



# IOWA ADMINISTRATIVE BULLETIN

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NUMBER 11  
Pages 887 to 946

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## PREFACE

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

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

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

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

STEPHANIE A. HOFF, Administrative Code Editor

Telephone: (515)281-3355

Fax: (515)281-5534

### CITATION of Administrative Rules

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

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

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

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

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

## Schedule for Rule Making 2012

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

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
13	Wednesday, December 5, 2012	December 26, 2012
14	Wednesday, December 19, 2012	January 9, 2013
15	Friday, January 4, 2013	January 23, 2013

**PLEASE NOTE:**

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, December 11, 2012, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

### **ACCOUNTANCY EXAMINING BOARD[193A]**

Professional Licensing and Regulation Bureau[193]  
COMMERCE DEPARTMENT[181]"umbrella"

Alternative continuing education cycles, 10.11 Notice **ARC 0459C**..... 11/14/12

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

Definition of "confidential employee," 50.1 Filed **ARC 0460C**..... 11/14/12

### **BLIND, DEPARTMENT FOR THE[111]**

Organization and procedures; personnel; library services; vocational and independent living  
rehabilitation services, amendments to chs 1 to 3, 6, 8 to 11, 13 Filed **ARC 0461C**..... 11/28/12

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

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Public health settings, 10.5(1) Notice **ARC 0471C**..... 11/28/12

Initial registration for dental assistants, 11.6(2)"e," 15.3 Notice **ARC 0473C**..... 11/28/12

Dental assistants, 20.2, 20.4, 20.6 Filed **ARC 0465C**..... 11/28/12

Iowa practitioner program and review committee, 35.1 Notice **ARC 0472C**..... 11/28/12

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

Organization, 1.1 to 1.5 Filed **ARC 0441C**..... 11/14/12

Regional sports authority districts, ch 38 Filed **ARC 0440C**..... 11/14/12

High quality jobs program; application review; wage and benefit requirements; contracting  
procedures, amendments to chs 68, 74, 75, 165, 171 to 175, 187 to 189 Filed **ARC 0442C**..... 11/14/12

Targeted jobs withholding tax credit program—definition of "business," update of references,  
71.1 to 71.6 Notice **ARC 0447C**..... 11/14/12

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

EDUCATION DEPARTMENT[281]"umbrella"

Assessment requirements for Iowa licensure, 13.1(3), 13.3, 13.4, 13.17(1)"a," Notice **ARC 0445C**..... 11/14/12

Elementary endorsement—verification of highly qualified teacher status, 13.26(5) Filed **ARC 0446C**..... 11/14/12

Mathematics—5-8 algebra for high school credit endorsement, 13.28(12) Filed **ARC 0448C**..... 11/14/12

Science teaching endorsement—content requirements, 13.28(17) Filed **ARC 0449C**..... 11/14/12

Special education—update of terminology to "intellectual disability," 14.2 Filed **ARC 0450C**..... 11/14/12

Administrator licenses, 18.7 Notice **ARC 0444C**..... 11/14/12

Renewal of administrator licenses, 19.7 Filed **ARC 0451C**..... 11/14/12

Preliminary native language teaching authorization, 22.5 Notice **ARC 0443C**..... 11/14/12

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

Iowa reading research center, ch 61 Filed **ARC 0475C**..... 11/28/12

Preprofessional skills test for admission to teacher preparation programs; subject assessments  
for teacher candidates, 79.13(2)"c," 79.15 Filed **ARC 0476C**..... 11/28/12

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

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]"umbrella"

Unethical or illegal conduct, 8.2(6)"a" Filed **ARC 0470C**..... 11/28/12

### **PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Supervision of physician assistants, 326.8 Filed **ARC 0462C**..... 11/28/12

### **PUBLIC HEALTH DEPARTMENT[641]**

Plumbing and mechanical systems board—petitions for rule making, ch 36 Filed **ARC 0453C**..... 11/14/12

Plumbing and mechanical systems board—declaratory orders, ch 57 Filed **ARC 0454C**..... 11/14/12

Plumbing and mechanical systems board—agency procedure for rule making, ch 58  
Filed **ARC 0456C**..... 11/14/12

Plumbing and mechanical systems board—fair information practices and public records, ch  
59 Filed **ARC 0457C**..... 11/14/12

Plumbing and mechanical systems board—noncompliance regarding child support,  
nonpayment of state debt, and noncompliance regarding student loan repayment, ch 60  
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Public health response teams, 113.1, 113.2, 113.5 to 113.8 Notice **ARC 0474C**..... 11/28/12

**REGENTS BOARD[681]**

Application fees, 1.7 Notice **ARC 0469C** ..... 11/28/12

**REVENUE DEPARTMENT[701]**

Interest rate for calendar year 2013, 10.2(32) Notice **ARC 0452C**..... 11/14/12

Geothermal heating and cooling systems installed on residential property, 80.29 Filed **ARC 0467C** ..... 11/28/12

Sale or rental of farm machinery and equipment and attachments to self-propelled implements of husbandry, 226.1, 226.19 Filed **ARC 0466C** ..... 11/28/12

Local option sales tax urban renewal projects, 239.1, 239.4, 239.6, 239.9 Filed **ARC 0468C**..... 11/28/12

**SECRETARY OF STATE[721]**

Mechanics' notice and lien registry, ch 45 Filed **ARC 0464C**..... 11/28/12

**SOIL CONSERVATION DIVISION[27]**

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella"

Incentive provisions for soil erosion control—construction conservation practices in calendar year 2012, 10.60, 10.82(1)"d" Filed **ARC 0477C**..... 11/28/12

**TRANSPORTATION DEPARTMENT[761]**

Driver's license suspension—department determination of ability to pay, 615.22 Notice **ARC 0438C**..... 11/14/12

**TREASURER OF STATE[781]**

Deposit and security of public funds in savings and loans, rescind ch 3 Filed **ARC 0463C**..... 11/28/12

**UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]"umbrella"

Pole attachments, 15.5(2), ch 27 Notice **ARC 0455C**..... 11/14/12

**VOLUNTEER SERVICE, IOWA COMMISSION ON[817]**

Iowa youth mentoring program certification, amendments to ch 8 Filed **ARC 0439C**..... 11/14/12

## ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

Senator Merlin Bartz  
2081 410th Street  
Grafton, Iowa 50440

Senator Thomas Courtney  
2609 Clearview  
Burlington, Iowa 52601

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

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

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

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

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

Representative Guy Vander Linden  
1610 Carbonado Road  
Oskaloosa, Iowa 52577

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

**ACCOUNTANCY EXAMINING BOARD[193A]**

Alternative continuing education cycles, 10.11 IAB 11/14/12 <b>ARC 0459C</b>	Board Office 1920 S.E. Hulsizer Rd. Ankeny, Iowa	December 4, 2012 9 a.m.
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**DENTAL BOARD[650]**

Public health settings, 10.5(1) IAB 11/28/12 <b>ARC 0471C</b>	Board Office, Suite D 400 S.W. 8th St. Des Moines, Iowa	January 8, 2013 2:30 p.m.
Initial registration for dental assistants, 11.6(2), 15.3 IAB 11/28/12 <b>ARC 0473C</b>	Board Office, Suite D 400 S.W. 8th St. Des Moines, Iowa	January 8, 2013 10 a.m.
Iowa practitioner program and review committee, 35.1 IAB 11/28/12 <b>ARC 0472C</b>	Board Office, Suite D 400 S.W. 8th St. Des Moines, Iowa	January 8, 2013 11 a.m.

**EDUCATIONAL EXAMINERS BOARD[282]**

Assessment requirements for Iowa licensure, 13.1(3), 13.3, 13.4, 13.17(1) IAB 11/14/12 <b>ARC 0445C</b>	Room 3 Southwest, Third Floor Grimes State Office Building Des Moines, Iowa	December 5, 2012 1 p.m.
Administrator licenses, 18.7 IAB 11/14/12 <b>ARC 0444C</b>	Room 3 Southwest, Third Floor Grimes State Office Building Des Moines, Iowa	December 5, 2012 1 p.m.
Preliminary native language teaching authorization, 22.5 IAB 11/14/12 <b>ARC 0443C</b>	Room 3 Southwest, Third Floor Grimes State Office Building Des Moines, Iowa	December 5, 2012 1 p.m.

**TRANSPORTATION DEPARTMENT[761]**

Driver's license suspension—department determination of ability to pay, 615.22 IAB 11/14/12 <b>ARC 0438C</b>	Motor Vehicle Division Offices 6310 S.E. Convenience Blvd. Ankeny, Iowa	December 6, 2012 10 a.m. (If requested)
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**UTILITIES DIVISION[199]**

Pole attachments, 15.5(2), ch 27 IAB 11/14/12 <b>ARC 0455C</b>	Board Hearing Room 1375 E. Court Ave. Des Moines, Iowa	February 12, 2013 1 p.m.
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The following list will be updated as changes occur.

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

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

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

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ARC 0471C

**DENTAL BOARD[650]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 147.76, the Dental Board hereby gives Notice of Intended Action to amend Chapter 10, “General Requirements,” Iowa Administrative Code.

This proposed amendment expands the definition of “public health settings” to include programs affiliated with the Early Childhood Iowa (ECI) initiative authorized by Iowa Code chapter 256I and day care centers (excluding home-based day care centers).

Written comments about the proposed amendment will be accepted through January 8, 2013. Comments should be directed to Melanie Johnson, Executive Director, Iowa Dental Board, 400 SW 8th Street, Suite D, Des Moines, Iowa 50309-4687; or by e-mail to [Melanie.Johnson@iowa.gov](mailto:Melanie.Johnson@iowa.gov).

A public hearing will be held on January 8, 2013, at 2:30 p.m. at the office of the Iowa Dental Board located at 400 SW 8th Street, Suite D, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any person who plans to attend the public hearing and who may have special requirements, such as those related to hearing or mobility impairments, should contact the Board office and indicate what specific assistance is needed.

This proposed amendment was approved at the October 25, 2012, meeting of the Dental Board.

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

This amendment is intended to implement Iowa Code section 153.33.

The following amendment is proposed.

Amend subrule 10.5(1) as follows:

**10.5(1) Public health settings defined.** For the purposes of this rule, public health settings are limited to schools; Head Start programs; programs affiliated with the early childhood Iowa (ECI) initiative authorized by Iowa Code chapter 256I; day care centers (excluding home-based day care centers); federally qualified health centers; public health dental vans; free clinics; nonprofit community health centers; nursing facilities; and federal, state, or local public health programs.

ARC 0473C

**DENTAL BOARD[650]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 147.76, the Dental Board hereby gives Notice of Intended Action to amend Chapter 11, “Licensure to Practice Dentistry or Dental Hygiene,” and Chapter 15, “Fees,” Iowa Administrative Code.

These proposed amendments correct a cross reference in the rules applicable to dental hygiene licensure by credentials and streamline the initial registration process for dental assistants applying for registration within three months of the next renewal due date. Dental assistant applicants applying close

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

to a renewal cycle will pay the application fee and the renewal fee at the same time. Their registrations will be issued for a period of 24 months plus the amount of time remaining until the next renewal due date. This change will eliminate the need for applicants to submit two separate applications and fees within one three-month period. Similar rule amendments were adopted for the initial licensure and renewal for dentists and dental hygienists. The proposed amendments extend the same simplified process to dental assistant applicants.

Written comments about the proposed amendments will be accepted through January 8, 2013. Comments should be directed to Melanie Johnson, Executive Director, Iowa Dental Board, 400 SW 8th Street, Suite D, Des Moines, Iowa 50309-4687; or by e-mail to [Melanie.Johnson@iowa.gov](mailto:Melanie.Johnson@iowa.gov).

A public hearing will be held on January 8, 2013, at 10 a.m. at the office of the Iowa Dental Board located at 400 SW 8th Street, Suite D, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who plans to attend the public hearing and who may have special requirements, such as those related to hearing or mobility impairments, should contact the Board office and indicate what specific assistance is needed.

These proposed amendments were approved at the October 25, 2012, meeting of the Dental Board.

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

These amendments are intended to implement Iowa Code sections 153.33 and 153.39.

The following amendments are proposed.

ITEM 1. Amend subparagraph **11.6(2)“e”(1)** as follows:

(1) Passed an examination approved by the board in accordance with Iowa Code section 147.34(1) and administered by a regional or national testing service. The clinical examinations approved by the board are specified in 650—subrule ~~12.4(5)~~ 12.3(5).

ITEM 2. Amend subrules 15.3(13) and 15.3(14) as follows:

**15.3(13)** *Dental assistant registration only application.* ~~The fee for an application for registration as a registered dental assistant is \$40.~~

*a. Application fee.* The application fee for dental assistant registration is \$40.

*b. Initial registration period and renewal period.* If an applicant applies within three months or less of a biennial renewal due date, the applicant shall pay the renewal fee along with the registration application fee. A dental assistant registration shall not be issued for a period less than three months or longer than two years and three months. Thereafter, a registrant shall pay the renewal fee as specified in 650—15.4(153).

**15.3(14)** *Combined application—dental assistant registration and qualification in radiography.* ~~The fee for a combined application for both registration as a registered dental assistant and radiography qualification is \$60.~~

*a. Application fee.* The application fee for a combined application for both registration as a registered dental assistant and radiography qualification is \$60.

*b. Initial combined registration and radiography qualification period and renewal period.* If an applicant applies within three months or less of a biennial renewal due date, the applicant shall pay the renewal fee along with the combined registration/radiography qualification application fee. A dental assistant registration and radiography qualification shall not be issued for a period less than three months or longer than two years and three months. Thereafter, the applicant shall pay the renewal fee as specified in 650—15.4(153).

ARC 0472C

**DENTAL BOARD[650]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 147.76, the Dental Board hereby gives Notice of Intended Action to amend Chapter 35, “Iowa Practitioner Review Committee,” Iowa Administrative Code.

These proposed amendments remove term limits for membership on the Iowa Practitioner Review Committee; provide for terms which begin on May 1 and end on April 30; require an annual election of a chairperson and vice chairperson whose terms begin on May 1; and clarify that participation in the program occurs through either a practitioner’s self-reporting or a referral from the Dental Board. The proposed amendments bring the Committee’s practices in line with other committees of the Dental Board.

Written comments about the proposed amendments will be accepted through January 8, 2013. Comments should be directed to Melanie Johnson, Executive Director, Iowa Dental Board, 400 SW 8th Street, Suite D, Des Moines, Iowa 50309-4687; or by e-mail to [Melanie.Johnson@iowa.gov](mailto:Melanie.Johnson@iowa.gov).

A public hearing will be held on January 8, 2013, at 11 a.m. at the office of the Iowa Dental Board located at 400 SW 8th Street, Suite D, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who plans to attend the public hearing and who may have special requirements, such as those related to hearing or mobility impairments, should contact the Board office and indicate what specific assistance is needed.

These proposed amendments were approved at the October 25, 2012, meeting of the Dental Board.

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

These amendments are intended to implement Iowa Code section 153.33.

The following amendments are proposed.

ITEM 1. Amend subrule 35.1(3) as follows:

**35.1(3) *Composition of the committee.*** The chairperson of the board shall appoint the members of the IPRC. Committee members, except the executive director, shall be appointed for three-year terms, ~~for a maximum of three terms which begin on May 1 and terminate on April 30.~~ The committee shall elect a chairperson and vice chairperson annually at the last meeting of each calendar year to begin serving a one-year term on January 1 closest to April 30. The chairperson and vice chairperson will serve one-year terms beginning on May 1. The membership of the IPRC may include, but is not limited to:

- a. Executive director of the board or the director’s designee from the board’s staff;
- b. One practitioner who has remained free of addiction for a period of no less than two years following successful completion of a board-approved recovery program, a board-ordered probation for drug or alcohol dependency, addiction, or abuse, or an IPRC contract;
- c. One physician/counselor with expertise in substance abuse/addiction treatment programs;
- d. One psychiatrist or one psychologist; and
- e. One public member.

ITEM 2. Amend subrule 35.1(4) as follows:

**35.1(4) *Eligibility.*** To be eligible for participation in the IPP, a practitioner must self-report an impairment or suspected impairment directly to the office of the board or be referred by the board pursuant to rule 650—35.2(272C). A practitioner is deemed ineligible to participate in the program if the license committee or IPRC finds sufficient evidence of any of the following:

DENTAL BOARD[650](cont'd)

- a. The practitioner is engaged in the unlawful diversion or distribution of controlled substances or illegal substances to a third person or for personal profit or gain;
- b. At the time of the self-report, the practitioner is already under board order for an impairment or any other violation of the laws and rules governing the practice of the profession;
- c. The practitioner has caused harm or injury to a patient;
- d. There is currently a board investigation of the practitioner that concerns serious matters related to the ability to practice with reasonable safety and skill or in accordance with the accepted standards of care;
- e. The practitioner has been subject to a civil administrative or criminal sanction, or ordered to make reparations or remuneration by a government or regulatory authority of the United States, this or any other state or territory or a foreign nation for actions that the committee determines to be serious infractions of the laws, administrative rules, or professional ethics related to the practice of dentistry, dental hygiene, or dental assisting;
- f. The practitioner provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the board or committee; or
- g. There is currently a complaint before the board related to an impairment.

**ARC 0474C**

## **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 135.143, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 113, “Public Health Response Teams,” Iowa Administrative Code.

The rules in Chapter 113 describe how the Division of Acute Disease Prevention and Emergency Response, Center for Disaster Operations and Response, establishes, registers, and approves public health response teams to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources in the event of a disaster or threatened disaster or other incident as defined in Iowa Code section 135.143. The current language defines priorities and provides guidance related to specific teams. The number and scope of the teams have been distinctly defined since Chapter 113 was originally adopted. The term “public health response team” currently includes disaster medical assistance teams, an environmental health response team, a logistical support response team, and an Iowa mortuary operational response team. The epidemiological response team is no longer supported. These amendments broaden the priorities and guidance to include all the teams, rather than have language limited to specific guidance for individual teams.

Any interested person may make written suggestions or comments on these amendments on or before December 18, 2012. Written materials should be directed to Rebecca Curtiss, Department of Public Health, 321 E. 12th Street, Des Moines, Iowa 50319-0075; fax (515)242-6335; e-mail [rebecca.curtiss@idph.iowa.gov](mailto:rebecca.curtiss@idph.iowa.gov).

After analysis and review of this rule making, no impact on jobs has been found. These amendments do not change the scope of work or duties of the response teams.

These amendments are intended to implement Iowa Code section 135.143.

The following amendments are proposed.

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 1. Rescind the definitions of “Epidemiology response team,” “Physician,” “Registered nurse” and “Sponsor agency” in rule **641—113.1(135)**.

ITEM 2. Adopt the following **new** definitions of “Iowa mortuary operational response team” and “Logistical support response team” in rule **641—113.1(135)**:

“*Iowa mortuary operational response team*” or “*IMORT*” means a public health response team that is sponsored and approved by the department to provide decedent care in the event of a mass fatality disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

“*Logistical support response team*” or “*LSRT*” means a public health response team that is sponsored and approved by the department to provide logistical support and assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

ITEM 3. Amend rule **641—113.1(135)**, definitions of “Public health response team” and “Public health response team member,” as follows:

“*Public health response team*” or “*PHRT*” means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, that is sponsored by the department, a hospital or other entity and approved by the department to provide assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143. “Public health response team” shall include disaster medical assistance teams, an environmental health response team, epidemiology response teams, a logistical support response team, the Iowa mortuary operational response team and other teams established and approved upon written order of the director, to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources.

“*Public health response team member*,” “*DMAT member*,” “*EHRT member*,” or “*EpiRT PHRT member*” means an individual who has registered with the department and has received approval from the department to serve on a public health response team.

ITEM 4. Amend subrule 113.2(1), introductory paragraph, as follows:

**113.2(1)** The department, through the division of acute disease prevention and emergency response, center for disaster operations and response, shall establish, register, and approve public health response teams, ~~including at a minimum five DMATs and one EHRT,~~ to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources in the event of a disaster or threatened disaster or other incident as defined in Iowa Code section 135.143. The primary purpose of the public health response teams is to respond to Iowa incidents and to provide support for Iowa medical and public health personnel, hospitals, and resources. A public health response team may also be requested to respond to an out-of-state disaster or emergency pursuant to the Emergency Management Assistance Compact at Iowa Code section 29C.21.

ITEM 5. Amend subrule 113.2(2) as follows:

**113.2(2)** ~~DMAT and EHRT~~ PHRTs shall be established, registered and approved pursuant to this chapter. ~~Other~~ Additional PHRTs may be established, registered and approved as necessary upon written order of the director.

ITEM 6. Amend rule 641—113.5(135) as follows:

**641—113.5(135) Disaster medical assistance Public health response team.**

**113.5(1) General requirements.**

a. An entity may make application to the department to be a sponsor agency of a DMAT PHRT pursuant to subrule 113.3(1). An individual may make application to the department to be a member of a DMAT PHRT pursuant to subrule 113.4(1).

b. The department, in conjunction with the sponsor agencies, shall establish the DMAT operational procedures Iowa Volunteer Public Health Response Team Operational Procedures Manual. The operational procedures shall be in writing and shall be provided to each DMAT PHRT member. All DMAT PHRT members and sponsor agencies shall follow the DMAT PHRT operational procedures as established by the department. The Iowa DMAT Volunteer Public Health Response Team Operational

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

Procedures Manual is available through the Iowa Department of Public Health, Center for Disaster Operations and Response, Lucas State Office Building, Des Moines, Iowa 50319-0075.

c. If the department notifies a ~~DMAT~~, DMAT PHRT member, or sponsor agency of a violation of Iowa Code section 135.143, this chapter, or an operational procedure, the ~~DMAT~~, DMAT PHRT member, or sponsor agency shall correct the deficiency or violation identified by the department within a time frame determined by the department. If a ~~DMAT~~, DMAT PHRT member, or sponsor agency fails to correct a deficiency or violation within the time frame identified by the department, or if the deficiency or violation constitutes an immediate danger to the public health, safety, or welfare, the department may initiate action to revoke approval pursuant to subrule 113.3(2) or 113.4(2).

**113.5(2) Team composition.**

a. A ~~DMAT~~ PHRT shall be comprised of ~~a minimum of 35~~ health care professionals and administrative personnel as identified in the Iowa ~~DMAT~~ Volunteer Public Health Response Team Operational Procedures Manual.

b. The sponsor agency for each team shall be responsible for maintaining adequate staffing.

**113.5(3) Licensure and educational requirements.**

a. Each ~~DMAT~~ PHRT member shall hold and maintain an active unrestricted license, registration, or certification to practice in Iowa in the member's respective medical or health care profession.

b. Each ~~DMAT~~ PHRT member shall complete ~~the following courses or shall complete other substantially similar courses approved by the department:~~ required training as listed in the Iowa Volunteer Public Health Response Team Operational Procedures Manual, including training specified in respective team annexes.

~~(1) Incident command structure;~~

~~(2) Weapons of mass destruction awareness; and~~

~~(3) Hazardous materials awareness or operations.~~

c. In addition to the requirements in paragraph 113.5(3) "b," the ~~DMAT's~~ PHRT leadership shall complete training ~~in:~~ as specified in the team annex to the Iowa Volunteer Public Health Response Team Operational Procedures Manual.

~~(1) Hospital emergency incident command structure; and~~

~~(2) Risk communication.~~

d. A sponsor agency shall provide specific position training to ~~DMAT~~ PHRT members as determined to be necessary by the sponsor agency and as approved by the department.

e. A sponsor agency, in conjunction with the department, shall develop and implement training exercises to test the team's notification process, deployment readiness, and response capabilities.

f. The sponsor agency shall be responsible for documenting each ~~DMAT~~ PHRT member's completion of required training.

**113.5(4) Deployment and standdown.**

a. ~~DMATs~~ PHRTs shall prepare to deploy within two to four hours of notification by the department. ~~DMATs~~ PHRTs shall not self-deploy and shall not be covered by the provisions of Iowa Code section 135.143 and this chapter if ~~self-deployed~~ the PHRTs self-deploy or are deployed by another agency or entity.

b. On-call team schedules shall be established and distributed by the department and shall be followed by the ~~DMATs~~ PHRTs and sponsor agencies.

c. Deployment and standdown procedures are outlined in the Iowa ~~DMAT~~ Volunteer Public Health Response Team Operational Procedures Manual and shall be followed by all ~~DMAT~~ PHRT members.

ITEM 7. Rescind rule ~~641—113.6(135)~~.

ITEM 8. Renumber rules ~~641—113.7(135)~~ and ~~641—113.8(135)~~ as ~~641—113.6(135)~~ and ~~641—113.7(135)~~.

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**REGENTS BOARD[681]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 262.9(3), the Board of Regents hereby gives Notice of Intended Action to amend Chapter 1, “Admission Rules Common to the Three State Universities,” Iowa Administrative Code.

This amendment condenses the “undergraduate domestic student” and “nondegree student” fees into one fee for each of the three universities; renames the “graduate domestic student” fee as the “graduate/professional domestic student” fee for both the University of Northern Iowa and Iowa State University; renames the “graduate international student” fee as the “graduate/professional international student” fee for both the University of Northern Iowa and Iowa State University; increases the graduate application fees for Iowa State University; and adds a reentry fee for the University of Northern Iowa. The changes in the fee titles allow for consistency among the universities. The fee increases at Iowa State University and the establishment of the new fee at the University of Northern Iowa help cover processing costs.

Any interested person may make written comments on the proposed amendment on or before December 18, 2012, addressed to Marcia Brunson, Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, Iowa 50322-7905; fax (515)281-6421; or e-mail [mbruns@iastate.edu](mailto:mbruns@iastate.edu).

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

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

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

The following amendment is proposed.

Amend rule 681—1.7(262) as follows:

**681—1.7(262) Application fees.** Application fees required for admission to the University of Iowa, Iowa State University and the University of Northern Iowa are as follows:

University of Iowa

Undergraduate domestic student <u>and nondegree student</u>	\$40
Undergraduate international student	\$85
Graduate/professional domestic student	\$60
Graduate/professional international student	\$100
PharmD student	\$100
Reentry fee	\$20
<del>Nondegree student</del>	<del>\$40</del>

## REGENTS BOARD[681](cont'd)

## Iowa State University

Undergraduate domestic student <u>and nondegree student</u>	\$40
Undergraduate international student	\$50
Graduate/ <u>professional</u> domestic student	<del>\$40</del> <u>\$60</u>
Graduate/ <u>professional</u> international student	<del>\$90</del> <u>\$100</u>
Veterinary Medicine	\$75
<del>Nondegree student</del>	\$40

## University of Northern Iowa

Undergraduate domestic student <u>and nondegree student</u>	\$40
Undergraduate international student	\$50
Graduate/ <u>professional</u> domestic student	\$50
Graduate/ <u>professional</u> international student	\$70
<del>Nondegree student</del>	\$40
<u>Reentry fee</u>	<u>\$20</u>

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

## 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 2012 by each taxpayer to determine the tax due for each taxpayer in the 2013-2014 fiscal year.

#### 2012 ELECTRIC DELIVERY TAX RATES BY SERVICE AREA

CO. #	MUNICIPAL ELECTRICS	DELIVERY TAX RATE
3226	Akron Municipal Utilities	0.00005587
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	0.00000094
3071	Anita Municipal Utilities	0.00000000
3227	Anthon Municipal Electric Utility	0.00012866
3209	Atlantic Municipal Utilities	0.00024840
3073	Auburn Municipal Utility	0.00000000
3074	Aurelia Mun. Electric Utility	0.00007585

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>MUNICIPAL ELECTRICS</b>	<b>DELIVERY TAX RATE</b>
3211	Bancroft Municipal Utilities	0.00087760
3213	Bellevue Municipal Utilities	0.00008756
3228	Bigelow Municipal Electric Utility	0.00174202
3229	Bloomfield Municipal Electric Utility	0.00003481
3075	Breda Mun. Electric System	0.00000000
3076	Brooklyn Municipal Utilities	0.00162223
3216	Buffalo Municipal Electric System	0.00000215
3217	Burt Municipal Electric Utility	0.00000190
3077	Callender Electric	0.00000000
3078	Carlisle Municipal Utilities	0.00000000
3079	Cascade Municipal Utilities	0.00143518
3221	Cedar Falls Municipal Elec. Utility	0.00030357
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
3230	City of Fredericksburg	0.00000507
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	0.00007414
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	0.00004637
3237	Coon Rapids Municipal Utilities	0.00042603
3242	Corning Municipal Utilities	0.00029978
3080	Corwith Municipal Utilities	0.00000000
3243	Danville Municipal Electric Utility	0.00000384
3081	Dayton Light & Power	0.00000000
3244	Denison Municipal Utilities	0.00001027
3245	Denver Municipal Electric Utility	0.00006206
3083	Durant Municipal Electric Plant	0.00000000
3084	Dysart Municipal Utilities	0.00000000
3085	Earlville Municipal Utilities	0.00114964
3087	Ellsworth Municipal Utilities	0.00000000
3091	Fonda Municipal Electric	0.00000000
3252	Fontanelle Municipal Utilities	0.00032282
3092	Forest City Municipal Utilities	0.00000000
3231	Glidden Municipal Electric Utility	0.00000195

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>MUNICIPAL ELECTRICS</b>	<b>DELIVERY TAX RATE</b>
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	0.00114896
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	0.00006822
3267	Hopkinton Municipal Utilities	0.00000720
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
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	0.00027651
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	0.00011564
3112	Manning Municipal Electric	0.00022981
3284	Mapleton Municipal Utilities	0.00008732
3285	Maquoketa Municipal Electric	0.00004721
3288	McGregor Municipal Utilities	0.00000695
3291	Milford Municipal Utilities	0.00017400
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	0.00009815
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

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>MUNICIPAL ELECTRICS</b>	<b>DELIVERY TAX RATE</b>
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	0.00001643
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	0.00000087
3323	Southern Minnesota Mun. Power	0.00000000
3324	Spencer Municipal Utilities	0.00010954
3132	Stanhope Municipal Utilities	0.00000000
3360	Stanton Municipal Utilities	0.00000000
3326	State Center Municipal Light Plant	0.00031087
3327	Story City Municipal Electric Utility	0.00011022
3134	Stratford Municipal Utilities	0.00000000
3135	Strawberry Point Electric Utility	0.00000000
3136	Stuart Municipal Utilities	0.00128625
3328	Sumner Municipal Light Plant	0.00023250
3330	Tipton Municipal Utilities	0.00149179
3332	Traer Municipal Utilities	0.00064941
3337	Villisca Municipal Power Plant	0.00020737
3137	Vinton Municipal Utilities	0.00000000
3138	Wall Lake Municipal Utilities	0.00000000
3338	Waverly Light & Power	0.00072786
3342	Webster City Municipal Utilities	0.00039282
3345	West Bend Municipal Power Plant	0.00087382
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

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>IOU's — ELECTRIC</b>	<b>DELIVERY TAX RATE</b>
7206	Amana Society Service Co.	0.00056524
7248	Eldridge Electric & Water Utilities	0.00053727
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	0.00120095
7334	Union Electric	0.00000000

<b>CO. #</b>	<b>REC's</b>	<b>DELIVERY TAX RATE</b>
4319	Access Energy Coop	0.00075412
4203	Allamakee Clayton Electric Coop	0.00093586
4208	Atchison-Holt Electric Coop	0.00093279
4214	Boone Valley Electric Coop	0.00090381
4218	Butler County REC	0.00069530
4219	Calhoun County Electric Coop	0.00124147
4220	Cass Electric Coop	0.00004365
4224	Central Iowa Power Coop	0.00000000
4225	Chariton Valley Electric Coop	0.00102029
4235	Clarke Electric Coop	0.00267985
4287	Consumers Energy	0.00209921
4240	Corn Belt Power Coop	0.00000000
4246	East-Central Iowa REC	0.00194547
4247	Eastern Iowa Light & Power	0.00068026
4250	Farmers Electric Coop - Greenfield	0.00237767
4249	Farmers Electric Coop - Kalona	0.00040105
4251	Federated Rural Electric Association	0.00040981
4253	Franklin Rural Electric Coop	0.00082787
4254	Freeborn-Mower Cooperative	0.00101444
4255	Glidden Rural Electric Coop	0.00051684
4259	Grundy County REC	0.00093253
4260	Grundy Electric Cooperative	0.00052127
4261	Guthrie County REC	0.00132141
4262	Hancock Co. REC	0.00105435
4265	Harrison County REC	0.00078253
4266	Hawkeye Tri-County Electric Coop	0.00052236
4223	Heartland Power Coop	0.00036539
4268	Humboldt County REC	0.00099957
4273	Iowa Lakes Electric Coop	0.00061700
4279	Linn County REC	0.00145026

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>REC's</b>	<b>DELIVERY TAX RATE</b>
4280	Lyon Rural Electric Coop	0.00061202
4286	Maquoketa Valley Electric Coop	0.00221262
4290	Midland Power Cooperative	0.00116065
4299	Nishnabotna Valley REC	0.00064658
4300	North West Rural Electric Coop	0.00034819
4301	Northwest Iowa Power Coop	0.00000000
4308	Osceola Electric Coop	0.00034241
4310	Pella Cooperative Electric	0.00194961
4313	Pleasant Hill Community Line	0.00021125
4316	Rideta Electric Coop	0.00274284
4320	Sac County Rural Electric Coop	0.00078707
4322	Southern Iowa Electric Coop	0.00134566
4379	Southwest Iowa Service Coop	0.00284449
4329	T.I.P. Rural Electric Coop	0.00207423
4333	Tri County Electric Coop	0.00125083
4336	United Electric Coop	0.00112324
4348	Western Iowa Power Coop	0.00093858
4352	Woodbury County REC	0.00110627
4353	Wright County REC	0.00053840

**2012 NATURAL GAS DELIVERY TAX RATES BY SERVICE AREA**

<b>CO. #</b>	<b>MUNICIPAL GAS</b>	<b>DELIVERY TAX RATE</b>
5021	Bedford Municipal Gas	0.00000000
5215	Brighton Gas	0.00659847
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	0.00003652
5241	Corning Municipal Gas	0.00000659
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

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>MUNICIPAL GAS</b>	<b>DELIVERY TAX RATE</b>
5275	Lamoni Municipal Gas	0.00088799
5037	Lenox Municipal Gas	0.00000000
5038	Lineville City Natural Gas	0.00000000
5039	Lorimor Municipal Gas	0.00000000
5281	Manilla Municipal Gas	0.00040945
5283	Manning Municipal Gas	0.00015233
5040	Montezuma Natural Gas	0.00000000
5041	Morning Sun Municipal Gas	0.00000000
5042	Moulton Municipal Gas	0.00000000
5306	Osage Municipal Gas	0.00004004
5043	Prescott Municipal Gas	0.00000000
5044	Preston Municipal Gas	0.00000000
5055	Remsen Municipal Gas	0.00000000
5317	Rock Rapids Municipal Gas	0.00008272
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	0.00032608
5064	Wellman Municipal Gas	0.00000000
5344	West Bend Municipal Gas	0.00002027
5065	Whittemore Municipal Gas	0.00000000
5349	Winfield Municipal Gas	0.00045910
5066	Woodbine Gas	0.00000000

<b>CO. #</b>	<b>IOU's — GAS</b>	<b>DELIVERY TAX RATE</b>
5204	Allerton Gas	0.02530723
5270	IES Utilities	0.00778056
5272	Interstate Power	0.00252602
5289	MidAmerican Energy	0.01057313
5312	Peoples Natural Gas	0.00680931
5335	United Cities Gas	0.01371598

## REVENUE DEPARTMENT(cont'd)

**2012 MUNICIPAL ELECTRIC TRANSFER REPLACEMENT TAX RATES**

<b>CO. #</b>	<b>COMPANY</b>	<b>REPLACEMENT TAX RATE</b>
3226	Akron Municipal Utilities	0.00544685
3201	Algona Municipal Utilities	*
3205	Alta Municipal Power Plant	0.00302858
3069	Alta Vista Municipal Utilities	*
3070	Alton Municipal Light & Power	0.00211033
3207	Ames Municipal Electric System	*
3071	Anita Municipal Utilities	0.00506089
3227	Anthon Municipal Electric Utility	0.00253080
3209	Atlantic Municipal Utilities	0.00303296
3073	Auburn Municipal Utility	0.00932438
3074	Aurelia Municipal Electric Utility	0.00120389
3211	Bancroft Municipal Utilities	*
3213	Bellevue Municipal Utilities	0.00822132
3229	Bloomfield Municipal Electric Utility	0.03255264
3075	Breda Municipal Electric System	0.00000000
3076	Brooklyn Municipal Utilities	0.00000000
3216	Buffalo Municipal Electric System	0.00000000
3217	Burt Municipal Electric Utility	*
3077	Callender Electric	0.00000000
3078	Carlisle Municipal Utilities	0.00000000
3079	Cascade Municipal Utilities	0.00000000
3221	Cedar Falls Mun. Electric Utility	0.00263701
3068	City of Afton	0.00438954
3072	City of Aplington	0.00879576
3082	City of Dike	0.00000000
3088	City of Estherville	0.01668073
3089	City of Fairbank	0.01111169
3090	City of Farnhamville	0.00000000
3230	City of Fredericksburg	*
3106	City of Larchwood	0.00000000
3107	City of Lawler	0.00432266
3108	City of Lehigh	0.00000000
3113	City of Marathon	0.00334444
3311	City of Pella	0.00302074
3125	City of Renwick	*
3129	City of Sergeant Bluff	*
3139	City of Westfield	*
3143	City of Woolstock	*
3236	Coggon Municipal Light Plant	*
3237	Coon Rapids Municipal Utilities	0.00503412
3242	Corning Municipal Utilities	*
3080	Corwith Municipal Utilities	*

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>COMPANY</b>	<b>REPLACEMENT TAX RATE</b>
3243	Danville Municipal Electric Utility	0.00350912
3081	Dayton Light & Power	0.00222206
3244	Denison Municipal Utilities	0.00231086
3245	Denver Municipal Electric Utility	*
3083	Durant Municipal Electric Plant	0.00000000
3084	Dysart Municipal Utilities	*
3085	Earlville Municipal Utilities	*
3086	Eldridge Electric & Water Utility	*
3087	Ellsworth Municipal Utilities	0.00810027
3091	Fonda Municipal Electric	0.01246901
3252	Fontanelle Municipal Utilities	0.00000000
3092	Forest City Municipal Utilities	0.00439502
3231	Glidden Municipal Electric Utility	0.01044240
3093	Gowrie Municipal Utilities	0.00293272
3256	Graettinger Municipal Light Plant	0.00174397
3094	Grafton Municipal Utilities	0.00670139
3258	Grand Junction Municipal Utilities	*
3095	Greenfield Municipal Utilities	0.00280570
3096	Grundy Center Light & Power	0.00140651
3232	Guttenberg Municipal Electric	0.00987980
3263	Harlan Municipal Utilities	*
3097	Hartley Municipal Utilities	0.00164046
3098	Hawarden Municipal Utility	0.00905938
3099	Hinton Municipal Electric/Water	0.00112604
3267	Hopkinton Municipal Utilities	*
3100	Hudson Municipal Utilities	0.00072314
3101	Independence Light & Power	*
3271	Indianola Municipal Utilities	0.00379057
3102	Keosauqua Light & Power	0.00000000
3103	Kimballton Municipal Utilities	*
3104	Lake Mills Municipal Utilities	0.00508305
3105	Lake Park Municipal Utilities	0.00304544
3233	Lake View Municipal Utilities	0.00851353
3274	Lamoni Municipal Utilities	0.00213271
3276	LaPorte City Utilities	0.00310341
3277	Laurens Municipal Utilities	0.00456744
3109	Lenox Municipal Light & Power	0.00021909
3110	Livermore Municipal Utilities	0.00992146
3111	Long Grove Mun. Elec./Water	0.00000000
3282	Manilla Municipal Elec. Utilities	0.00211952
3112	Manning Municipal Electric	*
3284	Mapleton Municipal Utilities	0.00737850
3285	Maquoketa Municipal Electric	0.00220892
3288	McGregor Municipal Utilities	0.00192898

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>COMPANY</b>	<b>REPLACEMENT TAX RATE</b>
3291	Milford Municipal Utilities	0.00000000
3114	Montezuma Municipal Light & Power	0.00228307
3115	Mount Pleasant Municipal Utilities	0.00142533
3293	Muscatine Municipal Utilities	0.00000000
3116	Neola Light & Water System	0.00238904
3297	New Hampton Municipal Light Plant	0.00279767
3298	New London Municipal Utility	0.00413778
3304	Ogden Municipal Utilities	0.00216107
3234	Onawa Municipal Utilities	0.00258763
3117	Orange City Municipal Utilities	0.00234810
3118	Orient Municipal Utilities	*
3307	Osage Municipal Utilities	0.00111073
3309	Panora Municipal Electric Utility	0.00141525
3119	Paton Municipal Utilities	0.06763365
3120	Paullina Municipal Utilities	0.00705886
3121	Pocahontas Municipal Utilities	0.00640904
3122	Preston Municipal Utilities	0.00456036
3315	Primghar Municipal Light Plant	*
3123	Readlyn Municipal Utilities	0.00000000
3124	Remsen Municipal Utilities	*
3318	Rock Rapids Municipal Utilities	*
3126	Rockford Municipal Light Plant	0.00000000
3127	Sabula Municipal Utilities	0.00040139
3128	Sanborn Municipal Light & Plant	*
3130	Shelby Municipal Utilities	*
3131	Sibley Municipal Utilities	0.00033289
3321	Sioux Center Municipal Utilities	0.00309689
3324	Spencer Municipal Utilities	0.00454326
3132	Stanhope Municipal Utilities	0.01074874
3360	Stanton Municipal Utilities	0.00252254
3326	State Center Municipal Light Plant	0.00682765
3327	Story City Municipal Electric Utility	*
3134	Stratford Municipal Utilities	0.00846356
3135	Strawberry Point Electric Utility	0.00000000
3136	Stuart Municipal Utilities	0.00192849
3328	Sumner Municipal Light Plant	*
3330	Tipton Municipal Utilities	*
3332	Traer Municipal Utilities	0.00694287
3337	Villisca Municipal Power Plant	0.00000000
3137	Vinton Municipal Utilities	0.00405276
3138	Wall Lake Municipal Utilities	*
3338	Waverly Light & Power	0.00654907
3342	Webster City Municipal Utilities	0.00579340
3345	West Bend Municipal Power Plant	0.00204483

## REVENUE DEPARTMENT(cont'd)

CO. #	COMPANY	REPLACEMENT TAX RATE
3346	West Liberty Municipal Electric Util.	*
3347	West Point Municipal Utility System	0.00461217
3140	Whittemore Municipal Utilities	*
3141	Wilton Municipal Light & Power	0.00000000
3351	Winterset Municipal Utilities	0.00450329
3142	Woodbine Municipal Utilities	*
3143	Woolstock Municipal Utilities	0.00000000

\*No rate provided to the Department by the Municipal

## 2012 MUNICIPAL NATURAL GAS TRANSFER REPLACEMENT TAX RATES

CO. #	COMPANY	REPLACEMENT TAX RATE
5401	Alton Municipal Gas	*
5021	Bedford Municipal Gas	0.11530132
5215	Brighton Gas	0.01668168
5023	Brooklyn Municipal Gas	0.00000000
5024	Cascade Municipal Gas	0.00000000
5025	Cedar Falls Municipal Gas	0.01028976
5022	City of Bloomfield	0.16876766
5026	City of Clearfield	*
5028	City of Everly	0.90329127
5029	City of Fairbank	0.01730053
5238	Coon Rapids Municipal Gas	0.00585929
5241	Corning Municipal Gas	0.00000000
5027	Emmetsburg Municipal Gas	0.03542805
5030	Gilmore City Municipal Gas	*
5031	Graettinger Municipal Gas	*
5032	Guthrie Center Municipal Gas	0.00000000
5033	Harlan Municipal Gas	1.15185657
5034	Hartley Municipal Gas	0.03396916
5035	Hawarden Municipal Gas	0.78799392
5036	Lake Park Municipal Gas	0.01166254
5275	Lamoni Municipal Gas	0.00784408
5037	Lenox Municipal Gas	*
5038	Lineville City Natural Gas	0.00000000
5039	Lorimor Municipal Gas	0.00000000
5281	Manilla Municipal Gas	0.07003958
5283	Manning Municipal Gas	0.02167242
5402	Mapleton Municipal Gas	0.00000000
5040	Montezuma Natural Gas	0.00000000
5041	Morning Sun Municipal Gas	0.00000000
5042	Moulton Municipal Gas	*

REVENUE DEPARTMENT(cont'd)

CO. #	COMPANY	REPLACEMENT TAX RATE
5369	Orange City Municipal Gas	0.00219148
5306	Osage Municipal Gas	0.03135310
5043	Prescott Municipal Gas	*
5044	Preston Municipal Gas	0.80773633
5055	Remsen Municipal Gas	*
5317	Rock Rapids Municipal Gas	*
5056	Rolfe Municipal Gas	*
5057	Sabula Municipal Gas	0.02294894
5058	Sac City Municipal Gas	0.04407121
5059	Sanborn Municipal Gas	*
5060	Sioux Center Municipal Gas	0.01426150
5061	Tipton Municipal Gas	0.06750565
5067	Wall Lake Municipal Gas	*
5063	Waukee Municipal Gas	*
5340	Wayland Municipal Gas	0.01457846
5064	Wellman Municipal Gas	0.03523769
5344	West Bend Municipal Gas	0.02351982
5065	Whittemore Municipal Gas	*
5349	Winfield Municipal Gas	0.00000000
5066	Woodbine Gas	0.59534389

\*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 JoAnn Johnson, Superintendent of Banking James M. Schipper, 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 3.75%.

**INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS**

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

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

## TREASURER OF STATE(cont'd)

New official state interest rates, effective November 9, 2012, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

## TIME DEPOSITS

7-31 days .....	Minimum .05%
32-89 days .....	Minimum .05%
90-179 days .....	Minimum .05%
180-364 days .....	Minimum .05%
One year to 397 days .....	Minimum .05%
More than 397 days .....	Minimum .15%

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 0461C****BLIND, DEPARTMENT FOR THE[111]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 216B.6, the Department for the Blind amends Chapter 1, “Administrative Organization and Procedures,” Chapter 2, “Personnel,” Chapter 3, “Department Procedure for Rule Making,” Chapter 6, “Library for the Blind and Physically Handicapped,” Chapter 8, “Appeals Process—Business Enterprises Program,” Chapter 9, “Adult Orientation and Adjustment Center,” Chapter 10, “Vocational Rehabilitation Services,” Chapter 11, “Independent Living Rehabilitation Services,” and Chapter 13, “Public Records and Fair Information Practices,” Iowa Administrative Code.

These amendments update the rules by making technical and substantive changes and by eliminating subrule 1.13(4) related to tobacco use, which is now addressed by Iowa Code chapter 142D. The changes include updating the Department’s business hours, updating references to the Code of Federal Regulations, revising rule language to reflect current terminology and to delete superfluous text, revising a minimum age requirement, and making other changes to clarify existing text and procedure.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 27, 2012, as **ARC 0181C**. No public comment was received, and no changes were made to the noticed amendments.

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

These amendments are intended to implement Iowa Code chapters 17A, 216B and 216D.

These amendments will become effective January 2, 2013.

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 1 to 3, 6, 8 to 11, 13] is being omitted. These amendments are identical to those published under Notice as **ARC 0181C**, IAB 6/27/12.

[Filed 10/25/12, effective 1/2/13]

[Published 11/28/12]

[For replacement pages for IAC, see IAC Supplement 11/28/12.]

**ARC 0465C****DENTAL BOARD[650]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Dental Board hereby adopts amendments to Chapter 20, “Dental Assistants,” Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 13, 2012, as **ARC 0170C**.

These amendments establish a process by which a dental assistant trainee who does not become a registered dental assistant within 12 months of the first date of employment as a dental assistant may reapply for dental assistant trainee status; clarify that an out-of-state dental assistant applying for an Iowa dental assistant registration must have at least six months of prior dental assisting experience under a licensed dentist within the past two years; and require that a dental assistant trainee must have a certification of dental assistant trainee status issued prior to beginning work as a dental assistant trainee.

A public hearing was held on July 12, 2012, in conjunction with the Board’s quarterly meeting. Written comments were received from the Western Iowa Tech Community College Iowa Dental Assistant Educators Council. The Council does not support allowing a trainee to “start over” as a trainee if the individual does not become a registered dental assistant within 12 months of the individual’s first date of employment as a trainee, as required by state law. The 12-month time period is a statutory requirement that is not subject to waiver. The Board considered not allowing a trainee to reapply to “start over” as a trainee in those cases where a trainee had not met dental assistant registration eligibility requirements on

DENTAL BOARD[650](cont'd)

or before the trainee's trainee status expiration date. The consequence would be that the individual would no longer be able to apply to become a registered dental assistant based on completion of 6 months of on-the-job training under the supervision of a licensed dentist. The other way an individual may qualify for registration is by completing an accredited dental assisting program at a community college. That option has a financial impact. The Board concluded that adopting amendments to allow an individual to start over in trainee status for a limited number of times would be more equitable. For example, some trainees are not able to become registered prior to their trainee status expiration date due to illness or medical absences or other unavoidable events. The Board wanted to provide some relief in those circumstances and allow an individual to return to dental assistant trainee status with a new 12-month trainee status expiration date.

Some dentists expressed concern over striking the seven-day grace period in paragraph 20.6(1)"a" during which they must notify the Dental Board of employment of a dental assistant. The concern is that the dentists might need to have a dental assistant start on short notice due to absences, illness, or resignations of current staff and they need a trainee status application approved quickly. The Board noted that dentists and dental hygienists must have been issued an Iowa license prior to employment in their professions. The Board concluded that dental assistants should be treated similarly. A new online healthcare licensing database is anticipated to be implemented during early 2013 and provides for the filing of online applications. Provided the trainee meets eligibility requirements, an online application would be approved quickly.

There are two changes that were made to the amendments since publication of the Notice. One change addresses the concerns raised by dentists about the need for prompt action on trainee applications. The adopted amendment to paragraph 20.6(1)"a" includes a delayed implementation date. The rescission of the seven-day requirement will not become effective until May 1, 2013. It is anticipated that this date would correspond to the availability of the online application system. The second change is a technical revision to subparagraph 20.6(1)"b"(2). The adopted subparagraph includes an amendment that adds the phrase "or equivalent" to clarify that an individual must be a high school graduate or equivalent; this change makes subparagraph 20.6(1)"b"(2) consistent with subparagraph 20.6(2)"a"(4), which also allows for high school equivalency.

These amendments were adopted by the Board on October 25, 2012.

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

These amendments are intended to implement Iowa Code sections 153.33 and 153.39.

These amendments shall become effective January 2, 2013.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition of "Trainee status expiration date" in rule **650—20.2(153)**:

*"Trainee status expiration date"* means the date established by the board office which is 12 months from a person's first date of employment as a dental assistant. The trainee status expiration date is the date by which a trainee must successfully complete requirements and become registered as a dental assistant, pursuant to Iowa Code section 153.39.

ITEM 2. Amend rule 650—20.4(153) as follows:

**650—20.4(153) Categories of dental assistants: dental assistant trainee, registered dental assistant.** There are two categories of dental assistants. Both the supervising dentist and dental assistant are responsible for maintaining documentation of training. Such documentation must be maintained in the office of practice and shall be provided to the board upon request.

**20.4(1) Dental assistant trainee.** Dental assistant trainees are all individuals who are engaging in on-the-job training to meet the requirements for registration and who are learning the necessary skills under the personal supervision of a licensed dentist. Trainees may also engage in on-the-job training in dental radiography pursuant to 650—22.3(136C,153).

*a. General requirements.* The dental assistant trainee shall meet the following requirements:

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

~~a. (1) Within 12 months of employment~~ Prior to the trainee status expiration date, the dental assistant trainee shall successfully complete a course of study and examination in the areas of infection control, hazardous materials, and jurisprudence. The course of study shall be prior approved by the board and sponsored by a board-approved postsecondary school.

~~b. (2) Prior to satisfactorily completing 12 months of work as a dental assistant~~ the trainee status expiration date, the trainee must apply to the board office to be reclassified as a registered dental assistant.

~~e. (3) Dental assistant trainee status is valid for practice for a maximum of 12 months. If trainee status has expired, the trainee must meet the requirements for registration and receive a certificate of registration in order to practice as a dental assistant. If a trainee fails to become registered by the trainee status expiration date, the trainee must stop work as a dental assistant.~~

~~b. New trainee application required if trainee not registered prior to trainee status expiration date.~~ Pursuant to Iowa Code section 153.39, a person employed as a dental assistant has a 12-month period following the person's first date of employment to become registered. If not registered by the trainee status expiration date, the trainee must stop work as a dental assistant and reapply for trainee status.

(1) Reapplying for trainee status. A trainee may "start over" as a dental assistant trainee provided the trainee submits an application in compliance with subrule 20.6(1).

(2) Examination scores valid for three years. A "repeat" trainee is not required to retake an examination (jurisprudence, infection control/hazardous materials, radiography) if the trainee has successfully passed the examination within three years of the date of application. If a trainee has failed two or more examinations, the trainee must satisfy the remedial education requirements in subrule 20.10(1). The trainee status application will not be approved until the trainee successfully completes any required remedial education.

(3) New trainee status expiration date issued. If the repeat trainee application is approved, the board office will establish a new trainee status expiration date by which registration must be completed.

(4) Maximum of two "start over" periods allowed. In addition to the initial 12-month trainee status period, a dental assistant is permitted up to two start over periods as a trainee. If a trainee seeks an additional start over period beyond two, the trainee shall submit a petition for rule waiver under 650—Chapter 7.

~~d. c. Trainees enrolled in cooperative education or work study programs.~~ Notwithstanding paragraphs "b" and "c," the expiration date for dental assistant trainee status for The requirements stated in this subrule apply to all dental assistant trainees, including a person enrolled in a cooperative education or work-study program through an Iowa high school shall be extended until the trainee is 17 years of age and a high school graduate or equivalent. However, In addition, a trainee under 18 years of age shall not participate in dental radiography.

**20.4(2) Registered dental assistant.** A registered dental assistant may perform under general supervision dental radiography, intraoral suctioning, and all extraoral duties that are assigned by the dentist and are consistent with these rules. During intraoral procedures, the registered dental assistant may, under direct supervision, assist the dentist in performing duties assigned by the dentist that are consistent with these rules. The registered dental assistant may take radiographs if qualified pursuant to 650—Chapter 22.

~~**20.4(3) Expanded function dental assistant.** Rescinded IAB 9/17/03, effective 10/22/03.~~

ITEM 3. Amend subrule 20.6(1) as follows:

**20.6(1) Dental assistant trainee.**

a. A On or after May 1, 2013, a dentist supervising a person performing dental assistant duties must notify the board in writing of such employment within seven days of the time the ensure that the person has been issued a trainee status certificate from the board office prior to the person's first date of employment as a dental assistant begins work. A dentist who has been granted a temporary permit to provide volunteer services for a qualifying event of limited duration pursuant to 650—subrule 13.3(3), or an Iowa-licensed dentist who is volunteering at such qualifying event, is exempt from this requirement for a dental assistant who is working under the dentist's supervision at the qualifying event.

DENTAL BOARD[650](cont'd)

*b.* Applications for registration as a dental assistant trainee must be filed on official board forms and include the following:

- (1) The fee as specified in 650—Chapter 15.
- (2) Evidence of high school graduation or equivalent.
- (3) Evidence the applicant is 17 years of age or older.
- (4) Any additional information required by the board relating to the character and experience of the applicant as may be necessary to evaluate the applicant's qualifications.
- (5) If the applicant does not meet the requirements of (2) and (3) above, evidence that the applicant is enrolled in a cooperative education or work-study program through an Iowa high school.

*c.* ~~Within 12 months of employment~~ Prior to the trainee status expiration date, the dental assistant trainee is required to successfully complete a board-approved course of study and examination in the areas of infection control, hazardous materials, and jurisprudence. The course of study may be taken at a board-approved postsecondary school or on the job using curriculum approved by the board for such purpose. Evidence of meeting this requirement prior to the trainee status expiration date shall be submitted ~~within 12 months~~ by the employer dentist.

*d.* ~~Upon expiration of the trainee status~~ Prior to the trainee status expiration date, the dental assistant trainee's supervising dentist must ensure that the trainee has received a certificate of registration before performing any further dental assisting duties.

ITEM 4. Amend paragraph **20.6(2)“a”** as follows:

- a.* To meet this qualification, a person must:
- (1) Work in a dental office for six months as a dental assistant trainee; or
  - (2) ~~Have~~ If licensed out of state, have had at least six months of prior dental assisting experience under a licensed dentist within the past two years; or
  - (3) Be a graduate of an accredited dental assisting program approved by the board; and
  - (4) Be a high school graduate or equivalent; and
  - (5) Be 17 years of age or older.

[Filed 11/6/12, effective 1/2/13]

[Published 11/28/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0475C**

## **EDUCATION DEPARTMENT[281]**

### **Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5) and 2012 Iowa Acts, Senate File 2284, section 31, the State Board of Education hereby adopts new Chapter 61, “Iowa Reading Research Center,” Iowa Administrative Code.

Chapter 61 describes a new Iowa Reading Research Center pursuant to 2012 Iowa Acts, Senate File 2284, sections 31 and 32.

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

Notice of Intended Action was published in the October 3, 2012, Iowa Administrative Bulletin as **ARC 0389C**. Public comments were allowed until 4:30 p.m. on October 23, 2012. A public hearing was held on that date; no persons appeared. No written or oral comments were received. No substantive changes were made to the rules published under Notice. However, in the implementation sentence, the citation to 2012 Iowa Acts has been converted to a citation to the soon-to-be-published 2013 Code of Iowa.

After analysis and review of this rule making, no impact on jobs has been found, as these rules simply establish a center as allowed by statute.

These rules are intended to implement 2012 Iowa Acts, Senate File 2284, sections 31 and 32.

These rules shall become effective January 2, 2013.

EDUCATION DEPARTMENT[281](cont'd)

The following amendment is adopted.

Adopt the following **new** 281—Chapter 61:

CHAPTER 61  
IOWA READING RESEARCH CENTER

**281—61.1(256) Establishment.** There is established an Iowa reading research center. The director of the department of education shall select a public education entity to serve as the host for the Iowa reading research center. Preference shall be given to a school district, an area education agency, or the joint area education agencies system. The selection of a host shall be for a specified period of time.

**281—61.2(256) Purpose.** The purpose of the center shall be to apply current research on literacy to provide for the development and dissemination of all of the following, although each of the following will not necessarily be of equal priority or immediacy:

1. Instructional strategies for prekindergarten through grade 12 to achieve literacy proficiency that includes reading, reading comprehension, and writing for all students.
2. Strategies for identifying and providing evidence-based interventions for students, beginning in kindergarten, who are at risk of not achieving literacy proficiency.
3. Models for effective school, parent, and community partnerships to improve student literacy.
4. Reading assessments.
5. Professional development strategies and materials to support teacher effectiveness in student literacy development.
6. Data reports on attendance center, school district, and statewide progress toward literacy proficiency in the context of student, attendance center, and school district demographic characteristics.
7. An intensive summer literacy program, referred to in rule 281—61.3(256).

**281—61.3(256) Intensive summer literacy program.** The center shall establish program criteria and guidelines for implementation of the program by school districts, under rules adopted by the state board of education.

**61.3(1) Program criteria.** Reserved.

**61.3(2) Guidelines for implementation by school districts.** Reserved.

**281—61.4(256) First efforts of the center.** The first efforts of the center shall focus on improving reading performance and instruction in kindergarten through grade 3.

**281—61.5(256) Nature of the center's operation.** The center shall govern its work according to the following requirements.

**61.5(1) Use of expertise.** The center shall draw upon national and state expertise in the field of literacy proficiency, including experts from Iowa's institutions of higher education and area education agencies with backgrounds in literacy development.

**61.5(2) Data and report development.** The center and its director shall seek support from the Iowa research community in methodologies for the collection of student literacy data and in data report development, the analysis of available information from Iowa education data sources, and the analysis of progress toward literacy proficiency.

**61.5(3) Coordination with the department.** The center and its director shall work with the department of education to identify additional needs for tools and technical assistance for Iowa schools to help schools achieve literacy proficiency goals and seek public and private partnerships in developing and accessing necessary tools and technical assistance.

**281—61.6(256) Nature of the center's products.** The center's strategies, models, materials, and assessments, including the products referred to in subrule 61.6(3), shall be judged by and subject to the following requirements:

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

**61.6(1) *Research-based.*** To the extent possible, strategies, models, materials, and assessments shall be research-based.

**61.6(2) *Replicable.*** The strategies, models, materials, and assessments produced by the center shall contain evidence establishing that they are replicable by Iowa school districts, area education agencies, and accredited nonpublic schools.

**61.6(3) *Sustainable.*** The strategies, models, and materials produced by the center shall contain evidence establishing that they are capable of sustainable implementation.

**61.6(4) *Publicly available.*** Due to the nature of the center, its products shall be widely and liberally distributed and used.

*a.* Regardless of any intellectual property right that may accrue to the center, the department of education shall have a perpetual, irrevocable, royalty-free, nonexclusive, nontransferable license to use any of the strategies, models, and materials produced by the center.

*b.* Regardless of any intellectual property right that may accrue to the center, each school district, area education agency, and accredited nonpublic school shall have a perpetual, irrevocable, royalty-free, nonexclusive, nontransferable license to use any of the strategies, models, and materials produced by the center.

*c.* Regardless of any intellectual property right that may accrue to the center, each school district, area education agency, accredited nonpublic school, and practitioner preparation program approved by the department of education shall have a perpetual, irrevocable, royalty-free, nonexclusive, nontransferable license to use any of the strategies, models, and materials produced by the center to provide training to current and prospective teachers and administrators.

*d.* Notwithstanding paragraphs 61.6(4) “*a*” through “*c*,” the center may seek reimbursement from a school district, area education agency, accredited nonpublic school, or practitioner preparation program approved by the department of education for the actual cost of delivering the center’s products. For purposes of this paragraph, actual costs may include printing, telecommunications expenses, personnel time, postage, and other costs, but shall not include any amount that represents a royalty or other compensation for the use of the center’s intellectual property.

**281—61.7(256) Governance and leadership of the center.** The center shall be governed in the following manner.

**61.7(1) *Director and other personnel.*** The center shall have a director who shall be an employee of the host referred to in rule 281—61.1(256). The director of the department of education or the director’s designee, in consultation with the host and the advisory council, shall select, determine the compensation of, and annually evaluate the director of the center.

*a.* Responsibilities of the director of the center will include the following:

- (1) Enacting the priorities of the reading research center, as defined by the department;
- (2) Achieving the Iowa reading research center’s mission and purpose;
- (3) Directing the center’s budget;
- (4) Managing the center’s staff;
- (5) Managing and overseeing the request for proposal (RFP) or contracting process or both to enact priorities of the center;
- (6) Providing oversight and management of all contracts and projects initiated by the center;
- (7) Establishing models for an intensive summer literacy program replicable in Iowa schools;
- (8) Disseminating literacy research and its application; and
- (9) Submitting required reports to the department and the general assembly.

*b.* The center may employ such other personnel as may be necessary to fulfill its responsibilities, upon approval of such positions by the director of the department of education.

**61.7(2) *Advisory council.*** When setting priorities for the center, the department of education shall seek advice and assistance from an advisory council. The advisory council shall establish its bylaws and shall govern itself by the following paragraphs:

*a.* The advisory council shall consist of representatives of the department, school districts, area education agencies, accredited nonpublic schools, institutions of higher education, organizations

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

representing reading and literacy teachers, community-based nonprofit organizations that are focused on literacy, statewide literacy organizations, and parents. Members who offer other perspectives may be appointed. Members may serve in more than one role. Members shall be appointed by the director of the department of education or the director's designee. Actual expenses for members of the advisory council may be assumed by the reading research center.

*b.* The advisory council shall recommend and continually review center priorities, which shall be consistent with these rules. The advisory council shall annually submit to the department a recommended set of projects and priorities for the reading research center.

*c.* The advisory council shall provide input to the director of the department on the desired qualifications for the position of director of the reading research center.

*d.* The advisory council shall advise and assist the center in preparing the annual report required by rule 281—61.9(256).

*e.* The advisory council shall foster collaboration across the Iowa reading research and evaluation community and serve as a facilitator in identifying additional research needs and ways to apply research to practice in Iowa schools and communities.

*f.* The advisory council shall stay abreast of emerging trends, research, and effective literacy practices.

*g.* The advisory council shall assist the director of the center in reviewing proposals for quality, viability, and statewide impact.

*h.* Meetings of the advisory council are public meetings subject to statutory open meetings requirements.

**61.7(3) *Use of advisory council recommendations.*** The department shall consider the priorities established by its advisory council in determining which projects or activities to direct the center to enact, consistent with these rules and with the center's funding.

**61.7(4) *Contracts and awards.*** In the furtherance of its work, the center may contract with other entities or may make awards by competitive bid. The rules in this chapter shall be a term of any contract or award under this subrule. Any product produced pursuant to a contract or award shall be subject to these rules, including subrule 61.6(4).

**281—61.8(256) *Financing of the center.*** The center will be financed in the following manner:

**61.8(1) *Host as fiscal agent.*** The host shall be the fiscal agent for the center.

**61.8(2) *Public or private funds.*** The host and the center may solicit and accept funds from public and private sources for the fulfillment of the mission and purpose of the center.

**61.8(3) *Oversight by the department.*** The department shall have oversight responsibilities for the financial operations of the center.

**281—61.9(256) *Annual report.*** The center shall submit a report of its activities to the general assembly by January 15 annually.

These rules are intended to implement Iowa Code sections 256.7(31) and 256.9(53) "c."

[Filed 11/7/12, effective 1/2/13]

[Published 11/28/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0476C**

**EDUCATION DEPARTMENT[281]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 79, "Standards for Practitioner and Administrator Preparation Programs," Iowa Administrative Code.

EDUCATION DEPARTMENT[281](cont'd)

2012 Iowa Acts, Senate File 2284, section 39, amended Iowa Code section 256.16 regarding pretesting of candidates for admission to teacher preparation programs. Whereas presently teacher preparation programs are required to administer a “basic skills test” to admission candidates, the new legislation requires that the test be “a preprofessional skills test offered by a nationally recognized testing service.” The new legislation also imposes a new requirement that, prior to completion of the program, each student in a teacher preparation program achieve scores above the 25th percentile nationally on an assessment that measures pedagogy and knowledge of at least one subject area. The amendments implement this legislation.

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

Notice of Intended Action was published in the August 22, 2012, Iowa Administrative Bulletin as **ARC 0299C**. Public comments were allowed until 4:30 p.m. on September 11, 2012. On that date, a public hearing was held, and three persons attended. One written comment was received.

These amendments have been revised since publication under Notice to make clear that the changes to paragraph 79.15(7)“a” reflect the changes to Iowa Code section 256.16 mandated by 2012 Iowa Acts, Senate File 2284, section 39. This revision also reflects a written comment received during the public comment period. An effective date for the amendment has also been indicated so as to not unduly burden practitioner preparation candidates who are completing a practitioner program during the current academic term.

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

These amendments are intended to implement 2012 Iowa Acts, Senate File 2284, section 39, and Iowa Code section 256.16.

These amendments will become effective January 2, 2013.

The following amendments are adopted.

ITEM 1. Amend paragraph **79.13(2)“c”** as follows:

*c.* For teacher preparation programs, the system includes the administration of a basic preprofessional skills test offered by a nationally recognized testing service, with program admission denied to any applicant who fails to achieve the institution’s designated criterion score.

ITEM 2. Amend subrule 79.15(1) as follows:

**79.15(1)** Prior to admission to the teacher preparation program, each teacher candidate attains the qualifying score determined by the unit on a basic preprofessional skills test of reading, writing, and mathematics administered pursuant to paragraph 79.13(2)“c.”

ITEM 3. Amend paragraph **79.15(7)“a”** as follows:

*a.* *Content/subject matter specialization.* The candidate demonstrates an understanding of the central concepts, tools of inquiry, and structure of the discipline(s) the candidate teaches and creates learning experiences that make these aspects of the subject matter meaningful for students. This is evidenced by a completion of a 30-semester-hour teaching major which must minimally include the requirements for at least one of the basic endorsement areas, special education teaching endorsements, or secondary level occupational endorsements. Each candidate must achieve a score above the 25th percentile nationally on subject assessments designed by a nationally recognized testing service that measure pedagogy and knowledge of at least one subject area. Additionally, each elementary candidate must also complete a field of specialization in a single discipline or a formal interdisciplinary program of at least 12 semester hours.

These requirements will become effective January 2, 2013.

[Filed 11/7/12, effective 1/2/13]

[Published 11/28/12]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0470C****ENGINEERING AND LAND SURVEYING  
EXAMINING BOARD[193C]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 542B.6, the Engineering and Land Surveying Examining Board amends Chapter 8, “Professional Conduct of Licensees,” Iowa Administrative Code.

The amendments to Chapter 8 clarify the rules pertaining to unethical or illegal conduct. These amendments were included in error as Items 3 and 4 in a Notice of Intended Action published in the Iowa Administrative Bulletin on June 13, 2012, as **ARC 0159C**. The proposed amendments in Items 3 and 4 of **ARC 0159C** had not yet been voted on by the Board.

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin on August 8, 2012, as **ARC 0264C**. A public hearing was held on Thursday, August 30, 2012, from 9 to 11 a.m. at the offices of the Professional Licensing Bureau, 1920 SE Hulsizer Road, Ankeny, Iowa. No comments were received. Since publication of the Notice, changes were made to Item 1 to reflect input received from the Administrative Rules Review Committee; the changes clarify the definition of “governmental body.” No changes were made to Item 2.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

These amendments were adopted by the Board on November 1, 2012.

After analysis and review of this rule making, no adverse impact on jobs has been found. Although there should be no impact on jobs, the Board will continue to work with stakeholders to minimize any negative impact and maximize any positive impact toward jobs.

These amendments are intended to implement Iowa Code section 542B.2.

These amendments will become effective January 2, 2013.

The following amendments are adopted.

ITEM 1. Amend subparagraph **8.2(6)“a”(4)** as follows:

(4) Licensees shall not solicit or accept an engineering or land surveying contract from a governmental body when a principal or officer of ~~the~~ the licensee’s organization serves as a an elected, appointed, voting or nonvoting member of the same governmental body which is letting the contract. For purposes of this subparagraph, “governmental body” means a board, council, commission, or similar multimembered body.

ITEM 2. Adopt the following **new** subparagraph **8.2(6)“a”(7)**:

(7) When a licensee’s organization or a principal, officer, other member, or employee of the licensee’s organization has review authority over the engineering or land surveying projects performed by private contractors within the jurisdiction of a governmental body, the licensee shall not solicit or accept a private engineering or land surveying contract that falls under the review services performed for that governmental body. The purpose of this paragraph is to avoid a circumstance in which a licensee may be called upon to review on behalf of a governmental body the engineering or land surveying services performed by the licensee’s own organization.

[Filed 11/7/12, effective 1/2/13]

[Published 11/28/12]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0462C****PROFESSIONAL LICENSURE DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Physician Assistants amends Chapter 326, “Licensure of Physician Assistants,” Iowa Administrative Code.

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

These amendments change from two to five the number of physician assistants who can be supervised by a physician and make the language consistent within the chapter. The purpose for the change from two to five is to make the administrative rule requirements consistent with changes related to Iowa Code section 148C.3(2) as amended by 2012 Iowa Acts, Senate File 2185.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 22, 2012, as **ARC 0283C**. A public hearing was held on September 12, 2012, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, there should be a positive impact on jobs. These amendments would allow additional physician assistants to be hired and supervised by one supervising physician. More physician assistants could work for one physician, allowing more patients to be seen by that physician's office.

The amendments were adopted by the Board of Physician Assistants on October 17, 2012.

These amendments are intended to implement Iowa Code section 148C.3(2) as amended by 2012 Iowa Acts, Senate File 2185.

These amendments will become effective January 2, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 326.8(3) as follows:

**326.8(3)** A physician assistant who provides medical services shall be supervised by one or more physicians; but a physician shall not supervise more than ~~two~~ five physician assistants at the same time.

ITEM 2. Amend subrule 326.8(4), introductory paragraph, as follows:

**326.8(4)** It shall be the responsibility of the physician assistant and a supervising physician to ensure that the physician assistant is adequately supervised. Upon agreeing to supervise a physician assistant, a supervising physician will be advised that the physician's name will be listed with the board as a supervising physician. In regard to scheduling, the physician assistant may not practice if supervision is unavailable, except as otherwise provided in Iowa Code chapter 148C or these rules, and must be in compliance with the requirement that no more than ~~two~~ five physician assistants shall be supervised by a physician at ~~one~~ the same time, pursuant to 645—subrule 326.8(3). The physician assistant and the supervising physician are each responsible for knowing and complying with the supervision provisions of these rules.

[Filed 10/29/12, effective 1/2/13]

[Published 11/28/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0467C**

**REVENUE DEPARTMENT[701]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 421.14 and 422.68 and 2012 Iowa Acts, Senate File 2342, section 2, the Department of Revenue hereby amends Chapter 80, "Property Tax Credits and Exemptions," Iowa Administrative Code.

The subject matter of new rule 701—80.29(427) is geothermal heating and cooling systems installed on property classified as residential. The new rule provides an exemption from property tax on the value added to residential property by any new construction or refitted installation of a geothermal heating or cooling system if the geothermal heating or cooling system is constructed or installed on the residential property on or after July 1, 2012.

Notice of Intended Action for this amendment was published in the October 3, 2012, Iowa Administrative Bulletin as **ARC 0380C**. This amendment differs from the one published under Notice of Intended Action. In subrule 80.29(2), first unnumbered paragraph and Example A and Example

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

C, the word “should” has been replaced with “shall.” In addition, citations to the 2011 Iowa Code Supplement and to 2012 Iowa Acts as published in the Notice have been converted, where appropriate, to 2013 Code of Iowa citations.

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

After analysis and review of this rule making, a positive impact on jobs exists. This rule implements a tax credit for individuals who own property on which geothermal heating and cooling systems are installed, and as a result of the credit, more geothermal heating and cooling systems will be purchased and installed. Increased demand for installation of geothermal systems will increase the need for employees at geothermal system retailers. Additionally, the increased installation of geothermal systems will increase demand for workers that install geothermal systems.

This amendment is intended to implement 2011 Iowa Code Supplement section 427.1 as amended by 2012 Iowa Acts, Senate File 2342, section 2 [2013 Iowa Code section 427.1].

This amendment will become effective January 2, 2013, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

The following amendment is adopted.

Adopt the following new rule 701—80.29(427):

**701—80.29(427) Geothermal heating and cooling systems installed on property classified as residential.**

**80.29(1)** *In general.* An exemption from property tax shall be allowed for any value added to property by any new construction or refitted installation of a geothermal heating or cooling system if the geothermal heating or cooling system is constructed or installed on or after July 1, 2012, on property classified as residential. The exemption shall also be allowed for a residential dwelling on agricultural land. The exemption does not have to be claimed the year subsequent to the year the geothermal system is constructed or installed. However, every individual claiming the exemption under this rule shall file with the appropriate assessor, not later than February 1 of the year for which the exemption is requested, an application for exemption. The assessor shall then allow or disallow the exemption.

Upon the filing and allowance of the claim, the claim shall be allowed on the property for ten consecutive years without further filing as long as the property continues to be classified as residential. However, if the property ceases to be classified as residential or if the geothermal heating and cooling system ceases to exist before the ten years have expired, no exemption is allowed for the year in which the change in classification took place or for any subsequent years. The exemption amount shall remain fixed at the same amount that was allowed in the first year the exemption was allowed.

The property tax exemption applies to any value added by the addition of mechanical, electrical, plumbing, ductwork, or other equipment, labor, and expenses included in or required for the construction or installation of the geothermal system that would not have been included in the home if not for the installation of the geothermal heating and cooling system. Additionally, the proportionate value of any well field associated with the system and attributable to the owner is exempt.

**80.29(2)** *Calculation of value added.* As used in this rule, the terms “any value added” and “value added” mean the amount of increase in the actual assessed value of the property that is directly attributable to the new construction or refit installation of a geothermal heating or cooling system as of the first year for which the geothermal heating and cooling system is actually assessed. “Any value added” does not include speculative or indirect increases in value which, for example, may be attributable to reductions in energy consumption or reductions in the negative impact to the environment. “Any value added” does not include changes in value which are attributable to general housing market fluctuations. Cost of the new construction or refit installation of the geothermal heating or cooling system is not determinative of the value added to a property. In the event the exemption is not filed in the same year the geothermal heating and cooling system is first assessed, the amount of the exemption, upon filing, shall be the same amount as it would have been had the exemption been filed in the year the geothermal heating and cooling system was first assessed.

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

In the case of new construction and refit installation of a geothermal heating or cooling system, the value added is the value that would not have been included in the home if not for the construction or refit installation of the geothermal heating and cooling system. That is, the value of mechanical, electrical, plumbing, ductwork, or other equipment, labor, and expenses that would have been included with a standard heating and cooling system shall not be considered in calculating the value added. To measure the value added by a geothermal heating and cooling system, the assessor shall compute the difference between the assessed value of the residential property if the property were outfitted with a non-geothermal (standard) heating and cooling system and the assessed value of the property outfitted with the geothermal system. In the case that the new construction or refit installation takes more than one year, the assessor shall make the comparison in the year the new construction or refit installation is completed.

EXAMPLE A: Mrs. Smith wants to upgrade her current standard heating and cooling system in her home with a geothermal system. The geothermal system installation is completed on August 1, 2012. On January 22, 2013, Mrs. Smith files a claim for exemption for the value added to her property that is directly attributable to the refit installation of the geothermal system. To determine the value added that is directly attributable to the geothermal system, the assessor shall compare the value of the home as though it was outfitted with the standard heating and cooling system which was upgraded with the value of the home outfitted with the geothermal heating and cooling system; the difference between the two values is the exemption amount. That exemption amount will remain fixed for the next ten years, until Mrs. Smith's home ceases to be classified as residential, or until the geothermal system ceases to exist, whichever occurs first. For years subsequent to 2013, any increase in the value of Mrs. Smith's home beyond the assessed value of the home outfitted with the geothermal heating and cooling system is not attributable to the geothermal system and is subject to property tax. The property tax exemption amount for the geothermal heating and cooling system will remain the same as the first year for which the exemption was received even if the assessed value of Mrs. Smith's home drops.

EXAMPLE B: Same facts as Example A, except that on January 1 of year seven, Mrs. Smith's home is reclassified as commercial property. No property tax exemption is allowed for the value added by the geothermal system for year seven or any subsequent years.

EXAMPLE C: Mr. Larson is building a new home and plans to construct a new geothermal system in lieu of a standard heating and cooling system. The home and geothermal system are completed on October 24, 2012. To determine the value added that is directly attributable to the installation of the geothermal system, the assessor shall assess the home as though it had been outfitted with a standard heating and cooling system and compare that value with the assessed value of the home outfitted with the geothermal heating and cooling system. The difference between the two amounts is the value added that is directly attributable to the geothermal system and is the exemption amount. In 2013, the assessed value of Mr. Larson's home with a standard heating and cooling system is \$200,000. The assessed value of Mr. Larson's home with the geothermal system is \$210,000. Therefore, the value added to the property that is directly attributable to the geothermal system is \$10,000. Mr. Larson may claim an exemption amount of \$10,000 starting in assessment year 2013. Mr. Larson does not lose the exemption if he fails to claim the exemption by February 1, 2013; he may claim the exemption in any year subsequent to the completion of the construction of the home. An exemption amount of \$10,000 will continue for ten consecutive years after the exemption is claimed, until the property ceases to be classified as residential, or until the geothermal system ceases to exist, whichever occurs first.

EXAMPLE D: Same facts as Example C, except that Mr. Larson claims the exemption in 2019. The exemption amount in 2019, and the nine subsequent years, is the value added in the year the geothermal heating and cooling system was first assessed; here, \$10,000 in 2013. The value added and exemption amount is not calculated in the year Mr. Larson claims the exemption. The \$10,000 exemption will then

REVENUE DEPARTMENT[701](cont'd)

continue until 2028, until the property ceases to be classified as residential or until the geothermal system ceases to exist, whichever occurs first.

This rule is intended to implement Iowa Code section 427.1.

[Filed 11/7/12, effective 1/2/13]

[Published 11/28/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0466C**

**REVENUE DEPARTMENT[701]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby amends Chapter 226, "Sale or Rental of Farm Machinery and Equipment," Iowa Administrative Code.

The subject matter of rule 701—226.1(423) is the exemption for farm machinery and equipment and items used in agricultural production attached to and towed by self-propelled implements of husbandry. The amendment in Item 1 exempts from sales tax, and defines, snow blowers, rear- or front-mounted blades, and rotary cutters if they are used in agricultural production and are to be attached to or towed by a self-propelled implement of husbandry.

The subject matter of rule 701—226.19(423) is nonexclusive lists of items that are taxable or exempt. The amendments in Items 2 and 3 clarify that certain items drawn or attached to self-propelled farm implements are exempt only if the items are directly and primarily used in agricultural production or dairy or livestock production.

These amendments were published under Notice of Intended Action in the October 3, 2012, Iowa Administrative Bulletin as **ARC 0379C**. There are no substantive changes from the amendments published under Notice of Intended Action. However, citations to the 2011 Iowa Code Supplement and to 2012 Iowa Acts have been converted, where appropriate, to 2013 Code of Iowa citations.

These amendments are adopted as a result of 2012 Iowa Acts, House File 2470.

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

After analysis and review of this rule making, a positive impact on jobs exists. This rule making implements a tax exemption that benefits farmers and small businesses by providing an exemption for specific machinery and equipment used in agricultural production. The exemption will allow farmers to buy three specific types of machinery and equipment tax free, and, as a result, farmers will buy more of this equipment. This increased demand for these three specific types of machinery and equipment will, in turn, cause small businesses that sell the exempt machinery and equipment to hire more employees. Thus, a positive impact on jobs exists.

These amendments are intended to implement 2011 Iowa Code Supplement section 423.3(8) as amended by 2012 Iowa Acts, House File 2470 [2013 Iowa Code section 423.3(8)].

These amendments will become effective January 2, 2013, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

The following amendments are adopted.

ITEM 1. Amend rule 701—226.1(423) as follows:

**701—226.1(423) Sale or rental of farm machinery and equipment and items used in agricultural production that are attached to a self-propelled implement of husbandry.** The sales price from the sale or rental of farm machinery and equipment directly and primarily used in production of agricultural products and certain items used in agricultural production that are attached to or towed by a self-propelled implement of husbandry is exempt from sales and use tax.

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

**226.1(1) Farm machinery and equipment.**

*a. Exempt.* ~~To~~ Under this rule, to be eligible ~~under this rule~~ for the exemption from the tax, the farm machinery or equipment must be directly and primarily used in production of agricultural products and must also be one of the following:

(1) to (5) No change.

*b. Taxable.* A vehicle subject to registration as defined in Iowa Code section 423.1, an implement customarily drawn by or attached to a vehicle subject to registration, an auxiliary attachment for a vehicle subject to registration, or any replacement part for a vehicle, implement, or auxiliary attachment for a vehicle subject to registration is not eligible for the exemption allowed under this rule.

**226.1(2) Attachments to self-propelled implements of husbandry.**

*a. Exempt.* Exempt from the tax under this rule are the following items if, and only if, they are used in agricultural production:

(1) A snow blower that is to be attached to a self-propelled implement of husbandry; or

(2) A rear-mounted or front-mounted blade that is to be attached to or towed by a self-propelled implement of husbandry; or

(3) A rotary cutter that is to be attached to a self-propelled implement of husbandry.

*b. Used in agricultural production.* Under this subrule, the items must be used in agricultural production, and not “directly and primarily” used in production of agricultural products as is required under subrule 226.1(1).

EXAMPLE: Farmer Jones purchases a front-mounted blade that will be attached to a self-propelled implement of husbandry (e.g., farming tractor). Farmer Jones primarily uses the blade to prepare previously uncultivated land—a use that is not for agricultural production. See subrule 226.1(3). However, Farmer Jones sporadically uses the front-mounted blade for agricultural production. Even though Farmer Jones does not directly and primarily use the front-mounted blade in agricultural production, the front-mounted blade is exempt from sales or use tax because the blade is occasionally used in agricultural production and it is attached to a self-propelled implement of husbandry.

~~226.1(2)~~ **226.1(3) Definitions and specific provisions.** For the purposes of this rule, the following definitions and provisions apply.

*a. Production of agricultural products.* The term “production of agricultural products” means the same as the term “agricultural production,” which is defined in rule 701—211.1(423) to mean a farming operation undertaken for profit by the raising of crops or livestock. ~~Not~~ Nonexclusive examples of items not included within the meaning of the term “agricultural production” is are the clearing or preparation of previously uncultivated land, the creation of farm ponds, ~~or~~ and the erection of machine sheds, confinement facilities, storage bins, or other farm buildings. See *Trullinger v. Fremont County*, 223 Iowa 677, 273 N.W. 124 (1937). Machinery and equipment used for these purposes would be used for activities which are preparatory to, but not a part of, the production of agricultural products and, therefore, are not exempt.

*b. Farm machinery and equipment.* The term “farm machinery and equipment” means machinery and equipment specifically designed for use in the production of agricultural products and machinery and equipment that are not specifically designed for use in the production of agricultural products but are directly and primarily used for that purpose.

EXAMPLE: Farmer Jones raises livestock, and his farming operation requires that fences be built repaired to confine the livestock. Farmer Jones purchases a posthole digger that is customarily attached to a tractor and uses the digger to construct repair the fences used to confine the livestock. The posthole digger is not specifically designed for use in the production of agricultural products but is directly and primarily used in the production of agricultural products. Therefore, the exemption would apply.

*c. Self-propelled implement.* The term “self-propelled implement” means an implement which is capable of movement from one place to another under its own power. An implement is not self-propelled merely because it has moving parts. The term “self-propelled implement” includes, but is not limited to, the following items: skid loaders and tractors. The term also includes, but is not limited to, the following machinery if capable of movement under its own power: combines, corn pickers, fertilizer spreaders, hay conditioners and windrowers, sprayers, and bean buggies.

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

*d. Implements customarily drawn or attached to self-propelled implements.* The following is a nonexclusive, representative list of implements which are customarily drawn or attached to self-propelled implements: augers, balers, blowers, combines, conveyers, cultivators, disks, drags, dryers (portable), farm wagons, feeder wagons, fertilizer spreaders, front- and rear-end loaders, harrows, hay loaders, hay mowers, hay rakes, husking machines, manure spreaders, planters, plows, rotary hoes, sprayers and tanks, and tillage equipment.

*e. and f.* No change.

*g. Beginning and end of agricultural production.* Agricultural production begins with the cultivation of land previously cleared for the planting of crops or begins with the purchase or breeding of livestock or domesticated fowl. Agricultural production ceases when an agricultural product has been transported to the point where it will be sold by the producer or processed for further use.

EXAMPLE: Farmer Brown uses a tractor and wagon to haul harvested corn from a field to a grain dryer located on the farm. After the corn is dried, the same tractor and wagon are used to move the grain to a storage bin, also located on the farm. Later, the same tractor and wagon are used to deliver the corn from the farm to the local elevator where the corn is sold. After Farmer Brown deposits the corn there, the local elevator uses its own tractor and wagon to move the corn to a place of relatively permanent storage. Farmer Brown has used the tractor and wagon in the production of agricultural products, and the exemption would apply to Farmer Brown's tractor and wagon. However, the elevator has not used its tractor and wagon in agricultural production; thus, the exemption would not be allowed for the elevator's tractor and wagon.

*h. Grain dryer.* The term "grain dryer" includes the heater and the blower necessary to force the warmed air into a grain storage bin. The term "grain dryer" does not include equipment, such as augers and spreaders, used in grain storage or movement, nor does it include any other equipment, such as specialized flooring, that is not a grain dryer. Equipment that is not a grain dryer but is used in grain drying may be exempt if the equipment is a self-propelled implement or customarily drawn or attached to a self-propelled implement and is directly and primarily used in agricultural production.

*i.* No change.

*j. Implement of husbandry.*

(1) The term "implement of husbandry" means any tool, equipment, or machinery necessary to the carrying on of the business of agricultural production and without which that could not be done. To be an implement of husbandry, the following must both be true:

1. The tool, equipment, or machine must be necessary to the carrying on of the business of agricultural production; and

2. Agricultural production must be impossible without the use of the tool, equipment, or machine.

(2) Whether a given item is an implement of husbandry depends on the facts of each particular case (*Hester v. State*, 108 So.2d 385, 388 (1959)), and in each particular case the person claiming the exemption has the burden of proving that the person is entitled to the exemption. *Dial Corp. v. Iowa Dep't of Revenue*, 634 N.W.2d 643, 646 (Iowa 2001).

*k. Snow blower.* "Snow blower" as used in this rule means an attachment that has the primary purpose of snow removal by the throwing of snow and that is ordinarily thought of as a snow blower.

*l. Rear-mounted or front-mounted blade.* "Rear-mounted or front-mounted blade" as used in this rule means a stationary attachment that has a primary purpose of pushing or leveling, for example, sand, dirt, snow, gravel, or manure. The term "rear-mounted or front-mounted blade" does not include mounted buckets or loaders that have a primary purpose of loading or digging.

*m. Rotary cutter.* "Rotary cutter" as used in this rule means an attachment used for mowing of grassy areas, pastures, and brush, but does not include attachments often referred to as "finishing mowers" and "mid-mount mowers."

**226.1(3) 226.1(4) Taxable and nontaxable transactions.** The following are nonexclusive examples of sales and leases of and services for farm machinery or equipment subject to or exempt from tax. Taxable services performed on farm machinery or equipment are subject to tax even when the replacement parts are exempt.

*a.* No change.

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

b. A lessor's purchase of a snow blower, rear-mounted or front-mounted blade, or rotary cutter is not subject to tax if such item is leased to a lessee who uses the item in agricultural production and the item will be attached to an implement of husbandry.

~~b.~~ c. The owner or lessee of farm machinery or equipment need not be a farmer as long as the machinery or equipment is directly and primarily used in the production of agricultural products and the owner or lessee and the machinery or equipment meet the other requirements of this rule. For example, a person who purchases an airplane designed for use in agricultural aerial spraying and who uses the airplane directly and primarily for agricultural production is entitled to the benefits provided under this rule even though that person is not the owner or occupant of the land where the airplane is used.

d. The owner or lessee of a snow blower, rear-mounted or front-mounted blade, or rotary cutter need not be a farmer as long as the snow blower, rear-mounted or front-mounted blade, or rotary cutter is used in agricultural production and the snow blower, rear-mounted or front-mounted blade, or rotary cutter is attached to an implement of husbandry.

~~e.~~ e. The sale or lease, within Iowa, of any farm machinery, equipment, or replacement part for direct and primary use in agricultural production outside of Iowa is a transaction eligible for the exemption if the transaction is otherwise qualified for an exemption under this rule.

f. The sale or lease, within Iowa, of any snow blower, rear-mounted or front-mounted blade, or rotary cutter which is used, outside of Iowa, in agricultural production while attached to an implement of husbandry is a transaction eligible for the exemption, if the transaction is otherwise qualified for an exemption under this rule.

~~226.1(4)~~ 226.1(5) *Auxiliary attachments.* The following is a ~~noninclusive~~ nonexclusive list of auxiliary attachments for which the sale or use in Iowa is exempt from tax: auxiliary hydraulic valves, cabs, coil tine harrows, corn head pickup reels, dry till shanks, dual tires, extension shanks, fenders, fertilizer attachments and openers, fold kits, grain bin extensions, herbicide and insecticide attachments, kit wraps, no-till coulters, quick couplers, rear-wheel assists, rock boxes, rollover protection systems, rotary shields, stalk choppers, step extensions, trash whips, upper beaters, silage bags, and weights.

This rule is intended to implement Iowa Code subsections 423.3(8) and 423.3(11).

ITEM 2. Amend the footnote for subrule **226.19(1)** as follows:

\*Exempt if drawn or attached to a self-propelled farm implement and directly and primarily used in agricultural production or, if portable, used directly and primarily in agricultural production.

ITEM 3. Amend footnote number "1" for subrule **226.19(2)** as follows:

<sup>1</sup>Exempt if drawn or attached to a self-propelled farm implement and directly and primarily used in dairy or livestock production or, if portable, used directly and primarily in dairy or livestock production.

ITEM 4. Amend **701—Chapter 226**, implementation sentence, as follows:

This rule is intended to implement Iowa Code subsections 423.3(6), 423.3(8) and 423.3(11).

[Filed 11/7/12, effective 1/2/13]

[Published 11/28/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0468C**

**REVENUE DEPARTMENT[701]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby amends Chapter 239, "Local Option Sales Tax Urban Renewal Projects," Iowa Administrative Code.

The subject matter of Chapter 239 is Local Option Sales Tax (LOST) Urban Renewal Projects. The amendments to this chapter add a requirement that, before a city can create a LOST urban renewal area by ordinance, the county board of supervisors from which county LOST revenues will be diverted must first approve the city's collection and use of county LOST revenues.

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

Notice of Intended Action for these amendments was published in the October 3, 2012, Iowa Administrative Bulletin as **ARC 0378C**. There are no substantive changes from the amendments published under Notice of Intended Action. However, citations to 2012 Iowa Acts have been converted, where appropriate, to 2013 Code of Iowa citations. As a consequence, Item 5, which amended the implementation sentence for Chapter 239 to add 2012 Iowa Acts, House File 2460, to the citation of Iowa Code section 423B.10, is no longer necessary and has been removed.

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

After analysis and review of this rule making, the Department has determined the amendments will not have an adverse impact on jobs.

These amendments are intended to implement Iowa Code sections 423B.1 and 423B.7 and section 423B.10 as amended by 2012 Iowa Acts, House File 2460, section 23 [2013 Iowa Code section 423B.10].

These amendments will become effective January 2, 2013, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

The following amendments are adopted.

ITEM 1. Amend rule 701—239.1(423B) as follows:

**701—239.1(423B) Urban renewal project.** ~~An~~ Only after the county board of supervisors from each county where the urban renewal area from which local option sales and services revenues are to be collected and used to fund urban renewal projects adopts a resolution approving the collection and use of local sales and services tax revenue for urban renewal projects may an eligible city ~~may~~ by ordinance of the city council provide for the use of a designated amount of the increased local sales and services tax revenues collected under this chapter which are attributable to retail establishments in an urban renewal area to fund urban renewal projects located in the urban renewal area. The designated amount ~~to be used to fund urban renewal projects~~ may be all or a portion of such increased revenues, subject to the limitations imposed by the resolution adopted by the county board, or boards, of supervisors. This rule applies to any urban renewal project to be funded by a city's collection and use of local option sales and services tax revenues on or after July 1, 2012.

ITEM 2. Amend rule 701—239.4(423B) as follows:

**701—239.4(423B) Requirements for cities adopting an ordinance.**

**239.4(1)** ~~At~~ Within at least 90 days following the adoption of an ordinance, an eligible city must notify the director of the department of revenue of its intent to pursue funding for an urban renewal project based upon the increase in local sales and services tax revenue. The notification must include the following information:

a. Effective July 1, 2012, a copy of the resolution of the board of supervisors from each county where the urban renewal area from which local sales and services tax revenues are to be collected approving the collection and use of local sales and services tax;

~~a.~~ b. A copy of the urban renewal plan and the resolution adopting the city's urban renewal plan;

~~b.~~ c. A copy of the adopted ordinance, including:

(1) The current and original, if applicable, purpose or purposes for which the local option sales and services tax was enacted; and

(2) The amount and proportion of revenue that will be redistributed from each current revenue purpose to fund urban renewal within the urban renewal area;

~~e.~~ d. The legal description of the urban renewal area covered by the ordinance;

~~d.~~ e. A map showing the geographic boundaries of the urban renewal area; and

~~e.~~ f. A geographic information system boundary file, if available, showing the geographic boundaries of the urban renewal area.

**239.4(2)** Each urban renewal area must have its own separate ordinance, and the department shall be notified separately for each urban renewal area. Notification shall be mailed or otherwise submitted

REVENUE DEPARTMENT[701](cont'd)

to: Director, Iowa Department of Revenue, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319.

~~239.4(3) Notification shall be mailed or otherwise submitted to: Director, Iowa Department of Revenue, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319. Each urban renewal area must have its own separate resolution of the board of supervisors from each county from which local option sales and services tax revenues will be collected and used for urban renewal projects located within the urban renewal area.~~

ITEM 3. Amend rule 701—239.6(423B) as follows:

**701—239.6(423B) Calculation of base year taxable sales amount.** The base year taxable sales and services amount will be the total taxable sales and services subject to the local sales and services tax that are made by retail establishments within the urban renewal area during the base year. Taxable sales of tangible personal property and services that are subject to the local sales and services tax that are made by retail establishments or service providers located within the urban renewal area include only those sales that are sourced to the county in which the urban renewal area is located. Those sales made by retail establishments or service providers located within the urban renewal area that are sourced outside of the county are not subject to the local sales and services tax. For sourcing rules, see Iowa Code section 423.15 and 701—Chapter 223.

ITEM 4. Amend rule 701—239.9(423B) as follows:

**701—239.9(423B) Example Examples.** The following examples illustrate the application of the rules in this chapter:

EXAMPLE 1. City A has an urban renewal area that covers a large portion of its downtown. City A and all of its downtown area are located in County B. City A also has in place a 1 percent local sales and services tax. ~~On October 30, 2008,~~ City A's city council ~~enacts~~ wants to enact an ordinance that establishes the urban renewal area as a local sales and services tax increment district which designates 100 percent of the tax growth increment amount to the special city account. Before City A's city council can establish the local sales and services tax district, County B's board of supervisors must adopt a resolution approving City A's local sales and services tax increment district. ~~The ordinance also designates 100 percent of the tax growth increment amount to the special city account.~~

The base year taxable sales amount for the urban renewal area will equal the amount of taxable sales made by retail establishments in the urban renewal area for the fiscal year in which the ordinance was adopted. Assume City A's urban renewal area has \$10,050,000 in taxable sales during the ~~2008-2009~~ 2013-2014 fiscal year.

At the end of the fiscal year following the fiscal year in which the ordinance was adopted (June 30, ~~2010~~ 2015, in this example), City A's urban renewal area has taxable sales of \$25,000,000. To determine the tax growth increment amount, the department subtracts the base year taxable sales amount from fiscal year two's taxable sales amount then multiplies the remainder by the local sales and services tax rate of 1 percent as follows:

$$\$25,000,000 - \$10,050,000 = \$14,950,000$$

$$\$14,950,000 \times .01 = \$149,500$$

The result is a tax growth increment amount of \$149,500. The department of revenue will deposit \$149,500 into the city's special account no later than November 10 following the end of the fiscal year.

EXAMPLE 2. Same facts as Example 1, but City A's urban renewal area is located in County B and County C. Before City A can enact an ordinance that establishes the urban renewal area as a local sales and services tax increment district, the boards of supervisors from County B and County C must adopt resolutions approving City A's local sales and services tax increment district.

[Filed 11/7/12, effective 1/2/13]

[Published 11/28/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0464C****SECRETARY OF STATE[721]****Adopted and Filed**

Pursuant to the authority of 2012 Iowa Acts, House File 675, section 25, as amended by 2012 Iowa Acts, House File 2465, section 41 (Iowa Code section 572.13A), the Secretary of State hereby adopts Chapter 45, "Mechanics' Notice and Lien Registry," Iowa Administrative Code.

The rules in Chapter 45 apply to the creation and administration of a mechanics' notice and lien registry.

Notice of Intended Action on these rules was published in the Iowa Administrative Bulletin on September 19, 2012, as **ARC 0339C**. Public comments were allowed until 5 p.m. on October 9, 2012. A public hearing at which 31 persons appeared was held on that date. The Secretary received 19 comments on the Notice of Intended Action. In addition, a series of stakeholder meetings was held prior to, during, and following the public comment period, with a representative of the Secretary, to receive oral comments. The comments focused on several key issues:

- Modifications to the definitions.
- Registration by a person to use the mechanics' notice and lien registry.
- The content and structure of the owner notice.
- The parties required to post a commencement of work.
- Changes in the law that require legislative action to correct or modify.
- Clarification on how demands are posted.
- Statutory limits on the giving of a bond.
- The fees and process associated with posting on the registry, obtaining downloads of the electronic records, and the result of a failure to provide good funds.
- The use of a standardized form for persons to submit information to the registry.
- Correction statement usage and the value of mailing an owner notice when a filing office statement or correction statement is posted.
- The time frame for the removal of a record from the registry.
- The timing of the assignment of the date and time stamp when the administrator posts a submitted document.
- Limitation of penalties to "knowing and willful" submissions of fictitious, forged or false information.
- Additional rule suggestions for lien waivers, lien releases, and other miscellaneous postings.

A representative of the Iowa Finance Authority communicated with staff from both caucuses of both chambers of the legislature and offered the opportunity to ask questions and attend the industry work group meetings.

The statute is intended to provide a mechanism by which owners of residential real estate receive notice of who was working on the property and claims by the same party.

The Secretary agrees in part with the commenters about user registration and, since publication of the Notice of Intended Action, has added language that policies and procedures will be provided on the administrator's Web site; the fees and associated processes for data downloads; an owner notice requirement for the correction statement; and the process for withdrawing a posting by the administrator.

The Secretary has added language to clarify the definitions; which parties must post a notice; the content and format of the owner notice; the demands for acknowledgment of satisfaction of claim and the demand to commence action to enforce the lien; the correction statement; and the method and time of posting for bonds and demands.

The Secretary has removed language on the removal of records from the registry and will ask the legislature to provide guidance. In addition, the sentence that contained the effective date of the chapter was removed from subrule 45.1(1); the effective date is included in the history line that will appear at the end of each rule and at the end of the chapter in the Iowa Administrative Code.

SECRETARY OF STATE[721](cont'd)

After analysis and review of this rule making, a positive impact on jobs exists. This rule making streamlines the process for small businesses to file liens on construction projects and enhances the ability of homeowners to know which small businesses are providing labor and materials for the homeowners' construction projects.

These rules are intended to implement Iowa Code chapter 572 as amended by 2012 Iowa Acts, House File 675, as amended by 2012 Iowa Acts, House File 2465.

These rules will become effective on January 2, 2013.

The following amendment is adopted.

Adopt the following **new** 721—Chapter 45:

CHAPTER 45  
MECHANICS' NOTICE AND LIEN REGISTRY

**721—45.1(572) General provisions.**

**45.1(1) Scope.** This chapter applies to the creation and administration of a mechanics' notice and lien registry under Iowa Code chapter 572. All mechanics' liens filed on or after January 1, 2013, must be posted in the office of the administrator in accordance with these rules. The residential notice provisions of these rules apply to labor performed and materials supplied on or after January 1, 2013.

Mechanics' liens filed prior to January 1, 2013, shall remain with the clerk of the district court of the county in which the building, land, or improvement charged with the lien is situated.

Rules 721—45.4(572) and 721—45.5(572) apply only to residential construction. All other rules in this chapter apply to both residential and commercial construction.

**45.1(2) Definitions.** The following terms shall have the respective meanings provided in this rule.

*"Administrator"* means the secretary of state.

*"Building"* shall be construed as if followed by the words "erection, or other improvement upon land."

*"Claimant"* means a person entitled to a lien under Iowa Code chapter 572.

*"Filing office"* means the office of the secretary of state. The address of the office is Lucas State Office Building, First Floor, 321 East 12th Street, Des Moines, Iowa 50319.

*"General contractor"* means every person who does work or furnishes materials by contract, express or implied, with an owner. "General contractor" does not include a person who does work or furnishes materials on contract with an owner-builder.

*"Index"* means the categories by which a posting may be searched and retrieved.

*"Labor"* means labor completed by the claimant.

*"Material,"* in addition to its ordinary meaning, includes machinery, tools, fixtures, trees, evergreens, vines, plants, shrubs, tubers, bulbs, hedges, bushes, sod, soil, dirt, mulch, peat, fertilizer, fence wire, fence material, fence posts, tile and the use of forms, accessories, and equipment furnished by the claimant.

*"Mechanics' notice and lien registry"* or *"MNLN"* means a centralized computer database maintained on the Internet by the administrator that provides a central repository for the submission and management of preliminary notices, notices of commencement of work on residential construction properties, and mechanics' liens on all construction properties.

*"Mechanics' notice and lien registry number"* or *"MNLN number"* means a number provided by the administrator for all construction properties posted to the mechanics' notice and lien registry.

*"Owner"* means the legal or equitable titleholder of record.

*"Owner-builder"* means the legal or equitable titleholder of record who furnishes material for or performs labor upon a building, erection, or other improvement, or who contracts with a subcontractor to furnish material for or perform labor upon a building, erection, or other improvement and who offers or intends to offer to sell the owner-builder's property without occupying or using the structures, properties, developments, or improvements for a period of more than one year from the date the structure, property, development, or improvement is substantially completed or abandoned.

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“*Owner notice*” means notification to the owner.

“*Post*” or “*posting*” means to enter notices, liens and any other document on the mechanics’ notice and lien registry.

“*Residential construction*” means construction on single-family or two-family dwellings occupied or used, or intended to be occupied or used, primarily for residential purposes, and includes real property pursuant to Iowa Code chapter 499B.

“*Subcontractor*” means every person furnishing material or performing labor upon any building, erection, or other improvement, except those having contracts directly with the owner. “Subcontractor” shall include those persons having contracts directly with an owner-builder.

“*Submit*” or “*submission*” means to mail, fax, or deliver by person or courier a paper document.

**721—45.2(572) Creation of mechanics’ notice and lien registry.** The administrator shall create and administer a mechanics’ notice and lien registry, hereafter known as the MNLr.

**45.2(1) Access to MNLr by the general public.** The MNLr shall be accessible to the general public through the administrator’s Web site at [www.sos.iowa.gov/mnlr](http://www.sos.iowa.gov/mnlr). A notice, lien or any other document posted is immediately accessible to the general public.

**45.2(2) MNLr searchable by index.** The MNLr shall be searchable by the following indexes:

- a. Owner name.
- b. General contractor name.
- c. MNLr number.
- d. Property address.
- e. Legal description.
- f. Tax parcel identification number.
- g. County.

**45.2(3) Acknowledgment of receipt.** The administrator shall provide a receipt acknowledging submission of a notice if the submission of information is by U.S. mail, facsimile transmission, personal delivery or courier delivery, or acknowledging submission of a lien if the submission of information is by U.S. mail. The acknowledgment shall be sent to the e-mail address provided by the person submitting the required information to post a notice or lien.

**45.2(4) MNLr user registration.** To post information on the MNLr Internet Web site, the person must register as a user on the MNLr. Procedures for MNLr user registration and allowed use of the MNLr shall be posted on the administrator’s Web site.

**721—45.3(572) Administrator identification.** In addition to the promulgation of these rules, the administrator will disseminate the administrator’s location, mailing address, telephone and facsimile numbers and the administrator’s Internet and other electronic “addresses” through usual and customary means.

**721—45.4(572) Posting of notice of commencement of work.**

**45.4(1) Posting by general contractor.** A general contractor for residential construction shall post a notice of commencement of work to the MNLr within ten days of commencement of work, or the general contractor is not entitled to a lien or remedies provided in Iowa Code chapter 572.

**45.4(2) Information in notice of commencement of work.** The information provided shall, at a minimum, include:

- a. The name and address of the owner.
- b. The name, address and telephone number of the general contractor or owner-builder.
- c. The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.
- d. The legal description of the property.
- e. The date work commenced.
- f. The tax parcel identification number.
- g. The county in which the building, land, or improvement to be charged with the lien is situated.

SECRETARY OF STATE[721](cont'd)

*h.* The e-mail address of the person posting or submitting the notice of commencement of work or the e-mail address of another individual or entity designated to receive electronic correspondence on behalf of this person.

**45.4(3) Commencement of work owner notice.** At the time a notice of commencement of work is posted on the MNLR, the administrator shall mail a written owner notice to the owner's address. If the owner's address is different than the property address, a copy of the notice shall also be sent to the property address, addressed to the owner.

*a.* The owner notice shall be in boldface type and of a minimum size of ten points and contain the following language:

"Persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved property if they are not paid for their contributions, even if the parties have no direct contractual relationship with the owner. The mechanics' notice and lien registry provides a listing of all persons or companies furnishing labor or materials who have posted a lien or who may post a lien upon the improved property. If the person or company has posted its notice or lien to the mechanics' notice and lien registry, you may be required to pay the person or company even if you have paid the general contractor the full amount due. Therefore, check the mechanics' notice and lien registry internet website for information about the property including persons or companies furnishing labor or materials before paying your general contractor. In addition, when making payment to your general contractor, it is important to obtain lien waivers from your general contractor and from persons or companies registered as furnishing labor or materials to your property. The information in the mechanics' notice and lien registry is posted on the internet website of the mechanics' notice and lien registry."

*b.* The owner notice shall include the MNLR Internet Web site address and MNLR toll-free telephone number.

**721—45.5(572) Posting of preliminary notice.**

**45.5(1) Posting by subcontractor.**

*a.* A subcontractor for residential construction who has provided or will provide labor or furnish material for residential construction shall post a preliminary notice to the MNLR, or the subcontractor is not entitled to a lien or remedies provided in Iowa Code chapter 572.

*b.* Prior to the posting of a preliminary notice, a notice of commencement of work must be posted on the MNLR. If the general contractor or owner-builder has not posted a notice of commencement of work on the MNLR within ten days of commencement of work on the property, then the subcontractor may post a notice of commencement of work on the MNLR prior to posting the preliminary notice. In order to post a notice of commencement of work on the MNLR, the subcontractor must comply with subrule 45.4(2).

**45.5(2) Contents of preliminary notice.** The information provided by the subcontractor shall, at a minimum, include:

- a.* The name of the owner.
- b.* The MNLR number.
- c.* The name, address and telephone number of the subcontractor furnishing the labor, service, equipment, or material.
- d.* The name and address of the person who contracted with the claimant for the furnishing of the labor, service, equipment, or material.
- e.* The name of the general contractor or owner-builder under which the claimant is performing or will perform the work.
- f.* The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.
- g.* The legal description of the property.
- h.* The date the material or materials were first furnished or the labor was first performed.
- i.* The tax parcel identification number.
- j.* The county in which the building, land, or improvement to be charged with the lien is situated.

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*k.* The e-mail address of the subcontractor or the e-mail address of another individual or entity designated to receive electronic correspondence on behalf of the subcontractor.

**45.5(3) Preliminary notice owner notice.** At the time that a preliminary notice is posted on the MNLN, the administrator shall mail a written owner notice, as provided in paragraphs 45.4(3) "a" and 45.4(3) "b," to the owner's address. An owner-builder shall not receive an owner notice.

**45.5(4) Proof of service of owner notice.** The administrator shall post a proof of service on the MNLN. The subcontractor may obtain a copy by downloading the proof of service from the record of postings by MNLN number.

**721—45.6(572) Posting of mechanic's lien.**

**45.6(1) Posting of mechanic's lien.** A person must post on the MNLN a verified statement of account of the demand due the person, after allowing all credits.

**45.6(2) Contents of the statement of account.** The verified statement of account provided by the person shall include:

*a.* The date when such material was first furnished or labor first performed, and the date on which the last of the material was furnished or the last of the labor was performed.

*b.* The legal description of the property to be charged with the lien.

*c.* The name and last-known mailing address of the owner of the property.

*d.* The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.

*e.* The tax parcel identification number.

**45.6(3) Mechanic's lien owner notice.** At the time that a lien is posted on the MNLN, the administrator shall mail a copy of the lien to the owner's address. The owner notice shall include the MNLN Internet Web site address and MNLN toll-free telephone number.

**45.6(4) Identification of lien county.** A lien posted to the MNLN under this rule shall be limited to the county in which the building, land, or improvement to be charged with the lien is situated. The county identified on the MNLN Web site at the time of posting the required notices in rules 721—45.4(572) and 721—45.5(572) shall be the only county in which the building, land, or improvement may be charged with a mechanic's lien.

**45.6(5) Lien information contained in posting.** The liens posted on the MNLN shall contain the following items:

*a.* The name of the person by whom posted.

*b.* The date and hour of posting.

*c.* The amount thereof.

*d.* The name of the person against whom the lien is posted.

*e.* The legal description of the property to be charged.

*f.* The tax parcel identification number of the property to be charged.

*g.* The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.

**45.6(6) Additional information for posting of a mechanic's lien for commercial property.** The person posting the mechanic's lien for a commercial property must register as a user with the MNLN and must provide the following additional information:

*a.* The name and mailing address of the owner.

*b.* The name, address and telephone number of the general contractor or owner-builder.

*c.* The county in which the building, land, or improvement to be charged with the lien is situated.

*d.* The e-mail address of the person posting or submitting the mechanic's lien or the e-mail address of another individual or entity designated to receive electronic correspondence on behalf of the person posting the lien.

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**721—45.7(572) Forfeiture and cancellation of mechanics' liens.**

**45.7(1) Demand for acknowledgment of satisfaction of claim.**

a. When a mechanic's lien is satisfied by payment of the claim, the claimant may post acknowledgment of that satisfaction on the MNLR.

b. If the claimant fails to acknowledge satisfaction by posting, the owner, general contractor or owner-builder may personally serve the claimant with a written demand that the claimant post the acknowledgment of satisfaction on the MNLR. If the claimant fails to post the acknowledgment of satisfaction within 30 days of when the demand is served, the mechanic's lien is forfeited and canceled upon the posting of a copy of the demand and the posting of endorsed proofs of service.

**45.7(2) Posting of demand to commence action to enforce the lien.** The owner may serve a written demand on the claimant demanding that the claimant commence action to enforce the lien. If the claimant fails to commence action to enforce the lien within 30 days of receipt of the written demand, the owner may post a copy of the demand to commence action and the endorsed proofs of service. Completion of these requirements provides constructive notice to all parties that the lien has been canceled.

**45.7(3) Notice to both parties.** At the time that a demand is posted on the MNLR, the administrator shall mail a date- and time-stamped copy of the demand to both parties.

**721—45.8(572) Discharge of mechanic's lien by submission of a bond.**

**45.8(1) Submission or posting of a bond.** Any person may submit a bond to the administrator or post a bond to discharge a mechanic's lien. The submitter of the bond shall provide the MNLR number so that the administrator can determine to which lien to apply the bond.

**45.8(2) Acceptance of a bond.** The administrator may accept a bond in twice the amount of the sum for which the claim for the lien is filed, with surety or sureties authorized to issue surety bonds in this state.

**721—45.9(572) Action against general contractor or owner-builder to recover amount due.**

**45.9(1) Giving of a bond.** The general contractor or owner-builder may post or submit a surety bond to the administrator for purposes of preventing exemplary damages under Iowa Code section 572.30. The bond shall be in an amount not less than the amount necessary to satisfy the nonpayment for which the notice has been given, and in a form set forth by Iowa Code section 572.30.

**45.9(2) Acceptance of a bond.** The administrator shall accept a bond in an amount and form set forth by Iowa Code section 572.30.

**721—45.10(572) Delay by administrator.** Delay by the administrator beyond a time limit prescribed in these rules is excused if:

1. The delay is caused by interruption of communication or computer facilities, war, emergency conditions, failure of equipment, or other circumstances beyond the control of the administrator.
2. The administrator exercises reasonable diligence under these circumstances.

**721—45.11(572) Nondisclosure of MNLR information.** The following information, provided in compliance with this chapter, shall not be viewed as a public record under Iowa Code chapter 22 and shall not be disclosed by the administrator:

1. An e-mail address.
2. MNLR user account or payment information.

**721—45.12(572) Obligation to update information.** The administrator may use e-mail for official correspondence with a registered user, except when law requires delivery by U.S. mail. If the registered user wants to receive timely notice by the administrator, it is the obligation of the registered user to update the user's contact information on the MNLR.

**721—45.13(572) Fees and services.**

**45.13(1) Fee for posting and mailing.** The following fees shall be charged for posting on the MNLR and for the mailing of notices:

## SECRETARY OF STATE[721](cont'd)

*a.* The fee for posting a notice of commencement of work using the Internet Web site is \$7. The fee for posting a notice of commencement of work by submitting the notice to the administrator by U.S. mail, facsimile, personal delivery or courier delivery is \$10.

*b.* The fee for posting a preliminary notice on the MNLN using the Internet Web site is \$7. The fee for posting a preliminary notice by submitting the notice to the administrator by U.S. mail, facsimile, personal delivery or courier delivery is \$10.

*c.* The fee for posting a mechanic's lien using the Internet Web site is \$30. The fee for posting a mechanic's lien by submitting the lien to the administrator by U.S. mail is \$40.

*d.* The fee for mailing a copy of the demand for acknowledgment is \$5 per party's mailing address.

*e.* The fee for mailing a copy of the demand to commence action is \$5 per party's mailing address.

*f.* The fee for posting a correction statement is \$5 to mail a new owner notice.

**45.13(2) *Searching the MNLN.*** A search of the MNLN by index list is available at no cost via the administrator's Web site. Any person may search the MNLN without registering as an MNLN user. When a search of the MNLN is performed by the administrator, the following fees apply:

*a.* The fee for an MNLN search request is \$5. The search will only be performed if an MNLN number is provided by the requester. Other than by MNLN number, no other search will be performed by the administrator. The request may be made by verbal communication, on paper, by facsimile, or by e-mail. The search provides the requester with a copy of the summary of postings for the provided MNLN number, and an estimate of the cost to obtain a paper copy of the documents listed on the summary of postings.

*b.* The fee for a paper copy of a document posted on the MNLN is:

(1) \$1 per page, delivered by U.S. mail.

(2) \$2 per page, delivered by facsimile machine.

Documents will not be delivered via e-mail.

**45.13(3) *Public records services.*** Public records services are provided on a nondiscriminatory basis to any member of the public on the terms described in these rules. The following fees shall be charged for obtaining copies of MNLN documents and copies of data from the MNLN information management system, as generated and provided by the administrator, by the following methods:

*a.* Paper copies of individual documents. The requester must provide the MNLN document number.

(1) U.S. mail delivery — \$1 per page.

(2) Facsimile delivery — \$2 per page.

Documents will not be delivered via e-mail.

*b.* Data download.

(1) Subscription service that allows a subscriber to electronically receive data fields via a spreadsheet format (unlimited downloads): \$500 annual fee, renewable January 1 each year. For subscribers, bulk copies of PDF images of postings may be purchased for 4 cents per document, delivered to the subscriber on a computer disk.

(2) One-time full extract of data for a calendar year via download: up to \$1,000 per year. In addition to the purchase of the download, a requester for full data extract may purchase a copy of all PDF images of postings for the calendar year for 4 cents per document, delivered to the requester on a computer disk.

**45.13(4) *Methods of payment.*** Fees for posting, mailing, and searching rendered by the administrator may be paid to the administrator by the following methods:

*a.* Check. Checks made payable to administrator, including checks in an amount to be filled in by the administrator but not to exceed a particular amount, will be accepted for payment if they are cashier's checks or certified checks drawn on a bank acceptable to the administrator or if the drawer is acceptable to the administrator.

*b.* Electronic funds transfer. The administrator may accept payment via electronic funds transfer under National Automated Clearing Housing Association (NACHA) rules from persons who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

*c.* Accounts receivable. Payment for services shall be in accordance with rule 721—2.3(17A).

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*d.* Credit card. The administrator may accept payments made by credit card issued by an approved credit card issuer.

**45.13(5) Receipt of required fees verified.**

*a.* A receipt of the required fee must be verified by the administrator to post to the MNLR. The administrator may reject a submission or posting; or post a withdrawal statement on the MNLR if the administrator is notified of insufficient funds, a disputed credit card charge, or other failure. A posting rejected for insufficient funds shall be identified as such by the administrator on the MNLR. If a posting is withdrawn by the administrator for failure to pay the required fee, the MNLR document number will be unavailable to select for posting a mechanic's lien; the original posting with funds verified may be reposted by the MNLR user.

*b.* In order for the administrator to provide a requested copy of an MNLR search or public record, receipt of the required fee must be verified by the administrator.

**45.13(6) Overpayment and underpayment policies.**

*a.* The administrator shall refund the amount of an overpayment exceeding \$15, less the administrative cost of processing a refund.

*b.* Upon receipt of a submission with an insufficient fee, the administrator shall return the document as provided in rule 721—45.14(572). A refund of partial payment may be included with the document or delivered under separate cover.

**721—45.14(572) Grounds for refusal of a posting or submission.** A posting or submission may be refused by the administrator on the following grounds:

1. A posting or submission does not provide complete information as required under subrule 45.4(2) for a notice of commencement of work, subrule 45.5(2) for a preliminary notice, subrules 45.6(2) and 45.6(5) for a mechanic's lien, or subrules 45.6(2), 45.6(5) and 45.6(6) for a mechanic's lien for a commercial property;

2. A submission does not include an MNLR number, except for a submission for which the form provided by the administrator does not require an MNLR number;

3. The required fee is not paid for a submission or posting or the fee paid for the submission or posting is insufficient;

4. A submission is not on a form provided by the administrator for the purpose of performing the requested posting; or

5. A submission is not legible, as determined by the administrator.

Additional grounds for the administrator's refusal to accept an MNLR document for posting may be established by policy. The policy shall be noticed to the public by the posting of the policy on the MNLR Web site.

**721—45.15(572) Posting of a filing office statement, correction statement, or withdrawal statement.**

**45.15(1) Filing office statement.** The administrator may post a filing office statement to correct information that was incorrectly transcribed from a paper submission.

**45.15(2) Correction statement.** A correction statement for a commencement of work or a preliminary notice is an electronic posting by a registered MNLR user. A correction statement does not allow for a change in the county where the building, land or improvement to be charged with the lien is situated; in the date of the commencement of work; or in the date that material was first furnished or labor was first performed by the subcontractor.

**45.15(3) Withdrawal statement.**

*a.* A withdrawal statement of an original posting of a notice or lien shall be made by the general contractor, owner-builder, or subcontractor, or party authorized on behalf of the original party, who originally posted the record on the MNLR. The MNLR number is required at the time the withdrawal statement is posted to identify the posting to be withdrawn.

*b.* A withdrawal statement of an original posting of a notice, lien or other document may be made by the administrator as provided in subrule 45.13(5).

SECRETARY OF STATE[721](cont'd)

**45.15(4)** *Notice of filing office statement, correction statement, or withdrawal statement to registered users.* At the time of the posting of a filing office statement, a correction statement, or a withdrawal statement, a notice will be sent by e-mail to all registered users, except the administrator, who have posted to the MNLR number.

**721—45.16(572) Assignment of date and time stamp and MNLR number.**

**45.16(1)** *Method and time of posting.*

*a.* For a notice of commencement of work or preliminary notice, the posting shall be date- and time-stamped as follows:

(1) If posted electronically on the MNLR, the time of posting shall be upon posting of all required information and payment of the required fees.

(2) If the required information and fee are submitted by U.S. mail to the filing office, the administrator shall post to the MNLR within three business days of receipt.

(3) If the required information and fee are submitted by facsimile transmission to the filing office, the administrator shall post to the MNLR within three business days of receipt.

(4) If the required information and fee are submitted by personal delivery or courier delivery to the filing office's street address, the administrator shall post to the MNLR within three business days of receipt.

*b.* For a mechanic's lien, demand for acknowledgment of satisfaction of claim, demand to commence action to enforce the lien, bond to discharge a mechanic's lien, or bond to prevent exemplary damages, the posting will be date- and time-stamped as follows:

(1) If posted electronically on the MNLR, the time of posting shall be upon submission of all required information and payment of the required fees.

(2) If the required information and fee are submitted by U.S. mail to the filing office, the administrator shall post to the MNLR within three business days of receipt.

*c.* For a filing office statement, a correction statement, or a withdrawal statement, the posting shall be date- and time-stamped at the time the statement is posted electronically on the MNLR by the registered MNLR user.

**45.16(2)** *Assignment of an MNLR number.* The administrator shall assign an MNLR number at the time that a notice of commencement of work or a mechanic's lien on a commercial property is posted on the MNLR.

**721—45.17(572) Penalties.** Submission of fictitious, forged, or false information to the MNLR by a general contractor, owner-builder or subcontractor is a civil offense punishable by a civil penalty of not more than \$750 for each violation or, if the infraction is a repeat offense, a civil penalty not to exceed \$1,000 for each repeat offense.

**721—45.18(572) Preservation and access by the public.** This rule relates to the maintenance of archives and the ability of those archives to be searched.

**45.18(1)** *Paper documents.* Paper documents are scanned into the MNLR. The paper submission is returned to the submitter.

**45.18(2)** *Archives—data retention.*

*a.* The MNLR information management system is backed up to magnetic tape every business day.

*b.* Data in the MNLR information management system is retained for 15 years from the date of commencement of work.

*c.* Archival searches may be available through arrangements with the administrator in the administrator's sole discretion.

These rules are intended to implement Iowa Code chapter 572.

[Filed 11/6/12, effective 1/2/13]

[Published 11/28/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0477C****SOIL CONSERVATION DIVISION[27]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 161A.4(1), the Division of Soil Conservation of the Department of Agriculture and Land Stewardship hereby amends Chapter 10, "Iowa Financial Incentive Program for Soil Erosion Control," Iowa Administrative Code.

A one-time payment of \$25 per acre for establishing a cover crop is authorized.

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin as **ARC 0303C** on August 22, 2012. In addition, these amendments were also Adopted and Filed Emergency and published on September 19, 2012, as **ARC 0331C**.

No comments have been received from the public.

Since publication of the Notice, language that had been adopted in **ARC 0331C** to allow haying and grazing during calendar year 2012 without loss of the summer construction incentive has been rescinded in Item 3. In addition, the extension of time during 2012 for completion of summer construction practices has been removed in Item 2.

These amendments are subject to the Division's general waiver provisions.

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

These amendments are intended to implement Iowa Code section 161A.2.

These amendments will become effective January 2, 2013.

The following amendments are adopted.

ITEM 1. Amend paragraph **10.60(1)"c"** as follows:

c. For currently funded fiscal years, the division will make one-time payments of up to \$10 per acre for no-tillage, ridge-till and strip-till; \$6 per acre for contour farming; \$25 per acre for establishing a cover crop; and 50 percent of the cost up to \$25 per acre for strip-cropping, field borders and filter strips. Not more than 30 percent of the district's original allocation and supplemental allocation may be used for the establishment of management practices to control soil erosion on land that is now row-cropped.

ITEM 2. Amend paragraph **10.60(2)"c"** as follows:

c. The construction of the permanent conservation practice shall take place between June 15 and October 15. Work must be started and completed between these dates and verified by the technician prior to payment of the incentive. ~~For calendar year 2012, work which has been started by June 15 and is completely finished by December 31 will be considered to be constructively completed by October 15.~~

ITEM 3. Rescind paragraph **10.60(2)"f."**

ITEM 4. Adopt the following new paragraph **10.82(1)"d"**:

d. Cover crops.

[Filed 11/8/12, effective 1/2/13]

[Published 11/28/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.

**ARC 0463C****TREASURER OF STATE[781]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 12C.16, the Treasurer of State hereby rescinds Chapter 3, "Deposit and Security of Public Funds in Savings and Loans," Iowa Administrative Code.

Iowa Code chapter 12C, 1999 Code of Iowa, directed the Treasurer of State to adopt rules and procedures to secure deposits of public funds in banks, savings and loans and credit unions. Because

## TREASURER OF STATE[781](cont'd)

1999 Iowa Acts, chapter 117, eliminated savings and loans from Iowa Code chapter 12C, the Treasurer is rescinding 781—Chapter 3.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 19, 2012, as **ARC 0335C**. No public comment was received on this amendment. This amendment is identical to that published under Notice.

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

This amendment is intended to implement 1999 Iowa Acts, chapter 117.

The amendment will become effective January 2, 2013.

The following amendment is adopted.

Rescind and reserve **781—Chapter 3**.

[Filed 10/29/12, effective 1/2/13]

[Published 11/28/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.