



# IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XXXIV  
May 2, 2012

NUMBER 22  
Pages 1427 to 1462

## CONTENTS IN THIS ISSUE

Pages 1435 to 1461 include **ARC 0108C** to **ARC 0117C**

### AGENDA

Administrative rules review committee . . . . . 1430

### ALL AGENCIES

Agency identification numbers . . . . . 1433  
Citation of administrative rules . . . . . 1428  
Schedule for rule making . . . . . 1429

### COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

Filed, Health care professional  
recruitment program, ch 14 **ARC 0108C** . . . . . 1460

### EDUCATION DEPARTMENT[281]

Notice, School business official  
knowledge and skills standards and  
criteria, 81.7 **ARC 0112C** . . . . . 1435

### HUMAN SERVICES DEPARTMENT[441]

Notice, Medicaid—health home services  
for members with chronic health  
conditions, 77.3, 77.47, 78.53, 79.1(2),  
79.3(2)"d"(40), 79.14(2)"e" **ARC 0117C** . . . . . 1438

### NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Notice, Waterfowl and coot  
hunting—zones and season dates,  
amendments to ch 91 **ARC 0116C** . . . . . 1441

Notice, Deer hunting by  
residents—license and season  
restrictions, quotas, November season  
closed, 106.1, 106.2, 106.4(4), 106.6,  
106.7(4), 106.9 **ARC 0114C** . . . . . 1445

Notice, Bobcat and river otter  
trapping—quotas, 108.7(3) **ARC 0115C** . . . . . 1449  
Filed Emergency, Boating—zoning of  
Harpers Slough, 40.27(1) **ARC 0111C** . . . . . 1457

### PUBLIC HEARINGS

Summarized list . . . . . 1431

### SECRETARY OF STATE[721]

Notice, Special elections to fill a vacancy  
in the office of representative in  
Congress, 21.405 **ARC 0110C** . . . . . 1450  
Filed Emergency, Special elections to fill  
a vacancy in the office of representative  
in Congress, 21.405 **ARC 0109C** . . . . . 1458

### TRANSPORTATION DEPARTMENT[761]

Notice, Rest area and highway helper  
sponsorship programs; competition  
with private enterprise, 25.2(8);  
chs 123, 124 **ARC 0113C** . . . . . 1450

### USURY

Notice . . . . . 1456

## PREFACE

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

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

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

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

STEPHANIE A. HOFF, Administrative Code Editor

Telephone: (515)281-3355

Fax: (515)281-5534

### CITATION of Administrative Rules

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

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

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

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

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

## Schedule for Rule Making 2012

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

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
24	Friday, May 11, 2012	May 30, 2012
25	Wednesday, May 23, 2012	June 13, 2012
26	Friday, June 8, 2012	June 27, 2012

**PLEASE NOTE:**

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

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

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

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

NOTE: See also Agenda published in the April 18, 2012, Iowa Administrative Bulletin.

### COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

Health care professional recruitment program, ch 14 Filed ARC 0108C ..... 5/2/12

### EDUCATION DEPARTMENT[281]

School business official knowledge and skills standards and criteria, 81.7 Notice ARC 0112C ..... 5/2/12

### HUMAN SERVICES DEPARTMENT[441]

Medicaid—health home services for members with chronic health conditions, 77.3, 77.47, 78.53, 79.1(2), 79.3(2)"d"(40), 79.14(2)"e" Notice ARC 0117C ..... 5/2/12

### NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Boating—zoning of Harpers Slough, 40.27(1) Filed Emergency ARC 0111C ..... 5/2/12

Waterfowl and coot hunting—zones and season dates, amendments to ch 91 Notice ARC 0116C ..... 5/2/12

Deer hunting by residents—license and season restrictions, quotas, November season closed, 106.1, 106.2, 106.4(4), 106.6, 106.7(4), 106.9 Notice ARC 0114C ..... 5/2/12

Bobcat and river otter trapping—quotas, 108.7(3) Notice ARC 0115C ..... 5/2/12

### SECRETARY OF STATE[721]

Special elections to fill a vacancy in the office of representative in Congress, 21.405 Notice ARC 0110C, also Filed Emergency ARC 0109C ..... 5/2/12

### TRANSPORTATION DEPARTMENT[761]

Rest area and highway helper sponsorship programs; competition with private enterprise, 25.2(8); chs 123, 124 Notice ARC 0113C ..... 5/2/12

## ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

Senator Merlin Bartz  
2081 410th Street  
Grafton, Iowa 50440

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

Senator Thomas Courtney  
2609 Clearview  
Burlington, Iowa 52601

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

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

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

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

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

Senator James Seymour  
901 White Street  
Woodbine, Iowa 51579

Representative Guy Vander Linden  
1610 Carbonado Road  
Oskaloosa, Iowa 52577

Joseph A. Royce  
**Legal Counsel**  
Capitol  
Des Moines, Iowa 50319  
Telephone (515)281-3084  
Fax (515)281-8451

Brenna Findley  
**Administrative Rules Coordinator**  
Governor's Ex Officio Representative  
Capitol, Room 18  
Des Moines, Iowa 50319  
Telephone (515)281-5211

**EDUCATION DEPARTMENT[281]**

School business official knowledge and skills standards and criteria, 81.7 IAB 5/2/12 <b>ARC 0112C</b>	ICN Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	May 22, 2012 3 to 4 p.m.
---	---	-----------------------------

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

Air quality, 20.2, 22.3(3), 22.100, 22.108(3), 25.1 IAB 4/18/12 <b>ARC 0087C</b>	Conference Rooms, Air Quality Bureau 7900 Hickman Rd. Windsor Heights, Iowa	May 18, 2012 1 p.m.
Air quality—fine particulate matter, 33.3 IAB 4/18/12 <b>ARC 0097C</b>	Conference Rooms, Air Quality Bureau 7900 Hickman Rd. Windsor Heights, Iowa	May 18, 2012 1 p.m.

**HISTORICAL DIVISION[223]**

Historic preservation program administration, 35.2 IAB 4/18/12 <b>ARC 0104C</b>	Auditorium, First Floor, Historical Bldg. 600 E. Locust St. Des Moines, Iowa	May 10, 2012 10 a.m.
Review and compliance program, 42.1 to 42.7 IAB 4/18/12 <b>ARC 0103C</b>	Auditorium, First Floor, Historical Bldg. 600 E. Locust St. Des Moines, Iowa	May 10, 2012 10 a.m.

**IOWA FINANCE AUTHORITY[265]**

Shelter assistance fund, 41.2, 41.6, 41.8, 41.10(3), 41.12(2) IAB 4/18/12 <b>ARC 0096C</b>	Presentation Room, IFA Headquarters 2015 Grand Ave. Des Moines, Iowa	May 8, 2012 1:30 p.m.
Emergency shelter grants program, amendments to ch 42 IAB 4/18/12 <b>ARC 0095C</b>	Presentation Room, IFA Headquarters 2015 Grand Ave. Des Moines, Iowa	May 8, 2012 1:30 p.m.

**LABOR SERVICES DIVISION[875]**

OSHA standards for general industry and construction—adoption by reference, 10.20, 26.1 IAB 4/18/12 <b>ARC 0105C</b>	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	May 9, 2012 10:30 a.m. (If requested)
---	---	---

**LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]**

“Retired” status, 1.1, 2.1, 2.8, 2.10 IAB 4/18/12 <b>ARC 0086C</b>	Professional Licensing Bureau Offices 1920 SE Hulsizer Rd. Ankeny, Iowa	May 10, 2012 9 to 11 a.m.
---	---	------------------------------

**MEDICINE BOARD[653]**

Permanent physician licensure, amendments to ch 9 IAB 4/18/12 <b>ARC 0090C</b>	Board Office, Suite C 400 SW 8th St. Des Moines, Iowa	May 8, 2012 2 p.m.
Resident, special and temporary physician licensure, amendments to ch 10 IAB 4/18/12 <b>ARC 0091C</b>	Board Office, Suite C 400 SW 8th St. Des Moines, Iowa	May 8, 2012 2 p.m.

**MEDICINE BOARD[653] (cont'd)**

Continuing education and training requirements, amendments to ch 11 IAB 4/18/12 <b>ARC 0092C</b>	Board Office, Suite C 400 SW 8th St. Des Moines, Iowa	May 8, 2012 2 p.m.
---	---	-----------------------

**NATURAL RESOURCE COMMISSION[571]**

Waterfowl and coot hunting—zones and season dates, amendments to ch 91 IAB 5/2/12 <b>ARC 0116C</b>	Auditorium, Second Floor Wallace State Office Bldg. Des Moines, Iowa	May 23, 2012 1 p.m.
---	--	------------------------

Deer hunting by residents—license and season restrictions, quotas, November season closed, amendments to ch 106 IAB 5/2/12 <b>ARC 0114C</b>	Auditorium, Second Floor Wallace State Office Bldg. Des Moines, Iowa	May 23, 2012 1 p.m.
--	--	------------------------

Bobcat and river otter trapping—quotas, 108.7(3) IAB 5/2/12 <b>ARC 0115C</b>	Auditorium, Second Floor Wallace State Office Bldg. Des Moines, Iowa	May 23, 2012 1 p.m.
---	--	------------------------

**PUBLIC SAFETY DEPARTMENT[661]**

Criminalistics laboratory—operations, 95.5, 150.3(8), 150.4(2), 156.1 to 156.10, 157.2, 157.7 IAB 4/18/12 <b>ARC 0098C</b>	First Floor Conference Room Public Safety Headquarters Bldg. 215 E. 7th St. Des Moines, Iowa	May 8, 2012 9:30 a.m.
---	---	--------------------------

**TRANSPORTATION DEPARTMENT[761]**

Rest area and highway helper sponsorship programs; competition with private enterprise, 25.2(8); chs 123, 124 IAB 5/2/12 <b>ARC 0113C</b>	First Floor South Conference Room DOT Administration Building 800 Lincoln Way Ames, Iowa	May 24, 2012 1 p.m. (If requested)
--	---	--

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]  
    Agricultural Development Authority[25]  
    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]  
    Savings and Loan Division[197]  
    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]  
Foster Care Review Board[489]  
Racing and Gaming Commission[491]  
State Public Defender[493]  
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]  
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]  
Homeland Security and Emergency Management Division[605]  
Military Division[611]  
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 0112C

## EDUCATION DEPARTMENT[281]

## 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 256.7(5), the State Board of Education hereby proposes to amend Chapter 81, “Standards for School Business Official Preparation Programs,” Iowa Administrative Code.

This chapter provides standards and procedures for the approval of training programs for individuals who seek authorization issued by the Board of Educational Examiners for employment as school business officials responsible for the financial operations of a school district. After the initial adoption of Chapter 81 in March 2011, the Department continued discussions with stakeholder groups to refine the appropriate standards and criteria that should be met by a school business official. The standards and criteria proposed in this rule making promote the value of the school business official’s fiduciary responsibility to the taxpayer as well as effective governmental transparency and accountability.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before May 22, 2012, at 4:30 p.m. Comments on the proposed amendment should be directed to Jeff Berger, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-3968; e-mail [jeff.berger@iowa.gov](mailto:jeff.berger@iowa.gov); or fax (515)242-5988.

A public hearing will be held on May 22, 2012, from 3 to 4 p.m. in the ICN Room on the second floor of the Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-5295.

After analysis and review of this rule making, no impact on jobs has been found because this rule making impacts public employees only and because changes to the qualifications of school business officials does not impact the number of persons employed in those positions by school districts.

This amendment is intended to implement Iowa Code section 256.7(30).

The following amendment is proposed.

Rescind rule 281—81.7(256) and adopt the following **new** rule in lieu thereof:

**281—81.7(256) School business official knowledge and skills standards and criteria.** School business officials shall demonstrate content knowledge, professional knowledge, and skills in accordance with the following standards and supporting criteria. In addition, each school business official candidate shall meet all requirements established by the board of educational examiners for an authorization for which the candidate is recommended. Programs shall submit curriculum exhibit sheets for approval by the board of educational examiners and the department.

**81.7(1) Standard 1.** Each school business official shall demonstrate an understanding of Uniform Financial Accounting, governmental GAAP accounting, and statutory concepts. The school business official:

*a.* Is responsible for understanding and adhering to the Uniform Financial Accounting Manual and the current, accepted chart of accounts;

(1) Codes all salaries and benefits to the appropriate function, program, and project (if applicable) on a monthly basis;

## EDUCATION DEPARTMENT[281](cont'd)

(2) Ensures revenues, expenditures, and expenses are appropriately coded to the correct account on a monthly basis; and

(3) Ensures balance sheet items are properly coded as directed.

*b.* Understands and ensures implementation of state and federal law related to employment, personnel, and payroll.

*c.* Has an understanding of all projects and grants for which the district receives funding.

*d.* Understands the certified budgeting process and the content and purpose of each section of the aid and levy worksheet as well as other certified budget forms.

*e.* Understands the concept of spending authority.

**81.7(2) Standard 2.** Each school business official shall demonstrate the ability to implement effective internal controls and accounting processes. The school business official:

*a.* Provides data on a monthly basis in sufficient detail as to be informative and useful for decision makers and stakeholders in providing educational and co- and extracurricular programs.

*b.* Ensures delivery, on a monthly basis, of a statement of receipts, disbursements, and amount on hand for every fund.

*c.* Ensures reconciliation of bank statements on a monthly basis.

*d.* Consistently follows the procedure by which products and services may be purchased (state bidding requirements, purchase orders, and purchasing processes).

*e.* Ensures that an annual line item budget that aligns with the district-certified budget revenues and expenditures is completed in a timely manner for each fund.

*f.* Maintains an itemized statement no more than five years old of the appraised value of all buildings and other capital assets and a list of historical costs.

*g.* Invests moneys not needed as authorized under Iowa Code and district policy.

*h.* Uses only depositories approved by the local school board.

*i.* Makes payments only to the person entitled to the payment and only for verified bills.

*j.* Understands and implements the various mechanisms by which to borrow money as well as the appropriate account coding and repayment processes.

*k.* Is able to produce budget forecasts and analyses of spending.

*l.* Is capable of preparing employee collective bargaining costing models and estimates.

**81.7(3) Standard 3.** Each school business official shall demonstrate an understanding of and compliance with federal, state, and local reporting requirements. The school business official:

*a.* Produces for the local school board periodic reports reflecting a financial statement in relation to spending authority and published budget control lines.

*b.* Ensures that an accurate and separate account of each fund is maintained.

*c.* Ensures the filing of all quarterly and annual payroll taxes and reports in a timely fashion, including but not limited to IRS Forms 941, 1099, W-2, and W-3 and OMB Circular A-87.

*d.* Files with the department of education, the department of management, and the state auditor all required reports in a timely fashion.

*e.* Understands the local collective bargaining agreement as well as nonemployee contracts.

**81.7(4) Standard 4.** Each school business official shall demonstrate compliance with applicable federal, state, and local laws. The school business official:

*a.* Understands the district board's policies and procedures and effectively implements applicable policies and procedures.

*b.* Implements effective records management processes and procedures.

*c.* Has a working knowledge of laws applicable to school districts and area education agencies.

*d.* Understands and implements employment laws.

*e.* Understands and implements bidding and construction laws.

*f.* Understands and implements pension processes, including but not limited to retirement plans, IPERS, and 403B investments.

*g.* Ensures that the school board president's and secretary's signatures are on all checks and that the school board president's signature is on all contracts.

*h.* Ensures that billing for all tuition items is completed on the current prescribed timeline.

## EDUCATION DEPARTMENT[281](cont'd)

*i.* Manages scheduling and preparation for the local audit, including any request for proposals for audit services as applicable.

**81.7(5) Standard 5.** Each school business official shall demonstrate competence in technology appropriate to the school business official position. The school business official:

*a.* Effectively manages an integrated accounting system for fund accounting by the district and is able to assess technology needs for fiscal management issues.

*b.* Maintains all funds in one integrated accounting system.

*c.* Displays a working knowledge of other software programs if required to be used by the school business official.

*d.* Is able to use Word, database, and spreadsheet documents effectively to meet the needs of the district.

*e.* Displays competence in using the department's secured Web site for reporting purposes and has attended applicable training sessions on its use.

*f.* Is able to upload the chart of accounts and understands the relationship of the chart of accounts to the other reports, including but not limited to the special education supplement, the annual report on use of sales tax revenue, and the annual transportation report. This duty includes testing the functionality of accounts used for accuracy. The testing is carried out in a manner that allows for identification of issues prior to the actual submission deadline.

**81.7(6) Standard 6.** Each school business official shall demonstrate appropriate personal skills. The school business official:

*a.* Is an effective communicator with all stakeholders, including but not limited to colleagues, policy makers, community members, and parents.

*b.* Works effectively with employees and stakeholders.

*c.* Ensures the timely flow of information.

*d.* Maintains confidentiality with personal, restricted and embargoed information.

*e.* Is able to analyze, evaluate, and solve problems.

*f.* Timely and accurately performs the duties of a school business official.

*g.* Maintains an environment of mutual respect, rapport, and fairness.

*h.* Participates in and contributes to a school culture that focuses on improved student learning.

**81.7(7) Standard 7.** Each school business official shall engage in professional growth. The school business official:

*a.* Stays current with accounting technologies and the department's financial reporting system.

*b.* Demonstrates habits and skills of continuous inquiry and learning.

*c.* Works collaboratively to improve professional practice.

*d.* Applies research, knowledge, and skills acquired from professional development opportunities to improve practice.

*e.* Engages with administration on an annual review of the effectiveness of district accounting and reporting processes and on an individual performance evaluation consistent with district policy.

*f.* If the school business official has not earned full authorization as a school business official, participates in the school business official mentoring program.

**81.7(8) Standard 8.** Each school business official shall fulfill professional responsibilities established by the school district. The school business official:

*a.* Adheres to school board policies, district procedures, and contractual obligations and ensures that applicable district policies are not in conflict with state law.

*b.* Demonstrates professional and ethical conduct as defined by state law and district policy.

*c.* Contributes to efforts to achieve district goals.

*d.* Is able to contribute to cost/benefit analyses.

*e.* Participates in the board of educational examiners ethics program.

*f.* Follows the code of professional conduct and ethics and the rights and responsibilities described in 282—Chapters 25 and 26 of the Iowa Administrative Code.

**81.7(9) Standard 9.** If a school business official is also employed as the secretary or treasurer of the school board, the school business official shall:

EDUCATION DEPARTMENT[281](cont'd)

- a. Take the oath of office within ten days following appointment.
- b. File a bond and ensure the level of coverage is adequate.
- c. Hold office until a successor has been appointed and qualified.
- d. Publish minutes, bills, and salaries on a timely basis.
- e. Ensure that the department, the county auditor, and the treasurer are informed timely of the names and addresses for board officers as well as any changes therein.
- f. File and preserve copies of all required reports and all papers transmitted pertaining to the business of the school corporation, including all certificates, reports, and proofs related to compulsory education.
- g. Maintain separate books for minutes and elections and ensure that the records are complete.
- h. Deliver all claims to the board for audit and allowance.

**ARC 0117C**

## **HUMAN SERVICES DEPARTMENT[441]**

### **Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 249A.4 and 2011 Iowa Acts, chapter 129, section 10, the Department of Human Services proposes to amend Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” and Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

The Eighty-Fourth General Assembly allowed the Department to submit an amendment to the State Medicaid Plan to take advantage of an option given to states in Section 2703 of the federal Patient Protection and Affordable Care Act, Public Law 111-148. That provision allows states to provide to members who have designated chronic medical conditions additional services that are not normally funded by Medicaid. Implementation is subject to federal approval of the state plan amendment. States are allowed to claim 90 percent federal match for the first two years of operation.

Health home services provide comprehensive care management; care coordination and health promotion; comprehensive transitional care from inpatient to other settings, including appropriate follow-up; support to the patient and family, including authorized representatives; referral to relevant community and social support services; and for the use of health information technology to link services. Providers of health home services are anticipated to be primary care practices, such as community mental health centers, federally qualified health centers, and rural health clinics. However, any Medicaid-enrolled entity that can furnish a designated practitioner, a dedicated care coordinator, a health coach, and support staff and that commits to meeting program requirements may qualify as a health home provider.

Provision of health home services to eligible Medicaid members will support the plan for implementing a statewide medical home system developed by the Medical Home System Advisory Council pursuant to Iowa Code section 135.159. The expectation is that the provision of more intensive services to people with chronic health conditions will lower the overall cost of their care by reducing emergency room visits and hospital stays. Other benefits expected from medical homes include an emphasis on convenient, comprehensive primary care; quality-driven and comprehensive health care; strong and effective medical management; and patient and provider accountability.

A monthly payment will be made for each eligible member who receives health home services from the provider during the month. The amount of the payment will be determined according to a fee schedule based on the number of chronic health conditions the member has. The conditions that will

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

be considered in determining whether a member is eligible for the services include mental health and substance use disorders, asthma, diabetes, heart disease, being overweight, and hypertension. As a condition of participation, health home services providers must report applicable quality measures. The Department expects to offer incentive payments based on a provider's performance beginning in state fiscal year 2014.

Federal law also requires that hospitals in a state that offers health home services must agree to refer eligible members to a designated health home provider.

Any interested person may make written comments on the proposed amendments on or before May 22, 2012. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments do not provide for waivers in specified situations because health home services are optional and confer a benefit on members who choose to receive them. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The impact on private-sector jobs is uncertain. While individual practitioners may find additional duties to be performed, it is unknown whether this will result in additional staff being hired or if current staff will be used to fulfill the functions of the program.

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, chapter 129, section 10.

The following amendments are proposed.

ITEM 1. Amend rule 441—77.3(249A) as follows:

**441—77.3(249A) Hospitals.**

**77.3(1) *Qualifications.*** All hospitals licensed in the state of Iowa or in another state and certified as eligible to participate in Part A of the Medicare program (Title XVIII of the Social Security Act) are eligible to participate in the medical assistance program, subject to the additional requirements of this rule. Hospitals in other states are also eligible if duly licensed and certified for Medicare participation in that state.

**77.3(2) *Referral to health home services provider.*** As a condition of participation in the medical assistance program, hospitals must establish procedures for referring to health home services providers any members who seek or need treatment in the hospital emergency department and who are eligible for health home services pursuant to 441—subrule 78.53(2).

ITEM 2. Adopt the following **new** rule 441—77.47(249A):

**441—77.47(249A) Health home services providers.** Subject to the requirements of this rule, a designated provider may participate in the medical assistance program as a provider of health home services.

**77.47(1) *Qualifications.*** A designated provider of health home services must be a Medicaid-enrolled entity or provider that is determined through the provider enrollment process to have the systems and infrastructure in place to provide health home services.

*a. Staffing.* At a minimum, a qualifying provider must fill the following roles:

- (1) Designated practitioner.
- (2) Dedicated care coordinator.
- (3) Health coach.
- (4) Clinic support staff.

*b. Data management.* A qualifying provider shall ensure that all clinical data related to the member are maintained with the member's medical records through the use of health information technology.

**77.47(2) *Report on quality measures.*** As a condition of participation in the medical assistance program as a provider of health home services and of receiving payment for health home services provided, a designated provider must report to the Iowa Medicaid enterprise on measures for

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

determining the quality of such services. When appropriate and feasible, a designated provider shall use health information technology in providing the Iowa Medicaid enterprise with such information.

**77.47(3) Selection.** As a condition of payment for health home services provided to a Medicaid member eligible to receive such services pursuant to 441—subrule 78.53(2), a designated provider must be selected by the member as the member's health home, as reported by provider attestation.

ITEM 3. Adopt the following new rule 441—78.53(249A):

**441—78.53(249A) Health home services.** Subject to federal approval in the Medicaid state plan, payment shall be made for health home services as described in subrule 78.53(1) provided to an eligible Medicaid member as described in subrule 78.53(2) who has selected a health home services provider as provided in subrule 78.53(3).

**78.53(1) Covered services.** Health home services consist of the following services provided in a comprehensive, timely, and high-quality manner using health information technology to link services, as feasible and appropriate:

- a. Comprehensive care management, which means:
  - (1) Providing for all the member's health care needs or taking responsibility for arranging care with other qualified professionals;
  - (2) Developing and maintaining for each member a continuity of care document that details all important aspects of the member's medical needs, treatment plan, and medication list; and
  - (3) Implementing a formal screening tool to assess behavioral health treatment needs and physical health care needs.
- b. Care coordination, which means assisting members with:
  - (1) Medication adherence;
  - (2) Chronic disease management;
  - (3) Appointments, referral scheduling, and reminders; and
  - (4) Understanding health insurance coverage.
- c. Health promotion, which means coordinating or providing behavior modification interventions aimed at:
  - (1) Supporting health management;
  - (2) Improving disease control; and
  - (3) Enhancing safety, disease prevention, and an overall healthy lifestyle.
- d. Comprehensive transitional care following a member's move from an inpatient setting to another setting. Comprehensive transitional care includes:
  - (1) Updates of the member's continuity of care document and case plan to reflect the member's short-term and long-term care coordination needs; and
  - (2) Personal follow-up with the member regarding all needed follow-up after the transition.
- e. Member and family support (including authorized representatives). This support may include:
  - (1) Communicating with and advocating for the member or family for the assessment of care decisions;
  - (2) Assisting with obtaining and adhering to medications and other prescribed treatments;
  - (3) Increasing health literacy and self-management skills; and
  - (4) Assessing the member's physical and social environment so that the plan of care incorporates needs, strengths, preferences, and risk factors.
- f. Referral to community and social support services available in the community.

**78.53(2) Members eligible for health home services.** Subject to the authority of the Secretary of the United States Department of Health and Human Services pursuant to 42 U.S.C. §1396w-4(h)(1)(B) to establish higher levels for the number or severity of chronic or mental health conditions for purposes of determining eligibility for receipt of health home services, payment shall be made only for health home services provided to a Medicaid member who has at least two chronic conditions or has one chronic condition and is at risk of having a second chronic condition. For purposes of this rule, the term "chronic condition" means:

- a. A mental health disorder.

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

- b. A substance use disorder.
- c. Asthma.
- d. Diabetes.
- e. Heart disease.
- f. Being overweight, as evidenced by:
  - (1) Having a body mass index (BMI) over 25 for an adult, or
  - (2) Weighing over the 85th percentile for the pediatric population.
- g. Hypertension.

**78.53(3) Selection of health home services provider.** As a condition of payment for health home services, the eligible member receiving the services must have selected the billing provider as the member's health home, as reported by the provider. A member must select a provider located in the member's county of residence or in a contiguous county.

ITEM 4. Adopt the following **new** provider category in subrule **79.1(2)**:

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
Health home services provider	Fee schedule based on number of member's chronic conditions (not including conditions for which member is only at risk). Submission of the per-member per-month (PMPM) claim from the provider confirms that health home services are being provided.	Monthly fee schedule amount

ITEM 5. Adopt the following **new** subparagraph **79.3(2)“d”(40)**:

(40) Health home services:

1. Comprehensive care management plan.
2. Care coordination and health promotion plan.
3. Comprehensive transitional care plan, including appropriate follow-up, from inpatient to other settings.
4. Documentation of member and family support (including authorized representatives).
5. Documentation of referral to community and social support services, if relevant.

ITEM 6. Adopt the following **new** paragraph **79.14(2)“e”**:

e. With the application form, or as a supplement to a previously submitted application, providers of health home services shall submit Form 470-5100, Health Home Provider Agreement.

**ARC 0116C**

## NATURAL RESOURCE COMMISSION[571]

### 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 455A.5(6), 481A.38, 481A.39, and 481A.48, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 91, “Waterfowl and Coot Hunting Seasons,” Iowa Administrative Code.

These rules give the regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. In addition to the existing north and south zones, the proposed amendments create a new zone for duck and goose hunting, referred to as

## NATURAL RESOURCE COMMISSION[571](cont'd)

the Missouri River zone, which includes all the lands and waters in the state of Iowa west of Interstate 29. The amendments also adjust the season dates to comply with federal regulations and to ensure the seasons open on weekends, as well as establish duck and goose hunting season dates for the new Missouri River zone.

The advantage of the new zone is that hunters will have the opportunity to hunt a week later in this zone than in the south zone. The establishment of three zones also increases flexibility for adjusting duck hunting season dates if duck seasons are shortened to 30 or 45 days. A shortened season could occur under the current federal regulatory framework if habitat conditions or duck population surveys decline. These zones and season dates keep the five-day September duck season in place, which is highly valued by many hunters, while providing different opening and closing dates for the second segments of the duck season in each zone.

The amendments also reduce the size of areas closed to Canada goose hunting and permit landowner hunting in all Canada goose closed hunting zones.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 23, 2012. Written comments may be directed to Wildlife Bureau Chief, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by E-mail at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the Wildlife Bureau by telephone at (515)281-5034 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on May 23, 2012, at 1 p.m. in the auditorium on the second floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and request specific accommodations.

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

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48. The following amendments are proposed.

ITEM 1. Amend subrules 91.1(1) to 91.1(3) as follows:

**91.1(1) *Zone boundaries.*** The north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to ~~Woodbury County Road D38, east to Woodbury County Road K45, southeast to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border.~~ The Missouri River duck hunting zone is that part of Iowa west of Interstate 29. The south duck hunting zone is the remainder of the state.

**91.1(2) *Season dates - north zone.*** For all ducks: September ~~17~~ 22 through September ~~24~~ 26 and October ~~15~~ 13 through December ~~8~~ 6.

**91.1(3) *Season dates - south zone.*** For all ducks: September ~~17~~ 22 through September ~~24~~ 26 and October ~~22~~ 20 through December ~~15~~ 13.

ITEM 2. Renumber subrules **91.1(4)** to **91.1(6)** as **91.1(5)** to **91.1(7)**.

ITEM 3. Adopt the following **new** subrule 91.1(4):

**91.1(4) *Season dates - Missouri River zone.*** For all ducks: September 22 through September 26 and October 27 through December 20.

ITEM 4. Amend subrules 91.3(1) to 91.3(3) as follows:

**91.3(1) *Zone boundaries.*** The north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to ~~Woodbury County Road D38, east to Woodbury County Road K45, southeast to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along~~



## NATURAL RESOURCE COMMISSION[571](cont'd)

U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29. The south goose hunting zone is the remainder of the state.

**91.3(2) *Season dates - north zone.*** Canada geese and brant: September ~~24~~ 29 through ~~October 9 and October 15~~ through January 4, ~~2012~~ 2013. White-fronted geese: September ~~24~~ 29 through December 6 11. Light geese (white and blue-phase snow geese and Ross' geese): September ~~24~~ 29 through January 8, ~~2012~~ 13, 2013.

**91.3(3) *Season dates - south zone.*** Canada geese and brant: October ~~4~~ 6 through ~~October 16 and October 22~~ through January 11, ~~2012~~ 2013. White-fronted geese: October ~~4~~ 6 through December ~~13~~ 18. Light geese (white and blue-phase snow geese and Ross' geese): October ~~4~~ 6 through January ~~13, 2012~~ 18, 2013.

ITEM 5. Renumber subrules **91.3(4)** to **91.3(11)** as **91.3(5)** to **91.3(12)**.

ITEM 6. Adopt the following new subrule 91.3(4):

**91.3(4) *Season dates - Missouri River zone.*** Canada geese and brant: October 13 through January 18, 2013. White-fronted geese: October 13 through December 25. Light geese (white and blue-phase snow geese and Ross' geese): October 13 through January 18, 2013.

ITEM 7. Amend renumbered subrules 91.3(8) and 91.3(10) to 91.3(12) as follows:

**91.3(8) *Light goose conservation order season.*** Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January ~~14, 2012~~ 19, 2013, through April 15, ~~2012~~ 2013.

a. to e. No change.

**91.3(10) *Cedar Rapids/Iowa City goose hunting zone.***

a. *Season dates.* September ~~3~~ 1 through September ~~11~~ 9.

b. to d. No change.

**91.3(11) *Des Moines goose hunting zone.***

a. *Season dates.* September ~~3~~ 1 through September ~~11~~ 9.

b. to d. No change.

**91.3(12) *Cedar Falls/Waterloo goose hunting zone.***

a. *Season dates.* September ~~3~~ 1 through September ~~11~~ 9.

b. to d. No change.

ITEM 8. Amend subrule 91.4(2) as follows:

**91.4(2) *Canada geese.*** There shall be no open season on Canada geese in certain areas described as follows:

a. to c. No change.

d. *Area four.* Portions of Winnebago and Worth Counties bounded as follows: Beginning at the junction of U.S. Highway 69 and County Road 105 in the city of Lake Mills; thence east along County Road 105 (including the right-of-way and all other road right-of-ways identified in this description) approximately ~~5~~ 2 miles to ~~Dogwood~~ Apple Ave.; thence south along ~~Dogwood~~ Apple Ave. to 440th ~~448th~~ St.; thence east ~~two and one-fourth mile~~ miles on 440th ~~448th~~ St. to ~~Dove~~ Ave.; thence south on ~~Dove Ave. one-half mile~~ to 435th St.; thence east ~~one-fourth mile~~ on 435th St. to ~~Dove~~ Ave.; thence south on ~~Dove Ave. to County Road A34~~; thence east ~~one mile~~ on County Road A34 (also named 430th St.) to ~~Evergreen Ave.~~; thence south ~~one mile~~ to 420th St.; thence west along 420th St. to ~~Cedar Ave. Cardinal Ave.~~; thence south ~~one-fourth mile~~ to 445th St.; thence east ~~one-fourth mile~~ to Cedar Ave.; thence south ~~one-half mile~~ on Cedar Ave. to the intersection of Cedar Ave. and 440th St.; thence south ~~one-half mile~~ across the north half of section 16, township 99 north, range 22 west, to the intersection of Cedar Ave. and 435th St.; thence south ~~one-half mile~~ 2 miles along Cedar Ave. to Lake St.; thence west ~~one-fourth mile~~ along Lake St. to Front St.; thence southeast ~~one-half mile~~ along Front St. to County Road A38 (also named 410th St.); thence west along County Road A38 to County Road R74 (also named 225th Ave.); thence north along County Road R74 to 420th St.; thence west along 420th St. to ~~County Road R72 (also named 210th Ave.)~~ 220th Ave.; thence north along ~~County Road R72 to U.S. Highway 69~~; thence east along U.S. Highway 69 220th Ave. to 430th St.; thence west along 430th St. ~~one-half mile~~;

## NATURAL RESOURCE COMMISSION[571](cont'd)

thence north one mile across section 15, township 99 north, range 23 west, to the intersection of 440th St. and 215th Ave.; thence north one-fourth mile on 215th Ave. to 445th St.; thence east and northeast on 445th St. to South 12th Ave. West in Lake Mills; thence east on South 12th Ave. West to South Lake St.; thence north on South Lake St. to point of beginning.

*e. to h.* No change.

*i. Area nine.* Portions of Monona and Woodbury Counties bounded as follows: For the portion in Monona County, beginning at the junction of County Road K42 and 120th Street; thence south along County Road K42 (including the right-of-way and all other road right-of-ways identified in this description) approximately 4 miles; thence south on Berry Avenue approximately 1 mile to 170th Street; thence east along 170th Street to ~~Cashew~~ Cork Avenue; thence ~~south north~~ east along ~~Cashew~~ Cork Avenue to ~~190th Street~~; ~~thence east along 190th Street to County Road K45; thence north and northwest~~ thence east along 190th Street to County Road K45; thence north and northwest approximately ~~7 2~~ 7 2 miles along ~~Monona~~ Monona County Road K45 to 120th Street; thence west along 120th Street to the point of beginning; and for the portion in Woodbury County, beginning at the junction of County Road ~~K45~~ K42 and ~~State Highway 141~~ Interstate 29; thence northwest along ~~County Road K45~~ Interstate 29 approximately 6 miles to the intersection with Woodbury County Road K25; thence west approximately ~~3 2~~ 3 2 miles along Woodbury County Road K25 to the intersection with Port Neal Road; thence continuing along the same westerly line approximately 1 mile on the north border of section 6, township 86 north, range 47 west, to the center of the Missouri River; thence southerly along the Missouri River channel approximately 8 miles to a point where 340th Street meets the Iowa-Nebraska state line on the Missouri River except that portion of Nebraska lying on the east side of the Missouri River; thence east to and along 340th Street approximately 5.5 miles to County Road K42; thence north and east along County Road K42 approximately ~~2.5~~ 1.5 miles to the point of beginning.

*j. to l.* No change.

*m. Area thirteen.* Portions of Van Buren County bounded as follows: ~~Beginning at the junction of Hawk Drive and State Highway 98; thence east and south along Hawk Drive (including the right-of-way and all other road right-of-ways identified in this description) to Lark Avenue; thence north along Lark Avenue to 170th Street; thence east along 170th Street to State Highway 1; thence south along State Highway 1 to State Highway 2; thence west along State Highway 2 to County Road V56; thence north along County Road V56 to County Road J40; thence east along County Road J40 to County Road V64; thence north along County Road V64 to State Highway 98; thence north along State Highway 98 to the point of beginning.~~ Beginning at the junction of State Highway 2 and State Highway 1; thence west on State Highway 2 to County Road V64 (including the right-of-way and all other road right-of-ways identified in this description); thence north on County Road V64 to County Road J40; thence east on County Road J40 to State Highway 1; thence south on State Highway 1 to the point of beginning.

*n. Area fourteen.* Portions of Bremer County bounded as follows: Beginning at the intersection of ~~County Road V56~~ Tahoe Avenue and ~~140th Street (also named State Highway 93) (also named 140th Street);~~ thence south along ~~County Road V56~~ Tahoe Avenue (including the right-of-way and all other road right-of-ways identified in this description) to County Road C33; thence west along County Road C33 to Navaho Avenue; thence north along Navaho Avenue to State Highway 93; thence west along State Highway 93 to U.S. Highway 63; thence north ~~7 3~~ 7 3 miles along U.S. Highway 63 to the ~~Bremer-Chickasaw County line;~~ thence east 3 miles along the ~~Bremer-Chickasaw County line road to Oakland Avenue;~~ thence south along Oakland Avenue to 120th Street; thence east along 120th Street to Piedmont Avenue; ~~thence south along Piedmont Avenue to 140th Street; thence east along 140th Street, for 2 miles and continuing on a similar east line for 2 more miles along the north borders of sections 28 and 29, township 93 north, range 12 west, to County Road V5C (also named 140th Street); thence east about one-half mile on County Road V5C to which becomes State Highway 93;~~ thence east on State Highway 93 to the point of beginning.

*o. Area fifteen.* Portions of Butler County bounded as follows: Beginning at the junction of State Highway 14 and 245th Street; thence south along State Highway 14 (including the right-of-way and all other road right-of-ways identified in this description) to 280th Street; thence west along 280th Street for 3 miles; continuing on a similar westerly line along the south ~~borders~~ border of sections ~~31, section 32, and 33;~~ township 91 north, range 17 west<sub>2</sub>; ~~thence west along 280th Street for 1.5 miles to Evergreen~~

## NATURAL RESOURCE COMMISSION[571](cont'd)

Avenue; thence north along Evergreen Avenue to 270th Street; thence east along 270th Street to Forest Avenue; thence north along Forest Avenue to 230th Street; thence east along 230th Street to Fir Avenue; thence north along Fir Avenue to 225th Street; thence east along 225th Street to County Road T25 (also named Hickory Avenue); thence ~~south~~ north along County Road T25 to 230th Street; thence east along 230th Street to Jackson Avenue; thence south along Jackson Avenue to 240th Street; thence east along 240th Street to Jackson Avenue; thence south on Jackson Avenue to 245th Street; thence east along 245th Street to the point of beginning.

*p.* and *q.* No change.

ITEM 9. Amend subrule 91.5(1) as follows:

**91.5(1) Closed areas.** ~~Area one (Emmet Co.), Area two (Clay and Palo Alto Cos.), Area three (Dickinson Co.), Area four (Winnebago and Worth Cos.), Area eleven (Jackson Co.), and Area fifteen (Butler Co.)~~ as All areas described in subrule 91.4(2).

*a.* to *c.* No change.

ITEM 10. Amend rule 571—91.6(481A) as follows:

**571—91.6(481A) Youth waterfowl hunt.** A special youth waterfowl hunt will be held on October ~~16 and 2, 2011~~ 7, 2012, in the north duck hunting zone and October ~~8 and 9, 2011~~ 13 and 14, 2012, in the south duck hunting zone and October 20 and 21, 2012, in the Missouri River duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

**ARC 0114C**

## NATURAL RESOURCE COMMISSION[571]

### 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 455A.5(6), 481A.38, 481A.39, 481A.48(1), 483A.8, 483A.8B, 483A.8C, 483A.24, and 483A.24B, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Chapter 106 sets regulations for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

The proposed amendments do the following:

1. Close the November antlerless season;
2. Remove four counties from the January antlerless season and reduce the length of the January season by one week;
3. Restrict hunters who purchase one of the 7,500 paid any-deer early muzzleloader licenses from also purchasing a paid antlerless license during either the first or second regular gun season;
4. Specify changes in quota numbers in 21 counties for antlerless deer licenses.

These amendments are being proposed for the following reasons:

## NATURAL RESOURCE COMMISSION[571](cont'd)

1. In 2005, the November season was added and the January antlerless season was lengthened in an attempt to reduce deer numbers. These changes are no longer needed to reach the Department's objectives for the deer population. Thus, the November season is being removed, and the January season is being shortened by one week.

2. In 2011, the 7,500 quota for the muzzleloader season was filled in less than four days. Restricting hunters who obtain an early muzzleloader season license from also obtaining an antlerless license for the shotgun season will require hunters to choose which season they prefer. In 2004, and before, hunters had to choose a season in which to participate, and the muzzleloader season took three weeks or longer to fill. Thus, the proposed change will allow those hunters who prefer to hunt only during the muzzleloader season a better opportunity to do so.

3. The changes to the antlerless quotas are designed to stabilize deer numbers in 20 counties where deer numbers have been reduced to the Department's goals and to increase the quota in one county so that deer numbers are reduced to the Department's goals more quickly there.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 23, 2012. Written comments may be directed to Wildlife Bureau Chief, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by E-mail at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the Wildlife Bureau at (515)281-5034 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on May 23, 2012, at 1 p.m. in the auditorium on the second floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

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

These amendments will have a neutral impact on jobs in the state. Even though the Department is seeking a license reduction, there should not be a noticeable change in deer hunting. The proposed quota is designed to keep deer numbers stable and result in similar license sales overall. Thus, the private sector job impact should remain status quo even with this rule making. Importantly, remaining status quo is a very good thing for the state. A study done by the Fish and Wildlife Service shows Iowa's deer season typically generates \$200 million in economic activity. The following types of jobs are positively impacted by deer hunting generally (and should see no noticeable change due to this rule making): hunting equipment retailers (weapons, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; plus restaurants, hotels, and gas stations for hunters traveling around the state.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48(1), 483A.8, 483A.8B, 483A.8C, 483A.24 and 483A.24B.

The following amendments are proposed.

ITEM 1. Rescind and reserve subrule **106.1(5)**.

ITEM 2. Amend subrule 106.1(7) as follows:

**106.1(7)** *Free and reduced-fee deer licenses for landowners and tenants.* A maximum of one free any-deer license, two free antlerless-deer-only licenses, and two reduced-fee antlerless-deer-only licenses may be issued to a qualifying landowner or eligible family member and a qualifying tenant or eligible family member. Eligibility for licenses is described in 571—106.12(481A). The free any-deer license shall be available for one of the following seasons: the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season or first and second regular gun seasons. One free antlerless-deer-only license shall be available for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, or first and second regular gun seasons, ~~or November antlerless-deer-only season~~. The second free antlerless-deer-only license shall be valid only for the January antlerless-deer-only season and

NATURAL RESOURCE COMMISSION[571](cont'd)

will be available only if a portion of the farm unit lies within a county where paid antlerless-deer-only licenses are available during that season. Each reduced-fee antlerless-deer-only license shall be valid for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, first and second regular gun seasons, ~~November antlerless-deer-only season~~ or January antlerless-deer-only season. January antlerless-deer-only licenses will be available only if a portion of the farm unit is located in a county where paid antlerless-deer-only licenses are available in that season.

ITEM 3. Rescind and reserve subrule **106.2(4)**.

ITEM 4. Amend subrule 106.2(5) as follows:

**106.2(5) January antlerless-deer-only season.** Antlerless deer may be taken from January 11 through the ~~third~~ second following Sunday.

ITEM 5. Rescind and reserve subrule **106.4(4)**.

ITEM 6. Amend paragraph **106.6(2)“b”** as follows:

*b.* No one may obtain paid licenses for both the first regular gun season and second regular gun season regardless of whether the licenses are valid for any deer or antlerless deer only. Paid antlerless-deer-only licenses for the early muzzleloader season may only be purchased by hunters who have already purchased one of the 7,500 paid statewide any-deer licenses. Hunters who purchase one of the 7,500 paid statewide any-deer licenses for the early muzzleloader season may not obtain paid antlerless licenses for the first or second regular gun season.

ITEM 7. Rescind and reserve subrule **106.6(3)**.

ITEM 8. Amend subrule 106.6(4) as follows:

**106.6(4) January antlerless-deer-only licenses.** Antlerless-deer-only licenses for the January antlerless-deer-only season shall be available in the following counties: Adair, Adams, ~~Allamakee,~~ Appanoose, Cass, Clarke, ~~Clayton,~~ Dallas, Davis, Decatur, Des Moines, ~~Fayette,~~ Fremont, Guthrie, Harrison, Henry, Jasper, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Page, Polk, Pottawattamie, Ringgold, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, ~~Winnebago,~~ and Woodbury. Beginning December 15, an unlimited number of paid antlerless-deer-only licenses may be purchased for the January antlerless-deer-only season. These licenses may be obtained regardless of any other paid any-deer or paid antlerless-deer-only licenses that may have been obtained.

ITEM 9. Amend subrule 106.6(6) as follows:

**106.6(6) Antlerless-deer-only licenses.** Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	2400	Floyd	0	Monona	2500
Adams	1950	Franklin	0	Monroe	3000
Allamakee	4500	Fremont	1500	Montgomery	1300
Appanoose	3300	Greene	150	Muscatine	<del>1700</del> <u>1175</u>
Audubon	100	Grundy	0	O’Brien	0
Benton	<del>4000</del> <u>650</u>	Guthrie	3300	Osceola	0
Black Hawk	0	Hamilton	100	Page	1800
Boone	650	Hancock	0	Palo Alto	0
Bremer	<del>700</del> <u>1000</u>	Hardin	200	Plymouth	100
Buchanan	250	Harrison	2500	Pocahontas	0
Buena Vista	0	Henry	<del>2000</del> <u>1025</u>	Polk	1500
Butler	0	Howard	350	Pottawattamie	2100
Calhoun	0	Humboldt	0	Poweshiek	<del>650</del> <u>500</u>

## NATURAL RESOURCE COMMISSION[571](cont'd)

County	Quota	County	Quota	County	Quota
Carroll	100	Ida	0	Ringgold	2600
Cass	1300	Iowa	<del>1200</del> <u>775</u>	Sac	0
Cedar	<del>1300</del> <u>1025</u>	Jackson	<del>1800</del> <u>1250</u>	Scott	<del>800</del> <u>500</u>
Cerro Gordo	0	Jasper	1700	Shelby	400
Cherokee	0	Jefferson	2150	Sioux	0
Chickasaw	450	Johnson	<del>2000</del> <u>1400</u>	Story	500
Clarke	2500	Jones	<del>1500</del> <u>975</u>	Tama	<del>650</del> <u>500</u>
Clay	0	Keokuk	1900	Taylor	2650
Clayton	<del>5800</del> <u>3200</u>	Kossuth	0	Union	2100
Clinton	<del>1200</del> <u>825</u>	Lee	<del>2500</del> <u>1400</u>	Van Buren	5400
Crawford	300	Linn	<del>1900</del> <u>1300</u>	Wapello	2150
Dallas	2700	Louisa	<del>1500</del> <u>850</u>	Warren	4200
Davis	3600	Lucas	2800	Washington	2250
Decatur	2800	Lyon	0	Wayne	3000
Delaware	<del>1550</del> <u>975</u>	Madison	4000	Webster	100
Des Moines	<del>2000</del> <u>900</u>	Mahaska	1350	Winnebago	0
Dickinson	0	Marion	2250	Winneshiek	3500
Dubuque	<del>2000</del> <u>1375</u>	Marshall	500	Woodbury	2500
Emmet	0	Mills	1350	Worth	0
Fayette	<del>2500</del> <u>1650</u>	Mitchell	0	Wright	0

ITEM 10. Rescind and reserve subrule **106.7(4)**.

ITEM 11. Amend rule 571—106.9(481A) as follows:

**571—106.9(481A) Transportation tag.** A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of each antlerless deer or on the main beam between two points, if present, on one of the antlers of an antlered deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer carcass is located after being taken or before the carcass is moved to be transported by any means from the place where the deer was taken, whichever occurs first. No person shall tag a deer with a transportation tag issued to another person or with a tag that was purchased after the deer was taken. During the youth/disabled hunter season, bow season, early muzzleloader season and late muzzleloader season, the hunter who killed the deer must tag the deer by using the transportation tag issued in that person's name. During the first and second regular gun seasons and the ~~November and January antlerless-deer-only seasons~~ season, anyone present in the hunting party may tag a deer with a tag issued in that person's name. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption.

ITEM 12. Amend **571—Chapter 106**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.8, 483A.8B, 483A.8C, 483A.24, and 483A.24B and ~~2009 Iowa Acts, Senate File 187.~~

**ARC 0115C****NATURAL RESOURCE COMMISSION[571]****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 481A.6, 481A.38, 481A.39, 481A.87, 481A.90, and 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons,” Iowa Administrative Code.

Chapter 108 sets the season dates, bag limits, possession limits and areas open to hunting or trapping furbearers. The proposed amendment increases the quota for bobcats from 350 to 450 and increases the quota for river otters from 650 to 850. Both populations appear capable of sustaining the increased harvest.

Any interested person may make written suggestions or comments on the proposed amendment on or before May 23, 2012. Written comments may be directed to the Iowa Department of Natural Resources, Wildlife Bureau Chief, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by E-mail at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the Wildlife Bureau at (515)281-5034 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on May 23, 2012, at 1 p.m. in the auditorium on the second floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and request specific accommodations.

Increasing the quota for bobcats and river otters will have a positive jobs impact on the state by increasing overall trapping activity. By raising the quotas, trappers have a better opportunity to actually take a bobcat or otter before the quotas are filled. This means increased business for the private sector in the following areas: hunting and trapping gear and other related equipment, and taxidermy work. It could also lead to increased business for restaurants, hotels, and gas stations as people move around the state participating in the sport.

This amendment is intended to implement Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, and 481A.90.

The following amendment is proposed.

Amend subrule 108.7(3) as follows:

**108.7(3) Quotas and seasonal bag limit.**

*a. Seasonal bag limit.* The seasonal bag limit is 3 river otters and 1 bobcat per person.

*b. Quotas.* The quota for the number of river otters that may be taken is ~~650~~ 850 statewide. The quota for the number of bobcats that may be taken is ~~350~~ 450 in the open area. The season shall end for river otters when the number of river otters trapped, as determined by the harvest reporting system, reaches the quota. The season shall end for bobcats when the number of bobcats taken, as determined by the harvest reporting system, reaches the quota. Trappers shall be allowed a grace period that ends on midnight of the day after the quota is reached to clear their traps of river otters or bobcats. River otters or bobcats found in traps during the grace period may be kept even though the quota is exceeded provided

NATURAL RESOURCE COMMISSION[571](cont'd)

that the trapper has not reached the trapper's personal bag limit. River otters or bobcats trapped after the grace period or in excess of the seasonal bag limit must be turned over to the department; the trapper shall not be penalized.

## ARC 0110C

### SECRETARY OF STATE[721]

#### Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 21, “Election Forms and Instructions,” Iowa Administrative Code.

This amendment is necessary to establish procedures to bring Iowa into compliance with the 2009 Military and Overseas Voters Empowerment (MOVE) Act. The MOVE Act requires county commissioners to transmit unvoted balloting materials upon request to Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters not later than 45 days before the election at which a federal office appears on the ballot. The current deadlines for providing notice of special elections to fill vacancies in U.S. congressional offices are too short for Iowa county commissioners to meet the federal requirement. This amendment is required in order to establish deadlines in the event a special election occurs before the statutes are updated to reflect the federal requirement.

Any interested person may make written suggestions or comments on the proposed amendment on or before May 22, 2012. Written suggestions or comments should be directed to Sarah Reisetter, Director of Elections, Office of the Secretary of State, First Floor, Lucas State Office Building, Des Moines, Iowa 50319.

Persons who want to convey their views orally should contact the Secretary of State's office by telephone at (515)281-0145 or in person at the Secretary of State's office on the first floor of the Lucas State Office Building.

Requests for a public hearing must be received by May 22, 2012.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 0109C**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

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

This amendment is intended to implement Iowa Code chapters 43, 44, 45, 53 and 69.

## ARC 0113C

### TRANSPORTATION DEPARTMENT[761]

#### Notice of Intended Action

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

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 25, “Competition With Private Enterprise,” and to adopt new Chapter 123, “Rest Area Sponsorship Program,” and Chapter 124, “Highway Helper Sponsorship Program,” Iowa Administrative Code.



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

These proposed amendments establish a Rest Area Sponsorship Program and a Highway Helper Sponsorship Program and include a coordinating amendment to 761—subrule 25.2(8). Sponsors will provide monetary contribution to the Department in exchange for sponsorship opportunities. The monetary contribution will help support the rest areas and highway helper program. Sponsors will be determined through a fair and transparent procurement process.

Pursuant to Iowa Code section 17A.34, the Department hereby provides notice to the Administrative Rules Coordinator that a service or product may be offered for sale to the public by the Department that competes with private enterprise. However, if any such product or service is deemed to compete with private enterprise, said product or service falls within the exception from application, as set forth in Iowa Code subsection 23A.2(9).

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

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

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)817-6511; Internet e-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than May 22, 2012.

A meeting to hear requested oral presentations is scheduled for Thursday, May 24, 2012, at 1 p.m. at the Administration Building, First Floor South Conference Room, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa.

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

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by June 4, 2012.

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

These amendments are intended to implement Iowa Code subsection 23A.2(9) and Iowa Code section 307.24.

The following amendments are proposed.

ITEM 1. Amend subrule 25.2(8) as follows:

**25.2(8)** Design, construction, reconstruction, inspection and maintenance of highways including, but not limited to, signs erected in the right-of-way and acknowledgment signs used in the adopt-a-highway, rest area sponsorship and highway helper sponsorship programs.

ITEM 2. Adopt the following new 761—Chapter 123:

CHAPTER 123  
REST AREA SPONSORSHIP PROGRAM

**761—123.1(307) Introduction and purpose.** The rest area sponsorship program is an exchange of a monetary contribution from a person, a firm, or an entity for public recognition in the form of identification displayed on an acknowledgment sign on the main-traveled way of an interstate highway in advance of the exit for a rest area and an interior sign within the primary rest area building. The purpose of the program is to provide contributory support for the primary road fund. The rest areas are funded through the primary road fund and provide a public service.

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

**761—123.2(307) Contact information.** Information relating to the issuance of requests for proposals when sponsorship opportunities become available may be obtained from the Office of Maintenance, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or by telephone at (515)239-1971.

**761—123.3(307) Definitions.** As used in this chapter, unless the context otherwise requires:

*“Acknowledgment sign”* means an official sign placed within the right-of-way which meets all design and placement guidelines for acknowledgment signs as covered in Part 2 of the MUTCD, and all sign design principles covered in the most current edition of the “Standard Highway Signs and Markings Book,” as published by the U.S. Department of Transportation, Federal Highway Administration, and which is intended only to inform the traveling public that a highway-related service, product or monetary contribution has been sponsored by a person, firm or entity.

*“Advertise”* means to provide information on a sign which includes, but is not limited to, any of the following: promotional offers, location directions, a listing of amenities, descriptive words or phrases, telephone numbers, Internet addresses including domain names, slogans or any message that is extraneous to the identification of a single-sponsoring person, firm or entity.

*“Identification”* means a display on an acknowledgment sign which is limited to the name of the sponsor or a registered or unregistered trademark in addition to or instead of the name of the sponsor, if such mark is used consistently by the sponsor whenever and wherever the firm’s or entity’s name is visible to the public, and the medium will allow. If multiple trademarks are used by the sponsor, identification is provided only by the one in the simplest form needed to identify the sponsor.

*“Interstate highway”* means any highway of the primary system at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

*“Main-traveled way”* means the portion of the roadway for movement of vehicles on which through traffic is carried, exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main-traveled way includes each of the separated roadways for traffic in opposite directions, exclusive of frontage roads, turning roadways or parking areas.

*“MUTCD”* means the Manual on Uniform Traffic Control Devices as adopted in 761—Chapter 130.

*“Rest area”* means an area or site established and maintained within or adjacent to the right-of-way of an interstate, freeway-primary or primary highway under supervision and control of the department for the safety, recreation, and convenience of the traveling public. Subject to paragraph 123.4(1) “b,” if two rest areas are located in close proximity and serve opposite directions of travel, both rest areas are individually eligible for sponsorship.

*“Right-of-way”* means land area dedicated to public use for the highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes, but does not include temporary easements or rights for supplementary highway appurtenances.

*“Sponsor”* means a single person, firm or entity which has been approved by the department for the rest area sponsorship program.

**761—123.4(307) General provisions.**

**123.4(1) Scope.**

a. This program is limited to the sponsorship of all rest areas located on the interstate highways in Iowa.

b. This program may be limited by the department to those rest areas located in areas where adequate spacing for acknowledgment signs along the main-traveled way is available, in accordance with the MUTCD, Section 2H.08, “Acknowledgment Signs.”

**123.4(2) Authority and conditions.**

a. Subject to the provisions of Iowa Code section 321.253, the department may erect in advance of the exit for the rest area one acknowledgment sign per rest area, per direction of travel, on the interstate highway right-of-way along the main-traveled way.

b. The department may allow an interior sign, with size and message approved by the department, within the primary building which may advertise the sponsor.

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

*c.* Subject to the provisions of Iowa Code chapter 23A, the department may, through an equitable procurement process, receive a monetary contribution from an approved sponsor. This monetary contribution shall be deposited into the primary road fund and subsequently spent for highway purposes, including the maintenance and operation of the rest areas.

*d.* The department shall have the right to discontinue the program, or portions thereof, if the program or any component part of the program is found to be in violation of federal law or regulation.

*e.* The department shall have the right to terminate a sponsorship agreement for reasons, as determined by the department, based on safety concerns, interference with the free and safe flow of traffic, or a determination that the sponsorship agreement or acknowledgment sign is not in the public interest.

**761—123.5(307) Sponsorship agreements.**

**123.5(1) *Federal Highway Administration approval.*** All sponsorship agreements are subject to approval by the Federal Highway Administration.

**123.5(2) *Qualifications.*** A person, firm or entity may be eligible to participate as a sponsor for the program. However, the department may deny the proposal or application from any potential sponsor if the sponsor's participation might be deemed by the state as a partisan endorsement or have an adverse effect on the program.

**123.5(3) *Selection process.*** Sponsors will be approved through a fair and transparent procurement process, as approved by the department, subject to the provisions of 761—Chapter 20.

**123.5(4) *Discrimination prohibited.*** As a condition of approval as a sponsor, the sponsor shall give the department written assurance of the sponsor's conformity with all applicable laws prohibiting discrimination based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability.

**761—123.6(307) Acknowledgment sign criteria.****123.6(1) *Identification displayed.***

*a.* An acknowledgment sign shall not advertise.

*b.* An acknowledgment sign shall not contain any messages, lights, symbols or trademarks that resemble any official traffic control device.

*c.* An acknowledgment sign shall contain the appropriate lettering to indicate "REST AREA" and may contain an identification of one sponsor.

*d.* The department shall review the acknowledgment sign proposed by the sponsor and shall have full authority to determine whether proposed designs from sponsors advertise or provide identification.

*e.* The department shall not approve any acknowledgment sign proposed by the sponsor if the sign might be deemed a partisan endorsement or have an adverse effect on the program.

**123.6(2) *Design and placement of acknowledgment sign.***

*a.* The department shall determine when adequate spacing is available to accommodate the placement of an acknowledgment sign in accordance with the MUTCD.

*b.* The entire sign display area shall not exceed 24 square feet.

*c.* The area reserved for the identification of the sponsor shall not exceed one-third of the total area of the sign, shall be a maximum of 8 square feet, and shall not be located at the top of the sign.

*d.* Sponsors must provide signs measuring 24 inches high and 48 inches wide that are fabricated from .080 aluminum with 2-inch radius corners and have a ½-inch white border for placement on the acknowledgment signs.

*e.* The department shall inspect signs received from sponsors, and if the signs meet the requirements contained in this rule, the department shall perform the installation.

*f.* All acknowledgment signs erected by the department shall conform to the MUTCD.

These rules are intended to implement Iowa Code subsection 23A.2(9) and Iowa Code section 307.24.

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 3. Adopt the following **new** 761—Chapter 124:

CHAPTER 124  
HIGHWAY HELPER SPONSORSHIP PROGRAM

**761—124.1(307) Introduction and purpose.** The department operates the highway helper sponsorship program on the primary highways to keep traffic flowing by providing minor breakdown assistance and aiding with traffic control at crash scenes. This chapter establishes the requirements for a sponsorship for this program. The purpose of this sponsorship program is to provide contributory support for the primary road fund. The highway helper fleet is funded through the primary road fund and provides a public service.

**761—124.2(307) Contact information.** Information relating to the issuance of requests for proposals when sponsorship opportunities become available may be obtained from the Office of Traffic and Safety, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or by telephone at (515)239-1296.

**761—124.3(307) Definitions.** As used in this chapter, unless the context otherwise requires:

*“Acknowledgment sign”* means an official sign placed within the right-of-way which meets all design and placement guidelines for acknowledgment signs as covered in Part 2 of the MUTCD, and all sign design principles covered in the most current edition of the “Standard Highway Signs and Markings Book,” as published by the U.S. Department of Transportation, Federal Highway Administration, and which is intended only to inform the traveling public that a highway-related service, product or monetary contribution has been sponsored by a person, firm or entity.

*“Advertise”* means to provide information on a sign which includes, but is not limited to, any of the following: promotional offers, location directions, a listing of amenities, descriptive words or phrases, telephone numbers, Internet addresses including domain names, slogans or any message that is extraneous to the identification of a single-sponsoring person, firm or entity.

*“Freeway-primary highway”* means those highways under department jurisdiction which have been constructed as a fully controlled access facility with no access to the facility except at established interchanges.

*“Highway helper vehicle”* means a motor vehicle included in the program as designated by the department.

*“Identification”* means a display on an acknowledgment sign which is limited to the name of the sponsor or a registered or unregistered trademark in addition to or instead of the name of the sponsor, if such mark is used consistently by the sponsor whenever and wherever the firm’s or entity’s name is visible to the public, and the medium will allow. If multiple trademarks are used by the sponsor, identification is provided only by the one in the simplest form needed to identify the sponsor.

*“Interstate highway”* means any highway of the primary system at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

*“Main-traveled way”* means the portion of the roadway for movement of vehicles on which through traffic is carried, exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main-traveled way includes each of the separated roadways for traffic in opposite directions, exclusive of frontage roads, turning roadways or parking areas.

*“MUTCD”* means the Manual on Uniform Traffic Control Devices as adopted in 761—Chapter 130.

*“Right-of-way”* means land area dedicated to public use for the highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes, but does not include temporary easements or rights for supplementary highway appurtenances.

*“Sponsor”* means a single person, firm or entity which has been approved by the department for the highway helper sponsorship program. If the highway helper sponsorship program includes more than one urban area, this definition shall not preclude the approval of one sponsor per urban area.

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

**761—124.4(307) General provisions.**

**124.4(1) *Program ownership and operation.*** The department shall retain ownership and operation of the highway helper program.

**124.4(2) *Monetary contributions.*** Subject to the provisions of Iowa Code chapter 23A, the department may, through an equitable procurement process, receive a monetary contribution from an approved sponsor. This monetary contribution shall be deposited into the primary road fund and subsequently spent for highway purposes, including the maintenance and operation of the highway helper sponsorship program.

**124.4(3) *Placement of signs.*** Subject to the provisions of Iowa Code section 321.253, the department may erect acknowledgment signs within the right-of-way along the main-traveled way of any interstate or freeway-primary highway patrolled by the highway helper vehicles.

**124.4(4) *Program discontinuance.*** The department shall have the right to discontinue the program, or portions thereof, if the program or any component part of the program is found to be in violation of federal law or regulation.

**124.4(5) *Termination of sponsorship agreement.*** The department shall have the right to terminate a sponsorship agreement for reasons, as determined by the department, based on safety concerns, interference with the free and safe flow of traffic, or a determination that the sponsorship agreement or acknowledgment sign is not in the public interest.

**761—124.5(307) Sponsorship agreements.**

**124.5(1) *Federal Highway Administration approval.*** All sponsorship agreements are subject to approval by the Federal Highway Administration.

**124.5(2) *Qualifications.*** A person, firm or entity may be eligible to participate as a sponsor for the program. However, the department may deny the proposal or application from any potential sponsor if the sponsor's participation might be deemed by the state as a partisan endorsement or have an adverse effect on the program.

**124.5(3) *Selection process.*** Sponsors will be approved through a fair and transparent procurement process, as approved by the department, subject to the provisions of 761—Chapter 20.

**124.5(4) *Sponsor benefits.*** Subject to terms mutually agreed upon by the department and sponsor during or following the procurement process, the following benefits may be offered:

*a.* Identification of the sponsor on acknowledgment signs along the interstate or freeway-primary highway, subject to rule 761—124.6(307).

*b.* Placement of the sponsor's name and logo on a highway helper vehicle, not to exceed the dimension and size requirements for the particular highway helper vehicle, as determined by the department.

**124.5(5) *Discrimination prohibited.*** As a condition of approval as a sponsor, the sponsor shall give the department written assurance of the sponsor's conformity with all applicable laws prohibiting discrimination based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability.

**761—124.6(307) Acknowledgment sign criteria.****124.6(1) *Identification displayed.***

*a.* An acknowledgment sign shall not advertise.

*b.* An acknowledgment sign shall not contain any messages, lights, symbols or trademarks that resemble any official traffic control device.

*c.* An acknowledgment sign shall contain the appropriate lettering to indicate "HIGHWAY HELPER" and may contain an identification of one sponsor.

*d.* The department shall review the acknowledgment sign proposed by the sponsor and shall have full authority to determine whether proposed designs from sponsors advertise or provide identification.

*e.* The department shall not approve any acknowledgment sign proposed by the sponsor if the sign might be deemed a partisan endorsement or have an adverse effect on the program.

TRANSPORTATION DEPARTMENT[761](cont'd)

**124.6(2) Design and placement of acknowledgment sign.**

*a.* The department shall determine when adequate spacing is available to accommodate the placement of an acknowledgment sign in accordance with the MUTCD.

*b.* No more than one acknowledgment sign per interstate or freeway-primary route per direction shall be installed within an urban area. If routes run concurrently, each route may be afforded one acknowledgment sign per direction, at the department's discretion.

*c.* The entire sign display area shall not exceed 24 square feet.

*d.* The area reserved for the identification of the sponsor shall not exceed one-third of the total area of the sign, shall be a maximum of 8 square feet, and shall not be located at the top of the sign.

*e.* Sponsors must provide signs measuring 24 inches high and 48 inches wide that are fabricated from .080 aluminum with 2-inch radius corners and have a ½-inch white border for placement on the acknowledgment signs.

*f.* The department shall inspect signs received from sponsors, and if the signs meet the requirements contained in this rule, the department shall perform the installation.

*g.* All acknowledgment signs erected by the department shall conform to the MUTCD.

These rules are intended to implement Iowa Code subsection 23A.2(9) and Iowa Code section 307.24.

## USURY

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

May 1, 2011 — May 31, 2011	5.50%
June 1, 2011 — June 30, 2011	5.50%
July 1, 2011 — July 31, 2011	5.25%
August 1, 2011 — August 31, 2011	5.00%
September 1, 2011 — September 30, 2011	5.00%
October 1, 2011 — October 31, 2011	4.25%
November 1, 2011 — November 30, 2011	4.00%
December 1, 2011 — December 31, 2011	4.25%
January 1, 2012 — January 31, 2012	4.00%
February 1, 2012 — February 29, 2012	4.00%
March 1, 2012 — March 31, 2012	4.00%
April 1, 2012 — April 30, 2012	4.00%
May 1, 2012 — May 31, 2012	4.25%

ARC 0111C

## NATURAL RESOURCE COMMISSION[571]

## Adopted and Filed Emergency

Pursuant to the authority of Iowa Code subsections 455A.5(6) and 462A.32(1), the Natural Resource Commission hereby amends Chapter 40, "Boating Speed and Distance Zoning," Iowa Administrative Code.

The amendment is in response to a rule-making petition submitted by the City of Harpers Ferry. The City is requesting that the current 5-mile-per-hour zone on the Mississippi River be expanded 550 feet downstream from the current southernmost marker buoy. The request is being made due to boat navigation and safety issues along existing river access points, such as docks and boat ramps.

The Commission approved the original Notice of Intended Action on July 11, 2011. The Notice was published in the August 10, 2011, Iowa Administrative Bulletin as **ARC 9658B**. A public hearing was held on August 30, 2011. No one attended the hearing, and no public comments were received during the comment period. Additionally, the Notice was on the Administrative Rules Review Committee's (ARRC) September 13, 2011, agenda; no agency presentation was requested, and no ARRC comments were made.

Due to staff oversight, the original rule making was not brought before the Commission to be Adopted and Filed. Subsection 1, paragraph "b," of Iowa Code section 17A.4 states that 180 days after publication of the Notice or the last public meeting, whichever is later, the rule making is automatically terminated if not adopted and filed. Thus, the original Notice for this rule making was terminated.

The Commission has decided to address this oversight by proceeding with an Adopted and Filed Emergency rule making. The Commission is doing so for the following reasons: (1) The substance of this rule making has already been published once, and a public comment period has already been held with no public participation, indicating this is not a controversial amendment; and (2) A second round of public participation seems unnecessary and would only further delay this amendment, which is designed to protect the safety and welfare of citizens near Harpers Ferry's Mississippi River shoreline. Moreover, this rule making is now necessary to allow the no-wake safety buoys to be moved for the upcoming boating season.

In compliance with Iowa Code section 17A.4(3), the Commission finds that notice and public participation are unnecessary because this amendment has already been published under Notice of Intended Action and no comments were received during the comment period or at the public hearing. Since no changes have been made to the intent or language of the amendment from that original Notice, a second round of public comment is redundant.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective on April 13, 2012, as it confers a benefit on the City of Harpers Ferry by addressing boat navigation and safety issues along existing river access points, such as docks and boat ramps, by reducing the speed of passing vessels.

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

This amendment is intended to implement Iowa Code section 462A.32(1).

This amendment became effective April 13, 2012.

The following amendment is adopted.

Rescind subrule 40.27(1) and adopt the following **new** subrule in lieu thereof:

**40.27(1)** All vessels operated in Harpers Slough between a point 200 feet above the state ramp and 200 feet out from the west shore and extending 550 feet downstream from a point known as Sandy Point Road Dead-End shall operate at a speed not greater than 5 miles per hour.

[Filed Emergency 4/12/12, effective 4/13/12]

[Published 5/2/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/2/12.

**ARC 0109C****SECRETARY OF STATE[721]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

This amendment is necessary to establish procedures to bring Iowa into compliance with the 2009 Military and Overseas Voters Empowerment (MOVE) Act. The MOVE Act requires county commissioners to transmit unvoted balloting materials upon request to Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters not later than 45 days before the election at which a federal office appears on the ballot. The current deadlines for providing notice of special elections to fill vacancies in U.S. congressional offices are too short for Iowa county commissioners to meet the federal requirement. This amendment is required in order to establish deadlines in the event a special election occurs before the statutes are updated to reflect the federal requirement.

Pursuant to Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are unnecessary because this amendment is required by federal law.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Secretary of State further finds that the normal effective date of this amendment, 35 days after publication, should be waived and this amendment should be made effective upon filing. The normal effective date should be waived because the amendment is required by federal law that is already in effect. In addition, this amendment confers a benefit on the voting public and county commissioners by ensuring that election administration practices are compliant with federal law.

This amendment is also published herein under Notice of Intended Action as **ARC 0110C** to allow for public comment.

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

This amendment is intended to implement Iowa Code chapters 43, 44, 45, 53 and 69.

This amendment became effective April 6, 2012.

The following amendment is adopted.

Adopt the following **new** rule 721—21.405(69):

**721—21.405(69) Special elections to fill a vacancy in the office of representative in Congress.** This rule establishes the special election calendar in the event a vacancy occurs in the office of representative in Congress that must be filled by special election pursuant to Iowa Code section 69.14.

**21.405(1) Notice of election.** The governor shall provide not less than 76 days' notice of a special election to fill a vacancy in the office of representative in Congress.

**21.405(2) Political party convention deadline.** A political party candidate to be voted on at a special election to fill a vacancy in the office of representative in Congress shall be nominated by a convention duly called by the district central committee not less than 62 days prior to the date set for the special election.

**21.405(3) Candidate filing deadline.** Nominations made pursuant to Iowa Code chapter 43, 44 or 45 shall be filed in the office of the state commissioner not later than 5 p.m. on the sixty-second day prior to the date set for the special election.

**21.405(4) Candidate certification deadline.** Names of candidates nominated for the special election shall be certified at the earliest practicable time to the appropriate commissioners of election as required by Iowa Code section 43.88.

**21.405(5) Candidate objection deadline.** Written objections to the legal sufficiency of a nomination petition filed pursuant to Iowa Code chapter 45 or a certificate of nomination filed pursuant to Iowa Code chapter 43 or 44 shall be in writing and shall be filed with the state commissioner no later than 5 p.m. on the sixtieth day prior to the election.

**21.405(6) Candidate withdrawal deadline.** A person who has filed nomination papers with the state commissioner as a candidate for a special election to fill a vacancy in the office of representative in



SECRETARY OF STATE[721](cont'd)

Congress may withdraw by filing a written notice of withdrawal with the state commissioner no later than 5 p.m. on the sixtieth day prior to the election.

[Filed Emergency 4/6/12, effective 4/6/12]

[Published 5/2/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/2/12.

**ARC 0108C**

**COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 261.3 and 261.19(5), the College Student Aid Commission hereby rescinds Chapter 14, "Osteopathic Physician Recruitment Program," and adopts new Chapter 14, "Health Care Professional Recruitment Program," Iowa Administrative Code.

The rules in Chapter 14 describe the administration of the Iowa Osteopathic Physician Recruitment Program. This amendment rescinds the current rules and adopts, in their place, rules to implement the new Health Care Professional Recruitment Program enacted by the Iowa General Assembly in 2011 Iowa Acts, House File 645, section 12, which replaces the current program.

Notice of Intended Action was published in the December 14, 2011, Iowa Administrative Bulletin as **ARC 9920B**. No comments were received. The adopted rules are identical to those published under Notice.

These rules were adopted during the March 16, 2012, meeting of the College Student Aid Commission.

After analysis and review of this rule making, the Commission estimates that approximately seven additional health care professionals will be hired in rural Iowa communities.

These rules will become effective on June 6, 2012.

These rules are intended to implement 2011 Iowa Code Supplement section 261.19.

The following amendment is adopted.

Rescind 283—Chapter 14 and adopt the following new chapter in lieu thereof:

CHAPTER 14  
HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

PREAMBLE

The health care professional recruitment program is established to be administered by the college student aid commission for Des Moines University. The program shall consist of a loan repayment program for health care professionals who are graduates of Des Moines University. The college student aid commission shall regularly adjust the health care professional service requirement under each aspect of the program to provide, to the extent possible, an equal financial benefit.

**283—14.1(261) Definitions.**

*"Eligible rural community"* means a medically underserved rural Iowa community which agrees to match state funds on at least a dollar-for-dollar basis for the loan repayment of a health care professional who practices in the community.

*"Health care professional"* means an individual who holds a practitioner's license issued by an agency or board under the Iowa department of public health and is employed as a physician, physician assistant, podiatrist, or physical therapist.

**283—14.2(261) Health care professional loan repayment program.**

**14.2(1) Recruitment.** The university shall recruit and place health care professionals in eligible rural communities that agree to provide matching funds for the health care professional loan repayment program.

**14.2(2) Health care professional service requirement.** The health care professional service requirement for the health care professional loan repayment program is four years. The health care professional must annually verify, in a format acceptable to the commission, that the health care professional practiced in an eligible rural community for 12 consecutive months for each year of required service. An award will be prorated based on the months of service provided in a state fiscal year if less than 12 months.

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

**14.2(3) Award.** The health care professional may receive up to \$50,000 in state-funded repayment benefits when a community agrees to fund matching benefits of an equal or greater amount.

**14.2(4) Eligible loans.** Eligible loans include subsidized and unsubsidized Stafford loans, Grad PLUS loans and consolidated loans. Only the outstanding portion of a Federal Consolidation Loan that was used to repay an eligible subsidized or unsubsidized Federal Stafford Loan, an eligible Direct Subsidized Loan, an eligible Direct Unsubsidized Loan, or an eligible Grad PLUS Loan qualifies for loan repayment.

**14.2(5) Disbursement.** The commission shall disburse the loan payment to the health care professional's loan holder in return for completion of the service requirements in an eligible rural community.

**14.2(6) Restrictions.** A health care professional who is in default on a Stafford loan, SLS loan, Grad PLUS loan, or a Perkins/National Direct/National Defense student loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for repayment benefits. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapter 5, Iowa Administrative Code.

**14.2(7) Repayment.**

*a.* If loan repayment funds are applied prior to the health care professional's completion of the service requirement and the health care professional fails to complete the service requirement, repayment shall begin 30 days following termination of practice in an eligible rural community.

*b.* The commission shall prorate the award balance based on the months of service provided.

*c.* The health care professional shall repay the prorated balance of the loan repayment benefits and accrued interest at 12 percent per annum. Interest shall accrue on the unpaid principal balance of each loan from the effective date of the loan repayment agreement until the loan is paid in full.

*d.* The prorated balance owed by the health care professional must be paid in full within three years from the date the service ends.

**283—14.3(261) Osteopathic forgivable loan.**

**14.3(1) Physician service requirement.** The physician service requirement for the osteopathic forgivable loan program is one year for borrowers who received up to two annual loans and two years for borrowers who received three or more annual loans.

**14.3(2) Promissory note.** Loans disbursed are subject to the terms and conditions specified in the promissory note. The college student aid commission shall honor master promissory notes signed while a borrower is attending the university and shall enforce the loans according to the terms and conditions provided in the master promissory note.

These rules are intended to implement 2011 Iowa Code Supplement section 261.19.

[Filed 4/2/12, effective 6/6/12]

[Published 5/2/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/2/12.