



# IOWA ADMINISTRATIVE BULLETIN

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## PREFACE

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

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

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

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

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### CITATION of Administrative Rules

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

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

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

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

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

## Schedule for Rule Making 2015

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. 17 '14*</b>	Jan. 7 '15	Jan. 27 '15	Feb. 11 '15	Feb. 13 '15	Mar. 4 '15	Apr. 8 '15	July 6 '15
Jan. 2	Jan. 21	Feb. 10	Feb. 25	Feb. 27	Mar. 18	Apr. 22	July 20
Jan. 16	Feb. 4	Feb. 24	Mar. 11	Mar. 13	Apr. 1	May 6	Aug. 3
Jan. 30	Feb. 18	Mar. 10	Mar. 25	Mar. 27	Apr. 15	May 20	Aug. 17
Feb. 13	Mar. 4	Mar. 24	Apr. 8	Apr. 10	Apr. 29	June 3	Aug. 31
Feb. 27	Mar. 18	Apr. 7	Apr. 22	Apr. 24	May 13	June 17	Sep. 14
Mar. 13	Apr. 1	Apr. 21	May 6	May 8	May 27	July 1	Sep. 28
Mar. 27	Apr. 15	May 5	May 20	<b>***May 20***</b>	June 10	July 15	Oct. 12
Apr. 10	Apr. 29	May 19	June 3	June 5	June 24	July 29	Oct. 26
Apr. 24	May 13	June 2	June 17	June 19	July 8	Aug. 12	Nov. 9
May 8	May 27	June 16	July 1	<b>***July 1***</b>	July 22	Aug. 26	Nov. 23
<b>***May 20***</b>	June 10	June 30	July 15	July 17	Aug. 5	Sep. 9	Dec. 7
June 5	June 24	July 14	July 29	July 31	Aug. 19	Sep. 23	Dec. 21
June 19	July 8	July 28	Aug. 12	Aug. 14	Sep. 2	Oct. 7	Jan. 4 '16
<b>***July 1***</b>	July 22	Aug. 11	Aug. 26	<b>***Aug. 26***</b>	Sep. 16	Oct. 21	Jan. 18 '16
July 17	Aug. 5	Aug. 25	Sep. 9	Sep. 11	Sep. 30	Nov. 4	Feb. 1 '16
July 31	Aug. 19	Sep. 8	Sep. 23	Sep. 25	Oct. 14	Nov. 18	Feb. 15 '16
Aug. 14	Sep. 2	Sep. 22	Oct. 7	Oct. 9	Oct. 28	Dec. 2	Feb. 29 '16
<b>***Aug. 26***</b>	Sep. 16	Oct. 6	Oct. 21	<b>***Oct. 21***</b>	Nov. 11	Dec. 16	Mar. 14 '16
Sep. 11	Sep. 30	Oct. 20	Nov. 4	<b>***Nov. 4***</b>	Nov. 25	Dec. 30	Mar. 28 '16
Sep. 25	Oct. 14	Nov. 3	Nov. 18	<b>***Nov. 18***</b>	Dec. 9	Jan. 13 '16	Apr. 11 '16
Oct. 9	Oct. 28	Nov. 17	Dec. 2	<b>***Dec. 2***</b>	Dec. 23	Jan. 27 '16	Apr. 25 '16
<b>***Oct. 21***</b>	Nov. 11	Dec. 1	Dec. 16	<b>***Dec. 16***</b>	Jan. 6 '16	Feb. 10 '16	May 9 '16
<b>***Nov. 4***</b>	Nov. 25	Dec. 15	Dec. 30	Jan. 1 '16	Jan. 20 '16	Feb. 24 '16	May 23 '16
<b>***Nov. 18***</b>	Dec. 9	Dec. 29	Jan. 13 '16	Jan. 15 '16	Feb. 3 '16	Mar. 9 '16	June 6 '16
<b>***Dec. 2***</b>	Dec. 23	Jan. 12 '16	Jan. 27 '16	Jan. 29 '16	Feb. 17 '16	Mar. 23 '16	June 20 '16
<b>***Dec. 16***</b>	Jan. 6 '16	Jan. 26 '16	Feb. 10 '16	Feb. 12 '16	Mar. 2 '16	Apr. 6 '16	July 4 '16

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
2	Wednesday, July 1, 2015	July 22, 2015
3	Friday, July 17, 2015	August 5, 2015
4	Friday, July 31, 2015	August 19, 2015

**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, July 14, 2015, at 9 a.m. in Room 22, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

#### **ADMINISTRATIVE SERVICES DEPARTMENT[11]**

Central procurement and fleet services enterprise; procurement of goods and services;  
emergency procurements; duration of service contracts; waivers; limitation of vendor  
liability, amendments to chs 1, 117, 118, 120 Filed **ARC 2036C** ..... 6/10/15

#### **AGING, DEPARTMENT ON[17]**

Contact information; organizational units, 2.3(2), 2.4 to 2.8 Filed **ARC 2048C** ..... 6/24/15

#### **AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

Seed libraries, 40.16 Filed **ARC 2041C** ..... 6/24/15

Registration of Iowa-foaled horses and Iowa-whelped dogs; adoption of dairy inspection  
manuals, amendments to chs 62, 68 Notice **ARC 2034C** ..... 6/10/15

Warehouses and warehouse operators—adjustment of inventory for operational shrink, 90.18  
Filed **ARC 2035C** ..... 6/10/15

Participation in grain depositories and sellers indemnity fund—fee exemptions, 92.2  
Notice **ARC 2042C** ..... 6/24/15

#### **COLLEGE STUDENT AID COMMISSION[283]**

EDUCATION DEPARTMENT[281]“umbrella”

Uniform residency policies, adopt ch 10; amend chs 8, 9, 12, 13, 17, 18, 22 to 25, 27, 32, 36  
Notice **ARC 2037C** ..... 6/24/15

#### **DENTAL BOARD[650]**

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

General supervision of dental assistants, 1.1 Filed **ARC 2030C** ..... 6/10/15

Authorized practice, expanded function procedures and education and training for dental  
hygienists; update of bureau name, 10.3, 10.5 Notice **ARC 2043C** ..... 6/24/15

Dental assistants—expanded function procedures, general and public health supervision,  
20.2 to 20.16 Filed **ARC 2028C** ..... 6/10/15

#### **ECONOMIC DEVELOPMENT AUTHORITY[261]**

Community development block grant program, amendments to chs 23, 173, 174 Filed **ARC 2038C** ..... 6/24/15

#### **EDUCATIONAL EXAMINERS BOARD[282]**

EDUCATION DEPARTMENT[281]“umbrella”

Fees; renewal requirements, 12.1, 12.2, 12.4 to 12.6, 12.9, 20.4, 20.8 Filed **ARC 2017C** ..... 6/10/15

Issuance of licenses and endorsements, amendments to chs 13, 14, 18, 19, 27 Filed **ARC 2016C** ..... 6/10/15

Career and technical secondary authorization; multioccupations endorsement, adopt  
13.28(33), 22.9; rescind ch 17 Filed **ARC 2015C** ..... 6/10/15

Issuance of renewal units for licensees serving as cooperating teachers, 20.5, 20.6 Notice **ARC 2025C** ..... 6/10/15

One-year, nonrenewable extension of authorization, 22.11 Notice **ARC 2024C** ..... 6/10/15

Behind-the-wheel driving instructor authorization—classroom instruction, 23.1 Filed **ARC 2018C** ..... 6/10/15

#### **EDUCATION DEPARTMENT[281]**

Community colleges—residency status and tuition, 21.2(11) Filed **ARC 2021C** ..... 6/10/15

#### **ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]**

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]“umbrella”

Professional development hours; grounds for discipline, 7.3(2), 9.3 Filed **ARC 2022C** ..... 6/10/15

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

Medicaid for employed people with disabilities—premiums, 75.1(39)“b”(3) Filed **ARC 2029C** ..... 6/10/15

Increase in average statewide private-pay cost of nursing facility services and of charges for  
institutional care, 75.23(3), 75.24(3)“b” Filed **Emergency After Notice** **ARC 2027C** ..... 6/10/15

Reimbursement methodology for non-state-owned psychiatric medical institutions for  
children (PMICs), 79.1(2), 85.25, 88.62(1) Filed **ARC 2026C** ..... 6/10/15

#### **INSPECTIONS AND APPEALS DEPARTMENT[481]**

Nursing facilities—provisional administrator, 58.8(4) Filed **ARC 2020C** ..... 6/10/15

**IOWA FINANCE AUTHORITY[265]**

Iowa main street loan program—update of internal reference and implementation sentence, amendments to ch 11 Filed **ARC 2046C**..... 6/24/15

**IOWA PUBLIC INFORMATION BOARD[497]**

Complaint investigation and resolution process, 2.2 to 2.4 Notice **ARC 2040C**..... 6/24/15  
Waivers or variances from administrative rules, ch 9 Notice **ARC 2039C**..... 6/24/15

**LABOR SERVICES DIVISION[875]**

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Federal occupational safety and health standards related to confined spaces in the construction industry—adoption by reference, 26.1 Notice **ARC 2023C** ..... 6/10/15

**NATURAL RESOURCE COMMISSION[571]**

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Waterfowl and coot hunting—season dates, 91.1, 91.3, 91.6 Notice **ARC 2033C** ..... 6/10/15  
Common snipe, Virginia rail and sora, woodcock, ruffed grouse and dove hunting—possession limits, 97.1 to 97.3, 97.6 Notice **ARC 2032C**..... 6/10/15  
Deer hunting by residents—quotas, permitted broadhead, certification of disability, 106.6(6), 106.7(3), 106.10(1)“b” Notice **ARC 2031C**..... 6/10/15

**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Hearing aid dispensers—change in professional title to “specialists,” amendments to chs 4, 5, 121 to 124 Notice **ARC 2044C** ..... 6/24/15

**RACING AND GAMING COMMISSION[491]**

INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”

Iowa greyhound pari-mutuel racing fund, 7.15 Notice **ARC 2045C** ..... 6/24/15

**REVENUE DEPARTMENT[701]**

Property assessment appeal board, 71.21, ch 126 Notice **ARC 2047C** ..... 6/24/15

**TRANSPORTATION DEPARTMENT[761]**

Federal regulations applicable to carriers—adoption by reference, amendments to ch 520 Filed **ARC 2019C**..... 6/10/15

**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 Mark Chelgren  
819 Hutchinson  
Ottumwa, Iowa 52501

Senator Mark Costello  
37265 Rains Avenue  
Imogene, Iowa 51645

Senator Thomas Courtney  
2609 Clearview  
Burlington, Iowa 52601

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Oskaloosa, Iowa 52577

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

**DENTAL BOARD[650]**

Authorized practice, expanded function procedures, and education and training for dental hygienists; update of bureau name, 10.3, 10.5 IAB 6/24/15 <b>ARC 2043C</b>	Board Office, Suite D 400 S.W. 8th St. Des Moines, Iowa	July 21, 2015 2 p.m.
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**EDUCATIONAL EXAMINERS BOARD[282]**

Issuance of renewal units for licensees serving as cooperating teachers, 20.5, 20.6 IAB 6/10/15 <b>ARC 2025C</b>	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	July 1, 2015 1 p.m.
One-year, nonrenewable extension of authorization, 22.11 IAB 6/10/15 <b>ARC 2024C</b>	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	July 1, 2015 1 p.m.

**LABOR SERVICES DIVISION[875]**

Federal occupational safety and health standards related to confined spaces in the construction industry—adoption by reference, 26.1 IAB 6/10/15 <b>ARC 2023C</b>	Capitol View Room Workforce Development 1000 E. Grand Ave. Des Moines, Iowa	July 1, 2015 10 a.m. (If requested)
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**NATURAL RESOURCE COMMISSION[571]**

Waterfowl and coot hunting—season dates, 91.1, 91.3, 91.6 IAB 6/10/15 <b>ARC 2033C</b>	Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	June 30, 2015 2 p.m.
Common snipe, Virginia rail and sora, woodcock, ruffed grouse and dove hunting—possession limits, 97.1 to 97.3, 97.6 IAB 6/10/15 <b>ARC 2032C</b>	Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	June 30, 2015 2 p.m.
Deer hunting by residents—quotas, permitted broadhead, certification of disability, 106.6(6), 106.7(3), 106.10(1) IAB 6/10/15 <b>ARC 2031C</b>	Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	June 30, 2015 2 p.m.

**RACING AND GAMING COMMISSION[491]**

Iowa greyhound pari-mutuel racing fund, 7.15 IAB 6/24/15 <b>ARC 2045C</b>	Prairie Meadows Events Center 1 Prairie Meadows Dr. Altoona, Iowa	July 29, 2015 8:30 a.m.
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The following list will be updated as changes occur.

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

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

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

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**Pre-Disaster Mitigation (PDM) 2015**

AGENCY	PROGRAM	ELIGIBLE APPLICANTS	TYPES OF PROJECTS
<p>Iowa Homeland Security and Emergency Management Department (HSEMD)</p>	<p>Pre-Disaster Mitigation Competitive (PDM) Grant for Fiscal Year (FY) 2015 Authorized by §203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 U.S.C. 5133, as amended by §102 of the Disaster Mitigation Act of 2000 (DMA).</p> <p>The PDM program seeks to reduce damages and the loss of life and property from natural hazards through the development and implementation of mitigation actions.</p>	<ul style="list-style-type: none"> <li>• State Agencies and Local Governments</li> <li>• Federally recognized Indian Tribal governments, to include state recognized Indian Tribes, and Authorized Tribal Organizations.</li> <li>• Private non-profit organizations are not eligible to apply as sub-applicants; however, they may request a local government to submit an application for their proposed activity on their behalf.</li> <li>• All applicants must be participating in the NFIP if they have been identified as having a Special Flood Hazard Area. The Community must not be on probation, suspended or withdrawn from the NFIP.</li> <li>• All Applicants for a project grant MUST have a FEMA approved local hazard mitigation plan.</li> </ul> <p>To learn more about the PDM program, use the following link on HSEMD's website:</p> <p style="text-align: center;"><a href="http://www.fema.gov/hazard-mitigation-assistance">http://www.fema.gov/hazard-mitigation-assistance</a></p> <p>Applicants must complete an application through the Electronic Grant (e-Grants) System. <b>Applications must be submitted for State review via e-grants by July 28, 2015.</b> To learn more about the e-grant system use the following link on HSEMD's website:</p> <p style="text-align: center;"><a href="http://www.iowahomelandsecurity.org/grants/HMA.html">http://www.iowahomelandsecurity.org/grants/HMA.html</a></p> <p style="text-align: center;"><b>For additional information please contact:</b></p> <p style="text-align: center;"><b>Dennis Harper 515-725-9348</b> <b>Dan Schmitz 515-725-9369</b></p> <p style="text-align: center;"><b>Iowa Homeland Security and Emergency Management Department</b> <b>7900 Hickman Road; Suite 500</b> <b>Windsor Heights, IA 50324</b></p> <p style="text-align: center;"><b>TECHNICAL ASSISTANCE HELPDESK:</b> Phone: (866) 222-3580 (toll free) E-mail: <a href="mailto:enghelpline@dhs.gov">enghelpline@dhs.gov</a> <a href="mailto:bchelpline@dhs.gov">bchelpline@dhs.gov</a> <a href="mailto:chhelpline@dhs.gov">chhelpline@dhs.gov</a></p>	<p><b>Eligible Project Activities</b></p> <p>Mitigation projects must focus on natural hazards. Examples include (but not limited to):</p> <ul style="list-style-type: none"> <li>• Acquisition or relocation of hazard-prone property for conversion to open space in perpetuity;</li> <li>• Construction of safe rooms (tornado and severe wind shelters);</li> <li>• Structural and non-structural retrofitting (e.g., storm shutters, hurricane clips, bracing systems) of existing structures to meet or exceed applicable building codes relative to hazard mitigation;</li> <li>• Hydrologic and hydraulic studies/analyses, engineering studies, and drainage studies for the purpose of project design and feasibility in conjunction with a project.</li> <li>• Protective measures for utilities; water and sanitary sewer systems and/or infrastructure;</li> <li>• Storm water management projects (e.g., culverts, floodgates, retention basins) to reduce or eliminate long-term risk from flood hazards; and</li> <li>• Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities and do not constitute a section of a larger flood control system.</li> </ul> <p><b>Planning Application</b></p> <p>The outcome of a mitigation planning grant award must be a FEMA-approved hazard mitigation plan that complies with the requirements of 44 CFR Part 201. The planning grant deliverable can be a new hazard mitigation plan or an update of an already FEMA approved hazard mitigation plan.</p> <p><b>PROJECT TECHNICAL ASSISTANCE:</b> Technical assistance for Engineering Feasibility, Benefit-Cost Analysis and Environmental/Historic Preservation compliance is available through FEMA.</p>

## Flood Mitigation Assistance (FMA) 2015

AGENCY	PROGRAM	ELIGIBLE APPLICANTS	TYPES OF PROJECTS
<p>Iowa Homeland Security and Emergency Management Department (HSEMD)</p>	<p>Flood Mitigation Assistance Competitive (FMA) Grant for Fiscal Year (FY) 2015 Authorized by §203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 U.S.C. 5133, as amended by §102 of the Disaster Mitigation Act of 2000 (DMA).</p> <p>The FMA program seeks to reduce damages and the loss of life and property from natural hazards through the development and implementation of mitigation actions.</p>	<ul style="list-style-type: none"> <li>• State Agencies and Local Governments</li> <li>• Federally recognized Indian Tribal governments, to include state recognized Indian Tribes, and Authorized Tribal Organizations.</li> <li>• Private non-profit organizations are not eligible to apply as sub-applicants; however, they may request a local government to submit an application for their proposed activity on their behalf.</li> <li>• All applicants must be participating in the NFIP if they have been identified as having a Special Flood Hazard Area. The Community must not be on probation, suspended or withdrawn from the NFIP.</li> <li>• All Applicants for a project grant MUST have a FEMA approved local hazard mitigation plan.</li> </ul> <p>To learn more about the FMA program, use the following link on HSEMD's website:</p> <p><a href="http://www.fema.gov/hazard-mitigation-assistance">http://www.fema.gov/hazard-mitigation-assistance</a></p> <p>Applicants must complete an application through the Electronic Grant (e-Grants) System. <b>Applications must be submitted for State review via e-grants by July 28, 2015.</b> To learn more about the e-grant system use the following link on HSEMD's website:</p> <p><a href="http://www.iowahomelandsecurity.org/grants/HMA.html">http://www.iowahomelandsecurity.org/grants/HMA.html</a></p> <p><b>For additional information please contact:</b></p> <p><b>Dennis Harper 515-725-9348</b>  <b>Dan Schmitz 515-725-9369</b></p> <p><b>Iowa Homeland Security and Emergency Management Department</b>  <b>7900 Hickman Road; Suite 500</b>  <b>Windsor Heights, IA 50324</b></p> <p><b>TECHNICAL ASSISTANCE HELPDESK:</b>  Phone: (866) 222-3580 (toll free) E-mail: <a href="mailto:enghelpline@dhs.gov">enghelpline@dhs.gov</a> <a href="mailto:bchelpline@dhs.gov">bchelpline@dhs.gov</a>  <a href="mailto:ehelpline@dhs.gov">ehelpline@dhs.gov</a></p>	<p><b>Eligible Project Activities</b></p> <p>Mitigation projects must focus on natural hazards. Examples include (but not limited to):</p> <ul style="list-style-type: none"> <li>• Acquisition or relocation of hazard-prone property for conversion to open space in perpetuity;</li> <li>• Construction of safe rooms (tornado and severe wind shelters);</li> <li>• Structural and non-structural retrofitting (e.g., storm shutters, hurricane clips, bracing systems) of existing structures to meet or exceed applicable building codes relative to hazard mitigation;</li> <li>• Hydrologic and hydraulic studies/analyses, engineering studies, and drainage studies for the purpose of project design and feasibility in conjunction with a project.</li> <li>• Protective measures for utilities; water and sanitary sewer systems and/or infrastructure;</li> <li>• Storm water management projects (e.g., culverts, floodgates, retention basins) to reduce or eliminate long-term risk from flood hazards; and</li> <li>• Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities and do not constitute a section of a larger flood control system.</li> </ul> <p><b>Planning Application</b></p> <p>The outcome of a mitigation planning grant award must be a FEMA-approved hazard mitigation plan that complies with the requirements of 44 CFR Part 201. The planning grant deliverable can be a new hazard mitigation plan or an update of an already FEMA approved hazard mitigation plan.</p> <p><b>PROJECT TECHNICAL ASSISTANCE:</b>  Technical assistance for Engineering Feasibility, Benefit-Cost Analysis and Environmental/Historic Preservation compliance is available through FEMA.</p>

## ARC 2042C

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

## 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 203.2 and 203D.4(4), the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 92, “Participation in Grain Indemnity Fund,” Iowa Administrative Code.

The proposed amendments change the definition of purchased grain used for the assessment of fees paid into the Iowa grain depositors and sellers indemnity fund. Two new exemptions are added to clarify that the cancellation of collateral warehouse receipts and intracompany location transfers are not counted as purchases. Also, all exemptions to purchased grain will be applied uniformly to both the participation fees paid by grain dealers and the per-bushel fees paid by grain sellers.

Any interested persons may make written suggestions or comments on the proposed amendments on or before July 14, 2015. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to [Margaret.Thomson@IowaAgriculture.gov](mailto:Margaret.Thomson@IowaAgriculture.gov).

The proposed amendments are subject to the Department’s general waiver provisions.

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

These amendments are intended to implement 2015 Iowa Acts, House File 634, sections 12 to 15.

The following amendments are proposed.

ITEM 1. Adopt the following **new** paragraphs **92.2(1)“d”** and **“e”**:

*d.* Grain entered in the company-owned paid position as a cancellation of a collateral warehouse receipt.

*e.* Grain entered in the company-owned paid position as an intra-company location transfer.

ITEM 2. Amend paragraph **92.2(2)“a”** as follows:

*a.* For grain dealers, a participation fee of fourteen thousandths of a cent per bushel on all purchased grain entered into the company-owned paid position during the grain dealer’s last fiscal year. However, a grain dealer shall pay a minimum participation fee of \$50. ~~Redemptions of collateral warehouse receipts entered into the company-owned paid position shall not be considered as a purchase.~~ If the grain dealer provides documentation satisfactory to the department, the following transactions shall be excluded from the participation fee:

(1) Grain purchased from the United States government or any of its subdivisions or agencies.

(2) Grain purchased from a person licensed as a grain dealer in any jurisdiction.

(3) Grain purchased under a credit-sale contract.

(4) Grain entered in the company-owned paid position as a cancellation of a collateral warehouse receipt.

(5) Grain entered in the company-owned paid position as an intracompany location transfer.

**ARC 2037C****COLLEGE STUDENT AID COMMISSION[283]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 261.3, the Iowa College Student Aid Commission hereby gives Notice of Intended Action to amend Chapter 8, “All Iowa Opportunity Scholarship Program,” and Chapter 9, “All Iowa Opportunity Foster Care Grant Program”; to adopt new Chapter 10, “Uniform Policies”; and to amend Chapter 12, “Iowa Tuition Grant Program,” Chapter 13, “Iowa Vocational-Technical Tuition Grant Program,” Chapter 17, “Barber and Cosmetology Arts and Sciences Tuition Grant Program,” Chapter 18, “Iowa Work-Study Program,” Chapter 22, “Iowa Minority Grants for Economic Success (IMAGES),” Chapter 23, “Skilled Workforce Shortage Tuition Grant Program,” Chapter 24, “Rural Iowa Primary Care Loan Repayment Program,” Chapter 25, “Rural Iowa Advanced Registered Nurse Practitioner and Physician Assistant Loan Repayment Program,” Chapter 27, “Iowa Grant Program,” Chapter 32, “Chiropractic Graduate Student Forgivable Loan Program,” and Chapter 36, “Governor Terry E. Branstad Iowa State Fair Scholarship Program,” Iowa Administrative Code.

Proposed Chapter 10 provides a uniform policy for determining eligibility of applicants to receive funding under programs administered by the College Student Aid Commission. Other proposed amendments update pertinent references to reflect new Chapter 10.

Interested persons may submit comments orally or in writing by 4:30 p.m. on July 15, 2015, to the Executive Director, Iowa College Student Aid Commission, 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-1920; fax (515)725-3401.

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

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

These amendments are intended to implement Iowa Code chapter 261.

The following amendments are proposed.

ITEM 1. Amend rule **283—8.2(261)**, definition of “Iowa resident,” as follows:

~~“Iowa resident” means a person who meets the criteria used by the state board of regents to determine residency for tuition purposes as described in 681—1.4(262) or a person who meets the criteria defined by the Iowa department of education’s “Iowa community college uniform policy on student residency status.”~~ residency requirements established in 283—Chapter 10.

ITEM 2. Amend rule **283—9.2(261)**, definition of “Iowa resident,” as follows:

~~“Iowa resident” means an individual who meets the criteria used by the state board of regents to determine residency for tuition purposes as described in 681—1.4(262) or an individual for whom the Iowa department of human services had placement and care responsibilities as mandated by the Iowa juvenile court system~~ residency requirements established in 283—Chapter 10.

ITEM 3. Adopt the following **new** 283—Chapter 10:

CHAPTER 10  
UNIFORM POLICIES

**283—10.1(261) Purpose.** This chapter describes criteria for determining whether a student is considered a resident of Iowa for the purposes of gaining eligibility for funding under programs administered by the college student aid commission.

**283—10.2(261) Definition.** “Iowa resident” means a person who:

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

**10.2(1)** If attending an Iowa regent university, Iowa private college or university, or Iowa barber or cosmetology college, meets the criteria used by the state board of regents to determine residency for tuition purposes as described in 681—1.4(262) and, if the person qualifies for residency only as described in 681—paragraph 1.4(2) “b,” meets the following additional criteria:

- a. Is a veteran or qualifying military person domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- b. Is a dependent veteran or qualifying military person whose parent is domiciled in the state of Iowa; or
- c. Is the spouse, domestic partner, or dependent child of a veteran or qualifying military person who is domiciled in the state of Iowa; or

**10.2(2)** If attending an Iowa community college, meets the criteria defined by the Iowa department of education to determine residency for community college tuition purposes as defined in 281—subrule 21.2(11) and, if the person qualifies for residency only as described in 281—subparagraph 21.2(11) “b”(5), meets the following additional criteria:

- a. Is a veteran of uniformed service or a national guard member domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- b. Is a dependent veteran of uniformed service or a national guard member whose parent is domiciled in the state of Iowa; or
- c. Is the spouse, domestic partner, or dependent child of a veteran of uniformed service or a national guard member who is domiciled in the state of Iowa.

These rules are intended to implement Iowa Code chapter 261.

ITEM 4. Amend subrule 12.1(3), introductory paragraph, as follows:

**12.1(3) Student eligibility.** A recipient must be an Iowa resident enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree from an eligible Iowa college or university. ~~The criteria used by the state board of regents to determine residency for tuition purposes, 681—1.4(262), are adopted for this program.~~ “Iowa resident” means an individual who meets the residency requirements established in 283—Chapter 10.

ITEM 5. Amend paragraph **13.1(2)“a”** as follows:

a. A recipient must be an Iowa resident as defined ~~by the Iowa department of education’s “Iowa community college uniform policy on student residency status.”~~ in 283—Chapter 10.

ITEM 6. Amend paragraph **17.1(2)“a”** as follows:

a. A recipient must be an Iowa resident as defined ~~by the Iowa department of education’s “Iowa community college uniform policy on student residency status.”~~ in 283—Chapter 10.

ITEM 7. Amend rule 283—18.2(261) as follows:

**283—18.2(261) Student eligibility.** A recipient must be an Iowa resident enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree from an eligible Iowa college or university. ~~The criteria used by the state board of regents to determine residency for tuition purposes, 681—1.4(262), and the Iowa department of education’s “Iowa community college uniform policy on student residency status” are adopted for this program.~~ “Iowa resident” means an individual who meets the residency requirements established in 283—Chapter 10.

Funds may be used to provide part-time or full-time work opportunities to students registered for classes at the college or university for the academic year. For this program, academic year is defined as July 1 through June 30. Work opportunities may be provided during the summer to students who are enrolled for the upcoming fall term.

ITEM 8. Amend subrule **22.1(1)**, definition of “Iowa resident,” as follows:

~~“Iowa resident” means an individual who meets the residency requirements as established by the Iowa board of regents in 283—Chapter 10.~~

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

ITEM 9. Amend paragraph **23.1(2)“a”** as follows:

a. A recipient must be an Iowa resident as defined by the Iowa department of education's Iowa community college uniform policy on student residency status in 283—Chapter 10.

ITEM 10. Amend subrule 24.3(1), introductory paragraph, as follows:

**24.3(1)** An eligible university will recommend up to ten applicants to the commission for loan repayment benefits. Priority will be given to students who are Iowa residents upon enrolling in the eligible university. ~~The criteria used by the state board of regents to determine residency for tuition purposes, Iowa Administrative Code rule 681—1.4(262), are adopted for this program.~~ “Iowa resident” means an individual who meets the residency requirements established in 283—Chapter 10. The percentage of the agreements to be entered into by students attending each eligible university shall be evenly divided.

ITEM 11. Amend subrule 25.3(1) as follows:

**25.3(1)** The commission will annually determine and communicate the number of physician assistant and advanced registered nurse practitioner recommendations that can be funded at each eligible university. The intent of this determination will be to ensure that an equal number of students in each program at eligible universities are able to enter into an agreement. Priority will be given to applicants who are Iowa residents upon enrolling in the eligible university. ~~The criteria used by the state board of regents to determine residency for tuition purposes, Iowa Administrative Code rule 681—1.4(262), are adopted for this program.~~ “Iowa resident” means an individual who meets the residency requirements established in 283—Chapter 10. If fewer than the maximum number of physician assistants or advanced registered nurse practitioners are recommended at an eligible university, the commission may obtain additional recommendations from the other eligible universities to award the remaining agreements.

ITEM 12. Amend subrule 27.1(2) as follows:

**27.1(2) Student eligibility.** A recipient must be an Iowa resident enrolled for at least three semester hours or the equivalent in a program leading to a degree from an eligible Iowa institution. ~~The criteria used by the state board of regents to determine residency for tuition purposes, 681—1.4(262), are adopted for this program.~~ “Iowa resident” means an individual who meets the residency requirements established in 283—Chapter 10.

ITEM 13. Amend subrule **32.1(1)**, definition of “Iowa resident student,” as follows:

*“Iowa resident student”* means an individual who meets the criteria ~~used by the state board of regents to determine residency for tuition purposes, 681 IAC 1.4(262)~~ established in 283—Chapter 10.

ITEM 14. Amend paragraph **32.1(2)“a”** as follows:

a. Graduate students who are enrolled at the college on or after July 1, 1999, who meet the Iowa residency ~~criteria as defined requirements established in 681 IAC 1.4(262)~~ 283—Chapter 10 and agree to practice chiropractic in underserved areas in Iowa are eligible to apply for program benefits.

ITEM 15. Amend subrule **36.1(1)**, definition of “Iowa resident student,” as follows:

*“Iowa resident student”* means an individual who meets the criteria ~~used by the state board of regents to determine residency for tuition purposes, 681—1.4(262)~~ established in 283—Chapter 10.

**ARC 2043C****DENTAL BOARD[650]****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 147.76 and 272C.2, the Dental Board hereby gives Notice of Intended Action to amend Chapter 10, “General Requirements,” Iowa Administrative Code.

The purposes of the proposed amendments are as follows: to clarify that the removal of adhesives and the preliminary charting of existing dental restorations and teeth are permissible services a dental hygienist may perform under the supervision of a licensed dentist; to permit dental hygienists to perform expanded function procedures which may be delegated by a licensed dentist; to set the education and training requirements for those procedures; and to update the name of the Bureau of Oral and Health Delivery Systems.

Current rules permit a dental hygienist to remove adhesives and to perform the preliminary charting of existing dental restorations and teeth. These amendments would list these specific procedures.

Current rules do not allow a dentist to delegate expanded function procedures to a dental hygienist. These amendments would allow a dentist to delegate expanded function procedures to a dental hygienist. The amendments list each expanded functions procedure, define the supervision requirements when each procedure is performed, and set the education and training requirements for the procedure.

These amendments change the Bureau’s name from the Oral Health Bureau to the Bureau of Oral and Health Delivery Systems.

Any interested person may make written comments on the proposed amendments on or before July 21, 2015. Such written materials should be directed to Phil McCollum, Associate Director, Iowa Dental Board, 400 S.W. Eighth Street, Suite D, Des Moines, Iowa 50309; or sent by e-mail to [phil.mccollum@iowa.gov](mailto:phil.mccollum@iowa.gov).

There will be a public hearing on July 21, 2015, at 2 p.m. in the Board office, 400 S.W. Eighth Street, Suite D, Des Moines, Iowa, at which time persons may present their views orally or in writing.

The proposed amendments are subject to waiver or variance pursuant to 650—Chapter 7.

After analysis and review of this rule making, a positive impact on jobs has been found for dental hygienists who will now be able to perform additional procedures.

These amendments are intended to implement Iowa Code section 153.15.

The following amendments are proposed.

ITEM 1. Amend paragraph **10.3(1)“b”** as follows:

*b.* Therapeutic. Identifying and evaluating factors which indicate the need for and performing (1) oral prophylaxis, which includes supragingival and subgingival debridement of plaque, and detection and removal of calculus with instruments or any other devices; (2) periodontal scaling and root planing; (3) removing and polishing hardened excess restorative material; (4) administering local anesthesia with the proper permit; (5) administering nitrous oxide inhalation analgesia in accordance with 650—subrules 29.6(4) and 29.6(5); (6) applying or administering medicaments prescribed by a dentist, including chemotherapeutic agents and medicaments or therapies for the treatment of periodontal disease and caries; (7) removal of adhesives.

ITEM 2. Amend paragraph **10.3(1)“d”** as follows:

*d.* Diagnostic. Reviewing medical and dental health histories; performing oral inspection; indexing dental and periodontal disease; preliminary charting of existing dental restorations and teeth; making occlusal registrations for mounting study casts; testing pulp vitality; analyzing dietary surveys.

## DENTAL BOARD[650](cont'd)

ITEM 3. Adopt the following **new** subrule 10.3(8):

**10.3(8) Expanded function requirements.**

*a. Supervision requirements.* A dental hygienist may only perform expanded function procedures which are delegated by and performed under the supervision of a dentist licensed pursuant to Iowa Code chapter 153. The taking of occlusal registrations for purposes other than mounting study casts may be performed under general supervision; all other expanded function procedures shall be performed under direct supervision.

*b. Expanded function training required.* A dental hygienist shall not perform any expanded function procedures listed in this chapter unless the dental hygienist has successfully met the education and training requirements and is in compliance with the requirements of this chapter.

*c. Education and training requirements.* All expanded function training must be prior-approved by the board. The supervising dentist and the dental hygienist shall be responsible for maintaining in each office of practice documentation of successful completion of the board-approved training.

(1) Expanded function training for Level 1 procedures shall be eligible for board approval if the training is offered through a program accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or another program, which may include on-the-job training offered by a dentist licensed in Iowa. Training must consist of the following:

1. An initial assessment to determine the base entry level of all participants in the program;
2. A didactic component;
3. A laboratory component, if necessary;
4. A clinical component, which may be obtained under the personal supervision of the participant's supervising dentist while the participant is concurrently enrolled in the training program; and
5. A postcourse competency assessment at the conclusion of the training program.

(2) Expanded function procedure training for Level 2 procedures shall be eligible for board approval if the training is offered through the University of Iowa College of Dentistry or a program accredited by the Commission on Dental Accreditation of the American Dental Association.

ITEM 4. Adopt the following **new** subrule 10.3(9):

**10.3(9) Expanded function providers.**

*a. Basic expanded function provider.* Dental hygienists who do not wish to become certified as a Level 1 or Level 2 provider may perform select Level 1 expanded function procedures provided they have met the education and training requirements for those procedures and are in compliance with the requirements of this chapter. A dentist may delegate to a dental hygienist only those Level 1 procedures for which the dental hygienist has received the required expanded function training.

*b. Certified Level 1 provider.* A dental hygienist must successfully complete training for all Level 1 expanded function procedures before becoming a certified Level 1 provider.

(1) A dentist may delegate any of the Level 1 expanded function procedures to a dental hygienist who is a certified Level 1 provider.

(2) Level 1 procedures include:

1. Taking occlusal registrations for purposes other than mounting study casts;
2. Placement and removal of gingival retraction;
3. Fabrication and removal of provisional restorations;
4. Applying cavity liners and bases and bonding systems for restorative purposes; and
5. Taking final impressions.

*c. Certified Level 2 provider.* A dental hygienist must become a certified Level 1 provider and successfully pass a board-approved entrance examination with a score of at least 75 percent before beginning training to become a certified Level 2 provider. A dental hygienist must successfully complete training for all Level 2 expanded function procedures before becoming a certified Level 2 provider.

(1) A dentist may delegate any of the Level 1 or Level 2 expanded function procedures to a dental hygienist who is a certified Level 2 provider.

(2) Level 2 procedures include:

1. Placement and shaping of amalgam following preparation of a tooth by a dentist;

## DENTAL BOARD[650](cont'd)

2. Placement and shaping of composite following preparation of a tooth by a dentist;
3. Forming and placement of stainless steel crowns;
4. Taking records for the fabrication of dentures and partial dentures; and
5. Tissue conditioning (soft reline only).

These procedures refer to both primary and permanent teeth.

ITEM 5. Amend paragraph **10.5(3)“d”** as follows:

*d.* A copy of the written agreement for public health supervision shall be filed with the ~~Oral Health~~ Bureau of Oral and Health Delivery Systems, Iowa Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319.

ITEM 6. Amend subrule 10.5(4) as follows:

**10.5(4) Reporting requirements.** Each dental hygienist who has rendered services under public health supervision must complete a summary report at the completion of a program or, in the case of an ongoing program, at least annually. The report shall be filed with the ~~oral health~~ bureau of oral and health delivery systems of the Iowa department of public health on forms provided by the department and shall include information related to the number of patients seen and services provided to enable so that the department to may assess the impact of the program. The department will provide summary reports to the board on an annual basis.

**ARC 2040C****IOWA PUBLIC INFORMATION BOARD[497]****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 23.6, the Iowa Public Information Board hereby gives Notice of Intended Action to amend Chapter 2, “Complaint Investigation and Resolution Procedures,” Iowa Administrative Code.

Items 1, 3 and 4 update references in Chapter 2. Item 2 clarifies that members of the Board serve in a quasi-judicial capacity during the complaint process and do not play a role in helping to resolve complaints. The amendment also clarifies that statements made during the informal resolution process may be disclosed to the Board, except that offers to settle a complaint may not be presented or used as evidence that a violation occurred.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 14, 2015, by contacting Charlie Smithson, Executive Director, Iowa Public Information Board, Wallace State Office Building, Third Floor, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by e-mail to [Charlie.Smithson@iowa.gov](mailto:Charlie.Smithson@iowa.gov).

The proposed amendments do not provide for a waiver as no obligation is being imposed on the public. After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 23.6.

The following amendments are proposed.

ITEM 1. Amend rules **497—2.2(84GA,ch1115)** and **497—2.4(84GA,ch1115)**, parenthetical implementation statute, as follows:

~~(84GA,ch1115 23)~~

ITEM 2. Amend subrule 2.2(1) as follows:

**2.2(1) Referral to staff.** Upon acceptance of a complaint, the ~~board shall work with the executive director~~ board’s staff shall work with the complainant and the subject of the complaint toward an

## IOWA PUBLIC INFORMATION BOARD[497](cont'd)

informal, expeditious resolution. If the complaint is not resolved, the staff shall initiate an investigation to determine whether there is probable cause to believe a violation of Iowa Code chapter 21 or 22 or rules of the board has occurred.

~~*a. Statements inadmissible and confidential.*—Statements made in the course of discussions undertaken to attempt to reach an informal, expeditious resolution cannot be admitted in subsequent contested case proceedings and shall not be related by any participating board member or staff to nonparticipating board members who may later be assigned to hear and decide the contested case. Offers to settle a complaint during the information resolution process or as part of a settlement negotiation under rule 497—2.4(23) shall not be presented either to the board or admitted in a subsequent contested case proceeding as evidence that a violation of Iowa Code chapter 21 or 22 or rules of the board has occurred.~~

~~*b. Board member participation.*—A board member who participates in discussions undertaken to attempt to reach an informal, expeditious resolution shall not participate in subsequent contested case proceedings or any appeal from a proposed decision to the full board.~~

ITEM 3. Amend rule 497—2.3(84GA,ch1115) as follows:

**497—2.3(84GA,ch1115 23) Civil penalties and other appropriate remedies.** If it is determined after a contested case proceeding that a violation of statute or rule under the board's jurisdiction has occurred, the board may impose any of the remedies set out in ~~2012 Iowa Acts, chapter 1115, section 9(8) or section 13(3b).~~ Iowa Code section 23.6(8) or 23.10(3) "b."

ITEM 4. Amend **497—Chapter 2**, implementation sentence, as follows:

These rules are intended to implement ~~2012 Iowa Acts, chapter 1115~~ Iowa Code chapter 23.

**ARC 2039C**

## IOWA PUBLIC INFORMATION BOARD[497]

### 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 23.6, the Iowa Public Information Board hereby gives Notice of Intended Action to adopt new Chapter 9, "Waivers or Variances from Administrative Rules," Iowa Administrative Code.

This amendment is proposed pursuant to Iowa Code section 17A.9A that requires an agency to establish a process for waivers or variances from administrative rules. The amendment is based on existing rules adopted by other agencies.

Any interested person may make written suggestions or comments on the proposed amendment on or before July 14, 2015, by contacting Charlie Smithson, Executive Director, Iowa Public Information Board, Wallace State Office Building, Third Floor, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by e-mail to [Charlie.Smithson@iowa.gov](mailto:Charlie.Smithson@iowa.gov).

The proposed amendment contains specific waiver provisions.

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

This amendment is intended to implement Iowa Code chapter 17A.

The following amendment is proposed.

Adopt the following **new** 497—Chapter 9:

### CHAPTER 9

### WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

## IOWA PUBLIC INFORMATION BOARD[497](cont'd)

**497—9.1(17A) Definition.** For purposes of this chapter, a “waiver” or “variance” means action by the board that suspends, in whole or in part, the requirements or provisions of a rule as applied to any identified person on the basis of the particular circumstances of that person. The term “waiver” shall include both a waiver and a variance, and the term “person” shall include any individual or entity subject to the board’s jurisdiction.

**497—9.2(17A) Scope of chapter.** This chapter outlines generally applicable standards and a uniform process for the granting of individual waivers from rules adopted by the board in situations when no other more specifically applicable law or rule provides for waivers. To the extent another more specific provision of law or rule governs the issuance of a waiver, the more specific provision shall supersede this chapter with respect to any waiver process.

**497—9.3(17A) Applicability.** The board may grant a waiver from a rule only if the board has sole jurisdiction over the rule and the requested waiver is consistent with applicable statutes, constitutional provisions or other provisions of law. The board may not waive requirements created or duties imposed by statute or court order.

**497—9.4(17A) Criteria for waiver.** In response to a petition completed pursuant to rule 497—9.6(17A), the board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any other person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or court order; and
4. Substantially equal protection of the public interest will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

**497—9.5(17A) Filing of petition.** A petition for a waiver shall be submitted in writing to the Iowa Public Information Board, Wallace State Office Building, Third Floor, 502 East 9th Street, Des Moines, Iowa 50319. If the request relates to a pending contested case, a copy of the request shall also be filed in the contested case proceeding addressed to the board’s executive director at the above address.

**497—9.6(17A) Content of petition.** A petition for waiver shall include the following information where applicable and known to the petitioner:

1. The name, address and telephone number of the person for whom a waiver is being requested and the case number of any related contested cases, if applicable.
2. A description and citation of the specific rule from which waiver is requested.
3. The specific waiver requested, including the precise scope and duration.
4. The relevant facts the petitioner believes would justify a waiver under each of the four criteria described in rule 497—9.4(17A). This shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons the petitioner believes will justify a waiver.
5. A history of any contacts between the board and the petitioner within the past three years relating to the activity affected by the proposed waiver. This shall include any notices of violation whether resolved through administration resolution or a contested case proceeding within the past three years.
6. Any information known to the petitioner regarding the board’s treatment of similar cases.
7. The name, address and telephone number of any public agency or political subdivision that also regulates the activity in question or that might be affected by the granting of the waiver.
8. The name, address and telephone number of any person or entity that would be adversely affected by the granting of the waiver.

## IOWA PUBLIC INFORMATION BOARD[497](cont'd)

9. The name, address and telephone number of any person with knowledge of facts relevant to the proposed waiver.

10. Signed releases authorizing the persons with knowledge regarding the request to furnish the board with information relevant to the proposed waiver.

**497—9.7(17A) Additional information.** Prior to issuing an order granting or denying a waiver, the board may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the board may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the board.

**497—9.8(17A) Notice.** The board shall acknowledge a petition upon receipt. The board shall ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law. In addition, the board may give notice to other persons. To accomplish this notice provision, the board may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the board attesting that notice has been provided.

**497—9.9(17A) Hearing procedures.** The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case proceedings shall apply to any petition for a waiver filed in a contested case. Those provisions shall otherwise apply to board proceedings for a waiver only when the board so provides by rule or order or is required to do so by statute.

**497—9.10(17A) Ruling.** An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains. The order shall include a statement of the relevant facts and reasons upon which the action is based and a description of the precise scope and duration of the waiver if one is issued.

**9.10(1) Board discretion.** The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the board upon consideration of all relevant factors. The board shall evaluate each petition for a waiver based on the unique, individual circumstances set out in the petition.

**9.10(2) Burden of persuasion.** The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant a waiver from a board rule.

**9.10(3) Narrowly tailored exception.** A waiver, if granted, shall provide the narrowest exception possible to the provisions of the rule.

**9.10(4) Administrative deadlines.** When the rule from which a waiver is sought establishes administrative deadlines, the board shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

**9.10(5) Conditions.** The board may place any condition on a waiver that the board finds desirable to protect the public interest.

**9.10(6) Time period of waiver.** A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the board, a waiver may be renewed if the board finds that grounds for the waiver continue to exist.

**9.10(7) Time for ruling.** The board shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the board shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

**9.10(8) When deemed denied.** Failure of the board to grant or deny a petition within the required time period shall be deemed a denial of that petition by the board. However, the board shall remain responsible for issuing an order denying a waiver.

## IOWA PUBLIC INFORMATION BOARD[497](cont'd)

**9.10(9) Service of order.** Within ten business days of its issuance, any order issued under these rules shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

**497—9.11(17A) Public availability.** All orders granting or denying a waiver petition shall be indexed, filed and made available for public inspection as provided in Iowa Code section 17A.3.

**497—9.12(17A) Summary reports.** The board shall semiannually prepare a summary report identifying the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule and a citation to the statutory provisions implemented by the rules. The report shall include a general summary of the reasons justifying the board's actions on waiver requests and, if practicable, shall detail the extent to which the granting of a waiver has affected the general applicability of the rule itself. Copies of this report shall be available for public inspection and shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.

**497—9.13(17A) Cancellation of waiver.** A waiver issued by the board pursuant to this chapter may be withdrawn, canceled or modified if, after appropriate notice and hearing, the board issues an order finding any of the following:

1. That the petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or
2. That the alternative means of ensuring adequate protection of the public interest after issuance of the waiver order have been demonstrated to be insufficient; or
3. That the subject of the waiver order has failed to comply with all conditions contained in the order.

**497—9.14(17A) Defense.** After the board issues an order granting a waiver, the order is a defense for the person to whom the order pertains, within the terms and the specified facts indicated therein, in any proceeding in which the rule in question is sought to be invoked.

**497—9.15(17A) Appeals.** Judicial review of a board decision to grant or deny a waiver petition shall be in accordance with Iowa Code chapter 17A.

These rules are intended to implement Iowa Code chapter 17A.

**ARC 2044C****PROFESSIONAL LICENSURE DIVISION[645]****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 147.76, the Board of Hearing Aid Dispensers hereby gives Notice of Intended Action to amend Chapter 4, “Board Administrative Processes,” Chapter 5, “Fees,” Chapter 121, “Licensure of Hearing Aid Dispensers,” Chapter 122, “Continuing Education for Hearing Aid Dispensers,” Chapter 123, “Practice of Hearing Aid Dispensing,” and Chapter 124, “Discipline for Hearing Aid Dispensers,” Iowa Administrative Code.

These proposed amendments revise language relating to the professional title for Hearing Aid Dispensers, which will be changed to Hearing Aid Specialists on July 1, 2015, following the passage

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

of 2015 Iowa Acts, Senate File 274, division I, which amends the title for these professionals in Iowa Code chapter 154A.

Any interested person may make written comments on the proposed amendments no later than July 14, 2015. Written comments should be addressed to Sharon Dozier, Board Executive, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075 or sent by e-mail to [sharon.dozier@idph.iowa.gov](mailto:sharon.dozier@idph.iowa.gov).

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

These amendments are intended to implement Iowa Code chapters 147 and 154A as amended by 2015 Iowa Acts, Senate File 274, division I.

The following amendments are proposed.

ITEM 1. Amend rule **645—4.1(17A)**, definition of “Board,” as follows:

“*Board*” means the professional licensing board of any of the following: athletic training, barbering, behavioral science, chiropractic, cosmetology arts and sciences, dietetics, hearing aid ~~dispensers~~ specialists, massage therapy, mortuary science, nursing home administrators, optometry, physical and occupational therapy, physician assistants, podiatry, psychology, respiratory care, sign language interpreters and transliterators, social work, and speech pathology and audiology.

ITEM 2. Amend rule 645—5.7(147,154A), catchwords, as follows:

**645—5.7(147,154A) Hearing aid ~~dispensers~~ specialists license fees.**

ITEM 3. Amend **645—Chapter 121**, title, as follows:

**LICENSURE OF HEARING AID ~~DISPENSERS~~ SPECIALISTS**

ITEM 4. Amend the following definitions in rule **645—121.1(154A)**:

“*Board*” means the board of hearing aid ~~dispensers~~ specialists.

“*Dispense*” or “*sell*” means a transfer of title or of the right to use by lease, bailment, or any other means, but excludes a wholesale transaction with a distributor or ~~dispenser~~ specialist, and excludes the temporary, charitable loan or educational loan of a hearing aid without remuneration.

“*Hearing aid ~~dispenser~~ specialist*” means any person engaged in the fitting, dispensing and the sale of hearing aids and providing hearing aid services or maintenance by means of procedures stipulated by Iowa Code chapter 154A or the board.

“*License*” means a license issued by the state to hearing aid ~~dispensers~~ specialists.

“*Licensee*” means any person licensed to practice as a hearing aid ~~dispenser~~ specialist in the state of Iowa.

“*Licensure by endorsement*” means the issuance of an Iowa license to practice as a hearing aid ~~dispenser~~ specialist to an applicant who is or has been licensed in another state.

“*Reciprocal license*” means the issuance of an Iowa license to practice as a hearing aid ~~dispenser~~ specialist to an applicant who is currently licensed in another state that has a mutual agreement with the Iowa board of hearing aid ~~dispensers~~ specialists to license persons who have the same or similar qualifications to those required in Iowa.

“*Temporary permit*” means a permit issued while the applicant is in training to become a licensed hearing aid ~~dispenser~~ specialist.

ITEM 5. Amend subrule 121.2(4), introductory paragraph, as follows:

**121.2(4)** The licensed hearing aid ~~dispenser~~ specialist employing the holder of a temporary permit shall be responsible for the following:

ITEM 6. Amend paragraph **121.3(1)“a”** as follows:

a. Have a current hearing aid ~~dispenser~~ specialist license that has been valid for the immediately preceding 24 months;

ITEM 7. Amend subrules 121.4(1) and 121.4(3) as follows:

**121.4(1)** The applicant shall complete a board-approved application packet. Application forms may be obtained from the board’s Web site (<http://www.idph.state.ia.us/licensure>) or directly from the

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

board office. All applications shall be sent to Board of Hearing Aid ~~Dispensers~~ Specialists, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

**121.4(3)** Each application shall be accompanied by the application fee payable to the Board of Hearing Aid ~~Dispensers~~ Specialists. The board shall also receive the examination fee payable to the International Hearing Society, for any examination held prior to the implementation of the on-line examination.

ITEM 8. Amend rule 645—121.6(154A), introductory paragraph, as follows:

**645—121.6(154A) Licensure by endorsement.** An applicant who has been a licensed hearing aid ~~dispenser~~ specialist under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

ITEM 9. Amend rule 645—121.8(154A) as follows:

**645—121.8(154A) Display of license.** Persons licensed as hearing aid ~~dispensers~~ specialists shall display their original licenses in a conspicuous public place at the primary site of practice.

ITEM 10. Amend subrules 121.9(1) and 121.9(6) as follows:

**121.9(1)** The biennial license renewal period for a hearing aid specialist license ~~to dispense hearing aids~~ shall begin on January 1 of each odd-numbered year and end on December 31 of the next even-numbered year. All licensees shall renew on a biennial basis. The licensee is responsible for renewing the license prior to its expiration.

**121.9(6)** Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a hearing aid ~~dispenser~~ specialist in Iowa until the license is reactivated. A licensee who practices as a hearing aid ~~dispenser~~ specialist in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

ITEM 11. Amend subrule 121.14(3), introductory paragraph, as follows:

**121.14(3)** Provide verification of current competence to practice as a hearing aid ~~dispenser~~ specialist by satisfying one of the following criteria:

ITEM 12. Amend rule 645—121.15(17A,147,272C) as follows:

**645—121.15(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—121.14(17A,147,272C) prior to practicing as a hearing aid ~~dispenser~~ specialist in this state.

ITEM 13. Amend **645—Chapter 122**, title, as follows:

CONTINUING EDUCATION FOR HEARING AID ~~DISPENSERS~~ SPECIALISTS

ITEM 14. Amend rule **645—122.1(154A)**, definitions of “Board” and “Licensee,” as follows:

“*Board*” means the board of hearing aid ~~dispensers~~ specialists.

“*Licensee*” means any person licensed to practice as a hearing aid ~~dispenser~~ specialist in the state of Iowa.

ITEM 15. Amend subrule 122.2(1) as follows:

**122.2(1)** The biennial continuing education compliance period shall extend for a two-year period beginning on January 1 of each odd-numbered year and ending on December 31 of the next even-numbered year. Each biennium, each person who is licensed to practice as a hearing aid ~~dispenser~~ specialist in this state shall be required to complete a minimum of 32 hours of continuing education approved by the board. For the 2011-2012 compliance period for license renewal on January 1, 2013,

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

and every renewal biennium thereafter, a minimum of 2 hours shall be in the content areas of Iowa hearing aid ~~dispenser~~ specialist law and rules, or ethics.

ITEM 16. Amend rule ~~645—123.1(154A)~~, definition of “Sales receipt,” as follows:

“*Sales receipt*” means a written record that is provided to a person who purchases a hearing aid. The sales receipt must be in compliance with these rules and be signed by the purchaser and the licensed hearing aid ~~dispenser~~ specialist. The requirements for the sales receipt may be found in rule 645—123.3(154A).

ITEM 17. Amend paragraph ~~123.2(1)~~“a” as follows:

a. Provides a health history to a licensed hearing aid ~~dispenser~~ specialist who is responsible for reducing the history to written form;

ITEM 18. Amend subrule 123.2(2) as follows:

~~123.2(2)~~ Any medical evaluation completed by a licensed physician in accordance with these rules requires all of the following prior to the sale of a hearing aid to an individual: receipt of the physician statement and clearance for amplification; and completion by the licensed hearing aid ~~dispenser~~ specialist of a current written health history and hearing examination that includes all of the procedures required in these rules, unless the physician order specifies otherwise. In the event an audiogram is provided by the physician, this testing requirement is waived. All records provided to the licensed hearing aid ~~dispenser~~ specialist shall be maintained in the individual’s records in accordance with the record-keeping requirements in these rules.

ITEM 19. Amend subrule 123.2(3), introductory paragraph, as follows:

~~123.2(3)~~ Whenever any of the following conditions are found to exist either from observations by the licensed hearing aid ~~dispenser~~ specialist or person holding a temporary permit or on the basis of information furnished by a prospective hearing aid user, the hearing aid ~~dispenser~~ specialist or person holding a temporary permit shall, prior to fitting and selling a hearing aid to any individual, suggest to that individual in writing that the individual’s best interests would be served if the individual would consult a licensed physician specializing in diseases of the ear, or if no such licensed physician is available in the community, then a duly licensed physician:

ITEM 20. Amend rule 645—123.3(154A) as follows:

**645—123.3(154A) Requirements for sales receipt.** Upon sale of a hearing aid device, the licensee shall provide to the person a sales receipt, which shall include the following:

1. to 7. No change.

8. The following statement in type no smaller than the largest used in the body copy portion of the receipt: “The purchaser has been advised that any examination or representation made by a licensed hearing aid ~~dispenser~~ specialist in connection with the fitting or selection and selling of this hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and therefore, must not be regarded as medical opinion or advice.”

ITEM 21. Amend ~~645—Chapter 124~~, title, as follows:

~~DISCIPLINE FOR HEARING AID DISPENSERS~~ SPECIALISTS

ITEM 22. Amend rule 645—124.1(154A,272C) as follows:

**645—124.1(154A,272C) Definitions.**

“*Board*” means the board of hearing aid ~~dispensers~~ specialists.

“*Discipline*” means any sanction the board may impose upon licensees.

“*Licensee*” means a person licensed to practice as a hearing aid ~~dispenser~~ specialist in Iowa.

ITEM 23. Amend paragraphs ~~124.2(3)~~“b” to “d” as follows:

b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other hearing aid ~~dispensers~~ specialists in the state of Iowa acting in the same or similar circumstances;

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

c. A failure to exercise the degree of care which is ordinarily exercised by the average hearing aid ~~dispenser~~ specialist acting in the same or similar circumstances;

d. Failure to conform to the minimal standard of acceptable and prevailing practice of licensed hearing aid ~~dispensers~~ specialists in this state.

ITEM 24. Amend paragraphs **124.2(6)**“a” to “c” as follows:

- a. Hearing aid ~~dispenser's~~ specialist's name.
- b. Hearing aid ~~dispenser's~~ specialist's address of primary site of practice.
- c. Hearing aid ~~dispenser's~~ specialist's telephone number.

ITEM 25. Amend subrule 124.2(19) as follows:

**124.2(19)** Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual's practice as a hearing aid ~~dispenser~~ specialist in another state, district, territory or country.

ITEM 26. Amend subrule 124.2(29) as follows:

**124.2(29)** Knowingly aiding, assisting, or advising a person to unlawfully practice as a hearing aid ~~dispenser~~ specialist.

ITEM 27. Amend subrule 124.2(31) as follows:

**124.2(31)** Representing oneself as a licensed hearing aid ~~dispenser~~ specialist when one's license has been suspended or revoked, or when one's license is on inactive status.

**ARC 2045C****RACING AND GAMING COMMISSION[491]****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 99D.7 and 99F.4, the Racing and Gaming Commission hereby proposes to amend Chapter 7, “Greyhound Racing,” Iowa Administrative Code.

This amendment proposes new rule 491—7.15(99D) to implement 2014 Iowa Acts, Senate File 2362 [Iowa Code section 99D.9B], with regard to the Iowa greyhound pari-mutuel racing fund.

Any person may make written suggestions or comments on the proposed amendment on or before July 29, 2015. Written material should be directed to the Racing and Gaming Commission, 1300 Des Moines Street, Suite 100, Des Moines, Iowa 50309. Persons who wish to convey their views orally should contact the Commission office at (515)281-7352.

Also, there will be a public hearing on July 29, 2015, at 8:30 a.m. at Prairie Meadows Events Center, 1 Prairie Meadows Drive, Altoona, Iowa. Persons may present their views at the public hearing either orally or in writing.

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

This amendment is intended to implement Iowa Code chapters 99D and 99F.

The following amendment is proposed.

Adopt the following **new** rule 491—7.15(99D):

**491—7.15(99D) Iowa greyhound pari-mutuel racing fund.** Pursuant to Iowa Code section 99D.9B, an Iowa greyhound pari-mutuel racing fund (fund) is created in the state treasury and under the control of the commission. The fund will be distributed on an annual basis pursuant to this rule.

**7.15(1) Iowa greyhound association.**

- a. Fifty percent of the money in the fund shall be distributed to the Iowa greyhound association.

## RACING AND GAMING COMMISSION[491](cont'd)

b. An annual audit concerning the operation of the escrow account shall be submitted to the commission 90 days after the end of the Iowa greyhound association's fiscal year.

c. In the event that the Iowa greyhound association fails to conduct live dog racing during any calendar year, the Iowa greyhound association shall transfer any unused moneys in the escrow fund to the commission and shall receive no further distributions from the fund.

**7.15(2) One-time payments.**

a. *Administrative expenses.* All expenses incurred by the commission to administer the fund will be deducted before an amount is determined for distribution during each calendar year.

b. *Greyhound adoption agency (agency).* An agency will be reimbursed a dollar amount based upon original receipts and itemized expenses up to \$1,700 per greyhound. All documentation for reimbursement must be submitted to the commission office for consideration on a form prescribed by the commission. Distribution of reimbursement for qualifying requests will occur upon approval by the commission. The commission has sole discretion in determining the eligibility of receipts submitted. No requests for reimbursement will be accepted by the commission after October 31, 2016. For an agency to be eligible for reimbursement, the agency must prove to the commission that:

- (1) The agency physically handled the greyhound to facilitate the adoption;
- (2) The agency has a no-kill policy;
- (3) The greyhound raced in Iowa; and
- (4) The greyhound was placed into adoption due to the cessation of racing.

c. *Greyhound kennel owners.* Greyhound kennel owners are eligible to recover costs up to \$5,000 associated with the removal of equipment from the kennels at the pari-mutuel dog racetrack located in Pottawattamie County. For a greyhound kennel owner to be eligible for reimbursement, the owner must prove to the commission that the expenses were incurred as a result of the removal of property, excluding the transporting of the greyhounds. Greyhound kennel owners shall submit original receipts and itemize the expenses to the commission to verify expenditures. All documentation for reimbursement must be submitted to the commission office for consideration on a form prescribed by the commission. The commission has sole discretion in determining the eligibility of the receipts and expenses submitted. Distribution of reimbursement for qualifying requests will occur upon approval by the commission. No requests for reimbursement will be accepted by the commission after October 31, 2016.

d. *Trainers.* The trainer of record for the kennel employed at the pari-mutuel dog racetrack located in Pottawattamie County upon the closing of the racetrack in December 2015 shall receive \$8,000 for each year of service during the five-year period from 2011 through 2015. Proof of employment for each year for which payment is requested must be sent to the commission. The commission has sole discretion in determining the eligibility of the proof of employment submitted. Distribution for qualifying requests will occur upon approval by the commission. Any trainer who is not employed through the closing of the racetrack in December 2015 shall be eligible for payments only if the kennel owner certifies in writing the trainer's services are not needed. No requests for reimbursement under this paragraph will be accepted by the commission after June 30, 2016.

e. *Assistant trainers.* Assistant trainers employed, present and handling the day-to-day affairs at the pari-mutuel dog racetrack located in Pottawattamie County at the closing of the racetrack in December 2015 shall receive \$4,000 for each year of service during the five-year period from 2011 through 2015. Proof of employment for each year for which payment is requested must be sent to the commission. Distribution for qualifying requests will occur upon approval by the commission. Any assistant trainer who is not employed through the closing of the racetrack in December 2015 shall be eligible for payments only if the kennel owner certifies in writing the assistant trainer's services are not needed. No requests for reimbursement under this paragraph will be accepted by the commission after June 30, 2016.

f. *Financial hardship.* Industry participants are eligible to receive up to \$29,250 from the commission if they can demonstrate a need to be compensated due to hardships caused by the closing of the pari-mutuel dog racetrack located in Pottawattamie County. The burden of demonstrating hardship is on the applicant. The applicant shall submit in writing the request and basis for compensation including original receipts, if applicable, and itemized expenses. The commission has sole discretion

## RACING AND GAMING COMMISSION[491](cont'd)

in determining the eligibility of the applicant and the authentication of information to demonstrate hardship. Distribution for qualifying requests will occur upon approval by the commission. No requests for reimbursement under this paragraph will be accepted by the commission after June 30, 2016.

*g. Live greyhound racing in Dubuque County.* Should live racing cease in Dubuque County in or after calendar year 2015 but prior to 2022, the commission will establish an application process for one-time payments related to the cessation of racing in Dubuque County. The commission has sole discretion in establishing this process.

**7.15(3) Annual payments.** After all one-time payments have been paid from the fund, the remainder of the fund will be distributed by a one-time application process for industry participants. The remainder of the fund shall be distributed as follows:

*a.* Eighty percent of the fund shall be paid as past-performance distributions based on the percentage of purse winnings and the department of agriculture and land stewardship awards the industry participant received from 2010 through 2014. Applicants for past-performance distributions have the burden of demonstrating past earnings. Supplemental documentation for stakes earnings may be required in order to demonstrate the allocation between kennel owner and greyhound owner.

*b.* Twenty percent of the fund shall be paid to qualifying greyhound industry participants without regard to purse winnings.

(1) Points will be awarded to the following recipients:

1. Greyhound farm owners shall receive 1,060 points for each year of operation from 2010 through 2014, provided the owners submit documentation to verify the farm was licensed by the department of agriculture and land stewardship from 2010 through 2014.

2. Greyhound owners shall receive 32 points for each greyhound individually registered with the department of agriculture and land stewardship from 2010 through 2014. An individually registered greyhound may be counted only one time over the five-year period. In instances where the same greyhound has two claims pursuant to this paragraph, preference will be given to the claimant who first individually registered the greyhound with the department of agriculture and land stewardship.

(2) The applicant's pro rata share of the overall points awarded will be converted to the pro rata basis of the money distributed to qualifying greyhound industry participants without regard to purse winnings.

*c.* Application for annual payments shall be made on a form prescribed by the commission and received in the commission office by September 30, 2016. No applications will be accepted after that date. Applicants will not be required to submit documentation each year distributions are made. Qualifying documentation to verify past earnings or verify points during the eligible period will be retained and utilized to allocate awards in future years.

*d.* The commission has the sole discretion in determining the eligibility of the documentation submitted as it relates to claims under this rule.

*e.* The first of the annual payments will be distributed no later than April 2017 with payment each year following in April. The last payment will be distributed April 2022.

**ARC 2047C**

**REVENUE DEPARTMENT[701]**

**Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 17A.4 and 421.1A(4)“e,” the Property Assessment Appeal Board hereby gives Notice of Intended Action to amend Chapter 71, “Assessment Practices

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

and Equalization,” and to adopt new Chapter 126, “Property Assessment Appeal Board,” Iowa Administrative Code.

The proposed amendment in Item 1 revises the Property Assessment Appeal Board’s rule 701—71.21(421,17A) to indicate that the rule is applicable to appeals filed with the Board prior to January 1, 2015, and that new Chapter 126 applies to appeals filed with the Board on or after January 1, 2015.

The proposed amendment in Item 2 adopts new Chapter 126, which will apply to all appeals filed with the Board on or after January 1, 2015. The content of new Chapter 126 is the same as that in existing rule 701—71.21(421,17A), except that the provisions included in rule 701—71.21(421,17A) that otherwise appear in Iowa Code section 421.1A have been omitted. In addition, the substantive provisions in Chapter 126, though the same as those in rule 701—71.21(421,17A), are restructured in the new chapter.

Existing rule 701—71.21(421,17A) will remain in effect and applicable to appeals filed prior to January 1, 2015, and the Property Assessment Appeal Board will rescind rule 701—71.21(421,17A) when it is no longer necessary.

The content of existing rule 701—71.21(421,17A) has been reordered in Chapter 126 as follows:

<b>New Rule</b>	<b>Rule Catchwords</b>	<b>Current Subrule(s)</b>
126.1	Applicability and definitions	71.21(5), 71.21(36), 71.21(39), 71.21(40)
126.2	Appeal and certification	71.21(6) to 71.21(12), 71.21(23)
126.3	Service on parties and filing with the board	71.21(13)
126.4	Reserved	
126.5	Motions and settlements	71.21(14), 71.21(15), 71.21(24), 71.21(31)
126.6	Hearing scheduling and discovery plan	71.21(26)
126.7	Discovery and evidence	71.21(28), 71.21(29), 71.21(30)
126.8	Hearings before the board	71.21(16) to 71.21(22), 71.21(25), 71.21(27), 71.21(35)
126.9	Posthearing motions	71.21(33), 71.21(34)
126.10	Judicial review	71.21(37), 71.21(38)
126.11	Records access	71.21(32)

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

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

Any interested person may make written suggestions or comments on the proposed amendments on or before July 14, 2015. Such written comments should be directed to the Property Assessment Appeal Board, P.O. Box 10486, Des Moines, Iowa 50306.

Persons who want to convey their views orally should contact the Property Assessment Appeal Board at (515)725-0338 or at the Property Assessment Appeal Board offices at the Hoover State Office Building, Fourth Floor, 1305 E. Walnut Street, Des Moines, Iowa.

Requests for a public hearing must be received by July 14, 2015.

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

These amendments are intended to implement Iowa Code sections 421.1A and 441.37A.

The following amendments are proposed.

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

ITEM 1. Amend rule 701—71.21(421,17A) as follows:

**701—71.21(421,17A) Property assessment appeal board.** This rule applies to appeals filed before January 1, 2015, in which the property assessment appeal board has jurisdiction to hear appeals from the action of a local board of review. Appeals filed on or after January 1, 2015, are governed by 701—Chapter 126.

**71.21(1) to 71.21(40)** No change.

This rule is intended to implement Iowa Code sections 421.1, 421.1A as amended by 2013 Iowa Acts, Senate File 295, division VI, 421.2, 441.37A as amended by 2013 Iowa Acts, Senate File 295, division VI, 441.38 and 441.49 and chapter 17A.

ITEM 2. Adopt the following **new** 701—Chapter 126:

CHAPTER 126  
PROPERTY ASSESSMENT APPEAL BOARD

**701—126.1(421,441) Applicability and definitions.**

**126.1(1) Applicability and scope.** The rules set forth in this chapter govern the proceedings for all cases filed on or after January 1, 2015, in which the property assessment appeal board (board) has jurisdiction to hear appeals from the action of a local board of review.

**126.1(2) Definitions.** For the purpose of these rules, the following definitions shall apply:

“*Appellant*” means the party filing the notice of appeal with the secretary of the property assessment appeal board.

“*Board*” means the property assessment appeal board as created by Iowa Code section 421.1A and governed by Iowa Code chapter 17A and section 441.37A.

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

“*Local board of review*” means the board of review as defined by Iowa Code section 441.31.

“*Party*” means each person or entity named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

“*Presiding officer*” means the chairperson, member or members of the property assessment appeal board who preside over an appeal of proceedings before the property assessment appeal board.

“*Secretary*” means the secretary for the property assessment appeal board.

**126.1(3) Waivers.**

*a.* In response to a request, or on its own motion, the board may grant a waiver from a rule adopted by the board, in whole or in part, as applied to a specific set of circumstances, if the board finds, based on clear and convincing evidence, that:

(1) The application of the rule would pose an undue hardship on the person for whom the waiver is requested;

(2) The waiver would not prejudice the substantial rights of any person;

(3) The provisions of the rule subject to a petition for waiver are not specifically mandated by statute or another provision of law; and

(4) Substantially equal protection of public health, safety, and welfare will be afforded by means other than that prescribed in the rule for which the waiver is requested.

*b.* Persons requesting a waiver may submit their request in writing. The waiver request must state the relevant facts and reasons the requester believes will justify the waiver, if the reasons have not already been provided to the board in another pleading.

*c.* Grants or denials of waiver requests shall contain a statement of the facts and reasons upon which the decision is based. The board may condition the grant of the waiver on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question. The board may at any time cancel a waiver upon appropriate notice and opportunity for hearing.

**126.1(4) Time requirements.** Time shall be computed as provided in Iowa Code section 4.1(34).

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

**126.1(5) *Judgment of the board.*** Nothing in this chapter should be construed as prohibiting the exercise of honest judgment, as provided by law, by the board in matters pertaining to valuation and assessment of individual properties.

**701—126.2(421,441) Appeal and certification.**

**126.2(1) *Appeal and jurisdiction.*** The procedure for appeals and parameters for jurisdiction are as follows:

*a.* Jurisdiction is conferred upon the board by written notice of appeal given to the secretary. The written notice of appeal shall include a petition setting forth the basis of the appeal and the relief sought. The written notice of appeal shall be filed with the secretary within 20 calendar days after the date of adjournment of the local board of review or May 31, whichever is later. Appeals postmarked within this time period shall also be considered to have been timely filed.

*b.* Notice of appeal may be delivered in person, mailed by first-class mail, delivered to an established courier service for immediate delivery, or e-mailed to the board at [paab@iowa.gov](mailto:paab@iowa.gov).

*c.* For an appeal filed by e-mail to be timely, it must be received by the board by 11:59 p.m. on the last day for filing as established within the time period set forth in paragraph 126.2(1) "a."

**126.2(2) *Form of appeal.*** The notice of appeal shall include:

*a.* The appellant's name, mailing address, e-mail address, and telephone number;

*b.* The address of the property being appealed and its parcel number;

*c.* A copy of the letter of disposition by the local board of review;

*d.* A short and plain statement of the claim showing that the appellant is entitled to relief;

*e.* The relief sought; and

*f.* If the party is represented by an attorney or designated representative, the attorney or designated representative's name, mailing address, e-mail address, and telephone number.

**126.2(3) *Scope of review.***

*a.* *Grounds for appeal.* The appellant may appeal the action of the board of review relating to protests of assessment, valuation, or the application of an equalization order. No new grounds in addition to those set out in the protest to the local board of review can be pleaded, but additional evidence to sustain those grounds may be introduced. The board shall determine anew all questions arising before the local board of review which relate to the liability of the property to assessment or the amount thereof.

*b.* *Burden of proof.* There shall be no presumption as to the correctness of the valuation of the assessment appealed from. The burden of proof is on the appellant; however, when the appellant offers competent evidence by at least two disinterested witnesses that the market value of the property is less than the market value determined by the assessor, the burden of proof thereafter shall be upon the party seeking to uphold the valuation.

*c.* The appeal is a contested case.

**126.2(4) *Notice to local board of review.*** The secretary shall mail a copy of the appellant's written notice of appeal and petition to the local board of review whose decision is being appealed. Notice to all affected taxing districts shall be deemed to have been given when written notice is provided to the local board of review.

**126.2(5) *Certification by local board of review.***

*a.* *Initial certification.*

(1) Within 21 days after notice of appeal is given, the local board of review shall certify to the board the original notice of assessment if any, the petition to the board of review, and a copy of the board of review's letter of disposition.

(2) The local board of review shall also submit to the board in writing the name, address, telephone number, and e-mail address of the attorney representing the local board of review before the board. The local board of review may request additional time to certify a copy of its record to the board by submitting a request in writing or by e-mail to the board at [paab@iowa.gov](mailto:paab@iowa.gov).

*b.* *Full record certification prior to hearing.*

(1) At least 21 calendar days prior to the contested case hearing, the local board of review shall certify to the board the complete property record card for the subject property, the protest hearing minutes

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

of the local board of review kept pursuant to Iowa Code chapter 21, and any information provided to or considered by the local board of review as part of the protest.

(2) The local board of review shall also send a copy of the full record to the opposing party.

**126.2(6) Docketing.** Appeals shall be assigned consecutive docket numbers. Records consisting of the case name and the corresponding docket number assigned to the case shall be maintained by the secretary. The records of each case shall also include each action and each act done, with the proper dates, as follows:

- a. The title of the appeal including jurisdiction and parcel identification number;
- b. Brief statement of the grounds for the appeal and the relief sought;
- c. Postmarked date of the local board of review's letter of disposition;
- d. The manner and date/time of service of notice of appeal;
- e. Date of notice of hearing;
- f. Date of hearing; and
- g. The decision by the board, or other disposition of the case, and date thereof.

**126.2(7) Consolidation and severance.** The board or presiding officer may determine if consolidation or severance of issues or proceedings should be performed in order to efficiently resolve matters on appeal before the board.

a. *Consolidation.* The presiding officer may consolidate any or all matters at issue in two or more appeal proceedings where:

- (1) The matters at issue involve common parties or common questions of fact or law;
- (2) Consolidation would expedite and simplify consideration of the issues involved; and
- (3) Consolidation would not adversely affect the rights of any of the parties to those proceedings.

b. *Severance.* The presiding officer may, for good cause shown, order any appeal proceedings or portions of the proceedings severed.

**126.2(8) Appearances.** Any party may appear and be heard on its own behalf, or by its designated representative. A designated representative shall file a notice of appearance with the board for each case in which the representative appears for a party. Filing a motion or pleadings on behalf of a party shall be equivalent to filing a notice of appearance. A designated representative who is not an attorney shall also file a power of attorney. When acting as a designated representative on behalf of a party, the designated representative acknowledges that the representative has read and will abide by the board's rules.

**701—126.3(421,441) Service on parties and filing with the board.**

**126.3(1) Service and filing of papers.** After the notice of appeal and petition have been filed, all motions, pleadings, briefs, and other papers shall be served upon each of the parties of record contemporaneously with their filing with the board.

a. *Service on a party—how and when made.* The parties may agree to exchange the certified record, motions, pleadings, briefs, exhibits, and any other papers with each other electronically or via any other means. All documents are deemed served at the time they are delivered in person to the opposing party; delivered to an established courier service for immediate delivery; mailed by first-class mail, so long as there is proof of mailing; or sent electronically if the parties have agreed to service by such means.

b. *Filing with the board—when made.* Except where otherwise provided by law, a document is deemed filed at the time it is delivered to the board; delivered to an established courier service for immediate delivery; mailed by first-class mail, so long as there is proof of mailing; or sent by e-mail as permitted by this chapter.

- (1) For most filings in a docket made with the board, only an original is required.
- (2) For exhibits and other documents to be introduced at hearing, three copies are required. For a nonoral submission, only one copy is required.
- (3) The board or presiding officer may request additional copies.

c. *Proof of mailing.* Proof of mailing includes: a legible United States Postal Service postmark on the envelope, a certificate of service, a notarized affidavit, or a certification in substantially the following form:

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

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the Property Assessment Appeal Board and to the names and addresses of the parties listed below by depositing the same in a (United States post office mailbox with correct postage properly affixed).

(Date)

(Signature)

**126.3(2)** Reserved.

**701—126.4** Reserved.

**701—126.5(421,441) Motions and settlements.**

**126.5(1) Authority of board to issue procedural orders.** The board may issue preliminary orders regarding procedural matters. The secretary shall mail copies of all procedural orders to the parties.

**126.5(2) Motions.** No technical form for motions is required. All prehearing motions shall be in writing, shall be filed with the secretary and shall contain the reasons and grounds supporting the motion. The board shall act upon such motions as justice may require. Motions based on matters which do not appear of record shall be supported by affidavit. Any party may file a written response to a motion no later than 10 days from the date the motion is filed, unless the time period is extended or shortened by the board or presiding officer. The presiding officer may schedule oral argument on any motion.

*a. Filing of motions.* Motions pertaining to the hearing, except motions for summary judgment, must be filed and served at least 10 days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by the board or presiding officer.

*b. Motions for summary judgment.*

(1) Motions for summary judgment shall comply with the requirements of Iowa Rule of Civil Procedure 1.981 and shall be subject to disposition according to the requirements of that rule to the extent such requirements are not inconsistent with the provisions of this chapter or any other provision of law governing the procedure in contested cases.

(2) Motions for summary judgment must be filed and served no later than 90 days after service of the notice of appeal, unless good cause is shown for a later filing. Good cause may include, but is not limited to, information the moving party obtains through discovery. Any party resisting the motion shall file and serve a resistance within 20 days, unless otherwise ordered by the board or presiding officer, from the date a copy of the motion was served. The time fixed for hearing or nonoral submission shall be not less than 30 days after the filing of the motion, unless a shorter time is ordered by the presiding officer. A summary judgment order rendered on all issues in a contested case is subject to rehearing pursuant to subrule 126.9(2).

*c. Motions to withdraw.* An appellant may withdraw the appeal prior to the hearing. Such a withdrawal of an appeal must be in writing or by e-mail to [paab@iowa.gov](mailto:paab@iowa.gov) and signed by the appellant or the appellant's designated representative. Unless otherwise provided, withdrawal shall be with prejudice and the appellant shall not be able to refile the appeal. Within 20 days of the board's granting of a withdrawal of appeal, the appellant may make a motion to reopen the file and rescind the withdrawal based upon fraud, duress, undue influence, or mutual mistake.

**126.5(3) Settlements.** Parties to a case may propose to settle all or some of the issues in the case at any time prior to the issuance of a final decision. A settlement of an appeal shall be jointly signed by the parties, or their designated representatives, and filed in writing or by an electronic copy e-mailed to [paab@iowa.gov](mailto:paab@iowa.gov). The board will not approve settlements unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest. Board adoption of a settlement constitutes the final decision of the board on issues addressed in the settlement.

**701—126.6(421,441) Hearing scheduling and discovery plan.**

**126.6(1) When required.** For appeals involving properties classified commercial or industrial and assessed at \$2 million or more, a scheduling order shall be sent to the parties to set dates for discovery,

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

designation of witnesses, filing of motions, exchange of evidence, and a contested case hearing. In any other appeal, the parties may jointly enter a scheduling order or the board may, on its own motion, issue a scheduling order. The dates established in a scheduling order under this rule shall supersede any dates set forth in any other rule in this chapter.

**126.6(2) *Prehearing conference.*** A party may request a prehearing conference to resolve scheduling issues.

**126.6(3) *Modification.*** The parties may jointly agree to modify a scheduling order. If one party seeks to modify a scheduling order, the party must show good cause for the modification.

**126.6(4) *Failure to comply.*** A party that fails to comply with a scheduling order shall be required to show good cause for failing to comply with the order and that the other party is not substantially prejudiced. Failing to comply with a scheduling order may result in sanctions including, but not limited to, the exclusion of evidence or dismissal of the appeal.

**701—126.7(421,441) Discovery and evidence.**

**126.7(1) *Discovery procedure.*** Discovery procedures applicable in civil actions under the Iowa Rules of Civil Procedure are available to parties in cases before the board. Unless lengthened or shortened by these rules, the board or presiding officer, time periods for compliance with discovery shall be as provided in the Iowa Rules of Civil Procedure.

**126.7(2) *Discovery motions.*** Prior to filing any motion related to discovery, parties shall make a good-faith effort to resolve discovery disputes without the involvement of the board or presiding officer. Any motion related to discovery shall allege that the moving party has made a good-faith attempt to resolve the discovery issues involved with the opposing party. Opposing parties shall be given the opportunity to respond within 10 days of the filing of the motion unless the time is shortened by order of the board or presiding officer. The board or presiding officer may rule on the basis of the written motion and any response or may have a hearing or other proceedings on the motion.

**126.7(3) *Evidence.***

*a. Admissibility.* The presiding officer shall rule on admissibility of evidence and may take official notice of facts in accordance with all applicable requirements of law. Evidence obtained in discovery may be used in the case proceeding if that evidence would otherwise be admissible in that proceeding.

*b. Stipulations.* Stipulation of facts by the parties is encouraged. The presiding officer may make a decision based on stipulated facts.

*c. Scope of admissible evidence.* Evidence in the proceeding shall be confined to the issues contained in the notice from the board prior to the hearing, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. Admissible evidence is that which, in the opinion of the board, is determined to be material, relevant, or necessary for the making of a just decision. Irrelevant, immaterial or unduly repetitious evidence may be excluded. A finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury trial. Hearsay evidence is admissible. The rules of privilege apply in all proceedings before the board.

*d. Exhibits, exhibit and witness lists, and briefs.* The party seeking admission of an exhibit must provide an opposing party with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents to be used as evidence, exhibit lists, and a list of witnesses intended to be called at hearing shall be served on the opposing party at least 21 calendar days prior to the hearing, unless the time period is extended or shortened by the board or presiding officer or the parties have entered a scheduling order under rule 701—126.6(421,441). All exhibits and briefs admitted into evidence shall be appropriately marked and be made part of the record. The appellant shall mark exhibits with consecutive numbers. The appellee shall mark exhibits with consecutive letters.

*e. Objections.* Any party may object to specific evidence or may request limits on the scope of examination or cross-examination. Such an objection shall be accompanied by a brief statement of the grounds upon which the objection is based. The objection, the ruling on the objection, and the reasons

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

for the ruling shall be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

*f. Offers of proof.* Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

**126.7(4) Subpoenas.**

*a. Issuance of subpoena for witness.*

(1) An agency subpoena shall be issued to a party on request. The request shall be in writing and include the name, address, and telephone number of the requesting party. In absence of good cause for permitting later action, a request for subpoena must be received at least 10 days before the scheduled hearing.

(2) Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses.

*b. Issuance of subpoena for production of documents.*

(1) An agency subpoena shall be issued to a party on request. The request shall be in writing and include the name, address, and telephone number of the requesting party. In absence of good cause for permitting later action, a request for subpoena must be received at least 20 days before the scheduled hearing.

(2) Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas.

*c. Motion to quash or modify.* Upon motion, the board or presiding officer may quash or modify a subpoena for any lawful reason in accordance with the Iowa Rules of Civil Procedure.

**701—126.8(421,441) Hearings before the board.**

**126.8(1) Prehearing conference.** An informal conference of parties may be ordered at the discretion of the board or presiding officer or at the request of any party for any appropriate purpose. Any agreement reached at the conference shall be made a part of the record in the manner directed by the board or presiding officer.

**126.8(2) Notice of hearing.** Unless otherwise designated by the board, the hearing shall be held in the hearing room of the board. All hearings are open to the public. If a hearing is requested, the secretary shall mail a notice of hearing to the parties at least 30 days prior to the hearing. The parties may jointly waive the 30-day notice by following the provisions of subrule 126.8(3). The notice of hearing shall contain the following information:

- a.* A statement of the date, time, and place of the hearing;
- b.* A statement of legal authority and jurisdiction under which the hearing is to be held;
- c.* A reference to the particular sections of the statutes and rules involved;
- d.* That the parties may appear and present oral arguments;
- e.* That the parties may submit evidence and briefs;
- f.* That the hearing will be electronically recorded by the board;
- g.* That a party may obtain a certified court reporter for the hearing at the party's own expense;
- h.* That audio visual aids and equipment are to be provided by the party intending to use them;
- i.* A statement that, upon submission of the appeal, the board will take the matter under advisement. A letter of disposition will be mailed to the parties; and
- j.* A compliance notice required by the Americans with Disabilities Act (ADA).

**126.8(3) Waiver of 30-day notice.** The parties to the appeal may jointly waive the 30-day written notice requirement for a hearing. The waiver must be in writing or by e-mail to [paab@iowa.gov](mailto:paab@iowa.gov) and signed by the parties or their designated representatives. By waiving notice, the parties acknowledge they are ready to proceed with the hearing. The parties will be contacted when a hearing date is available but notice for said date may be less than 30 days. The parties will have the right to accept or reject the hearing date.

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

**126.8(4) Continuance.** Any hearing may be continued for “good cause.” Requests for continuance prior to the hearing shall be in writing or by e-mail to [paab@iowa.gov](mailto:paab@iowa.gov) and promptly filed with the secretary of the board immediately upon “the cause” becoming known. An emergency oral continuance may be obtained from the board or presiding officer based on “good cause” and at the discretion of the board or presiding officer. In determining whether to grant a continuance, the board or presiding officer may consider:

- a. Prior continuances;
- b. The interests of all parties;
- c. The likelihood of informal settlement;
- d. The existence of an emergency;
- e. Any objection;
- f. Any applicable time requirements;
- g. The existence of a conflict in the schedules of counsel, parties, or witnesses;
- h. The timeliness of the request; and
- i. Other relevant factors, including the existence of a scheduling order.

**126.8(5) Telephone proceedings.** The board or presiding officer may conduct a telephone conference in which all parties have an opportunity to participate to resolve preliminary procedural motions. Other proceedings, including contested case hearings, may be held by telephone. The board will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when the location is chosen.

**126.8(6) Hearing procedures.** A party to the appeal may request a hearing, or the appeal may proceed without a hearing. The local board of review may be present and participate at such hearing. Hearings may be conducted by the board or by one or more of its members.

a. *Authority of presiding officer.* The presiding officer presides at the hearing and may rule on motions, require briefs, issue a decision, and issue such orders and rulings as will ensure the orderly conduct of the proceedings.

b. *Representation.* Parties to the appeal have the right to participate or to be represented in all hearings. Any party may be represented by an attorney or by a designated representative.

c. *Participation in hearing.* The parties to the appeal have the right to introduce evidence relevant to the grounds set out in the protest to the local board of review. Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

d. *Decorum.* The presiding officer shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

e. *Conduct of the hearing.* The presiding officer shall conduct the hearing in the following manner:

(1) The presiding officer shall give an opening statement briefly describing the nature of the proceedings;

(2) The parties shall be given an opportunity to present opening statements;

(3) The parties shall present their cases in the sequence determined by the presiding officer;

(4) Each witness shall be sworn or affirmed by the presiding officer and shall be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law; and

(5) When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

**126.8(7) Dismissal.** If a party fails to appear or participate in an appeal hearing after proper service of notice, the presiding officer may dismiss the appeal unless a continuance is granted for good cause. If an appeal is dismissed for failure to appear, the board shall have no jurisdiction to consider any subsequent appeal on the appellant’s protest.

**126.8(8) Transcript of hearing.** All hearings shall be electronically recorded. Any party may provide a certified court reporter at the party’s own expense. Any party may request a transcription of the hearing. The board reserves the right to impose a charge for copies and transcripts.

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

**126.8(9) *Members participating.*** Each appeal may be considered by one or more members of the board, and the chairperson of the board may assign members to consider appeals. If the appeal is considered by less than the full membership of the board, the determination made by such members shall be forwarded to the full board for approval, rejection, or modification. Decisions shall affirm, modify, or reverse the decision, order, or directive from which an appeal was made. In order for the decision to be valid, a majority of the board must concur on the decision on appeal.

**126.8(10) *Disqualification of board member.*** A board member or members must, on their own motion or on a motion from a party in the proceeding, withdraw from participating in an appeal if there are circumstances that warrant disqualification.

*a.* A board member or members shall withdraw from participation in the making of any proposed or final decision in an appeal before the board if that member is involved in one of the following circumstances:

- (1) Has a personal bias or prejudice concerning a party or a representative of a party;
- (2) Has personally investigated, prosecuted, or advocated in connection with the appeal, the specific controversy underlying that appeal, or another pending factually related matter, or a pending factually related controversy that may culminate in an appeal involving the same parties;
- (3) Is subject to the authority, direction, or discretion of any person who has personally investigated, prosecuted, or advocated in connection with that matter, the specific controversy underlying the appeal, or a pending factually related matter or controversy involving the same parties;
- (4) Has acted as counsel to any person who is a private party to that proceeding within the past two years;
- (5) Has a personal financial interest in the outcome of the appeal or any other significant personal interest that could be substantially affected by the outcome of the appeal;
- (6) Has a spouse or relative within the third degree of relationship who:
  1. Is a party to the appeal, or an officer, director or trustee of a party;
  2. Is a lawyer in the appeal;
  3. Is known to have an interest that could be substantially affected by the outcome of the appeal;

or

4. Is likely to be a material witness in the appeal; or
- (7) Has any other legally sufficient cause to withdraw from participation in the decision making in that appeal.

*b.* Motion for disqualification.

(1) If a party asserts disqualification on any appropriate ground, including those listed in paragraph 126.8(10)“*a.*,” the party shall file a motion supported by an affidavit pursuant to Iowa Code section 17A.11. The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party. If, during the course of the hearing, a party first becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification, but must establish the grounds by the introduction of evidence into the record.

(2) If a majority of the board determines that disqualification is appropriate, the board member shall withdraw. If a majority of the board determines that withdrawal is not required, the board shall enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal and a stay as provided under 701—Chapter 7.

*c.* The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other functions of the board, including fact gathering for purposes other than investigation of the matter which culminates in an appeal. Factual information relevant to the merits of an appeal received by a person who later serves as presiding officer or a member of the board shall be disclosed if required by Iowa Code section 17A.11 and this rule.

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

*d. Withdrawal.* In a situation where a presiding officer or any other board member knows of information which might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, that person shall submit the relevant information for the record by affidavit and shall provide for the record a statement of the reasons for the determination that withdrawal is unnecessary.

**701—126.9(421,441) Posthearing motions.**

**126.9(1) *Motion to reopen records.*** The board or presiding officer, on the board's or presiding officer's own motion or on the motion of a party, may reopen the record for the reception of further evidence. A motion to reopen the record may be made anytime prior to the issuance of a final decision.

**126.9(2) *Rehearing and reconsideration.***

*a. Application for rehearing or reconsideration.* Any party to a case may file an application for rehearing or reconsideration of the final decision. The application for rehearing or reconsideration shall be filed within 20 days after the final decision in the case is issued.

*b. Contents of application.* Applications for rehearing or reconsideration shall specify the findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the alleged grounds of error. Any application for rehearing or reconsideration asserting that evidence has arisen since the final order was issued as a ground for rehearing or reconsideration shall present the evidence by affidavit that includes an explanation of the competence of the person to sponsor the evidence and a brief description of the evidence sought to be included.

*c. Notice to other parties.* A copy of the application shall be timely mailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the board shall serve copies on all parties.

*d. Requirements for objections to applications for rehearing or reconsideration.* An answer or objection to an application for rehearing or reconsideration must be filed within 14 days of the date the application was filed with the board, unless otherwise ordered by the board.

*e. Disposition.* Any application for a rehearing shall be deemed denied unless the board grants the application within 20 days after its filing.

**701—126.10(17A,441) Judicial review.**

**126.10(1) *Appeals of board decisions.*** A party may seek judicial review of a decision rendered by the board by filing a written notice of appeal with the clerk of the district court where the property is located within 20 days after the letter of disposition of the appeal by the board is mailed to the appellant. Iowa Code chapter 17A applies to judicial review of the board's final decision. The filing of the petition does not itself stay execution or enforcement of the board's final decision. The board may grant a stay on appropriate terms or other temporary remedies during the pendency of judicial review.

**126.10(2) *Stays of agency actions.*** Any party to a contested case proceeding may petition the board for a stay or other temporary remedies pending judicial review of all or part of that proceeding. The petition shall state the reasons justifying a stay or other temporary remedy. In determining whether to grant a stay, the board or presiding officer shall consider the factors listed in Iowa Code section 17A.19(5) "c." A stay may be vacated by the board upon application of any other party.

**701—126.11(22,421) Records access.**

**126.11(1) *Location of record.*** A request for access to a record should be directed to the custodian.

**126.11(2) *Office hours.*** Open records shall be made available during all customary office hours, which are 8 a.m. to 4:30 p.m. Monday through Friday excluding holidays.

**126.11(3) *Request for access.*** Requests for access to open records may be made in writing, in person, by e-mail, or by telephone. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail, e-mail, and telephone requests shall include the name, address, and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

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

**126.11(4) *Response to requests.*** Access to an open record shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record requires time for compliance, the custodian shall comply with the request as soon as feasible. Access to an open record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian shall promptly give notice to the requester of the reason for any delay in access to an open record and an estimate of the length of that delay and, upon request, shall promptly provide that notice to the requester in writing. The custodian of a record may deny access by members of the public to the record only on the grounds that such a denial is warranted under Iowa Code sections 22.8(4) and 22.10(4), or that it is a confidential record, or that its disclosure is prohibited by a court or board order. Access by members of the public to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the applicable provisions of law.

**126.11(5) *Security of record.*** No person may, without permission from the secretary, search or remove any record from board files. Examination and copying of board records shall be supervised by the secretary. Records shall be protected from damage and disorganization.

**126.11(6) *Copying.*** A reasonable number of copies of an open record may be made in the board's office. If photocopy equipment is not available, the custodian shall permit examination of the record and shall arrange to have copies promptly made elsewhere.

**126.11(7) *Fees.***

*a. When charged.* The board may charge fees in connection with the examination or copying of records only if the fees are authorized by law. To the extent permitted by applicable provisions of law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

*b. Copying and postage costs.* Price schedules for published materials and for photocopies of records supplied by the board are available from the custodian. Copies of records may be made by or for members of the public on board photocopy machines or from electronic storage systems at cost as determined and made available by the custodian. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

*c. Supervisory fee.* An hourly fee may be charged for actual board expenses in supervising the examination and copying of requested records when the supervision time required is in excess of one hour. The custodian shall provide the hourly fees to be charged for supervision of records during examination and copying. That hourly fee shall not be in excess of the hourly wage of a board clerical employee who ordinarily would be appropriate and suitable to perform this supervisory function.

*d. Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds \$25, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) When a requester has previously failed to pay a fee chargeable under this subrule, the custodian may require advance payment of the full amount of any estimated fee before the custodian processes a new request from that requester.

These rules are intended to implement Iowa Code sections 421.1, 421.1A, 421.2, 441.37A, 441.38 and 441.49 and chapters 17A and 22.

## TREASURER OF STATE

### Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State Mary Mosiman have established today the following rates of interest for public obligations and special assessments. The usury rate for June is 4.00%.

TREASURER OF STATE(cont'd)

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants .....	Maximum 6.0%
74A.4 Special Assessments .....	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective June 9, 2015, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days .....	Minimum .05%
32-89 days .....	Minimum .05%
90-179 days .....	Minimum .05%
180-364 days .....	Minimum .05%
One year to 397 days .....	Minimum .05%
More than 397 days .....	Minimum .10%

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

## ARC 2048C

## AGING, DEPARTMENT ON[17]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 231.23, the Department on Aging hereby amends Chapter 2, "Department on Aging," Iowa Administrative Code.

The amendments do the following:

1. Provide a current address for the Department's official Web site. The Department's Web site has been modernized and has a new Web address.

2. Align the chapter with the Department's current organizational units and structure. The Department recently created a new division. These amendments reflect the new structure of the Department.

3. Remove provisions duplicative of already existing language in the Iowa Code, Iowa Administrative Code, and federal law. These amendments remove references to staffing and discrimination requirements. These requirements exist in the current Iowa Code and Iowa Administrative Code and federal law.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1898C** on March 4, 2015. The Department received no comments during the comment period.

Since publication of the Notice, the item statements have been revised in order to rescind "and reserve" rule 17—2.4(231). Item 3, which would have renumbered rule 17—2.5(231) as 17—2.4(231), has not been adopted. The subsequent items have been renumbered and revised accordingly.

The Iowa Commission on Aging adopted these amendments on June 5, 2015.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions found in Chapter 11, "Waivers or Variances from Administrative Rules."

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

These amendments are intended to implement Iowa Code section 231.23.

These amendments will become effective on July 29, 2015.

The following amendments are adopted.

ITEM 1. Amend subrule 2.3(2) as follows:

**2.3(2) Contact information.** General correspondence, inquiries, requests for information or assistance, complaints, or petitions may be sent to or obtained from the following sources:

- a. By mail addressed to: Director, Iowa Department on Aging, Jessie Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319;
- b. By telephone at (515)725-3333 or 1-800-532-3213; or
- c. From the Web site at [www.aging-iowa.gov](http://www.aging-iowa.gov) [www.iowaaging.gov](http://www.iowaaging.gov).

ITEM 2. Rescind and reserve rule **17—2.4(231)**.

ITEM 3. Amend rule 17—2.5(231), introductory paragraph, as follows:

**17—2.5(231) Organizational units of the department.** The department's activities are performed by employees within the office of the director, ~~two~~ and three ~~divisions and the office of elder rights~~. Grants will be managed by the appropriate division, ~~office of the director or office of elder rights~~, dependent upon the source and intended use of funds.

ITEM 4. Amend subrule 2.5(1) as follows:

**2.5(1) Office of the director.** The office of the director is may be comprised of the director, the assistant director, the state long-term care ombudsman, the policy coordinator, the public information officer, and other personnel. This office is responsible for the overall planning, policy, management and operations of the department.

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

ITEM 5. Rescind subrules 2.5(2) to 2.5(4) and adopt the following **new** subrules in lieu thereof:

**2.5(2) *Division of programs and administration.*** The responsibilities of the division of programs and administration include the development and operation of home- and community-based programs, development of program and operational budgets, and accounting and administrative control of appropriation expenditures.

**2.5(3) *Division of policy and planning.*** The responsibilities of the division of policy and planning include providing leadership and direction for the integration of policy development and ensuring that policies are consistent with department goals and results.

**2.5(4) *Division of elder rights.*** The responsibilities of the division of elder rights include development, administration, and operation of the program and budget for the office of the state long-term care ombudsman and other programs impacting elder rights.

ITEM 6. Rescind and reserve rules **17—2.6(231)** to **17—2.8(231)**.

[Filed 6/5/15, effective 7/29/15]

[Published 6/24/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/15.

**ARC 2041C**

## **AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 199.11(1), the Department of Agriculture and Land Stewardship hereby amends Chapter 40, "Agricultural Seeds," Iowa Administrative Code.

This amendment clarifies that qualifying seed libraries are subject to permitting but not to labeling, testing and fees.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1980C** on April 29, 2015. No comments were received from the public. The adopted amendment is identical to that published under Notice.

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

This amendment is intended to implement Iowa Code section 199.15.

This amendment will become effective July 29, 2015.

The following amendment is adopted.

Adopt the following **new** rule 21—40.16(199):

**21—40.16(199) Seed libraries.** A qualified seed library may be a library district formed under Iowa Code section 336.2, a library board functioning under Iowa Code section 392.5, or an Iowa food bank or Iowa emergency feeding organization recognized by the Iowa department of revenue. A qualified seed library is subject to permitting by the department, but is not subject to labeling, testing and fees for giving, distributing or exchanging agricultural seed as long as all of the following apply:

1. The exchanges or distributions are made at a single location and no money is exchanged;
2. All seed is intended for planting in Iowa;
3. Individuals receive two pounds or less of seed annually;
4. The seed has not been treated with pesticide;
5. Patented, protected or propriety varieties of seed are used or included in the qualified seed library only with the permission of the patent or certificate holder, developer or owner of the intellectual property associated with the variety;
6. The certified seed status is not misused or misrepresented; and

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

7. The seed has not been placed under a stop sale order by the department or any other regulatory agency.

[Filed 6/3/15, effective 7/29/15]

[Published 6/24/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/15.

**ARC 2038C****ECONOMIC DEVELOPMENT AUTHORITY[261]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 15.106A, the Economic Development Authority hereby adopts amendments to Chapter 23, "Iowa Community Development Block Grant Program," Chapter 173, "Standard Definitions," and Chapter 174, "Wage, Benefit, and Investment Requirements," Iowa Administrative Code.

The amendments help align the community development block grant (CDBG) rules with planning and programming requirements of the U.S. Department of Housing and Urban Development (HUD). The amendments clarify Chapters 23, 173 and 174, update references, and consolidate all requirements for CDBG-funded programs into one chapter.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 4, 2015, as **ARC 1890C**. No public comment was received on these amendments. Item 10 has been revised since these amendments were published under Notice of Intended Action to add the term "the Economic Development Authority" and to include two additional rule references.

The Economic Development Authority Board approved these amendments on May 21, 2015.

After analysis and review of this rule making, no negative impact on jobs has been found. The Authority finds that these amendments to the state Community Development Block Grant Program will align the program more closely with federal requirements and make the program more flexible and usable for Iowa communities.

These amendments are intended to implement Iowa Code section 15.108(1)"a."

These amendments will become effective on July 29, 2015.

The following amendments are adopted.

ITEM 1. Amend rule 261—23.2(15) as follows:

**261—23.2(15) Definitions.** When used in this chapter, unless the context otherwise requires:

*"Activity"* means one or more specific activities, projects or programs assisted with CDBG funds.

*"Adaptive reuse"* means conversion of an existing building or structure from nonresidential use to residential use.

*"Annual action plan"* means the annual plan required and approved by the U.S. Department of Housing and Urban Development that outlines the state's processes and procedures for distribution of CDBG funds. The annual action plan is an annual update to the state's CDBG consolidated plan. The federal requirements for an annual action plan can be found at [http://www.hud.gov/offices/cpd/about/conplan/toolsandguidance/guidance/state\\_guidelines.pdf](http://www.hud.gov/offices/cpd/about/conplan/toolsandguidance/guidance/state_guidelines.pdf). The annual action plan can be found on the authority's CDBG Web site.

*"Annual allocation"* means the annual amount HUD allocates to the state of Iowa for CDBG activities.

*"Authority"* means the economic development authority created in Iowa Code section 15.105.

*"Career link"* means a program providing training and enhanced employment opportunities to the working poor and underemployed Iowans low- and moderate-income persons.

*"CDBG"* means community development block grant.

*"Citizen participation plan"* means the plan required and approved by the U.S. Department of Housing and Urban Development that describes the state's process for including citizen participation in

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

development of its consolidated plan and annual action plan. The citizen participation plan is available on the authority's CDBG Web site.

"Consolidated plan" means the five-year plan required and approved by the U.S. Department of Housing and Urban Development that establishes goals and objectives for the state's CDBG program.

The consolidated plan is available on the authority's CDBG Web site.

"EDSA" means economic development set-aside.

"HUD" means the U.S. Department of Housing and Urban Development.

"IDED" means the Iowa department of economic development.

"LMI" means low and moderate income. Households earning 80 percent or less of the area median income are LMI households.

"PFSA" means public facilities set-aside.

"Program income" means gross income a recipient receives that is directly generated by the use of CDBG funds, including funds generated by the use of program income.

"Program year" means the annual period beginning January 1 and ending December 31.

"Quality jobs program" means a job training program formerly funded with CDBG funds that is no longer operational.

"Recipient" means a local government entity awarded CDBG funds under any CDBG program.

"Subrecipient" means a public or nonprofit entity contracting with and receiving funds from a recipient to carry out CDBG project activities.

"Sustainable community activities" means activities to develop viable communities while preserving precious environment and resources.

"Working poor" means an employed person with an annual household income between 25 and 50 percent of the area median family income.

ITEM 2. Rescind rule 261—23.3(15) and adopt the following **new** rule in lieu thereof:

**261—23.3(15) Annual action plan.** The authority will prepare a CDBG annual action plan for submittal to and approval by HUD. The plan will provide a description of the activities and programs that will take place during the year to meet goals established in the consolidated plan.

**23.3(1)** The annual action plan will contain the following:

- a. Executive summary.
- b. Sources of federal and state funds.
- c. Statement of specific annual objectives.
- d. Outcome measures.
- e. Method of distribution of funds.
- f. Allocation priorities and geographic distribution.
- g. Annual affordable housing goals.
- h. Homeless and other special needs.
- i. Other actions to meet underserved community development needs.
- j. Citizen participation in development of the plan.
- k. Certifications required by 24 CFR 91.325 as revised December 5, 2011.
- l. Monitoring efforts to ensure compliance.

**23.3(2)** The authority will follow the state's citizen participation plan during the development of the annual action plan. A draft annual action plan will be available on the authority's CDBG Web site for 30 days for public review and comment. The authority will hold a public hearing during the comment period to collect public input on the plan prior to its submittal to HUD.

**23.3(3)** The annual action plan will be submitted to HUD by November 15 of each year or 60 days after HUD announces the annual allocation amount. Upon review and approval by HUD, the annual action plan will cover activities from January 1 to December 31 of the year following plan submittal to HUD.

**23.3(4)** The annual action plan will include the proposed CDBG program funding allocation, including the percentage of funds allocated for each of the CDBG programs and activities listed in rule 261—23.4(15).

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 3. Rescind rule 261—23.4(15) and adopt the following new rule in lieu thereof:

**261—23.4(15) Allocation of funds and eligible applicants.**

**23.4(1) Allocation of funds.** Upon approval by HUD, the authority will annually allocate CDBG funds among programs or activities according to the annual action plan as follows:

- a. Administration.
- b. Technical assistance.
- c. Housing fund.
- d. Job creation, retention and employment enhancement fund. Job creation, retention and employment enhancement funds are awarded through three programs: the economic development set-aside (EDSA), the public facilities set-aside (PFSA), and career link.
- e. Water and sewer fund.
- f. Community facilities fund.
- g. Opportunities and threats fund.

**23.4(2) Eligible applicants.** All incorporated cities and all counties in the state of Iowa, except those designated as entitlement areas by the U.S. Department of Housing and Urban Development, are eligible to apply for and receive funds under the CDBG program. Applicants shall not apply on behalf of eligible applicants other than themselves.

**23.4(3) Application with subrecipients.** Any eligible applicant may apply directly or on behalf of a subrecipient.

**23.4(4) Joint applications.** Any eligible applicant may apply individually or jointly with another eligible applicant or other eligible applicants.

**23.4(5) Reallocation.** Any reserved funds not used for their specified purpose within the program year shall be reallocated in amounts and to funds as approved by the director to ensure the availability of resources to those funds in which the greatest need is demonstrated to exist or to respond to community or business needs.

**23.4(6) Recaptured funds.** Recaptured funds shall be available for use through the water and sewer fund, the community facilities fund, the opportunities and threats fund, the housing fund, the downtown revitalization fund, and the economic development set-aside fund. As approved by the director, recaptured funds may be used to fund projects from the job creation, retention and employment enhancement fund in order to respond to an immediate business need if no funds are available through the economic development set-aside fund or public facilities set-aside fund. Recaptured funds remaining at the end of a program year shall be reallocated in amounts and to funds as approved by the director to ensure the availability of resources to those funds in which the greatest need is demonstrated to exist or to respond to a community or business need.

ITEM 4. Amend rule 261—23.5(15), introductory paragraph, as follows:

**261—23.5(15) Common requirements for funding.** Applications for funds under any of the ~~CDBG programs~~ program-allocated funds pursuant to rule 261—23.4(15) shall meet the following minimum criteria:

ITEM 5. Amend subrule **23.5(2)** by lettering paragraphs “1” to “3” as “a” to “c.”

ITEM 6. Amend subrule 23.5(8) as follows:

**23.5(8) Negotiation of awards.** ~~IDEED reserves the right to~~ The authority may negotiate award amounts, terms and conditions prior to making any award under any program.

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 7. Amend subrule **23.5(9)** by lettering paragraphs “1” to “21” as “a” to “u.”

ITEM 8. Amend rule 261—23.6(15), catchwords, as follows:

**261—23.6(15) Requirements for the ~~competitive program~~ water and sewer and community facilities funds.**

ITEM 9. Amend paragraph **23.6(1)“a”** as follows:

a. An applicant shall be allowed to submit one application per year under the water and sewer fund and one application per year under the community facilities ~~and services~~ fund.

ITEM 10. Strike “IDED” wherever it appears in subrule **23.6(3)**, introductory paragraph, paragraphs **23.6(3)“b,” “f”** and **“g,”** paragraph **23.6(4)“b,”** subparagraph **23.6(4)“c”(9)**, paragraphs **23.6(4)“d”** and **“e,”** paragraph **23.7(1)“i,”** subrule **23.10(1)**, subparagraphs **23.10(2)“b”(7)** and **(9)**, subrules **23.14(1)** to **23.14(3)**, **23.15(1)**, **23.15(5)**, **23.15(6)**, **23.15(11)**, and **23.15(12)** and paragraph **23.16(3)“e”** and insert “authority,” “the authority” or “the Economic Development Authority” in lieu thereof as the context requires.

ITEM 11. Amend paragraph **23.6(3)“a”** as follows:

a. Application forms shall be available ~~upon request from IDED, Community Development Division, 200 East Grand Avenue, Des Moines, Iowa 50309, or on the division’s Web site at www.community.state.ia.us at iowagrants.gov.~~

ITEM 12. Amend paragraph **23.6(3)“c,”** introductory paragraph, as follows:

c. ~~IDED~~ The authority shall review applications and make funding decisions based on the following criteria described in the annual action plan. Review criteria typically include:

ITEM 13. Amend subrule 23.6(4), introductory paragraph, as follows:

**23.6(4) Community facilities ~~and services~~ fund application procedure.** Each year, ~~IDED~~ the authority shall announce the availability of funds and instructions for applying for funds through direct mail, public notices, media releases, workshops or other means determined necessary by ~~IDED~~ the authority.

ITEM 14. Amend paragraph **23.6(4)“a”** as follows:

a. Application forms shall be available ~~upon request from IDED, Community Development Division, 200 East Grand Avenue, Des Moines, Iowa 50309, or on the division’s Web site at www.community.state.ia.us at iowagrants.gov.~~

ITEM 15. Amend paragraph **23.6(4)“c,”** introductory paragraph, as follows:

c. ~~IDED~~ The authority shall review applications and make funding decisions based on the following criteria described in the annual action plan. Review criteria typically include:

ITEM 16. Amend subrule 23.6(5) as follows:

**23.6(5) Contingent funding Matching funds.** ~~IDED~~ The authority may make awards contingent upon receipt of funding from other sources require matching funds as a contingency of an award as described in the annual action plan.

ITEM 17. Amend subrule 23.6(6) as follows:

**23.6(6) Negotiation of awards.** ~~IDED reserves the right to~~ The authority may negotiate award amounts and terms as described in the annual action plan.

ITEM 18. Amend paragraph **23.7(1)“a”** as follows:

a. Applicants shall apply only for direct loans or forgivable loans to make to private businesses for the creation of new jobs or the retention of existing jobs that would otherwise be lost. Eligible activities include infrastructure projects in direct support of economic development activities.

ITEM 19. Rescind paragraph **23.7(1)“c”** and adopt the following **new** paragraph in lieu thereof:

c. For a project to be eligible for assistance, jobs created or retained shall meet the qualifying wage described in the annual action plan.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 20. Amend paragraph **23.7(1)“e”** as follows:

*e.* Projects must maintain a minimum ratio of one permanent job created or retained for every ~~\$10,000~~ \$20,000 in CDBG funds awarded.

ITEM 21. Rescind paragraph **23.7(1)“l.”**

ITEM 22. Amend subrule 23.7(2) as follows:

**23.7(2) Application procedure.** Application forms and instructions shall be available ~~upon request from IDEED, Business Development Division, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4819. An original and two copies of completed applications with required attachments shall be submitted to the same address at iowagrants.gov.~~ IDEED The authority shall accept EDSA applications at any time and shall review applications on a continuous basis. IDEED The authority shall take action on submitted applications within 60 days of receipt. Action may include funding the application for all or part of the requested amount, denying the applicant’s request for funding or requesting additional information from the applicant for consideration before a final decision is made.

ITEM 23. Amend subrule 23.7(3) as follows:

**23.7(3) Review criteria.** ~~IDEED The authority shall review applications and make funding decisions based on the following criteria described in the annual action plan. Review criteria typically include:~~

- ~~1- a.~~ Impact of the project on the community.
- ~~2- b.~~ Appropriateness of the jobs to be created or retained by the proposed project.
- ~~3- c.~~ Appropriateness of the proposed wage and benefit package available to employees in jobs created or retained by the proposed project.
- ~~4- d.~~ Degree to which EDSA funding would be leveraged by private investment.
- ~~5- e.~~ Degree of demonstrated business need.

~~In evaluating applications, IDEED shall give supplementary credit to applicants who have executed a good neighbor agreement with the business to be assisted.~~

~~IDEED may conduct site evaluations of proposed projects.~~

ITEM 24. Amend subrule 23.8(2) as follows:

**23.8(2) Application procedure.** Application forms and instructions shall be available ~~upon request from IDEED, Business Development Division, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4819. An original and one copy of completed applications with required attachments shall be submitted to the same address at iowagrants.gov.~~ IDEED The authority shall accept PFSA applications at any time and shall review applications on a continuous basis. IDEED The authority shall take action on submitted applications within 60 days of receipt. Action may include funding the application for all or part of the requested amount, denying the applicant’s request for funding or requesting additional information from the applicant for consideration before a final decision is made.

ITEM 25. Amend subrule 23.8(3) as follows:

**23.8(3) Review criteria.** ~~IDEED The authority shall review applications and make funding decisions based on the following criteria described in the annual action plan. Review criteria typically include:~~

- ~~1- a.~~ Impact of the project on the community.
- ~~2- b.~~ Number of jobs created or retained per funds requested.
- ~~3- c.~~ Degree to which PFSA funding would be leveraged by private investment.
- ~~4- d.~~ Degree of demonstrated need for the assistance.

~~IDEED may conduct site evaluations of proposed projects.~~

ITEM 26. Adopt the following **new** subrule 23.8(4):

**23.8(4) Transfer of PFSA to EDSA.** On or after July 29, 2015, funding for public facility infrastructure projects will be available under the EDSA program described in rule 261—23.7(15).

ITEM 27. Amend rule 261—23.9(15), introductory paragraph, as follows:

**261—23.9(15) Requirements for the career link program.** Projects funded through the career link program assist the unemployed and underemployed to obtain the training and skills services necessary to move into available higher-skill, higher-paying jobs.

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 28. Amend subrule 23.9(1) as follows:

**23.9(1) Restrictions on applicants.**

~~a.~~ ~~Identified positions shall pay an average starting wage that meets or exceeds the lower of 100 percent of the average county wage or 100 percent of the average regional wage.~~

~~b.~~ a. Applications for training projects shall include evidence of business participation in the curriculum design and evidence that a number of positions are available equal to or greater than the number of persons to be trained. Applications for employment-related transportation projects shall include evidence of local support for the project, including matching funds committed to the project.

~~c.~~ b. The project length shall not exceed 24 months.

~~d.~~ c. Applicants may use ~~awarded funds~~ career link funds for training, apprenticeship programs, employment-related transportation and supportive services, and child care costs. Up to 5 percent of funds may be used for administration.

~~e.~~ ~~Rescinded IAB 1/19/05, effective 2/23/05.~~

ITEM 29. Amend subrule 23.9(2) as follows:

**23.9(2) Application procedure.** Application forms and instructions shall be available ~~upon request from IDEED, Community Development Division, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4783. An original and five copies of completed applications shall be submitted to the same address at iowagrants.gov.~~ IDEED The authority shall accept career link applications at any time and shall review applications on a continuous basis until all program funds are obligated or the program is discontinued.

ITEM 30. Amend subrule 23.9(3) as follows:

**23.9(3) Review criteria.** ~~IDEED~~ The authority shall review applications and make funding decisions based on the following criteria: described in the annual action plan.

a. Review criteria for training projects typically include:

~~1.~~ (1) Quality of the jobs available and business participation.

~~2.~~ (2) Merit of the proposed training plan.

~~3.~~ (3) Degree to which career link funds are leveraged by other funding sources.

~~4.~~ (4) Merit of the recruitment/job matching plan.

~~5.~~ (5) Scope of project benefit relative to the amount of funds invested.

b. Review criteria for supportive services typically include:

(1) Degree to which career link funds are leveraged by other funding sources.

(2) Scope of project benefit relative to the amount of funds invested.

(3) Magnitude of need for the project.

(4) Local support for the project.

ITEM 31. Amend rule 261—23.10(15), introductory paragraph, as follows:

**261—23.10(15) Requirements for the contingency opportunities and threats fund.** ~~The contingency opportunities and threats~~ fund is reserved for communities experiencing a threat to public health, safety or welfare that necessitates immediate corrective action sooner than can be accomplished through normal community development block grant procedures, or for disaster recovery activities, or for communities developing a sustainable community demonstration project.

ITEM 32. Amend subrule 23.10(2), introductory paragraph, as follows:

**23.10(2) Application review.** Upon receipt of a request for ~~contingency opportunities and threats~~ funding, ~~IDEED~~ the authority shall determine whether the project is eligible for funding and notify the applicant of its determination. A project shall be considered eligible if it meets the following The authority shall review applications and make funding decisions based on criteria described in the annual action plan. Review criteria typically include:

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 33. Amend subrule 23.10(3) as follows:

**23.10(3) *Additional information.*** ~~IDED reserves the right to~~ The authority may request additional information on forms prescribed by IDEED the authority prior to making a final funding decision. IDEED reserves the right to The authority may negotiate final project award and design components.

ITEM 34. Amend subrule 23.10(4) as follows:

**23.10(4) *Future allocations.*** ~~IDED reserves the right to~~ The authority may reserve future funds anticipated from federal CDBG allocations to the contingency fund to offset current need for commitment of funds which may be met by amounts deferred from current awards.

ITEM 35. Amend rule 261—23.11(15) as follows:

**261—23.11(15) Requirements for the housing fund program.** ~~Specific requirements for the housing fund are listed separately at 261—Chapter 25.~~

**23.11(1) *Housing fund application procedure.*** Each year, the authority shall announce the availability of funds and instructions for applying for funds through direct mail, public notices, media releases, workshops or other means determined necessary by the authority.

a. Application forms shall be available at iowagrants.gov.

b. Applications shall be submitted by the deadline established by the authority.

c. The authority shall review applications and make funding decisions based on criteria described in the annual action plan. Review criteria typically include:

(1) Level of need.

(2) Level of impact.

(3) Community involvement in other housing and community development activities.

(4) Project readiness.

(5) Local involvement in the project.

d. Applicants selected to receive awards shall be notified by letter from the authority director by the date(s) determined by the authority.

**23.11(2) *Applicability to housing fund on or after July 1, 2015.*** For CDBG housing fund program awards made on or after July 1, 2015, the administrative rules in this chapter will apply. For CDBG housing fund program awards made before July 1, 2015, the administrative rules in 261—Chapter 25 will apply for contract administration and project closeout purposes.

ITEM 36. Rescind and reserve rule **261—23.12(15)**.

ITEM 37. Amend subrule **23.14(2)** by lettering paragraphs “1” to “4” as “a” to “d.”

ITEM 38. Amend subrule 23.15(4) as follows:

**23.15(4) *Program income.*** If a recipient receives program income before the contract end date, ~~the program income must be expended before requesting additional funds are requested.~~ If a recipient receives program income on or after the contract end date, the recipient may reuse the program income according to an IDEED authority-approved reuse plan, or the recipient may return the program income to IDEED the authority. If a recipient receives less than \$25,000 \$35,000 of program income cumulative of all CDBG grants in a program year, ~~the program income shall be considered miscellaneous revenue and may be used for any purpose.~~

ITEM 39. Amend subrule 23.15(7) as follows:

**23.15(7) *Contract amendments.*** Any substantive change to a funded CDBG project, including time extensions, budget revisions and significant alteration to proposed activities, shall be considered a contract amendment. The recipient shall request the amendment in writing. No amendment shall be valid until approved in writing by IDEED the authority. ~~IDED shall not approve the addition of a new activity unrelated to the original contract activities, unless all original activities shall also be completed per the contract. In such cases, IDEED may allow up to \$10,000 of the original CDBG award to be used for a new activity. For projects funded under the economic development set-aside, IDEED shall not approve amendments involving the replacement of one activity with another.~~

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 40. Amend subrule 23.15(8) as follows:

**23.15(8) *Contract closeout and audit.*** Upon completion of project activities and contract expiration, ~~IDEED~~ the authority shall initiate closeout procedures. Contracts may be subject to audit before closeout of the contract can be completed. ~~Recipients that expend \$500,000 or more of federal funds within one year must have these funds audited.~~ The audit shall be performed in a manner consistent with the provisions set forth in the Single Audit Act, ~~as revised in~~ of 1996, and described in the CDBG management guide.

ITEM 41. Amend subrule 23.16(2) as follows:

**23.16(2) *Application procedure.*** Application forms and instructions shall be available ~~upon request from IDEED, Community Development Division, 200 East Grand Avenue, Des Moines, Iowa 50309, or on the division Web site at www.iowalifechanging.com/community at iowagrants.gov.~~

ITEM 42. Amend subrule 23.16(3), introductory paragraph, as follows:

**23.16(3) *Review criteria.*** ~~IDEED~~ The authority shall review applications and make funding decisions based on ~~the following~~ criteria described in the annual action plan. Review criteria typically include:

ITEM 43. Adopt the following new subrule 23.16(4):

**23.16(4) *Notification of award.*** Applicants selected to receive awards shall be notified by letter from the authority director by the date(s) determined by the authority.

ITEM 44. Adopt the following new rule 261—23.17(15):

**261—23.17(15) Section 108 Loan Guarantee Program.** The authority will apply to HUD's Section 108 Loan Guarantee Program to establish a section 108 program to assist with economic and community development projects in Iowa.

**23.17(1) *Eligible applicants.***

a. All incorporated cities and all counties in the state of Iowa, except those designated as entitlement areas by HUD, are eligible to apply for and receive funds under this program.

b. Projects must meet a national objective as described in subrule 23.5(2).

c. The minimum loan amount for a project will be \$500,000. The maximum loan amount for a project will be \$10 million.

d. Applications must provide evidence of adequate private equity and ability to repay loan funds.

e. Applicants must certify to meet all applicable federal requirements including those requirements in subrule 23.5(9).

**23.17(2) *Eligible activities.*** Projects under the program will fall into at least one of the following categories:

a. Economic development resulting in substantial private investment and job creation/retention.

b. Adaptive reuse of vacant or underutilized commercial or industrial buildings for residential purposes.

c. Conversion of buildings to provide upper-story residential units.

d. Rehabilitation of vacant single-family residential units or demolition of blighted, unoccupiable, vacant single-family residential units.

**23.17(3) *Application procedure.*** Application forms and instructions shall be available at iowagrants.gov. The authority shall accept section 108 applications at any time and shall review applications on a continuous basis as long as funding is available.

**23.17(4) *Review criteria and funding decision.*** The authority shall review applications based on criteria described in the annual action plan. All final funding decisions will be made by HUD.

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

- ITEM 45. Rescind and reserve paragraph **173.1(1)“a.”**  
 ITEM 46. Rescind and reserve paragraph **174.3(5)“c.”**  
 ITEM 47. Rescind and reserve subrule **174.5(3).**  
 ITEM 48. Rescind and reserve subrule **174.6(5).**  
 ITEM 49. Amend rule 261—174.8(15) as follows:

**261—174.8(15) Benefit requirements—prior to July 1, 2009.** This rule regarding benefit requirements applies to awards made on or before June 30, 2009. This rule shall apply to the prior programs and funding sources until such time as the contracts for these prior programs are closed by the department.

Program	Benefit Requirement	Deductible Requirements	Is a monetary equivalent to benefits allowed?	Benefits Counted Toward Monetary Equivalent
EZ	80% medical and dental coverage, single coverage <b>only</b> OR the monetary equivalent	\$750 maximum for single coverage/ \$1500 maximum for family coverage	Yes	-Medical coverage (family portion) -Dental coverage (family portion) -Pension/401(k) (company's average contribution) -Profit-sharing plan -Life insurance -Short-/long-term disability insurance -Vision insurance -Child care
HQJC	No benefit requirement (If, however, the company does not provide 80% medical and dental coverage for a single employee, the award will be reduced by 10%.)	\$750 maximum for single coverage/ \$1500 maximum for family coverage	No  (Providing 80% medical and dental coverage for a single employee is one of eight qualifying criteria the company may use to qualify for the program. Monetary equivalent of other benefits is not considered.)	Not applicable
EDSA	<del>80% medical and dental for single employees OR 50% medical and dental for family coverage OR the monetary equivalent</del>	<del>\$750 maximum for single coverage/ \$1500 maximum for family coverage</del>	Yes	-Medical coverage (family portion) -Dental coverage (family portion) -Pension/401(k) (company's average contribution) -Profit-sharing plan -Life insurance -Short-/long-term disability insurance -Vision insurance -Child care -Other documented benefits offered to all employees (i.e., uniforms, tuition reimbursement, etc.)
CEBA	80% medical and dental for single employees OR 50% medical and dental for family coverage OR the monetary equivalent	\$750 maximum for single coverage/ \$1500 maximum for family coverage	Yes	-Medical coverage (family portion) -Dental coverage (family portion) -Pension/401(k) (company's average contribution) -Profit-sharing plan -Life insurance -Short-/long-term disability insurance -Vision insurance -Child care -Other documented benefits offered to all employees (i.e., uniforms, tuition reimbursement, etc.)

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

Program	Benefit Requirement	Deductible Requirements	Is a monetary equivalent to benefits allowed?	Benefits Counted Toward Monetary Equivalent
VAAPFAP	Not applicable	Not applicable	Not applicable	Not applicable
PIAP	Not applicable	Not applicable	Not applicable	Not applicable
EVA	Not applicable	Not applicable	Not applicable	Not applicable
TSBFAP	Not applicable	Not applicable	Not applicable	Not applicable

[Filed 5/27/15, effective 7/29/15]

[Published 6/24/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/15.

**ARC 2046C****IOWA FINANCE AUTHORITY[265]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3(1)“b,” 16.5(1)“r,” 16.1, and 16.5C, the Iowa Finance Authority hereby amends Chapter 11, “Iowa Main Street Loan Program,” Iowa Administrative Code.

The purpose of these amendments is to update an internal reference in a definition and the implementation sentence for Chapter 11.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 10, 2014, as **ARC 1761C**. The Authority received no public comment on the proposed amendments. No changes were made to the amendments published under Notice.

The Iowa Finance Authority adopted these amendments on June 3, 2015.

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

These amendments are intended to implement 2014 Iowa Code section 16.5C and 2014 Iowa Acts, chapter 1080, section 2 (2015 Iowa Code sections 16.1, 16.4, 16.4D, and 16.19).

These amendments will become effective on July 29, 2015.

The following amendments are adopted.

ITEM 1. Amend rule **265—11.4(16)**, definition of “Housing,” as follows:

“*Housing*” means housing as defined in Iowa Code section ~~16.1(16)~~“a.” 16.1(14).

ITEM 2. Amend **265—Chapter 11**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections ~~16.12, 16.18, 16.1, 16.4, 16.4D, 16.5C, 16.19, and 16.51, 16.100 and 16.101.~~

[Filed 6/4/15, effective 7/29/15]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/15.