



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

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

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

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

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CITATION of Administrative Rules

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

- | | |
|-----------------------|----------------|
| 441 IAC 79 | (Chapter) |
| 441 IAC 79.1(249A) | (Rule) |
| 441 IAC 79.1(1) | (Subrule) |
| 441 IAC 79.1(1)“a” | (Paragraph) |
| 441 IAC 79.1(1)“a”(1) | (Subparagraph) |

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Schedule for Rule Making 2005

| NOTICE SUBMISSION DEADLINE | NOTICE PUB. DATE | HEARING OR COMMENTS 20 DAYS | FIRST POSSIBLE ADOPTION DATE 35 DAYS | ADOPTED FILING DEADLINE | ADOPTED PUB. DATE | FIRST POSSIBLE EFFECTIVE DATE | POSSIBLE EXPIRATION OF NOTICE 180 DAYS |
|----------------------------------|------------------------|--------------------------------------|--|-------------------------------|-------------------------|--|---|
| Dec. 31 '04 | Jan. 19 '05 | Feb. 8 '05 | Feb. 23 '05 | Feb. 25 '05 | Mar. 16 '05 | Apr. 20 '05 | July 18 '05 |
| Jan. 14 '05 | Feb. 2 | Feb. 22 | Mar. 9 | Mar. 11 | Mar. 30 | May 4 | Aug. 1 |
| Jan. 28 | Feb. 16 | Mar. 8 | Mar. 23 | Mar. 25 | Apr. 13 | May 18 | Aug. 15 |
| Feb. 11 | Mar. 2 | Mar. 22 | Apr. 6 | Apr. 8 | Apr. 27 | June 1 | Aug. 29 |
| Feb. 25 | Mar. 16 | Apr. 5 | Apr. 20 | Apr. 22 | May 11 | June 15 | Sept. 12 |
| Mar. 11 | Mar. 30 | Apr. 19 | May 4 | May 6 | May 25 | June 29 | Sept. 26 |
| Mar. 25 | Apr. 13 | May 3 | May 18 | ***May 18*** | June 8 | July 13 | Oct. 10 |
| Apr. 8 | Apr. 27 | May 17 | June 1 | June 3 | June 22 | July 27 | Oct. 24 |
| Apr. 22 | May 11 | May 31 | June 15 | June 17 | July 6 | Aug. 10 | Nov. 7 |
| May 6 | May 25 | June 14 | June 29 | ***June 29*** | July 20 | Aug. 24 | Nov. 21 |
| ***May 18*** | June 8 | June 28 | July 13 | July 15 | Aug. 3 | Sept. 7 | Dec. 5 |
| June 3 | June 22 | July 12 | July 27 | July 29 | Aug. 17 | Sept. 21 | Dec. 19 |
| June 17 | July 6 | July 26 | Aug. 10 | Aug. 12 | Aug. 31 | Oct. 5 | Jan. 2 '06 |
| ***June 29*** | July 20 | Aug. 9 | Aug. 24 | ***Aug. 24*** | Sept. 14 | Oct. 19 | Jan. 16 '06 |
| July 15 | Aug. 3 | Aug. 23 | Sept. 7 | Sept. 9 | Sept. 28 | Nov. 2 | Jan. 30 '06 |
| July 29 | Aug. 17 | Sept. 6 | Sept. 21 | Sept. 23 | Oct. 12 | Nov. 16 | Feb. 13 '06 |
| Aug. 12 | Aug. 31 | Sept. 20 | Oct. 5 | Oct. 7 | Oct. 26 | Nov. 30 | Feb. 27 '06 |
| ***Aug. 24*** | Sept. 14 | Oct. 4 | Oct. 19 | Oct. 21 | Nov. 9 | Dec. 14 | Mar. 13 '06 |
| Sept. 9 | Sept. 28 | Oct. 18 | Nov. 2 | Nov. 4 | Nov. 23 | Dec. 28 | Mar. 27 '06 |
| Sept. 23 | Oct. 12 | Nov. 1 | Nov. 16 | ***Nov. 16*** | Dec. 7 | Jan. 11 '06 | Apr. 10 '06 |
| Oct. 7 | Oct. 26 | Nov. 15 | Nov. 30 | Dec. 2 | Dec. 21 | Jan. 25 '06 | Apr. 24 '06 |
| Oct. 21 | Nov. 9 | Nov. 29 | Dec. 14 | ***Dec. 14*** | Jan. 4 '06 | Feb. 8 '06 | May 8 '06 |
| Nov. 4 | Nov. 23 | Dec. 13 | Dec. 28 | Dec. 30 | Jan. 18 '06 | Feb. 22 '06 | May 22 '06 |
| ***Nov. 16*** | Dec. 7 | Dec. 27 | Jan. 11 '06 | Jan. 13 '06 | Feb. 1 '06 | Mar. 8 '06 | June 5 '06 |
| Dec. 2 | Dec. 21 | Jan. 10 '06 | Jan. 25 '06 | Jan. 27 '06 | Feb. 15 '06 | Mar. 22 '06 | June 19 '06 |
| ***Dec. 14*** | Jan. 4 '06 | Jan. 24 '06 | Feb. 8 '06 | Feb. 10 '06 | Mar. 1 '06 | Apr. 5 '06 | July 3 '06 |
| Dec. 30 | Jan. 18 '06 | Feb. 7 '06 | Feb. 22 '06 | Feb. 24 '06 | Mar. 15 '06 | Apr. 19 '06 | July 17 '06 |

PRINTING SCHEDULE FOR IAB

| <u>ISSUE NUMBER</u> | <u>SUBMISSION DEADLINE</u> | <u>ISSUE DATE</u> |
|---------------------|----------------------------|--------------------|
| 4 | Friday, July 29, 2005 | August 17, 2005 |
| 5 | Friday, August 12, 2005 | August 31, 2005 |
| 6 | Wednesday, August 24, 2005 | September 14, 2005 |

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

PUBLICATION PROCEDURES

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FROM: Kathleen K. West, Iowa Administrative Code Editor
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The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, August 9, 2005, at 9 a.m. and Wednesday, August 10, 2005, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

NOTE: See also Supplemental Agenda to be published in the August 3, 2005, Iowa Administrative Bulletin.

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- Payroll deduction for tuition program contributions, adopt ch 45,
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- Requests for proposals—general notification, 105.7(1), Notice ARC 4294B,
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- Disposal of state surplus property, 111.1, 111.2, Filed ARC 4289B 7/6/05

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- Women, infants, and children/farmers' market and senior farmers' market nutrition programs, ch 50,
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DENTAL EXAMINERS BOARD[650]

- PUBLIC HEALTH DEPARTMENT[641]"umbrella"
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- License renewal; fees, 13.1(3) to 13.1(9), 14.1, 15.1, 15.1(1) to 15.1(6), 15.1(9) to 15.1(11),
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- EDUCATION DEPARTMENT[281]"umbrella"
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- Special education endorsements, 15.2(1) to 15.2(5), 15.2(8) to 15.2(10), Filed ARC 4359B 7/20/05
- Renewal of initial license, 17.8(1), Filed ARC 4356B 7/20/05

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MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

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NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

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| Quota increase for antlerless-deer-only licenses for nonresidents, 94.6(1), <u>Notice</u> ARC 4350B , also <u>Filed Emergency</u> ARC 4351B | 7/20/05 |
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| Deer hunting by residents, 106.1, 106.2, 106.4(4) to 106.4(6), 106.5 to 106.8, 106.10(1), 106.12(6), 106.12(7), <u>Filed</u> ARC 4339B | 7/6/05 |

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PUBLIC HEALTH DEPARTMENT[641]"umbrella"

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PUBLIC HEALTH DEPARTMENT[641]"umbrella"

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PUBLIC HEALTH DEPARTMENT[641]"umbrella"

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| Mortuary science examiners, 101.1, 101.8(9), 101.10(1) to 101.10(4), 101.10(6), 101.10(7), 101.14, 101.15, 101.18, 101.19, 102.1, 102.2(3), 102.2(4), 102.3, 102.3(1), 102.3(1)"c," 102.3(1)"e"(2) and (3), 102.3(2)"a"(2), 102.3(2)"c" and "d," 102.4 to 102.11, 105.1(4) to 105.1(6), <u>Filed</u> ARC 4300B | 7/6/05 |

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| Mortuary science examiners, 101.2(3), 101.4(1), 101.4(2), 101.5(1)"a," 101.8, 101.8(6), 101.8(9), 101.8(10), 103.3(13), <u>Filed ARC 4301B</u> | 7/6/05 |
| Massage therapy examiners, 131.1, 131.6"6," 131.8(1), 131.8(3), 131.8(5), 131.8(7), 131.8(8), 131.9, 131.10, 131.13 to 131.15, 133.1, 133.2, 133.2(3), 133.2(4), 133.4 to 133.11, 135.1(5) to 135.1(7), <u>Filed ARC 4298B</u> | 7/6/05 |
| Massage therapy examiners, 131.2(4), 131.2(6), 131.2(7), 131.4, 131.5, 133.2(1), 133.2(2), 133.3, 133.3(1), 133.3(1)"c," 133.3(1)"e"(2) and (3), 133.3(2), 133.3(3), 134.2(31), <u>Filed ARC 4299B</u> | 7/6/05 |
| Athletic training examiners, 351.1, 351.7"5," 351.9(1), 351.9(3), 351.9(5), 351.9(7), 351.9(8), 351.10, 351.13 to 351.16, 352.1, 352.2(1), 352.2(3), 352.2(4), 352.3, 352.3(1), 352.3(1)"c," 352.3(1)"e"(2) and (3), 352.3(2), 352.4 to 352.11, 354.1(5), 354.1(6), 354.1(8), <u>Filed ARC 4344B</u> | 7/20/05 |
| Athletic training examiners, 353.2(32), <u>Filed ARC 4343B</u> | 7/20/05 |

PUBLIC SAFETY DEPARTMENT[661]

| | |
|---|---------|
| Iowa sex offender registry, 83.2(9) to 83.2(13), 83.3(2)"c," 83.3(3), 83.3(6), 83.4(3)"b" and "c," 83.4(5), 83.4(9), <u>Notice ARC 4357B</u> , also <u>Filed Emergency ARC 4358B</u> | 7/20/05 |
| DNA database, adopt ch 156, <u>Notice ARC 4360B</u> , also <u>Filed Emergency ARC 4361B</u> | 7/20/05 |

REAL ESTATE COMMISSION[193E]

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

| | |
|---|--------|
| Enforcement proceedings against unlicensed persons, adopt ch 21, <u>Filed ARC 4283B</u> | 7/6/05 |
|---|--------|

REGENTS BOARD[681]

| | |
|--|---------|
| Sanctions for parking violations, 4.30(5), 4.31(2), <u>Filed ARC 4284B</u> | 7/6/05 |
| Uniform rules of personal conduct; hearing examiners appointed by university presidents, 9.1 to 9.3, <u>Filed ARC 4345B</u> | 7/20/05 |

REVENUE DEPARTMENT[701]

| | |
|--|--------|
| Determination of value of railroad companies, 76.1(7), 76.1(10), 76.4(5), 76.4(6), 76.5, 76.7, 76.9(3), 76.9(4), <u>Filed ARC 4306B</u> | 7/6/05 |
|--|--------|

TRANSPORTATION DEPARTMENT[761]

| | |
|--|--------|
| Temporary authority for registration, 500.9, <u>Filed ARC 4287B</u> | 7/6/05 |
| Licensing—school bus endorsement, hazardous material endorsement, military extensions, 605.4(1), 605.10, 605.16, 607.3, 607.10(1)"c," 607.16, 607.17, 607.20, 607.27, 607.28, 607.39(2), 607.49(6)"d," <u>Filed Emergency After Notice ARC 4288B</u> | 7/6/05 |

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

| | |
|--|---------|
| Certification of eligibility for wind energy and renewable energy tax credits, 15.18, <u>Notice ARC 4341B</u> , also <u>Filed Emergency ARC 4342B</u> | 7/20/05 |
|--|---------|

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

| | |
|---|---------|
| Retired and senior volunteer program (RSVP), adopt ch 7, <u>Filed Emergency After Notice ARC 4346B</u> | 7/20/05 |
|---|---------|

WORKERS' COMPENSATION DIVISION[876]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

| | |
|---|---------|
| Payroll tax tables, 8.8, <u>Filed Emergency ARC 4347B</u> | 7/20/05 |
|---|---------|

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

EDITOR'S NOTE: Terms ending April 30, 2007.

Senator Jeff Angelo
808 West Jefferson
Creston, Iowa 50801

Senator Michael Connolly
3458 Daniels Street
Dubuque, Iowa 52002

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

Senator Mary Lundby
P.O. Box 648
Marion, Iowa 52302-0648

Senator Paul McKinley
21884 483rd Lane
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Representative Danny Carroll
244 400th Avenue
Grinnell, Iowa 50112

Representative George Eichhorn
P.O. Box 140
Stratford, Iowa 50249

Representative Marcella R. Frevert
P.O. Box 324
Emmetsburg, Iowa 50536

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

Representative Geri Huser
213 Seventh Street NW
Altoona, Iowa 50009

Gary Dickey Jr.
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 11
Des Moines, Iowa 50319

| AGENCY | HEARING LOCATION | DATE AND TIME OF HEARING |
|---|--|-------------------------------|
| ADMINISTRATIVE SERVICES DEPARTMENT[11] | | |
| Department organization, 1.1, 1.4 IAB 7/6/05 ARC 4290B (See also ARC 4291B) | Conference Room 04, Level A – South Hoover State Office Bldg. Des Moines, Iowa | July 26, 2005 11 a.m. |
| Payroll deduction for tuition program contributions, ch 45 IAB 7/6/05 ARC 4292B (See also ARC 4293B) | Conference Room 04, Level A – South Hoover State Office Bldg. Des Moines, Iowa | July 26, 2005 11:15 a.m. |
| Procurement of goods and services of general use, 105.7(1) IAB 7/6/05 ARC 4294B (See also ARC 4295B) | Conference Room 04, Level A – South Hoover State Office Bldg. Des Moines, Iowa | July 26, 2005 11:30 a.m. |
| DENTAL EXAMINERS BOARD[650] | | |
| Renewal and reinstatement procedures for local anesthesia permit, 11.7 IAB 7/20/05 ARC 4364B | Board Conference Room, Suite D 400 SW Eighth St. Des Moines, Iowa | August 9, 2005 10 a.m. |
| License renewal, 13.1, 14.1, 15.1, 15.2, 15.4, 15.5, 25.2 IAB 7/20/05 ARC 4362B | Board Conference Room, Suite D 400 SW Eighth St. Des Moines, Iowa | August 9, 2005 10 a.m. |
| ENVIRONMENTAL PROTECTION COMMISSION[567] | | |
| Financial responsibility for underground storage tanks, 136.1, 136.6(3), 136.8(2), 136.18(1), 136.22 IAB 7/20/05 ARC 4353B | Fourth Floor Conference Room East Wallace State Office Bldg. Des Moines, Iowa | August 9, 2005 1 p.m. |
| MEDICAL EXAMINERS BOARD[653] | | |
| Fees for physician licensure, 8.4, 9.5(1), 9.11(3), 9.13, 10.4(3) IAB 7/6/05 ARC 4309B | Suite C 400 SW Eighth St. Des Moines, Iowa | July 26, 2005 8 a.m. |
| NATURAL RESOURCE COMMISSION[571] | | |
| Cabin rental fee at Stone State Park, 61.4(1) IAB 7/20/05 ARC 4348B (See also ARC 4349B herein) | Fourth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa | August 11, 2005 10:30 a.m. |
| Quota for nonresident antlerless- deer-only licenses, 94.6(1) IAB 7/20/05 ARC 4350B (See also ARC 4351B herein) | Fourth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa | August 11, 2005 1 p.m. |

PHARMACY EXAMINERS BOARD[657]

| | | |
|--|---|-------------------------|
| Electronic drug database program, adopt ch 13; 36.1(4) IAB 7/6/05 ARC 4307B | Conference Room, Suite E 400 SW Eighth St. Des Moines, Iowa | July 26, 2005 1 p.m. |
|--|---|-------------------------|

PUBLIC SAFETY DEPARTMENT[661]

| | | |
|---|---|-------------------------------|
| Iowa sex offender registry, 83.2 to 83.4 IAB 7/20/05 ARC 4357B (See also ARC 4358B herein) | Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa | September 10, 2005 10 a.m. |
|---|---|-------------------------------|

| | | |
|---|---|---------------------------------|
| DNA database, ch 156 IAB 7/20/05 ARC 4360B (See also ARC 4361B herein) | Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa | September 12, 2005 9:30 a.m. |
|---|---|---------------------------------|

UTILITIES DIVISION[199]

| | | |
|--|---|-------------------------------|
| Certification of eligibility for wind energy and renewable energy tax credits, 15.18 IAB 7/20/05 ARC 4341B (See also ARC 4342B herein) | Hearing Room 350 Maple St. Des Moines, Iowa | September 21, 2005 10 a.m. |
|--|---|-------------------------------|

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

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

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

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

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
 Agricultural Development Authority[25]
 Soil Conservation Division[27]
 ATTORNEY GENERAL[61]
 AUDITOR OF STATE[81]
 BEEF INDUSTRY COUNCIL, IOWA[101]
 BLIND, DEPARTMENT FOR THE[111]
 CAPITAL INVESTMENT BOARD, IOWA[123]
 CITIZENS’ AIDE[141]
 CIVIL RIGHTS COMMISSION[161]
 COMMERCE DEPARTMENT[181]
 Alcoholic Beverages Division[185]
 Banking Division[187]
 Credit Union Division[189]
 Insurance Division[191]
 Professional Licensing and Regulation Division[193]
 Accountancy Examining Board[193A]
 Architectural Examining Board[193B]
 Engineering and Land Surveying Examining Board[193C]
 Landscape Architectural Examining Board[193D]
 Real Estate Commission[193E]
 Real Estate Appraiser Examining Board[193F]
 Savings and Loan Division[197]
 Utilities Division[199]
 CORRECTIONS DEPARTMENT[201]
 Parole Board[205]
 CULTURAL AFFAIRS DEPARTMENT[221]
 Arts Division[222]
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 ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]
 City Development Board[263]
 Grow Iowa Values Board[264]
 Iowa Finance Authority[265]
 EDUCATION DEPARTMENT[281]
 Educational Examiners Board[282]
 College Student Aid Commission[283]
 Higher Education Loan Authority[284]
 Iowa Advance Funding Authority[285]
 Libraries and Information Services Division[286]
 Public Broadcasting Division[288]
 School Budget Review Committee[289]
 EGG COUNCIL, IOWA[301]
 ELDER AFFAIRS DEPARTMENT[321]
 EMPOWERMENT BOARD, IOWA[349]
 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
 EXECUTIVE COUNCIL[361]
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 GENERAL SERVICES DEPARTMENT[401]
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 Community Action Agencies Division[427]
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INFORMATION TECHNOLOGY DEPARTMENT[471]
INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]
NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board for[575]
PERSONNEL DEPARTMENT[581]
PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PUBLIC DEFENSE DEPARTMENT[601]
 Homeland Security and Emergency Management Division[605]
 Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Substance Abuse Commission[643]
 Professional Licensure Division[645]
 Dental Examiners Board[650]
 Medical Examiners Board[653]
 Nursing Board[655]
 Pharmacy Examiners Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SEED CAPITAL CORPORATION, IOWA[727]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS COMMISSION[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Labor Services Division[875]
 Workers' Compensation Division[876]
 Workforce Development Board and
 Workforce Development Center Administration Division[877]

NOTICE—CIVIL REPARATIONS TRUST FUND

Pursuant to Iowa Administrative Code 361—subrule 12.2(1), the Executive Council gives Notice that the Civil Reparations Trust Fund balance as of June 30, 2005, is approximately \$113,150.00. Money in the Civil Reparations Trust Fund is available for use for indigent civil litigation programs or insurance assistance programs. Application forms are available in the office of the State Treasurer by contacting GeorgAnna Madsen, Executive Secretary, State Capitol, Room 114, Des Moines, Iowa 50319; telephone (515)281-5368. Applications must be filed on the thirtieth day after the date of publication of this Notice in the Iowa Administrative Bulletin, or on the thirtieth day after the date affixed to the Notice sent by first-class mail, whichever is later. Any person/company that would like to receive future notices should make request in writing to the above-mentioned contact. Rules regarding the Civil Reparations Trust Fund can be found at 361 IAC Chapter 12.

ARC 4364B

DENTAL EXAMINERS 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 Board of Dental Examiners hereby gives Notice of Intended Action to amend Chapter 11, “Licensure to Practice Dentistry or Dental Hygiene,” Iowa Administrative Code.

These amendments clarify the procedures for renewal and reinstatement of a local anesthesia permit.

These amendments are subject to waiver at the sole discretion of the Board in accordance with 650—Chapter 7.

Any interested person may make written comments or suggestions on the proposed amendments on or before August 9, 2005. Such written comments should be directed to Jennifer Hart, Executive Officer, Board of Dental Examiners, 400 SW 8th Street, Suite D, Des Moines, Iowa 50309-4687. E-mail may be sent to Jennifer.Hart@iowa.gov.

Also, there will be a public hearing on August 9, 2005, beginning at 10 a.m. in the Board Conference Room, 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 and advise of specific needs.

These amendments were approved at the June 17, 2005, regular meeting of the Board of Dental Examiners. The Board of Dental Examiners ratified a recommendation of the Dental Hygiene Committee of the Board regarding the proposed changes.

These amendments are intended to implement Iowa Code chapters 147 and 153.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be

available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

Amend subrules 11.7(2) and 11.7(3) and adopt **new** subrule 11.7(4) as follows:

11.7(2) Permit renewal. ~~The~~ *Prior to June 30, 2006, the permit shall expire on the date the dental hygienist’s license expires June 30 of every even-numbered year. For the renewal period beginning July 1, 2006, and ending June 30, 2007, the permit shall expire on June 30, 2007. After June 30, 2007, the permit shall expire on June 30 of every odd-numbered year.* To renew the permit, the dental hygienist must:

a. At the time of renewal, document evidence of holding an active Iowa dental hygiene license.

b. Submit the application fee for renewal of the permit as specified in 650—Chapter 15.

11.7(3) Failure to meet the requirements for renewal shall cause the permit to lapse *and become invalid.*

~~The permit may be reinstated upon documentation that the dental hygienist has successfully completed a certification course approved by the dental hygiene committee.~~

11.7(4) *A permit that has been lapsed for two years or less may be reinstated upon the permit holder’s application for reinstatement and payment of the reinstatement fee as specified in 650—Chapter 15. A permit that has been lapsed for more than two years may be reinstated upon application for reinstatement, documentation of meeting the requirements of 11.7(1)“b” or “c,” and payment of the reinstatement fee as specified in 650—Chapter 15.*

ARC 4362B

DENTAL EXAMINERS 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 Board of Dental Examiners hereby gives Notice of Intended Action to amend Chapter 13, “Special Licenses,” Chapter 14, “Renewal,” Chapter 15, “Fees,” and Chapter 25, “Continuing Education,” Iowa Administrative Code.

Item 1 of the amendments changes the renewal term of a resident license from an annual renewal to a license period that extends until the expected date of completion of the resident training program with the option of an extension, if warranted. In lieu of the Board’s requiring a resident to annually renew the resident’s license, the Board shall require the director of the resident training program to update the Board annually on the progress of residents in their training programs.

Items 2 and 8 of the amendments change the renewal term of a dental hygiene license from a biennial period to a one-year period for the renewal term beginning July 1, 2006, and ending June 30, 2007. For the renewal term beginning July 1, 2007, and ending June 30, 2009, a dental hygiene license shall be renewed biennially and expire on June 30 of every

DENTAL EXAMINERS BOARD[650](cont'd)

odd-numbered year. Fees and continuing education hours shall be prorated accordingly.

Currently the Board takes in a larger amount of revenue in even-numbered years and has a revenue deficit in odd-numbered years. By changing the renewal term for dental hygienists, the Board can correct this revenue imbalance.

Items 3 through 6 of the amendments increase application and renewal fees, fees for issuing duplicate certificates and renewals, and fees for written verifications of licensure or registration status. The Board has not increased application fees since 1983. Dental and dental hygiene renewal fees were last increased in 1999. The Board is required by Iowa Code section 147.80 to set fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year.

Item 7 of the amendments eliminates a reference to prorating fees for electronic or printed copies of statements of charges, final orders and consent agreements because subscribers are given a full year of the requested documents.

Item 1 of the amendments is subject to waiver at the sole discretion of the Board in accordance with 650—Chapter 7. However, fees are not subject to waiver pursuant to 650—15.9(17A,147,153,272C).

Any interested person may make written comments or suggestions on the proposed amendments on or before August 9, 2005. Such written comments should be directed to Jennifer Hart, Executive Officer, Board of Dental Examiners, 400 SW 8th Street, Suite D, Des Moines, Iowa 50309-4687. E-mail may be sent to Jennifer.Hart@iowa.gov.

Also, there will be a public hearing on August 9, 2005, beginning at 10 a.m. in the Board Conference Room, 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 hearing or mobility impairments, should contact the Board and advise of specific needs.

These amendments were approved at the June 17, 2005, regular meeting of the Board of Dental Examiners. The Board of Dental Examiners ratified the recommendation of the Dental Hygiene Committee of the Board regarding the proposed changes for the dental hygiene renewal cycle and dental hygiene fees.

These amendments are intended to implement Iowa Code section 153.19.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrules 13.1(3) and 13.1(4) as follows:

13.1(3) If a resident licensee leaves the service of such institution during the tenure of residency, internship or graduate study, the license shall be ~~returned immediately to the board~~ *considered null and void* and the authority granted by the board to the licensee shall be automatically canceled. *The director of the resident training program shall notify the board within 30 days of the licensee's terminating from the program.*

13.1(4) The resident license shall be valid for one year and may be renewed annually during such period of time as the dental resident is continuously enrolled in a graduate dental

education program. *A resident license issued or renewed on or after January 1, 2006, shall expire on the expected date of completion of the resident training program as indicated on the licensure or renewal application.*

ITEM 2. Renumber subrules **13.1(5)** and **13.1(6)** as **13.1(8)** and **13.1(9)** and adopt the following **new** subrules:

13.1(5) A resident licensee may be extended past the original expected completion date of the training program at the discretion of the board. A licensee who wishes to extend the expiration date of the license shall submit an extension application to the board that includes a letter explaining the need for an extension, an extension fee of \$40, and a statement from the director of the resident training program attesting to the progress of the resident in the training program, the new expected date of completion of the program, and whether any warnings have been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action.

13.1(6) The director of the resident training program shall report annually on July 1 the progress of residents under the director's supervision and whether any warnings have been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action. The board shall notify the program directors of the reporting requirement at least 30 days prior to the deadline.

13.1(7) A resident licensee who changes resident training programs shall apply for a new resident license and also include a statement from the director of the applicant's most recent residency program documenting the applicant's progress in the program.

ITEM 3. Amend rule 650—14.1(147,153,272C), introductory paragraph, as follows:

650—14.1(147,153,272C) Renewal of license to practice dentistry or dental hygiene. A license to practice dentistry or a license to practice dental hygiene must be renewed ~~biennially prior to the expiration date of the license.~~ *Dental licenses expire on June 30 of every even-numbered year. Prior to July 1, 2006, dental hygiene licenses expire on June 30 of every even-numbered year. However, for the renewal period beginning July 1, 2006, a dental hygiene license expires on June 30, 2007. Beginning July 1, 2007, dental hygiene licenses expire on June 30 of every odd-numbered year.* The board will notify each licensee by mail of the expiration of the license.

ITEM 4. Amend subrules 15.1(1) to 15.1(6) as follows:

15.1(1) The *application* fee for a license ~~application~~ to practice dentistry is ~~\$100~~ \$200.

15.1(2) The *application* fee for a license ~~application~~ to practice dental hygiene is ~~\$50~~ \$100.

15.1(3) The *application* fee for a resident dentist license ~~application~~ is ~~\$40~~ \$120.

15.1(4) The *application* fee for a faculty permit ~~application~~ is ~~\$50~~ \$200.

15.1(5) The *application* fee for a license ~~application~~ to practice dentistry issued on the basis of credentials is ~~\$275~~ \$550.

15.1(6) The *application* fee for a license ~~application~~ to practice dental hygiene issued on the basis of credentials is ~~\$100~~ \$200.

ITEM 5. Amend subrules 15.1(9) to 15.1(11) as follows:

15.1(9) The *application* fee for ~~an application for~~ issuance of a general anesthesia permit is ~~\$100~~ \$500.

DENTAL EXAMINERS BOARD[650](cont'd)

15.1(10) The ~~application~~ fee for an application for issuance of a conscious sedation permit is ~~\$100~~ \$500.

15.1(11) The ~~application~~ fee for an application for issuance or reinstatement of a permit to authorize a dental hygienist to administer local anesthesia is ~~\$35~~ \$70.

ITEM 6. Amend rule 650—15.2(153) as follows:

650—15.2(153) Renewal fees. All fees are nonrefundable.

15.2(1) The fee for renewal of a license to practice dentistry for a biennial period is \$240 for an active practitioner and \$240 for an inactive practitioner. *For the renewal period beginning July 1, 2006, and ending June 30, 2008, the fee for renewal of a license to practice dentistry for a biennial period is \$315 for an active practitioner and \$315 for an inactive practitioner.*

15.2(2) The fee for renewal of a license to practice dental hygiene for a biennial period is \$120 for an active practitioner and \$120 for an inactive practitioner. *For the renewal period beginning July 1, 2006, and ending June 30, 2007, the fee for renewal of a license to practice dental hygiene for one year is \$60 for an active practitioner and \$60 for an inactive practitioner. For the renewal period beginning July 1, 2007, and ending June 30, 2009, the fee for renewal of a license to practice dental hygiene for a biennial period is \$150 for an active practitioner and \$150 for an inactive practitioner.*

15.2(3) The fee for renewal of a general anesthesia permit is \$100. *For the renewal period beginning July 1, 2006, and ending June 30, 2008, the fee for renewal of a general anesthesia permit is \$125.*

15.2(4) The fee for renewal of a conscious sedation permit is \$100. *For the renewal period beginning July 1, 2006, and ending June 30, 2008, the fee for renewal of a conscious sedation permit is \$125.*

15.2(5) The fee for renewal of a permit to authorize a dental hygienist to administer local anesthesia is \$20. *For the renewal period beginning July 1, 2006, and ending June 30, 2007, the fee for renewal of a permit to authorize a dental hygienist to administer local anesthesia is \$10. For the renewal period beginning July 1, 2007, and ending June 30, 2009, the fee for renewal of a permit to authorize a dental hygienist to administer local anesthesia is \$25.*

15.2(6) The fee for renewal of registration as a registered dental assistant is \$60. *For the renewal period beginning July 1, 2007, and ending June 30, 2009, the fee for renewal of registration as a registered dental assistant is \$75.*

15.2(7) ~~Rescinded IAB 9/17/03, effective 10/22/03.~~

15.2(8 7) Beginning July 1, 2002, the fee for renewal of a certificate of qualification in dental radiography is \$30. *For the renewal beginning July 1, 2007, and ending June 30, 2009, the fee for renewal of a certificate of qualification in dental radiography is \$40.*

15.2(9 8) The fee for renewal of a faculty permit is \$240. *For the renewal period beginning July 1, 2006, and ending June 30, 2008, the fee for renewal of a faculty permit is \$315.*

15.2(10 9) The fee for renewal or extension of a resident license is \$40.

ITEM 7. Amend subrules 15.4(1) and 15.4(2) as follows:

15.4(1) The fee for ~~issuing~~ issuance of a duplicate license, permit or registration certificate or current renewal is ~~\$10~~ \$25.

15.4(2) The fee for a certification or written verification of an Iowa license, permit or registration is ~~\$10~~ \$25.

ITEM 8. Amend subrules 15.5(3) and 15.5(4) as follows:

15.5(3) Electronic files of statements of charges, final orders and consent agreements from each board meeting deliv-

ered via E-mail may be available for an annual subscription fee of \$24 or a prorated portion thereof, based on the calendar year.

15.5(4) Printed copies of statements of charges, final orders and consent agreements from each board meeting shall be available for an annual subscription fee of \$120 or a prorated portion thereof, based on the calendar year.

ITEM 9. Amend subrules 25.2(1) and 25.2(2) as follows:

25.2(1) Each person licensed to practice dentistry or dental hygiene in this state shall complete during the biennium renewal period a minimum of 30 hours of continuing education approved by the board. *However, for the dental hygiene renewal period beginning July 1, 2006, and ending June 30, 2007, a dental hygienist shall complete a minimum of 12 hours of continuing education approved by the board.*

25.2(2) The continuing education compliance period shall be the 24-month period commencing July 1 and ending on June 30 of the renewal cycle. *However, for the dental hygiene renewal period beginning July 1, 2006, and ending June 30, 2007, the continuing education compliance period for dental hygienists shall be the 12-month period commencing July 1, 2006, and ending June 30, 2007.*

ARC 4354B**ENVIRONMENTAL PROTECTION
COMMISSION[567]****Notice of Termination**

Pursuant to the authority of Iowa Code section 459.103, the Environmental Protection Commission terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on December 8, 2004, as **ARC 3873B**, proposing to amend Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

The proposed amendments would have separated Chapter 65 into two divisions, one for confinement operations and one for open feedlots. In addition, minimum design standards for open feedlot manure and effluent control systems were specified. Recently adopted legislation, 2005 Iowa Acts, House File 805, will require the Department to modify its proposed amendments to conform with the new legislation. This cannot be accomplished within the required 180 days. Therefore, rule making for **ARC 3873B** is terminated.

ARC 4353B**ENVIRONMENTAL PROTECTION
COMMISSION[567]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 455B.474, the Environmental Protection Commission hereby proposes to amend Chapter 136, "Financial Responsibility for Under-

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

ground Storage Tanks,” Iowa Administrative Code.

The amendments clarify rules, remove outdated rules, and add new requirements.

Subrule 136.6(3) has been revised to clarify existing state and federal requirements that must be met for self-insurance.

A change in paragraphs 136.8(2)“a” and “b” inserts language into the insurance endorsement and certificate of insurance required to be submitted as proof of financial responsibility. The change requires insurance providers of claims-made policies to notify the insured and any additional named insureds of the six-month extended reporting period expiration date in any written final cancellation or nonrenewal notice. Under claims-made policies, the insured has a six-month period under which a claim for coverage can be made. If a claim is not submitted, the policy bars any claim for coverage even if it can be demonstrated that the release occurred during the coverage period. This notice provision reminds the insured of the final date a claim can be filed. The insurance provider may either use its own language or may insert a standard paragraph provided in amended subrule 136.18(1).

New provisions in paragraphs 136.8(2)“a” and “b” require specified language in an insurance endorsement or certificate of insurance which would allow the Department to take necessary steps on behalf of an insured to preserve existing coverage under the terms of the policy. The provisions provide that timely notice of a release or claim by the Department as provided in the policy will be considered sufficient notice under the terms of the insurance policy to preserve any coverage that the insured might otherwise have. The Department has experienced a number of situations in which an insured responsible party has failed to give timely notice of a release or claim, thereby forfeiting coverage.

A sentence has been added to subrule 136.18(1) stating that, for claims-made policies, the notice of final cancellation must clearly advise the insured and any named additional insureds of the effective termination date and the applicable extended reporting period under which a claim must be made to preserve coverage. Under a claims-made policy, an insured has six months from the policy cancellation date to submit a claim for coverage, and if the insured does not, coverage is forever barred even if a release can be demonstrated to have occurred during the coverage period. This provision is intended to give insureds full disclosure of their policy rights and obligations with regard to filing a timely notice of release and claim. The rules allow the insurance provider to choose the language it wishes to use or to insert a standard notice into the provider’s letter of final cancellation.

Any interested person may submit written comments on the proposed amendments on or before Friday, August 12, 2005. Written comments should be sent to the Iowa Department of Natural Resources, Attn: Paul Nelson, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319; fax (515)281-8895; or E-mail paul.nelson@dnr.state.ia.us.

A public hearing will be held at 1 p.m. on Tuesday, August 9, 2005, in the Wallace State Office Building, Fourth Floor Conference Room East, 502 E. 9th St., Des Moines, Iowa.

These amendments are intended to implement Iowa Code section 455B.474.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 136.1(2) as follows:

136.1(2) Owners and operators of petroleum UST systems are subject to these requirements ~~if they are in operation on or after the date for compliance established in rule 136.2(455B).~~

ITEM 2. Amend subrule 136.1(5) as follows:

136.1(5) If the owner and operator of a petroleum underground storage tank are separate persons, only one person is required to demonstrate financial responsibility; however, both parties are liable in event of noncompliance. ~~Regardless of which party complies, the date set for compliance at a particular facility is determined by the characteristics of the owner set forth in rule 136.2(455B).~~

ITEM 3. Amend subrule **136.6(3)** by relettering paragraphs “b” to “e” as “e” to “h” and adopting the following **new** paragraphs “b” to “d”:

b. The owner, operator, or guarantor must have a tangible net worth of at least \$10 million.

c. The owner, operator, or guarantor must have a tangible net worth of at least six times the amount of the applicable UST aggregate.

d. At least 90 percent of the total assets of the owner, operator or guarantor must be U.S. assets, or U.S. assets at least six times the amount of the applicable UST aggregate, and either:

(1) Net working capital at least six times the applicable UST aggregate; or

(2) A current bond rating for the most recent bond issue of AAA, AA, A or BBB as issued by Standard and Poor’s, or Aaa, Aa, A or Baa as issued by Moody’s.

ITEM 4. Amend subrule 136.8(2) as follows:

136.8(2) Each insurance policy must be amended by an endorsement worded as specified in 136.8(2)(a) “a” “ENDORSEMENT” or evidenced by a certificate of insurance worded as specified in 136.8(2)(b) “b” “CERTIFICATE OF INSURANCE,” except that instructions in brackets must be replaced with the relevant information and the brackets deleted:

(a) a. ENDORSEMENT

Name: _____

Address: _____ [address of each covered location] _____

Policy Number: _____

Period of Coverage: _____ [current policy period] _____

Name of [Insurer or Risk Retention Group]: _____

Address of [Insurer or Risk Retention Group]: _____

Name of Insured: _____

Address of Insured: _____

Endorsement:

4. (1) This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following underground storage tanks:

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to subrule 567—subrule 135.3(3) and the name and address of the facility.]

for [insert: “taking corrective action” and/or “compensating third parties for bodily injury and property damage caused by” either “sudden accidental releases” or “nonsudden accidental releases” or “accidental release; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy”]; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the “each occurrence” and “annual aggregate” limits of the Insurer’s or Group’s liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. (2) The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions inconsistent with subsections (a) through (e) of this Paragraph 2 numbered paragraphs “1” to “7” of this subparagraph are hereby amended to conform with subsections (a) through (e) numbered paragraphs “1” to “7”:

a. 1. Bankruptcy or insolvency of the insured shall not relieve the [“Insurer” or “Group”] of its obligation under the policy to which this endorsement is attached.

b. 2. The [“Insurer” or “Group”] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third party, with a right of reimbursement by the insured for any such payment made by the [“Insurer” or “Group”]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in rules 567—136.6(455B) to 136.11(455B).

c. 3. Whenever requested by the Director of the Iowa Department of Natural Resources, the [“Insurer” or “Group”] agrees to furnish to the director a signed duplicate original of the policy and all endorsements.

d. 4. Cancellation or any other termination of the insurance by the [“Insurer” or “Group”] except for nonpayment of premium or misrepresentation by the insured will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. Cancellation for nonpayment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of ten days after a copy of such written notice is received by the insured.

Insert for claims-made policies:

e. 5. The insurance covers claims otherwise covered by the policy that are reported to the [“Insurer” or “Group”] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the previous policy, and which arise out of any covered occurrence that commenced after the policy ret-

roactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.

6. The [“Insurer” or “Group”] will notify the insured and any additional named insureds of the six-month extended reporting expiration date as provided in paragraph 136.8(2)“a”(2)“5” in any written final cancellation or nonrenewal notice in accordance with rule 567—136.18(455B).

7. Timely notice of a release and claim for coverage to the insurer by the Iowa Department of Natural Resources shall be deemed sufficient notice on behalf of the insured under the terms, conditions and exclusions of this policy. Notice by the department does not modify or enlarge the terms, conditions and exclusions of coverage but is only intended to preserve coverage to which the insured may otherwise be entitled under the policy.

I hereby certify that the wording of this instrument is identical to the wording in subrule 567—subrule 136.8(2) “ENDORSEMENT” and that the [“Insurer” or “Group”] is [licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states].

[Signature of authorized representative of Insurer or Risk Retention Group]

[Name of person signing]

[Title of person signing], Authorized Representative of [name of Insurer or Risk Retention Group]

[Address of Representative]

(b) b. CERTIFICATE OF INSURANCE

Name: _____ [name of each covered location]

Address: _____ [address of each covered location]

Policy Number: _____

Endorsement (if applicable): _____

Period of

Coverage: _____ [current policy period]

Name of [Insurer or Risk Retention Group]: _____

Address of [Insurer or Risk Retention Group]: _____

Name of Insured: _____

Address of Insured: _____

Certification:

4. (1) [Name of Insurer or Risk Retention Group], [the “Insurer” or “Group”], except for the nonpayment of premium or misrepresentation by the insured, as identified above, hereby certifies that it has issued liability insurance covering the following underground storage tank(s):

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

the notification submitted pursuant to 567—subrule 135.3(3) and the name and address of the facility.] for [insert: “taking corrective action” and/or “compensating third parties for bodily injury and property damage caused by” either “sudden accidental releases” or “nonsudden accidental releases” or “accidental release; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy”]; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the “each occurrence” and “annual aggregate” limits of the Insurer’s or Group’s liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs which are subject to a separate limit under the policy. This coverage is provided under [policy number]. The effective date of said policy is [date].

~~2.~~ (2) The [“Insurer” or “Group”] further certifies the following with respect to the insurance described in ~~paragraph 1~~ *subparagraph (1)*:

a-1. Bankruptcy or insolvency of the insured shall not relieve the [“Insurer” or “Group”] of its obligations under the policy to which this certificate applies.

b-2. The [“Insurer” or “Group”] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third party, with a right of reimbursement by the insured for any such payment made by the [“Insurer” or “Group”]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 567—136.6(455B) to 136.17(455B).

e-3. Whenever requested by the Director of the Iowa Department of Natural Resources, the [“Insurer” or “Group”] agrees to furnish to the director a signed duplicate original of the policy and all endorsements.

d-4. Cancellation or any other termination of the insurance by the [“Insurer” or “Group”] except for nonpayment of premium or misrepresentation by the insured will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. Cancellation for nonpayment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of 10 days after a copy of such written notice is received by the insured.

Insert for claims-made policies:

e-5. The insurance covers claims otherwise covered by the policy that are reported to the [“Insured” or “Group”] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.

6. *The [“Insurer” or “Group”] will notify the insured and any additional named insureds of the six-month extended reporting expiration date as provided in paragraph 136.8(2)“b”(2)“5” in any written final cancellation or nonrenewal notice in accordance with rule 567—136.18(455B).*

7. *Timely notice of a release and claim for coverage to the insurer by the Iowa Department of Natural Resources shall be deemed sufficient notice on behalf of the insured under the terms, conditions and exclusions of this policy. Notice by the department does not modify or enlarge the terms, conditions and exclusions of coverage but is only intended to preserve coverage to which the insured may otherwise be entitled under the policy.*

I hereby certify that the wording of this instrument is identical to the wording in 567—subrule 136.8(2) “CERTIFICATE OF INSURANCE” and that the [“Insurer” or “Group”] is [“licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states”].

[Signature of authorized representative of Insurer]

[Type name]

[Title], Authorized Representative of [name of Insurer or Risk Retention Group]

[Address of Representative]

ITEM 5. Amend subrule 136.18(1), introductory paragraph, as follows:

136.18(1) Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator. *For claims-made policies, the notice of termination must clearly advise the insured and any named additional insureds of the effective termination date and the applicable extended reporting period under which a claim must be made to preserve coverage as provided in 136.8(2)“a”(2)“6” and 136.8(2)“b”(2)“6.” In the alternative, insertion of the following unnumbered paragraph into a notice of termination satisfies this requirement.* The provider of the financial assurance must also provide a copy of the termination to the underground storage tank section of the department of natural resources. Failure to notify or timely provide a copy to the department will not invalidate a provider’s action to terminate coverage or deny renewal of coverage.

[IOWA DEPARTMENT OF NATURAL RESOURCES NOTICE

EXTENDED COVERAGE

Iowa department of natural resources rules require that all insured persons be afforded 180 days from the date of policy cancellation or nonrenewal to give notice of a release and make a claim for coverage under the terms and conditions of this policy. This means that, if you fail to give notice of a release and submit a claim as provided in this policy within 180 days of cancellation, you may be barred from making a claim for coverage under the terms of your policy, even if a release is later discovered and demonstrated to have occurred during the coverage period.]

ITEM 6. Amend rule 567—136.22(455B) as follows:

567—136.22(455B) Release from the requirements. An owner or operator is no longer required to maintain financial responsibility under this chapter for an underground storage tank after the tank has been properly closed or, if corrective action is required, after corrective action has been completed and the tank has been properly closed as required by rule 135.8 567—135.15(455B).

ARC 4348B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas," Iowa Administrative Code.

This amendment establishes a cabin rental fee for new camping cabins at Stone State Park. A fundraising effort by the Friends of Stone State Park resulted in the purchase of two camping cabins. The cabins were in place and operational by the first week in July, which was sooner than the Department anticipated. There are no other cabins in the park.

Any interested person may make written suggestions or comments on the proposed amendment on or before August 11, 2005. Such written materials should be directed to the State Parks Bureau, Department of Natural Resources, 502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)242-6233 or TDD (515)242-5967 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on August 11, 2005, at 10:30 a.m. in the Fourth Floor West Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

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

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 4349B**. The content of that submission is incorporated by reference.

This amendment is intended to implement Iowa Code sections 461A.3, 461A.47, and 461A.57.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 4350B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 94, "Nonresident Deer Hunting," Iowa Administrative Code.

This amendment increases the quota for nonresident antlerless-deer-only licenses that will be sold for the 2005-2006 deer hunting seasons.

Any interested person may make written suggestions or comments on the proposed amendment on or before August 11, 2005. Such written materials should be directed to the Wildlife Bureau, Department of Natural Resources, 502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515) 281-8660 or TDD (515)242-5967 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on August 11, 2005, at 1 p.m. in the Fourth Floor West Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

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

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 4351B**. The content of that submission is incorporated by reference.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 4357B**PUBLIC SAFETY
DEPARTMENT[661]****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 692A.10, the Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 83, "Iowa Sex Offender Registry," Iowa Administrative Code.

The Department of Public Safety has operated the Iowa Sex Offender Registry since 1995, pursuant to Iowa Code chapter 692A. 2005 Iowa Acts, House File 619, made several changes in Iowa Code chapter 692A, which are implemented herein. The changes include the following:

- A definition of "residence" is added.
- The definition of "relevant information" is amended to include the results of risk assessments.
- Amendments are made to several provisions related to a new statutory requirement that the picture of a registrant be updated at least annually and more often at the discretion of a sheriff.
- Provisions related to requests for information about whether a specific individual is registered are amended to reflect new statutory requirements that such requests, which are directed to sheriffs or police departments, may be in writing, in person, or by telephone.

A public hearing on these proposed amendments will be held on September 10, 2005, at 10 a.m. in the Third Floor Conference Room, Wallace State Office Building, East 9th and Grand, Des Moines, Iowa 50319. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319, by mail; by telephone at (515) 281-5524; or by electronic mail to admrule@dps.state.ia.us, at least one day prior to the public hearing.

Any written comments or information regarding these proposed amendments may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated at least one day prior to the public hearing, or submitted at the public hearing. Persons who wish to convey their views orally other than at the public hearing may contact the Agency Rules Administrator by telephone or in person at the Department office by 4:30 p.m. on September 12, 2005.

These amendments were also Adopted and Filed Emergency, became effective July 1, 2005, and are published herein as **ARC 4358B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

These amendments are intended to implement Iowa Code chapter 692A as amended by 2005 Iowa Acts, House File 619.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)

281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 4360B**PUBLIC SAFETY
DEPARTMENT[661]****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 2005 Iowa Acts, House File 619, sections 4 and 9, the Department of Public Safety hereby gives Notice of Intended Action to adopt new Chapter 156, "DNA Database," Iowa Administrative Code.

2005 Iowa Acts, House File 619, division I, provides for the establishment and administration by the Iowa Division of Criminal Investigation of a DNA database containing DNA records from all persons required by the legislation to provide a DNA sample. This provision represents a substantial expansion of the state's DNA database, which has been subject to administrative rules adopted by the Attorney General. 2005 Iowa Acts, House File 619, assigns responsibility for rule making to the Department of Public Safety and the Division of Criminal Investigation and sets out specific subjects to be included in the rules. This rule making carries out those provisions.

A public hearing on these proposed rules will be held on September 12, 2005, at 9:30 a.m. in the Third Floor Conference Room, Wallace State Office Building, East 9th and Grand, Des Moines, Iowa 50319. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319, by mail; by telephone at (515) 281-5524; or by electronic mail to admrule@dps.state.ia.us, at least one day prior to the public hearing.

Any written comments or information regarding this proposed amendment may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated at least one day prior to the public hearing, or submitted at the public hearing. Persons who wish to convey their views orally other than at the public hearing may contact the Agency Rules Administrator by telephone or in person at the Department office by 4:30 p.m. on September 12, 2005.

These rules were also Adopted and Filed Emergency and are published herein as **ARC 4361B**. The emergency rules became effective July 1, 2005. This Notice of Intended Action will provide for a period of public comment and participation, including a public hearing. The rule-making process will culminate in the adoption of these rules through the normal rule-making process with any public input received during the comment period having been taken into account.

These rules are intended to implement 2005 Iowa Acts, House File 619, sections 4 and 9.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)

PUBLIC SAFETY DEPARTMENT[661](cont'd)

281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 4341B

UTILITIES DIVISION[199]

Notice of Intended Action

**NOTICE—PUBLIC FUNDS
INTEREST RATES**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vautt have established today the following rates of interest for public obligations and special assessments. The usury rate for July is 6.25%.

**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.

New official state interest rates, effective July 8, 2005, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

- 7-31 days Minimum 1.35%
- 32-89 days Minimum 1.85%
- 90-179 days Minimum 2.05%
- 180-364 days Minimum 2.40%
- One year to 397 days Minimum 2.70%
- More than 397 days Minimum 3.75%

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.

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

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

Pursuant to Iowa Code section 17A.4, 2005 Iowa Acts, House File 882, and 2005 Iowa Acts, Senate File 390, the Utilities Board (Board) gives notice that on June 20, 2005, the Board issued an order in Docket No. RMU-05-8, In re: Certification of Eligibility for Wind Energy and Renewable Energy Tax Credits, "Order Commencing Rule Making." The Board is proposing to adopt new rule 199 IAC 15.18(476,81GA,SF390,HF882) to implement 2005 Iowa Acts, House File 882 and Senate File 390 (new Iowa Code sections 476B.5 and 476C.3). The recently passed statutes assign the Board the duty to determine whether a facility is eligible for state tax credits for wind energy and renewable energy.

Pursuant to Iowa Code section 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendment. The statement must be filed on or before August 9, 2005, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

A public hearing to receive comments on the proposed amendment will be held at 10 a.m. on September 21, 2005, in the Board's hearing room at the address listed above.

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

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 4342B**. The content of that submission is incorporated by reference.

This amendment is intended to implement 2005 Iowa Acts, Senate File 390, and Iowa Code chapter 476B as amended by 2005 Iowa Acts, House File 882.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 4363B

DENTAL EXAMINERS BOARD[650]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 147.76, the Board of Dental Examiners hereby amends Chapter 20, "Dental Assistants," and Chapter 22, "Dental Assistant Radiography Qualification," Iowa Administrative Code.

In accordance with 2005 Iowa Acts, House File 131, the amendments extend from 6 months to 12 months the length of time that a dental assistant trainee may have to complete board-approved education and examinations in infection control, hazardous materials, and jurisprudence.

Item 6 of the amendments allows the Board to waive the written examination, in accordance with 650—Chapter 7, in practice situations where the written examination is deemed to be unnecessary or detrimental to the dentist's practice. In lieu of the Board's infection control examination, the Board may accept an infection control examination given in another state or jurisdiction if the Board determines the examination is substantially equivalent to that given by the Board.

In addition, the amendments lower the minimum age for dental assistant registration to 17 years of age and clarify the reinstatement requirements for a dental assistant whose radiography qualification has been lapsed for less than four years.

In compliance with Iowa Code section 17A.4(2), the Board finds that notice and public participation are unnecessary and impracticable because 2005 Iowa Acts, House File 131, became effective on July 1, 2005.

The Board also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and the amendments should become effective on July 1, 2005. These amendments confer a benefit to persons regulated by the Board by allowing registrants additional time to meet education and examination requirements.

These amendments were approved at the June 17, 2005, regular meeting of the Board of Dental Examiners.

These amendments are intended to implement Iowa Code section 136C.3 and section 153.39 as amended by 2005 Iowa Acts, House File 131.

These amendments became effective July 1, 2005.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule **20.4(1)**, paragraphs "a" to "d," as follows:

a. Within ~~six~~ 12 months of employment, 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. Prior to satisfactorily completing ~~six~~ 12 months of work as a dental assistant ~~within the previous 12 month period~~, the trainee must apply to the board to be reclassified as a registered dental assistant.

c. Dental assistant trainee status is valid for practice for a maximum of ~~six~~ 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.

d. Notwithstanding paragraphs "b" and "c," the expiration date for dental assistant trainee status for a person enrolled in a cooperative education or work-study program through an Iowa high school shall be extended until the trainee is ~~18~~ 17 years of age and a high school graduate or equivalent. However, a trainee under 18 years of age shall not participate in dental radiography.

ITEM 2. Amend subparagraph **20.6(1)"b"(3)** as follows:

(3) Evidence the applicant is ~~18~~ 17 years of age or older.

ITEM 3. Amend subrule **20.6(1)**, paragraph "c," as follows:

c. Within ~~six~~ 12 months of employment, 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 post-secondary school or on the job using curriculum approved by the board for such purpose. Evidence of meeting this requirement shall be submitted within ~~six~~ 12 months by the employer dentist.

ITEM 4. Amend subparagraphs **20.6(2)"a"(2)** and **20.6(2)"a"(5)** as follows:

(2) Have had at least six ~~consecutive~~ months of prior dental assisting experience under a licensed dentist within the past two years; or

(5) Be ~~18~~ 17 years of age or older.

ITEM 5. Amend subparagraph **20.6(2)"b"(6)** as follows:

(6) Evidence the applicant is ~~18~~ 17 years of age or older.

ITEM 6. Amend subrules 20.9(1) and 20.9(4) and adopt **new** subrule 20.9(6) as follows:

20.9(1) Examinations approved by the board are those administered by the board or board's approved testing centers or the Dental Assisting National Board Infection Control Examination, if taken after June 1, 1991, in conjunction with the board-approved jurisprudence examination. *In lieu of the board's infection control examination, the board may approve an infection control examination given by another state licensing board if the board determines that the examination is substantially equivalent to the examination administered by the board.*

20.9(4) A dental assistant trainee must successfully pass the examination within ~~six~~ 12 months of the first date of employment. A dental assistant trainee who does not successfully pass the examination within ~~six~~ 12 months shall be prohibited from working as a dental assistant until *the dental assistant trainee passes the examination has been passed* in accordance with these rules.

20.9(6) *The written examination may be waived by the board, in accordance with the board's waiver rules at 650—Chapter 7, in practice situations where the written examination is deemed to be unnecessary or detrimental to the dentist's practice.*

DENTAL EXAMINERS BOARD[650](cont'd)

ITEM 7. Amend subrule 22.7(4) as follows:

22.7(4) ~~Proof~~ *If the radiography qualification has been lapsed for less than four years, proof* of two hours of continuing education in the subject area of dental radiography, taken within the previous two-year period.

[Filed Emergency 6/30/05, effective 7/1/05]

[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4349B

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 61, "State Parks and Recreation Areas," Iowa Administrative Code.

This amendment establishes a cabin rental fee for new camping cabins at Stone State Park. A fundraising effort by

Amend subrule **61.4(1)**, paragraph "a," as follows:

a. Cabin rental. This fee does not include tax. Tax will be calculated at time of final payment.

| | <u>Per Night*</u> | <u>Per Week</u> |
|---|-------------------|-----------------|
| Backbone State Park, Delaware County | | |
| Renovated cabins | \$ 50 | \$300 |
| Two-bedroom cabins | 85 | 510 |
| Deluxe cabins | 100 | 600 |
| Brushy Creek State Recreation Area, Webster County | 35 | 210 |
| Dolliver Memorial State Park, Webster County | 35 | 210 |
| Green Valley State Park, Union County | 35 | 210 |
| Honey Creek State Park, Appanoose County | 35 | 210 |
| Lacey-Keosauqua State Park, Van Buren County | 50 | 300 |
| Lake Darling State Park, Washington County | 35 | 210 |
| Lake of Three Fires State Park, Taylor County | 50 | 300 |
| Lake Wapello State Park, Davis County (Cabin Nos. 1-12) | 60 | 360 |
| Lake Wapello State Park, Davis County (Cabin No. 13) | 85 | 510 |
| Lake Wapello State Park, Davis County (Cabin No. 14) | 75 | 450 |
| Palisades-Kepler State Park, Linn County | 50 | 300 |
| Pine Lake State Park, Hardin County | | |
| Sleeping-area cabins (four-person occupancy limit) | 65 | 390 |
| One-bedroom cabins | 75 | 450 |
| Pleasant Creek State Recreation Area, Linn County | 25 | 150 |
| Springbrook State Park, Guthrie County | 35 | 210 |
| Stone State Park, Woodbury County | 35 | 210 |
| Wilson Island State Recreation Area, Pottawattamie County | 25 | 150 |
| Extra cots, where available | 1 | |

*Minimum two nights

[Filed Emergency 6/28/05, effective 6/29/05]

[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

the Friends of Stone State Park resulted in the purchase of two camping cabins. The cabins were in place and operational by the first week in July, which was sooner than the Department anticipated. There are no other cabins in the park.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are impracticable because of the immediate need to establish fees to allow for the rental of these facilities.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective on June 29, 2005, as it confers a benefit to the public. This emergency filing permits the Department to rent the facilities to the public as soon as possible.

This amendment is also published herein under Notice of Intended Action as **ARC 4348B** to allow public comment.

This amendment is intended to implement Iowa Code sections 461A.3, 461A.47, and 461A.57.

This amendment became effective June 29, 2005.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is adopted.

ARC 4351B

ARC 4365B

NATURAL RESOURCE COMMISSION[571]

PHARMACY EXAMINERS BOARD[657]

Adopted and Filed Emergency

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 94, "Nonresident Deer Hunting," Iowa Administrative Code.

Pursuant to the authority of Iowa Code sections 124.301, 124B.11, and 147.76, the Board of Pharmacy Examiners hereby amends Chapter 2, "Pharmacist Licenses," Chapter 3, "Pharmacy Technicians," Chapter 8, "Universal Practice Standards," Chapter 10, "Controlled Substances," Chapter 12, "Precursor Substances," and Chapter 17, "Wholesale Drug Licenses," Iowa Administrative Code.

This amendment increases the quota for nonresident antlerless-deer-only licenses for the 2005-2006 season. Legislation passed by the 2005 General Assembly gave the Department the authority to increase these quotas for the first time. There is not sufficient time to complete the entire regular rule-making process before these quotas must be in effect.

The amendments increase fees related to the issuance of new and renewed pharmacist licenses processed between July 1, 2005, and June 30, 2006, including examination, re-examination, and license transfer processing fees. The amendments also increase fees related to the issuance of new and renewed pharmacy and wholesale drug licenses, new and renewed pharmacy technician and controlled substances registrations, and new and renewed precursor substances permits processed between July 1, 2005, and June 30, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are impracticable because of the immediate need to establish the quota and harvest more deer.

Notice of Intended Action was published in the May 11, 2005, Iowa Administrative Bulletin as **ARC 4153B**. A minor change from the Notice was made in the first sentence of rule 657—2.11(147,155A) for clarification.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective on June 29, 2005, as it confers a benefit to the public.

This amendment is also published herein under Notice of Intended Action as **ARC 4350B** to allow for public comment.

Requests for waiver or variance of the discretionary provisions of these amendments will be considered pursuant to 657—Chapter 34.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The amendments were approved during the June 30, 2005, teleconference meeting of the Board of Pharmacy Examiners.

This amendment became effective June 29, 2005.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The Board finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments should be made effective July 1, 2005, after filing with the Administrative Rules Coordinator on June 30, 2005. These amendments confer a benefit to the Board, to the regulated community, and to the public. The fee increases effectuated by these amendments are the same fees that were in effect during the prior fiscal year.

The following amendment is adopted.

Amend subrule 94.6(1) as follows:

94.6(1) Zone license quotas. Nonresident license quotas are as follows:

| | Any-sex deer licenses | | Antlerless-deer-only licenses |
|----------|-----------------------|--------------|--------------------------------|
| | All Methods | Bow licenses | |
| Zone 1. | 180 | 63 | |
| Zone 2. | 180 | 63 | |
| Zone 3. | 560 | 196 | |
| Zone 4. | 1280 | 448 | |
| Zone 5. | 1600 | 560 | |
| Zone 6. | 800 | 280 | |
| Zone 7. | 360 | 126 | |
| Zone 8. | 240 | 84 | |
| Zone 9. | 600 | 210 | |
| Zone 10. | 200 | 70 | |
| Total | 6000 | 2100 | 2500 3500 statewide |

[Filed Emergency 6/28/05, effective 6/29/05]

[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

These amendments became effective July 1, 2005.

These amendments are intended to implement Iowa Code sections 124.301, 124B.11, 147.94, 155A.6, 155A.11, 155A.13, 155A.13A, 155A.14, and 155A.17.

The following amendments are adopted.

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

2.3(1) Fees to the board. The biennial license fee shall be the fee established by rule 2.11(147,155A), including surcharge. The processing fee shall be \$40. For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the processing fee shall be \$80. No refunds of the processing fee shall be made for cancellation or withdrawal of applications. The license fee and processing fee shall be payable to the Iowa Board of Pharmacy Examiners and may be remitted in the form of personal check, money order, or certified check. No refund of fees shall be made for failure to complete all licensure requirements within the period specified in subrule 2.1(2).

ITEM 2. Amend rule **657—2.6(147)**, first unnumbered paragraph, as follows:

Each applicant for reexamination shall file an application on forms provided by the board. Processing fees of \$30 each will be charged to take NAPLEX or MPJE, Iowa Edition, and

PHARMACY EXAMINERS BOARD[657](cont'd)

shall be paid to the board as provided in subrule 2.3(1). For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the processing fee shall be \$40 each. In addition, candidates will be required to complete the appropriate examination registration application as provided in rule 2.2(155A) and to pay to NABP the registration and administration fees for each examination as provided in subrule 2.3(2). All applications, registration forms, and fees shall be submitted as provided in subrules 2.3(2) and 2.3(3).

ITEM 3. Amend subrule 2.9(4) as follows:

2.9(4) Fees. The fee for license transfer shall consist of the biennial license fee established by rule 2.11(147,155A) including surcharge and a processing fee of \$50. For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the processing fee shall be \$100. No refunds of the processing fee shall be made for cancellation or withdrawal of an application. The license fee and processing fee shall be payable to the Iowa Board of Pharmacy Examiners and may be remitted in the form of personal check, money order, or certified check.

ITEM 4. Amend rule 657—2.11(147,155A), introductory paragraph, as follows:

657—2.11(147,155A) License expiration and renewal. A license to practice pharmacy shall expire on the second thirtieth day of June following the date of issuance of the license, ~~except with the exception that a new pharmacist license issued between April 1 and June 29, which license shall expire on the third thirtieth day of June following the date of issuance.~~ The license renewal certificate shall be issued upon completion of the renewal application and timely payment of a \$100 fee plus applicable surcharge pursuant to 657—30.8(155A). For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the license renewal certificate shall be issued upon completion of the renewal application and timely payment of a \$200 fee plus applicable surcharge pursuant to 657—30.8(155A).

ITEM 5. Amend subrule 3.10(1) as follows:

3.10(1) Initial fee. The fee for obtaining an initial registration shall be \$30 plus applicable surcharge pursuant to 657—30.8(155A). For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the fee for initial registration shall be \$40 plus applicable surcharge pursuant to 657—30.8(155A).

ITEM 6. Amend subrule 3.10(2) as follows:

3.10(2) Renewal fee. The renewal fee for obtaining a biennial registration shall be \$30 plus applicable surcharge pursuant to 657—30.8(155A). For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the fee for biennial registration shall be \$40 plus applicable surcharge pursuant to 657—30.8(155A).

ITEM 7. Amend subrule 8.35(4), introductory paragraph, as follows:

8.35(4) License expiration and renewal. General pharmacy licenses, hospital pharmacy licenses, special or limited use pharmacy licenses, and nonresident pharmacy licenses shall be renewed before January 1 of each year. The fee for a new or renewal license shall be \$100. For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the fee for a new or renewal license shall be \$150.

ITEM 8. Amend rule 657—10.3(124), introductory paragraph, as follows:

657—10.3(124) Registration and renewal. For each registration or timely renewal of a registration to manufacture, dis-

tribute, dispense, prescribe, import or export, conduct research or instructional activities, or conduct chemical analysis with controlled substances listed in Schedules I through V of Iowa Code chapter 124, registrants shall pay a biennial fee of \$50. For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the fee for registration or timely renewal of a biennial registration shall be \$100.

ITEM 9. Amend subrule **10.11(2)**, paragraph “b,” as follows:

b. Pharmacy, hospital, care facility, manufacturer, distributor, importer, or exporter. An entity registered under these classifications shall apply to change the address of the registered location by submitting a completed application for registration. Applications may be obtained and shall be submitted as provided in rule 657—10.2(124). ~~A The registration fee of \$50 as provided in rule 10.3(124) shall accompany each completed application.~~

ITEM 10. Amend subrule **10.11(3)**, paragraph “b,” as follows:

b. Pharmacy, hospital, care facility, manufacturer, distributor, importer, or exporter. An entity registered under these classifications shall apply to change the registrant name by submitting a completed application for registration. Applications may be obtained and shall be submitted as provided in rule 657—10.2(124). ~~A The registration fee of \$50 as provided in rule 10.3(124) shall accompany each completed application.~~

ITEM 11. Amend subrule 10.11(4) as follows:

10.11(4) Change of ownership of registered business entity. A change of immediate ownership of a pharmacy, hospital, care facility, manufacturer, distributor, analytical laboratory, teaching institution, importer, or exporter shall require the completion of an application for registration. Applications may be obtained and shall be submitted as provided in rule 657—10.2(124). ~~A The registration fee of \$50 as provided in rule 10.3(124) shall accompany each completed application.~~

ITEM 12. Amend subrule **12.7(2)**, paragraph “a,” as follows:

a. Initial and renewal fees. For each initial permit or timely renewed permit, an applicant shall pay a fee of \$100. For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the fee for each initial permit or timely renewed permit shall be \$200.

ITEM 13. Amend subrule 17.3(2), introductory paragraph, as follows:

17.3(2) License expiration and renewal. A wholesale drug license shall be renewed before January 1 of each year. The fee for a new or renewal license shall be \$100. For the period beginning July 1, 2004 2005, and ending June 30, 2005 2006, the fee for a new or renewal license shall be \$300.

ITEM 14. Amend subrule **17.3(4)**, paragraph “b,” as follows:

b. Name or location change. When a licensed drug wholesaler changes its name or location, a new wholesale drug license application with a \$100 license fee *as provided in 17.3(2)* shall be submitted to the board office. Upon receipt of the fee and properly completed application, the board will issue a new license certificate. The old license certificate shall be returned to the board office within ten days of the change of name or location. A change of wholesaler location within Iowa, if the new location was not a licensed drug wholesaler immediately prior to the relocation, shall require

PHARMACY EXAMINERS BOARD[657](cont'd)

an on-site inspection of the new location as provided in subrule 17.3(3).

[Filed Emergency After Notice 6/30/05, effective 7/1/05]
[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4358B**PUBLIC SAFETY
DEPARTMENT[661]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 692A.10, the Department of Public Safety hereby amends Chapter 83, "Iowa Sex Offender Registry," Iowa Administrative Code.

The Department of Public Safety has operated the Iowa Sex Offender Registry since 1995, pursuant to Iowa Code chapter 692A. 2005 Iowa Acts, House File 619, made several changes in Iowa Code chapter 692A, which are implemented herein. The changes include the following:

- A definition of "residence" is added.
- The definition of "relevant information" is amended to include the results of risk assessments.
- Amendments are made to several provisions related to a new statutory requirement that the picture of a registrant be updated at least annually and more often at the discretion of a sheriff.
- Provisions related to requests for information about whether a specific individual is registered are amended to reflect new statutory requirements that such requests, which are directed to sheriffs or police departments, may be in writing, in person, or by telephone.

Pursuant to Iowa Code subsection 17A.4(2), the Department finds that notice and public participation prior to the adoption of these amendments are impracticable. The provisions of 2005 Iowa Acts, House File 619, which are being implemented took effect on July 1, 2005. By making the amendments adopted here effective on the same date, the Department hopes to reduce unnecessary confusion.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and these amendments made effective July 1, 2005, after filing with the Administrative Rules Coordinator. These amendments confer a benefit upon the public by providing that information from the Iowa Sex Offender Registry will be maintained and provided in accordance with current statutory requirements.

These amendments are published herein under Notice of Intended Action as **ARC 4357B**. The Notice of Intended Action will provide an opportunity for public comment on and participation in this rule-making process, including a public hearing.

These amendments became effective on July 1, 2005.

These amendments are intended to implement Iowa Code chapter 692A as amended by 2005 Iowa Acts, House File 619.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend rule 661—83.2(692A) as follows:
Amend subrule 83.2(9) as follows:

83.2(9) "Relevant information" means information including, but not limited to, offender's name, offender's address or addresses, a photograph or photographs of the offender, locations frequented by the offender, criminal history information from the registry, physical descriptors of the offender, ages and genders of victims, *results of risk assessments*, and other information deemed relevant by the department.

Renumber subrules **83.2(10)** through **83.2(12)** as subrules **83.2(11)** through **83.2(13)** and adopt the following **new** subrule 83.2(10):

83.2(10) "Residence" means the place where a person sleeps, which may be more than one location, and may be mobile or transitory, including a shelter or group home.

ITEM 2. Amend rule 661—83.3(692A) as follows:

Amend subrule **83.3(2)**, paragraph "c," as follows:

c. Upon initial submission of Form DCI-145, the form shall be accompanied by current photographs and fingerprints of the offender. Current photographs of the registrant shall accompany submission of Form DCI-145 upon each subsequent submission of Form DCI-145 ~~unless the registrant's appearance has not changed significantly in the judgment of the submitting agency if a current photograph of the registrant has not been submitted within the year prior to the current submission of Form DCI-145.~~

Amend subrule 83.3(3) as follows:

83.3(3) Annual verification. Form DCI-146, Annual Verification of Address, shall be mailed annually by the division of criminal investigation to each registrant at the last address known to the registry during the month of original registration. Form DCI-146 shall be returned by the registrant to the division of criminal investigation within ten days of receipt. Form DCI-146 shall be mailed to the registrant in an envelope on which it is clearly stated that it is to be returned to the division of criminal investigation if the addressee no longer resides at the address indicated and that Iowa law prohibits its being forwarded.

EXCEPTION: Form DCI-146 shall be mailed quarterly by the division of criminal investigation to each registrant who is a sexually violent predator to the last address known to the registry and shall be completed and returned to the division of criminal investigation by the registrant within ten days of receipt.

Each registrant shall report to the sheriff of a county of residence of the registrant within ten days of receipt of the annual verification form. The sheriff shall take a current photograph of the registrant and shall submit the photograph to the registry.

The sheriff of any county of residence of a registrant may, at any time, instruct the registrant to report to the sheriff's office for the purpose of the taking of a current photograph. Such instructions shall be mailed to the registrant at the registrant's current address of registration. The registrant shall report to the sheriff's office within ten days of receiving such instructions. The sheriff shall submit the current photograph of the registrant to the registry.

Amend subrule 83.3(6) as follows:

83.3(6) Request for information. *Requests for information about whether a specific individual is registered shall be made to a county sheriff or local police department and may be made in person, by telephone, or in writing.* Form DCI-150, Request for Registry Information, shall may be used by

PUBLIC SAFETY DEPARTMENT[661](cont'd)

a member of the public to request information about whether a specific person is registered with the Iowa sex offender registry. A person requesting information about whether a specific individual is registered with the Iowa sex offender registry shall *may* submit a completed copy of Form DCI-150 to a sheriff or police department. *A If a request for information is submitted using Form DCI-150, a separate form shall be submitted for each person about whom information is being requested.*

ITEM 3. Amend rule 661—83.4(692A) as follows:

Amend subrule **83.4(3)** by amending paragraph “**b**” and adopting **new** paragraph “**c**” as follows:

b. The general public, including public and private agencies, organizations, public places, ~~public and private schools~~, child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. Registry information may be distributed to the public through printed materials, visual or audio press releases, *radio communications*, or a criminal or juvenile justice agency’s Web site.

c. *The administrative office of a school district in which the person required to register resides and any private school near the person’s residence.*

Amend subrule 83.4(5) as follows:

83.4(5) Release of information in response to individual request. A sheriff or police department that receives a ~~completed Form DCI-150~~ *request for information about whether a specific individual is registered or not* shall inquire of the division of criminal investigation via the Iowa on-line warrants and articles (IOWA) system as to whether the person about whom information was requested is registered with the Iowa sex offender registry. If the division of criminal investigation notifies the sheriff or police department that the person about whom inquiry is made is not on the registry, the sheriff or police department shall so notify the person who submitted the request. If the division of criminal investigation notifies the sheriff or police department that the ~~subject person~~ about whom inquiry was made is a registrant with the Iowa sex offender registry, the sheriff or police department shall notify the person making the inquiry that the ~~subject person~~ about whom the inquiry was made is a registrant and may provide the requester with the relevant information regarding the registrant.

Adopt the following **new** subrule:

83.4(9) Assessment of risk. The division shall perform assessments upon persons required to register as provided in 2005 Iowa Acts, House File 619, section 30, and rules adopted pursuant thereto by the department of corrections. Results of the assessment shall be communicated to criminal and juvenile justice agencies for law enforcement, prosecution or public notification purposes. Assessment results shall be disclosed as other relevant information.

[Filed Emergency 6/28/05, effective 7/1/05]

[Published 7/20/05]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4361B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency

Pursuant to the authority of 2005 Iowa Acts, House File 619, sections 4 and 9, the Department of Public Safety hereby adopts new Chapter 156, “DNA Database,” Iowa Administrative Code.

2005 Iowa Acts, House File 619, division I, provides for the establishment and administration by the Iowa Division of Criminal Investigation Criminalistics Laboratory of a DNA database containing samples from all persons convicted of any felony or convicted of any other offense requiring registration with the Iowa Sex Offender Registry, or both. This provision represents a substantial expansion of the state’s DNA database, which has been subject to administrative rules adopted by the Attorney General. 2005 Iowa Acts, House File 619, assigns responsibility for rule making to the Department of Public Safety and sets out specific subjects to be included in those rules. This rule making carries out those provisions.

Pursuant to Iowa Code subsection 17A.4(2), the Department finds that notice and public participation prior to the adoption of this amendment is impracticable, as it is desirable that the requirement for collection and submission of samples for the state’s expanded DNA database become effective as soon as possible. The statute became effective upon enactment on June 14, 2005.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective July 1, 2005, after filing with the Administrative Rules Coordinator. This amendment confers a benefit upon the public by ensuring that requirements for collection and submission of DNA samples for inclusion in the state’s DNA database are in place, so as to reduce the likelihood of omissions or errors in the development of the database.

Notice of Intended Action for this amendment is published herein as **ARC 4360B**. The Notice of Intended Action will provide for a period of public comment and participation, including a public hearing. This process will culminate in this amendment’s being adopted through the normal rule-making process with any public input received during the comment period having been taken into account.

This amendment is intended to implement 2005 Iowa Acts, House File 619, sections 4 and 9.

This amendment became effective July 1, 2005.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following **new** chapter is adopted.

CHAPTER 156 DNA DATABASE

661—156.1(81GA,HF619) Establishment of DNA database. There is established a DNA database within the division of criminal investigation criminalistics laboratory.

These rules govern the administration of the DNA database and the collection, submission, analysis, identification, storage, disposition, and expungement of DNA records gath-

PUBLIC SAFETY DEPARTMENT[661](cont'd)

ered for the DNA database. These rules do not apply to the collection and handling of DNA samples gathered as evidence in the course of criminal investigations.

661—156.2(81GA, HF619) Definitions. The following definitions apply to rules 661—156.1(81GA, HF619) through 661—156.10(81GA, HF619):

“Administrator” means the administrator of the division of criminal investigation criminalistics laboratory.

“Commissioner” means the commissioner of public safety.

“Database” means the DNA database located in the division of criminal investigation criminalistics laboratory.

“Department” means the Iowa department of public safety.

“Director” means the director of the division of criminal investigation.

“Division” means the division of criminal investigation.

“DNA” means deoxyribonucleic acid.

“Expungement” means the removal of information from the DNA database, effectively severing any ability to link a DNA profile and an individual.

“Laboratory” means the division of criminal investigation criminalistics laboratory.

661—156.3(81GA, HF619) Administration of DNA database. The DNA database shall be under the direct supervision of a supervising criminalist employed by the laboratory and designated by the administrator.

661—156.4(81GA, HF619) Collection of DNA samples. Samples of DNA shall be collected from any person required to submit a sample pursuant to the provisions of 2005 Iowa Acts, House File 619.

156.4(1) The sample shall be collected by the agency to which custody or responsibility for supervision has been assigned by the court issuing the sentencing order.

156.4(2) Each DNA sample shall be collected as soon as practical after an agency assumes custody or supervision of the person required to submit the DNA sample and shall be submitted to the laboratory in accordance with rule 661—156.5(81GA, HF619).

156.4(3) Each DNA sample shall be collected using a DNA collection kit provided by the laboratory, following the instructions provided for the kit by the laboratory.

EXCEPTION: A DNA sample may be collected without the use of a DNA collection kit provided by the laboratory. If a sample is collected without the use of a kit, the person submitting the sample shall include a signed and dated statement describing the collection procedure.

661—156.5(81GA, HF619) Submission of DNA samples. All samples collected for inclusion in the DNA database should be submitted to the following address:

Iowa Division of Criminal Investigation
Criminalistics Laboratory
2240 S. Ankeny Blvd.
Ankeny, Iowa 50023-9093

Each sample submitted shall be accompanied by a completed DNA sample donor identification form included in the DNA collection kit provided by the laboratory. If the sample is submitted without the donor identification form, the sample shall be accompanied by a statement signed and dated by the person submitting it, with at least the following information identifying the subject of the DNA sample: full name, date of birth, and a clear fingerprint. Additional identifying information, such as the social security number of the person

providing the sample or identifying numbers assigned by state agencies, shall be provided if available.

661—156.6(81GA, HF619) Analysis of DNA samples. Samples of DNA submitted to the laboratory shall be analyzed by laboratory personnel and the results of the analysis entered into the database in accordance with the provisions of “Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories,” published by the DNA Advisory Board to the Federal Bureau of Investigation, April 1999.

EXCEPTION: Analysis of DNA samples may be conducted by other laboratories under contract with the department, with the approval of the administrator. Any other laboratory conducting analysis of DNA samples for inclusion in the database shall comply with the requirements and procedures to which the division of criminal investigation criminalistics laboratory is subject under this rule.

661—156.7(81GA, HF619) Identification of DNA samples. Each sample of DNA submitted for inclusion in the database shall be identified by a unique number that will reference the full name of the person whose sample is submitted, the person’s date of birth, and a clear fingerprint taken from the person.

661—156.8(81GA, HF619) Storage of DNA samples. Samples of DNA submitted for inclusion in the database shall be stored under normal office conditions.

661—156.9(81GA, HF619) Disposition of DNA samples. Any DNA sample submitted to the laboratory for inclusion in the database shall be retained for at least 30 days after the sample has been analyzed and the results of the analysis entered into the database. Samples may be destroyed following 30 days after entry into the database.

661—156.10(81GA, HF619) Expungement of DNA samples.

156.10(1) A person whose DNA record has been included in the database may request expungement of the DNA record from the database based upon the reversal on appeal or dismissal of the case of the person’s conviction, adjudication, or civil commitment that caused the submission of the DNA sample. The request shall be in writing and shall include a certified copy of the final court order reversing the conviction, adjudication, or civil commitment; a certified copy of the dismissal; and any other information necessary to ascertain the validity of the request. The request shall clearly state that it is a request to expunge a record from the DNA database and shall state the specific basis for the request.

A request to expunge the DNA record shall be addressed as follows:

Administrator
Iowa Division of Criminal Investigation
Criminalistics Laboratory
2240 S. Ankeny Blvd.
Ankeny, Iowa 50023-9093

156.10(2) Action on expungement request.

a. The division, upon receipt of a written request that validates reversal on appeal of a person’s conviction, adjudication, or commitment, and subsequent dismissal of the case, or upon receipt of a written request by a person who voluntarily submitted a DNA sample pursuant to 2005 Iowa Acts, House File 619, section 3, subsection 3, paragraph “b,” shall expunge all of the DNA records and identifiable information of the person in the database. The person or the person’s representative shall be notified upon completion of such action.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

b. If the division determines that the person is otherwise obligated to submit a DNA sample, the DNA record shall not be expunged.

c. If the division denies an expungement request, the division shall notify the person requesting the expungement of the decision not to expunge the DNA record and the reason supporting the decision. A person whose request to expunge a DNA record from the database is denied may appeal that decision to the commissioner within 30 days of the date of the letter communicating the denial. Appeals shall be treated as requests for contested case proceedings, and such proceedings shall be subject to the provisions of rules 661—10.301(17A) through 661—10.332(17A), except that such requests shall be addressed as follows:

Commissioner
Iowa Department of Public Safety
Wallace State Office Building
Des Moines, Iowa 50319

156.10(3) A DNA record shall not be expunged pursuant to this rule if expungement or destruction of the DNA record would destroy evidence related to another person.

These rules are intended to implement 2005 Iowa Acts, House File 619, division I.

[Filed Emergency 6/30/05, effective 7/1/05]

[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4342B

UTILITIES DIVISION[199]

Adopted and Filed Emergency

Pursuant to Iowa Code section 17A.4, 2005 Iowa Acts, Senate File 390, and 2005 Iowa Acts, House File 882, the Utilities Board (Board) gives notice that on June 20, 2005, the Board issued an order in Docket No. RMU-05-7, In re: Certification of Eligibility for Wind Energy and Renewable Energy Tax Credits, "Order Adopting Rules Without Public Notice and Participation and Providing for Immediate Effective Date." The Board is adopting new rule 199 IAC 15.18(476,81GA,SF390,HF882). The new rule adopts procedures and filing requirements to facilitate the Board's determination of whether an energy facility is eligible for the wind energy production tax credits under 2005 Iowa Acts, House File 882, or renewable energy tax credits under 2005 Iowa Acts, Senate File 390. The Governor signed 2005 Iowa Acts, Senate File 390, on June 15, 2005, and signed 2005 Iowa Acts, House File 882, on June 16, 2005. 2005 Iowa Acts, House File 882, amends existing Iowa Code chapter 476B, and 2005 Iowa Acts, Senate File 390, creates a new Iowa Code chapter 476C.

In compliance with Iowa Code section 17A.4(2), the Board found in its Order that notice and public participation were impracticable because of the immediate need for a new rule to implement this new legislation. The Board's staff has already been contacted by persons who are interested in applying for a determination of eligibility, and those persons would like to know what information should be included in their applications to determine eligibility.

The Board also found in its Order that, pursuant to Iowa Code section 17A.5(2)"b"(2), the normal effective date of the amendment should be waived and the amendment should

be made effective upon filing with the Administrative Rules Coordinator on June 20, 2005, because of the benefit it confers upon qualifying energy producers.

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

This amendment is also published herein under Notice of Intended Action as **ARC 4314B** to allow public comment. This emergency filing permits the Board to implement the new statutes.

This amendment became effective June 20, 2005.

This amendment is intended to implement 2005 Iowa Acts, Senate File 390, and Iowa Code chapter 476B as amended by 2005 Iowa Acts, House File 882.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is adopted.

Adopt the following **new** rule:

199—15.18(476,81GA,SF390,HF882) Certification of eligibility for wind energy and renewable energy tax credits. Any person applying for certification of eligibility for state tax credits for wind energy pursuant to Iowa Code section 476B.5 as amended by 2005 Iowa Acts, House File 882, section 166, or renewable energy pursuant to 2005 Iowa Acts, Senate File 390, section 9, is subject to this rule.

15.18(1) Filing requirements. Any person applying for certification of eligibility for wind energy or renewable energy tax credits must file with the board an application that contains substantially all of the following information:

a. Information regarding the applicant, including the legal name, address, telephone number, and (as applicable) facsimile transmission number and electronic mail address of the applicant.

b. Information regarding the ownership of the facility, including the legal name of each owner, information demonstrating the legal status of each owner and the percentage of equity interest held by each owner, and a statement that owners meeting the eligibility requirements of either 2005 Iowa Acts, Senate File 390, section 7, or Iowa Code section 476B.5 as amended by 2005 Iowa Acts, House File 882, section 166, are not owners of more than two eligible renewable energy facilities. "The legal status of each owner" refers to the ownership requirements of 2005 Iowa Acts, Senate File 390, section 7(6), which provides that an eligible renewable energy facility must be at least 51 percent owned by one or more or any combination of the following:

- (1) A resident of Iowa;
- (2) An authorized farm corporation, authorized limited liability company, or authorized trust, as defined in Iowa Code section 9H.1;
- (3) A family farm corporation, family farm, limited liability company, or family farm trust, as defined in Iowa Code section 9H.1;
- (4) A revocable trust as defined in Iowa Code section 9H.1;
- (5) A testamentary trust as defined in Iowa Code section 9H.1;
- (6) A small business as defined in Iowa Code section 15.102;
- (7) An electric cooperative association organized pursuant to Iowa Code chapter 499 that sells electricity to end

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users located in Iowa;

(8) A cooperative corporation organized pursuant to Iowa Code chapter 497 or a limited liability corporation organized pursuant to Iowa Code chapter 490A whose shares and membership are held by an entity that is not prohibited from owning agricultural land under Iowa Code chapter 9H; or

(9) A school district located in Iowa.

c. A description of the facility, including at a minimum the following information:

(1) Type of facility (that is, a qualified facility as defined in Iowa Code section 476B.1 as amended by 2005 Iowa Acts, House File 882, section 163; or a wind energy conversion facility, biogas recovery facility, biomass conversion facility, methane gas recovery facility, or solar energy conversion facility, as defined in 2005 Iowa Acts, Senate File 390, section 7);

(2) Total nameplate generating capacity rating, plus maximum hourly output capability for any energy production capacity equivalent as defined in 2005 Iowa Acts, Senate File 390, section 7;

(3) A description of the location of the facility in Iowa, including an address or other geographic identifier;

(4) The date the facility is expected to be placed in service (that is, placed in service on or after July 1, 2005, but before January 1, 2011, for eligibility under 2005 Iowa Acts, Senate File 390; or placed in service on or after July 1, 2005, but before July 1, 2008, for eligibility under Iowa Code chapter 476B as amended by 2005 Iowa Acts, House File 882); and

(5) For eligibility under 2005 Iowa Acts, Senate File 390, demonstration that the facility's combined MW nameplate generating capacity and maximum hourly output capability of energy production capacity equivalent (as defined in 2005 Iowa Acts, Senate File 390, section 7(7)), divided by the number of separate owners meeting the requirements of 2005 Iowa Acts, Senate File 390, section 7(6b), equals no more than 2.5 MW of capacity per eligible owner.

d. A copy of the power purchase agreement or other agreement to purchase electricity, hydrogen fuel, methane or other biogas, or heat for a commercial purpose, which shall designate either the producer or the purchaser as eligible to apply for the renewable energy tax credit. If the power purchase agreement or other agreement has not yet been finalized and executed, the board will accept a binding statement from the applicant that designates which party will be eligible to apply for the renewable energy tax credit; this designation shall not be subject to change.

e. A statement regarding the type of tax credit being sought; that is, indicating whether the applicant is applying for tax credits pursuant to Iowa Code chapter 476B as amended by 2005 Iowa Acts, House File 882, (1 cent per kWh, wind energy only) or pursuant to 2005 Iowa Acts, Senate File 390, (1.5 cents per kWh, wind and other renewable energy).

15.18(2) Review and notification. Upon receipt of a complete application, the board will review it to make a preliminary determination regarding whether the facility is an eligible renewable energy facility. The board will notify the applicant by letter of the approval or denial of the application within 30 days of the date the application was filed. If the board fails to send the letter within 30 days, the application will be deemed denied. An applicant who receives a determination denying an application may file an appeal with the board within 30 days of the date of the denial, pursuant to the provisions of Iowa Code chapter 17A, 2005 Iowa Acts, Senate File 390, section 9, and Iowa Code section 476B.5 as amended by 2005 Iowa Acts, House File 882, section 166(2).

In the absence of a timely appeal, the preliminary determination shall be final.

15.18(3) Incomplete application and additional information. If an incomplete application is filed, the board may, upon request and for good cause shown, grant an extension of time to allow the applicant to provide additional information. Also, the board and its staff may request additional information at any time for purposes of determining initial or continuing eligibility for tax credits.

15.18(4) Loss of eligibility status. Within 18 months following board approval of eligibility, the applicant shall file information demonstrating that the eligible facility is operational and producing usable energy. If the board determines that the eligible facility was not operational within 18 months of board approval, the facility will lose eligibility status. However, the facility may reapply to the board for new eligibility.

15.18(5) Allocation of capacity among eligible applicants. Iowa Code section 476B.5 as amended by 2005 Iowa Acts, House File 882, section 166(4), and 2005 Iowa Acts, Senate File 390, section 9(4), each establish the maximum amount of nameplate generating capacity of facilities eligible for the tax credits. In the event the board receives applications for tax credits that, in total, exceed the statutory limits, the board will rule on the applications in the order they are received, based upon the date of receipt. Because the board does not track the time of day that filings are made with the board, if the board receives more than one application on a particular date such that the combined capacity of the applications exceeds applicable statutory limits, the board will allocate the final eligibility determinations proportionally among all applications received on that date.

[Filed Emergency 6/20/05, effective 6/20/05]

[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4346B

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 17A.3, Executive Order Number 48, and 2005 Iowa Acts, House File 478, the Iowa Commission on Volunteer Service hereby adopts new Chapter 7, "Retired and Senior Volunteer Program (RSVP)," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 4150B** on May 11, 2005.

These rules establish the procedures for the administration of the Retired and Senior Volunteer Program to ensure that grant awards are made in a fair and orderly manner.

No comments concerning the proposed new chapter were received from the public. There are no changes as a result of the public hearing, and the final rules are identical to those published under Notice of Intended Action.

The Commission finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these rules, 35 days after publication, should be waived and the rules be made effective on July 1, 2005. These rules confer a benefit on the public by establishing the procedures by which retired and senior volunteer programs receive funding. In order to

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

provide minimal disruption to the programs, volunteers, and communities in transitioning this program from the Department of Elder Affairs, the Commission finds it necessary to take this action to ensure that programs are funded in the same time frame as has been done in the past.

The Commission is taking the following steps to notify potentially affected parties of the effective date of the rules: publishing the final rules in the Iowa Administrative Bulletin, providing free copies on request, and having copies available wherever requests for information about the program are likely to be made.

These rules are intended to implement 2005 Iowa Acts, House File 478, section 2(3)“i.”

These rules became effective on July 1, 2005.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 7] is being omitted. These rules are identical to those published under Notice as **ARC 4150B**, IAB 5/11/05.

[Filed Emergency After Notice 6/24/05, effective 7/1/05]
[Published 7/20/05]

[For replacement pages for IAC, see IAC Supplement 7/20/05.]

ARC 4347B

WORKERS' COMPENSATION DIVISION[876]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 86.8, the Workers' Compensation Commissioner hereby amends Chapter 8, “Substantive and Interpretive Rules,” Iowa Administrative Code.

This amendment provides reference to the current tables which determine payroll taxes.

In compliance with Iowa Code section 17A.4(2), the Workers' Compensation Commissioner finds that notice and public participation are unnecessary. Rule 876—8.8(85, 17A) is noncontroversial and, further, Iowa Code section 85.61(6) requires adoption of current tables to determine payroll taxes by July 1 of each year. The Division must wait until the Internal Revenue Service and Iowa Department of Revenue determine whether there will be changes in their publications on July 1 of the current year.

The Division also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment be made effective July 1, 2005, as it confers a benefit upon the public to ensure speedy and uniform compliance with the Division's legislative mandate.

The Division has determined that this amendment will not necessitate additional annual expenditures exceeding \$100,000 or combined expenditures exceeding \$500,000 within five years by all affected persons, including the agency. Therefore, no fiscal impact statement accompanies this rule making.

The Division has determined that this amendment will have no impact on small business within the meaning of Iowa Code section 17A.31.

The Division has determined that the amendment will not necessitate additional annual expenditures exceeding \$100,000, or \$500,000 within five years, by political subdivisions or agencies which contract with political subdivisions. Therefore, no fiscal impact statement accompanies this rule making.

The amendment does not include a waiver provision because rule 876—12.4(17A) provides the specified situations for waiver of Workers' Compensation Division rules.

This amendment is intended to implement Iowa Code section 85.61(6).

This amendment became effective on July 1, 2005.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is adopted.

Amend rule 876—8.8(85,17A) as follows:

876—8.8(85,17A) Payroll tax tables. Tables for determining payroll taxes to be used for the period July 1, 2004 2005, through June 30, 2005 2006, are the tables in effect on July 1, 2004 2005, for computation of:

1. Federal income tax withholding according to the percentage method of withholding for weekly payroll period. (Internal Revenue Service, Circular E, Employer's Tax Guide, Publication 15 [Rev. January 2004 2005].)

2. Iowa income tax withholding computer formula for weekly payroll period *Withholding Tax Guide*. (Iowa Department of Revenue and Finance Iowa Withholding Tax Guide *Rate Tables*, Publication 44-001 [Rev. January 1998 *Effective April 1, 2005*]., for all wages paid on or after January 1, 1998.)

3. Social Security and Medicare withholding (FICA) at the rate of 7.65 percent. (Internal Revenue Service, Circular E, Employer's Tax Guide, Publication 15 [Rev. January 2004 2005].)

This rule is intended to implement Iowa Code section 85.61(6).

[Filed Emergency 6/27/05, effective 7/1/05]
[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4355B**EDUCATIONAL EXAMINERS
BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 14, "Issuance of Practitioner's Licenses and Endorsements," Iowa Administrative Code.

This amendment is recommended as the current language for implementing the family and consumer sciences endorsement.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 27, 2005, as **ARC 4126B**. A public hearing was held on May 17, 2005. One person from Iowa State University attended the public hearing and submitted a written comment stating that if paragraphs 16.1(1)"d" and "e" were rescinded, family and consumer sciences teachers in Iowa may not be adequately qualified to prepare students to develop the skills and knowledge needed to succeed in the workforce. Therefore, the proposed rescission of paragraphs 16.1(1)"d" and "e" was not adopted.

This amendment is intended to implement Iowa Code chapter 272.

This amendment will become effective August 24, 2005. The following amendment is adopted.

Amend subrule 14.141(10) as follows:

14.141(10) ~~Home economics~~ *Family and consumer sciences—general. 7-12. Completion of 24 semester hours in ~~home economics~~ family and consumer sciences to include coursework in family life human development, parenthood education, family studies, consumer resource management, ~~clothing and~~ textiles and apparel, housing, and foods and nutrition.*

[Filed 6/28/05, effective 8/24/05]

[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4359B**EDUCATIONAL EXAMINERS
BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 15, "Requirements for Special Education Endorsements," Iowa Administrative Code.

These amendments are needed to clarify the rules that are being enforced and will eliminate any conflict that may exist between the old rules and the new rules for the special education endorsements.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 27, 2005, as **ARC 4127B**. A public hearing on the amendments was held on May 17, 2005. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice.

These amendments are intended to implement Iowa Code chapter 272.

These amendments will become effective August 24, 2005.

The following amendments are adopted.

ITEM 1. Rescind and reserve subrules **15.2(1)** to **15.2(5)**.

ITEM 2. Rescind and reserve subrules **15.2(8)** to **15.2(10)**.

[Filed 6/28/05, effective 8/24/05]

[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4356B**EDUCATIONAL EXAMINERS
BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 17, "Renewal of Licenses," Iowa Administrative Code.

This amendment implements changes that will act as a bridge to a standard license when the initial license expires.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 11, 2005, as **ARC 4147B**. A public hearing on the amendment was held on May 31, 2005. No one attended the public hearing, and no written comments were received. This amendment is identical to that published under Notice.

This amendment is intended to implement Iowa Code chapter 272.

This amendment will become effective August 24, 2005. The following amendment is adopted.

Amend subrule 17.8(1) as follows:

17.8(1) If a person meets all requirements for the standard license except for the options required in 282—paragraph 14.112"2," the initial license may be renewed upon written request. A second renewal may be granted if the holder of the initial license has not met the options required in 282—paragraph 14.112"2" and if the license holder can provide evidence of teaching employment which will be acceptable for the experience requirement.

A Class A license may be issued instead of renewing the initial license to another initial license if the applicant verifies one of the following:

a. The applicant is involved in the second year of the mentoring and induction program, but the license will expire before the second year of teaching is completed.

b. The applicant has taught for two years in a nonpublic school setting and needs one additional year of teaching to convert the initial license to the standard license.

The fee for this Class A license is \$25.

[Filed 6/28/05, effective 8/24/05]

[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4352B**NATURAL RESOURCE
COMMISSION[571]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby rescinds Chapter 98, "Wild Turkey Spring Hunting," Iowa Administrative Code, and adopts new Chapter 98 with the same title.

These rules give the regulations for hunting wild turkeys during the spring and include season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements. The new chapter clarifies the number and type of licenses that may be obtained, removes the minimum age limit for the youth turkey season, and opens northwest Iowa to spring hunting by nonresidents.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 30, 2005, as **ARC 4090B**. No comments on the proposed amendment were received during the public comment period. A public hearing was held on April 19, 2005. No comments were received. The only changes from the Notice of Intended Action were editorial modifications to clarify the meaning of some rules.

Paragraph 98.1(1)"b" was changed to read as follows:

"b. Number of licenses. No one may apply for or obtain more than two paid spring wild turkey hunting licenses. A hunter may obtain no more than two combination shotgun-or-archery licenses, or two archery-only licenses, or one of each. If two paid combination shotgun-or-archery licenses are obtained, at least one must be for season 4 in any zone. If one paid combination shotgun-or-archery license and one archery-only license are obtained, the combination shotgun-or-archery license must be for season 4 in any zone."

The introductory paragraph of subrule 98.2(3) was changed to read as follows:

"**98.2(3) Zones.** A person with a wild turkey spring hunting license may take wild turkey in designated areas in accordance with the type of license issued. A person with an archery-only license may take wild turkey statewide. A person with a paid combination shotgun-or-archery license may take wild turkey in one of four zones described as follows:"

Paragraph 98.3(3)"c" now reads as follows:

"c. Number of free licenses. One paid combination shotgun-or-archery license or one paid archery-only license may be obtained in addition to the free shotgun-or-archery license or the free archery-only license. If a free archery-only license and a paid combination shotgun-or-archery license are obtained, the shotgun-or-archery license must be for season 4 in any zone. If a free shotgun-or-archery license and a paid archery-only license are obtained, the free license must be for season 4."

Subrule 98.5(6) now reads as follows:

"**98.5(6)** Where free licenses are valid. A free license is valid only on the farm unit of the landowner or tenant. 'Farm unit' means all parcels of land that are at least two contiguous acres in size, that are operated as a unit for agricultural purposes, and that are under lawful control of the landowner or tenant. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. 'Agricultural purposes' includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production."

In rule 571—98.13(483A), the seventh sentence of the introductory paragraph was clarified and now reads as follows:

"If any license quota has not been filled, the excess licenses will be sold first-come, first-served through the telephone ordering system or the Internet license sales Web site beginning at 6 a.m. the second Saturday after the close of the application period until the quota has been filled or the last day of the season for which the license is valid, whichever occurs first."

In rule 571—98.13(483A), the first sentence of the unnumbered paragraph now reads as follows:

"Each individual applicant who is unsuccessful in the drawing will be assigned one preference point for each year in which the individual applies and is unsuccessful."

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1 and 483A.7.

This amendment shall become effective August 24, 2005.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 98] is being omitted. With the exception of the changes noted above, these rules are identical to those published under Notice as **ARC 4090B**, IAB 3/30/05.

[Filed 6/28/05, effective 8/24/05]

[Published 7/20/05]

[For replacement pages for IAC, see IAC Supplement 7/20/05.]

ARC 4344B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Athletic Training Examiners adopts amendments to Chapter 351, "Licensure of Athletic Trainers," Chapter 352, "Continuing Education for Athletic Trainers," and Chapter 354, "Fees," Iowa Administrative Code.

These amendments define licensure status as active or inactive, define the process for license reactivation and reinstatement, change from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure, add the grounds for disciplinary action, and establish the fee for reactivation.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 13, 2005, as **ARC 4094B**. A public hearing was held on May 3, 2005, from 9 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. Comments received suggested that the Board require current BOC certification instead of requiring passage of the test listed in 351.15(3)"b"(3). Additionally it was suggested that the word "may" be changed to "shall" in 352.3(2) because it would be clearer to licensees as to which courses or presentations qualify for continuing education credit if all courses and presentations must have BOC approval. The Board approved of the changes suggested above, and as a consequence, the following changes from the Notice have been made:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

The word "may" has been changed to "shall" in the introductory paragraph of subrule 352.3(2), and subparagraph 351.15(3)"b"(3) has been changed to read as follows: "(3) Verification of current BOC certification."

The amendments were adopted by the Board of Athletic Training Examiners on June 21, 2005.

These amendments will become effective August 24, 2005.

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

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 351, 352, 354] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 4094B**, IAB 4/13/05.

[Filed 6/22/05, effective 8/24/05]
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[For replacement pages for IAC, see IAC Supplement 7/20/05.]

ARC 4343B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Athletic Training Examiners adopts an amendment to Chapter 353, "Discipline for Athletic Trainers," Iowa Administrative Code.

New subrule 353.2(32) provides the Board the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 13, 2005, as **ARC 4095B**. A public hearing was held on May 3, 2005, from 9 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received.

The amendment was adopted by the Board of Athletic Training Examiners on June 21, 2005.

This amendment will become effective August 24, 2005.

This amendment is intended to implement Iowa Code chapters 147 and 152D.

The following amendment is adopted.

Adopt new subrule 353.2(32) as follows:

353.2(32) Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.

[Filed 6/22/05, effective 8/24/05]
[Published 7/20/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/20/05.

ARC 4345B**REGENTS BOARD[681]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 262.9(12) and 262.12, the Board of Regents hereby adopts amendments to Chapter 9, "Policies, Practices and Procedures," Iowa Administrative Code.

The amendments will assist regent universities in educating students and employees on prohibited personal conduct and consequences related to participating in riots, unlawful assemblies, and failure to disperse at university-sponsored events.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 13, 2005, as **ARC 4110B**. A comment period was established and ended May 6, 2005. A total of 29 written comments from 24 individuals were received. A public hearing was held on May 6, 2005, at which 5 individuals made oral comments. These amendments are identical to those published under Notice.

These amendments were approved during the June 13, 2005, meeting of the Board of Regents.

These amendments are intended to implement Iowa Code chapter 262.

These amendments will become effective on August 24, 2005.

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 [9.1 to 9.3] is being omitted. These amendments are identical to those published under Notice as **ARC 4110B**, IAB 4/13/05.

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