



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XXXVI
April 16, 2014

NUMBER 21
Pages 2041 to 2074

CONTENTS IN THIS ISSUE

Pages 2048 to 2073 include **ARC 1418C** to **ARC 1430C**

AGING, DEPARTMENT ON[17]

- Notice, Iowa aging program instructions;
definitions, 1.2, 1.4, 1.5 **ARC 1428C** 2048
- Notice, Department fiscal
operations—removal of references
to Iowa aging program instructions,
5.9(2), 5.10(2) **ARC 1427C** 2049
- Notice, Area agencies on aging—
planning and administration, 6.2,
6.3(4), 6.6(2), 6.11(3), 6.14(1) **ARC 1426C** ... 2050
- Notice, Long-term care ombudsman
program, amendments to ch 8 **ARC 1425C** 2051
- Notice, Resident advocate committees,
rescind ch 9 **ARC 1424C** 2055
- Notice, Options counselors, 23.7 **ARC 1423C** ... 2056

ALL AGENCIES

- Agency identification numbers 2046
- Citation of administrative rules 2042
- Schedule for rule making 2043

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]“umbrella”

- Notice, Teach Iowa scholar program,
ch 28 **ARC 1419C** 2057

ECONOMIC DEVELOPMENT

AUTHORITY[261]

- Notice, Chapters 15 and 15E economic
development programs; compliance
cost fees, amend chs 76, 187; rescind
chs 113, 410 **ARC 1430C** 2059
- Filed, Tax credits for investments in
qualifying businesses—time frame for
submittal of documentation, 115.9(1)
ARC 1429C 2070

ENVIRONMENTAL PROTECTION

COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

- Notice, Animal feeding
operations—NPDES permits,
64.18, 65.1, 65.3, 65.4, 65.5(2), 65.6,
65.101(6) **ARC 1421C** 2064

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

- Filed, Boiler and pressure vessel
program—fees, 90.7 **ARC 1422C** 2071

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

- Filed, Continuing education for
podiatrists, 222.3(2) **ARC 1420C** 2072

PUBLIC HEARINGS

- Summarized list 2044

REGENTS BOARD[681]

- Notice, Monetary sanctions for parking
offenses at Iowa State University,
4.31(2) **ARC 1418C** 2068

TREASURER OF STATE

- Notice—Public funds interest rates 2069

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 2014

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

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
23	Friday, April 25, 2014	May 14, 2014
24	Friday, May 9, 2014	May 28, 2014
25	Wednesday, May 21, 2014	June 11, 2014

PLEASE NOTE:

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

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

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

EDUCATION DEPARTMENT[281]

School buses, amendments to ch 44 IAB 4/2/14 ARC 1409C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	April 22, 2014 1 to 2 p.m.
Child development coordinating council, amendments to ch 64 IAB 4/2/14 ARC 1394C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	April 22, 2014 3 to 4 p.m.
Educational support programs for parents of at-risk children, amendments to ch 67 IAB 4/2/14 ARC 1396C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	April 22, 2014 2 to 3 p.m.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Animal feeding operations— NPDES permits, 64.18, 65.1, 65.3, 65.4, 65.5(2), 65.6, 65.101(6) IAB 4/16/14 ARC 1421C	Lime Creek Nature Center 3501 Lime Creed Rd. Mason City, Iowa	May 6, 2014 6 p.m.
	Board Room Clay County Administration Bldg. 300 W. 4th St. Spencer, Iowa	May 7, 2014 6 p.m.
	Meeting Room Carroll County Courthouse 114 E. 6th St. Carroll, Iowa	May 8, 2014 6 p.m.
	Fourth Floor Conference Room Wallace State Office Bldg. 502 E. 9th St. Des Moines, Iowa	May 9, 2014 11 a.m.
	Room 115, Dairy Center Northeast Iowa Community College 1527 Highway 150 South Calmar, Iowa	May 12, 2014 6 p.m.
	Education Center, Marr Park Washington County Conservation Board 2943 Highway 92 Ainsworth, Iowa	May 13, 2014 6 p.m.

INSURANCE DIVISION[191]

Pharmacy benefits managers and insurers, 59.1 to 59.10 IAB 4/2/14 ARC 1412C	Division Offices, Fourth Floor Two Ruan Center 601 Locust St. Des Moines, Iowa	April 22, 2014 10 a.m.
--	---	---------------------------

RACING AND GAMING COMMISSION[491]

Organization and operation; forms; first-aid room, 1.2, 1.5, 5.4(4) IAB 4/2/14 ARC 1393C	Commission Office, Suite 100 1300 Des Moines St. Des Moines, Iowa	April 22, 2014 9 a.m.
--	---	--------------------------

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Appraiser qualifications before and after January 1, 2015, 1.1(2),1.2(1), 1.3, 1.4, 1.6(1), 1.18 to 1.22 IAB 4/2/14 ARC 1410C	Board Office, Suite 350 200 E. Grand Ave. Des Moines, Iowa	April 23, 2014 9 a.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.

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

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

ARC 1428C

AGING, DEPARTMENT ON[17]

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 231.14, 231.23 and 17A.3, the Department on Aging hereby gives Notice of Intended Action to amend Chapter 1, “Introduction, Abbreviations and Definitions,” Iowa Administrative Code.

The proposed amendments change the chapter in the following particulars:

1. The amendments remove references to Iowa Aging Program Instructions (IAPI). IAPIs have traditionally been used by the Department to provide guidance to Area Agencies on Aging. IAPIs are identified in Chapter 1 as a form of federal or state regulation. These amendments remove references to IAPIs to ensure that IAPIs are not used as or confused with federal or state regulation.

2. The amendments work towards the creation of a single and comprehensive chapter of definitions applicable to all chapters within the Department’s rules. Definitions from 17—Chapter 8 are incorporated into Chapter 1.

3. The amendments alter the definition of “area plan” to align with the Older Americans Act and current practice.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 6, 2014. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kimberly.murphy@iowa.gov.

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

These amendments are intended to implement Iowa Code chapter 231.

The following amendments are proposed.

ITEM 1. Amend rule 17—1.2(231) as follows:

17—1.2(231) Other regulations and order of precedence. These agency rules are based on the following federal and state regulations that are listed in the order of precedence which shall prevail in the event of conflicting or inconsistent requirements:

1. to 5. No change.

~~6.—Iowa aging program instructions issued by the department and signed by the director or the director’s designee.~~

ITEM 2. Rescind the definition of “IAPI” in rule **17—1.4(231)**.

ITEM 3. Amend the following definitions in rule **17—1.5(231)**:

~~“Area plan” or “multiyear area plan” means a document, that is developed in accordance with the uniform area plan format and IAPI issued forms or in a format prescribed by the department, and that is submitted to the department every two to four years, with annual updates, by an AAA in order to receive subgrants from the department’s grants federal funding and other support through the department.~~

~~“Greatest economic need” means the need resulting from an annual income level at or below the official poverty guideline line as defined in IAPI issued by the department.~~

~~“Iowa Aging Program Instruction” or “IAPI” means a document issued by the department under a system of numbering and reference regarding operating and reporting methods for AAA or instructions which change frequently.~~

AGING, DEPARTMENT ON[17](cont'd)

“Long-term care ~~resident’s advocate~~ ombudsman program” or *“~~LTCRAP~~ office of the state long-term care ombudsman”* means the statewide long-term care ombudsman program operated by the department on aging pursuant to the federal Act and Iowa Code chapter 231.

ITEM 4. Adopt the following **new** definitions in rule **17—1.5(231)**:

“Access” means the term described in Iowa Code section 231.42 and includes access to long-term care facilities, assisted living programs, elder group homes, residents, tenants, medical records, social records, and administrative records.

“Certified volunteer long-term care ombudsman” or *“certified volunteer”* means a volunteer who has successfully completed all requirements and received certification from the office of the state long-term care ombudsman.

“Civil penalty” means a civil money penalty not to exceed the amount authorized under Iowa Code section 231.42.

ARC 1427C

AGING, DEPARTMENT ON[17]

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 231.14, 231.23 and 17A.3, the Department on Aging hereby gives Notice of Intended Action to amend Chapter 5, “Department Fiscal Operations,” Iowa Administrative Code.

The amendments are necessary to remove references to Iowa Aging Program Instructions (IAPI). IAPIs have traditionally been used by the Department to provide guidance to Area Agencies on Aging. IAPIs are identified in Chapter 5 as a form of federal or state regulation. These amendments remove references to IAPIs to ensure that IAPIs are not used as or confused with federal or state regulation.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 6, 2014. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kimberly.murphy@iowa.gov.

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

These amendments are intended to implement Iowa Code chapter 231.

The following amendments are proposed.

ITEM 1. Amend subrule 5.9(2) as follows:

5.9(2) Each area agency on aging shall be responsible for the following:

a. and *b.* No change.

c. Submitting reports or data to the department on or before ~~the established~~ due dates established by the department. ~~The established due dates for reports shall be listed in the area plan, the department’s service and fiscal reporting manual, or in an IAPI.~~

ITEM 2. Amend subrule 5.10(2) as follows:

5.10(2) *Redistribution of state funds.*

a. If the department determines prior to the end of a fiscal year that an area agency on aging will not expend its state funds for goods or services or both to be provided by the last day of the fiscal year, the department may redistribute the funds to one or more area agencies on aging in accordance with demonstrated utilization or by a redistribution method specified ~~in IAPI~~ by the department.

b. and *c.* No change.

ARC 1426C

AGING, DEPARTMENT ON[17]

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 231.14, 231.23 and 17A.3, the Department on Aging hereby gives Notice of Intended Action to amend Chapter 6, “Area Agency on Aging Planning and Administration,” Iowa Administrative Code.

The proposed amendments change the chapter in the following particulars:

1. The amendments remove references to Iowa Aging Program Instructions (IAPI). IAPIs have traditionally been used by the Department to provide guidance to Area Agencies on Aging. IAPIs are identified in Chapter 6 as a form of federal or state regulation. These amendments remove references to IAPIs to ensure that IAPIs are not used as or confused with federal or state regulation.

2. The amendments alter the requirements of Area Agencies on Aging in regard to submission of affirmative action plans. The rule will no longer require Area Agencies on Aging to submit the affirmative action plans to the Department, but instead require Area Agencies on Aging to make the affirmative action plan available for review by the Department.

3. The amendments clarify client projections provided by Area Agencies on Aging pursuant to area plan content.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 6, 2014. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kimberly.murphy@iowa.gov.

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

These amendments are intended to implement Iowa Code chapter 231.

The following amendments are proposed.

ITEM 1. Amend subrules 6.2(4), 6.2(5) and 6.2(10) as follows:

6.2(4) Requirements. An area plan shall provide for a comprehensive and coordinated service delivery system as defined in:

- a. and b. No change.
- c. This chapter;
- d. ~~IAPI issued by the department.~~

6.2(5) Plan content. The area plan shall, at a minimum, contain the following information:

- a. and b. No change.
- c. Client estimates projections. Area agencies shall estimate project, on forms or in a format prescribed by the department, the number of older individuals with the characteristics identified in Form 3-A-1 of an IAPI who will be served within each PSA.

6.2(10) Area profile. Each AAA shall submit to the department a profile in accordance with the time frame and procedures as issued ~~in department IAPI~~ by the department. The profile shall contain, but not be limited to, the following AAA information:

- a. to e. No change.

ITEM 2. Amend subrule 6.3(4) as follows:

6.3(4) Affirmative action plans. Each AAA shall develop an employment affirmative action plan which shall be submitted as part of the profile required in this chapter. All affirmative action plans shall comply with the requirements as given in IAPI available for review by the department.

AGING, DEPARTMENT ON[17](cont'd)

ITEM 3. Amend subrule 6.6(2) as follows:

6.6(2) Additional duties include:

- a. No change.
- b. Submit all reports in accordance with ~~IAPI~~ of the department-prescribed form or format and due dates;
- c. to g. No change.

ITEM 4. Amend subrule 6.11(3) as follows:

6.11(3) Contracts with for-profit organizations. An AAA must request prior approval from the department of any proposed service contracts with for-profit organizations under an area plan.

- a. and b. No change.
- e. ~~Services shall mean the services described in the uniform definitions of services contained in IAPI issued by the department.~~

ITEM 5. Amend subrule 6.14(1) as follows:

6.14(1) *Contributions.* The AAA shall consult with the relevant service providers and older individuals in the PSA to determine the best method for accepting voluntary contributions. As established by contract with the AAA, each service provider, including an AAA providing direct service, shall:

- a. to c. No change.
- d. Utilize appropriate procedures to safeguard and account for all contributions against loss, mishandling or theft by obtaining bonding for all employees and volunteers ~~in accordance with instructions issued by the department in an IAPI~~;
- e. No change.

ARC 1425C

AGING, DEPARTMENT ON[17]

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 231.14, 231.23 and 17A.3, the Department on Aging hereby gives Notice of Intended Action to amend Chapter 8, “Long-Term Care Resident’s Advocate/Ombudsman,” Iowa Administrative Code.

The amendments change the chapter in the following particulars:

1. The proposed amendments change the title of Chapter 8 from “Long-Term Care Resident’s Advocate/Ombudsman” to “Long-Term Care Ombudsman” to align with the term used in the Older Americans Act and in Iowa Code chapter 231.
2. The proposed amendments change the term “long-term care resident’s advocate/ombudsman” to “long-term care ombudsman” throughout the chapter to align with the term used in the Older Americans Act and in Iowa Code chapter 231.
3. The proposed amendments change the term “volunteer long-term care ombudsman” to “certified volunteer long-term care ombudsman” throughout the chapter to align with the term used in Iowa Code chapter 231.
4. The proposed amendments change the hours of training required for a certified volunteer long-term care ombudsman from 24 hours to 12 hours to accurately reflect the training process requirements. The Office of the State Long-Term Care Ombudsman has determined that the 24-hour training requirement is overly burdensome to volunteers and the training components of the program.
5. The proposed amendments correct cross references and citations.

AGING, DEPARTMENT ON[17](cont'd)

6. The proposed amendments rescind rule 17—18.2(231) because the rule's definitions of "access," "volunteer long-term care ombudsman" (revised to read "'certified volunteer long-term care ombudsman' or 'certified volunteer'"), and "civil penalty" are being added to Chapter 1 (see **ARC 1428C** herein) to create a comprehensive definitions chapter and because the rule's other definitions, "assisted living program," "department," "director," "elder group home," "long-term care facility," "long-term care resident's advocate/ombudsman," "office of the state long-term care resident's advocate," and "official duties," duplicate definitions in Iowa Code chapter 231.

7. The proposed amendments change the term "personal records" to "social records" throughout the chapter to align with the terminology used in Iowa Code section 231.42.

8. The proposed amendments make technical corrections to align with Iowa Code sections 231.42 and 231.45.

9. The proposed amendments remove references to resident advocate committees, which were eliminated on July 1, 2013, pursuant to 2013 Iowa Acts, Senate File 184.

10. The proposed amendments define who performs the review of a certified volunteer local long-term care ombudsman.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 6, 2014. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kimberly.murphy@iowa.gov.

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

These amendments are intended to implement Iowa Code chapter 231 and the Older Americans Act. The following amendments are proposed.

ITEM 1. Amend **17—Chapter 8**, title, as follows:

LONG-TERM CARE RESIDENT'S ADVOCATE/OMBUDSMAN

ITEM 2. Amend rule 17—8.1(231) as follows:

17—8.1(231) Purpose. This chapter establishes procedures for notice and appeal of penalties imposed for interference with the official duties of a long-term care ~~resident's advocate/ombudsman~~, which are established in ~~2010 Iowa Acts, Senate File 2263, section 7, Iowa Code sections 231.42 and 231.45~~ and in accordance with Section 712 of the federal Older Americans Act, as codified at 42 U.S.C. Section 3058g. This chapter also establishes criteria for serving under the certified volunteer long-term care ombudsman program. The ~~resident's advocates/~~ long-term care ombudsmen investigate complaints related to the actions or inactions of long-term care providers that may adversely affect the health, safety, welfare, or rights of residents and tenants who reside in long-term care facilities, assisted living programs, and elder group homes.

ITEM 3. Rescind rule **17—8.2(231)**.

ITEM 4. Renumber rules **17—8.3(231)** to **17—8.7(231)** as **17—8.2(231)** to **17—8.6(231)**.

ITEM 5. Amend renumbered subrules 8.2(1) and 8.2(2) as follows:

8.2(1) A local long-term care ~~resident's advocate/ombudsman~~ or ~~trained~~ certified volunteer long-term care ombudsman ~~certified under rule 17—8.7(231)~~ who is denied access to a resident or tenant in a long-term care facility, assisted living program, or elder group home or to medical and ~~personal~~ social records while in the course of conducting official duties pursuant to Iowa Code section 231.42 or whose work is interfered with during the course of an investigation shall report such denial or interference to the office of the state long-term care ~~resident's advocate~~ ombudsman, who will report the interference to the director of the department on aging.

8.2(2) Access to facility records. Copies of a resident's medical or ~~personal~~ social records maintained by the facility, or other records of a long-term care facility, assisted living program, or elder group home, may be made with the permission of the resident, the resident's responsible party, or the legal representative of the resident. All medical and ~~personal~~ social records shall be made available to a certified volunteer long-term care ombudsman for review if:

AGING, DEPARTMENT ON[17](cont'd)

- a. The certified volunteer long-term care ombudsman has written permission from the resident, the legal representative of the resident, or the responsible party; and
- b. Access to the records is necessary to investigate a complaint; and
- c. The certified volunteer long-term care ombudsman obtains approval of the ~~resident's advocate/~~ state long-term care ombudsman or designee.

ITEM 6. Amend renumbered rule 17—8.3(231) as follows:

17—8.3(231) Monetary civil penalties—basis. The director, in consultation with the state long-term care ~~resident's advocate/~~ombudsman, may impose a monetary civil penalty of not more than \$1,500 on an officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who intentionally prevents, interferes with, or attempts to impede the duties of the state, ~~or a local,~~ or a certified volunteer long-term care ~~resident's advocate/~~ombudsman. If the director imposes a penalty for a violation under this rule, no other state agency shall impose a penalty for the same interference violation.

ITEM 7. Amend renumbered rule 17—8.5(231) as follows:

17—8.5(231) Monetary civil penalties—appeals. An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who is assessed a monetary civil penalty for interference with the official duties of a long-term care ~~resident's advocate/~~ombudsman may appeal the penalty by informing the department of the intent to appeal in writing within ten days after receiving a notice of penalty. Appeals shall follow the procedures set forth in 17—Chapter 13.

ITEM 8. Amend renumbered rule 17—8.6(231) as follows:

17—8.6(231) Volunteer Certified volunteer long-term care ombudsman program.

8.6(1) Application. Any individual may apply to the ~~resident's advocate/~~ office of the state long-term care ombudsman program to become a certified volunteer long-term care ombudsman. A ~~resident advocate committee member shall be given priority in the selection process and may become a certified volunteer long-term care ombudsman pending successful completion of the required training and background checks.~~

a. *Application forms.* Application forms may be obtained from the ~~resident's advocate/~~ office of the state long-term care ombudsman program at the department on aging address listed in ~~rule 17—2.1(231)~~ 17—subrule 2.3(2) or from other organizations designated by the department.

b. *Submission of forms.* Each applicant shall complete an application and submit it to the department address listed in ~~rule 17—2.1(231)~~ 17—subrule 2.3(2).

8.6(2) Conflict of interest.

a. Prior to certification, applicants for the certified volunteer long-term care ombudsman program must not have a conflict of interest or have had a conflict of interest within the past two years in accordance with the Older Americans Act. A conflict of interest shall be defined as:

(1) to (6) No change.

(7) Acceptance of money or any other consideration from anyone other than the office of the state long-term care ~~resident's advocate/~~ombudsman for the performance of an act in the regular course of long-term care;

(8) Provision of services while employed in a position with duties that conflict with the duties of a certified volunteer long-term care ombudsman;

(9) and (10) No change.

b. No change.

8.6(3) Applicants shall not be accepted into the program if:

a. It is determined that the applicant has a conflict of interest as listed in ~~subrule 8.7(2)~~ 8.6(2); or

b. and c. No change.

8.6(4) Training. Prior to certification, applicants must successfully complete the required training as approved by the ~~resident's advocate/~~ office of the state long-term care ombudsman. Successful

AGING, DEPARTMENT ON[17](cont'd)

completion shall be defined as completion of all assignments and tasks during training, demonstration of proper techniques and skills, and an understanding of the role of the certified volunteer long-term care ombudsman in the long-term care setting. The applicant shall complete a minimum of 24 12 hours of approved training, which shall include, but not be limited to:

a. to l. No change.

m. Resources for certified volunteer long-term care ombudsmen.

8.6(5) Approval for certification. Final approval for certification as a certified volunteer long-term care ombudsman shall be made by the ~~resident's advocate/~~ office of the state long-term care ombudsman and shall be subject to the applicant's successful completion of the required training and to a favorable report from the instructor. The ~~resident's advocate/~~ office of the state long-term care ombudsman has the right to require that the applicant receive additional personal training prior to certification and has the right to deny certification to applicants not meeting the above training criteria.

8.6(6) Certification.

a. Notification. A certified volunteer long-term care ombudsman shall be notified in writing within 14 days following the conclusion of the training program if certification has been continued or revoked.

b. Certification shall initially be for one year, with recertification available following the certified volunteer's completion of a minimum of ten hours of approved continuing education in the first year and completion of a progress review by the ~~residents of the facility, the facility administrator and staff, and the resident's advocate/ombudsman or a representative from the office of the state long-term care resident's advocate/ombudsman program.~~

c. After the certified volunteer's successful completion of one year as a certified volunteer long-term care ombudsman, the ~~resident's advocate/~~ office of the state long-term care ombudsman may recertify the certified volunteer for a two-year period.

8.6(7) Continuing education.

a. All certified volunteer long-term care ombudsmen shall complete a minimum of ten hours of continuing education the first year and a minimum of six hours of continuing education each year thereafter. Continuing education may include, but is not limited to:

(1) Scheduled telephone conference calls with representatives from the office of the state long-term care ~~resident's advocate/ombudsman~~ program;

(2) to (5) No change.

(6) Other events as approved in advance by the ~~resident's advocate/~~ office of the state long-term care ombudsman.

b. ~~Volunteer~~ Certified volunteer long-term care ombudsmen are responsible for reporting continuing education hours to the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee within 30 days following the completion of the continuing education event.

8.6(8) Contesting an appointment. A provider who wishes to contest the appointment of a certified volunteer shall do so in writing to the ~~resident's advocate/~~ office of the state long-term care ombudsman. The final determination shall be made by the ~~resident's advocate/~~ office of the state long-term care ombudsman within 30 days after receipt of notification from the provider.

8.6(9) Certification revocation.

a. *Reasons for revocation.* A certified volunteer long-term care ombudsman's certification may be revoked by the ~~resident's advocate/~~ office of the state long-term care ombudsman for any of the following reasons: falsification of information on the application, breach of confidentiality, acting as a certified volunteer long-term care ombudsman without proper certification, attending less than the required continuing education training, voluntary termination, unprofessional conduct, failure to carry out the duties as assigned, or actions which are found by the ~~resident's advocate/~~ office of the state long-term care ombudsman to violate the rules or intent of the program.

b. *Notice of revocation.* The ~~resident's advocate/~~ office of the state long-term care ombudsman shall notify the certified volunteer and the facility in writing of a revocation of certification.

c. *Request for reconsideration.* A request for reconsideration or reinstatement of certification may be made in writing to the ~~resident's advocate/~~ office of the state long-term care ombudsman. The request must be filed within 14 days after receipt of the notice of revocation.

AGING, DEPARTMENT ON[17](cont'd)

d. Response time. The ~~resident's advocate/~~ office of the state long-term care ombudsman shall investigate and consider the request and notify the requesting party and the facility of the decision within 30 days of receipt of the written request.

8.6(10) Access.

a. Visits to facilities. A certified volunteer long-term care ombudsman may enter any long-term care facility without prior notice. After notifying the person in charge of the facility of the certified volunteer long-term care ombudsman's presence, the certified volunteer long-term care ombudsman may communicate privately and without restriction with any resident who consents to the communication.

b. Visits to resident's living area. The certified volunteer long-term care ombudsman shall not observe the private living area of any resident who objects to the observation.

c. Restrictions on visits. The facility staff member in charge may refuse or terminate a certified volunteer long-term care ombudsman visit with a resident only when written documentation is provided to the certified volunteer long-term care ombudsman that the visits are a threat to the health and safety of the resident. The restriction shall be ordered by the resident's physician, and the order shall be documented in the resident's medical record.

8.6(11) Duties. The certified volunteer long-term care ombudsman shall assist the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee in carrying out the duties described in the Older Americans Act. Primary responsibilities of a certified volunteer long-term care ombudsman shall include:

a. Conducting initial inquiries regarding complaints registered with the office of the state long-term care resident's advocate/ombudsman;

b. At the request of the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee, providing follow-up visits on cases investigated by the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee;

c. Attending, assisting with, or providing technical assistance to resident and family council meetings as needed;

d. At the request of the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee, making follow-up visits to a facility after a department of inspections and appeals survey or complaint investigation to monitor the progress and changes listed in the plan of correction or to monitor the correction of deficiencies;

e. Tracking, monitoring and following up on publicly available information regarding facility performance;

f. Identifying concerns in a facility. ~~Concerns identified should be discussed with the chair of the resident advocate committee to determine an appropriate course of action to reach resolution;~~

g. Completing all reports and submitting them to the ~~resident's advocate/~~ office of the state long-term care ombudsman in a timely manner; and

h. Completing exit interviews when the certified volunteer ombudsman resigns.

ARC 1424C**AGING, DEPARTMENT ON[17]****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 231.14, 231.23 and 17A.3, the Department on Aging hereby gives Notice of Intended Action to rescind Chapter 9, “Resident Advocate Committees,” Iowa Administrative Code.

AGING, DEPARTMENT ON[17](cont'd)

Chapter 9 is no longer necessary or applicable to the operations of the Iowa Department on Aging or the Office of the State Long-Term Care Ombudsman due to the elimination of the program pursuant to 2013 Iowa Acts, Senate File 184. The role of the resident advocate committees has been replaced by the certified volunteer long-term care ombudsman program as codified in Iowa Code section 231.45.

Any interested person may make written suggestions or comments on this proposed amendment on or before May 6, 2014. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kimberly.murphy@iowa.gov.

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

This amendment is intended to implement Iowa Code chapter 231.

The following amendment is proposed.

Rescind and reserve **17—Chapter 9**.

ARC 1423C

AGING, DEPARTMENT ON[17]

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 231.14, 231.23 and 17A.3, the Department on Aging hereby gives Notice of Intended Action to amend Chapter 23, “Aging and Disability Resource Center,” Iowa Administrative Code.

Proposed rule 17—23.7(231) establishes criteria and qualifications for an applicant to serve as an options counselor pursuant to this chapter. The proposed rule establishes that options counselors shall submit to background checks, serve as mandatory reporters, adhere to mandatory reporter training rules and regulations, and meet minimum qualifications to serve as an options counselor.

Any interested person may make written suggestions or comments on the proposed amendment on or before May 6, 2014. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kimberly.murphy@iowa.gov.

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

This amendment is intended to implement Iowa Code chapter 231 and the Older Americans Act.

The following amendment is proposed.

Adopt the following **new** rule 17—23.7(231):

17—23.7(231) Options counselors. An ADRC coordination center shall ensure that options counselors meet the requirements of this chapter and applicable federal and state law.

23.7(1) Background checks. All ADRC coordination centers shall establish and maintain background check policies and procedures that include, but are not limited to, the following:

a. A requirement that, prior to beginning employment, all options counselors, whether full-time, part-time, or unpaid, shall undergo criminal and abuse background checks.

b. A background check includes, at a minimum, a request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the applicant in this state.

c. Protocol for how to proceed in the event that an options counselor applicant is found to have a criminal history or history of child or dependent adult abuse.

AGING, DEPARTMENT ON[17](cont'd)

23.7(2) Mandatory reporters. All options counselors shall be considered mandatory reporters pursuant to Iowa Code chapter 235B and shall adhere to federal and state law and applicable rules and regulations for mandatory reporters.

23.7(3) Options counselor duties. An options counselor shall provide options counseling that is person-directed and interactive and that allows the consumer to make informed choices about long-term living services and community supports based upon the consumer's preferences, strengths and values.

23.7(4) Options counselor minimum qualifications. An options counselor shall possess the following minimum qualifications:

- a. Bachelor's degree in a human services field; or
- b. License to practice as a registered nurse; or
- c. Bachelor's degree and two years of experience working in the areas of aging, disabilities, community health, or hospital discharge planning; or
- d. Associate's degree in a human services field and four years of experience working in the areas of aging, disabilities, community health, or hospital discharge planning; or
- e. License to practice as a licensed practical nurse and four years of experience working in the areas of aging, disabilities, community health, or hospital discharge planning.

ARC 1419C

COLLEGE STUDENT AID COMMISSION[283]

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 261.110, the Iowa College Student Aid Commission hereby gives Notice of Intended Action to adopt new Chapter 28, “Teach Iowa Scholar Program,” Iowa Administrative Code.

Proposed Chapter 28 describes the administration of a new Teach Iowa Scholar Program pursuant to Iowa Code section 261.110.

Interested persons may submit comments orally or in writing by 4:30 p.m. on May 9, 2014, to the Executive Director, Iowa College Student Aid Commission, 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-1920; fax (515)725-3401.

The Commission does not intend to grant waivers under the provisions of these rules.

After analysis and review of this rule making, the Commission finds that there could be a positive impact on jobs. This rule making provides incentives to Iowa teachers teaching designated hard-to-staff subjects. Individuals will be encouraged to teach in Iowa schools.

These rules are intended to implement Iowa Code chapter 261.

The following amendment is proposed.

Adopt the following **new** 283—Chapter 28:

CHAPTER 28 TEACH IOWA SCHOLAR PROGRAM

283—28.1(261) Teach Iowa scholar program. The teach Iowa scholar program is a state-funded and administered benefit for high-achieving Iowans teaching in eligible teaching fields in Iowa.

283—28.2(261) Definitions. As used in this chapter:

“*Commission*” means the Iowa college student aid commission.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

“*Department*” means the Iowa department of education.

“*Eligible school or agency*” means a public school district, area education agency, charter school, and nonpublic school recognized and approved by the department.

“*Eligible teaching field*” means hard-to-staff subjects as identified by the director of the department. In selecting hard-to-staff subjects, the department shall consider the varying regional needs in the state.

“*Preparation program*” means the programs of practitioner preparation leading to licensure of teachers, administrators, and other professional school personnel.

“*Teacher*” means an individual who holds a practitioner’s license or a statement of professional recognition issued under Iowa Code chapter 272 and who is employed in a nonadministrative position by a school district or area education agency pursuant to a contract issued by a board of directors under Iowa Code section 279.13. “Teacher” also includes a preschool teacher who is licensed by the board of educational examiners under Iowa Code chapter 272 and is employed by an eligible school or agency.

283—28.3(261) Eligibility requirements. An applicant must:

28.3(1) Have graduated in the top 25 percent academically of students completing teacher preparation programs, as certified by the postsecondary institution offering the teacher preparation program from which the applicant graduates.

28.3(2) Be a teacher providing instruction on a full-time basis in an eligible teaching field or in a combination of eligible teaching fields in an eligible school or agency.

28.3(3) File an application annually on or before the deadline established by the commission to be considered for funding.

28.3(4) Annually complete and return to the commission an affidavit of practice verifying annual employment in an eligible teaching field.

283—28.4(261) Awarding of funds.

28.4(1) *Selection criteria.* All applicants meeting the eligibility requirements will be considered for funding. In the event that all on-time applicants cannot be funded with the available appropriation, criteria for selection of recipients will be prioritized as follows:

- a. Award renewal status;
- b. Iowa resident status;
- c. Prioritized annual ranking of eligible teaching fields by the department, with highest ranking fields being served first, if information is available;
- d. Prioritized annual ranking of regional need within eligible teaching fields by the department, with the highest ranking regions being served first within each ranked eligible teaching field, if information is available;
- e. Date of application.

28.4(2) *Maximum award and extent of receipt.*

- a. The maximum annual award shall not exceed \$4,000.
- b. A recipient may receive up to \$20,000 over a five-year period, beginning with the first year of receipt.
- c. Designated applicants teaching hard-to-staff subjects shall not be impacted in subsequent years if the subject is no longer identified by the department as a hard-to-staff subject.

28.4(3) *Disbursement of award.* The maximum annual award will be paid to the teacher upon successful completion of each annual employment obligation. The commission will annually verify completion of the teacher’s employment obligation with the eligible school or agency prior to payment.

283—28.5(261) Award cancellation.

28.5(1) The teacher must notify the commission within 30 days following termination or change of employment in an eligible teaching field or an eligible school or agency.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

28.5(2) The teacher is responsible for notifying the commission immediately of a change in contact information including, but not limited to, name, telephone number and e-mail address.

These rules are intended to implement Iowa Code section 261.110.

ARC 1430C**ECONOMIC DEVELOPMENT AUTHORITY[261]****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 2013 Iowa Code section 15.106A and 2013 Iowa Acts, chapters 34 and 126, the Economic Development Authority hereby gives Notice of Intended Action to amend Chapter 76, “Aggregate Tax Credit Limit for Certain Economic Development Programs,” to rescind Chapter 113, “Community Microenterprise Development Organization Grant Program,” to amend Chapter 187, “Contracting,” and to rescind Chapter 410, “Board Structure and Procedures,” Iowa Administrative Code.

In 2013 Iowa Acts, chapter 126, the General Assembly enacted changes to certain economic development programs in Iowa Code chapters 15 and 15E, including the High Quality Jobs Program and the Enterprise Zone Program. These changes included certain compliance cost fees for economic development contracts and an increase in the maximum aggregate tax credit limitation on economic development programs, among other things.

In 2013 Iowa Acts, chapter 34, the General Assembly enacted changes to the administration of certain economic development programs in Iowa Code chapters 15 and 15E, including changes to contract administration, the repeal of the Community Microenterprise Development Organization Grant Program, the elimination of the Broadband Deployment Governing Board, and the elimination of the requirement that the Economic Development Authority approve certain industrial property tax exemptions granted by local governments.

The proposed amendments are necessitated by the enacted legislation and will update and clarify certain administrative rules.

The Economic Development Authority Board approved these amendments on March 28, 2014, at the Board’s monthly meeting.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 6, 2014. Paper materials with suggestions and comments may be directed to Timothy J. Whipple, Legal Counsel, 200 East Grand Avenue, Des Moines, Iowa 50309. Electronic submissions may be sent to tim.whipple@iowa.gov.

After analysis and review of this rule making, no negative impact on jobs has been found, and the Authority finds that these amendments are likely to substantially benefit the Iowa economy by helping retain businesses in Iowa and by increasing the amount of financial assistance available to Iowa businesses.

These amendments are intended to implement 2013 Iowa Acts, chapters 34 and 126.

The following amendments are proposed.

ITEM 1. Amend rule 261—76.1(83GA,SF483) as follows:

261—76.1(83GA,SF483 15) Authority. The authority for establishing rules governing the aggregate tax credit limit for certain economic development programs under this chapter is ~~2009 Iowa Acts, Senate File 483~~ Iowa Code sections 15.106A and 15.119.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 2. Amend rule ~~261—76.2(83GA,SF483)~~, parenthetical implementation statute, as follows: ~~(83GA,SF483 15)~~

ITEM 3. Amend rule 261—76.3(83GA,SF483) as follows:

261—76.3(83GA,SF483 15) Definitions.

“Authority” means the economic development authority.

“Board” means the ~~Iowa economic development board established in Iowa Code section 15.103~~ members of the board in whom the powers of the authority are vested pursuant to Iowa Code chapter 15.

“Department” means the Iowa department of economic development.

ITEM 4. Amend rule 261—76.4(83GA,SF483) as follows:

261—76.4(83GA,SF483 15) Amount of the tax Tax credit cap—exceeding the cap—reallocation of declinations.

76.4(1) *Maximum aggregate limit on tax credits.* ~~The department~~ Except as provided in subrule 76.4(2), the authority shall not authorize tax credit awards made under the programs identified in rule 261—76.5(83GA,SF483) in excess of \$185 million per fiscal year for any one fiscal year an amount of tax credits that is in excess of \$170 million.

76.4(2) *Exceeding the cap.* The authority may authorize an amount of tax credits during a fiscal year that is in excess of the amount specified in subrule 76.4(1), but the amount of such excess will not exceed 20 percent of the amount specified in subrule 76.4(1) and will be counted against the total amount of tax credits that may be authorized for the next fiscal year.

76.4(3) *Reallocation of declinations.* Any amount of tax credits authorized and awarded during a fiscal year for a program specified in rule 261—76.5(15) which is irrevocably declined by the awarded business on or before June 30 of the next fiscal year may be reallocated, authorized, and awarded during the fiscal year in which the declination occurs. Tax credits authorized pursuant to this subrule will not be considered for purposes of subrule 76.4(2).

ITEM 5. Rescind rule 261—76.5(83GA,SF483) and adopt the following **new** rule in lieu thereof:

261—76.5(15) Programs subject to the cap.

76.5(1) Tax credits authorized under the following economic development programs are subject to the tax credit cap:

- a. The high quality jobs program.
- b. The enterprise zone program.
- c. The assistive device tax credit program.
- d. The tax credits for investments in qualifying businesses and community-based seed capital funds.
- e. The tax credits for investments in certified innovation funds.
- f. The redevelopment tax credit program for brownfields and grayfields.

76.5(2) Pursuant to rule 261—76.6(15), the authority will allocate a certain amount of tax credits to the programs listed in this rule.

ITEM 6. Rescind rule 261—76.6(83GA,SF483) and adopt the following **new** rule in lieu thereof:

261—76.6(15) Allocating the tax credit cap.

76.6(1) *Procedure for allocations.* At a scheduled meeting of the board prior to the start of a fiscal year, the board will allocate a portion of the tax credits available under the cap to the programs listed in rule 261—76.5(15). The board is not required to allocate a portion of the cap to every program listed. The board may allocate a portion of the cap to be shared by programs with a common purpose. For example, the business awards made under the enterprise zone program and high quality jobs program may be allocated one amount to jointly serve both programs. Throughout the fiscal year, the board may review the allocation as necessary, but shall review the allocation at least one time during the fiscal year. Based on its review, the board may make adjustments to the allocation as deemed necessary.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

76.6(2) Required suballocations. Iowa Code section 15.119 requires the authority to make certain suballocations to the programs subject to the cap. In some cases, there is a minimum required suballocation and in others a maximum suballocation. The authority will make the required suballocations and count them against the maximum aggregate cap before making any discretionary allocations.

76.6(3) Allocation to programs subject to the cap. For the fiscal year beginning July 1, 2013, and for all subsequent fiscal years in which the required suballocations are not changed, the authority will allocate the maximum aggregate tax credit cap as follows:

a. \$2 million to the credits for investments in qualifying businesses and community-based seed capital funds, unless the authority determines that the program demand is less than that amount.

b. \$8 million to the tax credits for investments in certified innovation funds, unless the authority determines that the program demand is less than that amount.

c. \$10 million to the redevelopment tax credit program for brownfields and grayfields, unless the authority determines that the program demand is less than that amount.

d. To the assistive device tax credit program, an amount necessary to meet the demand for that year.

e. To any other programs that may be made subject to the cap but which are not listed in this subrule, any amount that may be required by law or such amount as the board determines prudent given the amount of tax credits available.

f. To the high quality jobs program and the enterprise zone program, an amount equal to the amount necessary to meet the demand for that year, provided that such amount will not exceed the remainder of the maximum aggregate tax credit limit for that year.

ITEM 7. Rescind and reserve rule **261—76.7(83GA,SF483)**.

ITEM 8. Amend rule 261—76.8(83GA,SF483) as follows:

261—76.8(83GA,SF483 15) Reporting to the department of revenue. ~~The department authority shall submit an initial report to the department of revenue by August 15, 2009 of each year, which shows the initial allocation of the \$185 million maximum aggregate tax credit cap. At the start of each subsequent fiscal year, the department authority shall prepare a report to summarize the final allocation for the fiscal year that just ended, the total amount of awards made under each program identified in rule 261—76.5(83GA,SF483) subject to the cap during that fiscal year, and the initial allocation for the current subsequent fiscal year. The report shall be submitted to the department of revenue on or before August 15 of each year.~~

ITEM 9. Amend **261—Chapter 76**, implementation sentence, as follows:

These rules are intended to implement ~~2009 Iowa Acts, Senate File 483~~ Iowa Code section 15.119.

ITEM 10. Rescind and reserve **261—Chapter 113**.

ITEM 11. Amend subrule 187.2(2) as follows:

187.2(2) Contract required. The authority shall prepare a contract, ~~which that~~ which that includes, but is not limited to, a description of the project to be completed by the business; the jobs to be created or retained; length of the project completion period and maintenance project completion period; the project completion date and maintenance period completion date; conditions to disbursement; a requirement for annual reporting to the authority; and the repayment requirements of the business or other penalties imposed on the business in the event the business does not fulfill its obligations described in the contract and other specific repayment provisions (“clawback provisions”) to be established on a project-by-project basis. The contract shall include the requirements that must be met to confirm eligibility pursuant to the program and the requirements that must be maintained throughout the period of the contract in order to retain the incentives or financial assistance received.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 12. Amend subrule 187.5(1) as follows:

187.5(1) Events of default. The authority may, for cause, determine that a recipient is in default under the terms of the contract. The reasons for which the authority may determine that the recipient is in default of the contract include, but are not limited to, any of the following:

- a. Any material representation or warranty made by the recipient in connection with the application that was incorrect in any material respect when made.
- b. A material change in the business ownership or structure that occurs without prior written disclosure and the permission of the authority.
- c. A relocation or abandonment of the business or jobs created or retained through the project.
- d. Expenditure of funds for purposes not described in the application or authorized in the agreement.
- e. Failure of the recipient to make timely payments under the terms of the agreement, note or other obligation.
- f. Failure of the recipient to fulfill its job obligations.
- g. Failure of the recipient to comply with wage or benefit packages.
- h. Failure of the recipient to perform or comply with the terms and conditions of the contract.
- i. Failure of the recipient to comply with any applicable state rules or regulations.
- j. Failure of the recipient to file the required annual report.
- k. Failure of the recipient to comply with any other provision of the agreement required pursuant to Iowa Code section 15.330 or 15.330A.

ITEM 13. Amend subrule 187.5(4) as follows:

187.5(4) Authority actions upon default—tax credit programs. ~~Collection efforts for tax credit programs are handled by the local community that approved the local tax incentive and the Iowa department of revenue, the state agency responsible for the state tax incentives. If the authority determines that an event of default has occurred under the contract and that state tax incentives are required to be repaid, the eligible business and the department of revenue will both be notified of the event of default and of the required repayment amount. If the contract provided for local tax incentives, the community where the project is located will also be notified of the default. In the case of state tax incentives, the department of revenue will undertake collection efforts. In the case of local tax incentives, the local community will undertake collection efforts.~~

a. *Repayment.* If an eligible business or eligible housing business has received incentives or assistance under the EZ program or the HQJP and fails to meet and maintain any one of the requirements of the program or applicable rules, the business is subject to repayment of all or a portion of the incentives and assistance that it has received. If the business is an entity that has elected pass-through taxation status for income tax purposes, the department of revenue may undertake collection efforts against members, individuals, or shareholders to whom the tax incentives were passed through.

b. *Calculation of repayment due for a business.* If the authority, in consultation with the city or county, determines that a business has failed in any year to meet any one of the requirements of the tax credit program, the business is subject to repayment of all or a portion of the amount of the incentives received.

(1) *Job creation shortfall.* If a business does not meet its job creation requirement or fails to maintain the required number of jobs, the repayment amount shall be calculated as follows: the same proportion as the amount of the shortfall in created jobs. For example, if the business creates 50 percent of the jobs required, the business shall repay 50 percent of the incentives received.

1. ~~If the business has met 50 percent or less of the requirement, the business shall pay the same percentage in benefits as the business failed to create in jobs.~~

2. ~~If the business has met more than 50 percent but not more than 75 percent of the requirement, the business shall pay one-half of the percentage in benefits as the business failed to create in jobs.~~

3. ~~If the business has met more than 75 percent but not more than 90 percent of the requirement, the business shall pay one-quarter of the percentage in benefits as the business failed to create in jobs.~~

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

4. ~~If the business has not met the minimum job creation requirements for the tax credit program, the business shall repay all of the incentives and assistance that it has received.~~

~~(2) Wages and benefits. If a business fails to comply with the wage or benefit requirements for the tax credit program, the business shall not receive incentives or assistance for each year during which the business is not in compliance.~~

~~(3) (2) Capital investment shortfall. If a business does not meet the capital investment requirement, the repayment amount shall be calculated as follows: the same proportion as the amount of the shortfall in required capital investment. For example, if the business meets 75 percent of the amount of required capital investment, the business shall repay 25 percent of the amount of the incentives received.~~

~~1. If the business has met 50 percent or less of the requirement, the business shall pay the same percentage in benefits as the business failed to invest.~~

~~2. If the business has met more than 50 percent but not more than 75 percent of the requirement, the business shall pay one half of the percentage in benefits as the business failed to invest.~~

~~3. If the business has met more than 75 percent but not more than 90 percent of the requirement, the business shall pay one quarter of the percentage in benefits as the business failed to invest.~~

~~4. If the business has not met the minimum investment requirement for the tax credit program, the business shall repay all of the incentives and assistance that it has received.~~

~~(3) Job creation and capital investment shortfalls. If a business has a shortfall in both capital investment and job creation requirements, the repayment amount shall be the same proportion as the greater of the two shortfalls. For example, if a business creates 50 percent of the required jobs and meets 75 percent of the required capital investment, the business shall be required to repay 50 percent of the amount of the incentives received.~~

~~(4) Wages and benefits. Notwithstanding any other provision in this subrule, if a business fails to comply with the wage and benefit requirements of the contract, the business shall be required to repay all of the incentives received during the year in which the business was not in compliance with the wage and benefit requirements of the contract.~~

~~(5) Minimum eligibility. Notwithstanding any other provision in this subrule, if a program requires a minimum amount of job creation or capital investment in order to qualify for the program and a business fails to meet such minimum eligibility, the business shall repay all of the incentives received.~~

~~(6) Definitions. For purposes of this subrule, "incentives received" includes both amounts claimed from the department of revenue or the local community and any future incentives that remain unclaimed as of the date of default. "Capital investment" means the qualifying investment or investment qualifying for tax credits, as specified in the required contract.~~

~~c. Department of revenue; county/city recovery. Once it has been established, through the business's annual certification, monitoring, audit or otherwise, that the business is required to repay all or a portion of the incentives received, the department of revenue and the city or county, as appropriate, shall collect the amount owed. The city or county, as applicable, shall have the authority to take action to recover the value of taxes not collected as a result of the exemption provided by the community to the business. The department of revenue shall have the authority to recover the value of state taxes or incentives provided under the program pursuant to Iowa Code section ~~15E.193A~~ 15.330 or 15E.196. The value of state incentives provided under Iowa Code section ~~15E.193A~~ or 15E.196 includes the program shall include all applicable interest and penalties.~~

~~d. Layoffs or closures. If an eligible business experiences a layoff within the state or closes any of its facilities within the state prior to receiving the incentives and assistance, the authority may reduce or eliminate all or a portion of the incentives and assistance. If a business experiences a layoff within the state or closes any of its facilities within the state after receiving the incentives and assistance, the business shall be subject to repayment of all or a portion of the incentives and assistance that it has received.~~

~~e. Extensions. If an eligible business or eligible housing business fails to meet its requirements under the Act, these rules, or the agreement described in rule 261—187.2(15), the authority, in~~

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

consultation with the city or county, may elect to grant the business a one-year extension period to meet the requirements.

ITEM 14. Adopt the following new rule 261—187.6(15):

261—187.6(15) Compliance cost fees. An eligible business that executes a contract required pursuant to this chapter is subject to the imposition of certain compliance cost fees as provided in this rule.

187.6(1) One-time fee for closing costs. After execution of the contract and prior to the issuance of a tax incentive certificate or the disbursement of financial assistance, an eligible business shall remit to the authority a one-time compliance cost fee in the amount of \$500.

187.6(2) Ongoing fees based on claims. For each contract with an aggregate tax incentive value of \$100,000 or greater, the business shall remit a compliance cost fee equal to one-half of 1 percent of the value of the tax incentives claimed pursuant to the agreement. The fee required pursuant to this subrule shall be due and payable upon the filing of the business's annual tax return for each tax year in which the business claims incentives under the required contract. The authority will coordinate with the department of revenue to determine which businesses claim incentive benefits each year and will invoice each business accordingly. The requirement to pay the fee required under this subrule shall continue for the duration of the applicable carryforward period of the tax incentives notwithstanding the duration of the other contract requirements.

187.6(3) Applicability. This rule applies to contracts entered into under the high quality jobs program and the enterprise zone program.

ITEM 15. Amend **261—Chapter 187**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 15 and 15E and ~~2011 Iowa Code Supplement chapter 15G, subchapter I.~~

ITEM 16. Rescind and reserve **261—Chapter 410**.

ARC 1421C**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 459.103(3), 459.311(2) and 459A.104(1), the Environmental Protection Commission (Commission) proposes to amend Chapter 64, “Wastewater Construction and Operation Permits,” and Chapter 65, “Animal Feeding Operations,” Iowa Administrative Code.

The Iowa Legislature has directed the Commission to adopt rules requiring confinement feeding operations that are concentrated animal feeding operations (CAFOs) to comply with applicable National Pollutant Discharge Elimination System (NPDES) permit requirements. These rules “shall be no more stringent” than the requirements in U.S. EPA’s rules set out in 40 CFR Parts 122 and 412. See Iowa Code section 459.311(2). Adoption of rules is also required by the Work Plan Agreement (Work Plan) entered into between the Department of Natural Resources (Department) and U.S. EPA on September 11, 2013. The Work Plan requires that the Department recommend to the Commission the adoption of certain rules, including the adoption by reference of “federal regulations necessary to fully implement the NPDES permitting program for confinement CAFOs that discharge to waters of the U.S.”

In light of the reasons above, the Commission is now proposing a rule that incorporates by reference U.S. EPA’s CAFO rule. See Item 7 of the proposed amendments. The Commission also proposes to rescind the outdated term “operation permit” from the confinement feeding operation rules. See Items

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

2, 5 and 6 of the proposed amendments. The proposed amendments eliminate the need for “operation permits” in the confinement animal feeding operation program.

In addition, the proposed amendments also incorporate the Work Plan requirement that the Department recommend to the Commission that it “adopt by reference federal regulations that fully implement the NPDES permitting program with respect to land application setback and separation distances for open feedlot CAFOs.” The Commission considered this recommendation and is now proposing an amendment that incorporates by reference the federal setback requirements. See Item 8 of the proposed amendments. To ensure equivalency with the open feedlot program, the Commission is proposing this setback requirement for confinement feeding operations as well. See Items 3 and 4 of the proposed amendments.

To assist stakeholders in understanding how the basic NPDES permitting requirements in Chapter 64 apply to the more specific requirements for CAFOs in Chapter 65, the Commission is proposing changes to the existing rule that outlines how these two chapters work in conjunction with each other regarding NPDES CAFO permits. See Item 1 of the proposed amendments.

By letter dated January 23, 2014, U.S. EPA Region 7 informed the Department that the proposed amendments “meet the requirements ... of the Work Plan and ensure that Iowa’s NPDES authorities are consistent with federal requirements.”

Any interested person may make written suggestions or comments on the proposed amendments on or before May 13, 2014. Written comments should be directed to Gene Tinker, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895; or e-mail gene.tinker@dnr.iowa.gov.

Also, there will be public hearings as follows, at which time persons may present their views either orally or in writing:

May 6, 2014	6 p.m.	Lime Creek Nature Center 3501 Lime Creek Road Mason City
May 7, 2014	6 p.m.	Clay County Administration Building Boardroom 300 W. 4th Street Spencer
May 8, 2014	6 p.m.	Carroll County Courthouse Meeting Room 114 E. 6th Street Carroll
May 9, 2014	11 a.m.	Wallace State Office Building Fourth Floor Conference Room 502 E. 9th Street Des Moines
May 12, 2014	6 p.m.	Northeast Iowa Community College Dairy Center, Room 115 1527 Highway 150 South Calmar
May 13, 2014	6 p.m.	Washington County Conservation Board Education Center, Marr Park 2943 Highway 92 Ainsworth

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 proposed amendments.

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

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Jobs Impact Statement

After analysis and review of this rule making, the Commission has determined that jobs could be negatively impacted. However, in complying with Iowa Code section 459.311(2), which requires the rules to be no more stringent than the federal regulations, and by including only federal regulations essential to fully implement the NPDES permit program for confinement feeding operations, the Commission has necessarily minimized adverse impacts on jobs.

These amendments are intended to implement Iowa Code chapters 455B, 459, 459A, and 459B.

The following amendments are proposed.

ITEM 1. Amend rule 567—64.18(455B) as follows:

567—64.18(455B) Applicability. This chapter shall apply to all waste disposal systems treating or intending to treat sewage, industrial waste, or other waste except waste resulting from livestock or poultry operations. All livestock and poultry operations constituting animal feeding operations as defined in 567—Chapter 65 shall be governed by the requirements contained in Chapter 65. However, ~~if an animal feeding operation is required to apply for and obtain an NPDES permit, the provisions of this chapter relating concerning NPDES permits which relate~~ to notice and public participation, to the terms and conditions of the permit, to the reissuance of the permit and to monitoring, reporting and record-keeping activities shall apply to animal feeding operations which are required to apply for and obtain an NPDES permit to the extent that such requirements are not inconsistent with 567—Chapter 65.

ITEM 2. Rescind the definition of “Operation permit” in rule **567—65.1(459,459B)**.

ITEM 3. Amend paragraph **65.3(3)“g”** as follows:

g. Designated areas. A person shall not apply manure on land within 200 feet from a designated area, or in the case of a high-quality water resource, within 800 feet, unless one of the following applies:

(1) The manure is land-applied by injection or incorporation on the same date as the manure was land-applied. ~~For purposes of the NPDES permit program if applicable, the person must also demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback required by 40 CFR 412.4(c)(5).~~

(2) An area of permanent vegetation cover, including filter strips and riparian forest buffers, exists for 50 feet surrounding the designated area other than an unplugged agricultural drainage well or surface intake to an unplugged agricultural drainage well, and the area of permanent vegetation cover is not subject to manure application.

ITEM 4. Adopt the following new paragraph **65.3(3)“h”**:

h. Setback requirements for confinement feeding operations with NPDES permits. The following is adopted by reference: 40 CFR 412.4(a), (b) and (c)(5) as amended through July 30, 2012.

ITEM 5. Rescind and reserve rule **567—65.4(459,459B)**.

ITEM 6. Amend subrule 65.5(2) as follows:

65.5(2) If departmental evaluation determines that any of the conditions listed in subrule 65.5(1) exist, the operation shall:

~~a. Apply for an operation permit if the operation receives a written notification from the department that it is required to apply for an operation permit. However, no operation with an animal capacity less than that specified in the following subparagraphs shall be required to apply for a permit unless manure from the operation is discharged into a water of the state through a man-made manure drainage system or is discharged into a water of the state which traverses the operation:~~

- ~~(1) 300 beef cattle.~~
- ~~(2) 200 dairy cattle.~~
- ~~(3) 750 butcher and breeding swine (over 55 lbs.).~~
- ~~(4) 3000 sheep or lambs.~~
- ~~(5) 16,500 turkeys.~~
- ~~(6) 30,000 broiler or layer chickens.~~

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

~~(7) 150 horses.~~

~~(8) 300 animal units.~~

~~b. Institute~~ institute necessary remedial actions to eliminate the conditions if the operation receives a written notification from the department of the need to correct the conditions. This ~~paragraph~~ subrule shall apply to all permitted and unpermitted animal feeding operations, regardless of animal capacity.

ITEM 7. Rescind rule 567—65.6(459,459B) and adopt the following new rule in lieu thereof:

567—65.6(459,459B) Concentrated animal feeding operations; NPDES permits. Iowa Code subsection 459.311(2) requires a confinement feeding operation that is a concentrated animal feeding operation as defined in 40 CFR 122.23(b) to comply with applicable NPDES permit requirements pursuant to rules adopted by the commission. The following regulations as amended through July 30, 2012, are adopted by reference:

- 40 CFR 122.21, application for a permit.
- 40 CFR 122.23, concentrated animal feeding operations.
- 40 CFR 122.42(e), additional conditions applicable to specified categories of NPDES permits.
- 40 CFR 122.63(h), minor modification of permits.
- 40 CFR Part 412, concentrated animal feeding operations (CAFO) point source category.

ITEM 8. Amend paragraphs **65.101(6)“b”** and **“c”** as follows:

b. Designated areas. A person shall not apply manure on land within 200 feet from a designated area or, in the case of a high-quality water resource, within 800 feet, unless one of the following applies:

(1) The manure is land-applied by injection or incorporation on the same date as the manure was land-applied. ~~For purposes of the NPDES permit program if applicable, the person must also demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback required by 40 CFR 412.4(c)(5).~~

(2) An area of permanent vegetation cover, including filter strips and riparian forest buffers, exists for 50 feet surrounding the designated area other than an unplugged agricultural drainage well or surface intake to an unplugged agricultural drainage well, and the area of permanent vegetation cover is not subject to manure application.

c. CAFOs.

(1) Land application discharges from a CAFO are subject to NPDES permit requirements. The discharge of manure, process wastewater, settled open feedlot effluent, settleable solids and open feedlot effluent to waters of the United States from a CAFO as a result of the application of that manure, process wastewater, settled open feedlot effluent, settleable solids and open feedlot effluent by the CAFO to land areas under its control is a discharge from that CAFO subject to NPDES permit requirements, except where the discharge is an agricultural storm water discharge as provided in 33 U.S.C. 1362(14). For the purpose of this paragraph, where the manure, process wastewater, settled open feedlot effluent, settleable solids or open feedlot effluent has been applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, process wastewater, settled open feedlot effluent, settleable solids and open feedlot effluent as specified in 65.112(8), a precipitation-related discharge of manure, process wastewater, settled open feedlot effluent, settleable solids and open feedlot effluent from land areas under the control of a CAFO is an agricultural storm water discharge.

(2) Setback requirements for open feedlot operations with NPDES permits. The following is adopted by reference: 40 CFR 412.4(a), (b) and (c)(5) as amended through July 30, 2012.

ARC 1418C**REGENTS BOARD[681]****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 262.9(3), the Board of Regents hereby gives Notice of Intended Action to amend Chapter 4, “Traffic and Parking at Universities,” Iowa Administrative Code.

The proposed amendment revises subrule 4.31(2) to increase the monetary sanctions for two parking offenses at Iowa State University.

Any interested person may make written comments on this amendment on or before May 7, 2014, addressed to Andrea Anania, Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, Iowa 50322-7905; fax (515)281-6420; or e-mail at anania@iastate.edu.

A waiver provision is not included. The Board has adopted a uniform waiver rule, which may be found at 681—19.18(17A).

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

This amendment is intended to implement Iowa Code section 262.9(3).

The following amendment is proposed.

Amend subrule 4.31(2) as follows:

4.31(2) Sanction. Reasonable monetary sanctions may be imposed for violation of these rules. The amount of the sanction approved by the board of regents, state of Iowa, is as follows:

Offenses	Sanctions for Each Offense
Altering, forging or counterfeiting any parking permit (4.30(5))	\$150
Unauthorized possession and use of a parking permit (4.30(5))	\$150
Failure to comply with signs regulating campus traffic flow (681—4.27(262))	\$30
Driving on campus walks or lawns (4.27(6), 4.27(8))	\$30
Driving on closed streets (4.27(3))	\$30
Driving on bike paths (4.27(7))	\$30
Access to restricted areas by means other than established gate openings (4.29(5))	\$30
Moving or driving around a barricade (4.29(5))	\$30
Improper use of gate card (681—4.29(262))	\$20
Illegal parking (4.29(7))	\$30 <u>\$40</u>
Improper parking (4.29(7))	\$15
Overtime parking at meters (4.29(2))	\$10
Parking without an appropriate permit in a reserved lot or space (681—4.29(262))	\$25 <u>\$30</u>
Improper affixing or failure to display a permit (681—4.28(262))	\$5
Failure to purchase a parking receipt (4.29(2))	\$10
Improper parking in a space or stall designated for persons with disabilities (681—4.29(262), 4.30(4))	\$200
Failure to display a current bicycle registration (4.28(4))	\$5
Bicycle improperly parked (4.29(9))	\$7.50
Improper use of roller skates, roller blades or skateboard (4.27(9))	\$25
All other violations	\$15

REGENTS BOARD[681](cont'd)

Violations that continue for more than one hour may receive additional sanctions.

Sanctions may be assessed against the owner or operator of the vehicle involved in each violation or against any person in whose name the vehicle is registered or parking privileges have been granted and may be charged to the violator's university account. Sanctions may be added to student tuition bills or may be deducted from student deposits or from the salaries or wages of employees or from other funds in the possession of the university.

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 Mary Mosiman have established today the following rates of interest for public obligations and special assessments. The usury rate for April is 4.75%.

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 Financial Institutions 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 April 9, 2014, 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 .10%

These are minimum rates only. All time deposits 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 1429C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Pursuant to the authority of Iowa Code section 15.106A, the Economic Development Authority amends Chapter 115, "Tax Credits for Investments in Qualifying Businesses and Community-Based Seed Capital Funds," Iowa Administrative Code.

The rules in Chapter 115 describe the tax credits for investments in qualifying businesses and community-based seed capital funds. These amendments update an existing rule to provide qualifying businesses a period of time in which to gather and submit the necessary documentation to demonstrate that the equity financing requirements have been met.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 22, 2014, as **ARC 1289C**. No public comment was received on these amendments. One technical change was made in the second new sentence in Item 1. The introductory phrase for that sentence now reads "For purposes of this subrule."

These amendments were adopted by the Economic Development Authority Board on March 28, 2014.

These amendments do not have any fiscal impact to the state of Iowa.

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

These amendments are intended to implement Iowa Code section 15E.44.

These amendments will become effective May 21, 2014.

The following amendments are adopted.

ITEM 1. Amend paragraph **115.9(1)"a,"** introductory paragraph, as follows:

a. Within 24 months from the first date on which the equity investments qualifying for investment tax credits have been made, a qualifying business shall ~~provide to the authority information and documentation sufficient to demonstrate that the business has~~ have secured total equity or near equity financing equal to at least \$250,000. The business shall provide to the authority information and documentation sufficient to demonstrate that the business has secured total equity or near equity financing equal to at least \$250,000 and that such financing was secured within the 24 months required by this rule and shall do so by the equity deadline. For purposes of this subrule, the "equity deadline" shall be the next June 30 following the end of the calendar year in which the qualifying business is required to have secured total equity or near equity financing equal to at least \$250,000. For example, a qualifying business in which equity investments qualifying for investment tax credits were made in 2011 shall have an equity deadline of June 30, 2014. Examples of sufficient information and documentation include, but are not limited to, the following:

ITEM 2. Amend paragraph **115.9(1)"b"** as follows:

b. On or by the ~~last day of the 24 month period described in paragraph 115.9(1)"a,"~~ equity deadline, a qualifying business shall certify to the authority, by a statement signed by an officer, director, member, manager, or general partner of the qualifying business, that it has secured the requisite amount of equity financing required by this rule within the time period prescribed in paragraph 115.9(1)"a" 24 months from the date on which the equity investments qualifying for investment tax credits were made and shall recertify to the authority that the qualifying business continues to meet the requirements set forth in subrule 115.5(1).

[Filed 3/28/14, effective 5/21/14]

[Published 4/16/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/16/14.

ARC 1422C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 89.14, the Boiler and Pressure Vessel Board hereby amends Chapter 90, "Administration of the Boiler and Pressure Vessel Program," Iowa Administrative Code.

The Boiler and Pressure Vessel Board is charged with the responsibility to set fees that "shall reflect the actual costs and expenses necessary to operate the board and perform the duties of the commissioner." The last significant change in the fee schedule was in 2005. In conjunction with the Labor Commissioner, the Boiler and Pressure Vessel Board conducted a careful review of the program's finances. The Boiler and Pressure Vessel Board concluded that fee increases are needed to keep the fund solvent and that the fees in this rule making are appropriate.

The purposes of this amendment are to maintain the financial solvency of the program, protect the health and safety of the public, and implement legislative intent.

Notice of Intended Action was published in the February 19, 2014, Iowa Administrative Bulletin as **ARC 1333C**. No public comment was received on the proposed amendment. This amendment is identical to the amendment published under Notice of Intended Action.

No variance procedures are included in this rule. Applicable variance procedures are set forth in 875—Chapter 81.

After analysis and review of this rule making, no impact on jobs will occur.

This amendment is intended to implement Iowa Code chapter 89.

This amendment shall become effective on May 21, 2014.

The following amendment is adopted.

Amend rule 875—90.7(89) as follows:

875—90.7(89) Fees.

90.7(1) *Special inspector commission fee.* A ~~\$40~~ \$55 fee shall be paid annually to the commissioner to obtain a special inspector commission pursuant to Iowa Code section 89.7.

90.7(2) *Certificate fee.* A ~~\$25~~ \$40 fee shall be paid for each one-year certificate, a ~~\$50~~ \$80 fee shall be paid for each two-year certificate, and a ~~\$100~~ \$160 fee shall be paid for each four-year certificate.

90.7(3) *Fees for inspection.* An inspection fee for each object inspected by a division inspector shall be paid by the appropriate party as follows:

a. A ~~\$40~~ \$55 fee for each water heater supply boiler.

b. ~~An \$80~~ A \$95 fee for each boiler, other than a water heater supply boiler, having a working pressure up to and including 450 pounds per square inch or generating between 20,000 and 100,000 pounds of steam per hour.

c. A ~~\$200~~ \$215 fee for each boiler, other than a water heater supply boiler, having a working pressure in excess of 450 pounds per square inch and generating in excess of 100,000 pounds of steam per hour.

d. A ~~\$40~~ \$55 fee for each pressure vessel, such as steam stills, tanks, jacket kettles, sterilizers and all other reservoirs having a working pressure of 15 pounds or more per square inch.

e. In addition to the applicable object's inspection fee, if the division cannot follow normal practice of scheduling inspections in a cost-effective manner due to a request by an owner or user for a customized schedule, travel expenses may be charged at the discretion of the division.

f. ~~Inspections and code qualification surveys made by the commissioner at the request of a boiler or tank manufacturer shall be charged at a rate set by the commissioner not to exceed the rate currently charged by the various insurance companies for performing a similar service. This charge shall not void the regular fee for inspection or certification when the boiler or tank is installed. Upon receipt of a request for a state inspector to visit or inspect for a reason not required by Iowa Code chapter 89, the labor commissioner may negotiate an appropriate fee.~~

LABOR SERVICES DIVISION[875](cont'd)

g. If a boiler or pressure vessel has to be reinspected ~~through no fault of the division~~, there shall be another inspection fee as specified above. ~~However, there shall be no fee charged for the first scheduled reinspection to verify that ordered repairs have been made.~~

90.7(4) Fees for attempted inspections. A ~~\$20~~ \$35 fee shall be charged for each attempt by a division inspector to conduct an inspection which is not completed through no fault of the division.

[Filed 3/27/14, effective 5/21/14]

[Published 4/16/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/16/14.

ARC 1420C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.10 and 147.76, the Board of Podiatry hereby amends Chapter 222, "Continuing Education for Podiatrists," Iowa Administrative Code.

The adopted amendment allows podiatrists to earn continuing education credit for presenting a continuing education course or teaching a college level course that is directly related to the practice of podiatry. This rule making is in keeping with the three other professions regulated by the Board of Podiatry that allow licensees to earn continuing education credit for teaching a professional course.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1199C** on November 27, 2013. No public comments were received. This amendment is identical to that published under Notice.

After analysis and review of this rule making, no adverse impact on jobs exists.

This amendment is intended to implement Iowa Code section 147.10.

This amendment will become effective May 21, 2014.

The following amendment is adopted.

Amend subrule 222.3(2) as follows:

222.3(2) Specific criteria.

a. Licensees may obtain continuing education hours of credit by teaching in a college, university, or graduate school that is recognized by the U.S. Department of Education. The licensee may receive credit on a one-time basis for the first offering of a course.

~~b.~~ b. Continuing education hours of credit may be obtained by completing the following programs/activities of a podiatric scientific nature and sponsored by an accredited college of podiatric medicine or the American Podiatric Medical Association or a regional or state affiliate or nonprofit hospital that are:

(1) Educational activities in which participants and faculty are present at the same time and attendance can be verified. Such activities include lectures, conferences, focused seminars, clinical and practical workshops, simultaneous live satellite broadcasts and teleconferences;

(2) Scientifically oriented material or risk management activities.

~~c.~~ c. If the podiatrist utilizes conscious sedation, the podiatrist shall obtain a minimum of one hour of continuing education in the area of conscious sedation or other related topics;

~~d.~~ d. Combined maximum per biennium of 20 hours for the following continuing education source areas shall not exceed:

(1) Presenting professional programs which meet the criteria listed in this subrule. Two hours of credit will be awarded for each hour of presentation. A course schedule or brochure must be maintained for audit.

~~(2)~~ (2) Ten hours of credit for viewing videotaped presentations if the following criteria are met:

1. There is an approved sponsoring group or agency;
2. There is a facilitator or program official present;
3. The program official is not the only attendee; and

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

4. The program meets all the criteria in 645—222.3(149,272C).

~~(2)~~ (3) Ten hours of credit for computer-assisted instructional courses or programs pertaining to patient care and the practice of podiatric medicine and surgery. These courses and programs must be approved by the American Podiatric Medical Association or its affiliates and have a certificate of completion that includes the following information:

1. Date course/program was completed;
2. Title of course/program;
3. Number of course/program contact hours; and
4. Official signature or verification of course/program sponsor.

~~(3)~~ (4) Five hours of credit for reading journal articles pertaining to patient care and the practice of podiatric medicine and surgery. The licensee must pass a required posttest and be provided with a certificate of completion.

~~d. e.~~ No office management courses will be accepted by the board.

~~e.~~ Rescinded IAB 8/3/05, effective 9/7/05.

~~f.~~ Continuing education hours of credit equivalents for academic coursework per biennium are as follows:

1 academic semester hour = 15 continuing education hours

1 academic quarter hour = 10 continuing education hours

~~g.~~ Credit is given only for actual hours attended.

[Filed 3/27/14, effective 5/21/14]

[Published 4/16/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/16/14.