend renumbered rule 371—7.17(173) as follows:

371—7.17(173) Family theaters.

7.17(1) Iowa state fair may provide:

a. ~~Three studio/stages with seating~~ Area: 35' × 75' and 35' × 85'.

b. ~~Three meeting rooms.~~

e. b. Restrooms.

d. c. Parking areas.

e. d. Normal water and electricity.

7.17(2) Charges. Licensees are subject to the following charges:

a. ~~One studio/stage will be a fee for first four hours and an hourly rate for each additional hour~~ At a daily rate.

b. ~~Meeting rooms will be set at a rate per day each.~~

c. ~~Entire building will be a set fee for first four hours and an hourly rate for each additional hour.~~

d. b. Added service, labor, and equipment, telephone and Internet services will be at established rates; (see 371—7.3(173)).

7.17(3) Policy.

a. All camping units will be assigned to designated areas. Camping fees ~~to~~ will be charged at a set rate per night; fees will be collected by a representative of the Iowa state fair.

b. All vehicles and equipment must be parked in designated areas.

c. ~~When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost~~ Licensees shall provide liability insurance (see subrule 7.2(2)).

ITEM 70. Amend renumbered rule 371—7.18(173) as follows:

371—7.18(173) Baby Sheep and baby beef barn.

7.18(1) Iowa state fair may provide:

a. Tie stalls.

b. Office area.

c. Hauling of manure, garbage and other refuse from barn area.

d. Washing area on south side of barn.

e. Restroom facilities.

f. Normal electricity and water.

g. Parking areas.

h. ~~Scales~~ Noncertified scales on request for supervised weighing.

i. Loading and unloading chutes.

7.18(2) Lessee Licensee will:

a. Be ~~completely~~ responsible for checking sheep and cattle in and out of barn.

b. Check with fair officials before leaving grounds regarding number of aisles used; and billing; etc.

c. Provide liability insurance; (see subrule 7.2(2)).

7.18(3) Policy.

a. All camping units will be assigned to designated areas. Camping fees ~~to~~ will be charged at a set rate per night; fees will be collected by a representative of the Iowa state fair.

b. All vehicles and equipment must be parked in designated areas.

FAIR BOARD[371](cont'd)

~~e. When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost.~~

7.18(4) Prohibitions.

a. Trailers, campers and trucks ~~cannot be parked, except those displayed, are prohibited from parking inside buildings except those displayed.~~

b. Heating and cooking units using volatile fuel are prohibited by the fire marshal.

7.18(5) Charges. ~~Charges will be set by staff and approved by the Iowa state fair board~~ Charges will apply at a daily rate.

ITEM 71. Amend renumbered rule 371—7.19(173) as follows:

371—7.19(173) 4-H exhibit building.

7.19(1) Iowa state fair may provide:

- a. Exhibit building Area: 165' × 262'.
- b. Restroom facilities.
- c. Normal water and electricity.
- d. Parking areas.
- e. Office area.

7.19(2) Charges. Licensees are subject to the following charges:

a. ~~A set fee for the first four hours and an hourly rate for each additional hour, plus fuel~~ At a daily rate.

b. Added service, labor, ~~and equipment,~~ telephone and Internet services at established rates; (see 371—7.3(173)).

7.19(3) Policies.

a. All camping units will be assigned to designated areas. Camping fees ~~to~~ will be charged at a set fee per night; fees will be collected by a representative of the Iowa state fair.

b. All vehicles and equipment must be parked in designated areas.

c. ~~When warranted, mounted patrol or parking supervisors, or both, must be used in addition to regular state fair security at cost~~ Licensees shall provide liability insurance (see subrule 7.2(2)).

ITEM 72. Adopt the following new rule 371—7.20(173):

371—7.20(173) Elwell family food center.

7.20(1) Area: 100' × 150'.

7.20(2) Charges. Licensees are subject to the following charges:

a. At a daily rate.

b. Added service, labor, equipment, telephone and Internet services at established rates (see 371—7.3(173)).

c. Final cleanup.

7.20(3) Policy.

a. All camping units will be assigned to designated areas. Camping fees will be charged at a daily rate; fees will be collected by a representative of the Iowa state fair.

b. All vehicles and equipment must be parked in designated areas.

c. Licensees shall provide liability insurance (see subrule 7.2(2)).

ITEM 73. Adopt the following new rule 371—7.21(173):

371—7.21(173) Richard O. Jacobson exhibition center.

7.21(1) Area:

a. Warm-up arena: 200' × 125'.

b. Conference area: 12' × 23'.

c. VIP/upper level: 70' × 30'.

7.21(2) Charges. Licensees are subject to the following charges:

a. At a daily rate.

FAIR BOARD[371](cont'd)

b. Added service, labor, equipment, telephone and Internet services at established rates (see 371—7.3(173)).

c. Final cleanup.

7.21(3) Policy.

a. All camping units will be assigned to designated areas. Camping fees will be charged at a daily rate; fees will be collected by a representative of the Iowa state fair.

b. All vehicles and equipment must be parked in designated areas.

c. Licensees shall provide liability insurance (see subrule 7.2(2)).

ITEM 74. Adopt the following new rule 371—7.22(173):

371—7.22(173) Paul R. Knapp animal learning center.

7.22(1) Area: 180' × 96'.

7.22(2) Charges. Licensees are subject to the following charges:

a. At a daily rate.

b. Added service, labor, equipment, telephone and Internet services at established rates (see 371—7.3(173)).

c. Final cleanup.

7.22(3) Policy.

a. All camping units will be assigned to designated areas. Camping fees will be charged at a daily rate; fees will be collected by a representative of the Iowa state fair.

b. All vehicles and equipment must be parked in designated areas.

c. Licensees shall provide liability insurance (see subrule 7.2(2)).

ITEM 75. Amend subrule 8.4(3) as follows:

8.4(3) Regardless of the preceding provisions, ~~no restriction shall be placed upon the admission of any pet or animal animals~~ that are providing guide or assistive services to a person who requires accommodation for a disability to the Iowa state fairgrounds or other lands under the jurisdiction of the Iowa state fair board will be allowed admittance.

ARC 0048C

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 sections 234.6(4) and 239B.4(6), the Department of Human Services proposes to amend Chapter 40, “Application for Aid,” Chapter 41, “Granting Assistance,” and Chapter 65, “Food Assistance Program Administration,” Iowa Administrative Code.

The proposed amendments change the procedures for determining self-employment income for the Family Investment Program (FIP) and for Food Assistance. The amendments will allow applicant and participant households with self-employment income the choice between receiving a standard deduction of 40 percent from their gross self-employment income or having their actual allowable self-employment expenses deducted from their gross self-employment income.

People who select the new standard deduction for self-employment expenses will not incur additional costs which could arise from gathering and preparing documentation of the actual costs of producing the income. Also, the alignment of self-employment income policies across these assistance programs will result in a more efficient process for Department staff who determine eligibility and benefits.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Any interested person may make written comments on the proposed amendments on or before April 10, 2012. Comments should be directed to the Rules Administrator, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because providing a choice of methods for considering self-employment income is a benefit to the persons affected. 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 234.12 and 239B.7.

The following amendments are proposed.

ITEM 1. Amend paragraph **40.27(4)“b”** by striking “41.27(2)‘q’” and inserting “41.27(2)‘h’” in lieu thereof.

ITEM 2. Amend subrule 41.27(2) as follows:

41.27(2) Earned income. Earned income is defined as income in the form of a salary, wages, tips, bonuses, commissions earned as an employee, income from Job Corps, or profit from self-employment. Earned income from commissions, wages, tips, bonuses, Job Corps, or salary means the total gross amount irrespective of the expenses of employment. ~~With respect to self-employment, earned income means the net profit from self-employment, defined as gross income less the allowable costs of producing the income.~~ Income shall be considered earned income when it is produced as a result of the performance of services by an individual.

a. Earned income deduction. Each person in the assistance unit whose gross nonexempt earned income, earned as an employee or net profit from self-employment, is considered in determining eligibility and the amount of the assistance grant is entitled to one 20 percent earned income deduction of nonexempt monthly gross earnings. The deduction is intended to include all work-related expenses other than child care. These expenses shall include, but are not be limited to, all of the following: taxes, transportation, meals, uniforms, and other work-related expenses.

b. and c. No change.

d. ~~Rescinded IAB 6/30/99, effective 9/1/99.~~

e. ~~Rescinded IAB 9/11/96, effective 11/1/96.~~

f. ~~Reserved.~~

g. ~~Reserved.~~

h. ~~Reserved.~~

i. ~~Reserved.~~

j. d. Self-employment. A person is considered self-employed when the person:

(1) to (3) No change.

e. Self-employment income. Earned income from self-employment as defined in paragraph 41.27(2)“d” means the net profit from self-employment. “Net profit” means gross self-employment income less:

(1) Forty percent of the gross income to cover the costs of producing the income, or

(2) At the request of the applicant or recipient, actual expenses determined in the manner specified in paragraph 41.27(2)“f.”

k. f. Deduction of self-employment expenses. ~~The~~ When the applicant or recipient requests that actual expenses be deducted, the net profit from self-employment income ~~in a nonhome-based operation~~ shall be determined by deducting only the following expenses that are directly related to the production of the income:

(1) to (8) No change.

l. ~~When the client is renting out apartments in the client's home, the following shall be deducted from the gross rentals received to determine the profit:~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~(1) Shelter expense in excess of that set forth on the chart of basic needs components in subrule 41.28(2) for the eligible group.~~

~~(2) That portion of expense for utilities furnished to tenants which exceeds the amount set forth on the chart of basic needs components in subrule 41.28(2).~~

~~(3) Ten percent of gross rentals to cover the cost of upkeep.~~

m.— In determining profit from furnishing board, room, operating a family life home, or providing nursing care, the following amounts shall be deducted from the payments received:

~~(1) \$41 plus an amount equivalent to the monthly maximum food assistance program benefit for a one-member household for a boarder and roomer or an individual in the home to receive nursing care, or \$41 for a roomer, or an amount equivalent to the monthly maximum food assistance program benefit for a one-member household for a boarder.~~

~~(2) Ten percent of the total payment to cover the cost of upkeep for individuals receiving a room or nursing care.~~

n. g. Child care income. Gross income from providing child care in the applicant's or recipient's own home shall include the total payment(s) received for the service and any payment received due to the Child Nutrition Amendments of 1978 for the cost of providing meals to children. ~~In determining profit from providing child care services in the applicant's or recipient's own home, 40 percent of the total gross income received shall be deducted to cover the costs of producing the income, unless the individual requests to have expenses in excess of the 40 percent considered. When the applicant or recipient requests to have actual expenses considered, profit shall be determined in the same manner as specified in 41.27(2) "o."~~

o.— In determining profit for a self-employed enterprise in the home other than providing room and board, renting apartments or providing child care services in the home, the following expenses shall be deducted from the income received:

~~(1) The cost of inventories and supplies purchased that are required for the business, such as items for sale or consumption and raw materials.~~

~~(2) Wages, commissions, and mandated costs relating to the wages for employees.~~

~~(3) The cost of machinery and equipment in the form of rent; or the interest on mortgage or contract payment; and any insurance on such machinery equipment.~~

~~(4) Ten percent of the total gross income to cover the costs of upkeep when the work is performed in the home.~~

~~(5) Any other direct cost involved in the production of the income, except the purchase of capital equipment and payment on the principal of loans for capital equipment and payment on the principal of loans for capital assets and durable goods or any cost of depreciation.~~

p.— Rescinded IAB 6/30/99, effective 9/1/99.

q. h. Income verification. The applicant or recipient shall cooperate in supplying verification of all earned income and of any change in income, as defined at rule 441—40.21(239B). A self-employed individual shall keep any records necessary to establish eligibility.

ITEM 3. Amend subrule 65.29(1) as follows:

65.29(1) *Self-employment income.* "Self-employment income" means the net profit from self-employment.

a. Determination of net profit. "Net profit from self-employment" means gross self-employment income less:

(1) A standard amount of 40 percent, as allowed by the state's family investment (TANF) program,
or

(2) At the household's request, actual allowable expenses as specified in federal regulations at 7 CFR 273.11 as amended to January 1, 2011.

b. Uneven proration of self-employment income. Once a household with self-employment income is determined eligible based on its monthly net self-employment income, the household has the following options for computation of the benefit level:

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~a.~~ (1) Using the same ~~net~~ monthly self-employment income amount which was used to determine eligibility, or

~~b.~~ (2) Unevenly prorating the household's annual self-employment income over the period for which the household's self-employment income was averaged to more closely approximate the time when the income is actually received. If this option is chosen, the self-employment income assigned in any month together with other income and deductions at the time of certification cannot result in the household's exceeding the maximum monthly net income eligibility standards for the household's size.

ARC 0047C

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.

The proposed amendment will increase premiums for members under the Medicaid for Employed People with Disabilities (MEPD) program with income over 165 percent of the federal poverty level (FPL). The state is required to adjust the premium scale based on the health insurance cost for state employees. The premium amount for members with income over 150 percent of FPL but under 165 percent of FPL was not increased in order to maintain a sliding scale with a reasonable number of gradually increasing income and premium increments.

The amendment also clarifies policy on when to reopen an individual's case if the case is canceled for nonpayment. The amendment also revises policy on where to mail the MEPD premiums and revises the form number of the MEPD billing statement.

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

Any interested person may make written comments on the proposed amendment on or before April 10, 2012. 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.

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

This amendment is intended to implement 2011 Iowa Code Supplement section 249A.3(2)“a”(1) and Social Security Act Sections 1916A(a)(2)(B), (b)(1)(B)(ii) and (b)(2)(A).

The following amendment is proposed.

Amend paragraph **75.1(39)“b”** as follows:

b. Eligibility for a person whose gross income is greater than 150 percent of the federal poverty level for an individual is conditional upon payment of a premium. Gross income includes all earned and unearned income of the conditionally eligible person. A monthly premium shall be assessed at the time of application and at the annual review. The premium amounts and the federal poverty level increments above 150 percent of the federal poverty level used to assess premiums will be adjusted annually on August 1.

(1) and (2) No change.

(3) Premiums shall be assessed as follows:

HUMAN SERVICES DEPARTMENT[441](cont'd)

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
150% of Federal Poverty Level	\$34
165% of Federal Poverty Level	\$44 <u>46</u>
180% of Federal Poverty Level	\$54 <u>56</u>
200% of Federal Poverty Level	\$65 <u>66</u>
225% of Federal Poverty Level	\$75 <u>78</u>
250% of Federal Poverty Level	\$86 <u>88</u>
300% of Federal Poverty Level	\$106 <u>108</u>
350% of Federal Poverty Level	\$127 <u>130</u>
400% of Federal Poverty Level	\$148 <u>152</u>
450% of Federal Poverty Level	\$169 <u>174</u>
550% of Federal Poverty Level	\$209 <u>215</u>
650% of Federal Poverty Level	\$250 <u>257</u>
750% of Federal Poverty Level	\$292 <u>300</u>
850% of Federal Poverty Level	\$335 <u>344</u>
1000% of Federal Poverty Level	\$399 <u>409</u>
1150% of Federal Poverty Level	\$469 <u>481</u>
1300% of Federal Poverty Level	\$560 <u>574</u>
1480% of Federal Poverty Level	\$660 <u>667</u>

(4) to (6) No change.

(7) An individual's case may be reopened when Medicaid eligibility is canceled for nonpayment of premium. However, the full premium must be paid in full within the calendar month following the month the payment was due for reopening received by the department on or before the last day of the month following the month the premium is to cover.

(8) Premiums may be submitted in the form of money orders or personal checks to the address printed on the return envelope enclosed with coupon attached to Form 470-3902, MEPD Billing Statement.

(9) and (10) No change.

(11) Form ~~470-3694~~ 470-3902, MEPD Billing Statement, shall be used for billing and collection.

ARC 0039C

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 76, “Application and Investigation,” Iowa Administrative Code.

The proposed amendment will allow staff to use telephone scheduling for interview appointments for Medicaid eligibility determinations. The Department seeks to align policy for scheduling appointments with regulations for the Food Assistance (FA) program and the Family Investment Program (FIP), which both allow appointments to be scheduled via the telephone. This change will result in a more efficient

HUMAN SERVICES DEPARTMENT[441](cont'd)

eligibility determination process for applicants who have applied for the FA or FIP program as well as Medicaid.

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

Any interested person may make written comments on the proposed amendment on or before April 10, 2012. 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.

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

This amendment is intended to implement Iowa Code sections 249.3, 249.4, 249A.4 and 249A.5.

The following amendment is proposed.

Amend subrule 76.2(1) as follows:

76.2(1) Interviews.

a. In processing applications for Medicaid for adults, the department may require a face-to-face or telephone interview upon ~~written~~ notice to the applicant. An interview is not required as a condition of eligibility for children.

b. For SSI-related Medicaid for adults, the department may require a face-to-face or telephone interview at the time of review.

c. The department shall notify the applicant ~~in writing~~ of the date, time and method of an interview. This notice shall be provided to the applicant personally ~~or~~, by telephone, by e-mail, by mail or by facsimile. Interviews that are rescheduled at the request of the applicant or authorized representative may be agreed upon verbally, by e-mail, or by facsimile; a written confirmation is not required.

d. No change.

ARC 0045C

NATURAL RESOURCES DEPARTMENT[561]

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 558.69, the Department of Natural Resources hereby gives Notice of Intended Action to amend Chapter 9, “Groundwater Hazard Documentation,” Iowa Administrative Code.

The proposed amendment is intended to adopt by reference a revised Form 542-0960, “Groundwater Hazard Statement,” to clarify that the time of transfer inspection of private sewage disposal systems is only required for buildings that have or are required by law to have sewage disposal systems.

Questions are frequently raised due to the absence on the form of any category to cover outbuildings, barns, and other buildings which do not have plumbing, toilets, or other fixtures which require a sewage disposal system. The Department has also received requests for further clarification of the language on the form. The revisions to the form are intended to address these issues.

Any interested person may make written suggestions or comments on the proposed amendment by submitting those comments on or before May 1, 2012. Written comments in regard to the amendment to Chapter 9 should be directed to Jon C. Tack, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034; fax (515)281-8895; E-mail jon.tack@dnr.iowa.gov. Comments regarding Chapter 9 and the related revisions to 567—Chapters 68 and 69 (see Notice **ARC 0046C** herein) should be directed to Daniel Olson, NPDES Section, Iowa

NATURAL RESOURCES DEPARTMENT[561](cont'd)

Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034; fax (515)281-8263; E-mail daniel.olson@dnr.iowa.gov.

Public hearings will be held in conjunction with hearings held to accept comments relating to amendments to 567—Chapters 68 and 69 (ARC 0046C herein). The following public hearings are scheduled:

April 12, 2012	3 to 5 p.m.	Wallace State Office Bldg. 502 E. 9th St. Conference Room 5E Des Moines
April 16, 2012	2 to 4 p.m.	Iowa DNR Field Office #4 1401 Sunnyside Lane Atlantic
April 17, 2012	4 to 6 p.m.	Independence Public Library 805 1st St. E. Independence
April 18, 2012	4 to 6 p.m.	Fairfield Public Library 104 W. Adams Fairfield
April 19, 2012	4 to 6 p.m.	Storm Lake Public Library 609 Cayuga St. Storm Lake

At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment. Any person who intends to attend a public hearing and has special requirements, such as those related to mobility or hearing impairments, should contact the Department to advise of any specific needs.

After analysis and review of this rule making, no negative impact on private-sector jobs and employment opportunities in the state of Iowa has been found.

This amendment is intended to implement Iowa Code section 558.69.

The following amendment is proposed.

Amend subrule 9.2(1) as follows:

9.2(1) The transferor or the transferor's agent or attorney shall sign department Form 542-0960, "Groundwater Hazard Statement," which may be obtained from the department or local county recorder. An agent or attorney may sign the form for the transferor, but in doing so the agent or attorney represents that a good-faith inquiry of the transferor has been made regarding the information contained in the form and that the information is correct. The department hereby adopts by reference Form 542-0960, "Groundwater Hazard Statement," as amended through ~~September 1, 2010~~ [insert effective date of this amendment]. For all real estate transactions dated July 1, 2009, or later, a county recorder shall accept only the currently adopted form. The department authorizes the reproduction of Form 542-0960 by any person through photocopying or electronic means so long as the general format and wording are not altered in the reproduction thereof.

ARC 0053C

PHARMACY BOARD[657]**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 124.212B, the Governor’s Office of Drug Control Policy and the Iowa Board of Pharmacy hereby give Notice of Intended Action to amend Chapter 100, “Iowa Real-Time Electronic Pseudoephedrine Tracking System,” Iowa Administrative Code.

The proposed amendments were approved by the Governor’s Office of Drug Control Policy on January 19, 2012. The proposed amendments were approved by the Board of Pharmacy at the January 19, 2012, regular meeting of the Board.

These proposed amendments add probation or parole officer to the list of agents included in the definition of “law enforcement officer,” provide an alternative method of entering information into the pseudoephedrine tracking system (PTS) regarding a transaction completed when the PTS was unavailable, and clarify the processes for release of information from the PTS to law enforcement officers.

Interested parties may submit written comments on the proposed amendments not later than 4 p.m. on April 10, 2012, to Susie Sher, Wallace State Office Building, First Floor, 502 E. 9th Street, Des Moines, Iowa 50319; via facsimile to (515)725-0304; or via E-mail to susie.sher@iowa.gov.

These amendments are not subject to waiver.

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

These amendments are intended to implement Iowa Code section 124.212B.

The following amendments are proposed.

ITEM 1. Amend rule **657—100.2(124)**, definition of “Law enforcement officer,” as follows:

“*Law enforcement officer*” means all of the following:

1. State police officer.
2. City or county police officer.
3. Sheriff or deputy sheriff.
4. State or public university safety and security officer.
5. Department of natural resources officer.
6. Certified or full-time peace officer of this or another state.
7. Federal peace officer.
8. Criminal analyst assigned to a law enforcement agency.
9. Probation or parole officer.

ITEM 2. Amend subrule 100.3(4) as follows:

100.3(4) Availability of electronic PTS. If the electronic PTS is unavailable for use, the dispenser shall maintain a written record of each transaction pursuant to 657—subrule 10.32(6). The dispenser shall enter the information from the written record into the PTS within 72 hours of the time the PTS is again available and shall include in the electronic record that the record is a delayed entry.

~~a. A written record of each purchase shall be maintained pursuant to 657—subrule 10.32(6).~~

~~b. The information shall be provided to the office for inclusion in the PTS within 72 hours after the PTS becomes operational.~~

~~c. A PTS administrator shall enter the information from the written record into the PTS within 72 hours of receipt.~~

PHARMACY BOARD[657](cont'd)

ITEM 3. Amend subrule 100.4(2) as follows:

100.4(2) Law enforcement release. ~~PTS reports may be provided to a law enforcement officer whose duty is to enforce the drug laws of this state, another state, or the United States pursuant to this subrule pursuant to rule 657—100.4(124).~~

a. A law enforcement officer shall register with the PTS prior to requesting reports. To ensure the identity of the officer and to maintain confidentiality of PTS information, the officer's identity shall be verified and registration shall be approved by the office or the administrator for the officer's agency.

b. ~~A law enforcement officer may request information or data from the PTS by providing to a PTS administrator a case or reference number for an ongoing investigation and by articulating reasonable suspicion.~~

e. b. ~~At the discretion of the office, law~~ Law enforcement officers ~~may~~ shall be given direct access to all data from the PTS pursuant to the federal Combat Methamphetamine Epidemic Act and 21 CFR § 1314.45.

d. c. ~~If a law enforcement officer requests PTS information on purchases or attempted purchases in excess of the monthly limit established in 657—subrule 10.32(3) or subrule 100.3(2), a subpoena or other court order is required~~ directly from the PTS, the law enforcement officer shall enter the purpose of the request into the PTS and shall certify the request is part of the officer's official duties.

e. ~~Data collected on purchases in excess of limits established pursuant to the federal Combat Methamphetamine Epidemic Act may be released to law enforcement officers by PTS administrators without a court order or articulating reasonable suspicion.~~

ARC 0042C

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, the Iowa Plumbing and Mechanical Systems Board hereby gives Notice of Intended Action to amend Chapter 28, “Plumbing and Mechanical Systems Board—Licensure Fees,” Iowa Administrative Code.

The purpose of this amendment is to relieve the burden of sitting for examination from a licensee who has allowed a license(s) to lapse for more than 60 days but not more than 365 days. This amendment sets forth the late fee and renewal fee that will be due when a licensee renews a license(s). The amendment also stipulates that a licensee who has allowed a license to lapse for more than 60 days cannot continue to work in the discipline until the license is renewed and that a licensee who does continue to work with a lapsed license may be subject to disciplinary action.

Consideration will be given to all written suggestions or comments on the proposed amendment on or before April 10, 2012. Such written comments should be directed to Cindy Houlson, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-6114 or by E-mail to cindy.houlson@idph.iowa.gov.

There will be a public hearing on April 10, 2012, from 11 a.m. to 12 noon, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment. This hearing will originate from the Iowa Communications Network (ICN) and will be accessible over the ICN from the following locations:

PUBLIC HEALTH DEPARTMENT[641](cont'd)

April 10, 2012
11 a.m. to 12 noon

Iowa Economic Development Authority
Main Conference Room, 2nd Floor
200 East Grand Ave.
Des Moines

Scott Community College, Room 210
500 Belmont Rd.
Bettendorf

Department of Human Services
417 E. Kanessville Blvd.
Council Bluffs

National Guard Armory
195 Radford Rd.
Dubuque

National Guard Armory
1659 Nelson Ave.
Fort Dodge

University of Iowa - 1
North Hall, Rm. 103
20 West Davenport St.
Iowa City

National Guard Armory
1160 19th St. SW
Mason City

National Guard Armory
2858 N. Court Rd.
Ottumwa

National Guard Armory
3200 2nd Mech Dr.
Sioux City

National Guard Armory
3306 Airport Blvd.
Waterloo

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

After analysis and review of this rule making, it has been determined that this amendment will have a positive impact on jobs. By paying late fees, a licensee will be assured of a timely renewal of the license in lieu of delays caused by sitting for and passing an examination.

This amendment is intended to implement Iowa Code section 105.20 and chapter 272C.

The following amendment is proposed.

Rescind paragraph **28.1(5)“c”** and adopt the following **new** paragraph in lieu thereof:

c. A licensee who allows a license to lapse for more than 60 days but not more than 365 days may reinstate and renew the license without examination upon payment of a \$100 late fee and the appropriate renewal of license fee. A licensee whose license has lapsed for more than 60 days may not work as a plumbing or mechanical professional or contractor in Iowa until the license is renewed. A licensee who works as a plumbing or mechanical professional under a license that has lapsed more than 60 days, including under a special restricted license; works as a geothermal heat pump installer with a lapsed license; or operates as a contractor in the state of Iowa with a lapsed license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code chapter 105, criminal sanctions pursuant to Iowa Code chapter 105, and other available legal remedies.

ARC 0043C**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, the Iowa Plumbing and Mechanical Systems Board hereby gives Notice of Intended Action to amend Chapter 29, “Plumbing and Mechanical Systems Board—Application, Licensure, and Examination,” Iowa Administrative Code.

The purpose of these amendments is to relieve the burden of sitting for examination from a licensee who has allowed a license(s) to lapse for more than 60 days but not more than 365 days. These amendments also set forth the late fee and renewal fee that will be due when a licensee renews a license(s). The amendments also identify two options for license renewal for a licensee who has allowed a license(s) to lapse for more than one year: (1) sitting for the appropriate examination and paying the renewal fee, or (2) retaking all continuing education courses and paying the renewal fee.

Consideration will be given to all written suggestions or comments on the proposed amendments on or before April 10, 2012. Such written comments should be directed to Cindy Houlson, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-6114 or by E-mail to cindy.houlson@idph.iowa.gov.

There will be a public hearing on April 10, 2012, from 11 a.m. to 12 noon, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. This hearing will originate from the Iowa Communications Network (ICN) and will be accessible over the ICN from the following locations:

April 10, 2012 11 a.m. to 12 noon	Iowa Economic Development Authority Main Conference Room, 2nd Floor 200 East Grand Ave. Des Moines
	Scott Community College, Room 210 500 Belmont Rd. Bettendorf
	Department of Human Services 417 E. Kaneshville Blvd. Council Bluffs
	National Guard Armory 195 Radford Rd. Dubuque
	National Guard Armory 1659 Nelson Ave. Fort Dodge
	University of Iowa - 1 North Hall, Rm. 103 20 West Davenport St. Iowa City

PUBLIC HEALTH DEPARTMENT[641](cont'd)

National Guard Armory
1160 19th St. SW
Mason City

National Guard Armory
2858 N. Court Rd.
Ottumwa

National Guard Armory
3200 2nd Mech Dr.
Sioux City

National Guard Armory
3306 Airport Blvd.
Waterloo

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

After analysis and review of this rule making, it has been determined that these amendments will have a positive impact on jobs. By paying late fees, a licensee will be assured of a timely renewal of a license in lieu of delays caused by sitting for and passing an examination.

These amendments are intended to implement Iowa Code section 105.20.

The following amendments are proposed.

ITEM 1. Rescind paragraph **29.7(2)“c”** and adopt the following **new** paragraph in lieu thereof:

c. A licensee who allows a license to lapse for more than 60 days but not more than 365 days may reinstate and renew the license without examination upon payment of a \$100 late fee and the appropriate renewal of license fee as defined in 641—subrule 28.1(3).

ITEM 2. Adopt the following **new** paragraph **29.7(2)“d”**:

d. A licensee who allows a license to lapse for more than one year may reinstate and renew the license by either of the following means:

(1) Retaking and successfully passing the applicable licensing examination and paying the appropriate renewal fee as defined in 641—subrule 28.1(3), or

(2) Retaking and successfully completing all continuing education requirements as set forth in rule 641—30.2(105) and paying the appropriate renewal fee as defined in 641—subrule 28.1(3).

ARC 0052C

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 151, “Collection of Debts Owed to the State of Iowa or a State Agency,” Iowa Administrative Code.

The proposed new rule is intended to implement Iowa Code section 421.17(32), the Director’s authority to subpoena certain records from utility companies. These records will be used to assist the Department in locating individuals who have a debt or obligation placed with the centralized collection unit of the Department. Subpoenas for these records will be issued when the Department, through reasonable efforts, has been unable to locate these individuals.

REVENUE DEPARTMENT[701](cont'd)

The proposed new rule provides more specific guidance on the procedures to be followed by both the Department and the utility company when such a subpoena is issued. This rule will ensure consistency in Department procedures for issuing such subpoenas. The rule will also provide better guidance to utilities about their rights and obligations with regard to such subpoenas. Finally, the prescribed procedures help ensure that account information is handled in a secure and confidential manner.

The proposed amendment 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 this amendment would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Any interested person may make written suggestions or comments on this proposed amendment on or before April 10, 2012. Such written comments should be directed to the Iowa Department of Revenue, Policy Section, P.O. Box 10457, Des Moines, Iowa 50306.

Requests for public hearing must be received by April 10, 2012.

After review, the department has determined this rule will not have an impact on jobs.

This amendment is intended to implement Iowa Code section 421.17(32).

The following amendment is proposed.

Adopt the following **new** rule 701—151.9(421):

701—151.9(421) Subpoena of records from public or private utility companies. The director may, to the extent permissible by federal law, subpoena certain records held by a public or private utility company with respect to an individual who has a debt or obligation placed with the centralized collection unit of the department. This authority may be used only after reasonable efforts have been made by the centralized collection unit of the department to locate the individual.

151.9(1) Definitions.

a. “Public or private utility company” means a public utility, cable, video, or satellite television company, cellular telephone company, or Internet service provider.

b. “Reasonable efforts,” for purposes of this rule, will be considered complete when the following procedures have been performed by the department:

(1) The department has received returned and undeliverable mail sent to the individual’s most recent address known to the department; and

(2) The department has attempted to reach the individual at the listed telephone number and discovered that the telephone number is incorrect or the telephone has been disconnected.

151.9(2) Procedure for issuing a subpoena.

a. The department will serve a subpoena on the utility on or about the same date a data file is submitted for processing, and the subpoena will be sent to the utility’s designated recipient for service of process. The subpoena will include language indicating the director’s authority to make the request, the name of the file submitted for processing, the information to be provided for each individual, the expected response date, and the department’s contact information. The department will provide the utility company with a data file including social security numbers, names, and last-known addresses in a mutually agreed-upon format.

b. The data file will be transmitted in a secure file transfer method agreed upon by both parties. The utility company will match the data file against its current customers and return the current last name, first name, middle name, address 1, address 2, city, state, ZIP code and telephone number for any current customer information that matches the social security number and designated characters of the last name. The department will not request or require any information from the utility company other than the current address and telephone number.

c. Within 30 days of receiving the department’s data file, the utility company will process and return the data file to the department using the secure file transfer process.

d. When the data file is returned, the department will match the returned data with the social security number and designated characters of the current customer’s last name before updating its collections system with the new address or telephone number.

REVENUE DEPARTMENT[701](cont'd)

e. The department will use the address and telephone number received from the utility company to contact the individual for collection purposes.

151.9(3) Confidentiality. The utility company must keep confidential all records received from the department. After the department has received the requested information from the utility company, the utility company must delete the data files it received in a secure manner. The department must keep confidential all records received from the utility company in compliance with all applicable state and federal laws regarding individual privacy and the privacy rights of public and private utility companies.

This rule is intended to implement Iowa Code section 421.17(32).

ARC 0054C

SECRETARY OF STATE[721]

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 631.4, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 2, “Rules of Practice,” Iowa Administrative Code.

The rules in Chapter 2 specify actions related to forms and fees for the filing of complaints. This proposed amendment adds a new subrule which clarifies that filing the notice with the Secretary of State in conjunction with service of process under Iowa Code section 631.4(1)(d) is subject to a \$10 fee, as referenced in Iowa Code section 617.3. This rule making does not create a new fee; it simply clarifies an existing practice.

Any interested person may make written suggestions or comments on this proposed amendment on or before April 10, 2012. Such written materials should be directed to the Office of the Secretary of State, Attn: Doug Struyk, Capitol Building, Des Moines, Iowa 50319; fax (515)242-5952. Persons who wish to convey their views orally should contact the Secretary of State’s office at (515)281-7041 or at the Secretary of State’s office on the first floor of the Lucas State Office Building.

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

This amendment is intended to implement Iowa Code section 631.4(1)(d).

The following amendment is proposed.

Amend rule 721—2.3(17A) as follows:

721—2.3(17A) Payment for services. The secretary of state may approve accounts to be used for the payment of services provided by the secretary of state. A user of a service provided by the secretary of state may make payment for the service by authorizing a charge to be made upon an account held by the user.

2.3(1) to 2.3(6) No change.

2.3(7) The secretary of state shall treat a filing in the secretary of state’s office under Iowa Code section 631.4(1)(d) as a filing under Iowa Code section 617.3 at the applicable fee of \$10.

ARC 0055C**SECRETARY OF STATE[721]****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 488.206, 489.205, and 504.111, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 40, “Corporations,” Iowa Administrative Code.

Rule 721—40.9(490) requires that a registered agent if filing online provide an e-mail address through which to receive notices and other communication pursuant to Iowa Code chapters 488, 489, and 504. This proposed amendment to rule 721—40.9(490) specifies that the rule applies to electronic documents filed in conjunction with filing requirements in Iowa Code chapters 488, 489, 490, and 504.

In addition, an Adopted and Filed Emergency amendment to rule 721—40.9(490) adopting new paragraphs 40.9(1)“a” and “b” is published herein as **ARC 0040C**. That amendment, which became effective February 23, 2012, is reflected in the text of rule 721—40.9(490) in this rule making.

Any interested person may make written suggestions or comments on this proposed amendment on or before April 10, 2012. Such written materials should be directed to the Office of the Secretary of State, Attn: Doug Struyk, Capitol Building, Des Moines, Iowa 50319; fax (515)242-5952. Persons who wish to convey their views orally should contact the Secretary of State’s office at (515)281-7041 or at the Secretary of State’s office on the first floor of the Lucas State Office Building.

After analysis and review of this rule making, no adverse impact on jobs has been found. Requiring e-mail addresses should increase efficiency for partnerships, limited liability corporations, and nonprofit corporations when conducting business in Iowa.

This amendment is intended to implement Iowa Code chapters 488, 489, and 504.

The following amendment is proposed.

Amend rule 721—40.9(490) as follows:

721—40.9(488,489,490,504) Online filing requirements. The following requirements apply to the electronic filing of documents and the certification of electronic documents. This rule applies to documents filed in conjunction with filing requirements in Iowa Code chapters 488, 489, 490, and 504.

40.9(1) Registered agents who file documents electronically must provide an e-mail address to the secretary of state.

a. If a registered agent does not have an e-mail address, the agent shall provide the e-mail address of another individual or entity designated to receive electronic correspondence on behalf of the registered agent.

b. The registered agent shall notify the secretary of state within 60 days that the e-mail address provided in compliance with this rule has been changed or discontinued.

c. An e-mail address disclosed in compliance with this rule shall not be viewed as a public record under Iowa Code chapter 22 and shall not be disclosed by the secretary of state.

d. The secretary of state may use e-mail for official correspondence with an entity, except when law requires delivery by United States mail.

40.9(2) For filings requiring an online account, an applicant must follow the terms and conditions on the secretary of state’s Internet Web site for each electronic filing.

40.9(3) All correspondence related to an electronic filing shall be handled electronically in accordance with the requirements set forth in the uniform electronic transactions Act, Iowa Code chapter 554D.

SECRETARY OF STATE[721](cont'd)

40.9(4) Documents filed electronically shall be accompanied by the appropriate fee. This fee must be paid by check, credit card, or secretary of state charge account.

ARC 0050C**STATE PUBLIC DEFENDER[493]****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 13B.4(8), the State Public Defender hereby gives Notice of Intended Action to amend Chapter 12, “Claims for Indigent Defense Services,” and Chapter 13, “Claims for Other Professional Services,” Iowa Administrative Code.

These amendments update the requirements for claims made by certified shorthand reporters from the indigent defense fund, clarifying the documentation and information required for such claims and setting maximum rates to be paid for certified shorthand reporting services. The amendments also provide that the State Public Defender may contract with a certified shorthand reporter and designate the reporter to provide all shorthand reporting services for court-appointed cases in a county. In addition, the amendments clarify that a claim by an attorney for reimbursement of expenses directly paid by the attorney to a certified shorthand reporter, investigator, foreign language interpreter, provider of an evaluation, or expert shall only be paid to the extent the claim would have been paid if submitted by the original claimant to the State Public Defender.

Any interested person may make written suggestions or comments on these proposed amendments on or before April 10, 2012. Such written comments should be sent to Mark C. Smith, State Public Defender’s Office, Fourth Floor, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319; fax (515)281-7289; or e-mail msmith@spd.state.ia.us.

A public hearing will be held on April 10, 2012, at 1 p.m. in Conference Room 424, Fourth Floor, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Public Defender and advise of specific needs.

After analysis and review of this rule making, no adverse impact on jobs has been found. The amendments were developed in collaboration with stakeholder groups to minimize any adverse impact on stakeholders.

These amendments are intended to implement Iowa Code chapters 13B and 815.

The following amendments are proposed.

ITEM 1. Amend subrule 12.7(1) as follows:

12.7(1) The state public defender shall reimburse the attorney for the payments made by the attorney for necessary certified shorthand reporters, investigators, foreign language interpreters, evaluations, and experts, if the following conditions are met:

a. The attorney obtained court approval for a certified shorthand reporter, investigator, foreign language interpreter, evaluation or expert prior to incurring any expenses with regard to each.

b. A copy of each of the application and order granting authority accompanies following documents is attached to the claim-:

(1) The application and court order authorizing the expenditure of funds at state expense for the certified shorthand reporter, investigator, foreign language interpreter, evaluation, or expert.

STATE PUBLIC DEFENDER[493](cont'd)

(2) If the expenses are for services of investigators, foreign language interpreters, or experts, a court order setting the maximum dollar amount of the claim. If the initial court order authorizing the expenditure sets the maximum amount of the claims, a subsequent order is unnecessary.

(3) An itemization detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date, and the manner in which the amount of the claim for services was calculated.

(4) If the expenses are for foreign language interpreters, the court order and itemization required by subparagraphs 12.7(1)“b”(2) and (3) shall be submitted on the Fee Itemization Form and Court Order Approving Claim for Court Interpreter Services form promulgated by the judicial branch.

(5) If the expenses are for a certified shorthand reporter, any additional documentation required in 493—paragraph 13.2(4)“b” when applicable to the services provided.

(6) Documentation that the attorney has already paid the funds to the certified shorthand reporter, investigator, foreign language interpreter, provider of an evaluation, or expert.

c. The expenses would be payable if the certified shorthand reporter, investigator, foreign language interpreter, provider of an evaluation, or an expert submitted such claim directly pursuant to 493—Chapter 13, except for the requirement that the claim be submitted on the miscellaneous claim form promulgated by the state public defender.

d. The certified shorthand reporter, investigator, foreign language interpreter, provider of an evaluation or expert does not submit a claim for the same services.

~~d.—The attorney is seeking reimbursement for moneys already expended or certifies that the funds for these services will be used to pay for the certified shorthand reporter, investigator, foreign language interpreter, evaluation, or expert.~~

~~e.—A copy of the court order authorizing the expense is attached to the claim.~~

~~f.—In claims for services of investigators, foreign language interpreters, or experts, a copy of a court order setting the maximum dollar amount of the claim is attached to the claim.~~

~~g- e.~~ In claims for the cost of an evaluation requested by an appointed attorney, the attorney will shall be reimbursed for the reasonable cost of an evaluation of the client to establish a defense in the case or to determine if the client is competent to stand trial. In either instance, a copy of the court order authorizing the evaluation for one of these specific purposes and an order approving the amount of the evaluation must accompany the claim form. Claims for the cost of an evaluation to be used for any other purpose, such as sentencing or placement, will not be reimbursed.

ITEM 2. Amend subrule 12.7(3) as follows:

12.7(3) In an appeal, the state public defender will pay the cost of obtaining the transcript of the trial records and briefs. In such instance, paragraphs subrule 12.7(1)“b” to “d” shall apply.

ITEM 3. Amend rule 493—12.10(13B,815) as follows:

493—12.10(13B,815) Payment errors. If an error resulting in an overpayment or double payment of a claim is discovered by the attorney, by the state public defender, by the department, or otherwise, the claimant shall notify the clerk of court of the error and shall reimburse the department indigent defense fund for the amount of the overpayment. An overpayment that is returned to the department shall be paid by check. The check, made payable to the “Treasurer, State of Iowa,” and together with a copy of the payment voucher containing the overpayment or double payment, shall be mailed to the Department of Inspections and Appeals, Indigent Defense Unit Office of the State Public Defender, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The attorney is responsible for notifying shall notify the clerk of court of any payment error the overpayment or double payment.

ITEM 4. Amend subrule 13.2(4) as follows:

13.2(4) Claims for certified shorthand reporters. The state public defender shall review, approve and forward for payment claims for necessary and reasonable expenses for depositions and transcripts provided by certified shorthand reporters if the following conditions are met: only in accordance with the requirements of this subrule.

STATE PUBLIC DEFENDER[493](cont'd)

a. Claim form. The certified shorthand reporter ~~submits~~ shall submit a signed original and one copy of a miscellaneous claim form containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- ~~(3) The date on which the deposition/court proceeding commenced.~~
- (4) ~~(3)~~ The date on which the transcript was ordered.
- (5) ~~(4)~~ The date on which the transcript was delivered.
- ~~(6) The number of pages and cost per page.~~
- (7) ~~(5)~~ The total amount of the claim.
- ~~(8) (6)~~ The claimant's name, address, social security number, ~~or~~ federal tax identification number or vendor ID, e-mail address, if any, and telephone number.

~~*b. Court approval to hire the certified shorthand reporter was obtained before any expenses for the certified shorthand reporter were incurred.*~~

e. b. Required documentation. One copy of each of the following documents is must be attached to the claim:

(1) The application and order granting authority to hire the certified shorthand reporter at state expense. The court order must show that court approval to hire the certified shorthand reporter was obtained before any expenses for the certified shorthand reporter were incurred.

(2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application noted above, determines that, although the client is able to employ counsel, funds are not available to the client to pay for necessary certified shorthand reporter services.

(3) Itemization of any additional services or charges based on some criterion other than cost per page including date of deposition, persons deposed, arrival and departure time at the deposition, number of pages and the cost per page, travel time and listing of any other charges.

(4) If the certified shorthand reporter charges a "sitting fee" for services based on a specific time, a certification by the certified shorthand reporter that no other services have been performed or charges made by the certified shorthand reporter for any portion of that specific time. If expedited transcript rates are claimed under subparagraph 13.2(4) "d"(10), an e-mail or other written statement from the attorney explaining that expedited delivery is required.

(5) If a cancellation fee is claimed under subparagraph 13.2(4) "d"(6), documentation of the date and time that notice of cancellation is given.

~~(5) (6)~~ If the certified shorthand reporter is a state employee, a certification by the certified shorthand reporter that none of the time for which the claim is being submitted is time for which the certified shorthand reporter was being paid by the state.

c. Rates for court transcripts. ~~Unless the certified shorthand reporter has a contract with the state providing for a different rate or manner of payment~~ If the certified shorthand reporter is a judicial branch employee, claims for certified shorthand reporter services for preparation of court transcripts will be limited to the rate approved by the Iowa supreme court for preparation of transcripts and other certified shorthand reporter services.

d. Rates for other transcripts. Unless the certified shorthand reporter has a contract with the state providing for a different rate or manner of payment or the certified shorthand reporter submits a claim for a lesser amount, claims for certified shorthand reporter services for a non-judicial branch employee will be paid only at the rates set forth in this paragraph:

(1) Hourly rate when no transcript ordered. Fees for attending depositions when no transcript is ordered will be paid at the rate of \$45 per hour for the actual time the certified shorthand reporter is present at the depositions including setup and takedown of equipment.

(2) Hourly rate when transcript ordered. Fees for attending depositions when a transcript is ordered will be paid at the rate of \$35 per hour for the actual time the certified shorthand reporter is present at the depositions including setup and takedown of equipment.

(3) Travel time. Fees for travel time will be paid at the rate of \$15 per hour for travel outside of the county of the certified shorthand reporter's office location. Travel time within the county of the

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certified shorthand reporter's office location will not be paid. No travel time is payable for the delivery of a transcript.

(4) Transcripts. Unless expedited delivery is requested, fees will be paid at the rate of \$3.50 per page for an original, one copy, and an electronic version of the transcript. Copies of a transcript for which an original has already been ordered by any party will be paid at the rate of \$1 per page.

(5) Exhibits. A rate of \$0.10 per page for black and white and \$0.30 per page for color copies will be paid.

(6) Cancellation fees. No cancellation fees will be paid as long as the certified shorthand reporter is given notice of cancellation at least 24 hours before the time scheduled for a deposition. If the deposition is canceled with less than 24 hours' notice, a fee for two hours or the actual time that the certified shorthand reporter is present at the site of the deposition including setup and takedown of equipment, whichever is greater, is payable at the rate set forth in subparagraph 13.2(4) "d"(1). A certified shorthand reporter is deemed to have been given notice of cancellation when an attorney or representative of the attorney delivers notice of a cancellation to the e-mail address provided by the certified shorthand reporter or leaves a message on voicemail or with a representative of the certified shorthand reporter at the telephone number provided by the certified shorthand reporter, not when the certified shorthand reporter actually hears or reads the message.

(7) Minimum time. One hour minimum, exclusive of travel time, will be paid for a deposition that takes less than one hour.

(8) Other time. Except for the initial one hour minimum, all time billed at an hourly rate shall be billed in 15-minute increments.

(9) Postage. Actual postage costs that are reasonable and necessary will be paid.

(10) Expedited transcripts. Expedited transcripts are those that are required to be delivered within five business days of the date requested. Fees of \$6 per page for an original, one copy, and an electronic version of the transcript will be paid for expedited transcripts. Copies of an expedited transcript for which an original has already been ordered by any party will be paid at the rate of \$1 per page.

~~d. e. Timely claims required. Claims for services completed before July 1, 2008, are timely if submitted to the state public defender for payment before August 15, 2008. Claims for services completed after June 30, 2008, are timely if submitted to the state public defender for payment within 45 days of the date on which services are completed.~~

e. For depositions, services are completed on the date the deposition transcript is delivered or on the date of disposition of the case if no transcript is ordered, whichever date is earlier. For trial transcripts, services are completed on the date the trial transcript is delivered.

f. Claims ~~which that~~ are not timely ~~will~~ shall be denied.

f. Designation of preferred certified shorthand reporter. The state public defender may enter into a contract with one or more certified shorthand reporters to provide court reporting services for depositions in one or more counties and may designate such certified shorthand reporters to be the preferred certified shorthand reporters in the respective counties. Such designations shall be provided to the chief judge of the judicial district for the respective counties and shall be summarized on the Web site of the state public defender, <http://spd.iowa.gov>. Claims for services provided in a county in which the state public defender has designated a certified shorthand reporter as the preferred certified shorthand reporter shall be denied unless the claims are submitted by the certified shorthand reporter pursuant to the terms of the contract or are submitted by another certified shorthand reporter and include written documentation that the designated certified shorthand reporter was unavailable to handle the deposition.

ITEM 5. Amend rule 493—13.5(13B,815) as follows:

493—13.5(13B,815) Payment errors. If an error resulting in an overpayment or double payment of a claim is discovered by the claimant, by the state public defender, by the department, or otherwise, the claimant shall reimburse the indigent defense fund for the amount of the overpayment. An overpayment or double payment shall be repaid by check. The check, made payable to "Treasurer, State of Iowa," together with a copy of the payment voucher containing the overpayment or double payment, shall be mailed to the ~~Department of Inspections and Appeals, Indigent Defense Unit~~ Office of the State

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Public Defender, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083. The claimant shall notify the clerk of court of the overpayment or double payment.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for March is 4.00%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

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

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

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

New official state interest rates, effective March 9, 2012, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .05%
More than 397 days	Minimum .30%

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

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

ARC 0040C

SECRETARY OF STATE[721]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 488.206, 489.205, 490.120, and 504.111, the Secretary of State hereby amends Chapter 40, "Corporations," Iowa Administrative Code.

Rule 721—40.9(490) requires that a registered agent if filing online provide an e-mail address through which to receive notices and other communication pursuant to Iowa Code chapters 488, 489, and 504. The amendment to rule 721—40.9(490) specifies that an alternate e-mail address must be provided if the registered agent does not have an e-mail address available where communication may be received on behalf of the business. The registered agent must notify the Secretary of State within 60 days if the registered agent's e-mail address has been changed or discontinued. This rule applies to electronic documents filed in conjunction with filing requirements in Iowa Code chapters 488, 489, 490, and 504.

In compliance with Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are impracticable because of the immediate need for the ability to receive correspondence on behalf of the corporation and because the creation of this amendment is a natural outgrowth of the previous rule making published as **ARC 9970B** in the January 11, 2012, Iowa Administrative Bulletin.

The Secretary also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing with the Administrative Rules Coordinator on February 23, 2012, because the amendment confers a benefit by providing accessibility to e-mail communication for businesses filing electronically. Additionally, this amendment is a natural outgrowth of the earlier rule making to amend Chapter 40. Based on public comment from the earlier rule making, the Secretary of State has made this additional change to allow an alternate e-mail address.

After analysis and review of this rule making, no adverse impact on jobs has been found. Requiring e-mail addresses should increase efficiency for partnerships, limited liability corporations, and nonprofit corporations when conducting business in Iowa.

This amendment is intended to implement Iowa Code chapters 488, 489, 490, and 504.

This amendment became effective February 23, 2012.

The following amendment is adopted.

Amend rule 721—40.9(490) as follows:

721—40.9(490) Online filing requirements. The following requirements apply to the electronic filing of documents and the certification of electronic documents.

40.9(1) Registered agents who file documents electronically must provide an e-mail address to the secretary of state.

a. If a registered agent does not have an e-mail address, the agent shall provide the e-mail address of another individual or entity designated to receive electronic correspondence on behalf of the registered agent.

b. The registered agent shall notify the secretary of state within 60 days that the e-mail address provided in compliance with this rule has been changed or discontinued.

~~*c.*~~ *c.* An e-mail address disclosed in compliance with this rule shall not be viewed as a public record under Iowa Code chapter 22 and shall not be disclosed by the secretary of state.

~~*d.*~~ *d.* The secretary of state may use e-mail for official correspondence with an entity, except when law requires delivery by United States mail.

40.9(2) For filings requiring an online account, an applicant must follow the terms and conditions on the secretary of state's Internet Web site for each electronic filing.

40.9(3) All correspondence related to an electronic filing shall be handled electronically in accordance with the requirements set forth in the uniform electronic transactions Act, Iowa Code chapter 554D.

SECRETARY OF STATE[721](cont'd)

40.9(4) Documents filed electronically shall be accompanied by the appropriate fee. This fee must be paid by check, credit card, or secretary of state charge account.

[Filed Emergency 2/23/12, effective 2/23/12]

[Published 3/21/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/21/12.

ARC 0041C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455J.4(2), the Environmental Protection Commission hereby adopts new Chapter 111, "Annual Reports of Solid Waste Environmental Management Systems," Iowa Administrative Code.

The purpose of new Chapter 111 is to implement 2008 Iowa Acts, House File 2570, which creates a solid waste environmental management systems program. Iowa Code section 455J.4 requires solid waste planning areas or permitted facility service areas that have been designated environmental management systems to submit an annual compliance report. Iowa Code subsection 455J.4(2) requires the Department to adopt by rule methods and criteria for determining whether a system is in compliance with the requirements of Iowa Code section 455J.3.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 14, 2011, as **ARC 9919B**. Written comments on the proposed rules were accepted through January 23, 2012. No written comments were received. No one attended the public hearing, which was held on January 11, 2012. The adopted rules 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 rules are intended to implement Iowa Code section 455J.4.

These rules will become effective April 25, 2012.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [Ch 111] is being omitted. This amendment is identical to that published under Notice as **ARC 9919B**, IAB 12/14/11.

[Filed 2/27/12, effective 4/25/12]

[Published 3/21/12]

[For replacement pages for IAC, see IAC Supplement 3/21/12.]

AGENCY	RULE	DELAY
Education Department[281]	12.3(3), 12.4(6), 12.4(14), 12.5(4)“1,” 12.5(17) [IAB 2/22/12, ARC 0016C]	Effective date of March 28, 2012, delayed 30 days by the Administrative Rules Review Committee at its meeting held March 12, 2012. [Pursuant to §17A.4(7)]
	97.1, “regional academy,” 97.4(1)“c,” “h” [IAB 2/22/12, ARC 0014C]	Effective date of March 28, 2012, delayed 30 days by the Administrative Rules Review Committee at its meeting held March 12, 2012. [Pursuant to §17A.4(7)]
	98.12, 98.64(2)“e,” “h” [IAB 2/22/12, ARC 0012C]	Effective date of March 28, 2012, delayed 30 days by the Administrative Rules Review Committee at its meeting held March 12, 2012. [Pursuant to §17A.4(7)]
	ch 99 [IAB 2/22/12, ARC 0013C]	Effective date of March 28, 2012, delayed 30 days by the Administrative Rules Review Committee at its meeting held March 12, 2012. [Pursuant to §17A.4(7)]
Professional Licensure Division[645]	83.2(12) [IAB 2/22/12, ARC 0022C]	Effective date of March 28, 2012, delayed 70 days by the Administrative Rules Review Committee at its meeting held March 12, 2012. [Pursuant to §17A.4(7)]
	141.9(1), 144.2(13) [IAB 2/22/12, ARC 0024C]	Effective date of March 28, 2012, delayed 70 days by the Administrative Rules Review Committee at its meeting held March 12, 2012. [Pursuant to §17A.4(7)]