



IOWA ADMINISTRATIVE BULLETIN

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- Filed, Fire fighter certification standards, 251.202 **ARC 7345B** 1320
- Filed, Electrical requirements—adoption of National Electrical Code by reference, 301.5 **ARC 7343B** 1321
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- Filed, Electronic filing requirements, amend chs 1, 6, 7, 10, 11, 13; adopt ch 14 **ARC 7366B** 1330

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”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

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

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STEPHANIE A. HOFF, Deputy Editor		(515)281-8157
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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 7.17, 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 2008

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. 26 '07	Jan. 16 '08	Feb. 5 '08	Feb. 20 '08	Feb. 22 '08	Mar. 12 '08	Apr. 16 '08	July 14 '08
Jan. 11	Jan. 30	Feb. 19	Mar. 5	Mar. 7	Mar. 26	Apr. 30	July 28
Jan. 25	Feb. 13	Mar. 4	Mar. 19	Mar. 21	Apr. 9	May 14	Aug. 11
Feb. 8	Feb. 27	Mar. 18	Apr. 2	Apr. 4	Apr. 23	May 28	Aug. 25
Feb. 22	Mar. 12	Apr. 1	Apr. 16	Apr. 18	May 7	June 11	Sep. 8
Mar. 7	Mar. 26	Apr. 15	Apr. 30	May 2	May 21	June 25	Sep. 22
Mar. 21	Apr. 9	Apr. 29	May 14	***May 14***	June 4	July 9	Oct. 6
Apr. 4	Apr. 23	May 13	May 28	May 30	June 18	July 23	Oct. 20
Apr. 18	May 7	May 27	June 11	June 13	July 2	Aug. 6	Nov. 3
May 2	May 21	June 10	June 25	***June 25***	July 16	Aug. 20	Nov. 17
May 14	June 4	June 24	July 9	July 11	July 30	Sep. 3	Dec. 1
May 30	June 18	July 8	July 23	July 25	Aug. 13	Sep. 17	Dec. 15
June 13	July 2	July 22	Aug. 6	Aug. 8	Aug. 27	Oct. 1	Dec. 29
June 25	July 16	Aug. 5	Aug. 20	***Aug. 20***	Sep. 10	Oct. 15	Jan. 12 '09
July 11	July 30	Aug. 19	Sep. 3	Sep. 5	Sep. 24	Oct. 29	Jan. 26 '09
July 25	Aug. 13	Sep. 2	Sep. 17	Sep. 19	Oct. 8	Nov. 12	Feb. 9 '09
Aug. 8	Aug. 27	Sep. 16	Oct. 1	Oct. 3	Oct. 22	Nov. 26	Feb. 23 '09
Aug. 20	Sep. 10	Sep. 30	Oct. 15	Oct. 17	Nov. 5	Dec. 10	Mar. 9 '09
Sep. 5	Sep. 24	Oct. 14	Oct. 29	Oct. 31	Nov. 19	Dec. 24	Mar. 23 '09
Sep. 19	Oct. 8	Oct. 28	Nov. 12	***Nov. 12***	Dec. 3	Jan. 7 '09	Apr. 6 '09
Oct. 3	Oct. 22	Nov. 11	Nov. 26	***Nov. 26***	Dec. 17	Jan. 21 '09	Apr. 20 '09
Oct. 17	Nov. 5	Nov. 25	Dec. 10	***Dec. 10***	Dec. 31	Feb. 4 '09	May 4 '09
Oct. 31	Nov. 19	Dec. 9	Dec. 24	***Dec. 24***	Jan. 14 '09	Feb. 18 '09	May 18 '09
Nov. 12	Dec. 3	Dec. 23	Jan. 7 '09	Jan. 9 '09	Jan. 28 '09	Mar. 4 '09	June 1 '09
Nov. 26	Dec. 17	Jan. 6 '09	Jan. 21 '09	Jan. 23 '09	Feb. 11 '09	Mar. 18 '09	June 15 '09
Dec. 10	Dec. 31	Jan. 20 '09	Feb. 4 '09	Feb. 6 '09	Feb. 25 '09	Apr. 1 '09	June 29 '09
Dec. 24	Jan. 14 '09	Feb. 3 '09	Feb. 18 '09	Feb. 20 '09	Mar. 11 '09	Apr. 15 '09	July 13 '09

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
13	Wednesday, November 26, 2008	December 17, 2008
14	Wednesday, December 10, 2008	December 31, 2008
15	Wednesday, December 24, 2008	January 14, 2009

PLEASE NOTE:

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, December 9, 2008, at 9 a.m. and Wednesday, December 10, 2008, at 8:30 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Customer councils, rescind ch 10 <u>Filed</u> ARC 7292B	11/5/08
Information technology—board membership, audit of fees, 20.5, 20.8(6) <u>Filed</u> ARC 7290B	11/5/08
Information technology—participating agencies, operational standards, 25.1, 25.5(5) <u>Filed</u> ARC 7289B	11/5/08
Eligibility of charitable agencies—criteria included in campaign, 71.6(1)“F” and “h” <u>Filed</u> ARC 7291B	11/5/08

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Pesticides—aerial applicators and aerial applicator supervisors, 45.1, 45.22(17) <u>Notice</u> ARC 7339B	11/19/08
Designations for ethanol blended gasoline, 85.48 <u>Notice</u> ARC 7370B	11/19/08
Electronic warehouse receipts and credit-sale contracts, amendments to chs 90, 91 <u>Notice</u> ARC 7338B	11/19/08

BANKING DIVISION[187]

COMMERCE DEPARTMENT[181]“umbrella”

Mortgage bankers and mortgage brokers, 18.1 to 18.5, 18.6(4), 18.8, 18.10(1), 18.23 <u>Filed</u> ARC 7340B	11/19/08
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CREDIT UNION DIVISION[189]

COMMERCE DEPARTMENT[181]“umbrella”

Update of references to Iowa Code, amendments to chs 1, 3, 6, 7, 9 to 17, 19, 23, 25 <u>Notice</u> ARC 7319B	11/5/08
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CULTURAL AFFAIRS DEPARTMENT[221]

Iowa community cultural grants program, 6.3, 6.5, 6.6 <u>Notice</u> ARC 7311B	11/5/08
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ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

CDBG contingency fund, 23.4, 23.10 <u>Filed Emergency</u> ARC 7314B	11/5/08
Waiver of wage and nonstatutory program requirements under certain limited conditions, 68.2(6), 68.4(7)“a”(1), 174.4, 175.4 <u>Notice</u> ARC 7315B , also <u>Filed Emergency</u> ARC 7316B	11/5/08

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]“umbrella”

Adding endorsements to licenses, 14.106 <u>Filed</u> ARC 7321B	11/5/08
Administrator licenses, 14.114 <u>Filed</u> ARC 7322B	11/5/08
Two-year teacher exchange license, 14.120(1) <u>Filed</u> ARC 7324B	11/5/08
Substitute authorization for preschool special education, 14.143 <u>Notice</u> ARC 7329B	11/5/08
Special education instructional endorsements, 15.1(2) <u>Filed</u> ARC 7323B	11/5/08

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Air quality, 22.1(2)“r,” 22.8(1), 23.1 <u>Notice</u> ARC 7306B	11/5/08
Fee schedule—water use permit program, 50.4(2), 55.5(2) <u>Notice</u> ARC 7307B	11/5/08
Iowa antidegradation implementation procedure, 61.2(2), 61.3 <u>Notice</u> ARC 7368B	11/19/08
Private sewage disposal systems, 64.15(4), ch 69 <u>Notice</u> ARC 7308B	11/5/08
Solid waste comprehensive planning requirements, amendments to ch 101 <u>Notice</u> ARC 7310B	11/5/08

HUMAN SERVICES DEPARTMENT[441]

Medicaid and FIP—eligibility; alignment of procedures across programs, amendments to chs 40, 41, 43, 45, 46, 75, 76 <u>Filed Emergency After Notice</u> ARC 7295B	11/5/08
Iowa disaster aid individual assistance grant program, 58.3(2), 58.4(4), 58.5, 58.6 <u>Filed</u> ARC 7296B	11/5/08
Assignment of rights to medical payments from third parties, 75.2(2), 75.2(4) <u>Notice</u> ARC 7356B	11/19/08
Medicaid—continuous eligibility for children, 75.19, 75.54(4) <u>Filed Emergency After Notice</u> ARC 7298B	11/5/08
State-funded family planning program, 76.1(2)“d,” ch 87 <u>Notice</u> ARC 7367B	11/19/08
Medicaid—health care data match program; payment from other sources, 76.13, 80.3, 80.5(2) <u>Notice</u> ARC 7355B	11/19/08
Medicaid coverage—behavioral health services, 77.26, 78.29, 79.1(2), 79.3(2)“d” <u>Filed Emergency After Notice</u> ARC 7300B	11/5/08
Supplemental rebates for diabetic supplies, 78.6, 78.9, 78.10, 78.28 <u>Notice</u> ARC 7369B	11/19/08

Medicaid—local education agency expenses for transportation, 78.6(6), 78.25(2)“e,” 78.50(1) <u>Filed</u> ARC 7301B	11/5/08
Medicaid—reimbursement for nursing facilities related to performance, 81.6(16)“g,” 81.36(5) <u>Filed</u> ARC 7302B	11/5/08
HAWK-I program, amendments to ch 86 <u>Filed</u> ARC 7336B	11/19/08
Child care centers, child development homes—staff training, 109.2(6)“b,” 109.7, 110.5 <u>Filed</u> ARC 7303B	11/5/08
In-home health related care, 177.4(5), 177.6(3), 177.11(1) <u>Notice</u> ARC 7371B	11/19/08

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

Insurance producers, 10.2 to 10.26 <u>Filed</u> ARC 7350B	11/19/08
Continuing education for insurance producers, 11.1(3), 11.2 to 11.4, 11.10(8) <u>Filed</u> ARC 7351B	11/19/08
Prohibited designation, 15.8(3)“e” <u>Filed</u> ARC 7353B	11/19/08
Independent review of benefit trigger determinations, 39.1, 39.41 to 39.55 <u>Filed</u> ARC 7347B	11/19/08
Premium rate increase—protection to consumers, 39.29(4) <u>Filed</u> ARC 7348B	11/19/08
Viatical and life settlements, amendments to ch 48 <u>Filed</u> ARC 7317B	11/5/08
Use of senior-specific certificates and professional designations, 50.16(2)“j,” 50.38(1)“y,” 50.54 <u>Filed</u> ARC 7349B	11/19/08
Annual financial reporting requirements, ch 98 <u>Filed</u> ARC 7304B	11/5/08
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MEDICINE BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Physical, mental, and clinical competency evaluations, 24.4 <u>Filed</u> ARC 7305B	11/5/08
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NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Zoning of Mississippi River, city of Burlington, 40.56 <u>Notice</u> ARC 7309B	11/5/08
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PAROLE BOARD[205]

CORRECTIONS DEPARTMENT[201]“umbrella”

Certificates of employability, ch 9 <u>Notice</u> ARC 7337B	11/19/08
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PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Respiratory care—fees, 5.17(1), 5.17(4) <u>Notice</u> ARC 7354B	11/19/08
Board of optometry, rescind chs 179, 184; amend chs 180 to 183 <u>Filed</u> ARC 7297B	11/5/08
Board of podiatry, rescind chs 219, 221, 225; amend chs 220, 222, 224 <u>Filed</u> ARC 7320B	11/5/08
Podiatry—residency programs, 220.2(11), 220.7(3) <u>Notice</u> ARC 7325B	11/5/08
Board of respiratory care, rescind chs 260, 264; amend chs 261 to 263 <u>Filed</u> ARC 7352B	11/19/08

PUBLIC HEALTH DEPARTMENT[641]

Plumbing and mechanical systems examining board—administrative and regulatory

authority, ch 27 <u>Filed</u> ARC 7332B	11/5/08
Plumbing and mechanical systems licensure fees, ch 28 <u>Notice</u> ARC 7328B	11/5/08
Plumbing and mechanical systems professionals—application, licensure, and examination, ch 29 <u>Notice</u> ARC 7330B	11/5/08
Out-of-hospital do-not-resuscitate orders, ch 142, appendix A <u>Notice</u> ARC 7357B	11/19/08
Maintenance of AED device, 143.10 to 143.12 <u>Notice</u> ARC 7358B	11/19/08

PUBLIC SAFETY DEPARTMENT[661]

Commercial explosive licensing, rescind 5.7, 5.851, 5.865, 5.866; adopt ch 235 <u>Notice</u> ARC 7312B	11/5/08
Reduced ignition propensity cigarettes, ch 61 <u>Filed</u> ARC 7344B	11/19/08
Electrical installations—update of National Electrical Code reference, 201.3 <u>Filed</u> ARC 7342B	11/19/08
Fire fighter certification standards, 251.202 <u>Filed</u> ARC 7345B	11/19/08
Electrical requirements—adoption of National Electrical Code by reference, 301.5 <u>Filed</u> ARC 7343B	11/19/08

Installation requirements—update of National Electrical Code reference, 504.1 Filed **ARC 7341B** 11/19/08
 Electrical inspection program, chs 550 to 553, 559 Filed **ARC 7346B** 11/19/08

RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”

Horse racing; licensure; monitoring activities; progressive slot machines, amendments to chs
 5, 6, 10 to 12 Filed **ARC 7288B** 11/5/08

REAL ESTATE COMMISSION[193E]

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]“umbrella”

Time period for completion of required education, 4.1(10), 16.2(3) Filed **ARC 7299B** 11/5/08

REVENUE DEPARTMENT[701]

Tax return extension in disaster areas, 6.8 Filed **ARC 7364B** 11/19/08
 Interest rate—calendar year 2009, 10.2(28) Notice **ARC 7334B** 11/5/08
 Bonding procedure, 11.10 Notice **ARC 7331B** 11/5/08
 Update of revenue rules pertaining to motor fuel, amend chs 18, 67, 68, 231; rescind chs 63
 to 65 Filed **ARC 7363B** 11/19/08
 Use tax exemption, 32.3, 33.9, 33.10 Notice **ARC 7327B** 11/5/08
 Individual and corporate income tax; charitable conservation contribution tax credits, 38.19,
 41.5(15), 42.23, 42.38, 52.12, 52.37 Filed **ARC 7361B** 11/19/08
 Individual and corporation tax, amendments to chs 40 to 42, 52, 53 Filed **ARC 7359B** 11/19/08
 Individual, corporation, and franchise tax, amendments to chs 42, 43, 52, 58 Filed **ARC 7360B** 11/19/08
 Inheritance tax exemption for qualified tuition plans, 86.5(14) Notice **ARC 7326B** 11/5/08
 Inheritance and estate tax—applicability dates, 86.15, 87.1, 87.6 Notice **ARC 7333B** 11/5/08
 License sanctions for collection of state debt, ch 153 Notice **ARC 7335B** 11/5/08

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]“umbrella”

Electronic filing requirements, amend chs 1, 6, 7, 10, 11, 13; adopt ch 14 Filed **ARC 7366B** 11/19/08
 Clarification of status of regulated, deregulated, and unregulated telecommunications
 services, amendments to ch 22 Notice **ARC 7365B** 11/19/08
 Unauthorized changes in telecommunications service, 22.23 Notice of Termination **ARC 7362B** 11/19/08

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

EDITOR'S NOTE: Terms ending April 30, 2011.

Senator Jeff Angelo
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Senator Michael Connolly
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James Larew
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 11
Des Moines, Iowa 50319
Telephone (515)281-0208

AGENCY	HEARING LOCATION	DATE AND TIME
CREDIT UNION DIVISION[189]		
Iowa Code references updated, amendments to chs 1, 3, 6, 7, 9 to 17, 19, 23, 25 IAB 11/5/08 ARC 7319B	Conference Room 200 E. Grand Ave. Des Moines, Iowa	November 25, 2008 10 a.m.
CULTURAL AFFAIRS DEPARTMENT[221]		
Iowa community cultural grants program, 6.3, 6.5, 6.6 IAB 11/5/08 ARC 7311B	Tone Board Room, 3rd Floor West Historical Bldg. 600 E. Locust St. Des Moines, Iowa	November 25, 2008 10 a.m.
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]		
Waiver of wage and nonstatutory program requirements, 68.2(6), 68.4(7), 174.4, 175.4 IAB 11/5/08 ARC 7315B (See also ARC 7316B)	ICN/Main Conference Room 200 E. Grand Ave. Des Moines, Iowa	December 4, 2008 1:30 to 2:30 p.m.
EDUCATIONAL EXAMINERS BOARD[282]		
Substitute authorization— preschool special education, 14.143 IAB 10/8/08 ARC 7329B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	December 3, 2008 1 p.m.
ENVIRONMENTAL PROTECTION COMMISSION[567]		
Air quality, 22.1(2), 22.8(1), 23.1 IAB 11/5/08 ARC 7306B	Conference Rooms, Air Quality Bureau 7900 Hickman Rd. Urbandale, Iowa	December 8, 2008 1 p.m.
Fee schedule—water use permit program, 50.4(2), 55.5(2) IAB 11/5/08 ARC 7307B	Kelly Hall, Onawa Community Center 320 10th St. Onawa, Iowa	December 3, 2008 9 a.m.
	Public Library 123 S. Linn St. Iowa City, Iowa	December 5, 2008 10 a.m.
	Auditorium, Wallace State Office Bldg. 502 E. 9th St. Des Moines, Iowa	December 11, 2008 10 a.m.
Iowa antidegradation implementation procedure, 61.2(2), 61.3 IAB 11/19/08 ARC 7368B	Fifth Floor Conference Rooms Wallace State Office Bldg. Des Moines, Iowa	December 12, 2008 1 p.m.
	Public Library 120 E. Main St. Washington, Iowa	December 15, 2008 10 a.m.
	Public Library 609 Cayuga St. Storm Lake, Iowa	December 17, 2008 10 a.m.

AGENCY	HEARING LOCATION	DATE AND TIME
ENVIRONMENTAL PROTECTION COMMISSION[567] (Cont'd)		
	Conference Room Atlantic Municipal Utilities 15 W. 3rd St. Atlantic, Iowa	December 17, 2008 6 p.m.
	Community Meeting Room 15 N. 6th St. Clear Lake, Iowa	December 18, 2008 1 p.m.
	Waitt Building Iowa Lakeside Laboratory Milford, Iowa	January 8, 2009 7p.m.
	Public Library 304 Franklin St. Manchester, Iowa	January 14, 2009 10 a.m.
	Room 115, Suite 102 Northeast Iowa Community College 1220 3rd Ave. Waukon, Iowa	January 14, 2009 6 p.m.
	Film Room, Public Library 321 Main St. Davenport, Iowa	January 15, 2009 1 p.m.
Private sewage disposal systems, 64.15(4), ch 69 IAB 11/5/08 ARC 7308B	South Conference Room, Suite M 401 SW 7th St. Des Moines, Iowa	December 2, 2008 1:30 to 4:30 p.m.
	Room B, Public Library 123 S. Linn St. Iowa City, Iowa	December 3, 2008 1 to 3 p.m.
	Meeting Room, Public Library 424 Central Ave. Fort Dodge, Iowa	December 4, 2008 1 to 3 p.m.
Solid waste comprehensive planning requirements, amendments to ch 101 IAB 11/5/08 ARC 7310B	Fifth Floor E. Conference Room Wallace State Office Bldg. Des Moines, Iowa	November 25, 2008 1 to 3 p.m.
NATURAL RESOURCE COMMISSION[571]		
Zoning of Mississippi River, City of Burlington, 40.56 IAB 11/5/08 ARC 7309B	Fourth Floor E. Conference Room Wallace State Office Bldg. Des Moines, Iowa	November 25, 2008 9 a.m.
PROFESSIONAL LICENSURE DIVISION[645]		
Respiratory care—fees, 5.17(1), 5.17(4) IAB 11/19/08 ARC 7354B	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	December 9, 2008 9 to 9:30 a.m.
Podiatry—residency programs, 220.2(11), 220.7(3) IAB 11/5/08 ARC 7325B	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	November 25, 2008 9 to 9:30 a.m.

AGENCY	HEARING LOCATION	DATE AND TIME
PUBLIC HEALTH DEPARTMENT[641]		
Plumbing and mechanical systems licensure fees, ch 28 IAB 11/5/08 ARC 7328B	Public Library 529 Pierce St. Sioux City, Iowa	November 25, 2008 11 a.m. to 1 p.m.
	Room C, Public Library 400 Willow Ave. Council Bluffs, Iowa	November 26, 2008 11 a.m. to 1 p.m.
	Room B, Public Library 415 Commercial St. Waterloo, Iowa	December 1, 2008 11 a.m. to 1 p.m.
	Public Library 102 W. 4th St. Ottumwa, Iowa	December 2, 2008 11 a.m. to 1 p.m.
	Public Library 2950 Learning Campus Dr. Bettendorf, Iowa	December 3, 2008 11 a.m. to 1 p.m.
	Room 517 & 518 Lucas State Office Bldg. Des Moines, Iowa	December 4, 2008 1 to 3 p.m.
Plumbing and mechanical systems professionals—application, licensure, and examination, ch 29 IAB 11/5/08 ARC 7330B	Public Library 529 Pierce St. Sioux City, Iowa	November 25, 2008 11 a.m. to 1 p.m.
	Room C, Public Library 400 Willow Ave. Council Bluffs, Iowa	November 26, 2008 11 a.m. to 1 p.m.
	Room B, Public Library 415 Commercial St. Waterloo, Iowa	December 1, 2008 10:30 a.m. to 12:30 p.m.
	Public Library 102 W. 4th St. Ottumwa, Iowa	December 2, 2008 11 a.m. to 1 p.m.
	Public Library 2950 Learning Campus Dr. Bettendorf, Iowa	December 3, 2008 11 a.m. to 1 p.m.
	Room 517 & 518 Lucas State Office Bldg. Des Moines, Iowa	December 4, 2008 1 to 3 p.m.
PUBLIC SAFETY DEPARTMENT[661]		
Commercial explosive licensing, 5.7, 5.851, 5.865, 5.866; adopt ch 235 IAB 11/5/08 ARC 7312B	1st Floor Public Conference Room 125 Public Safety Headquarters Bldg. 215 E. 7th St. Des Moines, Iowa	December 9, 2008 8:30 a.m.

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“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 which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
 Agricultural Development Authority[25]
 Soil Conservation Division[27]
ATTORNEY GENERAL[61]
AUDITOR OF STATE[81]
BEEF INDUSTRY COUNCIL, IOWA[101]
BLIND, DEPARTMENT FOR THE[111]
CAPITAL INVESTMENT BOARD, IOWA[123]
CITIZENS’ AIDE[141]
CIVIL RIGHTS COMMISSION[161]
COMMERCE DEPARTMENT[181]
 Alcoholic Beverages Division[185]
 Banking Division[187]
 Credit Union Division[189]
 Insurance Division[191]
 Professional Licensing and Regulation Bureau[193]
 Accountancy Examining Board[193A]
 Architectural Examining Board[193B]
 Engineering and Land Surveying Examining Board[193C]
 Landscape Architectural Examining Board[193D]
 Real Estate Commission[193E]
 Real Estate Appraiser Examining Board[193F]
 Interior Design Examining Board[193G]
 Savings and Loan Division[197]
 Utilities Division[199]
CORRECTIONS DEPARTMENT[201]
 Parole Board[205]
CULTURAL AFFAIRS DEPARTMENT[221]
 Arts Division[222]
 Historical Division[223]
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]
 City Development Board[263]
IOWA FINANCE AUTHORITY[265]
EDUCATION DEPARTMENT[281]
 Educational Examiners Board[282]
 College Student Aid Commission[283]
 Higher Education Loan Authority[284]
 Iowa Advance Funding Authority[285]
 Libraries and Information Services Division[286]
 Public Broadcasting Division[288]
 School Budget Review Committee[289]
EGG COUNCIL, IOWA[301]
ELDER AFFAIRS DEPARTMENT[321]
EMPOWERMENT BOARD, IOWA[349]
ENERGY INDEPENDENCE, OFFICE OF[350]
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
EXECUTIVE COUNCIL[361]
FAIR BOARD[371]
HUMAN RIGHTS DEPARTMENT[421]

Community Action Agencies Division[427]
Criminal and Juvenile Justice Planning Division[428]
Deaf Services Division[429]
Persons With Disabilities Division[431]
Latino Affairs Division[433]
Status of African-Americans, Division on the[434]
Status of Women Division[435]
Status of Iowans of Asian and Pacific Islander Heritage[436]
HUMAN SERVICES DEPARTMENT[441]
INSPECTIONS AND APPEALS DEPARTMENT[481]
Employment Appeal Board[486]
Foster Care Review Board[489]
Racing and Gaming Commission[491]
State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
Appeal Board, State[543]
City Finance Committee[545]
County Finance Committee[547]
NATURAL RESOURCES DEPARTMENT[561]
Energy and Geological Resources Division[565]
Environmental Protection Commission[567]
Natural Resource Commission[571]
Preserves, State Advisory Board for[575]
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]
PUBLIC DEFENSE DEPARTMENT[601]
Homeland Security and Emergency Management Division[605]
Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
Professional Licensure Division[645]
Dental Board[650]
Medicine Board[653]
Nursing Board[655]
Pharmacy Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
Labor Services Division[875]
Workers' Compensation Division[876]
Workforce Development Board and Workforce Development Center Administration Division[877]

ARC 7339B

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 206.5(2) and 206.6(5) as amended by 2008 Iowa Acts, House File 2551, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 45, "Pesticides," Iowa Administrative Code.

The proposed amendments outline the requirements for the supervision of aerial pesticide applicators, the qualifications and duties of the aerial applicator supervisor, and the procedures for aerial application. The proposed amendments also outline the license, certification, and continuing instruction requirements for aerial applicators operating in Iowa.

Any interested persons may make written comments or suggestions on these proposed amendments on or before 4:30 p.m. on December 10, 2008. Written comments should be sent to Margaret Thomson, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319; or faxed to (515)281-6236. E-mail comments may be sent to Margaret.Thomson@IowaAgriculture.gov.

No waiver provision is included in these proposed amendments; however, the Department's general waiver rule would apply.

These amendments are intended to implement Iowa Code chapter 206 as amended by 2008 Iowa Acts, House File 2551.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definitions in rule **21—45.1(206)**:

"Aerial applicator" means a commercial applicator, certified in category #11, Aerial Application, who applies pesticides by using aircraft in compliance with Federal Aviation Administration regulations under Title 14 CFR Part 137 (1-1-08 Edition).

"Aerial applicator supervisor" means a person who is a resident of Iowa and holds a valid commercial applicator license, applicator certification in category #11, Aerial Application, and a pesticide dealer license and who supervises the commercial application of pesticides by aerial applicators.

"Resident of Iowa," for purposes of subrule 45.22(17), means a person who meets the following qualifications:

1. The person is qualified to register to vote in this state.
2. The person is an employee of a corporation, association, partnership, company, or firm, whose principal place of business is located within Iowa.
3. Agricultural aircraft owned and operated by the person are registered with the Iowa department of transportation.

ITEM 2. Adopt the following **new** implementation sentence in rule **21—45.1(206)**:

This rule is intended to implement Iowa Code section 206.5 and section 206.6 as amended by 2008 Iowa Acts, House File 2551.

ITEM 3. Adopt the following **new** subrule 45.22(17):

45.22(17) Requirements for commercial aerial applicator and aerial applicator supervisor.

a. Commercial aerial applicator license. The licensed aerial applicator applying pesticides to agricultural land shall operate in Iowa under the direct supervision of an aerial applicator supervisor. "Under the direct supervision" means the same as defined in Iowa Code section 206.2. The application form for a commercial aerial applicator license shall be provided by the pesticide bureau. The

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

completed application form together with supporting documentation will verify compliance with Iowa Code chapter 206 and the rules of this chapter. An aerial applicator license may be issued when the applicant has provided the name and license number of the aerial applicator supervisor and other required information on the application form, passed the required certification examinations, and paid the commercial applicator license and certification fees in compliance with Iowa Code sections 206.5 and 206.6.

b. Aerial applicator supervisor duties. An aerial applicator supervisor shall be responsible for the following:

(1) Complete requirements for a commercial pesticide applicator license, a category #11 aerial applicator certification, and a pesticide dealer license.

(2) Register with the pesticide bureau on forms provided by the pesticide bureau.

(3) Meet with each aerial applicator under the supervisor's supervision prior to application of pesticides and verify compliance with Iowa's pesticide rules, the requirements of the Federal Aviation Administration, and the requirements of the Iowa department of transportation using a checklist provided by the pesticide bureau. A copy of the completed checklist shall be maintained on file for three years with the aerial applicator supervisor.

(4) Provide aerial maps for the intended application location with global positioning system (GPS) coordinates and field boundaries.

(5) Maintain daily communication with the aerial applicator when pesticide applications are performed with a minimum of one meeting in person each day emphasizing safe pesticide application and handling procedures.

(6) Maintain daily oversight of pesticide handlers' supplying or mixing pesticides for the aerial applicator under the supervisor's supervision to ensure required personal protection equipment is utilized.

(7) Provide information to the aerial applicator regarding sensitive areas listed on the department's sensitive crop registry and arrange for proper protection of registered apiaries. The aerial applicator supervisor shall identify nearby sensitive areas including the location of endangered species as identified by the U.S. Environmental Protection Agency (EPA) and listed on the pesticide bureau's Web site, water bodies in or adjoining the field of application, roads adjoining the field of application, and places adjoining the field of application which may be occupied by people including farmworkers.

(8) Provide instructions for proper emergency response procedures for the aerial applicator and pesticide handlers in the case of a pesticide spill or accident. Require that all pilots while in the air use an electronic communication device capable of communicating with a supervisor.

(9) Provide information immediately upon request to regulatory officials regarding the identification of a pesticide applied to an area of concern and the name and license number of the applicator working under the supervisor's supervision.

(10) Notify the aerial applicator in person and in writing upon termination of supervision. The aerial applicator shall notify the pesticide bureau when the aerial applicator begins working for a new aerial applicator supervisor.

c. Procedures for aerial application. The aerial applicator supervisor shall provide the licensed aerial applicator the following:

(1) Name and telephone number where the supervisor may be reached during hours of operation.

(2) Name and address or location of the property where the pesticide will be applied including maps of fields with GPS coordinates.

(3) Name of the pesticide(s) to be applied and copies of each label along with instructions necessary to comply with Iowa's pesticide rules. The aerial applicator supervisor shall verify that the aerial applicator has read and understands the label instructions.

(4) Maps with GPS coordinates and field boundaries of the intended location for each pesticide application reviewed and approved by the aerial applicator supervisor. The aerial applicator supervisor shall provide information to the aerial applicator regarding sensitive areas listed on the department's sensitive crop registry and shall arrange for proper safety precautions to protect registered apiaries.

(5) The identification of nearby sensitive areas including the location of endangered species as identified by EPA and listed on the pesticide bureau's Web site, water bodies in or adjoining the field of

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

application, roads adjoining the field of application, and places adjoining the field of application which may be occupied by people including farmworkers.

d. Responsibility. The aerial applicator is responsible for applying pesticides in compliance with label directions and Iowa's pesticide rules. The aerial applicator supervisor supplying a pesticide for application by the aerial applicator is responsible for handling and mixing the pesticides according to label directions and Iowa's pesticide rules.

e. Aerial applicator certification and continuing instruction. An aerial applicator shall pass an examination for initial certification. An aerial applicator from a state with an approved reciprocal certification agreement will be eligible for reciprocal certification. Each certified aerial applicator and aerial applicator supervisor shall participate in a program of continuing instruction which shall consist of either an examination or educational program approved by the department. The continuing instruction program shall include information regarding the safe application and handling of pesticides and responsible operation of aircraft spray equipment.

ITEM 4. Amend rule **21—45.22(206)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 206.2, 206.4, 206.5, 206.7, and 206.31 and ~~Iowa Code Supplement section 206.5~~ and Iowa Code section 206.6 as amended by 2008 Iowa Acts, House File 2551.

ARC 7370B**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 214.10, 214A.2 and 215.24, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 85, "Weights and Measures," Iowa Administrative Code.

The proposed amendments require that pumps for ethanol blended gasoline classified as higher than E-10 must have a "for flex fuel vehicle only" sticker on the handle and shall not have an octane rating posted. Designations for ethanol blended gasoline are outlined. Blender pumps selling ethanol blended gasoline classified as higher than E-10 and gasoline must have at least two hoses per pump. Obsolete language on natural gasoline raffinate is eliminated.

Any interested persons may make written comments or suggestions on these proposed amendments on or before 4:30 p.m. on December 10, 2008. Written comments should be sent to Margaret Thomson, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319; or faxed to (515)281-6236. E-mail comments may be sent to Margaret.Thomson@IowaAgriculture.gov.

No waiver provision is included in these proposed amendments. However, the Department's general waiver provisions, found at 21—Chapter 8, apply.

These amendments are intended to implement Iowa Code chapter 214A as amended by 2008 Iowa Acts, House File 2689.

The following amendments are proposed.

ITEM 1. Adopt the following **new** subrule 85.48(11):

85.48(11) Ethanol blended gasoline classified as higher than E-10 shall have a visible, legible "for flex fuel vehicle only" sticker on the pump handle.

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

ITEM 2. Rescind and reserve subrules **85.48(12)** and **85.48(13)**.

ITEM 3. Amend subrule 85.48(14) as follows:

85.48(14) Octane rating of fuel offered for sale shall be posted on the pump in a conspicuous place. However, no octane rating shall be posted on the pump for ethanol blended gasoline classified as higher than E-10.

ITEM 4. Adopt the following **new** subrule 85.48(16):

85.48(16) Ethanol blended gasoline shall be designated E-xx where “xx” is the volume percent of ethanol in the ethanol blended gasoline and biodiesel shall be designated B-xx where “xx” is the volume percent of biodiesel. Ethanol blended gasoline formulated with a percentage of ethanol between 70 and 85 percent by volume shall be designated as E-85.

ITEM 5. Adopt the following **new** rule 21—85.50(214,214A,215):

21—85.50(214,214A,215) Blender pumps. Motor fuel blender pumps or blender pumps installed or modified after November 1, 2008, which sell both ethanol blended gasoline classified as higher than E-10 and gasoline need to have at least two hoses per pump.

ARC 7338B**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 159.5, 203.2 and 203C.5, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 90, “State Licensed Warehouses and Warehouse Operators,” and Chapter 91, “Licensed Grain Dealers,” Iowa Administrative Code.

The proposed amendments are intended to develop practices and procedures for the issuance and handling of paperless electronic warehouse receipts and credit-sale contracts which are presently required to be in written form. The proposed amendments also delete the provisions for posting of annual renewal fee receipts since the requisite information is now printed directly on the license certificates by the Department.

Any interested persons may make written suggestions or comments on these proposed amendments on or before 4:30 p.m. on December 9, 2008. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may also be submitted by fax to (515)281-6236 or by E-mail to Margaret.Thomson@IowaAgriculture.gov.

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

These amendments are intended to implement Iowa Code chapter 203, Iowa Code Supplement chapter 203C, and 2008 Iowa Acts, House File 2606.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definitions in rule **21—90.2(203C)**:

“*Person*” means the same as defined in Iowa Code section 4.1.

“*Provider*” means a person approved by the department to maintain a secure electronic central filing system of electronic warehouse receipt records pursuant to Iowa Code Supplement section 203C.18.

“*Provider agreement*” means an agreement required by this chapter which is entered into between the department and a provider.

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

“USDA” means the United States Department of Agriculture and its divisions and agencies, including, but not limited to, the Farm Service Agency.

“USDA Provider Agreement” means the agreement entered into between the USDA and a provider and which is printed on USDA Form WA-460 and any addenda thereto.

“User agreement” means an agreement required by this chapter which is entered into between a provider and a warehouse operator licensed by the department pursuant to the provisions of Iowa Code chapter 203C.

ITEM 2. Amend rule 21—90.6(203C) as follows:

21—90.6(203C) Posting of license and fee receipt. The warehouse operator license certificate, including the warehouse diagram and the fee receipt for the current license period, shall be posted at all times in a conspicuous location in the place of business. A license certificate shall be posted in each location where grain is delivered or weighed. Upon receipt of an amended license, the warehouse operator shall immediately post the amended license and remove the old license.

This rule is intended to implement Iowa Code section 203C.34.

ITEM 3. Amend rule 21—90.15(203C) as follows:

21—90.15(203C) Form of warehouse receipt Warehouse receipts.

90.15(1) Warehouse receipt forms. Warehouse receipt forms shall be 8.25 inches wide by 7 inches long and shall be printed in not less than triplicate. The original receipt shall be white, and the weight of the paper shall not be less than 20-pound base; the warehouse operator’s copy shall be yellow and the weight of the paper shall not be less than 16-pound base; and the owner’s copy shall be green and the weight of the paper shall not be less than 16-pound base. Receipts issued for bulk grain and receipts issued for agricultural products other than bulk grain shall be in a form prescribed by the department. The bureau shall have control over the printing of warehouse receipts.

90.15(2) Electronic warehouse receipts. A warehouse operator licensed in accordance with the provisions of Iowa Code chapter 203C may contract with an independent provider to issue electronic warehouse receipts for grain and other agricultural products subject to the provisions of this chapter. The provider shall be approved by the department.

90.15(3) Electronic warehouse receipt providers and provider agreements. A provider shall be independent of any outside influence or bias in action or appearance. A provider shall enter into a provider agreement with the department prior to being approved by the department. A provider shall file and maintain electronic warehouse receipts only on behalf of licensed warehouse operators who contract with the provider for those services. The provider agreement shall be subject to, but not be limited to, the provisions of paragraphs “a” through “k” of this subrule.

a. Provider to be approved by the USDA. No provider shall be approved by the department unless the provider is first approved as an electronic warehouse receipt provider by the USDA pursuant to the provisions of 7 CFR Part 735. Upon department request, a provider shall provide a copy of the provider’s executed USDA Form WA-460 and any addenda, and any other documentation requested by the department to confirm that the provider is a USDA-approved provider in good standing.

b. USDA action against providers. In the event that the USDA shall take action to deny, withdraw, suspend, reinstate or terminate a USDA Provider Agreement, the department shall automatically take the same action and the provider shall be subject to such action by the department. A provider shall notify the department of any such actions taken by the USDA.

c. Provider to service only licensed warehouse operators. A provider shall enter into user agreements under the terms of this rule only with warehouse operators licensed in accordance with the provisions of Iowa Code chapter 203C. A provider shall not issue electronic warehouse receipts for grain or other agricultural products on behalf of a warehouse operator in the state of Iowa unless the warehouse operator is licensed in accordance with the provisions of Iowa Code chapter 203C or the United States Warehouse Act.

d. Notice requirements for providers.

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

(1) When entering into a new user agreement, a provider shall provide written notice to the department.

(2) All notices to the USDA required by 7 CFR Part 735 and in the USDA Provider Agreement shall also be served upon the department except as specifically exempted in the provider agreement.

(3) In the user agreement, a provider shall include a notice to the warehouse operator that the data on the provider's central filing system is subject to disclosure to the department and the USDA.

e. Provisions to cease issuing electronic warehouse receipts. Upon notice by the department that a warehouse operator license issued under Iowa Code chapter 203C has been terminated, canceled, suspended or revoked, a provider shall prohibit the warehouse operator from issuing any electronic warehouse receipts until further notice from the department.

f. Department access to electronic warehouse receipt data. A provider shall allow the department unrestricted access to the central filing system for electronic warehouse receipts issued on behalf of warehouse operators licensed by the department. The electronic warehouse receipt data shall be maintained for six years after cancellation of the receipts. Access shall be made available in a manner that allows interaction with department warehouse examinations. Access shall be free of any charge or costs to the department.

g. Information profile. Upon issuance of a new user agreement to a warehouse operator licensed under Iowa Code chapter 203C, the provider shall notify the department and request an information profile. The department shall provide an information profile about the warehouse operator to the provider. The information profile shall consist of identifying information unique to each warehouse operator and shall be contained within each electronic warehouse receipt issued by a warehouse operator. The information profile shall include all statements and content required for warehouse receipts by the laws of the state of Iowa and as required by the provisions of the USDA Form WA-460 and any addenda pursuant to paragraph "a" of this subrule. This information profile shall include, but not be limited to, the following:

(1) The warehouse operator's name;

(2) The type of business organization and the state under whose laws the business is organized;

(3) The location of the warehouse operator's corporate headquarters and the location of the warehouse;

(4) The warehouse operator's license number; and

(5) For grain warehouse receipts, the following statement: "The warehouse operator named herein, licensed under Iowa Code chapter 203C, has received for storage bulk grain of the amount, kind and grade, as determined in accordance with the official grain standards of the United States, for which this receipt is issued, subject to the provisions of Iowa Code chapters 203C and 203D and the applicable rules. Said grain is fully insured, unless otherwise allowed by law and noted within this receipt, by the above-named warehouse operator against loss or damage by fire, windstorm and inherent explosion."

h. Termination of provider agreement. The department or provider may terminate the provider agreement upon 60 days' written notice to the other party. The department shall terminate a provider agreement on less than 60 days' notice in accordance with paragraph "b" of this subrule. Upon termination of the provider agreement, the provider shall immediately surrender copies of the electronic data and paper records to the department for any electronic warehouse receipts contained within the central filing system. Such data and paper record copies, however, are limited to electronic warehouse receipts issued by warehouse operators licensed under the provisions of Iowa Code chapter 203C.

i. Authorization, jurisdiction and liability. A provider shall be authorized to transact business in the state of Iowa and shall consent to jurisdiction in the state of Iowa and venue in Polk County, Iowa. A provider shall be liable to the department for costs incurred by the department as a result of action taken in the event of a failure of the central filing system or any inability to provide the access required in paragraph "f" of this subrule.

j. Nonexclusive use. A warehouse operator shall not be required to issue warehouse receipts in electronic form.

k. Receiverships and indemnity fund claims—department as electronic warehouse receipt holder.

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

(1) A provider shall allow for the department and the grain indemnity fund board to be a sole or joint holder of an electronic warehouse receipt when the issuing warehouse operator's license has been revoked and either one or both of the following apply:

1. The electronic warehouse receipt has been surrendered to the department by a claimant for the proceeds of a grain receivership pursuant to Iowa Code chapter 203C.

2. The electronic warehouse receipt has been surrendered to the department or the grain indemnity fund board by a claimant for payment of a grain indemnity fund claim pursuant to Iowa Code chapter 203D.

(2) When an electronic receipt holder files a claim against a grain receivership or against the grain indemnity fund, the department shall obtain the consent and instruction of the holder to change the holder information on the provider's central filing system. The provider shall take any action ordered by the department in regard to an electronic warehouse receipt involved with a grain receivership or a grain indemnity fund claim. The department shall provide documentary evidence of the claim and any resulting required action to the provider. The department may order any action including, but not limited to, the following:

1. Reducing the quantity and value of the product represented by an electronic receipt upon payment of partial value from either receivership proceeds or the grain indemnity fund;

2. Prohibiting an electronic warehouse receipt from being negotiated or otherwise transferred without the department's consent due to payment of partial value from either receivership proceeds or the grain indemnity fund;

3. Canceling a warehouse receipt upon payment of full value to a claimant from receivership proceeds, and issuing a replacement receipt to the department if needed.

90.15(4) Electronic warehouse receipt users and agreements. Prior to engaging in the issuance of electronic warehouse receipts, a warehouse operator shall enter into a user agreement with a provider approved by the department. All electronic warehouse receipts issued by the warehouse operator shall be issued through and filed in the provider's electronic central filing system. As used in this subrule, "warehouse operator" means a warehouse operator who has obtained a license for the operation of a warehouse under Iowa Code section 203C.6. The use of electronic warehouse receipts is subject to the provisions of paragraphs 90.15(3)"a" through "g."

a. Warehouse operator to use only one provider. A warehouse operator shall issue electronic warehouse receipts through only one provider.

b. Changing providers. Subject to the provisions of a user agreement in effect, a warehouse operator may change providers once per year. The provider shall follow the transfer terms specified in USDA Form WA-460 and any addenda pursuant to paragraph 90.15(3)"a." The warehouse operator shall notify the department of a change in provider.

c. Numbering of receipts—no duplication. Electronic warehouse receipts shall be numbered and shall be issued consecutively starting with the number specified to the provider by the department. A warehouse operator shall not at any time have an electronic warehouse receipt and a paper warehouse receipt outstanding for the same lot of grain.

d. Nonexclusive use. A warehouse operator shall not require a depositor to accept an electronic warehouse receipt in lieu of a paper warehouse receipt.

e. Receipt holder power of attorney. A warehouse operator or a third party may not handle electronic warehouse receipts on behalf of a depositor unless a written power of attorney to do so has been provided by the depositor. Such power of attorney shall be provided to the department for inspection and verification upon the department's request.

f. Issuance and cancellation of receipts. The provisions for issuance and cancellation of warehouse receipts found in rules 21—90.12(203C) and 21—90.13(203C) shall apply to electronic warehouse receipts except to the extent that the rules are not applicable to electronic warehouse receipts. A warehouse operator shall not cancel an electronic warehouse receipt unless the warehouse operator is the holder of the warehouse receipt.

This rule is intended to implement Iowa Code sections 203C.2, ~~and~~ 203C.5 and 203C.6 and Iowa Code Supplement section 203C.18.

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

ITEM 4. Adopt the following **new** definitions in rule **21—91.2(203)**:

“*Person*” means the same as defined in Iowa Code section 4.1.

“*Provider*” means a person approved by the department to maintain a secure electronic central filing system of electronic grain contract records.

“*Provider agreement*” means an agreement regarding electronic grain contracts which is entered into between the department and a provider.

“*USDA*” means the United States Department of Agriculture and its divisions and agencies, including, but not limited to, the Farm Service Agency.

“*USDA Provider Agreement*” means the agreement entered into between the USDA and a provider and which is printed on USDA Form WA-490 and any addenda thereto.

“*User agreement*” means an agreement regarding electronic grain contracts which is entered into between a provider and a licensee.

ITEM 5. Amend rule 21—91.5(203) as follows:

21—91.5(203) Posting of license and fee receipt. The grain dealer license certificate ~~and annual fee receipt for the current license period~~ shall be posted at all times in a conspicuous location in the office or place of business of the grain dealer. A license certificate shall be posted in each location where grain is purchased or delivered.

This rule is intended to implement Iowa Code section 203.7.

ITEM 6. Adopt the following **new** rule 21—91.22(203):

21—91.22(203) Electronic grain contracts. Subject to the provisions of this chapter, a licensee may issue electronic grain contracts using its own computer system or may contract with an independent provider to issue electronic grain contracts. If the licensee contracts with an independent provider, rules 21—91.22(203) through 21—91.26(203) shall apply. If the licensee issues electronic grain contracts using its own computer system, rules 21—91.22(203), 21—91.25(203) and 21—91.26(203) shall apply.

This rule is intended to implement Iowa Code sections 203.2 and 203.17.

ITEM 7. Adopt the following **new** rule 21—91.23(203):

21—91.23(203) Electronic grain contract providers and provider agreements. A provider shall be independent of any outside influence or bias in action or appearance. A provider shall enter into a provider agreement with the department prior to being approved by the department. A provider shall issue and maintain electronic grain contracts only on behalf of licensees who contract with the provider for those services. The provider agreement shall be subject to, but not be limited to, the provisions of subrules 91.23(1) through 91.23(7).

91.23(1) Provider to be approved by the USDA. No provider shall be approved by the department unless the provider is first approved as a provider of “other electronic documents” by the USDA pursuant to the provisions of 7 CFR Part 735. Upon department request, a provider shall provide a copy of the provider’s executed USDA Form WA-490 and any addenda, and any other documentation requested by the department to confirm that the provider is a USDA-approved provider in good standing.

91.23(2) USDA action against providers. In the event that the USDA shall take action to deny, withdraw, suspend, reinstate or terminate a USDA provider agreement, the department shall automatically take the same action and the provider shall be subject to such action by the department. A provider shall notify the department of any such actions taken by the USDA.

91.23(3) Notice requirements for providers.

a. When entering into a new user agreement, a provider shall provide written notice to the department.

b. All notices to the USDA required by 7 CFR Part 735 and by the USDA provider agreement shall also be served upon the department except as specifically exempted in the provider agreement.

c. In the user agreement, a provider shall include a notice to the licensee that the data on the provider’s central filing system is subject to disclosure to the department and the USDA.

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

91.23(4) Provisions to cease issuing electronic grain contracts. Upon notice by the department that a grain dealer license issued under Iowa Code chapter 203 has been terminated, canceled, suspended or revoked, a provider shall prohibit the licensee from entering into any electronic grain contracts until further notice from the department. Upon notice by the department that a licensee has had its right to purchase grain by credit-sale contract suspended or denied under rule 21—91.17(203), a provider shall prohibit the licensee from entering into any electronic credit-sale grain contracts until further notice from the department.

91.23(5) Department access to electronic grain contract data. A provider shall allow the department unrestricted access to the central filing system for electronic grain contracts issued on behalf of licensees. The electronic grain contract data shall be maintained for six years after a contract has been canceled. Access shall be made available in a manner that allows interaction with department examinations. Access shall be free of any charge or costs to the department.

91.23(6) Termination of provider agreement. The department or provider may terminate the provider agreement upon 60 days' written notice to the other party. The department shall terminate a provider agreement on less than 60 days' notice in accordance with subrule 91.23(2). Upon termination of the provider agreement, the provider shall immediately surrender to the department copies of the electronic data and paper records for any electronic grain contracts contained within the central filing system. Such data and paper record copies, however, are limited to electronic grain contracts issued by licensees.

91.23(7) Authorization, jurisdiction and liability. A provider shall be authorized to transact business in the state of Iowa and shall consent to jurisdiction in the state of Iowa and venue in Polk County, Iowa. A provider shall be liable to the department for costs incurred by the department as a result of action taken in the event of a failure of the central filing system or any inability to provide the access required in subrule 91.23(5).

This rule is intended to implement Iowa Code sections 203.2, 203.15, and 203.17.

ITEM 8. Adopt the following **new** rule 21—91.24(203):

21—91.24(203) Electronic grain contract users and user agreements. Prior to engaging in the issuance of electronic grain contracts, a licensee shall enter into a user agreement with a provider approved by the department. All electronic grain contracts issued by the licensee shall be issued through and filed in the provider's electronic central filing system. The use of electronic grain contracts is subject to the provisions of subrules 91.23(1) through 91.23(5).

91.24(1) Licensee to use only one provider. A licensee shall issue electronic grain contracts through only one provider.

91.24(2) Changing providers. Subject to the provisions of a user agreement in effect, a licensee may change providers once per year. The provider shall follow the transfer terms specified in USDA Form WA-490 and any addenda pursuant to subrule 91.23(1). The licensee shall notify the department of a change in provider.

This rule is intended to implement Iowa Code sections 203.2 and 203.17.

ITEM 9. Adopt the following **new** rule 21—91.25(203):

21—91.25(203) Electronic grain contracts—issuance and form. Electronic grain contracts shall comply with the provisions of Iowa Code chapters 203 and 554D.

91.25(1) Agreement to conduct electronic transactions. A licensee or the licensee's provider shall maintain complete and sufficient records to show agreement between the grain seller and the licensee to conduct electronic grain contract transactions. The records shall be presented to the department for inspection upon request. An electronic grain contract shall be capable of being printed or stored by both the licensee and the grain seller.

91.25(2) Electronic signatures. Sufficient security procedures shall be used by a licensee or the licensee's provider to reasonably ascertain that the electronic grain contract signature is the act of the grain seller. The security procedures shall be subject to the review of and approval by the department. A

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

seller shall be allowed to sign an electronic grain contract only at the conclusion of all electronic grain contract terms and conditions.

91.25(3) *Numbering of electronic contracts—no duplication.* Electronic grain contracts shall be consecutively numbered as issued. A licensee shall not at any time have an electronic grain contract and a paper grain contract outstanding for the same lot of grain.

91.25(4) *Seller power of attorney.* A licensee or a third party may not handle electronic grain contracts on behalf of a seller unless a written power of attorney to do so has been provided by the seller. Such power of attorney shall be provided to the department for inspection and verification upon the department's request.

91.25(5) *Issuance, form, cancellation, and assignment of electronic credit-sale contracts.* The provisions for issuance, cancellation, and assignment of credit-sale contracts found in rules 21—91.11(203) and 21—91.12(203) shall apply to electronic credit-sale contracts except to the extent that the rules are not applicable to paperless credit-sale contracts.

91.25(6) *Authorization to issue electronic credit-sale contracts.* A licensee who issues electronic credit-sale contracts shall comply with all requirements of rule 21—91.17(203).

91.25(7) *Nonexclusive use.* A licensee shall not be required to issue grain contracts in electronic form.

This rule is intended to implement Iowa Code sections 203.2, 203.15, 203.17, 554D.106, 554D.110 and 554D.111.

ITEM 10. Adopt the following **new** rule 21—91.26(203):

21—91.26(203) Security of a provider's electronic central filing system or a licensee's electronic database. Only authorized employees of the licensee shall have access to the provider's central filing system or the licensee's electronic database. A provider shall prevent unauthorized persons from gaining access to its central filing system. If a licensee uses its own computer database, the licensee shall maintain a backup of the database to ensure electronic grain contracts are not inadvertently lost.

This rule is intended to implement Iowa Code sections 203.2 and 203.17.

ARC 7368B**ENVIRONMENTAL PROTECTION COMMISSION[567]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 61, "Water Quality Standards," Iowa Administrative Code.

The proposed amendments will:

- Incorporate by reference the document entitled "Iowa Antidegradation Implementation Procedure," which proposes an approach to be followed in assessing and minimizing degradation of Iowa's surface waters.
- Update antidegradation policy language with a four-tier approach.
- Remove High Quality (Class HQ) and High Quality Resource (Class HQR) designated uses, as they are being replaced by the four-tier approach.

Iowa Code sections 455B.171 through 455B.183 establish requirements for the protection and management of surface water quality. The Environmental Protection Commission, with the assistance of the Department, promulgates administrative regulations on water quality. Iowa's Water Quality

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Standards (WQS) are written into regulation at 567—Chapter 61, Water Quality Standards. The specific portion of the regulation prescribing the policy on antidegradation is at subrule 61.2(2).

The antidegradation rule is one of three required regulatory elements of the WQS. The other two elements include beneficial uses and water quality criteria (narrative and numeric). All of these review elements must be administered as a whole. All surface waters of the state are subject to antidegradation provisions. The main purpose of the antidegradation policy and implementation procedures is to protect existing uses of surface waters and to specify how the Department will determine, on a case-by-case basis, whether and to what extent existing water quality may be lowered in a surface water.

The Iowa Department of Natural Resources is required by 40 CFR §131.12(a) to develop and adopt a statewide antidegradation policy and to identify procedures for implementing that policy. There has been an antidegradation policy in the WQS, but formal implementation procedures were absent, and this has limited the policy's usefulness. The proposed implementation procedures include identifying the antidegradation review levels (i.e., the "tiers") that apply to a surface water; determining existing water quality; assessing and determining water quality degradation; identifying and assessing less degrading or nondegrading alternatives; determining the importance of economic or social development to justify degradation of waters; and establishing intergovernmental coordination and public participation processes.

The antidegradation policy and implementing procedures are intended to provide guidance to persons who are responsible for the regulated activities that may degrade water quality in Iowa. Regulated activities include any activity that requires a CWA permit or a water quality certification pursuant to federal law.

This effort will also establish the Outstanding National Resource Waters (ONRW) and Outstanding Iowa Waters (OIW) antidegradation use categories. These categories will provide an increased level of protection where degradation is prohibited except in limited circumstances. The implementation procedures detail how the public can nominate a surface water to be considered for these levels of protection by the Department.

Additional information on Iowa's water quality standards and the Department's rules can be found on the Department's Web site at <http://www.iowadnr.com/water/standards/index.html>.

Any person may submit written suggestions or comments on the proposed amendments through January 29, 2009. Such written material should be submitted to Adam Schnieders, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895; or by E-mail to adam.schnieders@dnr.iowa.gov. Persons who have questions may contact Adam Schnieders at (515)281-7409.

Persons are invited to present oral or written comments at public hearings, which will be held as follows:

December 12, 2008	1 p.m.	Wallace State Office Building Fifth Floor Conference Rooms 502 E. Ninth Street Des Moines
December 15, 2008	10 a.m.	Washington Public Library 120 E. Main Street Washington
December 17, 2008	10 a.m.	Storm Lake Public Library 609 Cayuga Street Storm Lake
December 17, 2008	6 p.m.	Atlantic Municipal Utilities Conference Room 15 W. Third Street Atlantic
December 18, 2008	1 p.m.	Clear Lake Community Meeting Room 15 N. Sixth Street Clear Lake

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January 8, 2008	7 p.m.	Iowa Lakeside Laboratory Waitt Building Milford
January 14, 2009	10 a.m.	Manchester Public Library 304 Franklin Street Manchester
January 14, 2009	6 p.m.	Northeast Iowa Community College 1220 Third Avenue Suite 102, Room 115 Waukon
January 15, 2009	1 p.m.	Davenport Public Library Film Room 321 Main Street Davenport

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

The following amendments are proposed.

ITEM 1. Amend subrule 61.2(2) as follows:

61.2(2) Antidegradation policy. It is the policy of the state of Iowa that:

a. — ~~Existing surface water uses and the level of water quality necessary to protect the existing uses will be maintained and protected.~~

b. — ~~Chemical integrity: For those water bodies where water quality significantly exceeds levels necessary to protect existing uses and the waters designated as high quality in 61.3(5)“c,” that water quality will be maintained at or above existing quality, except when it is determined by the environmental protection commission after public hearing and after intergovernmental coordination and public participation provisions noted in the continuing planning process that there is need to allow a lower chemical quality because of necessary and justifiable economic and social development in the area. The state shall ensure adequate chemical quality to fully protect existing uses.~~

(1) — ~~Bear Creek, mouth in Winneshiek County and tributary to the Upper Iowa River.~~

(2) — ~~Bloody Run, mouth in Clayton County and tributary to the Mississippi River.~~

(3) — ~~Catfish Creek from Swiss Valley Park in Dubuque County to its source.~~

(4) — ~~Unnamed Creek known locally as Coldwater Creek with mouth in Winneshiek County and tributary to the Upper Iowa River.~~

(5) — ~~Fenichel Creek, mouth to Richmond Springs, in Delaware County and tributary to the Maquoketa River.~~

(6) — ~~Odel Branch (aka Fountain Spring Creek), mouth (section 10, T90N, R4W, Delaware County), tributary to Elk Creek, which is tributary to the Turkey River to west line of section 9, T90N, R4W, Delaware County.~~

(7) — ~~Iowa Great Lakes chain of lakes in Dickinson County, including West Lake Okoboji, Spirit Lake, East Lake Okoboji, Minnewashta Lake, Upper Gar Lake, and Lower Gar Lake.~~

(8) — ~~North Bear Creek, with mouth in Winneshiek County and tributary to Bear Creek, listed as number 1 in this listing.~~

(9) — ~~North Cedar Creek, with mouth in Clayton County and tributary to Sny Magill Creek.~~

(10) — ~~Sny Magill Creek, with mouth in Clayton County and tributary to the Mississippi River.~~

(11) — ~~Turkey River, from the point where it is joined by the Volga River in Clayton County to Vernon Springs in Howard County.~~

(12) — ~~Waterloo Creek, with mouth in Allamakee County and tributary to the Upper Iowa River.~~

(13) — ~~Maquoketa River, from confluence with South Fork Maquoketa River (section 16, T90N, R6W, Delaware County) to Highway 3 (north line of section 24, T91N, R7W, Fayette County).~~

(14) — ~~Spring Branch, mouth (section 10, T88N, R5W, Delaware County) to spring source (section 35, T89N, R5W, Delaware County).~~

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- ~~(15) Little Turkey River, Clayton Delaware County line to south line of section 11, T90N, R3W, Delaware County.~~
- ~~(16) Middle Fork Little Maquoketa River (aka Bankston Creek), west line of section 31, T90N, R1E to north line of section 33, T90N, R1W, Dubuque County.~~
- ~~(17) Brush Creek, north line of section 23, T85N, R3E to north line of section 1, T85N, R3E, Jackson County.~~
- ~~(18) Dalton Lake — Jackson County.~~
- ~~(19) Little Mill Creek, mouth (Jackson County) to west line of section 29, T86N, R4E, Jackson County.~~
- ~~(20) Mill Creek (aka Big Mill Creek), from confluence with Little Mill Creek in section 13, T86N, R4E, Jackson County, to confluence with Unnamed Creek, section 1, T86N, R3E, Jackson County.~~
- ~~(21) Unnamed Creek (tributary to Mill Creek), mouth (section 1, T86N, R3E, Jackson County) to west line of section 1, T86N, R3E, Jackson County.~~
- ~~(22) Unnamed Creek (aka South Fork Big Mill), tributary to Mill Creek, from mouth (section 8, T86N, R4E, Jackson County) to west line of section 17, T86N, R4E, Jackson County.~~
- ~~(23) Clear Creek, mouth (Allamakee County) to west line of section 25, T99N, R4W, Allamakee County.~~
- ~~(24) French Creek, mouth (Allamakee County) to east line of section 23, T99N, R5W, Allamakee County.~~
- ~~(25) Hickory Creek, mouth (Allamakee County) to south line of section 28, T96N, R5W, Allamakee County.~~
- ~~(26) Little Paint Creek, mouth to north line of section 30, T97N, R3W, Allamakee County.~~
- ~~(27) Paint Creek, from confluence with Little Paint Creek to road crossing in section 18, T97N, R4W, Allamakee County.~~
- ~~(28) Patterson Creek, mouth (Allamakee County) to east line of section 3, T98N, R6W, Allamakee County.~~
- ~~(29) Silver Creek, mouth (Allamakee County) to south line of section 31, T99N, R5W, Allamakee County.~~
- ~~(30) Village Creek, mouth (Allamakee County) to west line of section 19, T98N, R4W, Allamakee County.~~
- ~~(31) Wexford Creek, mouth to west line of section 25, T98N, R3W, Allamakee County.~~
- ~~(32) Buck Creek, mouth (Clayton County) to west line of section 9, T93N, R3W, Clayton County.~~
- ~~(33) Ensign Creek (aka Ensign Hollow), mouth (section 28, T92N, R6W, Clayton County) to spring source (section 29, T92N, R6W, Clayton County).~~
- ~~(34) South Cedar Creek (aka Cedar Creek), mouth (Clayton County) to north line of section 7, T92N, R3W, Clayton County.~~
- ~~(35) Bear Creek, mouth (Fayette County) to west line of section 6, T92N, R7W, Fayette County.~~
- ~~(36) Unnamed Creek (aka Glover's Creek), mouth to west line of section 15, T94N, R8W, Fayette County.~~
- ~~(37) Grannis Creek, mouth to west line of section 36, T93N, R8W, Fayette County.~~
- ~~(38) Mink Creek, mouth to west line of section 15, T93N, R7W, Fayette County.~~
- ~~(39) Otter Creek, mouth (Fayette County) to confluence with Unnamed Creek (aka Glover's Creek) in section 22, T94N, R8W, Fayette County.~~
- ~~(40) Nichols Creek (aka Bigalk Creek), mouth (section 18, T100N, R10W, Winneshiek County) to west line of section 23, T100N, R11W, Howard County.~~
- ~~(41) Spring Creek, mouth (Mitchell County) to north line of section 8, T97N, R16W, Mitchell County.~~
- ~~(42) Turtle Creek, mouth (Mitchell County) to east line of section 7, T99N, R17W, Mitchell County.~~
- ~~(43) Wapsipinicon River, from the town of McIntire to north line of section 20, T99N, R15W, Mitchell County.~~
- ~~(44) Bohemian Creek, mouth (Winneshiek County) to Howard County Road V58 (west line of section 2, T97N, R11W, Howard County).~~

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~~(45) Coon Creek, mouth (Winneshiek County) to road crossing in section 13, T98N, R7W, Winneshiek County.~~

~~(46) Smith Creek (aka Trout River), mouth to south line of section 33, T98N, R7W, Winneshiek County.~~

~~(47) Unnamed Creek (aka Trout Run), mouth to south line of section 27, T98N, R8W, Winneshiek County.~~

~~(48) Twin Springs Creek, mouth to springs in Twin Springs Park in section 20, T98N, R8W, Winneshiek County.~~

~~(49) Canoe Creek (aka West Canoe Creek), from Winneshiek County Road W38 to west line of section 8, T99N, R8W, Winneshiek County.~~

~~e. — Standards and restrictions more stringent than those applied to other waters may be applied by the commission to those waters listed below when it is determined that such more stringent standards and restrictions are necessary to fully maintain water quality at existing levels.~~

~~West Lake Okoboji in Dickinson County.~~

~~d. — The Mississippi River and the Missouri River do not meet the criteria of 61.2(2)“e” but nevertheless constitute waters of exceptional state and national significance. Water quality management decisions will be made in consideration of the exceptional value of the resource.~~

~~e. — In furtherance of the policy stated in 61.2(2)“b,” there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources, and feasible management and regulatory programs pursuant to Section 208 of the Federal Water Pollution Control Act for nonpoint sources, both existing and proposed.~~

~~f. — Physical and biological integrity: The waters designated as high quality resource waters in 61.3(5)“e” will receive protection of existing uses through maintaining water quality levels necessary to fully protect existing uses or improve water quality to levels necessary to meet the designated use criterion in Tables 1, 2 and 3 and at preserving or enhancing the physical and biological integrity of these waters. This involves the protection of such features of the water body as channel alignment, bed characteristics, water velocity, aquatic habitat, and the type, distribution and abundance of existing aquatic species.~~

~~g. — It is the intent of the antidegradation policy to protect and maintain the existing physical, biological, and chemical integrity of all waters of the state. Consistency with Iowa’s water quality standards requires that any proposed activity modifying the existing physical, biological, or chemical integrity of a water of the state shall not adversely impact these resource attributes, either on an individual or cumulative basis. An adverse impact shall refer to the loss of or irreparable damage to the aquatic, semiaquatic or wildlife habitat or population, or a modification to the water body that would cause an overall degradation to the aquatic or wildlife population and diversity. The fish and wildlife division of the department and the U.S. Fish and Wildlife Service shall serve as consultants to the department for assessing impacts. Exceptions to the preceding will be allowed only if full mitigation is provided by the applicant and approved by the department.~~

~~For those waters of the state designated as high quality or high quality resource waters and the Mississippi and Missouri Rivers, any proposed activity that will adversely impact the existing physical, chemical, or biological integrity of that water will not be consistent with Iowa’s water quality standards. Mitigation will not be allowed except in highly unusual situations where no other project alternatives exist. In these cases, full mitigation must be provided by the applicant and approved by the department.~~

~~a. Tier 1 protection. Existing surface water uses and the level of water quality necessary to protect the existing uses will be maintained and protected.~~

~~b. Tier 2 protection. Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the department finds, after full satisfaction of the intergovernmental coordination and public participation provisions, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the department shall ensure water quality adequate to protect existing uses fully. Further, the department shall ensure the highest statutory and~~

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control before allowing any lowering of water quality.

c. Tier 2½ protection—outstanding Iowa waters. Where high quality waters constitute an outstanding state resource, such as waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

d. Tier 3 protection—outstanding national resource waters. Where high quality waters constitute an outstanding national resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected. Any proposed activity that would result in a permanent new or expanded direct source of pollutants in an outstanding national resource water is prohibited.

e. The four levels of protection provided by the antidegradation policy in paragraphs “a” through “d” of this subrule shall be implemented according to procedures hereby incorporated by reference and known as the “Iowa Antidegradation Implementation Procedure,” effective [insert effective date]. This document may be obtained on the department’s Web site at <http://www.iowadnr.com/water/standards/index.html>.

f. All unapproved facility plans for new or expanded construction permits, except for construction permits issued for nondischarging facilities, shall undergo an antidegradation review if degradation is likely in the receiving water or downstream waters following the effective date of the “Iowa Antidegradation Implementation Procedure.”

g. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567—Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567—Chapters 70, 71, and 72 and this policy. ~~The repair and maintenance of a drainage district ditch as defined in 567—70.2(455B,481A) will not be considered a violation of the antidegradation policy for the purpose of implementing Title IV of these rules.~~ United States Army Corps of Engineers (Corps) nationwide permits 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 as well as Corps regional permits 7, 33, and 34 as promulgated October 29, 2008, are certified pursuant to Section 401 of the Clean Water Act subject to the following Corps regional conditions and the state water quality conditions:

(1) to (9) No change.

ITEM 2. Rescind subparagraphs **61.3(1)“b”(6)** and **(7)**.

ITEM 3. Renumber subparagraphs **61.3(1)“b”(8)** to **(13)** as **61.3(1)“b”(6)** to **(11)**.

ITEM 4. Amend the Bacteria Criteria Table in subparagraph **61.3(3)“a”(1)** as follows:

Bacteria Criteria Table (organisms/100 ml of water)

<u>Use or Category</u>	<u>Geometric Mean</u>	<u>Sample Maximum</u>
Class A1		
3/15 – 11/15	126	235
11/16 – 3/14	Does not apply	Does not apply
Class A2 (Only)		
3/15 – 11/15	630	2880
11/16 – 3/14	Does not apply	Does not apply
Class A2 and (B(CW) or HQ OIW or ONRW)		
Year-Round	630	2880
Class A3		

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3/15 – 11/15	126	235
11/16 – 3/14	Does not apply	Does not apply
Class A1 – Primary Contact Recreational Use Class A2 – Secondary Contact Recreational Use Class A3 – Children’s Recreational Use		

ITEM 5. Amend subrule 61.3(5) as follows:

61.3(5) Surface water classification. The department hereby incorporates by reference “Surface Water Classification,” effective ~~June 11, 2008~~ [insert effective date]. This document may be obtained on the department’s Web site at <http://www.iowadnr.com/water/standards/index.html>.

ARC 7356B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 249A.3, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

The proposed amendments change Medicaid eligibility requirements related to assignment of rights to medical payments from third parties. Federal regulations at 42 CFR 433.146 require that assignment of rights to medical payments be a condition of Medicaid eligibility. 2008 Iowa Acts, Senate File 249, amended Iowa Code section 249A.6 to require the assignment of rights to medical payments as a condition of Medicaid eligibility and require cooperation in obtaining medical payments.

Under these amendments, a client’s signature on any Medicaid application or review form shall constitute agreement for assignment of third-party medical benefits to the Department of Human Services.

These amendments do not provide for waivers in specified situations because federal regulations and Department rules require that Medicaid pay only claims that are not the responsibility of any other entity.

Any interested person may make written comments on the proposed amendments on or before December 10, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.6 as amended by 2008 Iowa Acts, Senate File 249, section 2.

The following amendments are proposed.

ITEM 1. Amend subrule 75.2(2) as follows:

75.2(2) ~~When a medical resource may be obtained by filing a claim or an application and cooperating in the processing of that claim or application, that resource shall be considered to be reasonably available, unless good cause for failure to obtain that resource is determined to exist. As a condition of eligibility for medical assistance, a person who has the legal capacity to execute an assignment shall do all of the following:~~

a. ~~The member, or one acting on the member’s behalf, shall file a claim or submit an application for any reasonably available medical resource, and shall also cooperate in the processing of the claim or application. Failure to do so without good cause shall result in the termination of medical assistance benefits. Assign to the department any rights to payments of medical care from any third party. The~~

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applicant's signature on any form listed in 441—subrule 76.1(1) shall constitute agreement to the assignment. The assignment shall be effective for the entire period for which medical assistance is paid.

b. The medical assistance benefits of a minor or a legally incompetent adult member shall not be terminated for failure to cooperate in reporting medical resources. When a parent or payee acting on behalf of a minor or legally incompetent adult member fails to file a claim or application for reasonably available medical resources or fails to cooperate in the processing of a claim or application without good cause, the medical assistance benefits of the parent or payee shall be terminated. Cooperate with the department in obtaining third-party payments. The member or one acting on the member's behalf shall:

(1) File a claim or submit an application for any reasonably available medical resource, and

(2) Cooperate in the processing of the claim or application.

c. Cooperate with the department in identifying and providing information to assist the department in pursuing any third party who may be liable to pay for medical care and services available under the medical assistance program.

ITEM 2. Amend subrule 75.2(4) as follows:

75.2(4) Failure to cooperate as required in subrule 75.2(2) without good cause as defined in subrule 75.2(3) shall result in the termination of medical assistance benefits. The department shall make the determination of good cause based on information and evidence provided by the member, or by one acting on the member's behalf.

a. The medical assistance benefits of a minor or a legally incompetent adult member shall not be terminated for failure to cooperate in reporting medical resources.

b. When a parent or payee acting on behalf of a minor or legally incompetent adult member fails to file a claim or application for reasonably available medical resources or fails to cooperate in the processing of a claim or application without good cause, the medical assistance benefits of the parent or payee shall be terminated.

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HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services proposes to amend Chapter 76, "Application and Investigation," and adopt new Chapter 87, "State-Funded Family Planning Program," Iowa Administrative Code.

The proposed amendments implement a new state-funded family planning program for women whose income is under 200 percent of the federal poverty level but who are not eligible for coverage under the Iowa Family Planning Network. The program will provide pregnancy prevention and related reproductive health services (not including abortion). The program will be administered by the agencies in the Iowa Family Planning Network, but claims will be submitted to a claims processor contracted for this program. The Department has issued a request for proposals to select a claims processor through competitive bidding. Service under the program will be limited by the amount of available funding.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before December 10, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street,

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Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement 2008 Iowa Acts, Senate File 2425, section 29.

The following amendments are proposed.

ITEM 1. Amend paragraph **76.1(2)“d”** as follows:

d. Women applying for medical assistance for family planning services under 441—subrule 75.1(41) or 441—Chapter 87 may also apply at any Iowa Title X family planning clinic or any delegate agency as defined in rule 441—173.1(234) ~~that provided family planning services as of July 1, 2004, or later 441—87.1(82GA,SF2425).~~

ITEM 2. Adopt the following **new** 441—Chapter 87:

CHAPTER 87
STATE-FUNDED FAMILY PLANNING PROGRAM

PREAMBLE

This chapter defines and structures the state-funded family planning program administered by the department pursuant to 2008 Iowa Acts, Senate File 2425. The purpose of this program is to provide family-planning-related services to women who are ineligible for medical assistance under 441—subrule 75.1(41). The department is not receiving federal financial participation for state expenditures under the state-funded family planning program. Therefore, this chapter shall remain in effect only as long as state funding is available.

441—87.1(82GA,SF2425) Definitions.

“*Applicant*” means a person who applies for medical assistance under the state-funded family planning program described in this chapter.

“*Delegate agency*” means a family planning agency that was under contract with the department for the social services block grant family planning program as of July 1, 2004.

“*Department*” means the Iowa department of human services.

“*Family planning agency*” means any Iowa Title X family planning agency or any delegate agency.

“*Family planning services*” means pregnancy prevention and related reproductive health services. These services shall not include abortion services.

441—87.2(82GA,SF2425) Eligibility. Eligibility for the state-funded family planning program shall be determined according to the provisions of this rule.

87.2(1) Persons covered. Subject to funding as described in subrule 87.2(3), medical assistance for family planning services shall be available to a woman who:

- a.* Is seeking pregnancy prevention services;
- b.* Is capable of bearing children but is not pregnant;
- c.* Is a resident of Iowa as defined in rule 441—75.10(249A);
- d.* Has income that does not exceed 200 percent of the federal poverty level as determined according to 441—paragraph 75.1(41)“*c*”;
- e.* Has been determined ineligible for medical assistance under 441—subrule 75.1(41) after having cooperated with the application process; and
- f.* Is eligible under 441—subrule 75.1(41) except for:
 - (1) Documentation of citizenship and identity pursuant to 441—paragraph 75.11(2)“*c*,” “*d*,” or “*e*”; or
 - (2) Enrollment in credible health insurance coverage.

87.2(2) Citizenship. To be eligible for state-funded family planning assistance, a woman must declare that she meets the requirements in 441—paragraph 75.11(2)“*a*.” A woman who claims a qualified alien status shall provide documentation of this status.

HUMAN SERVICES DEPARTMENT[441](cont'd)

87.2(3) *Funding contingency.* Initial and continuing eligibility for family planning services under this program is subject to the availability of funding appropriated for this purpose.

a. When appropriated funding is exhausted, ongoing eligibility shall be terminated and new applications shall be denied.

b. When appropriated funding becomes available, applications submitted thereafter will be considered on a first-come, first-served basis, based on the date of approval.

441—87.3(82GA,SF2425) Application. A woman who requests assistance for family planning services shall file an application for medical assistance as required in rule 441—76.1(249A). An application that is denied for medical assistance under 441—subrule 75.1(41) shall be considered an application for this coverage group.

87.3(1) *Place of filing.* An application may be filed at any family planning agency.

87.3(2) *Time limit for decision.* An application shall be investigated by the family planning agency with which the application was filed. A determination shall be made as defined in rule 441—76.3(249A).

87.3(3) *Notice of decision.* The applicant shall be notified in writing of the decision regarding the applicant's eligibility for the state-funded family planning program.

441—87.4(82GA,SF2425) Effective date. Subject to the availability of funding appropriated for this purpose, assistance for family planning services under this program shall be effective on the first day of the month of application or the first day of the month in which all eligibility requirements are met, whichever is later. Assistance shall not be available under this program for any months preceding the month of application.

441—87.5(82GA,SF2425) Period of eligibility and reapplication. Eligibility for family planning services under this program shall be limited to a period of 12 months from the effective date of eligibility, or the duration of appropriated funding, whichever is less. A new application shall be required for benefits to continue beyond this date.

441—87.6(82GA,SF2425) Reporting changes.

87.6(1) *Required report.* A woman applying for or receiving family planning services under this program shall report to the family planning agency when she:

- a.* Has a change in health insurance coverage;
- b.* Is no longer a resident of Iowa;
- c.* Is no longer seeking services that prevent pregnancy; or
- d.* Is no longer capable of bearing children.

87.6(2) *Timeliness.* Reports shall be considered timely when received by the family planning agency within ten days from the date the change is known to the woman. When these changes are not timely reported, any program expenditures made in error shall be subject to recovery from the woman.

441—87.7(82GA,SF2425) Availability of service. Family planning services are payable for a woman enrolled in this program only when care is received at a family planning agency. Services covered but unavailable at the family planning agency must receive prior approval by the department to be payable to a provider that is not a family planning agency. Covered services shall not include abortion services.

441—87.8(82GA,SF2425) Payment of covered services. Payment for family planning services covered under this chapter shall be made on a fee schedule determined by the department.

87.8(1) *Fee schedule.* The fee schedule shall include the amount of payment for each service and any limits on the service (e.g., a routine pap smear is payable once annually).

87.8(2) *Third-party payments.* This program is the payer of last resort for services covered in this chapter. Any third-party payment received by the provider plus any payments under this program cannot exceed the fee schedule allowance.

87.8(3) *Supplementation.* Payment made under this program shall be considered payment in full.

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441—87.9(82GA,SF2425) Submission of claims. Providers of medical care that participate in the program shall submit claims to the department's contracted claims processor no later than 45 days from the last day of the month in which services were provided. Claims shall be submitted in the manner prescribed by the department for this program. Following a successful review of the claim, the claims processor shall make payments to the provider subject to the availability of funding.

These rules are intended to implement 2008 Iowa Acts, Senate File 2425, section 29.

ARC 7355B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 249A.4 and 2008 Iowa Acts, Senate File 2425, section 124, the Department of Human Services proposes to amend Chapter 76, "Application and Investigation," and Chapter 80, "Procedure and Method of Payment," Iowa Administrative Code.

The proposed amendments:

- Expand the applicability of Medicaid's health care data match program,
- Expand and clarify the obligations of third parties legally responsible to pay for health care for a Medicaid member, and
- Group provisions regarding payment by third parties into one rule.

The amendments will conform Medicaid rules to statutory changes enacted in 2008 Iowa Acts, Senate File 2425, section 124. This legislation sets standards for providing coverage information to the state, accepting the state's right of recovery, responding to the state's inquiry about claims, and making decisions on claims.

These amendments do not provide for waivers in specified situations because the Department does not have the authority to waive statutory requirements.

Any interested person may make written comments on the proposed amendments on or before December 10, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code chapter 249A as amended by 2008 Iowa Acts, Senate File 2425, section 124.

The following amendments are proposed.

ITEM 1. Amend rule 441—76.13(249A) as follows:

441—76.13(249A) Health insurance care data match program. As a condition of doing business in Iowa, health insurers shall provide, upon the request of the state, information with respect to individuals who are eligible for or are provided medical assistance under the state's medical assistance state plan to determine (1) during what period the individual or the individual's spouse or dependents may be or may have been covered by a health insurer and (2) the nature of the coverage that is or was provided by the health insurer. This requirement applies to self-insured plans, group health plans as defined in the federal Employee Retirement Income Security Act of 1974 (Public Law 93-406), service benefit plans, managed care organizations, pharmacy benefits managers, and other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service.

HUMAN SERVICES DEPARTMENT[441](cont'd)

76.13(1) Agreement required. ~~Any insurance carrier providing a health benefit plan in Iowa subject to regulation by the Iowa commissioner of insurance shall enter into and maintain an agreement with the department or its designee to provide the data necessary to enable the department to match insureds against Medicaid members and identify third-party payers for members. The parties shall sign a data use agreement for the purposes of this rule. The agreement shall prescribe the manner in which information shall be provided to the department of human services and the acceptable uses of the information provided.~~

a. ~~The initial provision of data shall include the data necessary to enable the department to match insureds covered persons and identify third-party payers for the two-year period before the initial provision of the data. The data shall include the name, address, and identifying number of the plan.~~

b. ~~Ongoing monthly matches may be limited to changes in the data previously provided, including additional insureds covered persons, with the effective dates of the changes.~~

76.13(2) No change.

76.13(3) Confidentiality of data. The exchange of information carried out under this rule shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to:

a. The federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and

b. Regulations promulgated in accordance with that Act and published in 45 CFR Parts 160 through 164.

ITEM 2. Amend rule 441—80.3(249A) as follows:

~~**441—80.3(249A) Amounts paid provider Payment from other sources.** The amount of any payment made directly to the provider of care by the recipient, relatives, or any source shall be deducted from the established cost standard for the service provided to establish the amount of payment to be made by the carrier.~~

80.3(1) Payments deducted. The amount of any payment made directly to the provider of care by the recipient, relatives, or any source shall be deducted from the established cost standard for the service provided to establish the amount of payment to be made by Iowa Medicaid.

80.3(2) Third-party liability. When a third-party liability for medical expenses exists, this resource shall be utilized before the Medicaid program makes payment unless:

a. The department pays the total amount allowed under the Medicaid payment schedule and then seeks reimbursement from the liable third party. This “pay and chase” provision applies to claims for:

(1) Prenatal care,

(2) Preventive pediatric services, and

(3) All services provided to a person for whom there is court-ordered medical support.

b. Otherwise authorized by the department.

80.3(3) Recovery from third parties legally responsible to pay for health care. Parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service shall:

a. Respond to any inquiry by the state regarding a claim for payment for any health care item or service that is submitted no later than three years after the date of the provision of the item or service.

b. Agree not to deny any claim submitted by the state solely because of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point of sale that is the basis of the claim, if both of the following conditions are met:

(1) The claim is submitted to the entity by the state within the three-year period beginning on the date on which the item or service was furnished.

(2) Any action by the state to enforce its rights with respect to the claim is commenced within six years of the date that the claim was submitted by the state.

HUMAN SERVICES DEPARTMENT[441](cont'd)

c. Reimburse the Medicaid program within 90 days of the request for repayment.
This rule is intended to implement Iowa Code chapter 249A as amended by 2008 Iowa Acts, Senate File 2425, section 124.

ITEM 3. Rescind and reserve subrule **80.5(2)**.

ARC 7369B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," Iowa Administrative Code.

The proposed amendments limit coverage of blood glucose monitors and test strips to those produced by manufacturers who have contracted with the Department to provide a rebate for monitors and test strips provided through the Medicaid program. Prior authorization is required for Medicaid members for whom a monitor or test strips from another manufacturer are medically necessary. The Department is directed to collect supplemental rebates for diabetic supplies by 2008 Iowa Acts, Senate File 2425, section 9(18).

The amendments also make numerous changes to update Medicaid terminology.

The restriction on the choice of supplies may be waived with prior authorization.

Any interested person may make written comments on the proposed amendments on or before December 10, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend subparagraph **78.6(1)"d"(3)** as follows:

(3) Protective lenses are allowed for:

1. Children through seven years of age.
2. ~~Recipients~~ Members with vision in only one eye.
3. ~~Recipients~~ Members with a diagnosis-related illness or disability where regular lenses would pose a safety risk.

ITEM 2. Amend subparagraph **78.6(1)"f"(3)** as follows:

(3) Safety frames are allowed for:

1. Children through seven years of age.
2. ~~Recipients~~ Members with a diagnosis-related disability or illness where regular frames would pose a safety risk.

ITEM 3. Amend paragraph **78.6(4)"a"** as follows:

a. A second lens correction within a 24-month period for ~~recipients~~ members eight years of age and older. Approval shall be given when the ~~recipient's~~ member's vision has at least a five-tenths diopter of change in sphere or cylinder or ten-degree change in axis in either eye.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 4. Strike “recipient,” “recipient’s,” and “recipients” wherever they appear in rule **441—78.9(249A)** and insert “member,” “member’s,” or “members” in lieu thereof.

ITEM 5. Amend paragraphs **78.10(1)“f,” “g”** and **“h”** as follows:

f. Consideration will be given to rental or purchase based on the price of the item and the length of time it would be required. The decision on rental or purchase shall be made by the Iowa Medicaid enterprise, and be based on the most reasonable method to provide the equipment.

(1) The provider shall monitor rental payments up to 150 percent of the purchase price. At the point that total rent paid equals 150 percent of the purchase allowance, the ~~recipient~~ member will be considered to own the item and no further rental payments will be made to the provider.

(2) and (3) No change.

g. Payment may be made for necessary repair, maintenance, and supplies for ~~recipient-owned~~ member-owned equipment. No payment may be made for repairs, maintenance, or supplies when the ~~recipient~~ member is renting the item.

h. Replacement of ~~recipient-owned~~ member-owned equipment is covered in cases of loss or irreparable damage or when required because of a change in the ~~patient’s~~ member’s condition.

ITEM 6. Adopt the following new item in paragraph **78.10(2)“b”**:

Blood glucose monitors, subject to the limitation in 78.10(2)“e.”

ITEM 7. Amend paragraph **78.10(2)“b,”** the item “Enuresis alarm,” as follows:

Enuresis alarm system (bed-wetting alarm device) for ~~recipients~~ members five years of age or older.

ITEM 8. Amend paragraph **78.10(2)“c”** as follows:

c. Coverage of home oxygen equipment and oxygen will be considered reasonable and necessary only for ~~recipients~~ members with significant hypoxemia, as shown by medical documentation. The physician’s, physician assistant’s, or advanced registered nurse practitioner’s prescription shall document that other forms of treatment have been tried and have not been successful, and that oxygen therapy is required.

(1) and (2) No change.

(3) A second oxygen system is not covered by Medicaid when used as a backup for oxygen concentrators or as a standby in case of emergency. ~~Recipients~~ Members may be provided with a portable oxygen system to complement a stationary oxygen system, or to be used by itself, with documentation from the physician (doctor of medicine or osteopathy), physician assistant, or advanced registered nurse practitioner of the medical necessity for portable oxygen for specific activities.

(4) and (5) No change.

ITEM 9. Adopt the following new subparagraph **78.10(2)“d”(5)**:

(5) Blood glucose monitors and diabetic test strips produced by a manufacturer that does not have a current agreement to provide a rebate to the department for monitors or test strips provided through the Medicaid program. Prior approval shall be granted when the member’s medical condition necessitates use of a blood glucose monitor or diabetic test strips produced by a manufacturer that does not have a current rebate agreement with the department.

ITEM 10. Adopt the following new paragraph **78.10(2)“e”**:

e. Blood glucose monitors are covered through the Medicaid program only if:

(1) The monitor is produced by a manufacturer that has a current agreement to provide a rebate to the department for monitors provided through the Medicaid program; or

(2) Prior authorization based on medical necessity is received pursuant to rule 441—79.8(249A) for a monitor produced by a manufacturer that does not have a current rebate agreement with the department.

ITEM 11. Strike “recipient” and “recipient’s” wherever they appear in paragraph **78.10(3)“c”** and insert “member” or “member’s” in lieu thereof.

ITEM 12. Adopt the following new item in paragraph **78.10(4)“a”**:

Diabetic blood glucose test strips, subject to the limitation in 78.10(4)“c.”

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 13. Amend paragraph **78.10(4)“a,”** the items “Diabetic supplies” and “Diapers,” as follows: Diabetic supplies, other than blood glucose test strips (needles, ~~and~~ syringes, ~~blood glucose test strips~~ and diabetic urine test supplies).

Diapers (for ~~recipients~~ members aged four and above).

ITEM 14. Adopt the following **new** paragraph **78.10(4)“c”**:

c. Diabetic blood glucose test strips are covered through the Medicaid program only if:

(1) The strips are produced by a manufacturer that has a current agreement to provide a rebate to the department for test strips provided through the Medicaid program, or

(2) Prior authorization is received pursuant to rule 441—79.8(249A) for test strips produced by a manufacturer that does not have a current rebate agreement with the department, based on medical necessity.

ITEM 15. Strike “recipient,” “recipient’s,” and “recipients” wherever they appear in rule **441—78.28(249A)** and insert “member,” “member’s,” or “members” in lieu thereof.

ITEM 16. Adopt the following **new** paragraph **78.28(1)“k”**:

k. Prior authorization is required for blood glucose monitors and diabetic test strips produced by a manufacturer that does not have a current agreement to provide a rebate to the department for monitors or test strips provided through the Medicaid program. The department shall approve payment when a blood glucose monitor or diabetic test strips produced by a manufacturer that does not have a current rebate agreement with the department are medically necessary.

ARC 7371B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 177, “In-Home Health Related Care,” Iowa Administrative Code.

The proposed amendments would change the requirements for Department service workers’ involvement with clients who are receiving state supplementation to meet the costs of nursing and personal care provided in the client’s home. The amendments:

- Extend the requirements for social worker review of the entire care plan from every three months to every six months.
- Eliminate the requirement for Department social workers to provide for guardianship, commitment, or protective placement when in-home health related care services are terminated for a client who is unable to protect the client’s own interests.
- Clarify the requirements for case plan approval.

Review of a case at six-month intervals is consistent with the requirements for other service programs. The 60-day reviews required of the physician and the supervising nurse serve to monitor the client’s service needs. Service workers assist clients in finding whatever alternative protective services are available, which are not necessarily the specific services listed in the current rule. Having a list of alternatives in the rules is not necessary.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before December 10, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street,

HUMAN SERVICES DEPARTMENT[441](cont'd)

Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249.3(2)“a”(2).

The following amendments are proposed.

ITEM 1. Amend subrule 177.4(5) as follows:

177.4(5) Certification procedure. The approval ~~by the area office of the department of human services~~ of the case plan by the service area manager or designee shall constitute certification and approval for payment.

ITEM 2. Amend subrule 177.6(3) as follows:

177.6(3) Review. The continuing need for in-home health care services shall be reviewed:

a. At a minimum of every 60 days by the physician, including a written recertification of continuing appropriateness of the plan;

b. At a minimum of every ~~three~~ six months by the service worker, including a review of the total care plan; ~~and~~

c. At a minimum of every 60 days by the nurse who shall review the nursing plan; ~~or~~

d. More frequent reviews may be frequently if required by the physician, the service worker, or the nurse.

ITEM 3. Amend subrule 177.11(1) as follows:

177.11(1) Request. Upon the request of the client or legal representative. ~~When termination of the program would result in an individual being unable to protect the individual's own interests, arrangements for guardianship, commitment, or protective placements shall be provided.~~

ARC 7337B

PAROLE BOARD[205]

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 906.3, the Parole Board hereby gives Notice of Intended Action to adopt new Chapter 9, "Certificates of Employability," Iowa Administrative Code.

The rules in Chapter 9 prescribe the application process for obtaining a Certificate of Employability and establish the authority of the Board of Parole in granting or revoking a Certificate of Employability in accordance with 2008 Iowa Acts, House File 2660, section 24.

Any interested person may make written suggestions or comments on this proposed amendment on or before December 9, 2008. Such written materials should be directed to the Iowa Board of Parole, Jessie Parker Building, 510 East Twelfth Street, Suite 3, Des Moines, Iowa 50319. Persons who wish to convey their views orally should contact the Iowa Board of Parole at (515)725-5757.

This amendment is intended to implement 2008 Iowa Acts, House File 2660, section 24.

The following amendment is proposed.

Adopt the following **new** 205—Chapter 9:

CHAPTER 9 CERTIFICATES OF EMPLOYABILITY

205—9.1(906) Definitions. As used in this chapter:

PAROLE BOARD[205](cont'd)

“Direct relationship” means that the nature of criminal conduct for which the eligible offender was convicted has a direct bearing on the offender’s fitness or ability to perform one or more of the duties or responsibilities necessarily related to the certificate of employment sought.

“Eligible offender” means a person who has been convicted of one or more than one crime or offense in this state and is under the jurisdiction of the department of corrections. “Eligible offender” shall also mean a person who has a conviction(s) of a felony or an aggravated misdemeanor in this state and was committed to an institution under the jurisdiction of the department of corrections.

“Employment” means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that “employment” shall not, for the purposes of this chapter, include membership in any law enforcement agency.

“Private employer” means any person, company, corporation, labor organization or association.

“Public agency” means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

205—9.2(906) Certificates of employability.

9.2(1) The provisions of this chapter shall apply to any application by an eligible offender to any public agency or private employer for employment, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon. The provisions of this chapter shall also apply to an application to a licensing agency by an eligible offender to obtain licensure required for employment.

9.2(2) When a certificate of employability is presented to a public agency, the licensing agency cannot deny a license based on the felony conviction or based on a lack of good moral character, unless the agency makes a determination that there is a direct relationship between the offense and the license sought or that the issuance of the license involves unreasonable risk to property or the safety and welfare of specific individuals or the general public.

9.2(3) A certificate of employability shall not, however, in any way prevent any judicial, administrative, licensing or other body, board or authority from relying upon the conviction specified therein as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or refuse to renew any license, permit or other authority or privilege in accordance with the provisions set out in this chapter.

205—9.3(906) Issuance of a certificate by the board of parole.

9.3(1) The board of parole may issue a certificate of employability to an offender who has been committed to an institution under jurisdiction of the department of corrections. Such certificate may be issued by the board at the time the offender is released from such institution under the board’s authority or at any time thereafter. The board shall only issue a certificate of employability to an offender who obtains a positive recommendation from the department of corrections or community-based corrections in the state of Iowa.

9.3(2) The board of parole shall not issue any certificate of employability pursuant to this chapter unless the board is satisfied that:

- a. The person to whom it is to be granted is an eligible offender;
- b. The relief to be granted by the certificate is consistent with the employability of the eligible offender; and
- c. The relief to be granted by the certificate is consistent with the public interest.

9.3(3) Any certificate of employability issued by the board of parole to an eligible offender shall be deemed to be a temporary certificate until such time as the eligible offender is discharged from the board’s supervision. Such a certificate may be revoked by the board, the board’s designee, or by an administrative parole judge for violation of the conditions of release or new arrest. Revocation shall be upon notice to the offender, who shall be accorded an opportunity to explain the violation prior to decision thereon in accordance with subrule 9.3(5) below. If the certificate is not so revoked, it shall become a permanent certificate upon expiration or termination of the board’s jurisdiction over the offender.

PAROLE BOARD[205](cont'd)

9.3(4) In granting a certificate of employability, the action of the board of parole shall be by three affirmative votes of the board if the offender's risk assessment score is one to six, four affirmative votes if the offender's risk score is seven or eight, and five affirmative votes if the offender's risk score is nine.

9.3(5) A certificate of employability may be revoked by the decision of an administrative parole judge or the board's designated officer at a parole revocation hearing held pursuant to rule 205—11.7(908). A certificate of employability may also be revoked at any time by affirmative vote of three or more of the parole board members.

9.3(6) The board may conduct an investigation of the applicant for the purpose of determining whether a certificate of employability shall be issued.

9.3(7) Any applicant whose application for a certificate of employability has been denied shall have the right to appeal to the board of parole if the applicant initiates appeal within ten days of written receipt of initial decision. Any appeal must be on an official board of parole appeal form.

205—9.4(906) Effect of revocation; use of revoked certificate. Where a certificate of employability is deemed to be revoked, disabilities and forfeitures relieved by the certificate shall be reinstated as of the date upon which the person to whom the certificate was issued receives written notice of such revocation. Any such person shall upon receipt of such notice surrender the certificate to the board of parole.

205—9.5(906) Forms and filing.

9.5(1) All applications, certificates and orders of revocation necessary for the purposes of this chapter shall be upon forms prescribed by the board of parole and in accordance with policies adopted by the board.

9.5(2) The parole board issuing or revoking any certificate pursuant to this chapter shall immediately file a copy of the certificate, or of the order of revocation, with the department of corrections and with any affected licensing agency.

205—9.6(906) Certificate not to be deemed a pardon. Nothing contained in this chapter shall be deemed to alter or limit or affect the manner of applying for pardons to the governor, and no certificate issued hereunder shall be deemed or construed to be a pardon.

These rules are intended to implement 2008 Iowa Acts, House File 2660, section 24.

ARC 7354B

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 147.76, the Board of Respiratory Care hereby gives Notice of Intended Action to amend Chapter 5, "Fees," Iowa Administrative Code.

These proposed amendments are consistent with the amendments to 645—Chapter 261 associated with the costs for implementation of background checks. Amendments to 645—Chapter 261, "Licensure of Respiratory Care Practitioners," are Adopted and Filed and published herein as **ARC 7352B**.

Any interested person may make written comments on the proposed amendments no later than December 9, 2008, addressed to Ella Mae Baird, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail ebaird@idph.state.ia.us.

A public hearing will be held on December 9, 2008, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 152B, and 272C.

The following amendments are proposed.

ITEM 1. Amend subrule 5.17(1) as follows:

5.17(1) Initial or endorsement license fee to practice respiratory care is \$120, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI).

ITEM 2. Amend subrule 5.17(4) as follows:

5.17(4) Reactivation fee is \$120, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) if the license has been on inactive status for two or more years.

ARC 7357B

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 144A.7A(2), the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 142, "Out-of-Hospital Do-Not-Resuscitate Orders," Iowa Administrative Code.

The rules in Chapter 142 set forth guidelines for consideration by health care providers and organizations to help ensure uniform and orderly understandings, processes and procedures for the use and implementation of Out-of-Hospital Do-Not-Resuscitate orders. This proposed amendment updates information concerning the uniform identifier based on changes to MedicAlert's® pricing structure.

Any interested person may make written comments or suggestions on the proposed amendment on or before December 9, 2008. Such written comments should be directed to Kirk Schmitt, Bureau of EMS, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kschmitt@idph.state.ia.us.

This amendment is intended to implement Iowa Code chapter 144A.

The following amendment is proposed.

Amend **641—Chapter 142**, Appendix A, "Directions for obtaining a uniform identifier," paragraph "**1**," as follows:

1. A completed MedicAlert® application, which is available in physician offices or through MedicAlert® by phoning (~~880~~ 800)432-5378 or their Web site www.medicalert.org, and ~~a new membership~~ fee of \$35.

ARC 7358B**PUBLIC HEALTH DEPARTMENT[641]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 135.26 and section 613.17 as amended by 2008 Iowa Acts, Senate File 505, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 143, "Automated External Defibrillator Grant Program," Iowa Administrative Code.

The rules in Chapter 143 describe the automated external defibrillator (AED) grant program which provides funds for eligible organizations seeking to implement an early defibrillation program. These proposed amendments add standards for maintenance of an AED device in accordance with Iowa Code section 613.17 as amended by 2008 Iowa Acts, Senate File 505.

Any interested person may make written comments or suggestions on the proposed amendments on or before December 9, 2008. Such written comments should be directed to Kirk Schmitt, Bureau of EMS, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kschmitt@idph.state.ia.us.

These amendments are intended to implement Iowa Code chapters 135 and 613 and 2008 Iowa Acts, Senate File 505.

The following amendments are proposed.

ITEM 1. Amend **641—Chapter 143**, title, as follows:

AUTOMATED EXTERNAL DEFIBRILLATOR ~~GRANT~~ PROGRAM

ITEM 2. Insert the following **new** heading before rule **641—143.1(135)**:

AUTOMATED EXTERNAL DEFIBRILLATOR GRANT PROGRAM

ITEM 3. Reserve rules **641—143.7** to **641—143.9**.

ITEM 4. Insert the following **new** heading before rule 641—143.10(135):

AUTOMATED EXTERNAL DEFIBRILLATOR MAINTENANCE

ITEM 5. Adopt the following **new** rules 641—143.10(135) to 641—143.12(135):

641—143.10(135) Purpose. These rules establish standards for the maintenance of automated external defibrillators for a person or entity that owns, manages or is otherwise responsible for the premises on which an automated external defibrillator is located if the person or entity maintains the automated external defibrillator in accordance with Iowa Code section 613.17 as amended by 2008 Iowa Acts, Senate File 505.

641—143.11(135) Definition. For the purposes of these rules, the following definition shall apply:

"Automated external defibrillator" or *"AED"* means an external semiautomatic device that determines whether defibrillation is required.

641—143.12(135) AED maintenance. The person or entity maintaining the AED shall:

143.12(1) Ensure that the AED is maintained and inspected in accordance with the manufacturer's guidelines.

143.12(2) Maintain records of all maintenance and inspections of the AED for the usable life of the device.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

143.12(3) Ensure that the AED is programmed to conform to nationally accepted guidelines for treatment of cardiac arrest patients.

REVENUE DEPARTMENT

Notice of Electric and Natural Gas Delivery Tax Rates and Municipal Electric and Natural Gas Transfer Replacement Tax Rates for Each Competitive Service Area

Pursuant to the authority of Iowa Code sections 437A.4 and 437A.5, the Director of Revenue hereby gives notice of the electric delivery tax rate, the municipal electric transfer replacement tax rate, the natural gas delivery tax rate, and the municipal natural gas transfer replacement tax rate for each competitive service area in the state. These rates will be used in conjunction with the number of kilowatt hours of electricity and the number of therms of natural gas delivered to consumers in calendar year 2008 by each taxpayer to determine the tax due for each taxpayer in the 2009-2010 fiscal year.

2008 ELECTRIC DELIVERY TAX RATES BY SERVICE AREA

CO. #	MUNICIPAL ELECTRICS	DELIVERY TAX RATE
3226	Akron Municipal Utilities	0.00006129
3201	Algona Municipal Utilities	0.00026059
3205	Alta Municipal Power Plant	0.00008290
3069	Alta Vista Municipal Utilities	0.00000000
3070	Alton Municipal Light & Power	0.00000000
3207	Ames Municipal Electric System	0.00000090
3071	Anita Municipal Utilities	0.00000000
3227	Anthon Municipal Electric Utility	0.00013220
3209	Atlantic Municipal Utilities	0.00024840
3073	Auburn Municipal Utility	0.00000000
3074	Aurelia Mun. Electric Utility	0.00008478
3211	Bancroft Municipal Utilities	0.00089101
3213	Bellevue Municipal Utilities	0.00009854
3228	Bigelow Municipal Electric Utility	0.00194929
3229	Bloomfield Municipal Electric Utility	0.00003163
3075	Breda Mun. Electric System	0.00000000
3076	Brooklyn Municipal Utilities	0.00162223
3216	Buffalo Municipal Electric System	0.00000286
3217	Burt Municipal Electric Utility	0.00000190
3077	Callender Electric	0.00000000
3078	Carlisle Municipal Utilities	0.00000000
3079	Cascade Municipal Utilities	0.00130675
3221	Cedar Falls Municipal Elec. Utility	0.00031030
3068	City of Afton	0.00000000
3072	City of Aplington	0.00000000
3082	City of Dike	0.00000000
3088	City of Estherville	0.00000000
3089	City of Fairbank	0.00000000
3090	City of Farnhamville	0.00000000

REVENUE DEPARTMENT(cont'd)

CO. #	MUNICIPAL ELECTRICS	DELIVERY TAX RATE
3230	City of Fredericksburg	0.00000594
3106	City of Larchwood	0.00000000
3107	City of Lawler	0.00000000
3108	City of Lehigh	0.00000000
3113	City of Marathon	0.00000000
3311	City of Pella	0.00006692
3125	City of Renwick	0.00000000
3129	City of Sergeant Bluff	0.00000000
3139	City of Westfield	0.00000000
3143	City of Woolstock	0.00000000
3236	Coggon Municipal Light Plant	0.00004291
3237	Coon Rapids Municipal Utilities	0.00042603
3242	Corning Municipal Utilities	0.00031729
3080	Corwith Municipal Utilities	0.00000000
3243	Danville Municipal Electric Utility	0.00000384
3081	Dayton Light & Power	0.00000000
3244	Denison Municipal Utilities	0.00001014
3245	Denver Municipal Electric Utility	0.00005610
3083	Durant Municipal Electric Plant	0.00000000
3084	Dysart Municipal Utilities	0.00000000
3085	Earlville Municipal Utilities	0.00120833
3087	Ellsworth Municipal Utilities	0.00000000
3091	Fonda Municipal Electric	0.00000000
3252	Fontanelle Municipal Utilities	0.00031947
3092	Forest City Municipal Utilities	0.00000000
3231	Glidden Municipal Electric Utility	0.00000195
3093	Gowrie Municipal Utilities	0.00148389
3256	Graettinger Municipal Light Plant	0.00028010
3094	Grafton Municipal Utilities	0.00000000
3258	Grand Junction Municipal Utilities	0.00000456
3095	Greenfield Municipal Utilities	0.00108686
3096	Grundy Center Light & Power	0.00022173
3232	Guttenberg Municipal Electric	0.00002873
3263	Harlan Municipal Utilities	0.00137185
3097	Hartley Municipal Utilities	0.00000000
3098	Hawarden Municipal Utility	0.00000000
3099	Hinton Municipal Electric/Water	0.00008142
3267	Hopkinton Municipal Utilities	0.00000927
3100	Hudson Municipal Utilities	0.00000000
3101	Independence Light & Power	0.00000000
3271	Indianola Municipal Utilities	0.00000736
3102	Keosauqua Light & Power	0.00000000
3103	Kimballton Municipal Utilities	0.00000000
3104	Lake Mills Municipal Utilities	0.00000000

REVENUE DEPARTMENT(cont'd)

CO. #	MUNICIPAL ELECTRICS	DELIVERY TAX RATE
3105	Lake Park Municipal Utilities	0.00000000
3233	Lake View Municipal Utilities	0.00015764
3274	Lamoni Municipal Utilities	0.00135315
3276	LaPorte City Utilities	0.00000913
3277	Laurens Municipal Utilities	0.00026869
3109	Lenox Mun. Light & Power	0.00045704
3110	Livermore Municipal Utilities	0.00000000
3111	Long Grove Mun. Elec./Water	0.00000000
3282	Manilla Municipal Elec. Utilities	0.00009934
3112	Manning Municipal Electric	0.00026539
3284	Mapleton Municipal Utilities	0.00008732
3285	Maquoketa Municipal Electric	0.00004721
3288	McGregor Municipal Utilities	0.00000695
3291	Milford Municipal Utilities	0.00016326
3114	Montezuma Municipal Light & Power	0.00000000
3115	Mount Pleasant Municipal Utilities	0.00000000
3293	Muscatine Municipal Utilities	0.00009555
3116	Neola Light & Water System	0.00000000
3297	New Hampton Municipal Light Plant	0.00009962
3298	New London Municipal Utility	0.00052973
3304	Ogden Municipal Utilities	0.00006019
3234	Onawa Municipal Utilities	0.00009900
3117	Orange City Municipal Utilities	0.00000000
3118	Orient Municipal Utilities	0.00000000
3307	Osage Municipal Utilities	0.00004946
3309	Panora Municipal Electric Utility	0.00006632
3119	Paton Municipal Utilities	0.00000000
3120	Paullina Municipal Utilities	0.00000000
3121	Pocahontas Municipal Utilities	0.00000000
3122	Preston Municipal Utilities	0.00000000
3315	Primghar Municipal Light Plant	0.00001803
3123	Readlyn Municipal Utilities	0.00000000
3124	Remsen Municipal Utilities	0.00000000
3318	Rock Rapids Municipal Utilities	0.00000479
3126	Rockford Municipal Light Plant	0.00000000
3127	Sabula Municipal Utilities	0.00000000
3128	Sanborn Municipal Light & Plant	0.00000000
3130	Shelby Municipal Utilities	0.00000000
3131	Sibley Municipal Utilities	0.00000000
3321	Sioux Center Municipal Utilities	0.00000090
3323	Southern Minnesota Mun. Power	0.00000000
3324	Spencer Municipal Utilities	0.00010190
3132	Stanhope Municipal Utilities	0.00000000
3360	Stanton Municipal Utilities	0.00000000

REVENUE DEPARTMENT(cont'd)

CO. #	MUNICIPAL ELECTRICS	DELIVERY TAX RATE
3326	State Center Municipal Light Plant	0.00031087
3327	Story City Municipal Electric Utility	0.00010092
3134	Stratford Municipal Utilities	0.00000000
3135	Strawberry Point Electric Utility	0.00000000
3136	Stuart Municipal Utilities	0.00128625
3328	Sumner Municipal Light Plant	0.00021044
3330	Tipton Municipal Utilities	0.00149179
3332	Traer Municipal Utilities	0.00053159
3337	Villisca Municipal Power Plant	0.00020737
3137	Vinton Municipal Utilities	0.00000000
3138	Wall Lake Municipal Utilities	0.00000000
3338	Waverly Light & Power	0.00071499
3342	Webster City Municipal Utilities	0.00029511
3345	West Bend Municipal Power Plant	0.00088027
3346	West Liberty Municipal Electric Util.	0.00000641
3347	West Point Municipal Utility System	0.00009639
3140	Whittemore Municipal Utilities	0.00000000
3141	Wilton Municipal Light & Power	0.00000000
3351	Winterset Municipal Utilities	0.00133211
3142	Woodbine Municipal Utilities	0.00000000
CO. #	IOU's - ELECTRIC	DELIVERY TAX RATE
7206	Amana Society Service Co.	0.00049316
7248	Eldridge Electric & Water Utilities	0.00062117
7354	Geneseo Municipal Utilities	0.00000000
7270	IES Utilities	0.00237888
7272	Interstate Power	0.00103630
7289	MidAmerican Energy	0.00264702
7296	Nebraska Public Power District	0.00000000
7302	Northwestern Corporation	0.00000000
7305	Omaha Public Power District	0.00116040
7334	Union Electric	0.00000000
CO. #	REC's	DELIVERY TAX RATE
4319	Access Energy Coop	0.00075412
4203	Allamakee Clayton Electric Coop	0.00093586
4208	Atchison-Holt Electric Coop	0.00087070
4214	Boone Valley Electric Coop	0.00090381
4218	Butler County REC	0.00097749
4219	Calhoun County Electric Coop	0.00134909
4220	Cass Electric Coop	0.00004943
4224	Central Iowa Power Coop	0.00000000
4225	Chariton Valley Electric Coop	0.00111235

REVENUE DEPARTMENT(cont'd)

CO. #	REC's	DELIVERY TAX RATE
4235	Clarke Electric Coop	0.00267847
4287	Consumers Energy	0.00208948
4240	Corn Belt Power Coop	0.00000000
4246	East-Central Iowa REC	0.00200204
4247	Eastern Iowa Light & Power	0.00065074
4250	Farmers Electric Coop - Greenfield	0.00237767
4249	Farmers Electric Coop - Kalona	0.00040124
4251	Federated Rural Electric Association	0.00046380
4253	Franklin Rural Electric Coop	0.00076497
4254	Freeborn-Mower Cooperative	0.00099628
4255	Glidden Rural Electric Coop	0.00053234
4259	Grundy County REC	0.00061523
4260	Grundy Electric Cooperative	0.00055899
4261	Guthrie County REC	0.00210418
4262	Hancock Co. REC	0.00127158
4265	Harrison County REC	0.00081475
4266	Hawkeye Tri-County Electric Coop	0.00076862
4223	Heartland Power Coop	0.00044896
4268	Humboldt County REC	0.00099957
4273	Iowa Lakes Electric Coop	0.00065479
4279	Linn County REC	0.00147526
4280	Lyon Rural Electric Coop	0.00067233
4286	Maquoketa Valley Electric Coop	0.00221262
4290	Midland Power Cooperative	0.00113193
4299	Nishnabotna Valley REC	0.00063871
4300	North West Rural Electric Coop	0.00046985
4301	Northwest Iowa Power Coop	0.00000000
4308	Osceola Electric Coop	0.00037142
4310	Pella Cooperative Electric	0.00194961
4313	Pleasant Hill Community Line	0.00027374
4316	Rideta Electric Coop	0.00278588
4320	Sac County Rural Electric Coop	0.00083918
4322	Southern Iowa Electric Coop	0.00134566
4379	Southwest Iowa Service Coop	0.00289110
4329	T.I.P. Rural Electric Coop	0.00201713
4333	Tri County Electric Coop	0.00126163
4336	United Electric Coop	0.00112324
4348	Western Iowa Power Coop	0.00094679
4352	Woodbury County REC	0.00114780
4353	Wright Co. REC	0.00049740

REVENUE DEPARTMENT(cont'd)

2008 NATURAL GAS DELIVERY TAX RATES BY SERVICE AREA

CO. #	MUNICIPAL GAS	DELIVERY TAX RATE
5021	Bedford Municipal Gas	0.00000000
5215	Brighton Gas	0.00785371
5023	Brooklyn Municipal Gas	0.00000000
5024	Cascade Municipal Gas	0.00000000
5025	Cedar Falls Municipal Gas	0.00000000
5022	City of Bloomfield	0.00000000
5026	City of Clearfield	0.00000000
5028	City of Everly	0.00000000
5029	City of Fairbank	0.00000000
5238	Coon Rapids Municipal Gas	0.00003013
5241	Corning Municipal Gas	0.00011371
5027	Emmetsburg Municipal Gas	0.00000000
5030	Gilmore City Municipal Gas	0.00000000
5031	Graettinger Municipal Gas	0.00000000
5032	Guthrie Center Municipal Gas	0.00000000
5033	Harlan Municipal Gas	0.00000000
5034	Hartley Municipal Gas	0.00000000
5035	Hawarden Municipal Gas	0.00000000
5036	Lake Park Municipal Gas	0.00000000
5275	Lamoni Municipal Gas	0.00108154
5037	Lenox Municipal Gas	0.00000000
5038	Lineville City Natural Gas	0.00000000
5039	Lorimor Municipal Gas	0.00000000
5281	Manilla Municipal Gas	0.00037843
5283	Manning Municipal Gas	0.00018720
5040	Montezuma Natural Gas	0.00000000
5041	Morning Sun Municipal Gas	0.00000000
5042	Moulton Municipal Gas	0.00000000
5306	Osage Municipal Gas	0.00003376
5043	Prescott Municipal Gas	0.00000000
5044	Preston Municipal Gas	0.00000000
5055	Remsen Municipal Gas	0.00000000
5317	Rock Rapids Municipal Gas	0.00008259
5056	Rolfe Municipal Gas	0.00000000
5057	Sabula Municipal Gas	0.00000000
5058	Sac City Municipal Gas	0.00000000
5059	Sanborn Municipal Gas	0.00000000
5060	Sioux Center Municipal Gas	0.00000000
5061	Tipton Municipal Gas	0.00000000
5063	Waukee Municipal Gas	0.00000000
5340	Wayland Municipal Gas	0.00338422
5064	Wellman Municipal Gas	0.00000000
5344	West Bend Municipal Gas	0.00002616

REVENUE DEPARTMENT(cont'd)

CO. #	MUNICIPAL GAS	DELIVERY TAX RATE
5065	Whittemore Municipal Gas	0.00000000
5349	Winfield Municipal Gas	0.00054851
5066	Woodbine Gas	0.00000000
CO. #	IOU's - GAS	DELIVERY TAX RATE
5204	Allerton Gas	0.01964191
5270	IES Utilities	0.00757313
5272	Interstate Power	0.00321157
5289	MidAmerican Energy	0.01103529
5312	Peoples Natural Gas	0.00927983
5335	United Cities Gas	0.00647805

2008 MUNICIPAL ELECTRIC TRANSFER REPLACEMENT TAX RATES

CO. #	COMPANY	REPLACEMENT TAX RATE
3226	Akron Municipal Utilities	0.01157613
3201	Algona Municipal Utilities	0.00277529
3205	Alta Municipal Power Plant	0.00303541
3069	Alta Vista Municipal Utilities	*
3070	Alton Municipal Light & Power	0.00220398
3207	Ames Municipal Electric System	*
3071	Anita Municipal Utilities	0.00348358
3227	Anthon Municipal Electric Utility	0.01223085
3209	Atlantic Municipal Utilities	0.00260615
3073	Auburn Municipal Utility	0.01991788
3074	Aurelia Municipal Electric Utility	0.00111865
3211	Bancroft Municipal Utilities	*
3213	Bellevue Municipal Utilities	*
3229	Bloomfield Municipal Electric Utility	0.01230119
3075	Breda Municipal Electric System	0.00000000
3076	Brooklyn Municipal Utilities	0.00000000
3216	Buffalo Municipal Electric System	*
3217	Burt Municipal Electric Utility	0.00220661
3077	Callender Electric	*
3078	Carlisle Municipal Utilities	0.00029494
3079	Cascade Municipal Utilities	0.00000000
3221	Cedar Falls Municipal Electric Utility	0.00294648
3068	City of Afton	0.00417239
3072	City of Aplington	0.00924768
3082	City of Dike	0.00552655
3088	City of Estherville	0.01434137
3089	City of Fairbank	0.00702848
3090	City of Farnhamville	0.00000000
3230	City of Fredericksburg	*

REVENUE DEPARTMENT(cont'd)

CO. #	COMPANY	REPLACEMENT TAX RATE
3106	City of Larchwood	0.00000000
3107	City of Lawler	0.00312570
3108	City of Lehigh	0.00000000
3113	City of Marathon	*
3311	City of Pella	0.00283518
3125	City of Renwick	0.00000000
3129	City of Sergeant Bluff	0.00000000
3139	City of Westfield	*
3143	City of Woolstock	0.00000000
3236	Coggon Municipal Light Plant	0.00000000
3237	Coon Rapids Municipal Utilities	0.00358642
3242	Corning Municipal Utilities	*
3080	Corwith Municipal Utilities	0.00000000
3243	Danville Municipal Electric Utility	0.00355712
3081	Dayton Light & Power	0.00219138
3244	Denison Municipal Utilities	0.00234347
3245	Denver Municipal Electric Utility	*
3083	Durant Municipal Electric Plant	0.00000000
3084	Dysart Municipal Utilities	0.00354981
3085	Earlville Municipal Utilities	*
3086	Eldridge Electric & Water Utility	*
3087	Ellsworth Municipal Utilities	0.00822950
3091	Fonda Municipal Electric	0.00837620
3252	Fontanelle Municipal Utilities	0.00218724
3092	Forest City Municipal Utilities	0.00313087
3231	Glidden Municipal Electric Utility	0.00847019
3093	Gowrie Municipal Utilities	*
3256	Graettinger Municipal Light Plant	*
3094	Grafton Municipal Utilities	*
3258	Grand Junction Municipal Utilities	*
3095	Greenfield Municipal Utilities	0.00252865
3096	Grundy Center Light & Power	*
3232	Guttenberg Municipal Electric	*
3263	Harlan Municipal Utilities	0.00250567
3097	Hartley Municipal Utilities	0.00054735
3098	Hawarden Municipal Utility	0.01092191
3099	Hinton Municipal Electric/Water	0.00112427
3267	Hopkinton Municipal Utilities	0.00000000
3100	Hudson Municipal Utilities	0.00599588
3101	Independence Light & Power	0.00269880
3271	Indianola Municipal Utilities	0.00315720
3102	Keosauqua Light & Power	0.00000000
3103	Kimballton Municipal Utilities	0.00000000
3104	Lake Mills Municipal Utilities	0.00314931

REVENUE DEPARTMENT(cont'd)

CO. #	COMPANY	REPLACEMENT TAX RATE
3105	Lake Park Municipal Utilities	0.00230322
3233	Lake View Municipal Utilities	0.00851650
3274	Lamoni Municipal Utilities	0.00174613
3276	LaPorte City Utilities	0.00201962
3277	Laurens Municipal Utilities	0.00485017
3109	Lenox Municipal Light & Power	0.00040839
3110	Livermore Municipal Utilities	0.01014373
3111	Long Grove Mun. Elec./Water	0.00000000
3282	Manilla Municipal Elec. Utilities	0.00329469
3112	Manning Municipal Electric	*
3284	Mapleton Municipal Utilities	0.00465311
3285	Maquoketa Municipal Electric	0.00150748
3288	McGregor Municipal Utilities	0.00144963
3291	Milford Municipal Utilities	0.00000000
3114	Montezuma Municipal Light & Power	0.00136138
3115	Mount Pleasant Municipal Utilities	0.00112430
3293	Muscatine Municipal Utilities	0.00000000
3116	Neola Light & Water System	0.00000000
3297	New Hampton Municipal Light Plant	0.00271180
3298	New London Municipal Utility	0.00406520
3304	Ogden Municipal Utilities	0.00206940
3234	Onawa Municipal Utilities	0.00274547
3117	Orange City Municipal Utilities	0.00195874
3118	Orient Municipal Utilities	*
3307	Osage Municipal Utilities	0.00056662
3309	Panora Municipal Electric Utility	0.00067101
3119	Paton Municipal Utilities	*
3120	Paullina Municipal Utilities	0.01390013
3121	Pocahontas Municipal Utilities	0.00683162
3122	Preston Municipal Utilities	0.00553749
3315	Primghar Municipal Light Plant	*
3123	Readlyn Municipal Utilities	0.00000000
3124	Remsen Municipal Utilities	0.00173373
3318	Rock Rapids Municipal Utilities	0.00411601
3126	Rockford Municipal Light Plant	0.00000000
3127	Sabula Municipal Utilities	0.01082164
3128	Sanborn Municipal Light & Plant	0.00272733
3130	Shelby Municipal Utilities	*
3131	Sibley Municipal Utilities	0.00111563
3321	Sioux Center Municipal Utilities	0.00225929
3324	Spencer Municipal Utilities	0.00274830
3132	Stanhope Municipal Utilities	0.01337617
3360	Stanton Municipal Utilities	0.00162199
3326	State Center Municipal Light Plant	0.00094996

REVENUE DEPARTMENT(cont'd)

CO. #	COMPANY	REPLACEMENT TAX RATE
3327	Story City Municipal Electric Utility	0.00000000
3134	Stratford Municipal Utilities	0.00771450
3135	Strawberry Point Electric Utility	0.00002667
3136	Stuart Municipal Utilities	0.00157371
3328	Sumner Municipal Light Plant	0.00055163
3330	Tipton Municipal Utilities	*
3332	Traer Municipal Utilities	*
3337	Villisca Municipal Power Plant	0.00000000
3137	Vinton Municipal Utilities	0.00438924
3138	Wall Lake Municipal Utilities	0.00727705
3338	Waverly Light & Power	0.00562418
3342	Webster City Municipal Utilities	0.00283489
3345	West Bend Municipal Power Plant	*
3346	West Liberty Municipal Electric Util.	0.00393439
3347	West Point Municipal Utility System	0.00154994
3140	Whittemore Municipal Utilities	*
3141	Wilton Municipal Light & Power	0.00000000
3351	Winterset Municipal Utilities	*
3142	Woodbine Municipal Utilities	0.00120386

* No rate provided to the Department by the Municipal

2008 MUNICIPAL NATURAL GAS TRANSFER REPLACEMENT TAX RATES

CO. #	COMPANY	REPLACEMENT TAX RATE
5021	Bedford Municipal Gas	0.06482872
5215	Brighton Gas	0.00000000
5023	Brooklyn Municipal Gas	0.00000000
5024	Cascade Municipal Gas	0.00000000
5025	Cedar Falls Municipal Gas	0.00744177
5022	City of Bloomfield	0.05803480
5026	City of Clearfield	0.00000000
5028	City of Everly	0.00000000
5029	City of Fairbank	0.00000000
5238	Coon Rapids Municipal Gas	0.00380820
5241	Corning Municipal Gas	*
5027	Emmetsburg Municipal Gas	0.05223782
5030	Gilmore City Municipal Gas	*
5031	Graettinger Municipal Gas	*
5032	Guthrie Center Municipal Gas	0.00000000
5033	Harlan Municipal Gas	0.97864540
5034	Hartley Municipal Gas	0.01425961
5035	Hawarden Municipal Gas	0.13615467
5036	Lake Park Municipal Gas	0.01165489
5275	Lamoni Municipal Gas	0.00712801

REVENUE DEPARTMENT(cont'd)

CO. #	COMPANY	REPLACEMENT TAX RATE
5037	Lenox Municipal Gas	0.00000000
5038	Lineville City Natural Gas	*
5039	Lorimor Municipal Gas	*
5281	Manilla Municipal Gas	0.08107855
5283	Manning Municipal Gas	*
5040	Montezuma Natural Gas	0.22690303
5041	Morning Sun Municipal Gas	*
5042	Moulton Municipal Gas	0.09172615
5369	Orange City Municipal Gas	0.00000000
5306	Osage Municipal Gas	0.02696600
5043	Prescott Municipal Gas	*
5044	Preston Municipal Gas	0.56589940
5055	Remsen Municipal Gas	0.37834202
5317	Rock Rapids Municipal Gas	0.01863215
5056	Rolfe Municipal Gas	*
5057	Sabula Municipal Gas	0.05744277
5058	Sac City Municipal Gas	*
5059	Sanborn Municipal Gas	*
5060	Sioux Center Municipal Gas	0.02007640
5061	Tipton Municipal Gas	0.00278238
5067	Wall Lake Municipal Gas	0.00000000
5063	Waukee Municipal Gas	*
5340	Wayland Municipal Gas	0.52345959
5064	Wellman Municipal Gas	0.03218500
5344	West Bend Municipal Gas	*
5065	Whittemore Municipal Gas	*
5349	Winfield Municipal Gas	0.00000000
5066	Woodbine Gas	*

* No rate provided to the Department by the Municipal

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for November is 5.75%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

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

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of

TREASURER OF STATE(cont'd)

comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

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

New official state interest rates, effective November 11, 2008, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS		
7-31 days	.....	Minimum 0.85%
32-89 days	.....	Minimum 1.35%
90-179 days	.....	Minimum 1.35%
180-364 days	.....	Minimum 1.70%
One year to 397 days	.....	Minimum 1.95%
More than 397 days	.....	Minimum 2.20%

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

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

ARC 7365B

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 sections 17A.4 and 476.1D, the Utilities Board (Board) gives notice that on October 23, 2008, the Board issued an order in Docket No. RMU-08-6, In re: Amendments to Clarify the Status of Regulated, Deregulated, and Unregulated Telecommunications Services [199 IAC 22], "Order Commencing Rule Making."

The proposed amendments include a listing of all of the services the Board has deregulated and describes what services currently fall under rate regulation or service quality regulation or are deregulated by the Board. These amendments will help clarify the status of regulated, deregulated, and unregulated telecommunications services. The Board believes these amendments will provide a better understanding of the current regulatory status of various telecommunications services.

The Board does not find it necessary to propose a separate waiver provision in this rule making. The Board's general waiver provision in 199 IAC 1.3(17A,474,476,78GA,HF2206) is applicable to these amendments.

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 December 9, 2008, by filing an original and ten copies in a form substantially complying with 199

UTILITIES DIVISION[199](cont'd)

IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

These amendments are intended to implement Iowa Code section 476.1D.

The following amendments are proposed.

ITEM 1. Amend paragraph **22.1(1)“c”** as follows:

c. To ensure that the ~~regulated rates~~ provision of service of local exchange utilities and the charges of alternative operator services companies for communications service, and regulated services rendered in connection therewith, will be reasonable and just.

ITEM 2. Amend subrule **22.1(3)**, definitions of “Customer provision” and “Tariff,” as follows:

“*Customer provision*” means customer purchase or lease of terminal equipment or ~~new~~ inside station wiring from the telephone company or from any other supplier.

“*Tariff*” means the entire body of ~~regulated rates, alternative operator services~~ rates, classifications, rules, procedures, policies, etc., adopted and filed with the board by a telephone utility, including an alternative operator services company, in fulfilling its role of furnishing communications services.

ITEM 3. Adopt the following new definitions in subrule **22.1(3)**:

“*Competitive Local Exchange Carrier*” or “*CLEC*” means a utility, other than an incumbent local exchange carrier, that provides local exchange service pursuant to an authorized certificate of public convenience and necessity.

“*Incumbent Local Exchange Carrier*” or “*ILEC*” means a utility, or successor to such utility, that was the historical provider of local exchange service pursuant to an authorized certificate of public convenience and necessity within a specific geographic area described in maps approved by the board as of September 30, 1992.

ITEM 4. Rescind the definitions of “Fully allocated cost study,” “Fully distributed cost study,” “Regulated rates” and “Wide area service” in subrule **22.1(3)**.

ITEM 5. Amend subrule 22.1(4) as follows:

22.1(4) Abbreviations.

AOS—Alternative Operator Services

EAS—Extended Area Service

~~ESS—Electronic Switching System~~

~~FAC—Fully Allocated Cost~~

~~FDC—Fully Distributed Cost~~

PBX—Private Branch Exchange

ITEM 6. Amend subrule 22.1(6) as follows:

22.1(6) ~~Interutility services~~ Deregulation actions. ~~Rescinded IAB 12/21/05, effective 1/25/06.~~

a. The board, in the dockets shown below, deregulated the following services. Persons interested in determining the precise extent of deregulation in each docket should refer to the board dockets identified in this list.

(1) Inside station wiring including provisioning, repair, and maintenance. This included a revised definition of “demarcation point” in subrule 22.1(3). Docket No. RMU-81-19. Effective October 8, 1982.

(2) Terminal equipment including provision, installation, repair, and maintenance of all customer premise equipment. Docket No. RMU-82-1. Effective May 11, 1983.

(3) Centrex, Hi-Lo Capacity Intraexchange, and Hi Capacity Interexchange and Private Line. Docket No. RPU-84-8. Effective July 1, 1984.

(4) Coin-operated telephones. Pay telephones were determined to be a subset of deregulated terminal equipment. Docket Nos. RMU-85-6 and INU-84-6. Effective September 18, 1985.

(5) Riser cable (or cable for PBXs on the same premises) was found to be an extension of inside wiring. Ownership was transferred from the telephone utility to the premises owner. The telephone utility was compensated for the cable. Docket No. RMU-85-23. Effective April 30, 1986.

UTILITIES DIVISION[199](cont'd)

(6) Versanet Alarm Services Equipment. The remote module connecting an alarm panel to the local loop was determined to be deregulated terminal equipment. The Versanet equipment monitoring the signal was found to be competitive and deregulated. Docket No. INU-85-5. Effective May 16, 1986.

(7) Mobile telephone and paging services. Docket No. INU-86-2. Effective August 7, 1986.

(8) Billing and collection services (but not the recording function). Docket Nos. RMU-86-16 and INU-86-10. Effective October 15, 1986.

(9) InterLATA Interexchange Message Telecommunications Service (MTS), Wide Area Telecommunications Service (WATS), Channel Service (Private Line), and Custom Network Service (Software Defined Network Service, Megacom Services, Megacom 800 Service, and AT&T Readyline Service). Docket No. INU-88-2. Effective April 5, 1989, and July 19, 1990.

(10) Speed calling. Docket No. INU-88-8. Effective December 22, 1989.

(11) The recording function of billing and collection services. Docket No. INU-88-9. Effective January 9, 1990.

(12) Competitive IntraLATA Interexchange Services, InterLATA and IntraLATA ISDN, Operator Services, Directory Services, and Voice Messaging Service. Docket No. INU-95-3. Effective June 24, 1996.

(13) Local directory assistance. Docket No. INU-00-3. Effective February 23, 2001.

(14) Local exchange services found to be competitive and deregulated in the following exchanges: Armstrong, Coon Rapids, Council Bluffs, Delmar, Forest City, Harlan, Laurens, Lowden, Mapleton, Oxford, Oxford Junction, Primghar, Saint Ansgar, Solon, Spencer, Stacyville, Stanwood, Storm Lake, Tiffin, and Whiting. Docket No. INU-04-1. Effective December 23, 2004.

b. Deregulation resulting from 2005 Iowa Acts, chapter 9, section 1. Effective July 1, 2005, Iowa Code section 476.1D(1) was amended to deregulate the retail rates for most business and residential local exchange services with the exception of single line flat-rated residential and business service rates, at the election of each telephone utility. The affected utilities opted for deregulation as follows:

(1) Approval of Qwest Corporation's replacement tariff. Qwest's replacement tariff removed the rates for most local exchange services from the tariff, with the exception of single line flat-rated residential and business service rates. Docket No. TF-05-167. Effective September 6, 2005.

(2) Approval of Frontier Communications of Iowa, Inc.'s replacement tariff. This replacement tariff removed the rates for most local exchange services from the tariff, with the exception of single line flat-rated residential and business service rates. Docket No. TF-05-181. Effective September 20, 2005.

(3) Approval of Iowa Telecommunications Services, Inc.'s, d/b/a Iowa Telecom, replacement tariff. This replacement tariff removed the rates for most local exchange services with the exception of single line flat-rated residential and business service rates. Docket No. TF-05-182. Effective November 5, 2005.

(4) Single line flat-rated residential and business service rates were found to be competitive and deregulated in the following exchanges: Alta, Belle Plaine, Bennett, Cambridge, Carter Lake, Greene, Grundy Center, Guthrie Center, Hartley, Manning, Marble Rock, Marengo, Onawa, Orange City, Osage, Oyens, Paullina, Reinbeck, Slater, and Wapello. Docket No. INU-05-2. Effective December 5, 2005.

(5) Single line flat-rated residential and business service rates were deregulated pursuant to Iowa Code section 476.1D. Docket No. NOI-08-1. Effective July 1, 2008.

c. Effect of deregulation. The precise extent of deregulation of any particular service depends upon the specific circumstances prevailing at the time of deregulation, as explained in each deregulation order. As a general statement, however, any service that is completely deregulated should be removed from the tariff of any company offering that service. Any service that is not subject to rate regulation but remains subject to other forms of regulation should remain in the company's tariff, but the rate should be removed. Any rate or service that remains in the company's tariff continues to be subject to board jurisdiction, regardless of any deregulation order.

ITEM 7. Amend subrule 22.2(3) as follows:

22.2(3) Tariffs to be filed with the board. The utility, including an alternative operator services company, shall file its tariff with the board, and shall maintain such tariff filing in a current status. A

UTILITIES DIVISION[199](cont'd)

copy of the same tariff shall also be on file in all business offices of the telephone utility and shall be available for inspection by the public.

~~The schedules of regulated rates and alternative operator services rates shall be filed with the board and tariff shall be classified, designated, arranged, and submitted so as to conform to the requirements of current tariff or rate schedule circulars and special instructions which have been or may from time to time be issued by the board~~ this chapter or board order. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation. The form, identification, and content of tariffs shall be in accordance with these rules unless otherwise provided ~~in rule 22.14(476).~~

Utilities which are not subject to the rate regulation provided for by Iowa Code chapter 476 shall not file schedules of rates unless required by another rule or by board order. Nothing contained in these rules shall be deemed to relieve any utility of the requirement of furnishing any of these same schedules or contracts which are needed by the board in the performance of the board's duties upon request to do so by the board. Every telephone utility shall make the schedule of its rates readily available to customers on the utility's Web site, if the utility has one, or by mail, upon request.

ITEM 8. Amend paragraphs **22.2(5)“a”** and **“b”** as follows:

a. ~~A table of contents containing a list of regulated rates or alternative operator services rates and other listing tariff sections in the order in which they appear showing the sheet number of the first page of each rate schedule or other section. In the event the utility filing the tariff elects to segregate a section such as general rules from the section containing regulated rates, alternative operator services rates, or other sections, it may at its option prepare a separate table of contents or index for each such segregated section.~~

b. ~~All regulated rates and alternative operator services rates shall be included in tariffs.~~ Local exchange utilities shall file a map which shall clearly define the base rate boundary and any rural or special zones that are set forth in the tariff. The boundary line location on such maps shall be delineated from fixed reference points.

ITEM 9. Amend paragraph **22.3(1)“d”** as follows:

d. The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and information services, and location of telephone company business offices as may be appropriate to the area served by the directory. A statement shall be included that the company will verify the condition of a line if requested by a customer and whether any charge will apply. ~~Rates for basic transmission service for residential and business customers available from the utility shall also be included.~~ Each local exchange utility's telephone directory must indicate how to order 900 and 976 blocking and indicate that the first block is without charge. The directory shall contain descriptions of all current N11 services.

ITEM 10. Amend subrule 22.3(12) as follows:

22.3(12) Ordering and transferring of service. ~~Telephone utilities shall permit the~~ The terms and conditions for ordering and transferring of transmission local exchange service to be accomplished by telephone. A utility shall not volunteer prices or otherwise attempt to promote terminal equipment which is offered by an affiliated company when transmission service is ordered. A utility may not require customers to order transmission service through a company affiliated with that utility shall be contained in the telephone utility's tariff.

ITEM 11. Amend subparagraph **22.4(1)“a”(3)** as follows:

(3) Notify customers affected by a change in ~~regulated~~ rates or schedule classification.

ITEM 12. Amend paragraph **22.4(1)“b”** as follows:

b. Inquiries for information or complaints to a utility shall be resolved promptly and courteously. Employees who receive customer telephone calls and office visits shall be qualified and trained in screening and resolving complaints, to avoid a preliminary recitation of the entire complaint to employees without ability and authority to act. The employee shall provide identification to the customer ~~which will enable the customer to reach that employee again if needed.~~

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All local exchange utilities shall notify their customers, by bill insert or notice on the bill form, of the address and telephone number where a utility representative qualified to assist in resolving the complaint can be reached. The bill insert or notice shall also include the following statement: "If (utility name) does not resolve your complaint, the service may be subject to state regulation. You may request assistance from the Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069, (515)281-3839 or toll-free (877)565-4450 or E-mail iubcustomer@iub.state.ia.us."

The bill insert or notice on the bill will be provided no less than annually. Any utility which does not use the standard form contained herein shall file its proposed form in its tariff for approval. A telephone utility which provides local exchange service and issues an annual directory shall publish the information set forth above in its directory in addition to a mailing.

ITEM 13. Amend subrule 22.4(2), introductory paragraph, as follows:

22.4(2) Customer deposits. Each utility may require from any customer or prospective customer a deposit intended to guarantee payment of bills for service based on the customer's credit history. ~~The deposit required shall be confirmed in writing to the customer not later than the time of the next billing. The confirmation shall, in separate columns, itemize deposits for local exchange service and unregulated services. The confirmation shall state that no~~ No deposit other than for local exchange service is required to obtain local exchange service. ~~The confirmation deposit must also~~ reflect the limits as to low-income customers in 199—subparagraph 39.3(2) "b"(4).

ITEM 14. Amend paragraph **22.4(2)"b"** as follows:

b. Interest on customer deposits. ~~Interest shall be paid on deposits associated with regulated rates. Interest on such deposits shall be computed at 7.5 percent per annum, compounded annually.~~ Interest shall be paid at market rate for the period beginning with the date of deposit to the date of refund or to the date that the deposit is applied to the customer's account, or to the date the customer's bill becomes permanently delinquent. The date of refund is that date on which the refund or the notice of deposit refund is forwarded to the customer's last-known address. The date a customer's bill becomes permanently delinquent, relative to an account treated as an uncollectible account, is the most recent date the account became delinquent.

ITEM 15. Amend paragraph **22.4(2)"d"** as follows:

d. Each utility shall issue a receipt of deposit to each customer from whom a deposit is received, ~~and.~~ An itemized statement on the customer's bill may be considered an appropriate receipt. Each utility shall also provide means whereby a depositor may establish claim if the receipt is lost.

ITEM 16. Amend paragraph **22.4(2)"h"** as follows:

h. A new or additional deposit for local exchange service may be required to cover the amount provided in "a" above when a deposit has been refunded or the customer's payment history demonstrates a deposit is or continues to be appropriate. Written or verbal notice shall be ~~mailed~~ provided advising the customer of any new or additional deposit requirement. The customer shall have no less than 12 days from the date of ~~mailing~~ written or verbal notice to comply. The new or additional deposit ~~shall~~ may be payable electronically or by cash or check at any of the utility's business offices or local authorized agents. An appropriate receipt shall be provided. No written notice is required to be given of a deposit required as a prerequisite for commencing initial service.

ITEM 17. Amend subrule 22.4(3) as follows:

22.4(3) Customer billing, timely payment, late payment charges, payment and collection efforts. Each utility's tariff rules shall comply with these minimum standards.

a. Billing to customers shall be scheduled monthly except upon mutual agreement of the customer and utility. A utility with unusual circumstances may obtain authority from the board for billing at other than monthly intervals.

b. Rescinded IAB 2/6/91, effective 3/13/91.

c. Paper bills shall be issued and delivered via U.S. mail unless the customer agrees to electronic or other billing pursuant to terms specified by tariff or customer agreement. Except as otherwise noted,

UTILITIES DIVISION[199](cont'd)

the requirements of this subrule apply to both paper and electronic bills. The bill form or a bill insert shall provide the following information:

(1) ~~The dates at the beginning and end of the billing period~~ bill date and the bill due date for transmission services local exchange services, service charges, and other telecommunications services and equipment.

(2) The last date for timely payment shall be clearly shown and shall be not less than 20 days after the bill is rendered. ~~The~~ For a paper bill, the bill shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. For an electronic bill, the bill shall be considered rendered to the customer on the date of transmission to the last-known E-mail address. If the delivery of a paper bill is by other than U.S. mail, the bill shall be considered rendered when delivered to the last-known address of the party responsible for payment. If a bill cannot be transmitted electronically, the utility shall issue a paper bill. The utility may charge an appropriate amount for the distribution of a paper bill so long as the same amount is discounted should the customer choose electronic billing.

(3) ~~The amount of the net charge, stated by category, for local transmission service, ancillary services and equipment, toll service, information service, sales tax and excise tax, and of any late payment charge together with the gross amount of the bill, with separate entries for total amounts current or in arrears. The utility shall comply with reasonable requests for bill detail. Bills to customers shall be rendered regularly and shall contain a clear listing of all charges. A written, itemized listing of the services to which the customer subscribes and the monthly rates for those services shall be provided as part of the initial bill or when service is ordered and subsequently upon reasonable request of the customer.~~

(4) to (6) No change.

~~d. Late payment charges for services associated with regulated rates. Where net and gross amounts are billed to customers, the difference between net and gross is a late payment charge and is valid only when it is part of a delinquent bill payment. A late payment charge shall not exceed 1.5 percent per month of the past due amount. No collection fee may be levied in addition to this late payment charge. This does not prohibit cost justified charges for disconnection and reconnection of service.~~

~~e. If the customer makes a partial payment in a timely manner, and does not designate the service or product for which payment is made, the payment shall first be applied to the undisputed balance for basic local exchange service, with the remainder applied on a pro-rata basis to regulated utility services. If an amount remains, it may then be applied to deregulated and nonregulated other services. The late payment charge provision should be applied to only the outstanding balance for utility services, except interstate toll and related taxes.~~

~~f. and g. No change.~~

~~h. Maximum payment required for initial network access installation and activation of local exchange service shall comply with the total derived in accord with these rules and specified in the filed tariff.~~

(1) An applicant for ~~network access~~ local exchange service, who under the tariff credit rules is required to make a deposit to guarantee payment of bills, may be required to pay the service charges and deposit prior to ~~access~~ obtaining service. ~~An applicant not required to make a deposit shall not be billed a service charge earlier than the first regular monthly bill.~~

(2) No change.

~~i. to k. No change.~~

~~l. Overcharges. The time period for which the utility is required to refund or credit the customer's bill shall not exceed five years unless otherwise ordered by the board. Refunds of \$25 or more shall be in the form of checks to current customers. Checks are to be issued to former customers where the refund exceeds \$10. Refunds to current customers of less than \$25 may be in the form of a bill credit. Refunds to current customers may be in the form of bill credits, unless the refund exceeds \$50 and the customer requests a refund in the same manner by which the bill was originally paid. Refunds to former customers may be made in the same manner by which the bill was originally paid. Refunds for local exchange service may not be applied to unpaid amounts for unregulated services.~~

UTILITIES DIVISION[199](cont'd)

ITEM 18. Amend paragraph **22.4(4)“a”** as follows:

a. Complaints concerning the charges, practices, facilities, or service of the utility shall be investigated promptly and thoroughly. The utility shall keep a record of such complaint showing the name and address of the complainant, the date and nature of the complaint, its disposition, and all other pertinent facts dealing with the complaint, which will enable the utility to review and analyze its procedure and actions. The records maintained by the utility under this rule shall be available for a period of two years for inspection by the board or its staff upon request.

ITEM 19. Amend subrule 22.4(5) as follows:

22.4(5) Refusal or disconnection of service. Notice of a pending disconnection shall be rendered and ~~transmission~~ local exchange service shall be refused or disconnected as set forth in the tariff. The notice of pending disconnection required by these rules shall be a written notice setting forth the reason for the notice, and the final date by which the account is to be settled or specific action taken.

The notice shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the notice shall be considered rendered when delivered to the last-known address of the person responsible for payment for the service. The final date shall be not less than five days after the notice is rendered.

One written notice, including all reasons for the notice, shall be given where more than one cause exists for refusal or disconnection of service. This notice shall include a toll-free or collect number where a utility representative qualified to provide additional information about the disconnection can be reached. The notice shall also state the final date by which the account is to be settled or other specific action taken. In determining the final date, the days of notice for the causes shall be concurrent.

Service may be refused or disconnected for any of the reasons listed below. Unless otherwise stated, the customer shall be provided notice of the pending disconnection and the rule violation which necessitates disconnection. Furthermore, unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is disconnected. Except as provided in 22.4(5) “a,” “b,” “c,” “d,” and “e,” no service shall be disconnected on the day preceding or the day on which the utility’s local business office or local authorized agent is closed. Service may be refused or disconnected:

a. to h. No change.

ITEM 20. Amend subrule 22.4(7) as follows:

22.4(7) Insufficient reasons for refusal, suspension, or discontinuance of service. The following shall not constitute sufficient cause for refusal, suspension, or discontinuance of local exchange service to a present or prospective customer:

a. to f. No change.

~~*g.* Use of an auxiliary directory cover.~~

~~*h.* Failure to pay for information service not regulated by the board.~~

~~*i. g.* Failure to pay for deregulated services other than local exchange service.~~

ITEM 21. Amend paragraphs **22.5(2)“a”** and **“b”** as follows:

a. Each local exchange utility, ~~interexchange utility,~~ and alternative operator services company shall employ prudent management and engineering practices so that sufficient equipment and adequate personnel are available at all times, including average busy-hour of the busy-season.

b. Each local exchange utility, ~~interexchange utility,~~ and alternative operator services company shall conduct traffic studies, employ reasonable procedures for forecasting future service demand, and maintain records necessary to demonstrate to the board that sufficient equipment is in use and that an adequate operating force is provided.

ITEM 22. Rescind and reserve paragraph **22.5(3)“c.”**

ITEM 23. Amend subrule 22.5(4) as follows:

22.5(4) Telecommunication circuits. ~~All local exchange utilities shall provide full metallic, electronic, or lightwave circuits for telecommunication purposes.~~ All circuits shall be properly constructed and maintained to ensure trouble-free quality service.

UTILITIES DIVISION[199](cont'd)

ITEM 24. Amend subrule 22.5(5) as follows:

22.5(5) Interexchange trunks.

~~a. —When trunk lines or toll circuits for communication are furnished by one or more telephone utilities between exchanges, the circuits connecting such exchanges shall be nongrounded. No customer's instruments other than toll stations shall be regularly connected to those circuits.~~

~~b. Interexchange trunks~~ Trunks for extended area service shall be provided so that at least 98 percent of telephone calls ~~offered to the group~~ will not encounter an all-trunks-busy condition. ~~For toll connecting trunks, this figure shall be at least 98 percent. Unless otherwise authorized by the board, a provider of regulated toll services shall maintain sufficient switching and network channel capacity plus other necessary facilities so that 98 percent of properly dialed toll calls are correctly terminated.~~

~~c. —All interexchange utilities which use both line and trunk side connections for access shall order sufficient quantities of switched access service from the local exchange utility to maintain acceptable blocking probability for each type of access. Normally, the board shall consider a .01 blocking probability to be acceptable.~~

ITEM 25. Rescind and reserve paragraph **22.5(10)“d.”**

ITEM 26. Amend subrule 22.5(14), introductory paragraph, as follows:

22.5(14) Information service access blocking. Each local exchange utility shall include in its tariff on file with the board a provision giving its subscribers the option of blocking access, ~~where facilities are available,~~ to all 900 and 976 prefix numbers, without charge for the first block.

ITEM 27. Rescind paragraphs **22.5(14)“a”** to **“e.”**

ITEM 28. Rescind paragraphs **22.6(2)“e”** and **“f.”**

ITEM 29. Amend subrule 22.6(4) as follows:

22.6(4) Repair—missed appointments. When a utility makes an appointment for installation or repair within a given range of time, and misses that appointment by over an hour, the customer will receive one month's primary local service free of charge. This is applicable to each missed appointment. ~~The expense incurred as a result of a missed appointment in providing free primary local service shall not be included in rates.~~

ITEM 30. Rescind and reserve subrules **22.12(2)** and **22.12(3).**

ITEM 31. Rescind and reserve rule **199—22.13(476).**

ITEM 32. Amend subparagraph **22.14(2)“d”(1)** as follows:

(1) Carrier common line charge. The rate for the intrastate carrier common line charge shall be three cents per access minute or fraction thereof for both originating and terminating segments of the communication, unless a different rate is required by numbered paragraphs “1” and “2.” The carrier common line charge shall be assessed to exchange access made by any interexchange telephone utility, including resale carriers. In lieu of this charge, interconnected private systems shall pay for access as provided in 22.14(1)“b.”

1. ~~Rate regulated~~ Incumbent local exchange utility carrier intrastate access service tariffs shall include the carrier common line charges approved in the ~~rate regulated local exchange utility's price regulation plan tariff~~ or as otherwise approved by the board.

2. A competitive local exchange carrier that concurs with the Iowa Telephone Association (ITA) Access Service Tariff No.1 and that offers service in exchanges where the incumbent local exchange carrier's intrastate access rate is lower than the ITA access rate shall deduct the carrier common line charge from its intrastate access service tariff.

ITEM 33. Amend subrule 22.14(4) as follows:

22.14(4) Notice of intrastate access service tariffs.

~~a. All~~ Each telephone ~~utilities~~ utility that ~~file~~ files new or changed tariffs relating to access charges, access service, or the recording function associated with billing and collection for access services shall give written notice of the new or changed tariffs to the utility's interexchange utility access customers, the board, and the consumer advocate ~~and to all interexchange utilities registered with the board under~~

UTILITIES DIVISION[199](cont'd)

~~paragraph "b" of this subrule.~~ Notice shall be given on or before the date of filing of the tariff. The notice shall consist of ~~a copy of the tariff transmittal letter, a listing of affected tariff pages, and: the file date, the proposed effective date,~~ a description of the proposed changes, and the tariff section number where the service description is located. If two or more local exchange utilities concur in a single tariff filing, the local exchange utilities may send a joint written notice to the board, consumer advocate, and the interexchange utilities.

~~b. — To receive notice of new or changed access service tariffs, an interexchange utility shall register with the board. An interexchange utility registers by filing a specific written request for registration, stating its name and the address where notice is to be sent.~~

~~c. — Local exchange utilities shall file an affidavit listing all interexchange utilities notified of the proposed filing when the tariff is filed with the board.~~

~~b.~~ The board shall not approve any new or changed tariff described in paragraph "a" until after the period for resistance provided in subrule 22.14(5), paragraph "a."

ITEM 34. Amend subrule 22.15(1) as follows:

22.15(1) *Interexchange utility service.* An interexchange utility may provide interexchange service by complying with the laws of this state and the rules of this board. Any company or other entity accessing local exchange facilities or services in order to provide interexchange communication services to the public shall be considered to be an interexchange utility and subject to the rules herein, unless otherwise exempted. Such utilities are required to file ~~tariffs~~ a registration form, reports, and other items and are subject to service standards as specified in utilities division rules, ~~chapters 7, 16, and 22,~~ unless otherwise exempted.

ARC 7362B

UTILITIES DIVISION[199]

Notice of Termination

Pursuant to Iowa Code sections 17A.4(1) and 476.103, the Utilities Board (Board) gives notice that on April 10, 2008, the Board issued an order in Docket No. RMU-08-3, In re: Requested Amendments to Unauthorized Changes in Telecommunications Service Rules [199 IAC 22], "Order Commencing Rule Making." Notice was published in the Iowa Administrative Bulletin at IAB Vol. XXX, No. 23, (5/7/08) p. 1654, as **ARC 6763B**.

Iowa Code section 476.103(1) authorizes the Board to adopt rules to protect consumers from unauthorized changes in telecommunications service.

The proposed amendments to 199 IAC 22.23(476) were submitted by the Consumer Advocate Division of the Department of Justice in response to the decision of the Iowa Supreme Court in Office of Consumer Advocate v. Iowa Utilities Board, 744 N.W.2d 640 (Iowa 2008), which held in part that rules set forth in 199 IAC 22.23(476) regarding verification of carrier changes in service do not require verification of the terms of that authorization. The Board is now terminating that rule making proceeding effective October 31, 2008.

ARC 7340B

BANKING DIVISION[187]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 535B.14, the Banking Division of the Commerce Department hereby adopts amendments to Chapter 18, "Mortgage Bankers and Mortgage Brokers," Iowa Administrative Code.

The amendments update existing rules to conform to recent legislative changes and in response to a review for necessary corrections.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7175B**. The Division received informal oral feedback on the rules in the form of in-person communications.

Due in part to the feedback received and because more information is now available about plans to implement the federal S.A.F.E. Mortgage Licensing Act and about the availability of an NMLS&R-approved test and pre-education requirements, changes have been made to the amendments that were published under Notice of Intended Action. The adopted amendments have been revised in order to provide testing and pre-education opportunities before they become available nationwide through the NMLS&R. The revised amendments are a logical outgrowth of the amendments published under Notice and the public comments received in response to them. The following changes have been made:

The introductory paragraph of subrule 18.4(2) was amended to include education approved by the administrator as eligible pre-education and to include a time frame in which the pre-education must occur.

Subrule 18.4(3) was amended to address the fact that an NMLS&R-approved test will not be available until approximately August of 2009. The introductory paragraph of subrule 18.4(2) and subrule 18.4(3) now read as follows:

"18.4(2) Prior to applying for an individual registration, an applicant must complete, within the 30 months immediately preceding the date of application, at least 20 hours of education approved by the administrator or the NMLS&R, which shall include at least:

"18.4(3) Prior to applying for an individual registration, an applicant must pass a written test designated by the administrator. Initially, the administrator shall negotiate an agreement with a testing service relating to examination development and administration. Once a nationwide test is available, the qualified written test (developed by the NMLS&R and administered by a provider approved by the NMLS&R, in accordance with the standards established under Public Law 110-289, Title V, the S.A.F.E. Mortgage Licensing Act) shall become the designated test. An applicant must achieve a test score of not less than 75 percent correct answers to questions to pass the designated test. An applicant shall register and pay examination fees directly to the testing service. An applicant is also advised that if the applicant takes and passes an examination designated by the administrator before the qualified written test developed by the NMLS&R becomes available, the applicant may be required to take and pass the NMLS&R test at some point in the future to become licensed under the S.A.F.E. Mortgage Licensing Act."

The Superintendent of Banking adopted these amendments on October 29, 2008.

These amendments will become effective on December 24, 2008.

BANKING DIVISION[187](cont'd)

These amendments are intended to implement Iowa Code sections 17A.3 and 535B.14 and 2008 Iowa Acts, House File 2556 and Senate File 2428.

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 [18.1 to 18.5, 18.6(4), 18.8, 18.10(1), 18.23] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 7175B**, IAB 9/24/08.

[Filed 10/29/08, effective 12/24/08]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7336B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 514I.5, the Department of Human Services amends Chapter 86, "Healthy and Well Kids in Iowa (HAWK-I) Program," Iowa Administrative Code.

These amendments:

- Add new language regarding the recovery of HAWK-I overpayments and rescind two subrules to give the Department a better legal basis for recovery when eligibility was incorrectly provided due to client error.
- Clarify the length of the enrollment period for a child added to a family's existing enrollment. The child is enrolled for the term of the family's existing enrollment.
- Establish the first month for which a premium will be due as the third month following the month of the initial eligibility decision.

Currently, families who are newly approved for HAWK-I owe a premium beginning with the month immediately following the month in which the eligibility decision was made. When that decision is made late in a month, not only does the family owe a premium for the next month but also for the second month following the eligibility decision.

For example, if an application is approved on June 27, the first month for which a premium is due is July. The July premium is due July 14, or ten working days following the date of the eligibility decision. Also, the family's ongoing premiums are due by the tenth day of the month before the month of coverage; so the family's August premium is due July 10. Not only is it confusing to families to have the premium for August due before the premium for July, many families miss the fact that two premiums are due and only send in one. This confusion often results in denial of the application for failure to pay premiums. Subrule 86.8(3) will establish a more reasonable schedule of premium due dates for initial applications.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on July 30, 2008, as **ARC 7015B**. The Department received no comments on the Notice of Intended Action.

The Department has made the following changes to the amendments published under Notice of Intended Action:

- The proposed amendment to paragraph 86.3(4)"b" has been removed, based on a legal opinion that the Department already has the authority to accept electronic signatures pursuant to Iowa Code chapter 554D.
- The definition of "client error" in subrule 86.19(1) has been revised to clarify that the client's action must be intentional or negligent.
- The first sentence in the introductory paragraph of subrule 86.19(2) has been revised to change the verb from "shall recover" to "may recover" on the advice of the Department's attorney.

HUMAN SERVICES DEPARTMENT[441](cont'd)

• Subrule 86.19(4) has been revised to clarify that recovery shall be made from the person who completed the application and had responsibility for reporting changes, whether that person is the enrollee or the enrollee's parent, guardian or other responsible person, and that the recovery may be made from resources of that person that are not specifically listed in the subrule.

The HAWK-I Board adopted these amendments on October 20, 2008.

These amendments are intended to implement Iowa Code chapter 514I.

These amendments shall become effective on January 1, 2009.

The following amendments are adopted.

ITEM 1. Amend paragraph **86.3(4)“a”** as follows:

a. Medicaid applications referred to the HAWK-I program. When the family has applied for Medicaid first and the department ~~local office~~ makes a referral to the third-party administrator, the date the Medicaid application was originally filed with the department shall be the filing date.

ITEM 2. Rescind and reserve subrule **86.3(11)**.

ITEM 3. Adopt the following **new** paragraph **86.6(2)“c”**:

c. The child is added to an existing enrollment. When a family requests to add an eligible child, the child shall be enrolled for the months remaining in the current enrollment period.

ITEM 4. Rescind subrule 86.8(3) and adopt the following **new** subrule in lieu thereof:

86.8(3) Due date.

a. Payment upon initial application. “Initial application” means the first program application or a subsequent application that is not a renewal. Upon approval of an initial application, the first month for which a premium is due is the third month following the month of decision. The due date of the first premium shall be the tenth day of the second month following the month of decision.

b. Payment upon renewal. “Renewal” means any application used to establish ongoing eligibility, without a break in coverage, for any enrollment period subsequent to an enrollment period established by an initial application.

(1) Upon approval of a renewal, the first month for which a premium is due is the first month of the enrollment period. The premium for the first month of the enrollment period shall be due by the tenth day of the month before the month of coverage or the tenth business day following the date of decision, whichever is later.

(2) All premiums due must be paid before the child will be enrolled for coverage. When the premium is received, the third-party administrator shall notify the plan of the enrollment.

c. Subsequent payments. All subsequent premiums are due by the tenth day of each month for the next month's coverage and must be postmarked no later than the last day of the month before the month of coverage. Failure to pay the premium by the last day of the month before the month of coverage shall result in disenrollment from the plan. Premiums may be paid in advance (e.g., on a quarterly or semiannual basis) rather than a monthly basis.

ITEM 5. Amend subrule 86.8(4) as follows:

86.8(4) Reinstatement. A child may be reinstated once per enrollment period when the family fails to pay the premium by the last day of the month ~~before~~ for the month of next month's coverage. ~~However, If the premium must be paid or is subsequently received, coverage will be reinstated if the premium was postmarked within or otherwise paid in the calendar month immediately following the month of nonpayment and the premium must be paid in full in order for reinstatement to occur~~ disenrollment.

ITEM 6. Rescind and reserve subrule **86.10(7)**.

ITEM 7. Adopt the following **new** rule 441—86.19(514I):

441—86.19(514I) Recovery.

86.19(1) Definitions.

“Administrative error” means an action attributed to the department or to the HAWK-I third-party administrator that results in incorrect payment of benefits, including premiums paid to a health plan, due to one or more of the following circumstances:

HUMAN SERVICES DEPARTMENT[441](cont'd)

1. Misfiled or lost form or document.
2. Error in typing or copying.
3. Computer input error.
4. Mathematical error.
5. Failure to determine eligibility correctly when all essential information was available to the HAWK-I third-party administrator.
6. Failure to request essential verification necessary to make an accurate eligibility determination.
7. Failure to make timely revision in eligibility following a change in policy requiring application of the policy change as of a specific date.
8. Failure to issue timely notice to cancel benefits that results in benefits continuing in error.
9. Failure of the department to provide correct information to the HAWK-I third-party administrator regarding a child's Medicaid eligibility.

"Client error" means an intentional or negligent action attributed to the enrollee that results in incorrect payment of benefits, including premiums paid to a health plan, because the enrollee or the enrollee's representative:

1. Failed to disclose information or gave a false or misleading statement, oral or written, regarding income or another eligibility factor; or
2. Failed to timely report a change as defined in rule 441—86.10(514I).

86.19(2) Amount subject to recovery from the enrollee or representative. The department may recover from the enrollee or the enrollee's representative the amount of premiums incorrectly paid to a health plan on behalf of the enrollee due to client error, minus any premium payments made by the enrollee, in accordance with 441—Chapter 11.

a. Premiums incorrectly paid to a health plan on behalf of an enrollee due to an administrative error are not subject to recovery from the enrollee.

b. Payments made by a health plan to a provider of medical services are not subject to recovery from the enrollee regardless of the cause of the error.

86.19(3) Notification. The enrollee shall be promptly notified when it is determined that funds were incorrectly paid due to a client error. Notification shall include:

- a.* The name of the person for whom funds were incorrectly paid;
- b.* The period during which the funds were incorrectly paid;
- c.* The amount subject to recovery; and
- d.* The reason for the incorrect payment.

86.19(4) Recovery.

a. Recovery shall be made:

(1) From the enrollee when the enrollee completed the application and had responsibility for reporting changes, or

(2) From the enrollee's representative (i.e., the parent, guardian, or other responsible person acting on behalf of an enrollee who is under the age of 19) when the representative completed the application and had responsibility for reporting changes.

b. The enrollee or representative shall repay to the department the funds incorrectly expended on behalf of the enrollee.

c. Recovery may come from income, income tax refunds, lottery winnings, or other resources of the enrollee or representative.

86.19(5) Appeals. The enrollee shall have the right to appeal a decision to recover benefits under the provisions of 441—Chapter 7.

[Filed 10/21/08, effective 1/1/09]

[Published 11/19/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/19/08.

ARC 7350B**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 522B.18, the Insurance Division hereby amends Chapter 10, "Licensing of Insurance Producers," Iowa Administrative Code.

The rules in Chapter 10 set out the requirements, procedures and fees relating to the qualification, licensure and appointment of insurance producers. The amendments to the rules are in accordance with uniform guidelines issued by the National Association of Insurance Commissioners. Iowa insurance companies and producers shall comply with the rules beginning January 1, 2009.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7201B**. A public hearing was held on October 14, 2008, at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. No comments were received. No changes were made to the Notice.

These amendments are intended to implement Iowa Code chapter 522B and 2008 Iowa Acts, Senate File 2428.

These amendments will become effective January 1, 2009.

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 [10.2 to 10.26] is being omitted. These amendments are identical to those published under Notice as **ARC 7201B**, IAB 9/24/08.

[Filed 10/30/08, effective 1/1/09]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7351B**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 505.8 and 522B.18, the Insurance Division hereby adopts amendments to Chapter 11, "Continuing Education for Insurance Producers," Iowa Administrative Code.

The rules in Chapter 11 set out the requirements, procedures and fees relating to the type, amount, and proof of continuing education insurance producers must complete, and relating to the approval of continuing education providers and courses. The amendments to the rules are in accordance with uniform guidelines issued by the National Association of Insurance Commissioners. Iowa insurance companies and producers shall comply with the rules beginning January 1, 2009.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7202B**. A public hearing was held on October 14, 2008, at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. The Division received one comment in writing related to the proposed amendments. Although the author of the comment expressed an opinion that the ethics requirement for continuing education for insurance producers selling crop insurance was too strict, the insurance Division has determined not to change the requirement from the Notice for three reasons: because there have been sales abuses in Iowa, because the federal government does not require an ethics component for continuing education for selling crop insurance, and because local insurance companies and independent insurance producers support the new requirement. No changes were made to the Notice.

These amendments are intended to implement Iowa Code chapter 522B.

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These amendments will become effective January 1, 2009.

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 [11.1(3), 11.2 to 11.4, 11.10(8)] is being omitted. These amendments are identical to those published under Notice as **ARC 7202B**, IAB 9/24/08.

[Filed 10/30/08, effective 1/1/09]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7353B

INSURANCE DIVISION[191]

Adopted and Filed

Pursuant to the authority of Iowa Code section 507B.12, the Insurance Division hereby adopts an amendment to Chapter 15, "Unfair Trade Practices," Iowa Administrative Code.

The rules in Chapter 15 establish certain minimum standards and guidelines of conduct by identifying unfair methods of competition and unfair or deceptive acts or practices in the business of insurance, as prohibited by Iowa Code chapter 507B. The amendment to the rules adds as a prohibited designation the use of designations prohibited by new rule 191—10.19(522B), Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities, published herein in **ARC 7350B**.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7205B**. A public hearing was held on October 14, 2008, at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. The Division received no comments. No changes were made to the Notice.

This amendment is intended to implement Iowa Code chapter 522B.

This amendment will become effective January 1, 2009.

The following amendment is adopted.

Adopt the following **new** paragraph **15.8(3)"e"**:

e. Producers shall comply with rule 191—10.19(522B) in using senior-specific certifications and professional designations in the sale of life insurance and annuities.

[Filed 10/30/08, effective 1/1/09]

[Published 11/19/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/19/08.

ARC 7347B

INSURANCE DIVISION[191]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 505.8 and 514D.9, Iowa Code chapter 514G, and 2008 Iowa Acts, House File 2694, section 12, the Insurance Division hereby adopts amendments to Chapter 39, "Long-Term Care Insurance," Iowa Administrative Code.

Iowa Code chapter 514G and 2008 Iowa Acts, House File 2694, among other things, establish standards for long-term care insurance, including a mechanism for the independent review of insurance companies' determinations regarding whether an insured has met the necessary conditions to have benefits paid. The Iowa Insurance Commissioner has the authority to adopt rules for administering the independent review process of insurers' benefit trigger determinations, pursuant to 2008 Iowa Acts, House File 2694, section 12. The adopted rules will provide further guidance as to how the independent

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review process will operate. The rules will become effective January 1, 2009, and insurance producers and companies must be able to demonstrate compliance by January 1, 2009.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7207B**. A public hearing was held on October 14, 2008, at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. The Division received one comment in writing related to the proposed amendments. In response to the comment, the text of proposed rule 191—39.42(514G) has been changed from “The rules contained in this division shall apply to all long-term care insurance claims made on or after January 1, 2009” to “The rules contained in this division shall apply to all requests for benefit trigger determinations made on or after January 1, 2009.” No other changes were made to the Notice.

These amendments are intended to implement Iowa Code chapter 514D and chapter 514G as amended by 2008 Iowa Acts, House File 2694.

These amendments will become effective January 1, 2009.

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 [39.1, 39.41 to 39.55] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 7207B**, IAB 9/24/08.

[Filed 10/30/08, effective 1/1/09]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7348B**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 505.8 and 514D.9, Iowa Code chapter 514G, and 2008 Iowa Acts, House File 2694, section 12, the Insurance Division hereby adopts amendments to Chapter 39, “Long-Term Care Insurance,” Iowa Administrative Code.

The chapter, among other things, promotes the availability of long-term care insurance and establishes standards for long-term care insurance. The Iowa Insurance Commissioner has the authority to adopt rules for full and fair disclosure of the terms and benefits of a long-term care insurance policy and for establishing standard provisions for terms and benefits required to be included in a long-term care insurance policy, pursuant to Iowa Code sections 514D.9 and 514G.7(1)(2007) and 2008 Iowa Acts, House File 2694, section 12.

In 2003, Iowa adopted updates to the National Association of Insurance Commissioners model act regarding long-term care insurance. One provision of the model requires insurers to meet more stringent standards to justify a premium rate increase for a long-term care insurance policy issued after 2003. The new subrule will provide a key part of those same protections to consumers when insurers seek premium rate increases for policies issued prior to 2003. Under the new subrule, when an insurer raises premiums, the insurer will be required to offer a reduced benefit option and, under certain circumstances, a contingent benefit upon lapse. The subrule will become effective January 1, 2009, and insurance producers and companies must be able to demonstrate compliance by January 1, 2009.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7200B**. A public hearing was held on October 14, 2008, at 10:30 a.m. at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. No comments were received. No changes were made to the Notice.

This amendment is intended to implement Iowa Code chapters 514D and 514G and Iowa Code Supplement section 505.8 as amended by 2008 Iowa Acts, House File 2694, section 1.

This amendment will become effective January 1, 2009.

The following amendment is adopted.

INSURANCE DIVISION[191](cont'd)

Adopt the following **new** subrule 39.29(14):

39.29(14) Notwithstanding subrule 39.29(10), if an insurer requests a premium rate increase on any long-term care policy issued prior to February 1, 2003, the commissioner shall require as a condition of approval of such premium rate increase that the insurer provide notice to all affected policyholders and certificate holders that, in lieu of the requested premium rate increase, the insured may opt for one of the following:

a. A reduced benefit. The insurer may limit any reduction in coverage to plans or options available for that policy form and to those for which benefits will be available after consideration of claims paid or payable. The age used to determine the premium for the reduced coverage shall be based on the age used to determine the premiums for the coverage currently in force. The reduced benefit offered may include one or more of the following:

- (1) A reduced daily, weekly, or monthly benefit;
- (2) A longer waiting period;
- (3) A reduced benefit period or a reduced maximum lifetime benefit; or
- (4) Any other benefit or coverage reduction option consistent with the policy or certificate design or the carrier's administrative processes.

b. A contingent benefit upon lapse as described in subrules 39.29(7), 39.29(8), 39.29(9), and 39.29(12) if the requested premium rate increase results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth in paragraph 39.29(6) "c."

c. Any other alternative mechanism filed by the insurer and approved by the commissioner.

[Filed 10/30/08, effective 1/1/09]

[Published 11/19/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/19/08.

ARC 7349B

INSURANCE DIVISION[191]

Adopted and Filed

Pursuant to the authority of Iowa Code section 502.605(1), the Insurance Division hereby amends Chapter 50, "Regulation of Securities Offerings and Those Who Engage in the Securities Business," Iowa Administrative Code.

These amendments adopt a new rule 191—50.54(502) and amendments to subrules 50.16(2) and 50.38(1) to include a reference to the new rule which prohibits the use of a senior-specific certification or designation in connection with the offer, sale or purchase of securities or the provision of advice as to the advisability of investing in, purchasing or selling securities. Publication, issuance or promulgation of writings, analyses or reports relating to securities that indicate or imply that the user has special certification or training in advising or servicing senior citizens or retirees in such a way as to mislead any person shall be a dishonest and unethical practice in the securities business. The rule provides examples of misleading designations. The rule is based on a model developed by the North American Securities Administrators Association. The rule complements a similar rule for insurance producers developed by the National Association of Insurance Commissioners.

These amendments were proposed under Notice of Intended Action published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7190B**. No public comments were received. The adopted amendments are identical to the proposed amendments.

These amendments are intended to implement Iowa Code section 502.605(1).

INSURANCE DIVISION[191](cont'd)

These amendments will become effective December 24, 2008.

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 [50.16(2), 50.38(1), 50.54] is being omitted. These amendments are identical to those published under Notice as **ARC 7190B**, IAB 9/24/08.

[Filed 10/30/08, effective 12/24/08]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7352B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Respiratory Care hereby rescinds Chapter 260, "Administrative and Regulatory Authority for the Board of Respiratory Care," amends Chapter 261, "Licensure of Respiratory Care Practitioners," Chapter 262, "Continuing Education for Respiratory Care Practitioners," and Chapter 263, "Discipline for Respiratory Care Practitioners," and rescinds Chapter 264, "Fees," Iowa Administrative Code.

These amendments implement background checks for individuals who apply for initial respiratory care licensure and for individuals who apply to reactivate their Iowa respiratory care licenses. A provision is added that allows students to qualify for licensure in Iowa who have completed a program that is under Letter of Review by the Committee on Accreditation for Respiratory Care. These amendments rescind duplicative language found in 645—Chapters 4 and 5 and clarify that continuing education obtained through real-time interactive media or through an audio or video presentation that permits the licensee to communicate with the presenter in real time counts toward the 14 hours of continuing education required to be obtained through direct contact.

Notice of Intended Action was published in the Iowa Administrative Bulletin August 27, 2008, as **ARC 7103B**. A public hearing was held September 16, 2008, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No comments were received. The Board elected to make one change from the Notice. The word "fee" was changed to "cost" in paragraph 261.2(1)"d," rule 645—261.6(152B), paragraph "3," and subrule 261.14(3). The paragraphs now read as follows:

"d. The applicant shall submit two completed sets of the fingerprint packet to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) criminal history background checks shall be assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and FBI.

"3. Submits two completed sets of the fingerprint packet to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks shall be assessed to the applicant;

"**261.14(3)** If the license has been inactive for two or more years, the licensee shall submit two completed sets of the fingerprint packet to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks shall be assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and FBI."

Amendments to subrules 5.17(1) and 5.17(4) are published herein under Notice of Intended Action as **ARC 7354B** to make language consistent with these Adopted and Filed amendments.

These amendments were adopted by the Board of Respiratory Care on October 27, 2008.

These amendments will become effective January 1, 2009.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

These amendments are intended to implement Iowa Code chapters 21, 147, 152B, and 272C.

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 [rescind Chs 260, 264; amend Chs 261 to 263] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 7103B**, IAB 8/27/08.

[Filed 10/30/08, effective 1/1/09]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7344B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code Supplement section 101B.3, the Department of Public Safety hereby adopts new Chapter 61, "Reduced Ignition Propensity Cigarettes," Iowa Administrative Code.

Iowa Code Supplement chapter 101B, which was enacted by the Iowa General Assembly during its 2007 session, provides for cigarette fire safety standards that will restrict sales of cigarettes in Iowa to reduced ignition propensity cigarettes, also known as "fire-safe cigarettes." Iowa Code Supplement section 101B.3 provides for the Department of Public Safety to promulgate administrative rules to implement the provisions of chapter 101B. The rules adopted herein are intended to do so.

These rules were proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7180B**. A public hearing on the proposed rules was held on October 14, 2008. No comments were received on the proposed rules.

The rules adopted herein are identical to those proposed in the Notice of Intended Action, with the exception of the following changes:

Language has been added to subrule 61.4(4) stipulating that an alternate test method and performance standard may be approved by the Department if they are determined to be equivalent to the test method and performance standard found in rule 661—61.3(101B). Subrule 61.4(4) now reads as follows:

"61.4(4) The department may approve an alternate test method and performance standard if the alternate test method and performance standard are determined to be equivalent to the test method and performance standard prescribed in rule 661—61.3(101B). If an alternate test method and performance standard are approved pursuant to this rule, the manufacturer may employ the alternate test method and performance standard to certify the cigarette in accordance with rule 661—61.3(101B)."

Additionally, language previously found in subrule 61.13(4) has been moved to subrule 61.13(3). The language indicates that a proposed cigarette marking shall be considered approved if the Department fails to approve or disapprove of the proposed marking within ten business days of receiving a request for approval. An exception also has been moved to subrule 61.13(3). The exception indicates that a marking in use and approved in the state of New York shall be deemed approved by the Department. Subrule 61.13(3) now reads as follows:

"61.13(3) A manufacturer shall present its proposed marking to the department for approval using the following procedures:

"a. Requests for approval of a proposed marking shall be included in the certification submitted pursuant to rule 661—61.10(101B).

"b. Upon receipt of the request, the department shall approve or disapprove the marking offered within ten business days of receiving a request for approval. If the department fails to approve or disapprove a proposed marking within ten business days, the marking shall be deemed approved.

"EXCEPTION: A marking in use and approved for the sale of cigarettes in the state of New York shall be deemed approved."

These rules will become effective on January 1, 2009.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

These rules are intended to implement Iowa Code Supplement chapter 101B.

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 61] is being omitted. With the exception of the changes noted above, these rules are identical to those published under Notice as **ARC 7180B**, IAB 9/24/08.

[Filed 10/29/08, effective 1/1/09]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7342B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code section 100.1, the State Fire Marshal hereby amends Chapter 201, "General Fire Safety Requirements," Iowa Administrative Code.

The State Fire Marshal is authorized by Iowa Code section 100.1 to establish general requirements for fire safety and specific requirements for electrical installations. Other provisions of Iowa law authorize the Building Code Commissioner and the Electrical Examining Board to establish requirements for electrical installations. The Fire Marshal, the Building Code Commissioner, and the Electrical Examining Board have agreed to attempt to coordinate their rule making in this area and, as a general policy, to adopt succeeding editions of the National Electrical Code in a timely fashion. The amendment adopted herein updates the rules of the Fire Marshal to adopt by reference the National Electrical Code, 2008 edition. Similar rule makings have been undertaken by the Electrical Examining Board and the Building Code Commissioner and are published herein as **ARC 7341B** and **ARC 7343B**, respectively.

This amendment was proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7178B**.

A public hearing on the proposed amendment was held on October 14, 2008, and extensive comments were received at the hearing and otherwise. The commenters fell into two categories: those who advocated that the new edition of the National Electrical Code be adopted without amendments and those who advocated that it be adopted with three specific amendments. The requested amendments were to retain provisions of the 2005 edition of the National Electrical Code regarding ground-fault circuit interrupters, arc-fault circuit interrupters, and tamper-resistant receptacles. After considering the public comments and the arguments presented, the State Fire Marshal has elected to adopt one of the three suggested amendments, the amendment that would retain the language of the 2005 edition of the National Electrical Code for ground-fault circuit interrupters. Consequently, the amendment adopted herein contains an amendment to section 210.8 of the 2008 edition of the National Electrical Code regarding requirements for ground-fault circuit interrupters that is identical to the amendment adopted by the Electrical Examining Board.

This amendment will become effective January 1, 2009.

This amendment is intended to implement Iowa Code section 100.1.

The following amendment is adopted.

Amend rule 661—201.3(100) as follows:

661—201.3(100) Electrical installations. Electrical installations shall comply with the provisions of NFPA 70, National Electrical Code, ~~2005~~ 2008 edition, with the following amendment:

Delete section 210.8, paragraph (A) and insert in lieu thereof the following new paragraph:

(A) Dwelling Units. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in (1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

(1) Bathrooms.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

(2) Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception No. 1 to (2): Receptacles that are not readily accessible.

Exception No. 2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

(3) Outdoors.

Exception to (3): Receptacles that are not readily accessible and are supplied by a dedicated branch circuit for electric snow-melting or deicing equipment shall be permitted to be installed in accordance with 426.28.

(4) Crawl spaces—at or below grade level.

(5) Unfinished basements—for purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception No. 1 to (5): Receptacles that are not readily accessible.

Exception No. 2 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Exception No. 3 to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

(6) Kitchens—where the receptacles are installed to serve the countertop surfaces.

(7) Laundry, utility, and wet bar sinks—where the receptacles are installed within 1.8 m (6 ft) of the outside edge of the sink.

(8) Boathouses.

[Filed 10/29/08, effective 1/1/09]

[Published 11/19/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/19/08.

ARC 7345B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code section 100B.10, the State Fire Marshal hereby amends Chapter 251, "Fire Fighter Training and Certification," Iowa Administrative Code.

The Fire Service Training Bureau administers a certification program for fire fighters in Iowa. The certification process maintained by the Fire Service Training Bureau is accredited by the International Fire Service Accreditation Congress (IFSAC). While certification is not a state requirement to work as a career or volunteer fire fighter in Iowa, some fire departments do require such certification for employment or for continued employment.

Certification is based upon satisfactory completion of training and testing which is in turn based upon standards published by the National Fire Protection Association. These nationally recognized standards are periodically updated, and adoption of the new editions of the published standards is required for continued accreditation of the certification program by IFSAC. The amendment adopted herein updates the standards for certification in various areas to current editions of the relevant national standards.

This amendment was proposed in the Notice of Intended Action published in the Iowa Administrative Bulletin on July 2, 2008, as **ARC 6894B**. A public hearing on the proposed amendment was held on

PUBLIC SAFETY DEPARTMENT[661](cont'd)

August 12, 2008. No comments were received at the hearing or otherwise. This amendment is identical to that published under Notice of Intended Action.

This amendment is intended to implement Iowa Code section 100B.6.

This amendment will become effective January 1, 2009.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [251.202] is being omitted. This amendment is identical to that published under Notice as **ARC 6894B**, IAB 7/2/08.

[Filed 10/29/08, effective 1/1/09]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7343B**PUBLIC SAFETY DEPARTMENT[661]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner, with the approval of the Building Code Advisory Council, hereby amends Chapter 301, "State Building Code—General Provisions," Iowa Administrative Code.

The Building Code Commissioner, the State Fire Marshal, and the Electrical Examining Board all have authority to adopt requirements for electrical installations. The Building Code Commissioner, the State Fire Marshal, and the Electrical Examining Board have agreed to attempt to coordinate their rule making in this area and, as a general policy, to adopt succeeding editions of the National Electrical Code in a timely fashion. The amendment adopted herein updates the State Building Code to adopt by reference the National Electrical Code, 2008 edition. Similar rule makings have been undertaken by the Electrical Examining Board and the State Fire Marshal and are published herein as **ARC 7341B** and **ARC 7342B**, respectively.

This amendment was proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7179B**.

A public hearing on the proposed amendment was held on October 14, 2008, and extensive comments were received at the hearing and otherwise. The commenters fell into two categories: those who advocated that the new edition of the National Electrical Code be adopted without amendments and those who advocated that it be adopted with three specific amendments. The requested amendments were to retain provisions of the 2005 edition of the National Electrical Code regarding ground-fault circuit interrupters, arc-fault circuit interrupters, and tamper-resistant receptacles. After considering the public comments and the arguments presented, the Electrical Examining Board elected to adopt one of the three suggested amendments, the amendment that would retain the language of the 2005 edition of the National Electrical Code for ground-fault circuit interrupters. The Building Code Commissioner and the Building Code Advisory Council have elected to adopt the 2008 edition of the National Electrical Code with an amendment identical to that adopted by the Electrical Examining Board. Consequently, the amendment adopted herein contains an amendment to section 210.8 of the 2008 edition of the National Electrical Code regarding requirements for ground-fault circuit interrupters.

This amendment will become effective January 1, 2009.

This amendment is intended to implement Iowa Code section 103A.7.

The following amendment is adopted.

Amend rule 661—301.5(103A) as follows:

661—301.5(103A) Electrical requirements. The provisions of the National Electrical Code, ~~2005~~ 2008 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA

PUBLIC SAFETY DEPARTMENT[661](cont'd)

02169-7471, are hereby adopted by reference as the requirements for electrical installations, with the following ~~amendments~~ amendment:

~~Delete appendices A through G.~~

~~Delete all references to the "International Plumbing Code" and insert in lieu thereof "state plumbing code."~~

Delete section 210.8, paragraph (A) and insert in lieu thereof the following new paragraph:

(A) Dwelling Units. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in (1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

(1) Bathrooms.

(2) Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception No. 1 to (2): Receptacles that are not readily accessible.

Exception No. 2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

(3) Outdoors.

Exception to (3): Receptacles that are not readily accessible and are supplied by a dedicated branch circuit for electric snow-melting or deicing equipment shall be permitted to be installed in accordance with 426.28.

(4) Crawl spaces—at or below grade level.

(5) Unfinished basements—for purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception No. 1 to (5): Receptacles that are not readily accessible.

Exception No. 2 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Exception No. 3 to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

(6) Kitchens—where the receptacles are installed to serve the countertop surfaces.

(7) Laundry, utility, and wet bar sinks—where the receptacles are installed within 1.8 m (6 ft) of the outside edge of the sink.

(8) Boathouses.

[Filed 10/29/08, effective 1/1/09]

[Published 11/19/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/19/08.

ARC 7341B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code Supplement section 103.6, the Electrical Examining Board hereby amends Chapter 504, "Standards for Electrical Work," Iowa Administrative Code.

The Electrical Examining Board is authorized by Iowa Code Supplement section 103.6 to adopt standards for electrical work performed by persons licensed by the Board and in installations subject to inspection by the State Electrical Inspection Program. The statute requires that these standards be based

PUBLIC SAFETY DEPARTMENT[661](cont'd)

upon the most current edition of the National Electrical Code published by the National Fire Protection Association. The amendment adopted herein updates the rules of the Electrical Examining Board to adopt by reference the National Electrical Code, 2008 edition. Similar rule makings have been undertaken by the State Fire Marshal and the Building Code Commissioner and are published herein as **ARC 7342B** and **ARC 7343B**, respectively.

This amendment was proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7177B**.

A public hearing on this proposed amendment was held on October 16, 2008, and extensive comments were received at the hearing and otherwise. The commenters fell into two categories: those who advocated that the new edition of the National Electrical Code be adopted without amendments and those who advocated that it be adopted with three specific amendments. The requested amendments were to retain provisions of the 2005 edition of the National Electrical Code regarding ground-fault circuit interrupters, arc-fault circuit interrupters, and tamper-resistant receptacles. After considering the public comments and the arguments presented, the Electrical Examining Board elected to adopt one of the three suggested amendments, the amendment that would retain the language of the 2005 edition of the National Electrical Code for ground-fault circuit interrupters. Consequently, the amendment adopted herein contains an amendment to section 210.8 of the 2008 edition of the National Electrical Code regarding requirements for ground-fault circuit interrupters.

This amendment will become effective January 1, 2009.

This amendment is intended to implement Iowa Code Supplement chapter 103.

The following amendment is adopted.

Amend rule 661—504.1(82GA,ch197) as follows:

661—504.1(82GA,ch197 103) Installation requirements. The provisions of the National Electrical Code, ~~2005~~ 2008 edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, are adopted as the requirements for electrical installations performed by persons licensed pursuant to 661—Chapters 500 through 503- and to installations subject to inspection pursuant to 2007 Iowa Acts, chapter 197, with the following amendment:

Delete section 210.8, paragraph (A) and insert in lieu thereof the following new paragraph:

(A) Dwelling Units. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in (1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

(1) Bathrooms.

(2) Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception No. 1 to (2): Receptacles that are not readily accessible.

Exception No. 2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

(3) Outdoors.

Exception to (3): Receptacles that are not readily accessible and are supplied by a dedicated branch circuit for electric snow-melting or deicing equipment shall be permitted to be installed in accordance with 426.28.

(4) Crawl spaces—at or below grade level.

(5) Unfinished basements—for purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception No. 1 to (5): Receptacles that are not readily accessible.

Exception No. 2 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

PUBLIC SAFETY DEPARTMENT[661](cont'd)

Exception No. 3 to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

(6) Kitchens—where the receptacles are installed to serve the countertop surfaces.

(7) Laundry, utility, and wet bar sinks—where the receptacles are installed within 1.8 m (6 ft) of the outside edge of the sink.

(8) Boathouses.

This rule is intended to implement ~~2007 Iowa Acts, chapter 197~~ Iowa Code Supplement chapter 103.

[Filed 10/29/08, effective 1/1/09]

[Published 11/19/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/19/08.

ARC 7346B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code Supplement section 103.6, the Electrical Examining Board hereby adopts new Chapter 550, "Electrical Inspection Program—Organization and Administration," Chapter 551, "Electrical Inspection Program—Definitions," Chapter 552, "Electrical Inspection Program—Permits and Inspections," Chapter 553, "Civil Penalties," and Chapter 559, "Electrical Inspection Program—Utility Notifications and Responsibilities of Utilities," Iowa Administrative Code.

During the 2007 session of the Iowa General Assembly, House File 897, now 2007 Iowa Acts, chapter 197, was enacted. This Act created the state's new Electrician Licensing Program, which took effect on January 1, 2008, and a state Electrical Inspection Program, which will become effective January 1, 2009. The rules adopted herein establish procedures and requirements for the electrical inspection program.

These rules were proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7176B**. A public hearing on the proposed rules was held on October 16, 2008. One communication was received regarding the proposed rules, which raised a number of points about issues not addressed in the proposed rules. Some of these points will be addressed through interpretation of the rules, while others may require additional rule making. The Board will consider additional rule making before January 1, 2009, and will continue to consider the need for any additional rules or clarification of the rules after that date. The rules adopted herein are identical to those proposed in the Notice of Intended Action.

These rules will become effective on January 1, 2009.

These rules are intended to implement 2007 Iowa Acts, chapter 197.

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 [Chs 550 to 553, 559] is being omitted. These rules are identical to those published under Notice as **ARC 7176B**, IAB 9/24/08.

[Filed 10/29/08, effective 1/1/09]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7364B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code chapter 17A and sections 421.14 and 421.17, the Department of Revenue hereby adopts an amendment to Chapter 6, "Organization, Public Inspection," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXI, No. 7, p. 789, on September 24, 2008, as **ARC 7197B**.

This rule provides that the Director of Revenue may extend the period of time for filing tax returns for up to one year for businesses and persons located in disaster areas declared by the Governor.

This rule is identical to that published under Notice of Intended Action.

This rule will become effective December 24, 2008, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

This rule is intended to implement 2008 Iowa Acts, Senate File 2400, section 52.

The following amendment is adopted.

Adopt the following new rule 701—6.8(421):

701—6.8(421) Tax return extension in disaster areas. If a natural disaster is declared by the governor in any area of the state, the director may extend for a period of up to one year the due date for the filing of any tax return and may suspend any associated penalty or interest that would accrue during that period of time for any affected taxpayer whose principal residence or business is located in the covered area if the director determines it necessary for the efficient administration of the tax laws of this state. The director will notify the public of any possible extensions of tax filings as well as possible suspensions of penalty and interest. Notification will be made through different means available to the director including, but not limited to, press releases, media information, and the department's Web site. Persons eligible for extension shall notify the director that they qualify and shall include a notation of the reason for the extension request on the tax return.

This rule is intended to implement 2008 Iowa Acts, Senate File 2400.

[Filed 10/31/08, effective 12/24/08]

[Published 11/19/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/19/08.

ARC 7363B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code chapter 17A and sections 452A.59 and 452A.76, the Department of Revenue hereby amends Chapter 18, "Taxable and Exempt Sales Determined by Method of Transaction or Usage," rescinds Chapter 63, "Administration," Chapter 64, "Motor Fuel," and Chapter 65, "Special Fuel," and amends Chapter 67, "Administration," Chapter 68, "Motor Fuel and Undyed Special Fuel," and Chapter 231, "Exemptions Primarily of Benefit to Consumers," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXI, No. 7, p. 790, on September 24, 2008, as **ARC 7204B**.

Item 1 amends subrule 18.37(5) to replace the outdated term "gasohol" with the updated term "ethanol."

Item 2 rescinds 701—Chapter 63, "Administration," Chapter 64, "Motor Fuel," and Chapter 65, "Special Fuel." Iowa Code chapter 452A was rewritten in 1995 by House File 552 [chapter 155] during

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the 1995 legislative session and became effective January 1, 1996. Also effective January 1, 1996, Chapter 63 was replaced by Chapter 67; Chapter 64 was replaced by Chapter 68; and Chapter 65 was replaced by Chapter 69. The administrative rules contained in 701—Chapters 63 to 65 were maintained for audit purposes. The Department has determined that these rules should be rescinded at this time.

Item 3 amends rule 701—67.1(452A), the definition of “supplier,” to include persons who produce or acquire biofuel or biodiesel for storage at and distribution from a terminal.

Item 4 amends the implementation clause for rule 701—67.1(452A).

Item 5 amends rule 701—67.23(452A) by adding new subrule 67.23(5), which authorizes the Director to regard a person or facility in possession of fuel products as a person or facility defined in Iowa Code section 452A.2.

Item 6 amends Chapter 67 by adding new rule 701—67.27(452A). This new rule requires the Department to report the number of gallons of retail fuel sales, by classification, to the Governor and the Legislative Services Agency by April 1 of each year.

Item 7 amends subrule 68.2(1) to show the change in the tax rate for gasoline from 20.7 cents to 21 cents for the fiscal year beginning July 1, 2008, and ending June 30, 2009.

Item 8 amends subrule 231.2(1) to replace the outdated term “gasohol” with the updated term “ethanol.”

These amendments are identical to those published under Notice of Intended Action.

These amendments will become effective December 24, 2008, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code sections 452A.2(35), 452A.33(2), and 452A.59 as amended by 2008 Iowa Acts, Senate File 2400, sections 62, 63 and 64.

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 [rescind Chs 63 to 65; amend Chs 18, 67, 68, 231] is being omitted. These amendments are identical to those published under Notice as **ARC 7204B**, IAB 9/24/08.

[Filed 10/31/08, effective 12/24/08]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7361B

REVENUE DEPARTMENT[701]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 38, “Administration,” Chapter 41, “Determination of Taxable Income,” Chapter 42, “Adjustments to Computed Tax,” and Chapter 52, “Filing Returns, Payment of Tax and Penalty and Interest,” Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXI, No. 7, p. 793, on September 24, 2008, as **ARC 7198B**.

Item 1 adopts new rule 701—38.19(422) to provide for the indication of health care coverage for dependent children on individual income tax returns starting with the tax year beginning January 1, 2008.

Item 2 adopts new subrule 41.5(15) to provide that an itemized deduction for charitable contributions is not allowed for individual income tax for tax years beginning on or after January 1, 2008, for the amount of the contribution which is eligible for the charitable conservation contribution tax credit.

Item 3 amends rule 701—42.23(422) to update the listing regarding the sequence of tax credits to be deducted for individual income tax.

Item 4 adopts new rule 701—42.38(422) to provide for the charitable conservation contribution tax credit for individual income tax for tax years beginning on or after January 1, 2008.

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Item 5 amends rule 701—52.12(422) to update the listing regarding the sequence of tax credits to be deducted for corporation income tax.

Item 6 adopts new rule 701—52.37(422) to provide for the charitable conservation contribution tax credit for corporation income tax for tax years beginning on or after January 1, 2008. This is similar to the change in Item 4.

These amendments are identical to those published under Notice of Intended Action.

These amendments will become effective December 24, 2008, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement 2008 Iowa Acts, House File 2539, section 4, and House File 2700, section 62, and Iowa Code Supplement section 422.33 as amended by 2008 Iowa Acts, House File 2700, section 63.

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 [38.19, 41.5(15), 42.23, 42.38, 52.12, 52.37] is being omitted. These amendments are identical to those published under Notice as **ARC 7198B**, IAB 9/24/08.

[Filed 10/31/08, effective 12/24/08]

[Published 11/19/08]

[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7359B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 40, "Determination of Net Income," Chapter 41, "Determination of Taxable Income," Chapter 42, "Adjustments to Computed Tax," Chapter 52, "Filing Returns, Payment of Tax and Penalty and Interest," and Chapter 53, "Determination of Net Income," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXI, No. 7, p. 798, on September 24, 2008, as **ARC 7199B**.

Item 1 amends subrule 40.44(1) to provide that state match payments related to individual development accounts are also exempt from Iowa individual income tax.

Item 2 amends the implementation sentence for rule 701—40.44(422,541A).

Item 3 adopts new subrule 40.60(3) to provide that the 50 percent bonus depreciation for assets acquired after December 31, 2007, but before January 1, 2009, does not apply for Iowa individual income tax.

Item 4 amends the implementation sentence for rule 701—40.60(422).

Item 5 amends rule 701—40.65(422) to provide that the increased Section 179 expensing allowance for tax periods beginning after December 31, 2007, but before January 1, 2009, does apply for Iowa individual income tax.

Item 6 amends the implementation sentence for rule 701—40.65(422).

Item 7 amends rule 701—40.72(422) to provide for an exclusion for individual income tax for a Vietnam Conflict veterans bonus received by eligible veterans who served between July 1, 1958, through May 31, 1975, and who have not received a bonus for that service from Iowa or another state.

Item 8 adopts new subrule 41.3(7) to provide that the federal rebate received by individuals in 2008 does not have to be included as part of an individual's federal income tax refund for Iowa individual income tax purposes.

Item 9 amends the implementation sentence for rule 701—41.3(422).

Item 10 amends paragraph 42.2(11)"b" to include federal revisions made in 2007 to the research activities credit for individual income tax.

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Items 11 and 12 amend paragraphs 52.7(3)“c” and 52.7(5)“c” to include federal revisions made in 2007 to the research activities credit for corporation income tax.

Item 13 amends the implementation sentence for rule 701—52.7(422).

Item 14 adopts new subrule 53.22(3) to provide that the 50 percent bonus depreciation for assets acquired after December 31, 2007, but before January 1, 2009, does not apply for Iowa corporation income tax.

Item 15 amends the implementation sentence for rule 701—53.22(422).

Item 16 amends rule 701—53.23(422) to provide that the increased Section 179 expensing allowance for tax periods beginning after December 31, 2007, but before January 1, 2009, does apply for Iowa corporation income tax.

Item 17 amends the implementation sentence for rule 701—53.23(422).

These amendments are identical to those published under Notice of Intended Action.

These amendments will become effective December 24, 2008, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code Supplement sections 15.335, 15A.9, 422.3, 422.7, 422.10, 422.32, 422.33 and 422.35 as amended by 2008 Iowa Acts, Senate File 2123; Iowa Code Supplement section 422.7 as amended by 2008 Iowa Acts, House File 2283 and Senate File 2430; and Iowa Code section 422.9 as amended by 2008 Iowa Acts, House File 2417.

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 40 to 42, 52, 53] is being omitted. These amendments are identical to those published under Notice as **ARC 7199B**, IAB 9/24/08.

[Filed 10/31/08, effective 12/24/08]

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[For replacement pages for IAC, see IAC Supplement 11/19/08.]

ARC 7360B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 42, “Adjustments to Computed Tax,” Chapter 43, “Assessments and Refunds,” Chapter 52, “Filing Returns, Payment of Tax and Penalty and Interest,” and Chapter 58, “Filing Returns, Payment of Tax, Penalty and Interest, and Allocation of Tax Revenues,” Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXI, No. 7, p. 802, on September 24, 2008, as **ARC 7196B**.

Item 1 amends paragraphs 42.24(3)“d,” “e” and “f” to provide that the wage-benefits tax credit for individual income tax will be allowed through the fiscal year ending June 30, 2011.

Item 2 adopts new subrule 42.24(5) to provide that the wage-benefits tax credit for individual income tax is repealed effective July 1, 2008, but that the wage-benefits credit will still be allowed through the fiscal year ending June 30, 2011. Item 3 amends the implementation sentence for rule 701—42.24(151,422).

Items 4 and 6 amend rule 701—42.25(422,476B) and subrule 42.25(2) to provide that the wind energy production tax credit for individual income tax is also available to facilities that will use the electricity for on-site consumption.

Item 5 amends subrule 42.25(1) to provide that for applications for the wind energy production tax credit filed on or after March 1, 2008, a facility must consist of one or more wind turbines which have a combined nameplate generating capacity of at least two megawatts.

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Item 7 amends subrule 42.25(3) to eliminate the provision that the wind energy production tax credit for individual income tax can only be transferred once. Item 8 amends the implementation sentence for rule 701—42.25(422,476B).

Item 9 amends rule 701—42.32(422) to provide that the computation and eligibility requirements for the biodiesel blended fuel tax credit for individual income tax will be done on a site-by-site basis for tax years beginning on or after January 1, 2009.

Items 10 and 11 amend rule 701—42.33(422) and paragraph 42.33(1)“a” to provide that the soy-based transformer fluid tax credit for individual income tax is available for costs incurred through December 31, 2008. Item 12 amends the implementation sentence for rule 701—42.33(422).

Item 13 amends subrule 42.35(2) to provide for an alternative format for submitting qualified expenditures relating to the film qualified expenditure tax credit for individual income tax.

Items 14 and 15 amend subrules 42.35(3) and 42.36(2) to eliminate the restriction that tax credit certificates for the film qualified expenditure tax credit and the film investment tax credit for individual income tax can only be transferred if the amount was \$1,000 or more.

Items 16 and 17 amend subrules 43.4(8) and 43.4(9) to provide that the veterans trust fund checkoff and the joint keep Iowa beautiful fund and volunteer firefighter preparedness fund checkoff are only in effect until tax years beginning prior to January 1, 2008.

Item 18 adopts new subrules 43.4(10) and 43.4(11) to provide for the child abuse prevention program fund checkoff and the joint veterans trust fund and volunteer firefighter preparedness fund checkoff that takes effect for tax years beginning on or after January 1, 2008. Item 19 amends the implementation sentence for rule 701—43.4(68A,422,456A).

Item 20 amends subrule 52.1(10) to provide for the repeal of the deferment of income for start-up companies effective for tax years beginning on or after January 1, 2008. Item 21 amends the implementation sentence for rule 701—52.1(422).

Item 22 amends paragraphs 52.25(3)“d,” “e” and “f” to provide that the wage-benefits tax credit for corporation income tax will be allowed through the fiscal year ending June 30, 2011. This is similar to the change in Item 1.

Item 23 adopts new subrule 52.25(5) to provide that the wage-benefits tax credit for corporation income tax is repealed effective July 1, 2008, but that the wage-benefits credit will still be allowed through the fiscal year ending June 30, 2011. This is similar to the change in Item 2. Item 24 amends the implementation sentence for rule 701—52.25(151,422).

Items 25 and 27 amend rule 701—52.26(422,476B) and subrule 52.26(2) to provide that the wind energy production tax credit for corporation income tax is also available to facilities that will use the electricity for on-site consumption. This is similar to the change in Items 4 and 6.

Item 26 amends subrule 52.26(1) to provide that for applications for the wind energy production tax credit filed on or after March 1, 2008, a facility must consist of one or more wind turbines which have a combined nameplate generating capacity of at least two megawatts. This is similar to the change in Item 5.

Item 28 amends subrule 52.26(3) to eliminate the provision that the wind energy production tax credit for corporation income tax can only be transferred once. This is similar to the change in Item 7. Item 29 amends the implementation sentence for rule 701—52.26(422,476B).

Item 30 amends rule 701—52.31(422) to provide that the computation and eligibility requirements for the biodiesel blended fuel tax credit for corporation income tax will be done on a site-by-site basis for tax years beginning on or after January 1, 2009. This is similar to the change in Item 9.

Items 31, 32 and 33 amend rule 701—52.32(422), paragraph 52.32(1)“a” and the implementation clause for rule 701—52.32(422) to provide that the soy-based transformer fluid tax credit for corporation income tax is available for costs incurred through December 31, 2008. This is similar to the change in Items 10 and 11.

Item 34 amends subrule 52.34(2) to provide for an alternative format for submitting qualified expenditures relating to the film qualified expenditure tax credit for corporation income tax. This is similar to the change in Item 13.

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Items 35 and 36 amend subrules 52.34(3) and 52.35(2) to eliminate the restriction that tax credit certificates for the film qualified expenditure tax credit and the film investment tax credit for corporation income tax can only be transferred if the amount was \$1,000 or more. This is similar to the change in Items 14 and 15.

Item 37 amends rule 701—58.14(15I,422) to reference the repeal of the wage-benefits credit for franchise tax.

These amendments are identical to those published under Notice of Intended Action.

These amendments will become effective December 24, 2008, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code chapter 15I as amended by 2008 Iowa Acts, House File 2700; Iowa Code Supplement section 422.11P as amended by 2008 Iowa Acts, House File 2689; Iowa Code Supplement section 422.33 as amended by 2008 Iowa Acts, House File 2689 and Senate File 572; Iowa Code section 422.24A as amended by 2008 Iowa Acts, Senate File 2400; Iowa Code Supplement section 422.11R as amended by 2008 Iowa Acts, Senate File 571; 2008 Iowa Acts, Senate File 2124; Iowa Code chapter 476B as amended by 2008 Iowa Acts, Senate File 2405; and Iowa Code chapter 476D as amended by 2008 Iowa Acts, Senate File 572.

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 42, 43, 52, 58] is being omitted. These amendments are identical to those published under Notice as **ARC 7196B**, IAB 9/24/08.

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ARC 7366B**UTILITIES DIVISION[199]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.4 and 476.2, the Utilities Board (Board) gives notice that on October 31, 2008, the Board issued an order in Docket No. RMU-08-2, In re: Electronic Filing [199 IAC chapters 1, 6, 7, 10, 11, 13, 14], "Order Adopting Amendments." The order adopted amendments which were published under Notice of Intended Action in IAB Vol. XXX, No. 21 (4/09/2008) p. 1523, as **ARC 6707B**, with revisions described in this order.

These amendments add new Chapter 14, "Electronic Filing," which establishes an electronic filing requirement, identifies exceptions to the requirement, and specifies procedures for electronic filing. The amendments make other changes to existing Board rules to reflect the electronic filing requirement.

Written comments addressing the proposed amendments were filed by Victoria J. Place, an attorney who appeared before the Board; the Technology, Energy & Communications Practice Section of the Dickinson, Mackaman, Tyler & Hagen law firm (Dickinson firm); the Iowa Association of Electric Cooperatives (IAEC); the Iowa Telecommunications Association (ITA); Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom); Interstate Power and Light Company (IPL); MidAmerican Energy Company (MidAmerican); Qwest Corporation (Qwest); and the Consumer Advocate Division of the Department of Justice (Consumer Advocate).

An oral presentation was held on May 12, 2008.

The Board made several revisions to the amendments based on the comments received and on the Board's final review of the proposed amendments. Specifically, revisions have been made to the proposed amendments to the following subrules and rules: 6.5(2), 7.4(2), 7.10(17A,476), 11.2(1), 14.2(17A,476), 14.4(3), 14.4(4), 14.4(5), 14.5(7), 14.5(8), 14.5(10), 14.5(11), 14.5(13), 14.7(17A,476), 14.8(17A,476), 14.9(17A,476), 14.12(17A,476), 14.13(3), and 14.16(4). The order containing the

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background and discussion of the comments and revisions adopted by the Board can be found on the Board's Web site, www.state.ia.us/iub.

These amendments will become effective December 24, 2008.

These amendments are intended to implement Iowa Code sections 17A.4 and 476.2.

The following amendments are adopted.

ITEM 1. Amend subrule 1.8(2) as follows:

1.8(2) Office hours. Office hours are 8 a.m. to 4:30 p.m., Monday to Friday. Offices are closed on Saturdays and Sundays and on official state holidays designated in accordance with state law. Time provisions for electronic filing are found at 199—14.9(17A,476).

ITEM 2. Amend subrule 1.8(4) as follows:

1.8(4) Cross reference to rules regarding electronic filing, placement of docket numbers on filings, service of documents, and required number of copies. The board's rules regarding electronic filing are found at 199—Chapter 14. The board's rules regarding paper filing are found at 199—Chapter 7, including ~~The~~ the board's rule regarding placement of docket numbers on filings is at 199—subrule 7.4(3); ~~The~~ the board's rule regarding service of documents is at 199—subrule 7.4(6); and ~~The~~ the board's rule regarding required number of copies is of documents filed on paper at 199—subrule 7.4(4).

ITEM 3. Amend subrule 6.5(2) as follows:

6.5(2) The request for formal complaint proceedings shall be filed within 14 days after issuance of the proposed resolution or the specified date of utility action, whichever is later. The request shall be considered as filed on the date of the United States Postal Service postmark, the date personal service is made, or the date received and accepted in the board's records and information center. The request shall be in writing and must be delivered by United States Postal Service, other delivery service, ~~or~~ personal service, or through the board's electronic filing system pursuant to 199—Chapter 14. The request shall include the file number (C-XX-XXX or C-XXXX-XXXX) marked on the proposed resolution. It shall explain why the proposed resolution should be modified or rejected and propose an alternate resolution, including any temporary relief desired. Copies of the request shall be mailed to the consumer advocate and the parties.

ITEM 4. Amend subrule 7.1(1) as follows:

7.1(1) This chapter applies to contested case proceedings, investigations, and other hearings conducted by the board or a presiding officer, unless such proceedings, investigations, and hearings are excepted below, otherwise ordered in any proceeding if reasonably necessary to fulfill the objectives of the proceeding, or are subject to special rules or procedures that may be adopted in specific circumstances. If there are no other applicable procedural rules, this chapter applies to other types of agency action, unless the board or presiding officer orders otherwise. The rules in this chapter regarding the content and format of pleadings, testimony, workpapers, and other supporting documents apply to both paper filings and electronic filings made pursuant to 199—Chapter 14. The rules in this chapter regarding filing, service, and number of copies required apply to paper filings. Where electronic filing is required, documents shall be filed and served according to 199—Chapter 14.

ITEM 5. Amend rule 199—7.4(17A,474,476) as follows:

199—7.4(17A,474,476) General information.

7.4(1) Orders. All orders will be issued and placed in the board's records and information center. Orders shall be deemed effective upon issuance unless otherwise provided in the order. Parties and members of the public may view orders in the board's records and information center and may also view orders (~~other than orders granting confidential treatment~~) and a daily summary of filings on the board's Web site located at www.state.ia.us/iub.

7.4(2) Communications.

a. Electronic communications. Pleadings and other documents required to be electronically filed with the board shall be filed within the time limit, if any, for such filing, in accordance with the board's electronic filing rules at 199—Chapter 14. Unless otherwise specifically provided, all electronic

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communications and documents are officially filed when they are accepted for filing as defined in 199—14.3(17A,476). Persons electronically filing a document with the board must comply with the service requirements in 199—14.16(17A,476).

~~a. b.~~ Paper communications. All paper communications to the board or presiding officer shall be addressed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069, unless otherwise specifically directed by the board or presiding officer. Pleadings and other ~~papers~~ documents required to be filed on paper with the board shall be filed within the time limit, if any, for such filing. Unless otherwise specifically provided, all communications and documents are officially filed upon receipt by the executive secretary in a form that complies with the board's filing requirements. Documents filed with the board shall comply with the requirements in 199—subrule 2.1(3). Persons filing a document with the board must comply with the service requirements in subrule 7.4(6) at the time the document is filed with the board.

~~b. c.~~ The board may ~~accept order that filings be submitted electronically from time to time in~~ proceedings in which the electronic filing requirement in 199—14.2(17A,476) does not apply. Such filings shall be made pursuant to instructions that will be in 199—Chapter 14 and the board's published standards for electronic information or as delineated in the board order or other official statement authorizing requiring those filings. See rule 7.7(17A,476) for requirements for electronic information filed with the board.

7.4(3) No change.

7.4(4) *Number of copies for paper filings.*

a. An original and ten copies are required for most initial filings in a docket made with the board. There are some exceptions, which are listed below. The board or presiding officer may request additional copies.

A = Annual Report (rate-regulated 2 copies, non-rate-regulated 1 copy)

C = Complaints filed pursuant to 199—6.2(476) (original)

CCF = Customer Contribution Fund (original + 1 copy)

E = Electric Franchise or Certificate (original + 3 copies)

EAC = Energy Adjustment Clause (original + 3 copies)

EDR = Electric Delivery Reliability (original + 3 copies)

ES = Extended Area Services (original + 2 copies)

GCU = Generating Certificate Utility (original + 20 copies)

H = Accident (original + 1 copy)

HLP = Hazardous Liquid Pipeline (original + 2 copies)

NIA = Negotiated Interconnection Agreement (original + 3 copies)

P = Pipeline Permit (original + 2 copies)

PGA = Purchased Gas Adjustment (original + 3 copies)

R = Reports-Outages (original + 1 copy)

RFU = Refund Filing Utility (original + 4 copies)

RN = Rate Notification (original + 3 copies)

TF = Tariff Filing (original + 4 copies)

b. Unless otherwise ordered or specified in this rule, parties must either file an original and ten copies or make an electronic filing pursuant to 199—Chapter 14 of all filings including, but not limited to, pleadings and answers (rule 7.9(17A,476)), prefiled testimony and exhibits (rule 7.10(17A,476)), motions (rule 7.12(17A,476)), petitions to intervene and responses (rule 7.13(17A,476)), proposals for settlement and responses (rule 7.18(17A,476)), stipulations (rule 7.19(17A,476)), withdrawals (rule 7.21(17A,476)), briefs (subrule 7.23(8)), motions to vacate (subrule 7.23(11)), motions to reopen (rule 7.24(17A,476)), interlocutory appeals (rule 7.25(17A,476)), appeals from proposed decisions of the presiding officers and responses (rule 7.26(17A,476)), applications for rehearing and responses (rule 7.27(17A,476)), and requests for stay and responses (rule 7.28(17A,476)).

c. to e. No change.

7.4(5) No change.

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7.4(6) Service of documents.*a. Method of service.*

(1) Paper service. In situations where service of a paper document is permitted or required, and ~~Unless~~ unless otherwise specified by the board or presiding officer or otherwise agreed to by the parties, documents that are required to be served in a proceeding may be served by first-class mail or overnight delivery, properly addressed with postage prepaid, or by delivery in person. In expedited proceedings, if service is made by first-class mail instead of by overnight delivery or personal service, the sending party must supplement service by sending a copy by electronic mail or facsimile if an electronic mail address or facsimile number has been provided by the receiving party. When a document is served, the party effecting service shall file with the board proof of service in substantially the form prescribed in 199—subrule 2.2(16) or an admission of service by the party served or the party's attorney. The proof of service shall be attached to a copy of the document served. When service is made by the board, the board will attach a service list with a certificate of service signed by the person serving the document to each copy of the document served.

(2) Electronic service. The board's rule regarding electronic service is at 199—14.16(17A,476).

b. Date of service.

(1) Paper service. Unless otherwise ordered by the board or presiding officer, the date of service shall be the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. Although service is effective, the document is not deemed filed with the board until it is received by the board pursuant to subrule 7.4(2).

(2) Electronic service. The board's rule regarding the date of electronic service is at 199—14.16(17A,476).

c. Parties entitled to service.

(1) Paper service. A party or other person filing a notice, motion, pleading, or other paper document in any proceeding shall contemporaneously serve the document on all other parties.

(2) Electronic service. The board's rule regarding electronic service is at 199—14.16(17A,476).

(3) Service of documents containing confidential information. Parties shall serve documents containing confidential information pursuant to a confidentiality agreement executed by the parties, if any. If the parties are unable to agree on a confidentiality agreement, they may ask the board or presiding officer to issue an appropriate order.

(4) Service on consumer advocate. A party formally filing any paper document or any other material on paper with the board shall serve three copies of the document or material on the consumer advocate at the same time as the filing is made with the board and by the same delivery method used for filing with the board. "Formal filings" include, but are not limited to, all documents that are filed in a docketed proceeding, or that request initiation of a docketed proceeding. The address of the consumer advocate is Office of Consumer Advocate, 310 Maple Street, Des Moines, Iowa 50319-0063.

d. No change.

7.4(7) and 7.4(8) No change.

7.4(9) Cross reference to public documents, ~~and~~ confidential filings, and electronic filings. The board's rule regarding public documents and confidential filings is at 199—1.9(22). The board's rule regarding electronic filing of documents containing confidential material is at 199—14.12(17A,476).

7.4(10) No change.

ITEM 6. Rescind rule 199—7.7(17A,476) and adopt the following **new** rule in lieu thereof:

199—7.7(17A,476) Electronic information. Filing of electronic information shall comply with the board's rules on electronic filing at 199—Chapter 14 and the board's published standards for electronic information, available on the board's Web site at www.state.ia.us/iub or from the board's records and information center.

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ITEM 7. Amend rule 199—7.8(17A,476) as follows:

199—7.8(17A,476) Delivery of notice of hearing. When the board or presiding officer issues an order containing a notice of hearing, delivery of the order will be by first-class mail or by electronic notice through the electronic filing system unless otherwise ordered.

ITEM 8. Amend rule 199—7.10(17A,476) as follows:

199—7.10(17A,476) Prefiled testimony and exhibits.

7.10(1) to 7.10(4) No change.

7.10(5) Prefiled testimony and exhibits submitted on paper shall include, where applicable:

a. All supporting workpapers.

(1) Unless otherwise ordered by the board or presiding officer, electronic workpapers in native electronic formats that comply with the ~~standards in rule 7.7(17A,476)~~ board's standards for electronic information, which are available on the board's Web site or from the board's records and information center, shall be provided. Noncompliant electronic workpapers shall be provided as a hard copy with a brief description of software and hardware requirements. Noncompliant electronic copies shall be provided upon request by any party, the board, or the presiding officer.

(2) All other workpapers and hard-copy printouts of electronic files shall be clearly tabbed and indexed, and pages shall be numbered. Each section shall include a brief description of the sources of inputs, operations contained therein, and where outputs are next used.

(3) Workpapers' underlying analyses and data presented in exhibits shall be explicitly referenced within the exhibit, including the name and other identifiers (e.g., cell coordinates) for electronic workpapers, and volume, tab, and page numbers for other workpapers.

(4) The source of any number used in a workpaper that was not generated by that workpaper shall be identified.

b. The derivation or source of all numbers used in either testimony or exhibits that were not generated by workpapers.

c. Copies of any specific studies or financial literature relied upon or complete citations for them if publicly available.

d. Electronic copies, in native electronic format, of all computer-generated exhibits that comply with the ~~standards in rule 7.7(17A,476)~~ board's standards for electronic information, which are available on the board's Web site or in the board's records and information center. Noncompliant electronic computer-generated exhibits shall be provided as a hard copy with a brief description of software and hardware requirements. Noncompliant electronic copies shall be provided upon request by any party, the board, or the presiding officer.

e. Unless otherwise ordered by the board or presiding officer, the following number of copies shall be filed:

(1) Electronic workpapers—two copies and two hard-copy printouts.

(2) Other workpapers—five copies.

(3) Specific studies or financial literature—two copies.

(4) Computer-generated exhibits—two copies.

7.10(6) Any prefiled testimony, including workpapers and exhibits, that is subject to the electronic filing requirement shall comply with the board's standards for electronic information, which are available on the board's Web site or in the board's records and information center, and the electronic filing rules in 199—Chapter 14.

7.10(6) 7.10(7) If a party has filed part or all of prefiled testimony and exhibits as confidential pursuant to 199—1.9(22), and then later withdraws the claim of confidentiality for part or all of the testimony and exhibits, or if the board denies the request to hold the testimony and exhibits confidential, the party must refile the testimony and exhibits without the confidential stamp on each page.

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ITEM 9. Amend rule 199—7.12(17A,476) as follows:

199—7.12(17A,476) Motions. Motions, unless made during hearing, shall be in writing, state the grounds for relief, and state the relief or order sought. Motions based on matters that do not appear of record shall be supported by affidavit. Motions filed on paper shall substantially comply with the form prescribed in 199—subrule 2.2(14). ~~Motions and~~ shall be filed and served pursuant to rule 7.4(17A,476). Motions filed electronically shall substantially comply with the form prescribed in 199—subrule 2.2(14) and shall be filed according to 199—Chapter 14. Any party may file a written response to a motion no later than 14 days from the date the motion is filed, unless the time period is extended or shortened by the board or presiding officer. When a statutory or other provision of law requires the board to issue a decision in the case in six months or less, written responses to a motion must be filed within 7 days of the date the motion is filed, unless otherwise ordered by the board or presiding officer. Failure to file a timely response may be deemed a waiver of objection to the motion. Requirements regarding motions related to discovery are contained at 199—subrules 7.15(4) and 7.15(5).

ITEM 10. Amend subrule 7.16(1) as follows:

7.16(1) Issuance.

a. An agency subpoena shall be issued to a party on request. The request shall be in writing and include the name, address, and telephone number of the requesting party. In the absence of good cause for permitting later action, a request for a subpoena must be received at least seven days before the scheduled hearing. The board will issue subpoenas only on paper, not through the electronic filing system.

b. Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses. Subpoenas cannot be served electronically through the electronic filing system.

ITEM 11. Amend subrule 7.23(8) as follows:

7.23(8) Briefs.

a. No change.

b. Unless otherwise electronically filed and served pursuant to 199—Chapter 14 or otherwise ordered, parties shall file an original and ten copies of briefs with the board and shall serve two copies of briefs on the other parties pursuant to subrule 7.4(6). Parties may serve one paper copy and one copy by electronic mail on the other parties instead of two paper copies. Three copies of briefs shall be served on the consumer advocate pursuant to subrule 7.4(6).

c. and d. No change.

e. Briefs shall comply with the following requirements.

(1) The size of pages shall be 8½ by 11 inches.

(2) All printed matter must appear in at least 11-point type.

(3) There shall be margins of at least one inch on the top, bottom, right, and left sides of the sheet.

(4) The body of the brief shall be double-spaced.

(5) Footnotes may be single-spaced but shall not exceed one-half page in length.

(6) The printed matter may appear in any pitch, as long as the characters are spaced in a readable manner. Any readable font is acceptable.

(7) Briefs filed electronically shall comply with the requirements in this paragraph and the standards for electronic information available on the board's Web site or in the board's records and information center.

ITEM 12. Amend rule 199—7.26(17A,476) as follows:

199—7.26(17A,476) Appeals to board from a proposed decision of a presiding officer.

7.26(1) Notification of proposed decision. ~~A copy~~ Notice of the presiding officer's proposed decision and order in a contested case shall be sent through the electronic filing system or by first-class mail if any paper filing requirements apply to the proceeding, on the date the order is issued, to the last-known address of each party. The decision shall normally include "Proposed Decision and Order" in the title

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and shall normally inform the parties of their right to appeal an adverse decision and the time in which an appeal must be taken.

7.26(2) No change.

7.26(3) Any adversely affected party may appeal a proposed decision by timely filing a notice of appeal. ~~The~~ If the electronic filing requirement applies to the proceeding in which the appeal is taken, the notice of appeal shall be electronically filed unless the appellant has received permission from the board to submit paper filings. If the electronic filing requirement does not apply, the appellant shall file an original and ten copies of the notice of appeal with the board, provide a copy to the presiding officer, and simultaneously serve a copy of the notice pursuant to subrule 7.4(6) on all parties.

7.26(4) to 7.26(7) No change.

ITEM 13. Amend subrule 7.29(2) as follows:

7.29(2) *Issuance of order.*

a. An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons for the decision if it is an exercise of the board's discretion, to justify the determination of an immediate danger and the board's decision to take immediate action.

b. The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by the most reasonably available method, which may include one or more of the following methods: notice through the electronic filing system; personal delivery; certified mail; first-class mail; fax; or E-mail. To the degree practical, the board shall select the method or methods most likely to result in prompt, reliable delivery.

c. Unless the written emergency adjudicative order is delivered by personal service on the day issued, the board shall make reasonable efforts to contact the persons who are required to comply with the order by telephone, in person, or otherwise.

ITEM 14. Amend subrule 10.2(1), introductory paragraph, as follows:

10.2(1) A petition for a permit shall be made to the board upon the form prescribed and shall include all required exhibits. The petition shall be considered as filed upon receipt at the office of the board. An original and two copies of the petition and exhibits shall be filed, unless the petition and exhibits are filed electronically pursuant to the board's electronic filing rules at 199—Chapter 14. Required exhibits shall be in the following form:

ITEM 15. Amend subrule 11.3(1), introductory paragraph, as follows:

11.3(1) *Forms.* The following forms are available from the board, and the appropriate form shall be used when filing any petition. An original and three copies of the petition and exhibits shall be filed, unless the petition and exhibits are filed electronically pursuant to the board's electronic filing rules at 199—Chapter 14.

ITEM 16. Amend subrule 13.2(1), introductory paragraph, as follows:

13.2(1) A petition for a permit shall be made to the board upon the form prescribed and shall include all required exhibits. The petition shall be considered as filed upon receipt at the office of the board. An original and two copies of the petition and exhibits shall be filed, unless the petition and exhibits are filed electronically pursuant to the board's electronic filing rules at 199—Chapter 14. Required exhibits shall be in the following form:

ITEM 17. Adopt the following new 199—Chapter 14:

CHAPTER 14
ELECTRONIC FILING

199—14.1(17A,476) Purpose. The purpose of these rules is to establish an electronic filing requirement, to identify exceptions to the electronic filing requirement, and to specify procedures regarding electronic filing and service of documents filed with or issued by the board.

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199—14.2(17A,476) Scope and applicability of electronic filing requirement. As of the date determined by the board, electronic filing is mandatory, unless specifically excepted by these rules. The board will publish on its Web site the effective date of the electronic filing requirement. When the electronic filing requirement is effective, all persons filing documents with the board shall file those documents electronically, subject to the exceptions in this chapter. The board will accept filings electronically pursuant to the rules in this chapter and the board's published standards for electronic information, available on the board's Web site (www.state.ia.us/iub) or from the board's records and information center, or as delineated in the board order or other official statement requiring those filings. In all circumstances in which the electronic filing requirement applies, the provisions of this chapter override any other board rule regarding number of copies, filing requirements, and service of papers, including the rules in 199—Chapter 7. All other Chapter 7 rules otherwise apply to proceedings, investigations, and other hearings conducted by the board or a presiding officer which are subject to the electronic filing requirement. The board may suspend the electronic filing requirement by further notice as necessary.

199—14.3(17A,476) Definitions. Except where otherwise specifically defined by law:

"Accepted for filing" ordinarily means a filing will be published on the board's Web site. Certain documents will be accepted for filing without being published on the board's Web site. A filing that has been accepted for filing can be rejected at a later date if found not to comply with a board rule or order.

"Electronic filing" means the process of transmitting a document or collection of documents via the Internet to the board's electronic filing system for the purpose of submitting the document for board consideration.

"Electronic filing system" means the system used by the board's records and information center to accept and publish documents filed electronically and which allows the public and parties to view most documents filed with or issued by the board on the board's Web site.

"Guest user" means a person who uses the electronic filing system no more than twice a year to submit filings for the board's consideration.

"Publish" means to make a document available for public viewing or download by posting it on the board's Web site.

"Registered user" means a person who has complied with the board's requirements at 199—14.6(17A,476) to obtain a user ID and password in order to submit filings for the board's consideration through the board's electronic filing system.

199—14.4(17A,476) Exceptions; number of paper copies required. The following types of filings are not subject to the electronic filing requirement:

14.4(1) Filings made by any person who has been excused from the requirement by board order granting a request for permission to file paper documents. The board order granting permission to file paper documents shall specify the required number of paper copies of a document that must be filed.

14.4(2) Filings made in proceedings initiated before the effective date of the electronic filing requirement shall comply with all board rules regarding paper filings and number of copies provided, unless the board orders otherwise.

14.4(3) Informal consumer complaints. Consumers filing informal complaints pursuant to 199—6.2(476) are not required to electronically file complaints against utilities. Consumers may submit complaints electronically by using the online complaint form available on the board's Web site or by E-mail; on paper by mail or facsimile; or by personally delivering the written complaint to the board's records and information center. Informal consumer complaint files are available for public inspection in the board's records and information center. An informal complaint file will be made available on the board's Web site, to the extent reasonable, only if formal complaint proceedings are granted pursuant to 199—6.5(476).

14.4(4) Written objections to applications for electric transmission line franchises, pipeline permits, or hazardous liquid pipeline permits. Objectors are not required to electronically file written objections. Written objections in these cases may be submitted through the electronic filing system pursuant to these

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rules or may be submitted in writing. Electronic filing of objections is preferred but is not required. Written objections will ordinarily be published on the board's Web site. A suggested objection form is available on the board's Web site, but objectors are not required to use this form.

14.4(5) Comments from persons in any other proceeding in which comments from the public are permitted. Persons may submit comments electronically through the electronic filing system pursuant to these rules, by using any applicable online comment form available on the board's Web site, or by E-mail; or comments may be submitted by letter or facsimile. Comments from persons will ordinarily be published on the electronic filing system.

14.4(6) Payment of required fees. Any payment required at the time of filing of a document must be delivered to the board's records and information center in person or by first-class mail or other delivery service. The filing will not be deemed complete and accepted until the required payment is received.

199—14.5(17A,476) Electronic filing procedures and required formats. Electronic documents shall be filed in accordance with the following procedures and required formats:

14.5(1) Persons who make infrequent filings with the board (i.e., no more than twice annually) may file as a guest user. Persons who make regular filings with the board shall register to obtain a user ID and password pursuant to registration procedures specified in 199—14.6(17A,476). The board may require an infrequent filer to become a registered user.

14.5(2) Electronic filings shall be made by uploading a document or collection of documents into the electronic filing system. E-mailing a document to the board does not constitute filing the document.

14.5(3) A filer must provide all required information when electronically filing a document.

14.5(4) Electronically filed documents shall be named in a way that accurately describes the contents of each document.

14.5(5) All documents shall be formatted in accordance with applicable rules governing formatting of paper documents.

14.5(6) All documents shall be formatted in accordance with the board's standards for electronic information, which are available on the board's Web site or from the board's records and information center.

14.5(7) Any text-based document which has been scanned for electronic filing must be full-text searchable to the extent that is reasonably possible.

14.5(8) Spreadsheets, workbooks, and databases included in filings shall include all cell formulae and cell references. Where a filer requests confidential treatment of cell formulae and cell references or any other information included in a spreadsheet, workbook, or database, the filer shall file a request for confidential treatment and two versions of the document: a public version of the document with the cell formulae deactivated and other confidential information redacted and a version not for publication containing live formulae and the information for which confidential treatment is requested.

14.5(9) Hyperlinks and other navigational aids may be included in an electronically filed document. Each hyperlink must contain a text reference to the target of the link. Although hyperlinks may be included in a document as an aid to the reader, the material referred to by the hyperlinks is not considered part of the official record or filing unless the material itself is filed. Hyperlinks to cited authority may not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

14.5(10) The electronic filing system will display an "Upload Complete" notice when the upload of the filing is completed. If the "Upload Complete" notice does not appear, it is the filer's responsibility to contact the board's records and information center during regular business hours to determine the status of the filing.

14.5(11) After reviewing the filing, the board's records and information center will either accept or reject the filing. If the filing is accepted, the document (if not confidential) will be published on the board's Web site, and an electronic file stamp indicating the docket number(s) and date of filing will be added to the published document. A "Notice of Electronic Filing" containing a link to a list of published documents included in the filing will be sent by E-mail to the filer and to all parties identified on the service list as able to receive electronic service. From the list, the recipient of the notice can

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link to each published document included in the filing. Where a document is accompanied by a request for confidential treatment, the list will include a link to the public version of the document, in which information identified as confidential has been redacted (see 199—14.12(17A,476)). Where a filing consists only of a confidential document, such as a response to a board survey or other inquiry, which the board has deemed confidential pursuant to an order requiring the response, the document will not be published on the board's Web site. Acceptance of a document for filing is not a final determination that the document complies with all board requirements and is not a waiver of such requirements. If a filing is rejected, a "Notice of Rejection" explaining why the filing has been rejected will be sent by E-mail to the filer, or the filer will be contacted by other appropriate means.

14.5(12) Errors. If a filer discovers an error in the electronic filing or publishing of a document, the filer shall contact the board's records and information center as soon as possible. The records and information center will review the situation and advise the filing party how the error will be addressed by the records and information center and what further action by the filer, if any, is required. Ordinarily, any modifications to a published document will require a revised filing with the board. If errors in the filing or publishing of a document are discovered by the board's records and information center, board staff will ordinarily notify the filer of the error and advise the filer of what further action, if any, is required to address the error. If the error is a minor one, the records and information center may either correct or disregard the error.

14.5(13) Electronic documents and the hearing process. If any prefiled testimony or exhibit that is electronically filed before the hearing is altered or corrected at the hearing in any way and admitted into evidence, the sponsoring party must electronically file the altered document at the earliest opportunity, but no later than three business days after the conclusion of the hearing. If any paper documents which have not been electronically filed before the hearing are admitted into evidence as exhibits at the hearing, the sponsoring party must electronically file the exhibits at the earliest opportunity, but no later than three business days after the material is admitted into evidence.

199—14.6(17A,476) Registration. To become a registered user, a person must complete a registration form, which is available on the board's Web site, and obtain a user ID and password. If a user believes the security of an existing password has been compromised, the user must change the password immediately.

199—14.7(17A,476) Electronic file. The official agency record in any proceeding is the electronic file maintained by the board's executive secretary and any paper filings accepted by the board which are not stored in electronic form. The board's executive secretary is responsible for maintaining an official electronic file in the board's electronic filing system for all documents filed electronically, receiving filings into the electronic filing system by electronic transmission, and scanning documents into the system that are not filed electronically, if feasible. The executive secretary may certify documents by digital signature and seal.

199—14.8(17A,476) Paper copies required.

14.8(1) Any map, plan and profile drawing, or oversized document that is required to be filed with the board shall be electronically filed as a PDF (Portable Document Format) file or a TIFF (Tag Image File Format) file, if the filer has access to an electronic version of the map. If the map, drawing, or oversized document cannot be printed on 11-by-17 inch or smaller-sized paper in legible and usable form, as determined by the board, the original and four paper copies of each map, drawing, or other document filed pursuant to this rule shall also be filed, unless more copies are required by board order or request. Maps and other documents shall be drawn to a scale appropriate for the level of detail to be shown. However, if the map, drawing, or other document is not electronically filed, then the number of paper copies specified in 199—subrule 7.4(4) or other applicable rule shall be filed.

14.8(2) Unless the board orders otherwise, until March 31, 2009, filers shall provide the board with one paper copy of each document that is filed electronically, other than maps or other documents for which supplemental paper copies are required pursuant to subrule 14.8(1), unless more copies are required by board order. The paper copy may be provided by personal delivery or by first-class mail and

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shall be delivered or deposited in the mail within 24 hours of electronic filing. The electronic document stored in the electronic filing system and published on the board's Web site will function as the official filing.

199—14.9(17A,476) When electronic filings can be made; official filing date. Unless otherwise ordered, an electronic filing can be made at any time outside of any maintenance periods during which the system will not be available. The "Notice of Electronic Filing" generated when the document is accepted for filing will record the date of the filing of the document. This date will be the official filing date of the document regardless of when the filer actually submitted the document to the electronic filing system. Documents uploaded into the electronic filing system by 3:30 p.m. central time on a business day, if accepted for filing, will be considered filed on that day. Documents uploaded into the electronic filing system after 3:30 p.m. central time on a business day or at any time on a nonbusiness day may, if accepted, be considered filed on the next business day. Filings which require a payment will be considered filed on the date the board receives the payment.

199—14.10(17A,476) Notice of system unavailability. When the electronic filing system will not be available due to scheduled maintenance, a notice of the date, time, and expected duration of the unavailability will be posted on the board's Web site. When the electronic filing system is unexpectedly unable to receive filings during regular business hours continuously or intermittently for more than two hours, registered users will be notified of the problem by E-mail, if possible, and the public will be notified by the posting of a notice of the problem on the board's Web site, if possible.

199—14.11(17A,476) Technical difficulties. It is the responsibility of the filer to ensure that a document is timely filed to comply with jurisdictional deadlines. A technical failure of the electronic filing system, the filer's own computer equipment, or any other part of the filing system will not excuse the filer from compliance with a jurisdictional filing deadline. If a filer is not able to meet a nonjurisdictional deadline because of a technical failure, the filer must, by the earliest available conventional or electronic means, file the document and seek appropriate relief from the board.

199—14.12(17A,476) Documents containing confidential material. Confidential documents will not be published on the board's Web site. When filing a document containing confidential information, a person shall file one public version of the document with the confidential information redacted according to the board's standards for electronic information and one version of the document containing the confidential information. The two versions of the document shall be named according to the following convention: "Document Title – Public" and "Document Title – Confidential." It is the responsibility of the person submitting a public version of the electronic document to take appropriate measures to ensure that any embedded information for which confidential treatment is sought is nonviewable, nonsearchable, and nonreversible. Each page of the confidential version of the document shall be marked in a way that identifies it as belonging to the confidential version of the document. The confidential material itself shall be highlighted or otherwise distinguished on the page to identify what specific information is confidential. A filing including a document the filer asserts contains confidential information shall also include a separate document containing the request for confidential treatment pursuant to 199—subrule 1.9(6). Documents which the filer asserts contain confidential information will not be electronically served by the board's electronic filing system, as provided in 199—subrule 14.16(4).

199—14.13(17A,476) Signatures.

14.13(1) Filings by registered users. The use of a user ID and password in accordance with the registration procedures specified in rule 14.6(17A,476) constitutes the filer's signature. Filers shall use "/s/" followed by the signer's name to indicate a signature where applicable. All pleadings must also include a signature block containing the signer's name, title, address, E-mail address, and telephone number. All electronic filings are presumed to have been made by the person whose user ID and password have been used to make the electronic filing.

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14.13(2) Filings by guest users. The personal information required to submit a filing as a guest user constitutes the filer's signature. Filers shall use "/s/" followed by the signer's name to indicate a signature where applicable. All pleadings must also include a signature block containing the signer's name, title, address, E-mail address, and telephone number.

14.13(3) Documents with handwritten signatures. Any document bearing a handwritten signature, such as an affidavit, shall be filed electronically using "/s/" followed by the signer's name to indicate a signature. The filer must retain the original paper version of any such document bearing the original signature and any notarization or verification for a period of two years or until the conclusion of the proceeding or the conclusion of any appeal or related judicial proceeding, whichever is greater, and must promptly file the original if ordered by the board or requested by another party.

199—14.14(17A,476) Original documents. When a board rule requires the filing of an original document not prepared by the filer or the party on whose behalf the document is filed, such as an invoice or other document, the filer shall scan the original document and file the scanned document in the electronic filing system or request advance board approval of other arrangements. The filer must retain the original document for a period of two years or until the conclusion of the proceeding or the conclusion of an appeal, whichever is greater.

199—14.15(17A,476) Transcripts. Transcripts will be published on the board's Web site when they are available electronically and in a manner consistent with the terms of the contract with the court reporting service.

199—14.16(17A,476) Electronic service.

14.16(1) Service on parties able to receive electronic service. Unless otherwise provided by board rule or order, whenever a document is filed electronically, a "Notice of Electronic Filing" will be generated and sent to the filer and to representatives of the other parties who are able to receive electronic service and who are on the service list. This notice will constitute valid service of electronically filed documents and board orders on parties accepting electronic service. The notice will include a service list providing names, addresses, and E-mail addresses of the persons who were sent the notice. No additional proof or certificate of service is required in matters in which all parties are able to receive electronic service. It is the responsibility of the filer to review the notice to ensure that all parties have been provided notice. All parties are responsible for ensuring that their E-mail accounts are monitored regularly and that E-mail notices sent to the account are opened in a timely manner.

14.16(2) Service on parties for whom electronic service is not available. The service list in each proceeding will be available on the board's Web site. The list will identify the representatives for each party and will also indicate the parties for whom electronic service is not available. Filers must serve a paper copy of any electronically filed document on all persons entitled to service for whom electronic service is not available, unless the parties agree to other arrangements. The date of service shall be the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. A party serving a paper copy of any electronically filed document on a person for whom electronic service is not available shall file a certificate of service stating the manner in which service on such person was accomplished in a form consistent with the requirements of 199—subrule 2.2(16).

14.16(3) Service of board-generated documents. Orders issued by the board will be electronically filed. The electronic filing system will electronically transmit notice of posting of orders to all parties on the service list that are able to receive electronic service. This notice will constitute valid service of the order. The board's records and information center will mail paper copies of orders to parties who are not able to receive electronic service and to others as ordered. The records and information center will include a copy of the notice with the paper copy of the document.

14.16(4) Exceptions. Electronic service through the board's electronic filing system to parties other than the consumer advocate division of the department of justice shall not be used to serve a document which (1) the filer asserts contains confidential material or (2) initiates a proceeding, such as a complaint

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or application, except for orders opening inquiries, investigations, or rule-making proceedings, or other similar proceedings where the board has an electronic service list on file.

14.16(5) *Changes to service list.* Filers wishing to change information on the service list shall file a notice of change of contact information. Other changes to the service list, such as a withdrawal of appearance or substitution of counsel, must be requested by means of an appropriate filing.

These rules are intended to implement Iowa Code sections 17A.4 and 476.2.

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