



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XXXV
November 14, 2012

NUMBER 10
Pages 843 to 886

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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 2012

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

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
12	Wednesday, November 21, 2012	December 12, 2012
13	Wednesday, December 5, 2012	December 26, 2012
14	Wednesday, December 19, 2012	January 9, 2013

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*****

ACCOUNTANCY EXAMINING BOARD[193A]

Alternative continuing education cycles, 10.11 IAB 11/14/12 ARC 0459C	Board Office 1920 S.E. Hulsizer Rd. Ankeny, Iowa	December 4, 2012 9 a.m.
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CREDIT UNION DIVISION[189]

Voting procedures, amend ch 3; adopt ch 12; rescind chs 16, 19 IAB 10/31/12 ARC 0428C	Conference Room, Division Office 200 East Grand Ave. Des Moines, Iowa	November 20, 2012 1 p.m.
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Assessment requirements for Iowa licensure, 13.1(3), 13.3, 13.4, 13.17(1) IAB 11/14/12 ARC 0445C	Room 3 Southwest, Third Floor Grimes State Office Building Des Moines, Iowa	December 5, 2012 1 p.m.
Administrator licenses, 18.7 IAB 11/14/12 ARC 0444C	Room 3 Southwest, Third Floor Grimes State Office Building Des Moines, Iowa	December 5, 2012 1 p.m.
Preliminary native language teaching authorization, 22.5 IAB 11/14/12 ARC 0443C	Room 3 Southwest, Third Floor Grimes State Office Building Des Moines, Iowa	December 5, 2012 1 p.m.

LABOR SERVICES DIVISION[875]

Conveyance safety program— operating without a permit, 71.7(1) IAB 10/31/12 ARC 0411C	Capitol View Room 1000 East Grand Ave. Des Moines, Iowa	November 21, 2012 9 a.m. (If requested)
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Cosmetology, 61.12, 61.13, 61.15 IAB 10/31/12 ARC 0437C	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	November 20, 2012 9 to 9:30 a.m.
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Driver's license suspension— department determination of ability to pay, 615.22 IAB 11/14/12 ARC 0438C	Motor Vehicle Division Offices 6310 S.E. Convenience Blvd. Ankeny, Iowa	December 6, 2012 10 a.m. (If requested)
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Pole attachments, 15.5(2), ch 27 IAB 11/14/12 ARC 0455C	Board Hearing Room 1375 E. Court Ave. Des Moines, Iowa	February 12, 2013 1 p.m.
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“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

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

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

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ARC 0459C

ACCOUNTANCY EXAMINING BOARD[193A]

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 542.4, the Accountancy Examining Board hereby gives Notice of Intended Action to amend Chapter 10, “Continuing Education,” Iowa Administrative Code.

Proposed rule 193A—10.11(272C,542) creates an alternative continuing education cycle.

Consideration will be given to all written suggestions or comments on the proposed rule received no later than 4:30 p.m. on December 4, 2012. Comments should be addressed to Toni Bright, Accountancy Examining Board, 1920 SE Hulsizer Road, Ankeny, Iowa 50021. E-mail may be sent to toni.bright@iowa.gov.

A public hearing will be held on December 4, 2012, at 9 a.m. in the Board Office, 1920 SE Hulsizer Road, Ankeny, Iowa, at which time persons may present their views on the proposed rule either orally or in writing. At the hearing, any person who wishes to speak will be asked to give the person’s name and address for the record and to confine remarks to the subject of the proposed rule.

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

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

This rule does not have any direct jobs impact. After analysis and review of this rule making, a positive impact on jobs could exist. This rule makes the renewal of CPA licenses more flexible for licensees and helps them renew in a way that reduces the burden on both the licensing agency and small businesses.

This rule is intended to implement Iowa Code chapters 272C and 542.

The following amendment is proposed.

Adopt the following **new** rule 193A—10.11(272C,542):

193A—10.11(272C,542) Alternative continuing education cycles authorized.

10.11(1) Purpose. For a variety of reasons, some CPAs and LPAs may wish to satisfy continuing education requirements on a three-year cycle ending on a date other than December 31. By way of illustration, some licensees may prefer to take courses on particular substantive topics that are not always offered at the same time each year. Some licensees may wish to schedule continuing education to comply with the differing requirements of multiple jurisdictions. This rule is intended to authorize a more flexible time frame within which continuing education may be satisfied. This rule does not alter any other requirement of this chapter.

10.11(2) Alternative cycle. Starting with the 2013 renewal cycle, a CPA or LPA may self-select June 30 as the date by which continuing education requirements must be satisfied in order to be eligible to renew the license or certificate. Online and paper renewal forms will require the renewal applicant to declare whether the continuing education was satisfied within the three-year period preceding December 31 or the three-year period preceding June 30. When declaring a June 30 date, licensees must be cautious to ensure the continuing education is fully completed on or prior to the date the renewal application is submitted. Licensees who renew with penalty during the 30-day grace period following June 30 must declare either December 31 or June 30 and may not extend the deadline beyond June 30.

10.11(3) Declaration may vary by renewal cycle. A CPA or LPA applying to renew a certificate or license may declare a continuing education deadline of December 31 in one renewal cycle and a continuing education deadline of June 30 in a subsequent renewal cycle, and vice versa. Licensees shall

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

be expected to maintain continuing education records in a manner that complies with the self-selected declaration in any particular renewal cycle.

ARC 0447C**ECONOMIC DEVELOPMENT AUTHORITY[261]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 15.106A and 2012 Iowa Acts, Senate File 2212, the Economic Development Authority gives Notice of Intended Action to amend Chapter 71, “Targeted Jobs Withholding Tax Credit Program,” Iowa Administrative Code.

The rules in Chapter 71 describe the Economic Development Authority’s administration of the Targeted Jobs Withholding Tax Credit Program. These amendments update the definition of business, thus changing the types of businesses that are eligible for the program, and also update references from the Iowa Department of Economic Development to the Economic Development Authority.

The Economic Development Authority Board approved these amendments at a Board meeting on September 21, 2012.

Public comments concerning the amendments will be accepted until 4:30 p.m. on December 4, 2012. Interested persons may submit written comments to Kristin Hanks, Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)725-0440; e-mail kristin.hanks@iowa.gov.

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

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

These amendments are intended to implement Iowa Code section 403.19A as amended by 2012 Iowa Acts, Senate File 2212.

The following amendments are proposed.

ITEM 1. Adopt the following new definition of “Authority” in rule **261—71.1(403)**:

“*Authority*” means the economic development authority created in 2011 Iowa Code Supplement section 15.105.

ITEM 2. Amend rule **261—71.1(403)**, definitions of “Board,” “Business,” “Countywide average wage” and “Targeted job,” as follows:

“*Board*” means the Iowa members of the economic development board created in Iowa Code section 15.103 authority appointed by the governor and in whom the powers of the authority are vested pursuant to 2011 Iowa Code Supplement section 15.105.

“*Business*” means any an enterprise that is located in this state and that is operated for profit and under a single management. “Business” includes professional services or industrial enterprise, including and industrial enterprises, including but not limited to medical treatment facilities, manufacturing facilities, corporate headquarters, and research facilities. “Business” does not include a retail operation, a government entity, or a business which closes or substantially reduces its operation in one area of this state and relocates substantially the same operation to another area of this state.

“*Countywide average wage*” means the average that the department authority calculates using the most current four quarters of wage and employment information as provided in the quarterly covered wage and employment data report as provided by the department of workforce development. Agricultural/mining and governmental employment categories are deleted in compiling the wage information.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

“*Targeted job*” means a job in a business which is or will be located in an urban renewal area of a pilot project city that pays a wage at least equal to the countywide average wage. “Targeted job” includes new or retained jobs from Iowa business expansions or retentions within the city limits of the pilot project city and those jobs resulting from established out-of-state businesses, as defined by the ~~department~~ authority, that are moving to or expanding in Iowa.

ITEM 3. Rescind the definition of “Department” in rule **261—71.1(403)**.

ITEM 4. Strike “department” wherever it appears in rules **261—71.2(403)** to **261—71.6(403)**, except in the phrases “department of management” and “department of revenue,” and insert “authority” in lieu thereof.

ITEM 5. Amend **261—Chapter 71**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 403.19A as amended by 2012 Iowa Acts, Senate File 2212.

ARC 0445C**EDUCATIONAL EXAMINERS BOARD[282]****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 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Iowa Administrative Code.

These amendments will incorporate the Department of Education’s new assessment requirements for candidates for Iowa licensure. The change to subrule 13.1(3) removes reference to the Praxis II examination. The changes to subrules 13.3(2) and 13.3(3) and paragraph 13.17(1)“a” add the new assessment requirements to the provisions regarding out-of-state applicants, and the change to rule 282—13.4(272) does the same with regard to foreign applicants.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, December 5, 2012, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, December 7, 2012. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the above address, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

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

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

The following amendments are proposed.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

ITEM 1. Amend subrule 13.1(3) as follows:

13.1(3) Temporary permits. The executive director may issue a temporary permit to an applicant for any type of license, certification, or authorization issued by the board, after receipt of a fully completed application, ~~including certification from the applicant of completion of the Praxis II examination, if required~~; determination that the applicant meets all applicable prerequisites for issuance of the license, certification, or authorization; and satisfactory evaluation of the Iowa criminal history background check. The temporary permit shall serve as evidence of the applicant's authorization to hold a position in Iowa schools, pending the satisfactory completion of the national criminal history background check ~~and the board's receipt of verification of completion of the Praxis II examination~~. The temporary permit shall expire upon issuance of the requested license, certification, or authorization or 90 days from the date of issuance of the permit, whichever occurs first, unless the temporary permit is extended upon a finding of good cause by the executive director.

ITEM 2. Amend subrules 13.3(2) and 13.3(3) as follows:

13.3(2) Requirements for applicants from non-Iowa traditional teacher preparation programs. Provided all requirements for Iowa licensure have been met through a state-approved regionally accredited teacher education program at the graduate or undergraduate level in which college or university credits were given and student teaching was required, the applicant shall:

a. and b. No change.

c. Provide verification of successfully passing the Iowa-mandated tests assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013. If the teacher preparation program was completed prior to January 1, 2013, the applicant must provide verification of successfully passing the mandated tests in the state in which the applicant is currently licensed if the applicant has fewer than three years of teaching experience or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

13.3(3) Requirements for applicants from out-of-state nontraditional teacher preparation programs. An applicant who holds a valid license from another state and whose preparation was completed through a state-approved nontraditional teacher preparation program must:

a. to e. No change.

f. Provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the nontraditional teacher preparation program was completed on or after January 1, 2013. If the applicant has fewer than three years of teaching experience, If the nontraditional teacher preparation program was completed prior to January 1, 2013, the applicant must provide verification from the state licensing agency/department in the state where the nontraditional teacher preparation program was completed indicating that the applicant has successfully passed that state's mandated tests or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

g. and h. No change.

ITEM 3. Amend rule 282—13.4(272) as follows:

282—13.4(272) Applicants from foreign institutions. An applicant for initial licensure whose preparation was completed in a foreign institution must obtain a course-by-course credential evaluation report completed by one of the board-approved credential evaluation services and then file this report with the Iowa board of educational examiners for a determination of eligibility for licensure. After receiving the notification of eligibility by the Iowa board of educational examiners, the applicant must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

ITEM 4. Amend paragraph 13.17(1)“a” as follows:

a. For an applicant applying under 13.3(2), a one-year nonrenewable exchange license may be issued to the applicant under the following conditions:

(1) to (3) No change.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

(4) ~~If the applicant has fewer than three years of teaching experience or is being recommended for a K-6 elementary education endorsement, the applicant must verify successful completion of mandated tests in the state in which the applicant is currently licensed~~ The applicant must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013. If the teacher preparation program was completed prior to January 1, 2013, the applicant must provide verification of successfully passing the mandated tests in the state in which the applicant is currently licensed or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education; and

(5) to (7) No change.

ARC 0444C

EDUCATIONAL EXAMINERS BOARD[282]

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 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 18, “Issuance of Administrator Licenses and Endorsements,” Iowa Administrative Code.

This amendment addresses the fact that not every out-of-state applicant for licensure is a first-time administrator. The amendment also addresses an existing inconsistency between an administrator exchange license and a Class A license for administrators.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, December 5, 2012, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, December 7, 2012. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the above address, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

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 272.2(1)“a.”

The following amendment is proposed.

Amend rule 282—18.7(272) as follows:

282—18.7(272) Specific requirements for a Class A license.

18.7(1) A nonrenewable Class A administrator exchange license valid for one year may be issued to an applicant who has completed an administrator preparation program under any one of the following conditions:

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~18.7(1)~~ *a. Professional core requirements.* The individual has not completed all of the required courses in the professional core, 282—paragraphs 13.18(4) “a” through “j.”

~~18.7(2)~~ *b. Human relations component.* The individual has not completed an approved human relations component.

~~18.7(3)~~ *c. Based on an expired Iowa certificate or license, exclusive of a Class A or Class B license. Regular administrator certificate or license in the state in which the preparation was completed.* The holder of an expired license, exclusive of a Class A or Class B license, shall be eligible to receive a Class A license upon application. This license shall be endorsed for the type of service authorized by the expired license on which it is based. The individual has applied for a regular administrator certificate or license in the state in which the preparation was completed but has not yet received the certificate or license.

~~18.7(4)~~ *d. Based on evaluator requirement.* The applicant has not completed the approved evaluator training requirement.

~~18.7(2)~~ A nonrenewable Class A license valid for one year may be issued to an applicant based on an expired Iowa professional administrator license.

a. The holder of an expired professional administrator license shall be eligible to receive a Class A license upon application. This license shall be endorsed for the type of service authorized by the expired license on which it is based.

b. Renewal. The holder of an expired administrator license who is currently under contract with an Iowa educational unit (area education agency/local education agency/local school district) and who does not meet the renewal requirements for the administrator license held shall be required to secure the signature of the superintendent or designee before the license will be issued. If the superintendent does not meet the renewal requirements, the superintendent shall be required to secure the signature of the school board president before the license will be issued.

~~18.7(5)~~ ~~18.7(3)~~ *Authorization.* Each Class A license shall be limited to the area(s) and level(s) of administration as determined by an analysis of the application, the transcripts, and the license or certificate held in the state in which the basic preparation for the administrator license was completed.

~~18.7(6)~~ ~~18.7(4)~~ *Conversion.* Each applicant receiving the one-year Class A license must complete any identified licensure deficiencies in order to be eligible for an initial administrator license or a professional administrator license in Iowa.

~~18.7(7)~~ *Renewal.* The holder of an expired administrator license who is currently under contract with an Iowa educational unit (area education agency/local education agency/local school district) and who does not meet the renewal requirements for the administrator license held shall be required to secure the signature of the superintendent or designee before the license will be issued. If the superintendent does not meet the renewal requirements, the superintendent shall be required to secure the signature of the school board president before the license will be issued.

ARC 0443C

EDUCATIONAL EXAMINERS BOARD[282]

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 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 22, “Authorizations,” Iowa Administrative Code.

There continue to be many calls from the field in favor of an option for schools to hire native speakers as foreign language teachers. The language in proposed rule 282—22.5(272) mirrors the career and technical licenses language in 282—Chapter 17 and creates a pathway for native speakers to teach.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, December 5, 2012, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, December 7, 2012. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the above address, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

After analysis and review of this rule making, very minimal impact on jobs has been found. The amendment may allow native speakers to more easily obtain jobs as teachers of their respective languages.

This amendment is intended to implement Iowa Code section 272.2(13).

The following amendment is proposed.

Adopt the following **new** rule 282—22.5(272):

282—22.5(272) Preliminary native language teaching authorization.

22.5(1) Authorization. The preliminary native language teaching authorization is provided to noneducators entering the education profession to teach their native language as a foreign language in grades K-6 or grades 7-12.

22.5(2) Application process. Any person interested in the preliminary native language teaching authorization shall submit the application to the board of educational examiners for an evaluation. Application materials are available from the office of the board of educational examiners online at <http://www.boee.iowa.gov/>.

22.5(3) Requirements.

- a. The applicant must have completed a baccalaureate degree.
- b. Iowa division of criminal investigation background check. The applicant must have successfully completed an Iowa division of criminal investigation background check. The background check fee will be assessed to the applicant.
- c. National criminal history background check. The applicant must have successfully completed a national criminal history background check. The background check fee will be assessed to the applicant.
- d. The applicant must obtain a recommendation from a school district administrator verifying that the school district wishes to hire the applicant. Before the applicant is hired, the school district administrator must verify that a diligent search was completed to hire a fully licensed teacher for the position.
- e. During the term of the authorization, the applicant must complete board-approved training in the following:
 - (1) Methods and techniques of teaching. Develop skills to use a variety of learning strategies that encourage students' development of critical thinking, problem solving, and performance skills. The methods course must include specific methods and techniques of teaching a foreign language and must be appropriate for the level of endorsement.
 - (2) Curriculum development. Develop an understanding of how students differ in their approaches to learning and create learning opportunities that are equitable and adaptable to diverse learners.
 - (3) Measurement and evaluation of programs and students. Develop skills to use a variety of authentic assessments to measure student progress.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

(4) Classroom management. Develop an understanding of individual and group motivation and behavior which creates a learning environment that encourages positive social interactions, active engagement in learning, and self-motivation.

(5) Code of ethics. Develop an understanding of how to foster relationships with parents, school colleagues, and organizations in the larger community to support students' learning and development and become aware of the board's rules of professional practice and code of ethics.

(6) Diversity training for educators. Develop an understanding of and sensitivity to the values, beliefs, lifestyles and attitudes of individuals and the diverse groups found in a pluralistic society, including preparation that contributes to the education of individuals with disabilities and the gifted and talented.

f. The applicant must be assigned a mentor by the hiring school district. The mentor must have four years of teaching experience in a related subject area.

g. Assessment of native language. The applicant must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education. The cut score may not be waived by the board.

22.5(4) *Validity.* This authorization is valid for three years. No Class B licenses may be issued to applicants holding the preliminary native language teaching authorization. No additional endorsement areas may be added unless the requirements in 22.5(3) are met.

22.5(5) *Renewal.* The authorization is nonrenewable.

22.5(6) *Conversion.* The preliminary native language teaching authorization may be converted to native language teaching authorization. The applicant must provide official transcripts verifying the completion of the coursework required in 22.5(3) "e."

22.5(7) *Revocation and suspension.* Criteria of professional practice and rules of the board of educational examiners shall be applicable to the holders of the preliminary native language teaching authorization. If a school district hires an applicant without a valid preliminary native language teaching authorization, a complaint may be filed against the teacher and the superintendent of the school district.

22.5(8) *Approval of courses.* Each institution of higher education, private college or university, community college or area education agency wishing to offer the training for the preliminary native language teaching authorization must submit course descriptions for each offering to the board of educational examiners for approval. After initial approval, any changes by agencies or institutions in course offerings shall be filed with the board of educational examiners.

ARC 0452C

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 421.14 and 422.68, the Department of Revenue hereby gives Notice of Intended Action to amend Chapter 10, "Interest, Penalty, Exceptions to Penalty, and Jeopardy Assessments," Iowa Administrative Code.

Iowa Code section 421.7 requires the Director of Revenue to determine and publish the interest rate for each calendar year. The Director has determined that the rate of interest on interest-bearing taxes shall be 5 percent for the calendar year 2013 (0.4% per month). The Department shall also pay interest at the 5 percent rate on refunds. The interest rate for calendar years 2010-2012 was also 5 percent (0.4% per month).

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

REVENUE DEPARTMENT[701](cont'd)

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

The Department has determined that this proposed amendment may have an impact on small business. The Department has considered the factors listed in Iowa Code section 17A.4A. The Department will issue a regulatory analysis as provided in Iowa Code section 17A.4A if a written request is filed by delivery or by mailing postmarked no later than December 17, 2012, to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306. The request may be made by the Administrative Rules Review Committee, the Administrative Rules Coordinator, at least 25 persons signing that request who each qualify as a small business or an organization representing at least 25 such persons.

Any interested person may make written suggestions or comments on this proposed amendment on or before December 4, 2012. Such written comments should be directed to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306. Persons who want to convey their views orally should contact the Policy Section, Policy and Communications Division, Department of Revenue, at (515)281-8450 or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

Requests for a public hearing must be received by December 4, 2012.

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 421.7.

The following amendment is proposed.

Adopt the following **new** subrule 10.2(32):

10.2(32) Calendar year 2013. The interest rate upon all unpaid taxes which are due as of January 1, 2013, will be 5 percent per annum (0.4% per month). This interest rate will accrue on taxes which are due and unpaid as of, or after, January 1, 2013. In addition, this interest will accrue on tax refunds which by law accrue interest, regardless of whether the tax to be refunded is due before or after January 1, 2013. This interest rate of 5 percent per annum, whether for unpaid taxes or tax refunds, will commence to accrue in 2013.

ARC 0438C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

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

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 615, "Sanctions," Iowa Administrative Code.

Iowa Code section 321.210A was amended in 2009 Iowa Acts, chapter 130, section 11, which eliminated the authority of the Department to determine whether a person has the ability to pay a criminal penalty, fine, surcharge or court costs before the Department suspends the person's driver's license for failure to pay. The proposed amendment brings the rules up to date to comply with Iowa Code section 321.210A.

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

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

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.

TRANSPORTATION DEPARTMENT[761](cont'd)

2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.

3. Indicate the general content of a requested oral presentation.

4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)817-6511; Internet e-mail address: tracy.george@dot.iowa.gov.

5. Be received by the Office of Policy and Legislative Services no later than December 4, 2012.

A meeting to hear requested oral presentations is scheduled for Thursday, December 6, 2012, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

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

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

This amendment is intended to implement Iowa Code section 321.210A.

The following amendment is proposed.

Amend rule 761—615.22(321) as follows:

761—615.22(321) Suspension for nonpayment of fine, penalty, surcharge or court costs.

615.22(1) *Report to the department.* The department shall suspend a person's privilege to operate motor vehicles in Iowa:

~~a. When when~~ the department is notified by a clerk of the district court on Form No. 431037 that the person has been convicted of violating a law regulating the operation of motor vehicles, that the person has failed to pay the fine, penalty, surcharge or court costs arising out of the conviction, and that 60 days have elapsed since the person was mailed a notice of nonpayment from the clerk of the district court; and.

~~b. When, in accordance with subrule 615.22(2), the person has not timely raised the defense of inability to pay, or the department determines that the person is able to pay the fine, penalty, surcharge and court costs.~~

615.22(2) *Ability to pay.*

~~a. The department shall presume that a person is able to pay the fine, penalty, surcharge and court costs when it receives the "Notice to Suspend" copy of Form No. 431037 from the clerk of the district court.~~

~~b. The department shall not consider inability to pay as a defense to license suspension unless the person files Form No. 431038 with the department within 45 days after the clerk of the district court mailed notice of nonpayment to the person.~~

~~c. If the department determines that the person is unable to pay, the department shall notify the person and the clerk of the district court of that decision and shall take no further action. If the department determines that the person is able to pay, the department shall suspend the person's privilege to operate motor vehicles in Iowa as outlined in subrule 615.22(1).~~

615.22(3) *Suspension.*

a. The suspension period shall begin 30 days after the notice of suspension is served.

b. The suspension shall continue until the department has issued a notice terminating the suspension. The department shall terminate the suspension when it receives evidence that all appropriate payments have been made.

c. An informal settlement, hearing or appeal to contest the suspension shall be limited to a determination of whether the facts required by Iowa Code section 321.210A and this ~~rule~~ subrule are true. The merits of the conviction shall not be considered.

615.22(2) Reserved.

This rule is intended to implement Iowa Code section 321.210A.

USURY

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

November 1, 2011 — November 30, 2011	4.00%
December 1, 2011 — December 31, 2011	4.25%
January 1, 2012 — January 31, 2012	4.00%
February 1, 2012 — February 29, 2012	4.00%
March 1, 2012 — March 31, 2012	4.00%
April 1, 2012 — April 30, 2012	4.00%
May 1, 2012 — May 31, 2012	4.25%
June 1, 2012 — June 30, 2012	4.00%
July 1, 2012 — July 31, 2012	3.75%
August 1, 2012 — August 31, 2012	3.50%
September 1, 2012 — September 30, 2012	3.50%
October 1, 2012 — October 31, 2012	3.75%
November 1, 2012 — November 30, 2012	3.75%

ARC 0455C

UTILITIES DIVISION[199]

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 Iowa Code section 17A.4 and Iowa Code chapters 476, 478, and 477A, the Utilities Board (Board) gives notice that on October 24, 2012, the Board issued an order in Docket Nos. RMU-2012-0002 and RMU-2011-0007, In re: Pole Attachments Rule Making [199 IAC Chapter 27] and Amendment to 199 IAC 15.5(2), “Order Commencing Rule Making and Closing Docket No. RMU-2011-0007,” that commenced a rule making in which the Board is proposing a new chapter that establishes Board requirements for pole attachments by communications, data, and similar companies to poles owned by electric and telecommunications utilities. The rules are being proposed in response to a petition for rule making filed by the Iowa Utility Association (IUA) that requested the Board commence a rule-making proceeding to amend the Board’s Iowa Electrical Safety Code rules in 199 IAC Chapter 25 by adding new provisions that address safety violations of pole attachments, penalty provisions, and dispute resolution procedures that are currently subject to the jurisdiction of the Federal Communications Commission (FCC) pursuant to 47 CFR §1.140, et seq.

On December 28, 2011, the Board issued an order in Docket No. RMU-2011-0007 establishing dates for responses to the petition for rule making. The Iowa Utility Association; MidAmerican Energy Company; Interstate Power and Light Company; ITC Midwest LLC; the Iowa Association of Municipal Utilities; the Consumer Advocate Division of the Department of Justice; AT&T Communications of the Midwest, Inc., TCG Omaha, and New Cingular Wireless d/b/a AT&T Mobility; CenturyLink, Inc.; Cox Iowa Telecom, LLC, Inc.; the Iowa Cable & Telecommunications Association, Inc.; Sprint Nextel Corp.; and the Iowa Association of Electric Cooperatives filed comments and participated in that docket.

UTILITIES DIVISION[199](cont'd)

On February 6, 2012, the Board issued an order denying the petition for rule making filed by IUA and scheduling a workshop for interested persons to discuss the issues raised by the responses. On March 21, 2012, Board staff conducted the workshop as scheduled. Based upon the written comments and the discussion at the workshop, the Board conducted a thorough review of the issues raised. After the review, the Board revised the proposed pole attachment rules, and on August 22, 2012, Board staff held a meeting with all participants to discuss the revised proposed rules. On August 30, 2012, Board staff sent a follow-up e-mail and allowed participants to provide a final round of comments. Final comments in response to Board staff's August 30, 2012, e-mail were filed by MidAmerican Energy Company.

The purpose of the proposed rules is to assert jurisdiction over pole attachments now under the jurisdiction of the FCC. FCC regulations provide that a state can certify that it has asserted jurisdiction over these pole attachments. (See 47 CFR §1.1414.) To assert such jurisdiction, the state must have adopted rules that establish jurisdiction over the rates, terms, and conditions of the pole attachments. The proposed rules are designed to meet the FCC requirements for state certification.

The Board is placing the proposed rules in a separate chapter and not in 199 IAC Chapter 25, where the Iowa Electrical Safety Code is established, to ensure there are no conflicts with the Iowa Electrical Safety Code. Placing the rules in a separate chapter allows the rules to be limited to the purpose of asserting jurisdiction over pole attachments owned or operated by communications utilities, cable system providers, video service providers, data service providers, wireless providers, or similar entities. The poles that are subject to these rules are poles owned by electric and telecommunications utilities. Consistent with the FCC rule, poles owned by electric cooperatives and municipal utilities or other governmental entities are exempted. (See 47 CFR §1.1402(a).) The Board retains safety jurisdiction over pole attachments for electric cooperatives and municipals pursuant to the Iowa Electrical Safety Code in 199 IAC Chapter 25.

Based upon the concerns raised by the electric utilities, the Board has defined pole attachments in the proposed rules to include wireless antennas and other wireless facilities and data provider facilities. The electric utilities expressed concern that FCC regulations and current Board rules might not provide the necessary procedures to ensure wireless providers and data providers install pole attachments in accordance with the safety requirements in the Iowa Electrical Safety Code.

To ensure compliance with the Iowa Electrical Safety Code and to ensure that pole owners and pole-attaching entities reach some agreement about pole attachments before the attachments are constructed, the Board is proposing that parties involved in pole attachments have a written agreement which includes rates, terms, and conditions and the rates must be consistent with FCC regulations. Comments suggested that some pole-attaching entities might require some transition time to comply with the requirement for written agreements. The proposed rules provide for a one-year transition period for pole-attaching entities to have the written agreements in place.

In the proposed rules, the Board is proposing time lines for correction of any violations of the Iowa Electrical Safety Code and a requirement that parties negotiate in good faith before bringing a complaint about pole attachments to the Board.

The order commencing rule making issued by the Board can be found on the Board's Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2012-0002.

The Board is also proposing in this Notice to amend 199 IAC 15.5(2) by deleting an incorrect reference and replacing it with the correct reference. This is an editorial change and does not affect the substance of subrule 15.5(2).

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before January 4, 2013. The statement should be filed electronically through the Board's Electronic Filing System (EFS). Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Any person who does not have access to the Internet may file comments on paper pursuant to 199 IAC 14.4(5). An original and ten copies of paper comments must be filed. Both electronic and written filings shall comply with the format requirements in 199 IAC 2.2(2) and clearly state the author's name and address and make specific reference to this docket. All paper

UTILITIES DIVISION[199](cont'd)

communications should be directed to the Executive Secretary, Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069.

An opportunity for interested persons to present oral comments on the proposed pole attachment rules will be held at 1 p.m. on February 12, 2013, in the Board's hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Board at (515)725-7334 at least five days in advance of the scheduled date to request that appropriate arrangements be made.

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

These amendments are intended to implement Iowa Code section 17A.4 and Iowa Code chapters 476, 478, and 477A.

The following amendments are proposed.

ITEM 1. Amend subrule 15.5(2) as follows:

15.5(2) Relationship to avoided costs. For purposes of this subrule, "new capacity" means any purchase from capacity of a qualifying facility, construction of which was commenced on or after November 9, 1978.

A rate for purchases satisfies the requirements of this rule if the rate equals the avoided costs determined after consideration of the factors set forth in ~~rule 15.6(476)~~ subrule 15.5(6); except that a rate for purchases other than from new capacity may be less than the avoided cost if the board determines that a lower rate is consistent with subrule 15.5(1) and is sufficient to encourage cogeneration and small power production.

Unless the qualifying facility and the utility agree otherwise, rates for purchases shall conform to the requirements of this rule regardless of whether the electric utility making purchases is simultaneously making sales to the qualifying facility.

In the case in which the rates for purchases are based upon estimates of avoided costs over the specific term of the contract or other legally enforceable obligation, the rates for purchases do not violate this rule if the rates for the purchases differ from avoided costs at the time of delivery.

ITEM 2. Adopt the following **new** 199—Chapter 27:

CHAPTER 27
POLE ATTACHMENT

199—27.1(476,477A,478) Purpose and scope.

27.1(1) Purpose. These rules establish procedures relating to the nondiscriminatory attachment of communications lines, cable systems, video service lines, data lines, wireless antennas and other wireless facilities, or similar lines and facilities that are attached to poles, or in ducts, conduits, or rights-of-way, owned by electric or telecommunications utilities. These rules establish attachment requirements, time lines for corrective action for violations of these rules or of the Iowa electrical safety code, 199—25.2(476,476A,478), and complaint procedures. Pole attachments of cable system providers and video service providers are subject to the provisions of these rules pursuant to the provisions of Iowa Code section 477A.3(1) "b." These rules do not apply to poles, ducts, conduits, or rights-of-way owned by a utility that is cooperatively organized or by a municipality or other governmental entity.

27.1(2) Definitions. For the rules in this chapter, the following definitions shall apply:

"Pole" means any pole, duct, conduit, or right-of-way owned by an electric or telecommunications utility that carries electric distribution lines, electric transmission lines, communications lines, cable systems, video service lines, data service lines, wireless antennas or other wireless facilities, or similar lines and facilities, except for poles, ducts, conduits, and rights-of-way owned by a utility that is cooperatively organized or by a municipality or other governmental entity.

UTILITIES DIVISION[199](cont'd)

“*Pole attachment*” means any communication circuit, cable system, video service line, data service line, antenna and other associated wireless equipment, guy wire, underground riser with facilities in conduit or covered by U-guard, grounding materials and equipment, or similar lines and facilities attached to a pole or other supporting structure subject to the safety jurisdiction of the board pursuant to the Iowa electrical safety code, 199—25.2(476,476A,478), except for poles or other structures owned by a utility that is cooperatively organized or by a municipality or other governmental entity.

“*Pole occupant*” means any telecommunications carrier, cable system provider, video service provider, data service provider, wireless service provider, or similar entity that constructs, operates, or maintains pole attachments as defined in this chapter.

“*Pole owner*” means an electric or telecommunications utility that owns poles, ducts, conduits, and rights-of-way subject to the safety jurisdiction of the board pursuant to the Iowa electrical safety code, 199—25.2(476,476A,478), except for any utility that is cooperatively organized or that is owned by a municipality or other governmental entity.

199—27.2(476,477A,478) Pole attachment requirements.

27.2(1) *Written agreements.* Any telecommunications carrier, cable system provider, video service provider, data service provider, wireless service provider, or similar person or entity is prohibited from attaching any communication circuit, cable system, video service line, data service line, antenna and other associated wireless equipment, guy wire, underground riser with facilities in conduit or covered by U-guard, grounding materials and equipment, or similar lines or facilities to a pole or other structure owned by a pole owner without first entering into a written agreement with the pole owner. The written agreement shall include the rates, terms, and conditions upon which access for a pole attachment is provided. Rates agreed to in any written agreement shall be consistent with the requirements of 47 CFR §1.1409.

There will be a one-year transition period from [insert the effective date of these rules] to allow for negotiation and execution of written pole attachment agreements required by this rule.

27.2(2) *Requests for access to poles.* Requests for access to poles, ducts, conduits, and rights-of-way by a telecommunications carrier, cable system provider, video service provider, data service provider, wireless service provider, or similar person or entity shall be made in writing or by such other method as may be agreed to by the parties in a written agreement. The pole owner shall respond to the request in writing, or other method agreed to by the parties to a written agreement, within 45 days by either granting access or denying access. If access is denied, the pole owner shall explain in detail the specific reason for denial.

27.2(3) *Compliance with Iowa electrical safety code.* Attachments to poles and other supporting structures shall be constructed and installed in compliance with the Iowa electrical safety code, 199—25.2(476,476A,478), and the rules in this chapter.

199—27.3(476,477A,478) Notification, corrective action, and complaint procedures.

27.3(1) *Notification of violation.* A pole owner shall notify a pole occupant of an alleged violation of the Iowa electrical safety code related to a pole attachment in writing, or by such other method as may be agreed to by the parties in a written agreement, with a description of the location of the alleged violation, a description of the alleged violation, and suggested corrective action.

27.3(2) *Corrective action.*

a. Upon receipt of notification from a pole owner that a pole attachment is in violation of the Iowa electrical safety code, the pole occupant shall respond to the pole owner within 30 days in writing, or by such other method as may be agreed to by the parties in a written agreement, with a plan for corrective action, that the violation has been corrected, or that the pole occupant disputes that there is a violation.

b. The violation shall be corrected within 90 days of the date notification is received, unless good cause is shown for the delay in taking the corrective action. A disagreement that a violation has occurred is good cause to extend the 90-day period to take corrective action. Corrective action shall not be delayed beyond 120 days from the date notification is received without agreement from the pole owner. A dispute

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whether the pole attachment is in violation of the Iowa electrical safety code that is not resolved within the 120-day period may be presented to the board for resolution.

c. If the violation could reasonably be expected to endanger life or property, the pole occupant shall take the necessary action to correct, disconnect, or isolate the problem immediately upon notification. If immediate corrective action is not taken by the pole occupant for violations that could reasonably be expected to endanger life or property, the pole owner may take the necessary corrective action, and the pole occupant shall reimburse the pole owner for the actual cost of such corrective action.

27.3(3) *Negotiated resolution of disputes.* Parties to disputes over alleged violations of the Iowa electrical safety code or the rules in this chapter shall attempt to resolve disputes through good-faith negotiations. Parties may file an informal complaint with the board pursuant to 199—Chapter 6 as part of negotiations.

27.3(4) *Complaints.* Complaints concerning the rates, terms, or conditions for pole attachments subject to the rules in this chapter, alleged violations of the Iowa electrical safety code, or alleged violations of the rules in this chapter may be filed with the board pursuant to the complaint procedures in 199—Chapter 6. Persons found to have violated the rules in this chapter may be subject to civil penalties pursuant to Iowa Code section 476.51 or 478.29 or other action by the board.

These rules are intended to implement Iowa Code section 17A.4 and Iowa Code chapters 476, 477A, and 478.

ARC 0460C**ADMINISTRATIVE SERVICES DEPARTMENT[11]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services (DAS) amends Chapter 50, "Human Resources Definitions," Iowa Administrative Code.

The Department of Administrative Services is amending the definition of "confidential employee" for purposes of merit system coverage. Iowa Code section 8A.412 lists the exemptions from merit system coverage. In total, 24 exemptions are currently established in the Iowa Code. Iowa Code section 8A.412(16) identifies "all confidential employees" as one of the 24 exemptions from merit system coverage. The Department drafted a definition that would enable it to utilize the confidential employee exemption in collaboration with department directors and their senior leaders.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 5, 2012, as **ARC 0327C**. Several public comments were received. Several of the comments indicated that some commenters believed the definition is too broad and could be interpreted to include a large number of employees. No changes were made to the amendment published under Notice.

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

This amendment is intended to implement Iowa Code section 8A.412(16).

This amendment will become effective December 19, 2012.

The following amendment is adopted.

Amend rule **11—50.1(8A)**, definition of "Confidential employee" for purposes of merit system coverage, as follows:

"Confidential employee" means, for purposes of merit system coverage, the personal secretary of: an elected official of the executive branch or a person appointed to fill a vacancy in an elective office, the chair of a full-time board or commission, or the director of a state agency; as well as the nonprofessional staff in the office of the auditor of state, and the nonprofessional staff in the department of justice except those reporting to the administrator of the consumer advocate division. "Confidential employee" also means an employee who is in a confidential relationship with a director, chief deputy administrative officer, a division administrator, or a similar position, and at the same time is a part of the management team, legal team, or both of said director, chief deputy administrative officer, a division administrator, or similar position. For purposes of this rule, a confidential relationship means a relationship in which one person has a duty to the other not to disclose information.

[Filed 10/24/12, effective 12/19/12]

[Published 11/14/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.

ARC 0441C**ECONOMIC DEVELOPMENT AUTHORITY[261]****Adopted and Filed**

Pursuant to the authority of 2011 Iowa Code Supplement section 15.106A(1)"m," the Economic Development Authority hereby amends Chapter 1, "Organization," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXV, No. 4, page 285, on August 22, 2012, as **ARC 0279C**.

The amendments herein describe the manner in which the Authority will structure and govern itself so that it may efficiently carry out its duties and pursue its mission. The amendments to Chapter 1 reflect the organizational changes directed by the Legislature in 2011 Iowa Acts, chapter 118. The amendments include changes to the mission of the Authority, the composition and meetings of the Board, and the structure of the Authority.

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No public comments on these amendments were received during the notice and comment period.

There are no substantive changes from the amendments published under Notice of Intended Action. However, where appropriate, citations to the 2011 Iowa Code Supplement and to 2012 Iowa Acts as published in the Notice have been converted to citations to the soon-to-be-published 2013 Code of Iowa.

The Economic Development Authority Board adopted these amendments on October 19, 2012, at the Board's monthly meeting.

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

These amendments are intended to implement 2011 Iowa Acts, chapter 118, and Iowa Code chapter 15.

These amendments will become effective December 19, 2012, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

The following amendments are adopted.

ITEM 1. Amend rule 261—1.1(15) as follows:

261—1.1(15) Mission History and mission. The Iowa department of economic development was established in 1986 pursuant to Iowa Code chapter 15. The authority delegated to the department had previously been delegated to the Iowa development commission and the office for planning and programming. In 2011, the general assembly reorganized the delivery of economic development services to the state of Iowa by creating a formal collaboration between the public and private sectors. As part of this reorganization, the department was eliminated and the economic development authority was created as the successor entity to the department. All existing duties, responsibilities, and obligations of the former department are assumed by the authority.

The mission of the Iowa department of economic development authority is to continually improve the economic well-being of all Iowans foster the economic vitality of the state by working in focused partnerships with businesses, entrepreneurs, communities and educational entities. The department's authority's primary responsibilities are in the areas of finance, marketing, local government and service coordination, exporting, tourism, job training and entrepreneurial assistance, and small business.

ITEM 2. Amend rule 261—1.2(15) as follows:

261—1.2(15) Definitions. As used in these rules, unless the context otherwise requires:

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

"Authority's Web site" means the information and related content found at <http://www.iowaeconomicdevelopment.com/> and may include content at affiliated sites whose content is integrated with that site, including <http://www.traveliowa.com/>.

"Board" or "IDED board" means the Iowa members of the economic development board created by Iowa Code chapter 15 authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

"Committee" means a committee established by the board and includes any standing committees established by rule or ad hoc committees created as necessary.

"Corporation" or "IIC" means the Iowa innovation corporation created pursuant to Iowa Code section 15.107.

"Department" or "IDED" means the Iowa department of economic development authorized by Iowa Code chapter 15.

"Director" means the director of the Iowa department of economic development authority or the director's designee.

ITEM 3. Rescind rule 261—1.3(15) and adopt the following **new** rule in lieu thereof:

261—1.3(15) Economic development authority board.

1.3(1) Composition.

a. The authority's powers are vested in a board composed of 11 voting members appointed by the governor. These 11 members include 2 members from each of the four United States congressional

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districts in the state and 3 members selected at large. In addition, the appointed members represent certain industry sectors and have certain business expertise as described in Iowa Code section 15.105(1) "a"(2).

b. The board also includes 4 ex officio, nonvoting legislative members and 3 ex officio, nonvoting members from institutions of higher education in the state as described in Iowa Code section 15.105(1) "b" and "c."

1.3(2) Terms. Members of the board are appointed for staggered terms of four years beginning and ending as provided in Iowa Code section 69.19. A person appointed to fill a vacancy serves only for the unexpired portion of the term. A member is eligible for reappointment. A member of the board may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing. Members of the board cannot serve as directors of the corporation.

1.3(3) Quorum and voting requirements. Seven or more voting members of the board constitute a quorum. The affirmative vote of a majority of the quorum is necessary for any action taken by the authority's board members.

1.3(4) Board officers. Members of the board elect a chairperson and vice chairperson annually and may elect other officers as and when the members of the board determine. The director, with the assistance of authority staff, serves as secretary to the authority.

1.3(5) Meetings.

a. Meetings of the authority are held at the call of the chairperson or when two members of the board request a meeting. The board generally meets monthly at the authority's offices located at 200 East Grand Avenue in Des Moines, Iowa. By notice of the regularly published meeting agendas, the board and its committees may hold regular or special meetings at other locations within the state. Meeting agendas are available on the authority's Web site.

b. Meetings of the board and any committee it may establish are conducted in accordance with the provisions of Iowa Code chapter 21. Any person may attend and observe the proceedings of the board and committee meetings except for those portions of the meetings conducted in closed session pursuant to Iowa Code section 21.5. Persons observing may use cameras or recording devices during the meeting so long as the use of such devices does not interfere with the proceedings. The chairperson may order any person to discontinue the use of such a device if the chairperson believes it is causing an interference with the proceedings. The chairperson may have any person excluded who fails to comply with such an order. The chairperson may also exclude any person generally causing a disruption of the proceedings.

1.3(6) Functions. The board will perform any duty required of it by law and may perform any other function authorized under the authority's general powers under Iowa Code chapter 15.

1.3(7) Committees.

a. A due diligence committee is established to assist the board in making awards of incentives and assistance under the authority's programs.

(1) The due diligence committee is an advisory body comprised of voting members of the board who are selected annually by the voting members of the board. The membership and size of the committee as well as the terms of committee members will be established annually by the board.

(2) The members of the due diligence committee will elect a member to serve as chairperson. The chairperson may appoint members of the due diligence committee to serve on a due diligence subcommittee if necessary. Such a subcommittee is advisory only and may perform such duties as may be assigned by the chairperson and members of the due diligence committee.

(3) The duties of the due diligence committee may include reviewing applications for financial assistance, conducting a thorough review of proposed projects, making recommendations to the board regarding the size and conditions of awards, and any other duty assigned by the board in relation to the programs administered by the authority.

(4) A majority of committee members constitutes a quorum. Nonvoting, ex officio members of the board may be appointed by the chairperson of the due diligence committee to serve on the due diligence committee as nonvoting, ex officio members.

b. A technology commercialization committee is established to assist the board in making awards of incentives and assistance under those programs that relate to innovation, commercialization,

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and early-stage industries including those programs that focus on information technology, advanced manufacturing, and biosciences.

(1) The technology commercialization committee is an advisory body comprised of persons selected annually by the voting members of the board. The membership and size of the committee as well as the terms of committee members will be established annually by the board. At least one member of the board shall serve on the technology commercialization committee.

(2) The members of the technology commercialization committee will elect a member to serve as chairperson. The chairperson may appoint members of the technology commercialization committee to serve on a technology commercialization subcommittee if necessary. Such a subcommittee is advisory only and may perform such duties as may be assigned by the chairperson and members of the technology commercialization committee.

(3) The duties of the technology commercialization committee may include reviewing applications for financial assistance, conducting a thorough review of proposed projects, making recommendations to the board regarding the size and conditions of awards, and any other duty assigned by the board in relation to the programs administered by the authority to the extent such programs relate to the areas and industry sectors described in this paragraph.

(4) An organization designated by the authority, composed of members from both the public and private sectors and composed of subunits or subcommittees in the areas of already identified bioscience platforms, education and workforce development, commercialization, communication, policy and governance, and finance, will provide funding recommendations to the technology commercialization committee.

(5) A majority of committee members constitutes a quorum. Nonvoting, ex officio members of the board may be appointed by the chairperson of the technology commercialization committee to serve on the technology commercialization committee as nonvoting, ex officio members.

c. A finance committee is established to assist the board in the financial management of the authority and its programs.

(1) The finance committee is an advisory body comprised of voting members of the board who are selected annually by the voting members of the board. The membership and size of the committee as well as the terms of committee members will be established annually by the board.

(2) The members of the finance committee will elect a member to serve as chairperson. The duties of the finance committee may include meeting periodically with authority staff to review the authority's regularly maintained financial records and other financial information as may be requested by the board.

(3) The finance committee may make recommendations to the board, and members of the finance committee may also attend audit entrance and exit interviews conducted by the auditor of state with authority staff.

d. The director may appoint ad hoc committees to serve in an advisory capacity to the authority whenever the director deems them necessary to accomplish the work of the authority. The size of such committees and the terms of committee members will be established by the director. Such committees may be dissolved as deemed appropriate by the director, and other committees may from time to time be established for specific purposes.

ITEM 4. Amend rule 261—1.4(15) as follows:

261—1.4(15) Department Authority structure.

1.4(1) General. ~~The department's~~ authority's organizational structure consists of the board, the director, deputy director, and four divisions and such divisions as the director may from time to time create.

1.4(2) Director. ~~The Iowa department of economic development~~ authority is administered by a director who is appointed by the governor, subject to confirmation by the senate, and who serves at the pleasure of the governor and is subject to confirmation by the senate ~~serves for a four-year term beginning and ending as provided in Iowa Code section 69.19. An appointment by the governor to fill a vacancy in the office of the director is for the balance of the unexpired four-year term.~~ the director is the chief administrative officer of the department authority and in that capacity administers oversees the

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administration of the authority's programs and services of the department in, ensuring their compliance with applicable federal and state laws, rules, and regulations. The duties responsibilities of the director are as authorized described in Iowa Code section 15.106 15.106C and include preparing a budget subject to board approval, establishing an internal administrative structure and employing personnel, reviewing and submitting legislative proposals to the board legislative proposals, recommending rules to the board and ensuring their progression through the rule-making process, reporting to the board on grants and contracts awarded by the department authority, and other actions reasonably necessary to administer and direct the programs of the department authority.

The administrators of the four divisions and the deputy director report to the director.

1.4(3) Deputy director Chief designee. The deputy director, appointed by the director, directs and administers the department may designate an employee to administer the authority in the director's absence. Such employee may bear the title of deputy director, chief operating officer, chief of staff, or other similar title as long as the director has executed an instrument clearly delegating the director's authority to that employee.

1.4(4) Divisions. The director has established the following may from time to time reorganize the authority into administrative divisions within the department in order to most efficiently and effectively carry out the department's authority's responsibilities. This reorganization may include creating new divisions, eliminating existing divisions, or combining divisions as the director deems necessary. Such divisions may include, but are not limited to, the following:

- 1- a. Administration division;
- 2- b. Business development division;
- c. Energy division;
- 3- d. Community development division; and
- 4- e. Innovation and commercialization Small business division.

1.4(5) Attachment for administrative purposes; board support. The Iowa department of economic development provides staff and employees of the authority provide office space and staff support to the city development board pursuant to Iowa Code sections 368.9 and 15.108(3) "a"(2). The department authority provides administrative support to the vision Iowa board pursuant to Iowa Code section 15F.104 and the renewable fuel infrastructure board pursuant to Iowa Code section 15G.202.

1.4(6) Advisory committees. The director may appoint committees to serve in an advisory capacity to the department that are deemed necessary to accomplish the work of the department. The size of the committee and the terms of committee members will be established by the director. These committees may be dissolved as deemed appropriate by the director, and other committees may from time to time be established for specific purposes.

ITEM 5. Amend rule 261—1.5(15) as follows:

261—1.5(15) Information. The general public may obtain information about the Iowa department of economic development authority by contacting the Iowa Department of Economic Development, authority at its offices located at 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4700; or through the department's Web site at www.iowalifechanging.com authority's Web site.

ITEM 6. Amend **261—Chapter 1**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 15 as amended by 2009 Iowa Acts, Senate File 344, chapter 15G as amended by 2009 Iowa Acts, Senate File 344, and section 17A.3.

[Filed 10/22/12, effective 12/19/12]

[Published 11/14/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.

ARC 0440C**ECONOMIC DEVELOPMENT AUTHORITY[261]****Adopted and Filed**

Pursuant to the authority of 2011 Iowa Code Supplement section 15.106A, the Economic Development Authority hereby rescinds Chapter 38, “Regional Sports Authority Districts,” Iowa Administrative Code, and adopts a new chapter with the same title.

Notice of Intended Action was published in IAB Vol. XXXV, No. 4, page 289, on August 22, 2012, as **ARC 0280C**.

The rules describe the manner in which the Authority will administer the Regional Sports Authority Districts program. The amendment replaces the existing program rules in Chapter 38 with clearer and more thorough rules for the program, including revised and expanded application procedures, revised certification procedures, clarifications to contract requirements, and additional clarifications regarding the reimbursement of expenses.

The rules also describe the manner in which the Authority will implement the requirements of 2012 Iowa Acts, Senate File 2212, section 8, regarding the certification of sports authority districts on a competitive basis, including new provisions for the weighted scoring of applications based on economic impact and other criteria.

No public comments were received during the notice and comment period.

There are no substantive changes to the rules published under Notice of Intended Action. However, where appropriate, citations to the 2011 Iowa Code Supplement and to 2012 Iowa Acts as published in the Notice have been converted to citations to the soon-to-be-published 2013 Code of Iowa.

The Economic Development Authority Board adopted this amendment on October 19, 2012, at the Board’s monthly meeting.

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

These rules are intended to implement 2011 Iowa Code Supplement section 15E.321 as amended by 2012 Iowa Acts, Senate File 2212, section 8.

These rules will become effective December 19, 2012, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

The following amendment is adopted.

Rescind 261—Chapter 38 and adopt the following **new** chapter in lieu thereof:

CHAPTER 38

REGIONAL SPORTS AUTHORITY DISTRICTS

261—38.1(15E) Definitions. For purposes of this chapter unless the context otherwise requires:

“*Actively promote*” or “*active promotion*” means to regularly undertake specific identifiable actions that encourage greater participation in an activity or that make an activity more visible and accessible. Active promotion includes the planning, organizing, advertising, marketing, managing, hosting, and sponsoring of a nonprofessional sporting event.

“*Applicant*” means a CVB that has submitted an application to the authority for certification of a proposed district. For purposes of this chapter, “applicant” may include more than one CVB and one or more area communities located within the proposed district.

“*Authority*” means the economic development authority.

“*Board*” means a regional sports authority district governing board consisting of members of the local communities served by an applicant.

“*Convention and visitors bureau*” or “*CVB*” means an organization engaged primarily in the marketing and promotion of a local community or communities to businesses and to leisure travelers interested in the area’s facilities. Such organizations are typically engaged in a wide range of activities including but not limited to assisting businesses and leisure travelers in identifying meeting locations and convention sites; providing maps and other travel information; providing information on local

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attractions, lodging, and restaurants; and organizing tours of local historical, recreational, and cultural attractions.

“*District*” means a regional sports authority district certified by the authority pursuant to this chapter.

“*Nonprofessional*” means an activity typically engaged in by amateurs and primarily for pleasure rather than for pecuniary benefit or other reasons indicating a professional interest in the activity.

“*Program*” means the regional sports authority district program authorized under Iowa Code section 15E.321 and the rules in this chapter.

“*Sporting event*” means an athletic activity requiring skill or physical prowess, usually competitive in nature and governed by a set of rules provided by a nationally recognized sanctioning body or by a local organization engaged in the development and active promotion of the athletic activity. A sporting event typically includes the placing of competitors into a fixed order of finish, depending upon their respective athletic performance within the rules provided for that activity. For purposes of this chapter, “sporting event” includes but is not limited to youth sports, high school athletic activities, the Special Olympics, and other nonprofessional athletic activities.

261—38.2(15E) Program description.

38.2(1) Each fiscal year in which funding is available, the authority will certify up to ten districts. The authority will certify the districts on a competitive basis. Certification will be based on the criteria described in subrule 38.4(1), and the authority will certify districts in a manner designed to prioritize those events that provide the greatest total benefit to the state as a whole.

38.2(2) The authority will award an equal amount of grant funds to each certified district. Funds will be awarded as reimbursement for expenditures that are directly related to the active promotion of one or more nonprofessional sporting events.

38.2(3) A district certified in one fiscal year retains its certification only for the duration of that fiscal year and must reapply for certification in each subsequent fiscal year.

38.2(4) The certification of districts and the awarding of grant funds are contingent upon the appropriation by the general assembly of moneys for such purposes.

261—38.3(15E) Program eligibility and application requirements.

38.3(1) Eligibility. To be eligible under the program, an applicant shall meet all of the following requirements:

a. The applicant shall propose to operate a regional sports authority district that is governed by a board.

b. The board shall consist of seven members named by the applicant, of whom at least one member shall be a city council member of a city located in the proposed district.

c. The board shall propose, and be responsible for overseeing, a program of activities designed to foster the active promotion of one or more nonprofessional sporting events in the district during the fiscal year for which the applicant is applying for funding.

d. The applicant shall demonstrate an amount of local match equal to at least 50 percent of the amount of grant funds to be received by the applicant under the program. The local match shall be in the form of cash.

e. The applicant shall submit a completed application including all of the information described in subrule 38.3(2).

f. The applicant shall submit the application on or before the application deadline established in subrule 38.3(3).

38.3(2) Application requirements. When submitting an application for grant funds under the program, an applicant shall include all of the following information:

a. The applicant’s name, mailing address, e-mail address, telephone number, contact person, and federal employer identification number.

b. A detailed description of the nonprofessional sporting events the applicant intends to actively promote using funds received under the program.

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c. The date each proposed nonprofessional sporting event will be held and the location at which the event will be held.

d. Written documentation establishing the amount and source of the required local cash match.

e. Names and contact information of the board and an indication as to which of the board members are city council members as required under this rule.

f. Detailed information and projections sufficient to enable the authority to accurately assess the economic impact of the nonprofessional sporting events described in the application. Such information shall include the estimated number of participants and the estimated number of spectators expected to attend the event. If the applicant has previously held substantially similar events, the information shall include actual attendance figures from past events.

38.3(3) Deadlines. The authority will only consider applications received on or before the applicable deadline. The deadline shall be 4:30 p.m. on September 1 of each fiscal year unless the authority, at its sole discretion, provides a different deadline for the submission of applications. The authority may provide a different deadline for the program as a whole, but the authority will not change the deadline at the request of any individual applicant. The authority will develop an application process and post all relevant application information, including deadline changes, on its Internet site at www.traveliowa.com.

261—38.4(15E) Application scoring and certification of districts.

38.4(1) Scoring criteria. The authority will not review or score an application unless it meets the requirements and deadlines of rule 261—38.3(15E). An application that meets the requirements and deadlines of rule 261—38.3(15E) will be given a numerical score between 0 and 100. The higher an application's numerical score, the more likely it will receive funding under the program. The criteria used to score the applications and the maximum number of points that may be attributed to each criterion are as follows:

a. Economic impact: 30 points. The authority will consider the amount of economic impact represented by the proposed nonprofessional sporting events and will view favorably events that have a greater economic impact. Economic impact will be determined based on the information required under subrule 38.3(2), and the authority will use that information in combination with the average daily spending data from the Iowa tourism office's most recent marketing follow-up survey to calculate the estimated economic impact of the nonprofessional sporting events proposed in the application. Intentionally inflated estimates of attendance or a history of providing inaccurate estimates will negatively affect the scoring of an application and may result in noncertification of a district.

b. Leveraged funds ratio: 20 points. The authority will consider the proportion of state funds to total funds in the application and will view favorably a greater rate of financial participation from entities other than the state of Iowa.

c. Novelty and quality: 20 points. The authority will consider the novelty and quality of an event and will view favorably nonprofessional sporting events that are new to Iowa or that have been recently improved, enhanced, or enlarged.

d. Event size and scope: 15 points. The authority will consider the size of an event and will view favorably a project with a larger total budget.

e. Need: 10 points. The authority will consider the financial need of an applicant and will recognize the importance of funding events that would not take place without assistance under the program. The authority will also recognize the importance of funding nonprofessional sporting events that have never before been funded under the program or under another state program.

f. Geographic diversity: 5 points. The authority will consider the geographic diversity represented by the pool of applicants.

38.4(2) Certification process. The authority will certify not more than ten districts each fiscal year in which funding is available for the program. The director of the authority will establish a regional sports authority district review committee within the authority consisting of authority staff. The committee will score all completed applications according to the criteria described in subrule 38.4(1). The authority may certify fewer than ten districts in a fiscal year if fewer than ten completed applications are timely received or if fewer than ten completed applications meet the minimum threshold for certification. The minimum

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threshold for certification is the accumulation of 50 or more points out of 100 total points on the scoring criteria described in subrule 38.4(1). If, after all of the completed applications have been initially scored, fewer than ten districts would be certified, the authority may allow one or more additional rounds of applications to be submitted and scored. For each additional round of applications, the authority will follow the same eligibility requirements and use the same scoring criteria as used in earlier rounds. The authority may accept as many rounds of applications for certification as it deems appropriate. After the conclusion of all application rounds, the authority will award grant funds to each of the certified districts in equal amounts.

38.4(3) *Reallocation of award amounts.* If a certified district fails to hold a nonprofessional sporting event described in the application, then that district may reallocate the proposed expenses allocated for that event to another event provided such other event is also included on the application. If there are no other events included on the application to which the proposed expenses may be allocated, then the district shall forfeit the amount of proposed expenses and the authority may award that amount to other applicants or districts. The authority may rescore the application of any applicant seeking to reallocate award amounts, and if the failure to hold a nonprofessional sporting event as described in the initially scored application would cause a material change in the application's overall quality in relation to other applications, the authority may allow an additional round of applications as described in subrule 38.4(2). No applicant may reallocate award amounts, even after a rescoring, without executing a contract amendment as described in rule 261—38.5(15E).

261—38.5(15E) Contract administration.

38.5(1) *Notice of approval.* The authority will notify successful applicants in writing of approved requests for certification. Such a notification may include the terms or conditions under which approval is granted.

38.5(2) *Contract required.* Each successful applicant shall enter into a contract with the authority. The contract will describe the nonprofessional sporting events that the applicant will actively promote as part of the certified district and will include the terms and conditions under which the grant funds will be disbursed. The contract will also include the terms and conditions under which grant funds must be repaid or penalties incurred in the event the district does not fulfill all obligations under the contract.

38.5(3) *Contract amendments.* All requests by a district for an amendment to the contract will require the approval of the director of the authority. The director will review each such request and approve or deny it. If a request is approved, the district and the director will execute a written amendment to the contract. Only a written amendment duly executed by both parties to the contract will be valid and binding.

38.5(4) *Reports required.* Each certified district shall submit a written report to the authority within 90 days of the end of the performance period specified in the contract.

38.5(5) *Record keeping.* Each certified district shall maintain all records necessary for the verification and validation of the proper use of grant funds under the contract and shall submit such records to the authority upon request.

261—38.6(15E) Expenses, records, and reimbursements.

38.6(1) *General.* Each certified district shall at all times incur expenses and be reimbursed for such expenses by the authority only as described in this chapter or in a contract executed hereunder. The authority may deny reimbursement for any expenditure not directly related to the active promotion of a nonprofessional sporting event.

38.6(2) *Eligible expenses.* Only expenditures directly related to the active promotion of a nonprofessional sporting event will be reimbursed under the program. Items that will be considered eligible expenses include but are not limited to bid fees, rights fees, sponsorships, payments to vendors, advertising, marketing, venue rental, equipment rental, promotional materials, production costs, and fees and costs for officiants.

38.6(3) *Ineligible expenses.* Expenses that are not directly related to the active promotion of a nonprofessional sporting event are not eligible for reimbursement. Ineligible expenses include but

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are not limited to travel costs of applicant staff, solicitation efforts, lobbying fees, meals or dining on occasions other than the dates of the nonprofessional sporting events described in the application, items that are purchased for resale, prizes given to participants, and alcoholic beverages.

38.6(4) Required records and reimbursements. A district shall submit any records requested by the authority as documentation of the expenditures incurred for purposes of the grant funds awarded under the program. Such records may include invoices, original receipts, or check copies. The authority will only accept records submitted in the name of the district that has executed a contract. If a district pays an expense using a credit card, the district shall submit a copy of a check register or bank statement indicating that the credit card invoice was paid. The authority will not reimburse any expenses included on a receipt that includes both eligible expenses and ineligible expenses. The authority will not reimburse expenses included on a nonitemized receipt.

38.6(5) Repayments of certain funds. If the authority reimburses a district for the cost of a refundable bid fee and the applicant is unsuccessful in the effort to win the right to hold that event, then the district shall return the amount of such reimbursement to the authority.

38.6(6) Reallocation of funds. If, at the time of a district's final reporting of expenses, the district cannot adequately document eligible expenses or documents an amount that is less than the awarded amount, the authority may award additional funds to other certified districts, open additional rounds of certification, or revert the moneys to the general fund. If the authority awards additional funds to already certified districts, such districts shall submit documentation establishing how such funds will be expended, and the authority will execute contract amendments providing for the expenditure of the additional funds.

These rules are intended to implement Iowa Code section 15E.321.

[Filed 10/22/12, effective 12/19/12]

[Published 11/14/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.

ARC 0442C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Pursuant to the authority of 2011 Iowa Code Supplement section 15.106A and 2012 Iowa Acts, House File 2473, section 27, the Economic Development Authority hereby amends Chapter 68, "High Quality Jobs Program (HQJP)," Chapter 74, "Grow Iowa Values Financial Assistance Program," Chapter 75, "Opportunities and Threats Program," Chapter 165, "Allocation of Grow Iowa Values Fund," Chapter 171, "Supplemental Credit or Points," Chapter 172, "Environmental Law Compliance; Violations of Law," Chapter 173, "Standard Definitions," Chapter 174, "Wage, Benefit, and Investment Requirements," Chapter 175, "Application Review and Approval Procedures," Chapter 187, "Contracting," Chapter 188, "Contract Compliance and Job Counting," and Chapter 189, "Annual Reporting," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXV, No. 4, page 294, on August 22, 2012, as **ARC 0293C**.

The amendments herein do the following: (1) update existing rules to reflect the repeal of the Grow Iowa Values Fund and Financial Assistance Program effective as of June 30, 2012; (2) implement new program features and requirements for the High Quality Jobs Program, including the provision of project completion assistance, made necessary by the enactment of 2012 Iowa Acts, House File 2473; (3) make conforming changes to existing rules regarding standard application review, wage and benefits requirements, and contracting procedures to reflect other changes enacted in 2012 Iowa Acts, House File 2473; (4) make additional clarifications and conforming changes to support the more efficient administration of the Authority's programs; and (5) update references from the Department of Economic Development to the Economic Development Authority.

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Public comments were received from the Iowa Department of Revenue. In response to these comments, the following changes from the Notice have been made: Paragraph 68.4(1)“b” and subrule 68.4(2) in Item 7 herein have been further amended to reflect statutory changes made in 2009 Iowa Acts, chapter 82, section 4, which transferred issuance of certain sales tax refunds from the Department of Economic Development to the Department of Revenue. The amendments to paragraph 68.4(1)“b” and subrule 68.4(2) update the rules to reflect that the issuance was transferred to the Department of Revenue. Paragraph 68.4(1)“b” now reads as follows:

“*b. Racks, shelving, and conveyor equipment.* If the project is the location, expansion, or modernization of a warehouse or distribution center, the approved business may be entitled to a refund of sales and use taxes attributable to racks, shelving, and conveyor equipment. The approved business shall, not more than 12 months following project completion, make written application to the department of revenue for a refund. The application must include the refund amount being requested and documentation such as invoices or contracts which substantiate the requested amount. The department of revenue will validate the refund amount and issue the refund.

“The aggregate combined total amount of refunds and tax credits attributable to sales and use taxes on racks, shelving, and conveyor equipment issued by the department of revenue to businesses approved for high quality jobs program and enterprise zone program benefits shall not exceed \$500,000 during a fiscal year. Tax refunds and tax credits will be issued on a first-come, first-served basis. If an approved business’s application does not receive a refund or tax credits due to the \$500,000 fiscal year limitation, the approved business’s application shall be considered in the succeeding fiscal year.”

Subrule 68.4(2) now reads as follows:

“**68.4(2)** *Corporate tax credit for certain sales taxes paid by third-party developer.* Pursuant to Iowa Code section 15.331C, the approved business may claim a corporate tax credit up to an amount equal to the sales and use taxes paid by a third-party developer under Iowa Code chapter 423 for gas, electricity, water, or sewer utility services, goods, wares, or merchandise, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility of the approved business. Taxes attributable to intangible property and furniture and furnishings shall not be refunded.

“Any tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. An approved business may elect to receive a refund of all or a portion of an unused tax credit.

“*a. Filing a claim.* To receive the tax credit, the approved business shall file a claim with the department of revenue as follows:

“(1) The third-party developer shall state under oath, on forms provided by the department of revenue, the amount of sales and use taxes paid and submit the forms to the approved business.

“(2) The approved business shall, not more than 12 months following project completion, submit the completed forms to the department of revenue.

“(3) The department of revenue shall issue a tax credit certificate in an amount equal to all or a portion of the sales and use taxes paid by a third-party developer under Iowa Code chapter 423 for gas, electricity, water, or sewer utility services, goods, wares, or merchandise, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility of the approved business.

“(4) The approved business shall not claim the tax credit provided in this subrule unless a tax credit certificate issued by the department of revenue is attached to the approved business’s tax return for the tax year in which the tax credit is claimed. A tax credit certificate shall contain the approved business’s name, address, tax identification number, the amount of the tax credit, and other information required by the department of revenue.

“*b. Racks, shelving, and conveyor equipment.* If the project is the location, expansion, or modernization of a warehouse or distribution center, the approved business may claim a corporate tax credit up to the amount of sales and use taxes paid by a third-party developer and attributable to racks, shelving, and conveyor equipment. The approved business shall, not more than 12 months following project completion, make written application to the department of revenue for a tax credit. The

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application must include the tax credit amount being requested and documentation from the third-party developer such as invoices or contracts which substantiate the requested amount. The department of revenue will confirm the tax credit amount and issue a tax credit certificate in an amount equal to all or a portion of the sales and use taxes attributable to racks, shelving, and conveyor equipment. The approved business shall not claim the tax credit provided in this subrule unless a tax credit certificate is attached to the approved business's tax return for the tax year in which the tax credit is claimed. A tax credit certificate shall contain the approved business's name, address, tax identification number, the amount of the tax credit, and other information required by the department of revenue. Any tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. An approved business may elect to receive a refund of all or a portion of an unused tax credit.

"The aggregate combined total amount of refunds and tax credits attributable to sales and use taxes on racks, shelving, and conveyor equipment approved by the authority for businesses under the high quality jobs program and enterprise zone program shall not exceed \$500,000 during a fiscal year. Tax refunds and tax credits will be issued on a first-come, first-served basis. If an approved business's application does not receive a refund or tax credits due to the \$500,000 fiscal year limitation, the approved business's application shall be considered in the succeeding fiscal year."

Also, where appropriate, citations to the 2011 Iowa Code Supplement and to 2012 Iowa Acts as published in the Notice have been converted to citations of the soon-to-be-published 2013 Code of Iowa, and references to "department" have been changed to "authority" in subrules 68.1(1) and 187.2(3).

The Economic Development Authority Board adopted these amendments on October 19, 2012, at the Board's monthly meeting.

After analysis and review of this rule making, the Authority finds that a positive impact on jobs will result. The amendments to the Authority's rules include an expansion of the High Quality Jobs Program that adds loan-based assistance to the program. Adding such assistance to an existing program not only makes the Authority's operations more efficient, but it allows the Authority to tailor assistance individually to meet the needs of each business applying to the program.

Moreover, the addition of distress criteria allows businesses in Iowa's high-unemployment counties to access higher levels of program benefits. The amendments to the High Quality Jobs Program rules achieve this by making more jobs eligible for incentives under the program. Because the Authority awards tax incentives on a per-job basis according to the number of jobs that meet the program's minimum wage thresholds, allowing a business to trigger incentives for wages at the 100 percent threshold instead of the 120 percent threshold results in more incented jobs for a given project and consequently a greater total incentive. A greater total incentive makes it more likely that a business will locate or expand in Iowa.

These amendments are intended to implement 2012 Iowa Acts, House File 2473, Iowa Code chapter 15 as amended by 2011 Iowa Acts, chapter 118, and Iowa Code chapter 15G as amended by 2011 Iowa Acts, chapter 133.

These amendments will become effective December 19, 2012, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 68, 74, 75, 165, 171 to 175, 187 to 189] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 0293C**, IAB 8/22/12.

[Filed 10/22/12, effective 12/19/12]

[Published 11/14/12]

[For replacement pages for IAC, see IAC Supplement 11/14/12.]

ARC 0446C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 13, "Issuance of Teacher Licenses and Endorsements," Iowa Administrative Code.

In 2010, new elementary endorsement requirements were adopted. Highly qualified teacher (HQT) language from the current endorsement rule was inadvertently omitted. This amendment is adopted so that when the current rule sunsets on September 1, 2015, there will be a mechanism to address out-of-state applicants who need to verify HQT status for licensure in Iowa.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 25, 2012, as **ARC 0236C**. A public hearing on the amendment was held on Wednesday, August 15, 2012. No one attended the public hearing, and no written comments were received. This amendment is identical to that published under Notice.

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

This amendment is intended to implement Iowa Code section 272.2(1)"a."

This amendment will become effective December 19, 2012.

The following amendment is adopted.

Amend subrule 13.26(5) as follows:

13.26(5) Teacher—elementary classroom. Effective September 1, 2015, the following requirements apply to persons who wish to teach in the elementary classroom:

a. Authorization. The holder of this endorsement is authorized to teach in kindergarten and grades one through six.

b. Program requirements.

(1) Degree—baccalaureate, and

(2) Completion of an approved human relations component, and

(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).

(4) Highly qualified teacher (HQT) status. Applicants from non-Iowa institutions who have completed the requirements for this endorsement must verify their HQT status. The board shall determine the test and the minimum passing score for HQT status. Verification must be provided through one of the following:

1. Written verification from the department of education in the state in which the applicant completed the elementary teacher preparation program that the applicant has achieved HQT status in that state; or

2. Written verification from the department of education in the state where the applicant is currently teaching that the applicant has achieved HQT status in that state; or

3. Submission of the official test score report indicating the applicant has met the qualifying score for licensure in the state in which the applicant completed the elementary teacher preparation program; or

4. Verification that the applicant has obtained the qualifying score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment in June 2006 of the federal highly qualified teacher provisions of the Individuals with Disabilities Education Act (IDEA). This option may also be utilized by applicants from outside the United States.

5. For applicants who have completed the requirements for one of the Iowa elementary endorsements, verification of HQT status by meeting the minimum score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment in June 2006 of the federal highly qualified teacher provisions of IDEA. This option may also be utilized by applicants who have been teaching outside the United States.

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c. No change.

[Filed 10/23/12, effective 12/19/12]

[Published 11/14/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.

ARC 0448C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 13, "Issuance of Teacher Licenses and Endorsements," Iowa Administrative Code.

In recent years, districts have been moving algebra into the middle school. In order for middle schools to give ninth grade credit, middle school teachers are required to have an endorsement for ninth grade. Rather than requiring middle school teachers to add the 5-12 math endorsement, this amendment permits them to add a 5-8 algebra for high school credit endorsement in math, which allows middle school students to receive ninth grade credit.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 25, 2012, as **ARC 0235C**. No one attended the public hearing. The Board received a written comment from the University of Northern Iowa mathematics education committee. The amendment was changed from the one published under Notice. In paragraph 13.28(12)"c," the name of the endorsement was changed from grade 9 to 5-8 algebra for high school credit. A stipulation that the endorsement will allow the holder to teach algebra to grades 5-8 for high school credit was also added to reflect the discussion and concerns of the Board.

Upon analysis and review of this rule making, minimal impact upon jobs has been found. The amendment creates an endorsement for mathematics teachers that may make them more marketable and attractive candidates for employment.

This amendment is intended to implement Iowa Code section 272.2(1)"a."

This amendment will become effective December 19, 2012.

The following amendment is adopted.

Amend subrule 13.28(12) as follows:

13.28(12) Mathematics.

a. *K-8*. Completion of 24 semester hours in mathematics to include coursework in algebra, geometry, number theory, measurement, computer programming, and probability and statistics.

b. *5-12*.

(1) to (3) No change.

c. *5-8 algebra for high school credit*. For a 5-8 algebra for high school credit endorsement, hold either the K-8 mathematics or middle school mathematics endorsement and complete a college algebra or linear algebra class. This endorsement allows the holder to teach algebra to grades 5-8 for high school credit.

[Filed 10/23/12, effective 12/19/12]

[Published 11/14/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.

ARC 0449C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 13, "Issuance of Teacher Licenses and Endorsements," Iowa Administrative Code.

This amendment is adopted because of input from the field and issues generated by the Basic Educational Data System (BEDS) reporting. The first change revises wording in paragraph 13.28(17)"e" and more specifically defines the requirements to obtain the basic science endorsement. The second change removes the physical science endorsement option in paragraph 13.28(17)"f" that has been incorporated in other endorsement areas. The third change strikes paragraph 13.28(17)"h" to remove an outdated endorsement that should have been removed several years ago. The last change spells out in more detail the requirements for the all science endorsement in paragraph 13.28(17)"i" and also decreases the total number of hours needed for an all science endorsement from 48 to 36.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 5, 2012, as **ARC 0312C**. A public hearing on the amendment was held on Wednesday, September 26, 2012. No one attended the public hearing. One written comment was received from Christy Hickman, staff counsel for the Iowa State Education Association, expressing concern that this amendment appeared to lower standards for science teachers. This amendment is identical to that published under Notice.

Upon analysis and review of this rule making, minimal positive impact upon jobs has been found. The amendment creates a basic science endorsement that candidates for employment may obtain to make them more attractive to school districts that need a teacher qualified to work in several subject areas.

This amendment is intended to implement Iowa Code section 272.2(1)"a."

This amendment will become effective December 19, 2012.

The following amendment is adopted.

Amend subrule 13.28(17) as follows:

13.28(17) Science.

a. Science—basic. K-8.

- (1) No change.
- (2) ~~Competencies~~ Pedagogy competencies.

1. to 4. No change.

b. to d. No change.

e. General Basic science. 5-12. ~~Completion of 24 semester hours in science to include coursework in biological science, chemistry, and physics.~~ Completion of 24 semester hours of credit in science to include the following:

(1) Six semester hours of credit in earth and space science to include the following essential concepts and skills:

1. Understand and apply knowledge of energy in the earth system.
2. Understand and apply knowledge of geochemical cycles.

(2) Six semester hours of credit in life science/biological science to include the following essential concepts and skills:

1. Understand and apply knowledge of the cell.
2. Understand and apply knowledge of the molecular basis of heredity.
3. Understand and apply knowledge of the interdependence of organisms.
4. Understand and apply knowledge of matter, energy, and organization in living systems.
5. Understand and apply knowledge of the behavior of organisms.

(3) Six semester hours of credit in physics/physical science to include the following essential concepts and skills:

1. Understand and apply knowledge of the structure of atoms.
2. Understand and apply knowledge of the structure and properties of matter.
3. Understand and apply knowledge of motions and forces.

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4. Understand and apply knowledge of interactions of energy and matter.
- (4) Six semester hours of credit in chemistry to include the following essential concepts and skills:
1. Understand and apply knowledge of chemical reactions.
 2. Be able to design and conduct scientific investigations.
- ~~f. Physical science. 5-12. Completion of 24 semester hours in physical sciences to include coursework in physics, chemistry, and earth science.~~
- ~~g. No change.~~
- ~~h. All science I. 5-8. The holder of this endorsement must also hold the middle school endorsement listed under rule 282—13.27(272).~~
- ~~(1) Required coursework. Completion of at least 24 semester hours in science to include 6 hours in chemistry, 6 hours in physics or physical sciences, 6 hours in biology, and 6 hours in the earth/space sciences.~~
- ~~(2) Competencies.~~
- ~~1. Understand the nature of scientific inquiry, its central role in science, and how to use the skills and processes of scientific inquiry.~~
 - ~~2. Understand the fundamental facts and concepts in major science disciplines.~~
 - ~~3. Be able to make conceptual connections within and across science disciplines, as well as to mathematics, technology, and other school subjects.~~
 - ~~4. Be able to use scientific understanding when dealing with personal and societal issues.~~
- ~~i. All science II. 9-12.~~
- ~~(1) Required coursework.~~
- ~~1. Completion of one of the following endorsement areas listed under subrule 13.28(17): biological science 5-12 or chemistry 5-12 or earth science 5-12 or physics 5-12.~~
 - ~~2. Completion of at least 12 hours in each of the other three endorsement areas.~~
- ~~(1) Completion of 36 semester hours of credit in science to include the following:~~
- ~~1. Nine semester hours of credit in earth and space science to include the following essential concepts and skills:~~
 - ~~• Understand and apply knowledge of energy in the earth system.~~
 - ~~• Understand and apply knowledge of geochemical cycles.~~
 - ~~• Understand and apply knowledge of the origin and evolution of the earth system.~~
 - ~~• Understand and apply knowledge of the origin and evolution of the universe.~~
 - ~~2. Nine semester hours of credit in life science/biological science to include the following essential concepts and skills:~~
 - ~~• Understand and apply knowledge of the cell.~~
 - ~~• Understand and apply knowledge of the molecular basis of heredity.~~
 - ~~• Understand and apply knowledge of the interdependence of organisms.~~
 - ~~• Understand and apply knowledge of matter, energy, and organization in living systems.~~
 - ~~• Understand and apply knowledge of the behavior of organisms.~~
 - ~~• Understand and apply knowledge of biological evolution.~~
 - ~~3. Nine semester hours of credit in physics/physical science to include the following essential concepts and skills:~~
 - ~~• Understand and apply knowledge of the structure of atoms.~~
 - ~~• Understand and apply knowledge of the structure and properties of matter.~~
 - ~~• Understand and apply knowledge of motions and forces.~~
 - ~~• Understand and apply knowledge of interactions of energy and matter.~~
 - ~~• Understand and apply knowledge of conservation of energy and increase in disorder.~~
 - ~~4. Nine semester hours of credit in chemistry to include the following essential concepts and skills:~~
 - ~~• Understand and apply knowledge of chemical reactions.~~
 - ~~• Be able to design and conduct scientific investigations.~~
- ~~(2) Competencies Pedagogy competencies.~~

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1. to 4. No change.

[Filed 10/23/12, effective 12/19/12]

[Published 11/14/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.

ARC 0450C

EDUCATIONAL EXAMINERS BOARD[282]**Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 14, "Special Education Endorsements," Iowa Administrative Code.

Recently there has been a change in terminology from "mental disabilities" to "intellectual disabilities." In keeping with Department of Education usage and with 2012 Iowa Acts, Senate File 2247, these amendments change the term "mental disability" to "intellectual disability" in the special education rules.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 25, 2012, as **ARC 0229C**. A public hearing on the amendments was held on Wednesday, August 15, 2012. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice of Intended Action.

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

These amendments are intended to implement Iowa Code section 272.2(1)"a."

These amendments will become effective December 19, 2012.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [14.2] is being omitted. These amendments are identical to those published under Notice as **ARC 0229C**, IAB 7/25/12.

[Filed 10/23/12, effective 12/19/12]

[Published 11/14/12]

[For replacement pages for IAC, see IAC Supplement 11/14/12.]

ARC 0451C

EDUCATIONAL EXAMINERS BOARD[282]**Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 19, "Evaluator Endorsement and License," Iowa Administrative Code.

The amendment to rule 282—19.7(272) modifies the language to make the rule's meaning clearer and changes the verb "will" to "may." Paragraph 19.7(2)"c" is stricken because the provision is no longer needed as the sunset date has passed.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 5, 2012, as **ARC 0311C**. A public hearing on the amendment was held on Wednesday, September 26, 2012. No one attended the public hearing, and no written comments were received. This amendment is identical to that published under Notice.

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

This amendment is intended to implement Iowa Code section 272.2(1)"a."

This amendment will become effective December 19, 2012.

The following amendment is adopted.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

Amend rule 282—19.7(272) as follows:

282—19.7(272) Renewal of administrator licenses.

19.7(1) Each applicant for renewal of an administrator license shall have completed the evaluator endorsement requirements. A waiver of this requirement may apply if a person submits appropriate documentation of either of the following:

- a. A person is engaged in active duty in the military service of this state or of the United States.
- b. A person is practicing as a licensed profession professional educator outside this state.

19.7(2) Extension of an administrator license:

- a. ~~Will~~ May be granted to an applicant who has not completed the new evaluator renewal training course before the expiration date on the applicant's license; and
- b. ~~Will~~ May be granted for a one-year period; ~~and~~
- c. ~~Will not be issued, pursuant to this subrule, on or after July 1, 2008.~~

[Filed 10/23/12, effective 12/19/12]

[Published 11/14/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.

ARC 0453C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby rescinds Chapter 36, "Plumbing and Mechanical Systems Board—Petitions for Rule Making," Iowa Administrative Code, and adopts new Chapter 36 with the same title.

The rules in Chapter 36 describe the process that the Iowa Plumbing and Mechanical Systems Board will follow when receiving and responding to a petition for rule making. The rules do not change the process; they simply provide the Uniform Rules on Agency Procedure language for Petitions for Rule Making in its entirety, with the amendments previously adopted incorporated into the rules. The intent is to make it easier for the general public to locate the rules and understand the process.

Notice of Intended Action was published in the September 5, 2012, Iowa Administrative Bulletin as **ARC 0314C**. No comments were received. The adopted amendment is identical to the one published under Notice.

The Iowa Plumbing and Mechanical Systems Board adopted this amendment on October 16, 2012.

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

These rules are intended to implement Iowa Code sections 17A.7 and 105.4.

This amendment will become effective on December 19, 2012.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 36] is being omitted. These rules are identical to those published under Notice as **ARC 0314C**, IAB 9/5/12.

[Filed 10/24/12, effective 12/19/12]

[Published 11/14/12]

[For replacement pages for IAC, see IAC Supplement 11/14/12.]

ARC 0454C**PUBLIC HEALTH DEPARTMENT[641]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby adopts new Chapter 57, “Plumbing and Mechanical Systems Board—Declaratory Orders,” Iowa Administrative Code.

The rules in Chapter 57 describe the process that the Iowa Plumbing and Mechanical Systems Board will follow when a petition for declaratory order is received by the Board.

Notice of Intended Action was published in the September 5, 2012, Iowa Administrative Bulletin as **ARC 0315C**. No comments were received. The adopted rules are identical to those published under Notice.

The Iowa Plumbing and Mechanical Systems Board adopted these rules on October 16, 2012.

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

These rules are intended to implement Iowa Code section 17A.9.

These rules will become effective on December 19, 2012.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 57] is being omitted. These rules are identical to those published under Notice as **ARC 0315C**, IAB 9/5/12.

[Filed 10/24/12, effective 12/19/12]

[Published 11/14/12]

[For replacement pages for IAC, see IAC Supplement 11/14/12.]

ARC 0456C**PUBLIC HEALTH DEPARTMENT[641]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby adopts new Chapter 58, “Plumbing and Mechanical Systems Board—Agency Procedure for Rule Making,” Iowa Administrative Code.

The rules in Chapter 58 describe the process that the Iowa Plumbing and Mechanical Systems Board will follow when a petition for rule making is received by the Board.

Notice of Intended Action was published in the September 5, 2012, Iowa Administrative Bulletin as **ARC 0316C**. No comments were received. The adopted rules are identical to those published under Notice.

The Iowa Plumbing and Mechanical Systems Board adopted these rules on October 16, 2012.

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

These rules are intended to implement Iowa Code section 17A.4.

These rules will become effective on December 19, 2012.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 58] is being omitted. These rules are identical to those published under Notice as **ARC 0316C**, IAB 9/5/12.

[Filed 10/24/12, effective 12/19/12]

[Published 11/14/12]

[For replacement pages for IAC, see IAC Supplement 11/14/12.]

ARC 0457C**PUBLIC HEALTH DEPARTMENT[641]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby adopts new Chapter 59, “Plumbing and Mechanical Systems Board—Fair Information Practices and Public Records,” Iowa Administrative Code.

The rules in Chapter 59 describe the process that the Iowa Plumbing and Mechanical Systems Board will follow when a request for access to open records is received, specify how to handle confidential records, and implement the Fair Information Practices Act.

Notice of Intended Action was published in the September 5, 2012, Iowa Administrative Bulletin as **ARC 0317C**. No comments were received. The adopted rules are identical to those published under Notice.

The Iowa Plumbing and Mechanical Systems Board adopted these rules on October 16, 2012.

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

These rules are intended to implement Iowa Code section 22.11.

These rules will become effective on December 19, 2012.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 59] is being omitted. These rules are identical to those published under Notice as **ARC 0317C**, IAB 9/5/12.

[Filed 10/24/12, effective 12/19/12]

[Published 11/14/12]

[For replacement pages for IAC, see IAC Supplement 11/14/12.]

ARC 0458C**PUBLIC HEALTH DEPARTMENT[641]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby adopts new Chapter 60, “Plumbing and Mechanical Systems Board—Noncompliance Regarding Child Support, Nonpayment of State Debt, and Noncompliance Regarding Student Loan Repayment,” Iowa Administrative Code.

The rules in Chapter 60 adopt by reference 641—Chapters 192, 194 and 195. These chapters describe the process that the Iowa Plumbing and Mechanical Systems Board will follow when denying the issuance or renewal of a license upon the receipt of a certificate of noncompliance from the Department of Human Services for child support, the College Student Aid Commission for student loan default or the Department of Revenue for nonpayment of state debt.

Notice of Intended Action was published in the September 5, 2012, Iowa Administrative Bulletin as **ARC 0313C**. No comments were received. The adopted rules are identical to those published under Notice.

The Iowa Plumbing and Mechanical Systems Board adopted these rules on October 16, 2012.

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

These rules are intended to implement Iowa Code chapters 272D and 252J and section 261.126.

These rules will become effective on December 19, 2012.

The following amendment is adopted.

Adopt the following **new** 641—Chapter 60:

PUBLIC HEALTH DEPARTMENT[641](cont'd)

CHAPTER 60
PLUMBING AND MECHANICAL SYSTEMS BOARD—
NONCOMPLIANCE REGARDING CHILD SUPPORT, NONPAYMENT OF STATE DEBT,
AND NONCOMPLIANCE REGARDING STUDENT LOAN REPAYMENT

641—60.1(252J) Child support noncompliance. The board hereby adopts by reference 641—Chapter 192, “Child Support Noncompliance,” Iowa Administrative Code.

641—60.2(272D) Nonpayment of state debt. The board hereby adopts by reference 641—Chapter 194, “Nonpayment of State Debt,” Iowa Administrative Code.

641—60.3(261) Student loan repayment noncompliance. The board hereby adopts by reference 641—Chapter 195, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation,” Iowa Administrative Code.

These rules are intended to implement Iowa Code chapters 252J and 272D and section 261.126.

[Filed 10/24/12, effective 12/19/12]

[Published 11/14/12]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.

ARC 0439C

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3 and chapter 15H, the Iowa Commission on Volunteer Service hereby adopts amendments to Chapter 8, “Iowa Youth Mentoring Program Certification,” Iowa Administrative Code.

The current rules establish procedures for the certification of youth mentoring programs to ensure that certifications are handled in a fair and orderly manner. These amendments provide clarification on the certification process and add additional requirements to the areas of background checks and screening.

Notice of Intended Action was published in IAB Volume XXXV, Number 4, p. 366, on August 22, 2012, as **ARC 0291C**. A public hearing was held on September 13, 2012, from 1 to 2 p.m. at the Iowa Economic Development Authority, Tourism Conference Room. No persons attended the hearing or offered comments. These adopted amendments are identical to those published under Notice of Intended Action.

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

These amendments will become effective on December 19, 2012.

These amendments are intended to implement Iowa Code chapter 15H.

The following amendments are adopted.

ITEM 1. Amend **817—Chapter 8**, introductory paragraph, as follows:

The purpose of the Iowa mentoring partnership is to certify mentoring programs that meet standards outlined in the Elements of Effective Practice for Mentoring™, published by the National Mentoring Partnership, that have been established for youth mentoring programs. The Iowa mentoring partnership also provides training, resources and support services to local mentoring programs. In partnership with certified programs, the Iowa mentoring partnership strives to increase the capacity of mentoring programs, raise statewide awareness of the positive benefits of mentoring children and youth, promote effective screening and safety procedures, and enhance the quality of mentoring relationships in Iowa.

ITEM 2. Amend subrule 8.3(1) as follows:

8.3(1) Specific questions are included on the application regarding mentoring program operations, screening and safety procedures, training, number of mentors and mentees, structure of the program,

VOLUNTEER SERVICE, IOWA COMMISSION ON[817](cont'd)

and other information to determine whether the program meets the certification standards established in rules 817—8.4(15H) and 817—8.5(15H).

ITEM 3. Amend rule 817—8.4(15H) as follows:

817—8.4(15H) Basis for certification standards. The commission has established standards to certify youth mentoring programs. These standards are based on the Elements of Effective Practice for Mentoring™, published by the National Mentoring Partnership. These elements are based on the work of a panel of experts convened by the National Mentoring Partnership to produce a set of rigorous mentoring guidelines, providing the gold standard for quality mentoring for more than a decade.

8.4(1) Statement of purpose. The mentoring program should have a statement of purpose and a long-range plan that ~~include~~ includes:

a. to e. No change.

f. Risk management plan.

8.4(2) No change.

8.4(3) Orientation. The mentoring program shall have an orientation for mentors and mentees that includes:

a. to g. No change.

h. Definition of appropriate and inappropriate contact, and a statement that informs mentees and parents/guardians on how to report inappropriate contact.

8.4(4) No change.

8.4(5) Training curriculum. The mentoring program shall have a readiness and training curriculum for all mentors and participants that includes:

a. to k. No change.

l. Information on what is considered inappropriate contact and what to do if such contact occurs.

m. Information regarding safe meeting spaces and meeting place guidelines and restrictions.

8.4(6) to 8.4(10) No change.

8.4(11) Additional certification standards. The commission also utilizes the Elements of Effective Practice for Mentoring™, published by the National Mentoring Partnership, to determine the primary areas of review for mentoring program certification. These areas are intended to indicate whether programs are operating under the quality policies and procedures established by a national panel of mentoring program experts, researchers and others.

a. and b. No change.

c. Minimum monthly contact. Mentoring programs shall meet minimum requirements for monthly contact based on program type.

(1) Matches in community-based programs shall meet for a minimum of four hours per month with a consistent schedule.

(2) School-based programs shall meet for a minimum of two hours per month with a consistent schedule.

(3) E-mentoring programs shall have contact via secure, supervised e-mail a minimum of once per week.

d. and e. No change.

[Filed 10/22/12, effective 12/19/12]

[Published 11/14/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.