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PREFACE

The Iowa Administrative Bulletin is published in pamphlet form biweekly pursuant to Chapter 17A, Code of Iowa as amended by Sixty-seventh General Assembly, H.F. 2099, section 3, and supersedes Part I of the Iowa Administrative Code Supplement.

The Bulletin contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies [continue to refer to General Information for drafting style and form], all proclamations and executive orders of the Governor which are general and permanent in nature, and other "materials deemed fitting and proper by the Administrative Rules Review Committee."

The Bulletin may also contain economic impact statements to proposed rules and filed emergency rules, objections filed by Administrative Rules Review Committee, Governor or the Attorney General, any delay by the Committee of the effective date of filed rules, and agenda for monthly committee meetings.

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

The ARC number which appears before each agency heading is assigned by the Administrative Rules Coordinator for identification purposes and should always be used when referring to this item in correspondence and other communications.

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to section 17A.6 of the Code as amended by 67GA, H.F. 2099 and S.F. 244. It contains replacement pages for the Iowa Administrative Code. These replacement pages incorporate amendments to existing rules, new rules or emergency or temporary rules which have been filed with the administrative rules co-ordinator and published in the Bulletin.

SUBSCRIPTION INFORMATION

Iowa Administrative Bulletin

The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly as follows:

First quarter	July 1, 1978, to June 30, 1979	\$42.00 plus \$1.26 tax
Second quarter	October 1, 1978, to June 30, 1979	31.50 plus 0.95 tax
Third quarter	January 1, 1979, to June 30, 1979	21.00 plus 0.63 tax
Fourth quarter	April 1, 1979, to June 30, 1979	10.50 plus 0.32

Single copies may be purchased for \$2.00 plus \$0.06 tax. Back issues may be purchased if the issues are available.

Iowa Administrative Code

The Iowa Administrative Code and Supplements are sold in complete sets and subscription basis only. All subscriptions for the Supplement (replacement pages) must be for the complete year and will expire on June 30 of each year.

Prices for the Iowa Administrative Code and its Supplement are as follows:

Iowa Administrative Code - \$305.00 plus \$9.15 tax

(Price includes Volumes I through IX, four supplement binders and a one-year subscription to the Code Supplement.)

Iowa Administrative Code Supplement (replacement pages) - \$110.00 plus \$3.30 tax

(Subscription expires June 30, 1979.)

All checks should be made payable to the Iowa State Printing Division. Send all inquiries and subscription orders to:

**Iowa Department of General Services
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Grimes State Office Building
Des Moines, Iowa 50319
Phone: (515) 281-5231**

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AGENDUM

The Administrative Rules Review Committee will hold its regular meeting, Tuesday, July 10, 1979, 9:00 a.m., Senate Committee Room 24. The following rules will be reviewed.

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ARC 0320
COMPTROLLER, STATE[270]
AMENDED NOTICE OF INTENDED ACTION

Pursuant to the authority of chapter 8.6(16) of the Code, the state comptroller hereby amends the notice of intended action filed in the Administrative Rules Coordinator office May 22, 1979, [published IAB, June 13, 1979] and designated ARC #0299 [chapter 3] by deleting the second unnumbered paragraph and inserting in lieu thereof the following:

The state comptroller will hold a public hearing on the proposed rules at 10:00 a.m. on July 3, 1979, in the lower conference room of room 11, State House, Des Moines, Iowa 50319. Any interested person may make a presentation on the proposed rules at that time. Any interested person may also submit written comments on the proposed rules to the state comptroller at his office in the State House, Des Moines, Iowa 50319, on or before July 3, 1979.

ARC 0344
CONSERVATION
COMMISSION[290]
NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 68A.3 of the Code, the following rules are proposed to be adopted.

Consideration will be given to written data or arguments submitted no later than July 20, 1979, to the director, State Conservation Commission, Wallace State Office Building, Des Moines, Iowa 50319 or oral presentations may be made at fourth floor, Wallace State Office Building at 10:00 a.m., July 20, 1979.

CHAPTER 63
EXAMINATION AND COPYING
OF PUBLIC RECORDS

290—63.1(68A) General conditions pertaining to the examination of public records. All citizens of Iowa wishing to examine or copy agency records pursuant to chapter 68A of the Iowa Code may do so by requesting copies of the desired records by ordinary mail, by telephone to (515) 281-5154, or by making such request for copying or examination in person at the central office, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319.

This rule shall not apply to requests that can be handled by supplying the requesting party an agency brochure, report, pamphlet, map, press package, news release, or other printed material which the department routinely makes available to the public at no charge or for a charge as established by the agency and approved by the superintendent of printing.

290—63.2(68A) Assessment of charges for examination or copying of agency records. Charges for examination or copying of public records shall be assessed to the citizen of Iowa making such request as follows:

63.2(1) Any citizen of Iowa making a request pursuant to this rule where such request or requests result in less than fifteen minutes of assistance by an agency employee and fewer than ten letter or legal size copies within any thirty day period shall not be assessed a charge.

63.2(2) The actual cost will be charged for any copy, blueprint, picture, or any other work product which is a copy of a public record. Surplus copies may be provided in fulfillment of such requests at the same cost per copy as previously described.

63.2(3) The charge for assistance provided by agency employees shall be determined by the number of labor-hours times the actual wage rate including fringe benefits for those employees; plus an additional fifteen percent of the labor charges and copy charges for department overhead costs.

63.2(4) Where the subject records are maintained by computer, such charges shall be determined by adding together the charges as billed to the agency by the centralized data processing division of the state comptroller's office, any agency labor charges, and overhead as described in 63.2(3).

63.2(5) Where any citizen has made a request to examine or copy public records and has received such copies, assistance, or work product, and, further, has not made payment to the state; no additional request by that citizen to examine records or receive copies of a work product shall be honored by the agency until such payment has been received.

290—63.3(68A) Waiver of charges. Charges for examination, copies, or other work products requested by a citizen in his or her capacity as a representative of another governmental entity shall be waived. Where such copies are provided under provisions of a written contract or agreement between the agency and a citizen or organization, charges shall be waived.

This rule is intended to implement section 68A.3 of the Code.

ARC 0327
DENTAL EXAMINERS,
BOARD OF[320]
NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of sections 147.76 and 153.33(5) of the Code, the Board of Dental Examiners proposes to adopt rules amending Chapter 20, Auxiliary Personnel, and Chapter 21, Dental Laboratory Technician, and rules relating to dental advertising. Consideration will be given to written data, views or arguments received by the Board of Dental Examiners, Department of Health, Lucas State Office Building, Des Moines, Iowa 50319, on or before July 27, 1979. Oral presentations may be made on July 28, 1979, at 2:00 p.m. before the board at its regular meeting to be held at the Des Moines Hilton Inn, 6111 Fleur Drive, Des Moines, Iowa. Anyone wishing to make an oral presentation should notify the board of their intentions on or before July 27, 1979. Presentations will be limited to ten minutes.

ARC 0353**EMPLOYMENT SECURITY[370]**

(JOB SERVICE)

NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Iowa Department of Job Service, pursuant to the authority of sections 96.11(1) and 17A.3 of the Iowa Code, proposes to amend rule 370—1.7(96) appearing in the Iowa Administrative Code for the purpose of implementing Senate File 373, as adopted by the Sixty-eighth General Assembly.

Interested persons, governmental agencies and associations may present written comments or statements of the proposed amendments not later than July 17, 1979, to James Hunsaker III, Iowa Department of Job Service, 1000 East Grand Avenue, Des Moines, Iowa 50319. A public hearing will be held at 9:30 a.m., July 27, 1979, at the above address. The proposed amendments are subject to revision after the department considers all written and oral presentations.

Pursuant to said authority, rule 370—1.7(96) appearing in the IAC relating to disclosure of official records and information is hereby amended.

ITEM 1. Amend subrule 1.7(1), paragraph "c" by adding the following new subparagraphs (1), (2) and (3):

(1) Information obtained from an employing unit or individual in the course of administering this chapter may be made available to the following agencies, bureaus or departments, provided the conditions of this rule have been met:

A state or federal agency responsible for the administration of an unemployment compensation law or the maintenance of a system of public employment offices.

The bureau of Internal Revenue of the United States.
The Iowa department of revenue.

The Social Security Administration of the United States.

A state or federal agency responsible for the administration of public works or public assistance to unemployed workers.

(2) A state or federal agency, bureau or department which administers a program of public assistance which by law is required to impose safeguards for the confidentiality of information at least as effective as those required under this section, provided the condition of this rule have been met, shall be provided the following information, if available:

Whether an individual has received, or is receiving, or has made application to receive unemployment compensation benefits.

The period during which unemployment compensation was payable and the weekly rate of compensation.

The individual's most recent address.

Whether an individual has refused an offer of employment and if so, the date of the refusal and a description of the employment refused, including duties, conditions of employment, and rate of pay.

The agency, bureau or department requesting such information may be required to provide payment for the cost of furnishing such information.

(3) No information subject to the confidentiality of this rule shall be made available until the conditions of subrule 1.7(2) have been met.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 2. Amend subrule 1.7(1), paragraph "e" by adding new unnumbered paragraph 2 as follows:

Information obtained from employing units and individuals may be made available to colleges, universities, and public agencies of this state for use in research of a public nature, consistent with the purposes of chapter 96, provided the identity of any individual or employing unit is not revealed.

This is intended to implement Senate File 373, adopted by the Sixty-eighth General Assembly.

ITEM 3. Rule 370—1.7(96) is amended by adding the following new subrule:

1.7(2) Information subject to the confidentiality of this rule shall not be made available to any authorized agency, bureau or department prior to written notification to the individual involved, except in criminal investigations. Claimants will be given written notice at the time they make application for benefits. Employers will also be given written notice advising them that such information may be given to authorized agencies. Information regarding individuals who are not claimants or employers shall be made available only after prior written notification to such individuals. The agency requesting such information may be required to provide the address of the individual and reimbursement for cost of securing the address and notifying the individual, as well as the other costs involved in furnishing such information. Such information shall not be made available if no mailing address is provided by the agency and is not contained in the records of the department.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ARC 0355**EMPLOYMENT SECURITY[350]**

(JOB SERVICE)

NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Iowa Department of Job Service, pursuant to the authority of sections 96.11(1) and 17A.3 of the Iowa Code, proposes to amend existing rules in chapter 3 appearing in the Iowa Administrative Code for the purposes of implementing Senate File 373, Acts of the Sixty-eighth General Assembly.

Interested persons, governmental agencies and associations may present written comments or statements of the proposed amendments not later than July 17, 1979, to James Hunsaker III, Iowa Department of Job Service, 1000 East Grand Avenue, Des Moines, Iowa 50319. A

EMPLOYMENT SECURITY[370] (cont'd)

public hearing will be held at 9:30 a.m., July 27, 1979, at the above address. The proposed amendments are subject to revision after the department considers all written and oral presentations.

Pursuant to said authority, rules of chapter 3 appearing in the IAC relating to employer's contributions and charges are hereby amended.

ITEM 1. Rule 370—3.4(96) is amended by adding the following new subrules:

3.4(1) If an individual received benefits for a period of unemployment and subsequently receives a back pay award for the same period the benefits shall be recovered by the department.

3.4(2) The department, in its discretion, may reach an agreement with the individual and the employer to allow the employer to deduct an amount equal to the job insurance payments made during this period from the back pay award and pay a sum equal to that amount into the unemployment trust fund. The balance of the back pay award shall then be paid to the individual.

3.4(3) If benefits are recovered by the employer for the unemployment trust fund by deducting them from an individual's back pay award the employer shall still be required to report the entire amount of the award to the department as total and taxable wages in the calendar quarter in which the amount was actually paid to the individual or credited to the individual's account.

3.4(4) If the employer or the individual decline to enter into an agreement to have job insurance benefits deducted from a back pay award then the department shall proceed to either deduct the amount from any future benefits the individual may become entitled to or have the individual pay the department a sum equal to that amount.

3.4(5) Any amount of benefits recovered from a back pay award as the result of an agreement between the employer and the employee or through any other manner of recovery shall be credited to the employer's account in the calendar quarter in which the amount was recovered and the individual's job insurance claim shall reflect the recovery.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 2. Rescind all of rule 370—3.42(96) and reserve the number.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 3. Subrule 3.43(2) is amended to read as follows:

a. Wage credits in the most recent quarter of the base period will be used first and when wage credits in this quarter are exhausted, wage credits for the next most recent quarter will be used until each of the four quarters in the base period is exhausted or until the claimant is paid an amount not to exceed ~~thirty-nine times his weekly benefit amount~~ *the claimant's maximum benefit amount*.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 4. Amend subrule 3.43(8) to read as follows:

3.43(8) ~~Six consecutive weeks~~ *Ten times the weekly benefit amount* in insured work requalification.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 5. Rescind all of subrule 3.43(8), paragraph "a" and insert in lieu thereof the following:

a. In order to meet the ten times the weekly benefit amount in insured work requalification provision, the following criteria must be met:

(1) Subsequent to the leaving the individual shall have worked in and been paid wages for equal to ten times the claimant's weekly benefit amount.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 6. Amend subrule 3.43(8), paragraph "b" to read as follows:

b. An employer's account shall not be charged with benefit payments to an eligible claimant who quit such employment but shall be charged to the account of the next succeeding covered employer with whom the individual worked and received wages in insured employment ~~for not less than six consecutive weeks~~ *equal to ten times the claimant's weekly benefit amount*.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 7. Amend subrule 3.43(8), paragraph "e" to read as follows:

e. Periods of insured employment with separate employers may be joined to collectively equal ~~the period of not less than six consecutive weeks~~ *ten times the individual's weekly benefit amount* when requalification cannot be accomplished by an individual insured employer. The employer ~~that was quit from whom the individual left work~~ will not accrue any charges and the subsequent ~~group of employers~~ will not receive charges because none ~~of the such employers in the group~~ provided the required minimum of not less than ~~six consecutive weeks of work~~ *ten times the individual's weekly benefit amount* in insured employment: ~~except that an employer who is required by law or by election to reimburse the trust fund shall be charged with the benefits paid.~~

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 8. Amend subrule 3.43(8), paragraph "f", subparagraph (1) to read as follows:

(1) An employment verification form, IESC 1583, ~~will be is~~ an affidavit prepared in duplicate stating; the insured employer's name, mailing address, the ~~period worked starting date of employment~~, and ~~each week for which wages were payable~~; *paid subsequent to that date*. The affidavit form must be signed by the claimant alleging that the facts ~~contained therein are true and correct~~. Any misrepresentation in the ~~affidavit form~~ may result in overpayment, and fraud charges ~~or~~ administrative penalty ~~or both, any or all thereof~~. A copy of the ~~claimant's affidavit form~~ must be mailed to the employer or employers for verification. The employer should review the information ~~of on~~ the form and certify that it is either ~~true or correct~~ or in error. If the information is incorrect, the employer should give the proper information. If the employer fails to return the employment verification form within five days of date mailed, the information on the form will be ~~deemed presumed~~ to be ~~true and correct~~.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 9. Amend subrule 3.43(11), paragraph "a" to read as follows:

a. Whenever the state or federal extended benefit trigger is in an "on" condition in compliance with sections ~~96.19(27)~~ ~~96.19(26)~~ and ~~96.19(29)~~ ~~96.19(28)~~, the federal government will pay fifty per cent of all charges on all benefit payments on claims that exceed payments in

EMPLOYMENT SECURITY[370] (cont'd)

excess of twenty-six times the weekly benefit amount, except government contributory or reimbursable employers. (Reference is secretary of labor standard 615.1.)

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 10. Rule 370—3.43(96) is amended by adding the following new subrule:

3.43(15) Relief of charges to employer on transfer of wage credits. Charging of ten weeks of benefit payments to the balancing account. An amount equal to ten times the individual's weekly benefit amount will be used when ten weeks of benefit payments are to be noncharged to the succeeding employer on wage credit transfers involved in voluntary quit and misconduct requalifications.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 11. Rescind all of subrule 3.73(3) and insert in lieu thereof the following:

3.73(3) If an amount due from a governmental entity of this state remains due and unpaid for a period of one hundred twenty days after the due date, the director shall take action as necessary to collect the amount and shall levy against any funds due the governmental entity from the state treasurer, director of the department of revenue, or any other official or agency of this state or against an account established by the entity in any bank. The official, agency or bank shall deduct the amount certified by the director from any accounts or deposits or any funds due the delinquent governmental entity without regard to any prior claim and shall promptly forward the amount to the director for the fund. However, the director shall notify the delinquent entity of the director's intent to file a levy by certified mail at least ten days prior to filing the levy on any funds due the entity from any state official or agency.

This paragraph is an exact quote from Senate File 373. It is being used as a rule because it conflicts with the preceding paragraph in chapter 96. The preceding paragraph in section 96.14(3) states delinquency as a period exceeding two calendar quarters. The above period of one hundred twenty days is the most recent expression of the legislature.

ARC 0354

EMPLOYMENT SECURITY[370]

(JOB SERVICE)

NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Iowa Department of Job Service, pursuant to the authority of sections 96.11(1) and 17A.3 of the Iowa Code, proposes to amend existing rules in chapter 4 appearing in the Iowa Administrative Code for the purpose of implementing Senate File 373, Acts of the Sixty-eighth General Assembly.

Interested persons, governmental agencies and associations may present written comments or statements of the proposed amendments not later than July 17, 1979, to

James Hunsaker III, Iowa Department of Job Service, 1000 East Grand Avenue, Des Moines, Iowa 50319. A public hearing will be held at 9:30 a.m., July 27, 1979, at the above address. The proposed amendments are subject to revision after the department considers all written and oral presentations.

Pursuant to said authority, rules of chapter 4 appearing in the IAC relating to claims and benefits are hereby amended.

ITEM 1. Amend subrule 4.2(1), paragraph "b", by rescinding all of subparagraph (8) and inserting in lieu thereof the following:

(8) Number, name and relationship of any dependents claimed.

Further, by adding new subparagraph (9) as follows:

(9) Such other information as required by the form.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 2. Amend subrule 4.2(2) to read as follows:

a. A claimant may file a claim for total unemployment benefits by ~~filling out~~ *completing form IESC 201*, initial claim for unemployment, at ~~an area claims~~ *a Job Service* office. The carbon copies of the form IESC 201 will be used as the claimant's registration for work form (IESC 550), and notification of filing a claim to the claimant's last employer form (IESC 423). The form shall then be transmitted to the claims department for processing. Notification of filing for a claim will be sent to each base period employer on record by ~~IESC 201A~~, notice of claim filing (*IESC 201A*). If the last employer is not a base period employer, ~~it~~ *the employer* shall be notified by form IESC 423. If the employer wishes to protest a claim or has any information which would affect the claimant's eligibility for job insurance benefits the employer may so indicate on forms IESC 423 or IESC 201A and return it to the administrative office within ~~seven ten~~ *seven ten* days from the date of notification as shown by the postmark date on the form. ~~The seven-day protest period will be determined by the postmark on the envelope which contains the form IESC 423 of IESC 201A which is returned from the employer.~~ In the event the ~~seventh~~ *tenth* day falls on a Saturday, Sunday, or holiday, the protest period is extended to the next working day of the department.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 3. Amend subrule 4.8(1), paragraphs "a", "b", and "d" to read as follows:

a. The most recent employing unit and all base period covered employers who receive a notice of the first claim filed by a claimant following separation from employment must within ~~seven ten~~ *seven ten* days of the date of the notice, submit to the department of job service any facts that affect the claimant's rights to benefits, including any facts which disclose the claimant separated from employment voluntarily and without good cause attributable to the employer, or was discharged for misconduct in connection with employment.

b. The most recent employing unit and any base period covered employer may protest the payment of benefits. ~~if the~~ *The protest is filed must be received by the department* within ~~seven ten~~ *seven ten* days of the date of the notice of claim filing. If the employing unit has filed a timely report of facts that might adversely affect the claimant's benefit rights, the report will be considered as a protest to the payment of benefits.

d. Any other employing unit that paid wages to the claimant in the base period of the claim will be notified of

EMPLOYMENT SECURITY[370] (cont'd)

the first claim filed which results in a determination that the claimant is an insured worker. The base period employer so notified must within seven ten days submit any facts disclosing whether the claimant separated from employment voluntarily and without good cause attributable to the employer or was discharged for misconduct in connection with employment for any deliberate act not in the best interest of the employer. The department shall issue the employer a decision as to the cause of termination of the claimant's employment.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 4. Amend subrule 4.13(1), paragraph "g" to read as follows:

g. Wages in lieu of notice, separation allowance, severance pay and dismissal pay. Job insurance payments for any such weeks due under the law shall be reduced by the amount of such remuneration.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 5. Amend subrule 4.13(1), paragraph "o" to read as follows:

o. Federal, old-age benefits (OAB) under Title II and including disability and survivor payment. Job insurance payments for any such weeks due under the law shall be reduced by one-half of the amount of such remuneration.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 6. Amend subrule 4.13(1) by adding the following new paragraph:

r. Military retirement pay.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 7. Amend subrule 4.13(2) by rescinding all of paragraph "b" and reserve for future use.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 8. Amend subrule 4.13(2) by rescinding all of paragraph "c" and reserve for future use.

This is intended to implement the recent Supreme Court of Iowa case, Hiserote Homes, Inc., vs. Karen K. Riedeman and the Iowa Department of Job Service.

ITEM 9. Amend subrule 4.13(2), paragraph "m" to read as follows:

m. ~~Military retirement pay or~~ Compensation for service connected disability.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 10. Rescind all of subrule 4.16(3).

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 11. Rule 370—4.18(96) is amended to read as follows:

370—4.18(96) Wage-earnings limitation. A claimant who is partially unemployed may earn weekly, at odd jobs, ~~an amount a sum~~ equal to the claimant's weekly benefit amount plus fifteen dollars before being disqualified for excessive earnings. If such claimant earns at odd jobs less than the claimant's weekly benefit amount plus fifteen dollars, the formula for wage deduction shall be the ~~claimant's weekly benefit amount minus fifty per cent of the amount of wages earned in excess of fifteen dollars: a sum equal to the claimant's weekly benefit amount less that part of wages payable to the claimant with respect to that week in~~

~~excess of one-fourth of the claimant's weekly benefit amount.~~

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 12. Amend subrule 4.22(1), paragraph "v", by renumbering subparagraphs (2)(3) and (3)(4) and adding new subparagraph (2) as follows:

(2) The claimants whose records indicate they are not earnestly and actively seeking work will be called in to the job service office and given a form IESC 1689, employer verification of application. The claimant will present the form to the designated job placement office which will, if possible, furnish the claimant with the names of employers who are seeking employees. The claimant will apply to and obtain the signatures of the employers so designated on the form provided, unless the employers refuse to sign the form. The individual shall return the form to the area claims center within seven days from the date of issuance. The claimant's failure to obtain the signatures of designated employers which have not refused to sign the form, shall disqualify the claimant from further benefits until requalified.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 13. Rule 370—4.2(96) is amended by adding the following new subrule:

4.22(4) Going out of business—factory, establishment, or other premises. Whenever an employer at a factory, establishment, or other premises goes out of business at which the claimant was last employed and is laid off, the claimant's account will be credited with one-half, instead of one-third, of the wages for insured work paid to the claimant during the claimant's base period.

a. Going out of business—definition. Any factory, establishment, or other premises that closes its door and ceases to function as a business will be considered as having gone out of business.

b. Verification of discontinuance of business. Any time the claimant, employer, or the department is informed or has knowledge of a business being discontinued or having been discontinued, the department will initiate a form IESC 1688, verification of business closing, to the discontinued business. The claimant will sign the form and the department will complete the remainder of the form, which will then be mailed to the discontinued business.

c. Notification of time allowed to return form IESC 1688. The discontinued business will be allowed seven days in which to return the form to the department verifying, in fact, that the employer at the factory, establishment, or other premises has actually gone out of business. The form will also inform the discontinued business that the claimant's verification of discontinuance of business will be used in those instances where the form is not returned timely.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 14. Rule 370—4.24(96) is amended to read as follows:

370—4.24(96) Failure to accept work and failure to apply for suitable work. A disqualification for failure to accept or apply for suitable work shall be removed when the claimant is re-established in the labor market by accepting employment of a permanent nature: individual shall have worked in and been paid wages for insured work

EMPLOYMENT SECURITY[370] (cont'd)

equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 15. Amend subrule 4.24(2), paragraph "b", to read as follows:

b. If such claimant, separated for lack of work, fails to accept work offered by the employer on recall or fails to apply for work when directed by a representative of the department, such failure shall constitute a refusal of suitable work. In such a situation said claimant shall be disqualified for failure to apply for or accept an offer of work until such time as the claimant is re-established in the labor market by accepting employment of a permanent nature; individual shall have worked in and been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 16. Subrule 4.24(2) is amended by rescinding all of paragraph "c".

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 17. Rescind all of subrule 4.24(15) and insert in lieu thereof the following:

4.24(15) Gross pay. A job offer shall be deemed as not suitable unless gross weekly wages for the work equal or exceed the following percentages of the individual's average weekly wage for insured work paid to the individual during that quarter of the individual's base period in which the individual's wages were highest:

a. One hundred percent, if the work is offered during the first five weeks of unemployment.

b. Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

c. Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

d. Sixty-five percent, if the work is offered after the eighteenth week of unemployment. However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 18. Amend subrule 4.26(15), paragraph "b" to read as follows:

b. If the ~~six consecutive week~~ requalification, ~~ten times the individual's weekly benefit amount, period~~ involved two or more insured employers and requalification cannot be accomplished by employment with any one individual employer then the restored wages shall be transferred to the ~~pool fund~~ balancing account and ~~none~~ of the involved employers' accounts shall not be charged, ~~except that employers who are required by law or by election to reimburse the Trust Fund shall not be relieved of benefit charges.~~

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 19. Amend subrule 4.27(1), paragraph "b" to read as follows:

b. Once the claimant meets the requalification requirements of Code section 96.5(1)"g" relating to the supplemental employment separation, the supplemental wage credits will be restored for benefit payment purposes. The wage credits from the supplemental employer

will then be transferred to the account of the employer from whom the requalifying wages were earned. If the claimant worked for more than one employer subsequent to the supplemental employment and ~~did not have at least six consecutive weeks of employment~~ was not paid wages equal to ten times the claimant's weekly benefit amount in insured work with any one employer, the supplemental wage credits will be restored but no employer's account shall be charged with the benefits paid on such credits, ~~except that any employer who is required by law or by election to reimburse the trust fund shall not be relieved of benefit charges.~~

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 20. Subrule 4.28(1) is amended to read as follows:

4.28(1) The claimant shall be eligible for benefits even though having voluntarily left employment, if subsequent to leaving such employment, the claimant worked in and was paid wages for insured work for ~~not less than six consecutive weeks~~, equal to ten times the claimant's weekly benefit amount.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 21. Subrule 4.28(2) is amended to read as follows:

4.28(2) The claimant shall be eligible for benefits even though having been previously disqualified from benefits due to a voluntary quit, if subsequent to said disqualification, the claimant worked in and was paid wages for insured work for ~~not less than six consecutive weeks~~, equal to ten times the claimant's weekly benefit amount.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 22. Rule 370—4.31(96) is amended to read as follows:

370—4.31(96) Two hundred dollar condition. Subsequent benefit year condition.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 23. Subrule 4.31(2) is amended to read as follows:

4.31(2) If the claimant has the qualifying wages (~~\$400 and \$200~~) of one and one-quarter times the wages paid during that quarter of the base period in which wages were the highest with a minimum of \$400 and \$200, which were earned prior to filing of the previous claim, the claimant will need to have an additional \$200 wages in insured work must, during or subsequent to the claim date that year, have worked in and have been paid wages for insured work, totaling at least ten times the weekly amount, to fulfill the condition to be eligible for benefits on a new claim. Vacation pay is not considered as wages for second benefit year requalification purposes.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 24. Subrule 4.31(5) is amended to read as follows:

4.31(5) The ~~\$200 amount equal to ten times the weekly benefit amount~~ need not be in addition to the \$400 and \$200 of the base period of the subsequent claim provided that the ~~\$200 of this amount equal to ten times the weekly benefit amount~~ has been earned and paid at any time after the effective date of the previous claim for which the individual received benefits.

EMPLOYMENT SECURITY[370] (cont'd)

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 25. Subrule 4.31(6) is amended to read as follows:

4.31(6) Disqualification for lack of the ~~conditional \$200 ten times the weekly benefit amount condition~~ shall be removed upon the verification that the claimant ~~was paid \$200 worked in and has been paid wages~~ for insured work totaling ten times the weekly benefit amount during or subsequent to the previous benefit year.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 26. Amend subrule 4.32(1), paragraph "b" to read as follows:

b. Any individual who has been discharged or suspended for misconduct connected with work is disqualified for benefits for the duration of the disqualification period and forfeits an amount of benefits equal to the number of weeks for which individual was disqualified, until the individual has worked in and been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 27. Rescind all of subrule 4.32(2) and reserve for future use.

This is intended to implement Senate File 373, Acts of the Sixty-eighth General Assembly.

ITEM 1. The first policy relates to the implementation of wasteload allocations determined in accordance with subrule 400—17.8(2), IAC, where Water Quality Standards call for waste treatment more stringent than standard secondary treatment by municipalities. The policy would allow a segmented construction of wastewater treatment facilities by municipalities in all or most cases, in that municipalities would be allowed to build facilities meeting secondary effluent limitations first, and if necessary construct additional facilities at a later time. The need for additional facilities would be determined by specific on-site evaluation of stream conditions and economic factors. This policy will not alter the goal of ultimately meeting water quality standards, but will place greater importance on future evaluations of the appropriateness of existing stream classifications and the extent to which secondary treatment will meet water quality standards.

ITEM 2. The second policy relates the antidegradation policy of subrule 400—16.2(2), IAC. The policy would prohibit increases in waste loadings from dischargers affecting waters classified as high quality, in order to preserve the exceptional quality or value of that water. A further issue that will be addressed is whether the segmentation principal described in the first policy above, can also be applied to dischargers affecting high quality waters.

Drafts of alternative policy statements will be available upon request on or after June 30, 1979. Requests should be directed to the Department of Environmental Quality, Chemicals and Water Quality Division, 5th Floor, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319.

ARC 0348

ENVIRONMENTAL QUALITY[400]

WATER QUALITY COMMISSION

NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 455B.32 of the Code, 1979, the Water Quality Commission intends to take action on the rules published below which concern policies that impact:

(1) The implementation of wasteload allocations where Water Quality Standards for waste treatment are more stringent than standard secondary treatment by municipalities, and

(2) A change in the antidegradation policy.

The Water Quality Commission will hold a public hearing on the proposed rules on July 25, 1979, in the Auditorium of the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319, at 1:00 p.m. Any interested person may make a presentation on the proposed rules at that time. Any interested person may also submit written comments on the proposed rules to the Executive Director of the Department of Environmental Quality, 900 East Grand Avenue, Des Moines, Iowa, on or before August 6, 1979.

ARC 0321

HEALTH DEPARTMENT[470]

BOARD OF COSMETOLOGY EXAMINES

NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 258A.2 of the Code, the Board of Cosmetology Examines proposes to amend the rules for continuing education found in chapter 151 as follows:

Any interested person, governmental agency or association may submit written comments on the proposed rule amendment not later than 4:30 p.m., July 25, 1979, to Peter J. Fox, Hearing Officer, Iowa State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319.

ITEM 1. Subrule 151.2(1) is amended to read as follows:

151.2(1) Beginning December 1, 1978, each person licensed to practice cosmetology or electrolysis in this

HEALTH DEPARTMENT[470] (cont'd)

state shall complete during each compliance period (December 1 to November 1) a minimum of eight hours of continuing education approved by the board. *Each person holding an instructor's license shall complete a minimum of sixteen hours of continuing education at the advanced instructors' institutes prescribed by the board during each compliance period, which will also fulfill the continuing education required for their cosmetology license.* Compliance with the requirement of continuing education is a prerequisite for license renewal in each subsequent license renewal year.

ITEM 2. Amend rule 470—151.2 by adding the following new subrule:

151.2(5) *Those persons newly licensed during the license renewal year as cosmetologists, cosmetology instructors, or to practice electrolysis shall not be required to complete continuing education as a prerequisite for their first renewal of license.*

The rules are intended to implement section 258A.2 of the Code.

ARC 0322

**PLANNING AND
PROGRAMMING[630]
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of chapter 7A and section 12A.9 of the Code, the Office for Planning and Programming proposes to rescind chapter 16, relating to a health manpower project and adopt in lieu thereof a new chapter 16 relating to funding of grants or loans for projects or assistance under the Public Works and Economic Development Act of 1965 as amended, known as EDA 304 Program.

Any interested persons may submit written data, views or arguments or make oral presentations on the intended action by contacting the Office for Planning and Programming, 523 East 12th Street, Des Moines, Iowa 50319, before 4:30 p.m. on July 17, 1979.

**CHAPTER 16
EDA 304 PROGRAM**

630—16.1(PL89—136.304) (42USC3121 et seq.) Purpose. The Public Works and Economic Development Act of 1965, as amended apportions to states, on a formula basis, Economic Development Administration 304 funds (EDA 304) to be used by the governor in funding grants or loans for projects or assistance authorized under Titles I, II, III, IV or IX of the Act. To receive the federal funds the state of Iowa must provide a cash match of twenty-five percent for each grant or loan funded. The combined federal and state funds constitutes the EDA 304 program administered and monitored by the office for planning and programming.

16.1(1) Title I provides direct grants for acquisition or development of land, and improvements for public works,

public service or development facility usage; and the acquisition, construction, rehabilitation, alteration, expansion or improvement of such facilities, including related machinery and equipment within a redevelopment area.

Title I also provides supplementary grants to enable the state and other entities within redevelopment areas to take maximum advantage of designated federal grants-in-aid programs (designated by EDA) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share.

16.1(2) Title II provides loans to assist in financing the purchase or development of land and improvements for public works, public service or development facility usage.

16.1(3) Title III provides grants-in-aid for technical assistance, including project planning and feasibility studies, management and operational assistance, and studies evaluating the needs of, and development potentialities for, economic growth of the project area.

16.1(4) Title IV provides for the establishment of redevelopment areas and economic development districts. The title also provides for funds to alleviate economic distress of American Indians, in addition to their eligibility for assistance authorized under other parts of the public works and Economic Development Act of 1965, as amended.

16.1(5) Title IX provides grants-in-aid to areas that have experienced, or may reasonably expect to experience, a special need to meet an unexpected rise in unemployment, or other economic adjustment problems.

630—16.2(PL89—136.304) Proposal criteria. The criteria for eligibility under section 304 appears in Public Law 89—136.304, United States Code, vol. 42, chapter 3121 et seq., and "EDA Directive 17.03", February 5, 1979. After the application and review procedures are completed, the governor will recommend to the Rocky Mountain Regional Office of the Economic Development Administration those EDA 304 project proposals which best meet the federal and state criteria as found in PL89—136 and the "EDA 304 Program Guide for Iowa".

630—16.3(PL89—136) Proposal procedure. Qualified organizations interested in receiving EDA 304 funds shall submit a written proposal as specified in the "EDA 304 Program Guide for Iowa", available upon request from the Office for Planning and Programming, 523 East 12th Street, Des Moines, Iowa 50319.

16.3(1) Proposals may be submitted at any time, but will only be considered when there are funds available. Upon the allocation of funds to the state, an announcement of availability of funds will be made to areawide planning organizations, League of Iowa Municipalities, Iowa State Association of Counties, and the Iowa Development Commission. A deadline for the submission of proposals will be set. Any proposals received after the deadline will be considered during the next funding period.

16.3(2) When the deadline for submission of proposals has expired, staff from the division of municipal affairs of the office for planning and programming, will review the qualified proposals. After consultation with the Iowa development commission staff, the governor's office and the federal economic development representative for Iowa and Missouri, proposals will be ranked according to their merit based on the criteria stated in the "EDA Program Guide for Iowa". Proposals receiving the highest rankings will be recommended for funding.

PLANNING AND PROGRAMMING[630] (cont'd)

16.3(3) The recommended proposals will be submitted to the economic development representative for completion of a profile on the proposals. Profiles will then be submitted to the EDA regional director for review.

630—16.4(PL89—136) Application procedure. The economic development representative, upon notification from the EDA regional director, will advise the governor and notify the applicants of project eligibility. An application must be prepared using the appropriate EDA application forms, which can be obtained from the economic development representative. Preparation of an application shall follow the guidelines set forth in the Office of Management and Budget (OMB) Circular A-102.

16.4(1) The completed application will be submitted to the Rocky Mountain Regional Office of the Economic Development Administration for review. Each application must be accompanied by a letter from the governor which requests the use of EDA 304 funds for the project; pledges the necessary twenty-five percent state cash match, specifying the amount; assures that the project is consistent with the state section EDA 302(a) planning program; assures that this assistance will not diminish other federal or state funding; and assures that local officials concur with the investment decision of the application.

630—16.5(PL89—136) Grant recipients responsibility. All recipients of EDA 304 Program funds must submit a monthly requisition packet consisting of the following forms:

1. State of Iowa Claim for Reimbursement.
2. Quarterly Expenditure Report.

630—16.6(PL89—136) Public information. Information regarding the EDA 304 Program may be obtained by contacting the Office for Planning and Programming, 523 East 12th Street, Des Moines, Iowa 50319, telephone (515) 281-8099. Information regarding application procedures contained in OMB Circular A-102 may be obtained from the EDA Economic Development Representative, 1114 Market Street, Room 648, St. Louis, Missouri 63101.

ARC 0358**REGENTS, BOARD OF[720]****AMENDMENT TO NOTICE
OF INTENDED ACTION**

The notice of intended action appearing in the Iowa Administrative Bulletin, May 16, 1979, proposing rules relating to Iowa State University [chapter 4], under authority of section 262.69 of the Code, is hereby amended by adding the following paragraph:

Oral presentation on the proposed rules may be made on Friday, July 20, 1979, in the Conference Room #3, 6th floor, Lucas State Office Building, at 10:00 a.m.

ARC 0324**REGENTS, BOARD OF[720]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 262.9(3) of the Code, the state board of regents proposes to amend chapter 2 of their rules appearing in the Iowa Administrative Code, relating to Iowa State University.

Members of the public who wish to express views on this proposed amendment may present them in writing to R. Wayne Richey, Executive Secretary, State Board of Regents, Lucas State Office Building, Des Moines, Iowa 50319. Written comments received on or before July 20, 1979, will receive consideration. If a request is received for an oral presentation as provided by section 17A.4(1)"b" of the Code by Monday, July 23, 1979, the presentation may be made at the above-named office on Thursday, July 27, 1979.

ITEM 1. Rescind all of rule 2.25(262) and insert in lieu thereof the following:

720—2.25(262) Undergraduate students.

2.25(1) Recommended high school preparation. Graduation from an approved high school shall ordinarily precede entrance into the university. The student should have: Completed a program of studies designed to ensure a well-rounded background of knowledge in basic fields; developed effective study skills and work habits; developed proficiency in reading, writing, and speaking English; acquired proficiency in basic mathematics.

Each college has recommendations regarding high school background. Students who have not had the recommended background may be inadequately prepared for programs in that college.

2.25(2) College of agriculture. Although students entering the college of agriculture have no minimum subject matter requirements for admission, they will benefit by having completed three years of English/speech with emphasis in composition and communication skills, mathematics through intermediate algebra, and a strong emphasis in biology and the physical sciences (especially chemistry).

2.25(3) College of design. High school preparation for students entering the college of design should include four years of English (composition and rhetoric), one and one-half years of algebra, and two years of science (biology, chemistry, or physics). Social sciences, including a year of world history and a background in art and drafting, are also extremely helpful and highly recommended. Students planning to major in architecture should have an additional background of one-half year of algebra, one year of geometry, and one-half year of trigonometry, as well as one year each of physics and chemistry.

2.25(4) College of education. The high school program should encompass the various areas of study (English, mathematics, sciences, social studies, and humanities) which reflect a broad general background.

2.25(5) College of engineering. A student who wishes to complete an engineering curriculum in four years should have high school credit in three and one-half years

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of mathematics, including two years of algebra; one year of geometry; and one-half year of trigonometry. A student not having this mathematics background may still enroll in the college of engineering but should expect to spend longer than four years to earn a degree.

In addition to the mathematics background, students interested in engineering will benefit by having had four years of English and one year each of chemistry and physics.

2.25(6) College of home economics. Students will find it beneficial to have at least one and one-half years of algebra, one year of chemistry, one year of biological science, and four years of English in their high school program.

2.25(7) College of sciences and humanities. Preparation for entrance into the college should include at least four years of English composition and rhetoric, one and one-half years of algebra, one year of geometry, two years of science (chemistry, physics, or biology), and two years of a foreign language. In addition, students planning to study a science or in a science-related discipline should complete one-half year of trigonometry and an additional one-half year of algebra or analytic geometry.

2.25(8) College of veterinary medicine. Preveterinary students at Iowa State University enroll in either the college of agriculture or the college of sciences and humanities for their preprofessional study. It is recommended that students contemplating study in veterinary medicine complete a full program of college preparatory subjects in high school, including four years of English, at least three years of mathematics (including trigonometry), and one year each of biology, chemistry, and physics. See also veterinary medicine, admission requirements.

ITEM 2. Rescind all of rule 2.26(262) and insert in lieu thereof the following:

720—2.26(262) College of veterinary medicine.

2.26(1) Admission. Applicants for admission to the college of veterinary medicine for fall quarter 1980 and thereafter must have attended a regionally accredited college or university and: (1) Received the bachelor's degree, or (2) completed 144 quarter (96 semester) credits in a declared major towards a bachelor's degree.

The specific college credits will be prescribed by the faculty of the college.

Credits in the specified courses will normally be earned on the traditional four-letter grading system, with "A" as the highest grade and "D" as the lowest passing grade. However, credits earned by the credit-by-examination program in accordance with the regulations relating to this procedure at Iowa State University are also acceptable. Credits in the preceding specified courses will not be accepted if earned under the pass-not pass grading system or similar options. All students must have completed at least ninety quarter (sixty semester) credits prior to filing an application for admission to the college of veterinary medicine.

2.26(2) Applications. Completed applications with supporting transcripts must be received by the Iowa State University director of admission (Room 7, Beardshear Hall) by December 15 of the year prior to the year in which the applicant seeks to be admitted. Transcripts of all college credits must accompany the application. All preveterinary requirements must be fulfilled by the time of filing or scheduled for completion by June 15 of the year in which the applicant seeks to be admitted. A list of courses in progress at the time of filing or scheduled for completion by June 15 should accompany the application

and transcripts. Preprofessional college credits must average at least 2.50 on a 4.0 marking system for the application to be accepted. The preceding scholastic requirements are minimum requirements and do not assure admission, even though the requirements have been fulfilled.

Admission to the college of veterinary medicine is on a competitive and selective basis. Scholastic performance in preprofessional courses, aptitude, and personal development are given consideration in the selection of candidates. Since a solid foundation in the sciences is basic to success in veterinary medicine, considerable attention is given in the admission process to applicants' grades in those areas. Consideration for admission to the college of veterinary medicine is administered equally to all without regard to race, color, creed, sex, national origin, disability, or age. Admission is granted annually at the beginning of the fall quarter only, with enrollment limited to one hundred twenty students per class.

In considering applicants for admission to the college of veterinary medicine, preference is given to residents of Iowa and certified residents of states having contracts with Iowa State University for educating veterinary medical students.

ITEM 3. Rescind all of rule 720—2.27(262) and insert in lieu thereof the following:

720—2.27(262) Graduate college.

2.27(1) Admission. Admission to the graduate college may be granted to a graduate of an institution in the United States which is accredited by a recognized regional association. For information concerning graduate study in a particular academic discipline, a prospective student is invited to correspond with the head of the department in which he or she wishes to study.

Application forms are available from the Office of Admissions, 7 Beardshear Hall. These forms, together with official transcripts and a statement of quartile rank, should be forwarded to the Office of Admissions at least one month prior to the opening of the quarter in which the student wishes to matriculate. An application fee of \$10 is charged each applicant formally applying for admission to the graduate college. If the undergraduate degree is from Iowa State University or if the student is applying for nondegree admission, no application fee is assessed.

2.27(2) Graduate record examination. The graduate record examination (GRE) is not a university-wide requirement for all applicants; however, some departments require or recommend submission of GRE scores. Individual departmental statements appearing in the university's catalog should be consulted for this information.

2.27(3) Full admission. An applicant who is a graduate of a regionally accredited institution in the United States or of a recognized institution in another country whose requirements for the bachelor's degree are substantially equivalent to those of Iowa State University, and who ranks in the upper one-half of his or her class, may be admitted to the graduate college if recommended by the department and approved by the dean of the graduate college. Admission does not constitute acceptance as a candidate for a degree.

2.27(4) Provisional admission. An applicant who is a graduate of a regionally accredited college or university in the United States or of a recognized institution in another country whose requirements for the bachelor's degree are substantially equivalent to those at Iowa State University, and who ranks in the upper one-half of

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his/her class, but who has certain background deficiencies to remedy, may be admitted to the graduate college on provisional admission if recommended by the department and approved by the dean of the graduate college. Students accepted on provisional admission are eligible for graduate assistantships. Transfer from provisional admission to full admission requires recommendation of the major professor and approval by the graduate college.

2.27(5) Restricted admission. Restricted admission may be granted to persons who are graduates of regionally accredited universities or colleges of the United States who do not rank in the upper one-half of their class and to graduates of foreign institutions. This status requires the recommendation of the major department and approval of the dean of the graduate college. Transfer from restricted to full admission usually requires completion of at least fifteen hours of graduate level courses with a grade average of B or above. The recommendation must be submitted by the student's major professor and approved by the dean of the graduate college.

2.27(6) Nondegree admission. A graduate of a university or college in the United States may be granted nondegree admission in order to: (1) Transfer graduate credit earned to Iowa State University to other institutions, (2) enroll occasionally in off-campus graduate courses, or (3) take graduate courses without pursuing an advanced degree.

Transfer from nondegree admission to full admission requires submission of complete academic records, recommendation by the department head and the approval of the graduate dean, and payment of an application fee of \$10 by those who do not have an undergraduate degree from Iowa State University.

For those students admitted to the graduate college for nondegree study, no more than twelve hours of graduate credit earned under the nondegree option may be applied if the student later chooses to undertake a degree option. The student's advisory committee will recommend which courses, if any, taken on a nondegree basis may be included in the program of study.

ITEM 4. Rescind all of rule 2.28(262) and reserve for future use.

2.28 Reserved.

These rules are intended to implement 262.9(3) of the Iowa Code.

ARC 0349**REVENUE, DEPARTMENT OF**[730]**NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of revenue proposes action to amend rules relating to practice and procedure before the department. These rules are being amended pursuant to the authority of sections 421.14 and 17A.3(1)"b" of the Code.

Any interested persons may submit their views in writing on these proposed amended rules on or before July 27, 1979, to the Hearing Officer, Iowa Department of Revenue, Hoover State Office Building, Des Moines, Iowa 50319. Requests for a public hearing must be received by July 20, 1979.

Persons who want to orally convey their views should contact the Hearing Officer at (515) 281-3753 or on the fourth floor of the Hoover State Office Building.

Here follows the substance of the intended action:

Pursuant to the authority of sections 421.14 and 422.68, subparagraph one of the Code, the department hereby amends the following rules of practice and procedure.

ITEM 1. Amend rule 7.19(17A) by adding in the title after the word "Record", the words "and Transcript."

ITEM 2. Amend 7.19(17A) by adding the following new paragraph:

Oral hearings regarding proceedings on appeal to or considered on motion of the director which are recorded by mechanical means shall not be transcribed for the record of such appeal or review unless a party, by written notice, or the director, orally or in writing, requests such transcription. A transcription will be made only of that portion of the oral hearing relevant to the appeal or review if so requested and no objection is made by any other party to the proceeding or the director.

ARC 0333**SOCIAL SERVICES
DEPARTMENT**[770]**NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of section 218.4 of the Code, proposes the adoption of the following rules relating to the Riverview release center.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before July 20, 1979.

Pursuant to the authority of section 218.4 of the Code, rules of the department of social services appearing in the IAC relating to the Riverview release center (chapter 21) are hereby amended.

Subrule 21.2(1) is amended to read as follows:

21.2(1) Visiting hours shall be established by the superintendent, but minimum hours are from 10:00 a.m. to 4:00 p.m. on Saturdays, and Sundays, and holidays and from 4:00 p.m. to 9:00 p.m. 5:00 p.m. to 10:00 p.m. Monday through Friday. For visiting purposes, the week begins on Sunday. An approved visitor may visit twice per week, once on a weekday and once on the weekend.

ARC 0334**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of section 239.18 of the Code, proposes the adoption of the following rules relating to aid to dependent children—foster care.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before July 20, 1979.

Pursuant to the authority of section 239.18 of the Code, rules of the department of social services appearing in the IAC relating to aid to dependent children—foster care (chapter 44) are hereby amended.

ITEM 1. Subrule 44.1(5) is amended to read as follows:

44.1(5) Legal custody *As a condition of eligibility, responsibility for placement and supervision of the child is to be given by the court to the Iowa department of social services.*

ITEM 2. Rule 770—44.3(234) is amended to read as follows:

770—44.3(239) Application. *An application for aid to dependent children foster care shall be filed on behalf of the child by the income maintenance worker. When a child is placed in a nonparental home in which eligibility for either regular aid to dependent children or aid to dependent children—foster care may be established, the nonparental caretaker shall have the option of applying for either program.*

ITEM 3. Rule 770—44.4(239) is amended to read as follows:

770—44.4(239) Payment. *Payment shall be made in accordance with chapter 137 of rules of the department of social services with the exception that no payment shall be made for a period prior to the date of the court order giving custody responsibility for placement and supervision to the department.*

ARC 0347**SOCIAL SERVICES
DEPARTMENT[770]****AMENDMENT TO NOTICE
OF INTENDED ACTION**

The notice of intended action appearing in the IAC April 18, 1979, proposing rules relating to medical services computation of countable income and resources for persons in a medical institution (770—75.5(249A)) under authority of section 249A.4 of the Code is amended by adding the following paragraph:

Oral presentations on the proposed rules may be made at:

Cedar Rapids	July 19, 1979, at 7:00 p.m. Kirkwood Community College Iowa Hall - Marlin Room 6301 Kirkwood Blvd., S.W.
Davenport	July 18, 1979, at 1:00 p.m. Bicentennial Building 428 Western Avenue
Des Moines	July 18, 1979, at 1:00 p.m. Social Services District Office 3609½ Douglas
Iowa City	July 23, 1979, at 7:00 p.m. Public Library 307 E. College
Mason City	July 18, 1979, at 1:00 p.m. Social Services District Office 1531 South Monroe
Sioux City	July 18, 1979, at 1:00 p.m. Social Services District Office Second Floor Conference Room 808 5th Street
Spencer	July 18, 1979, at 1:00 p.m. Highway Patrol Building Highways 71 and 18
Waterloo	July 18, 1979, at 1:00 p.m. Black Hawk Co. Benefit Payments Off. 1340 Logan Avenue

ARC 342**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of section 249A.4 of the Code, proposes the adoption of the following rules relating to medical assistance.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before July 20, 1979.

Pursuant to the authority of section 249A.4 of the Code, rules of the department of social services appearing in the IAC relating to medical assistance (chapter 78) are hereby amended.

ITEM 1. Subrule 78.6(11), paragraph "a", is amended to read as follows:

a. Corrected curve lenses, unless clinically contraindicated, manufactured by reputable American manufacturers. Note: Payment will not be made for photogray or tinted lenses *cosmetic gradient tints*.

ITEM 2. Subrule 78.7(5) is amended to read as follows:
78.7(5) Lenses, contact lenses, and artificial eyes. Note: Payment will not be made for photogray or tinted lenses *cosmetic gradient tints*.

ARC 0335

SOCIAL SERVICES
DEPARTMENT[770]

NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of section 218.4 of the Code, proposes the adoption of the following rules relating to the Iowa state juvenile home.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before July 20, 1979.

Pursuant to the authority of section 218.4 of the Code, rules of the department of social services appearing in the IAC relating to the Iowa state juvenile home (chapter 101) are hereby amended.

ITEM 1. Subrule 101.1(3) is amended to read as follows:

101.1(3) Contraband. Whenever "contraband" is used in these rules, it shall mean weapons, alcohol, drugs, obscene materials as defined in section 7-25-1 728.1, paragraph (1), of the Iowa Code, or materials advocating disruption of or injury to residents, employees, programs, or physical facilities. It shall also include anything which is illegal to possess under the law, materials which are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs.

ITEM 2. Rule 770-101.2(218) is amended to read as follows:

770-101.2(218) Visiting.

101.2(1) Recommended visiting *Visiting hours are from 10:00 a.m. to 4:30 p.m. Saturday and Sunday. The superintendent may designate certain holidays for visiting. The resident shall be responsible for informing the visitor of such days.*

101.2(2) All visiting during times other than described in 102.2(1) shall have approval from the superintendent or designee prior to the day of the visit.

101.2(3) *Visitors shall check in with security staff upon arrival. The counselor on duty may request identification of the visitor. Failure to produce identification may result in denial of the visit.*

~~**101.2(3)** 101.2(4) Parents of a resident may visit during visiting hours without prior approval unless notified in advance, in writing of restricted visitation privileges. Other immediate family members Residents are permitted to visit with their parents or adult members of the immediate family. Children under twelve years of age may visit only with parental supervision parents, but must have the approval of the superintendent or designee prior to visiting without the parents.~~

101.2(5) *Any visitor arriving on the ground who is under the influence of or has been partaking of drugs or alcoholic beverages shall not be permitted a visit.*

101.2(6) *Visitor shall check in with the security staff upon arrival. Residents shall have written authorization of the cottage director concerned before accompanying parents of another student out on a visit.*

~~**101.2(4)** 101.2(7) All Persons other visitors than immediate family who wish to visit a resident must receive approval from the superintendent or designee prior to visits before visiting.~~

101.2(8) *When visited by a friend twelve years of age or older, the resident and friend shall be supervised by the resident's parent or parents at all times.*

~~**101.2(5)** 101.2(9) The superintendent reserves the right to limit or terminate visiting in all cases where doing so is in the best interests of the resident. When limitations or termination of visiting rights occur, the superintendent shall notify persons involved why the action was taken.~~

This rule is intended to implement section 218.4 of the Code.

ITEM 3. Subrule 101.3(5) is amended to read as follows:

101.3(5) The superintendent may deny an interview in situations deemed detrimental to the resident. The person requesting the interview shall be referred to the director, division of community services programs, Iowa department of social services for approval.

ITEM 4. Rule 770-101.4(218) is rescinded and the following inserted in lieu thereof:

770-101.4(218) Mail and packages.

101.4(1) Outgoing or incoming letters or packages shall not be opened, read, censored, or tampered with in any manner, except that institutional staff, in order to search for and seize contraband, may open, but not read, incoming mail or packages in the presence of the resident to whom the mail is directed or require that the resident open the letter or package in the staff's presence and disclose the contents.

101.4(2) Letters or packages found to contain contraband may be withheld, but both the sender and the intended receiver of the withheld mail shall be notified and given reasons for the action in writing within forty-eight hours of the action.

101.4(3) When correspondence between a resident and another person is not considered to be in the best interest of and detrimental to the treatment plan of the resident, the superintendent or designee may terminate that correspondence. Just cause shall be shown and written notice provided to both correspondents.

101.4(4) When correspondence has been terminated as described in 101.4(3), either of the correspondents may request a review of the termination at any time.

101.4(5) Termination under 101.4(3) shall be based on individual cases and not on groups or agencies.

This rule is intended to implement section 218.4 of the Code.

ITEM 5. Rule 770-101.5(218) is amended to read as follows:

770-101.5(218) Use of building and grounds.

101.5(1) When the residents are not using space or a facility, such space or facility may be available for public use at the discretion of the superintendent.

101.5(2) *A deposit of fifteen dollars may be required twenty-four hours in advance of reserving the canteen. The full deposit shall be refunded when the canteen is left in satisfactory condition.*

101.5(3) *Requests for use of the staff conference room, lounge, and chapel building shall be directed to the superintendent's secretary.*

101.5(4) *A twenty-five dollar deposit may be required for use of the recreation center facilities. The full deposit*

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

shall be refunded when the facilities are left in satisfactory condition.

a. An employee of the state juvenile home shall be present to supervise the group.

b. The group supervisor shall sign a release form and a form accepting responsibility for the group's supervision prior to the use of the facility.

c. Only facilities specifically requested and approved shall be used by the group.

101.5(5) The state juvenile home reserves the right to cancel an agreement to use facilities in the event of emergency or schedule changes where resident use takes priority.

This rule is intended to implement section 218.4 of the Code.

ITEM 6. Rule 770—101.7(218) is amended by adding the following subrules:

101.7(5) Residents shall be paid in accordance with minimum wage laws in effect. Work of a more skilled nature shall be compensated accordingly.

101.7(6) All checks or money shall be turned into the business office for deposit in the resident's account, not given directly to the resident.

101.7(7) Behavior unacceptable to the employer shall be reported to the institution. Runaway residents shall be reported to the institution immediately.

ITEM 7. Add the following new rules:

770—101.9(218) Acceptance.

101.9(1) Children shall be accepted for evaluation as diagnostic beds are available on a first come, first served basis.

101.9(2) Children shall be accepted into the regular program as treatment beds are available on a first come first served basis.

101.9(3) No children adjudicated to have committed a delinquent act shall be admitted to the state juvenile home.

101.9(4) In all but extreme emergencies, a certified copy of the court order must accompany the child to the institution.

This rule is intended to implement section 218.4 of the Code.

770—101.10(218) Admission procedures. When a youth is to be admitted to the state juvenile home, arrangements shall be made for the actual admission between 8:00 a.m. and 4:30 p.m., Monday through Friday. The youth being admitted shall be accompanied by such youth's parents, when available, and the local office service worker assigned to the youth. Whenever possible, a preadmission visit by the youth to the institution shall be arranged by the local office service worker.

This rule is intended to implement section 218.4 of the Code.

770—101.11(218) Program assignment. Residents will be assigned to specific cottage programs, educational and vocational programs and special services, such as drug counseling, family therapy, or similar services, to meet the needs of each individual resident, taking into consideration the limitation of the availability of space and specific programs.

This rule is intended to implement section 218.4 of the Code.

770—101.12(218) Individual care plan.

101.12(1) Whenever a resident is placed in a treatment program in the institution, an individual care plan

shall be developed within thirty days.

101.12(2) The institution, shall notify the resident, the resident's parents, the court and the assigned service worker in writing of the time, date and nature of the individual care plan staffing at least ten working days prior to the staffing.

101.12(3) The institution counselor shall ensure that the institution has completed an assessment of the resident prior to the individual care plan staffing.

This rule is intended to implement section 218.4 of the Code.

770—101.13(218) Special staffing. Whenever special concerns and needs arise in the program of a resident, a meeting of institutional staff, assigned service worker and other relevant parties shall convene to evaluate and formulate appropriate changes in the care plan.

This rule is intended to implement section 218.4 of the Code.

770—101.14(218) Isolation.

101.14(1) When a student is placed in isolation for inappropriate behavior, the client's situation is reviewed by a panel composed of two staff members, one from clinical and one from another department, within twenty-four hours to determine if the child should remain there, if so for how long and what the privileges will be during the stay.

101.14(2) Within five working days of an isolation review hearing, the service worker and the court shall receive a written report of the hearing which summarizes the incident as related by the resident and the staff, the hearing decision, and the rationale behind the decision.

This rule is intended to implement section 218.4 of the Code.

770—101.15(218) Grievance procedure.

101.15(1) A resident shall have the right to file a grievance when that resident feels unjustly treated by the staff.

101.15(2) The institution shall have a clearly written grievance procedure with at least two appeal levels.

101.15(3) All grievances filed shall be heard.

This rule is intended to implement section 218.4 of the Code.

770—101.16(218) Alleged child abuse. The department shall arrange for the investigation of any reported case of child abuse in which the alleged perpetrator is an employee of the institution or some other department of social services employee to be conducted by an agency other than the department of social services.

This rule is intended to implement section 218.4 of the Code.

770—101.17(218) Temporary home visits.

101.17(1) Residents may be granted a temporary home visit for up to five days for such reasons as to attend funerals, weddings, holiday functions, or job seeking or for the primary purpose of exploring and improving family and community relations; or for the purpose of pre-placement visits to foster or group homes to test the appropriateness of such a placement.

101.17(2) The court, the resident's parents, the temporary placement, if different than the parents home, and the assigned service worker shall be notified in writing five working days in advance of a visit except in cases of emergency when phone calls to the previously discussed people followed by written notice explaining the special circumstance shall be sufficient.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

101.17(3) In all cases, the institutional superintendent or designee and the assigned service worker shall approve all temporary home visits in advance.

101.17(4) All temporary visit placements shall be investigated and approved as appropriate by the assigned service worker in writing and in advance of any visit being scheduled.

101.17(5) In special cases which involve the treatment needs of the child, a temporary home visit may be extended when both the institutional superintendent or designee and the assigned service worker's supervisor agree that the proposed extension is appropriate and the bureau of children's services approves the special extension request. Approval of exceptions shall be made on the basis of the treatment needs of the child.

This rule is intended to implement section 218.4 of the Code.

770-101.18(218) Prerelease staffing.

101.18(1) Thirty days prior to any anticipated release from the regular program, a release staffing shall be held.

101.18(2) The institution shall supply written notice of the time, date, and intent of the release staffing at least five working days prior to the staffing to the resident, the resident's parents, the court, and the assigned service worker.

This rule is intended to implement section 218.4 of the Code.

ARC 0336**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of section 218.4 of the Code, proposes the adoption of the following rules relating to the Iowa training school for girls.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before July 20, 1979.

Pursuant to the authority of section 218.4 of the Code, rules of the department of social services appearing in the IAC relating to the Iowa training school for girls (chapter 102) are hereby amended.

ITEM 1. Change the title as follows:

**IOWA MITCHELLVILLE TRAINING SCHOOL
FOR GIRLS**

ITEM 2. Subrules 102.1(1) and 102.1(3) are amended to read as follows:

102.1(1) Resident. Whenever "resident" is used in these rules, it shall mean a child committed to the state director and placed in admitted to the Iowa Mitchellville training school for girls.

102.1(3) Contraband. Whenever "contraband" is used in these rules, it shall mean weapons, alcohol, drugs, obscene materials as defined in section 725-1 728.1, paragraph (1) of the Code, or material advocating disruption of or injury to residents, employees, programs, or physical facilities. It shall also include anything which is illegal to possess under the law, materials which are used in the production of drugs or alcohol, or used in conjunction with the taking of illicit drugs.

ITEM 3. Rule 770-102.2(218) is amended to read as follows:

770-102.2(218) Visiting.

102.2(1) Recommended visiting. Visiting hours are from 10:00 a.m. to 4:30 p.m., Saturday and Sunday. The superintendent may designate certain holidays for visiting. The resident shall be responsible for informing the visitor of such days.

102.2(2) - All visiting during times other than described in 102.2(1) shall have approval from the superintendent or designee prior to the day of the visit.

~~102.2(5) 102.2(3)~~ Visitors shall check in with either the switchboard operator or security staff upon arrival. Visits shall be in the normal visiting area. In order to use any other area, approval must be obtained from the superintendent or official in duty. The counselor on duty may request identification of the visitor. Failure to produce identification may result in denial of the visit.

~~102.2(3) 102.2(4)~~ Parents of a resident may visit during visiting hours without prior approval unless notified in advance, in writing of restricted visitation privileges. Other immediate family members Residents are permitted to visit with their parents or adult members of the immediate family. Children under twelve years of age may visit only with parental supervision parents, but must have the approval of the superintendent or designee prior to visiting without the parents.

102.2(5) Any visitor arriving on the grounds who is under the influence of or has been partaking of drugs or alcoholic beverages shall not be permitted a visit.

102.2(6) Residents shall have written authorization of the cottage director concerned before accompanying parents of another student out on a visit.

~~102.2(4) 102.2(7)~~ All Persons other visitors than immediate family who wish to visit a resident must receive obtain prior approval from the superintendent or designee prior to visits before visiting.

102.2(8) When visited by a friend twelve years of age or older, the resident and friend shall be supervised by the resident's parent or parents at all times.

102.2(9) The superintendent reserves the right to limit or terminate visiting in all cases where doing so is in the best interests of the resident. When limitations or termination of visiting rights occur, the superintendent shall notify persons involved why the action was taken.

This rule is intended to implement section 218.4 of the Code.

ITEM 4. Subrules 102.3(4), 102.3(5), and 102.3(6) are amended to read as follows:

102.3(4) When the interview is by Exceptions to 102.3(2) will be made only for the resident's own attorney or a state official officials acting in an their official capacity. the presence of a staff person may be waived by the superintendent or designee.

102.3(5) The superintendent may deny an interview in situations deemed detrimental to the resident. The person requesting the interview shall be referred to the

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

director, division of community services programs, Iowa department of social services for approval.

102.3(6) Permission for written depositions may be granted by the superintendent following the aforementioned rules for granting interviews. One copy of such depositions shall be submitted to the superintendent. Voice recording of such interviews will not be permitted. This shall in no way restrict depositions ordered by the court.

ITEM 5. Rule 770—102.4(218) is rescinded and the following inserted in lieu thereof.

770—102.4(218) Mail and packages.

102.4(1) Outgoing or incoming letters or packages shall not be opened, read, censored, or tampered with in any manner, except that institutional staff, in order to search for and seize contraband, may open, but not read, incoming mail or packages in the presence of the resident to whom the mail is directed or require that the resident open the letter or package in the staff's presence and disclose the contents.

102.4(2) Letters or packages found to contain contraband may be withheld, but both the sender and the intended receiver of the withheld mail shall be notified and given reasons for the action in writing within forty-eight hours of the action.

102.4(3) When correspondence between a resident and another person is not considered to be in the best interest of and detrimental to the treatment plan of the resident, the superintendent or designee may terminate that correspondence. Just cause shall be shown and written notice provided to both correspondents.

102.4(4) When correspondence has been terminated as described in 102.4(3), either of the correspondents may request a review of the termination at any time.

102.4(5) Termination under 102.4(3) shall be based on individual cases and not on groups or agencies.

This rule is intended to implement section 218.4 of the Code.

ITEM 6. Rule 770—102.8(218) is amended to read as follows:

770—~~102.8(218)~~—770—102.5(218) Use of building and grounds.

~~102.8(1)~~ **102.5(1)** ~~The canteen shall~~ When the residents are not using space or a facility, such space or facility may be available during operating hours for public use at the discretion of the superintendent.

~~102.8(2)~~ **102.5(2)** A deposit of fifteen dollars may be required twenty-four hours in advance of reserving the canteen. The full deposit shall be refunded when the canteen is left in satisfactory condition.

~~102.8(3)~~ **102.5(3)** Requests for use of the staff conference room, lounge, and chapel building shall be directed to the superintendent's secretary.

~~102.8(4)~~ **102.5(4)** A twenty-five dollar deposit may be required for use of the recreation center facilities. The full deposit shall be refunded when the facilities are left in satisfactory condition.

a. An employee of the training school must be present to supervise the group.

b. The group supervisor must sign a release form and a form accepting responsibility for the group's supervision prior to the use of the facility.

c. Only facilities specifically requested and approved shall be used by the group.

~~102.8(5)~~ **102.5(5)** The training school reserves the right to cancel an agreement to use the facilities in the

event of emergency or schedule changes where resident use takes priority.

This rule is intended to implement section 218.4 of the Code.

ITEM 7. Rule 770—102.5(218) shall be amended to read as follows:

~~770—102.5(218)~~ **770—102.6(218) Incoming phone calls.** All incoming telephone calls for residents shall have approval of the superintendent or an official on duty designee prior to the conversation. The identify of the caller shall be verified before approval is given.

ITEM 8. Rule 770—102.7(218) is amended to read as follows:

770—102.7(218) Resident employment.

102.7(1) Employers, individuals, or organizations wishing to hire a resident of the institution must shall receive approval from the superintendent or designee.

102.7(2) Child labor laws shall be adhered to.

~~102.7(2)~~ **102.7(3)** The employer's legal and institutional responsibility responsibilities shall be documented by the superintendent or designee and communicated, including salary supervision, transportation, and hours, to the resident's employer so as to clarify and document the resident-employer employment agreement.

~~102.7(3)~~ **102.7(4)** The employer or superintendent or designee or resident has the right to terminate the such employment at any time.

102.7(5) Residents shall be paid in accordance with the minimum wage laws in effect. Work of a more skilled nature shall be compensated accordingly.

102.7(6) All checks or money shall be turned into the business office for deposit in the residents account, not given directly to the resident.

102.7(7) Behavior unacceptable to the employer shall be reported to the institution. Runaway residents shall be reported to the institution immediately.

This rule is intended to implement section 218.4 of the Code.

ITEM 9. Rule 770—102.6(218) is amended to read as follows:

~~770—102.6(218)~~ **770—102.8(218) Tours.** Tours of the facilities may be scheduled on Thursday or Fridays weekdays from 8:00 a.m. until 4:00 p.m. by appointment through the superintendent or designee.

This rule is intended to implement section 218.4 of the Code.

ITEM 10. Add the following new rules:

770—102.9(218) Acceptance.

102.9(1) Children shall be accepted for evaluation as diagnostic beds are available on a first come, first served basis.

102.9(2) Children shall be accepted into the regular program as treatment beds are available on a first come, first served basis.

102.9(3) No children adjudicated a child in need of assistance shall be admitted to the Mitchellville training school.

102.9(4) In all but extreme emergencies, a certified copy of the court order must accompany the child to the institution.

This rule is intended to implement section 218.4 of the Code.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

770—102.10(218) Admission procedures. When a youth is to be admitted to the Mitchellville training school, arrangements shall be made for the actual admission between 8:00 a.m. and 4:30 p.m., Monday through Friday. The youth being admitted shall be accompanied by such youth's parents, when available, and the local office service worker assigned to the youth. Whenever possible, a preadmission visit by the youth to the institution shall be arranged by the local office service worker.

This rule is intended to implement section 218.4 of the Code.

770—102.11(218) Program assignment. Residents will be assigned to specific cottage programs, educational and vocational programs and special services such as drug counseling, family therapy, or similar services, to meet the needs of each individual resident taking into consideration the limitation of the availability of space and specific programs.

This rule is intended to implement section 218.4 of the Code.

770—102.12(218) Individual care plan.

102.12(1) Whenever a resident is placed in a treatment program in the institution, an individual care plan shall be developed within thirty days.

102.12(2) The institution, shall notify the resident, the resident's parents, the court and the assigned service worker in writing of the time, date and nature of the individual care plan staffing at least ten working days prior to the staffing.

102.12(3) The institution counselor shall ensure that the institution has completed an assessment of the resident prior to the individual care plan staffing.

This rule is intended to implement section 218.4 of the Code.

770—102.13(218) Special staffing. Whenever special concerns and needs arise in the program of a resident, a meeting of institutional staff, assigned service worker and other relevant parties shall convene to evaluate and formulate appropriate changes in the care plan.

This rule is intended to implement section 218.4 of the Code.

770—102.14(218) Detention

102.14(1) When a student is placed in detention for inappropriate behavior, the client's situation is reviewed by a panel composed of two staff members, one from clinical and one from another department, within twenty-four hours to determine if the child should remain there, if so for how long and what the privileges will be during the stay.

102.14(2) Within five working days of a detention review hearing, the service worker and the court shall receive a written report of the hearing which summarizes the incident as related by the resident and the staff, the hearing decision and the rationale behind the decision.

This rule is intended to implement section 218.4 of the Code.

770—102.15(218) Grievance procedure.

102.15(1) A resident shall have the right to file a grievance when that resident feels unjustly treated by the staff.

102.15(2) The institution shall have a clearly written grievance procedure with at least two appeal levels.

102.15(3) All grievances filed shall be heard.

This rule is intended to implement section 218.4 of the Code.

770—102.16(218) Alleged child abuse. The department shall arrange for the investigation of any reported case of child abuse in which the alleged perpetrator is an employee of the institution or some other department of social services employee to be conducted by an agency other than the department of social services.

770—102.17(218) Temporary home visits.

102.17(1) Residents may be granted a temporary home visit for up to five days for such reasons such as to attend funerals, weddings, holiday functions or job seeking or for the primary purpose of exploring and improving family and community relations; or for the purpose of preplacement visits to foster or group homes to test the appropriateness of such a placement.

102.17(2) The court, the resident's parents, the temporary placement, if different than the parents home, and the assigned service worker shall be notified in writing five working days in advance of a visit except in cases of emergency when phone calls to the previously discussed people followed by written notice explaining the special circumstances shall be sufficient.

102.17(3) In all cases, the institutional superintendent or designee and the assigned service worker shall approve all temporary home visits in advance.

102.17(4) All temporary visit placements shall be investigated and approved as appropriate by the assigned service worker in writing and in advance of any visit being scheduled.

102.17(5) In special cases which involve the treatment needs of the child, a temporary home visit may be extended when both the institutional superintendent or designee and the assigned service worker's supervisor agree that the proposed extension is appropriate and the bureau of children's services approves the special extension request. Approval of exceptions shall be made on the basis of the treatment needs of the child.

This rule is intended to implement section 218.4 of the Code.

770—102.18(218) Prerelease staffing.

102.18(1) Thirty days prior to any anticipated release from the regular program, a release staffing shall be held.

102.18(2) The institution shall supply written notice of the time, date, and intent of the release staffing at least five working days prior to the staffing to the resident, the resident's parents, the court and the assigned service worker.

This rule is intended to implement section 218.4 of the Code.

ARC 0337**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of section 218.4 of the Code, proposes the adoption of the following rules relating to the Iowa training school for boys.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before July 20, 1979.

Pursuant to the authority of section 218.4 of the Code, rules of the department of social services appearing in the IAC relating to the Iowa training school for boys (chapter 103) are hereby amended.

ITEM 1. Amend the title to read as follows:

IOWA ELDORA TRAINING SCHOOL FOR BOYS

ITEM 2. Subrules 103.1(1) and 103.1(3) are amended to read as follows:

103.1(1) Resident. Whenever "resident" is used in these rules, it shall mean a child committed to the state director and placed in admitted to the Iowa Eldora training school for boys.

103.1(3) Contraband. Whenever "contraband" is used in these rules, it shall mean weapons, alcohol, drugs, obscene materials as defined in section 725-1 728.1, paragraph (1), of the Code, or material advocating disruption of or injury to residents, employees, programs, or physical facilities. It shall also include anything which is illegal to possess under the law, materials which are used in the production of drugs or alcohol, or used in conjunction with the taking of illicit drugs.

ITEM 3. Subrules 103.2(3), 103.2(4), 103.2(5), and 103.2(8) are amended to read as follows and new subrule 103.2(9) added.

103.2(3) Visitors must register at the canteen shall check in with security staff upon arrival. The counselor on duty may request identification of the visitor. Failure to produce identification may result in denial of the visit.

103.2(4) Residents are permitted to visit with their parents or adult members of the immediate family. Younger family members Children under twelve years of age may visit only with parental supervision.

103.2(5) Any visitor arriving on the ground who is under the influence of or has been partaking of drugs or alcoholic beverages shall not be permitted a visit.

103.2(8) When visited by an adolescent a friend twelve years of age or older, the resident and friend must be supervised by the resident's parent or parents at all times.

103.2(9) The superintendent reserves the right to limit or terminate visiting in all cases where doing so is in the best interests of the resident. When limitations or termination of visiting rights occur, the superintendent shall notify persons involved why the action was taken.

ITEM 4. Subrules 103.3(2), 103.3(5), and 103.3(6) are amended to read as follows:

103.3(2) With the resident's consent When the resident agrees, interviews shall be granted at the discretion of the superintendent. At Whenever an interview is granted, at least one staff person shall be present for the entirety of the interview and shall have the authority to terminate the interview when it is not in the best interest any time such person feels the best interests of the resident are not being served.

~~103.3(6)~~ **103.3(5)** The superintendent may deny an interview in situations deemed detrimental to the resident. The person requesting the interview shall be referred to the director of the , division of community services programs, Iowa department of social services for approval.

~~103.3(5)~~ **103.3(6)** Permission for written depositions may be granted by the superintendent following the guidelines aforementioned rules for granting interviews. One copy of such depositions shall be submitted to the superintendent. Voice recording of such interviews will not be permitted. The rule shall in no way restrict depositions ordered by the court.

ITEM 5. Rule 770—103.4(218) is rescinded and the following inserted in lieu thereof:

770—103.4(218) Mail and packages.

103.4(1) Outgoing or incoming packages shall not be opened, read, censored, or tampered with in any manner, except that institutional staff, in order to search for and seize contraband, may open, but not read, incoming mail or packages in the presence of the resident to whom the mail is directed or require that the resident open the letter or package in the staff's presence and disclose the contents.

103.4(2) Letters or packages found to contain contraband may be withheld, but both the sender and the intended receiver of the withheld mail shall be notified and given reasons for the action in writing within forty-eight hours of the action.

103.4(3) When correspondence between a resident and another person is not considered to be in the best interest of and detrimental to the treatment plan of the resident, the superintendent or designee may terminate that correspondence. Just cause shall be shown and written notice provided to both correspondents.

103.4(4) When correspondence has been terminated as described in 103.4(3), either of the correspondents may request a review of the termination at any time.

103.4(5) Terminations under 103.4(3) shall be based on individual cases and not on groups or agencies.

This rule is intended to implement section 218.4 of the Code.

ITEM 6. Rule 770—103.6(218) is amended to read as follows:

770—103.6(218) 770—103.5(218) Use of building and grounds.

~~103.6(1)~~ Tours of the facilities may be scheduled on weekdays from 8:00 a.m. until 4:00 p.m. or on weekends by appointment through the director of volunteer services or the chaplain.

~~103.6(2)~~ **103.5(1)** The canteen shall be available during operating hours When the residents are not using space or a facility, such space or facility may be available for public use at the discretion of the superintendent.

~~103.6(2)~~ **103.5(2)** A deposit of fifteen dollars may

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be required twenty-four hours in advance of reserving the canteen. The full deposit shall be refunded when the canteen is left in satisfactory condition.

~~103.6(4)~~ ~~103.5(3)~~ Requests for use of the staff conference room, lounge and chapel building shall be directed to the superintendent's secretary.

~~103.6(5)~~ ~~103.5(4)~~ A twenty-five dollar deposit may be required for use of the recreation center facilities. The full deposit shall be refunded when the facilities are left in satisfactory condition.

a. An employee of the training school must be present to supervise the group.

b. The group supervisor must sign a release form and a form accepting responsibility for the group's supervision prior to the use of the facility.

c. Only facilities specifically requested and approved shall be used by the group.

~~103.6(4)~~ ~~103.5(5)~~ The training school reserves the right to cancel an agreement to use facilities in the event of emergency or schedule changes where resident use takes priority.

ITEM 7. Renumber rule 770—103.5(218) as 770—103.6(218).

ITEM 8. Rule 770—103.7(218) is amended to read as follows:

770—103.7(218) Resident employment.

~~103.7(1)~~ Residents may be employed off campus through a request directed to the administrative counselor's office. Employers, individuals, or organizations wishing to hire a resident of the institution shall receive approval from the superintendent or designee.

~~103.7(2)~~ Child labor laws shall be adhered to.

~~103.7(3)~~ The employer shall check the resident out and in at the administration building. After 4:30 p.m., the employer shall take the resident to the proper living unit after signing in at the administration building. The employer's legal and institutional responsibilities shall be documented by the superintendent or designee and communicated, including salary, supervision, transportation, and hours, to the resident's employer so as to clarify and document the resident-employer agreement.

~~103.7(6)~~ ~~103.7(4)~~ The employer or superintendent or designee or resident has the right to terminate the such employment at any time.

~~103.7(2)~~ ~~103.7(5)~~ Residents shall be paid in accordance with minimum wage laws in effect; work of a more skilled nature shall be compensated accordingly.

~~103.7(4)~~ ~~103.7(6)~~ All checks or money shall be turned in to the business office for deposit in the resident's account, not given directly to the resident.

~~103.7(5)~~ ~~103.7(7)~~ Behavior unacceptable to the employer shall be reported to the administrative counselor institution. Runaway residents shall be reported to the school switchboard operator institution immediately.

This rule is intended to implement section 218.4 of the Code.

ITEM 9. Add the following new rules.

770—103.8(218) Tours. Tours of the facilities may be scheduled on weekdays from 8:00 a.m. to 4:00 p.m. by appointment through the superintendent or designee.

This rule is intended to implement section 218.4 of the Code.

770—103.9(218) Acceptance.

103.9(1) Children shall be accepted for evaluation as

diagnostic beds are available on a first come, first served basis.

103.9(2) Children shall be accepted into the regular program as treatment beds are available on a first come, first served basis.

103.9(3) No children adjudicated a child in need of assistance shall be admitted to the Eldora training school.

103.9(4) In all but extreme emergencies, a certified copy of the court order must accompany the child to the institution.

This rule is intended to implement section 218.4 of the Code.

770—103.10(218) Admission procedures. When a youth is to be admitted to the Eldora training school, arrangements shall be made for the actual admission between 8:00 a.m. and 4:30 p.m., Monday through Friday. The youth being admitted shall be accompanied by such youth's parents, when available, and the local office service worker assigned to the youth. Whenever possible, a preadmission visit by the youth to the institution shall be arranged by the local office service worker.

This rule is intended to implement section 218.4 of the Code.

770—103.11(218) Program assignment. Residents will be assigned to specific cottage programs, educational and vocational programs and special services, such as drug counseling, family therapy, or similar services, to meet the needs of each individual resident taking into consideration the limitation of the availability of space and specific programs.

This rule is intended to implement section 218.4 of the Code.

770—103.12(218) Individual care plan.

103.12(1) Whenever a resident is placed in a treatment program in the institution, an individual care plan shall be developed within thirty days.

103.12(2) The institution, shall notify the resident, the resident's parents, the court and the assigned service worker in writing of the time, date and nature of the individual care plan staffing at least ten working days prior to the staffing.

103.12(3) The institution counselor shall ensure that the institution has completed an assessment of the resident prior to the individual care plan staffing.

This rule is intended to implement section 218.4 of the Code.

770—103.13(218) Special staffing. Whenever special concerns and needs arise in the program of a resident, a meeting of institutional staff, assigned service worker and other relevant parties shall convene to evaluate and formulate appropriate changes in the care plan.

This rule is intended to implement section 218.4 of the Code.

770—103.14(218) Detention.

103.14(1) When a student is placed in detention for inappropriate behavior, the client's situation is reviewed by a panel composed of two staff members, one from clinical and one from another department, within twenty-four hours to determine if the child should remain there, if so for how long and what the privileges will be during the stay.

103.14(2) Within five working days of a detention review hearing, the service worker and the court shall receive a written report of the hearing which summarizes the incident as related by the resident and the staff, the

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

hearing decision and the rationale behind the decision.

This rule is intended to implement section 218.4 of the Code.

770—103.15(218) Grievance procedure.

103.15(1) A resident shall have the right to file a grievance when that resident feels unjustly treated by the staff.

103.15(2) The institution shall have clearly written grievance procedure with at least two appeal levels.

103.15(3) All grievances filed shall be heard.

This rule is intended to implement section 218.4 of the Code.

770—103.16(218) Alleged child abuse. The department shall arrange for the investigation of any reported case of child abuse in which the alleged perpetrator is an employee of the institution or some other department of social services employee to be conducted by some agency other than the department of social services.

This rule is intended to implement section 218.4 of the Code.

770—103.17(218) Temporary home visits.

103.17(1) Residents may be granted a temporary home visit for up to five days for such reasons as to attend funerals, weddings, holiday functions or job seeking; or for the primary purpose of exploring and improving family and community relations; or for the purpose of pre-placement visits to foster or group homes to test the appropriateness of such a placement.

103.17(2) The court, the resident's parents, the temporary placement, if different than the parents home, and the assigned service worker shall be notified in writing five working days in advance of a visit except in cases of emergency when phone calls to the previously discussed people followed by written notice explaining the special circumstance shall be sufficient.

103.17(3) In all cases, the institutional superintendent or designee and the assigned service worker shall approve all temporary home visits in advance.

103.17(4) All temporary visit placements shall be investigated and approved as appropriate by the assigned service worker in writing and in advance of any visit being scheduled.

103.17(5) In special cases which involve the treatment needs of the child, a temporary visit may be extended when both the institutional superintendent or designee and the assigned service worker's supervisor agree that the proposed extension is appropriate and the bureau of children's services approves the special extension request. Approval of exceptions shall be made on the basis of the treatment needs of the child.

This rule is intended to implement section 218.4 of the Code.

770—103.18(218) Prerelease staffing.

103.18(1) Thirty days prior to any anticipated release from the regular program, a release staffing shall be held.

103.18(2) The institution shall supply written notice of the time, date, and intent of the release staffing at least five working days prior to the staffing to the resident, the resident's parents, the court and the assigned service worker.

This rule is intended to implement section 218.4 of the Code.

ARC 0338

**SOCIAL SERVICES
DEPARTMENT[770]
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of sections 217.6 and 234.6 of the Code, proposes the adoption of the following rules relating to foster care services.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before July 20, 1979.

Pursuant to the authority of sections 217.6 and 234.6 of the Code, rules of the department of social services appearing in the IAC relating to foster care services (chapter 136) are hereby amended.

ITEM 1. Subrules 136.1(1), 136.1(5), and 136.1(7) are amended to read as follows:

136.1(1) "Department" shall mean the Iowa department of social services and includes the local, county, and regional offices of the department.

136.1(5) "Foster care" shall mean substitute care furnished on a twenty-four hour a day basis to an eligible child, outside the child's home in a licensed foster care facility, by a person or agency other than the child's parent or guardian, but does not include care provided in a family home through an informal arrangement for a period of less than thirty days. Child foster care shall include but is not limited to the provision of food, lodging, training, education, supervision, and health care.

135.1(7) "Eligible child" shall mean a child who for whom the court has committed to the commissioner or the commissioner's designee given guardianship to the department or who the court has transferred legal custody of to the department or who for whom the department has agreed to provide foster care services for on the basis of a signed placement agreement or who has been placed in emergency care for a period of not more than thirty days upon the approval of the commissioner or the commissioner's designee.

ITEM 2. Subrules 136.4(1) and 136.4(5) are amended to read as follows:

136.4(1) Foster care placement shall only be made after all appropriate services have been provided to the child and the natural parents in the family home and such in-home services have failed to alleviate the need for out-of-home placement. A social history shall be completed prior to foster care placement.

136.4(5) The need for placement and service shall be determined by a staffing of the child an assessment of the child and family to determine their needs and appropriateness of services. Assessments include the educational, physical, psychological, social family living, and recreational needs of the child. The assessment is a continual process to identify needed changes in service or placement for the child.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

ITEM 3. Subrule 136.6(3) is rescinded and the following inserted in lieu thereof:

136.6(3) The case plan shall be reviewed every six months to assure appropriateness of the child's placement. A copy of the case plan and report to the court shall be submitted to the court every six months or as requested by the court.

ITEM 4. Add new rule 770—136.7(234) and renumber rules 770—136.7(234) through 770—136.13(234) as 770—136.8(234) through 770—136.14(234) respectively.

770—136.7(234) Out-of-district placements.

136.7(1) When the department makes a placement of a child in the foster care system out of the district in which the child resides, such placement shall occur only when there is no appropriate placement within the district or when an out-of-district agency is closer to the community where the child resides than an in-district agency offering the same services.

136.7(2) The authority for approving out-of-district placements rests with both the placing and receiving district administrators.

136.7(3) Transfer of responsibility for supervision, planning, and visitation shall be approved by the placing and receiving district administrators and, when appropriate, by the court.

This rule is intended to implement section 234.6(7)"b" of the Code.

ARC 0340**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of section 217.6 and chapter 600 of the Code, proposes the adoption of the following rules relating to adoption services.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before July 20, 1979.

Pursuant to the authority of section 217.6 and chapter 600 of the Code, rules of the department of social services appearing in the IAC relating to adoption services (chapter 139) are hereby amended.

Chapter 139 is amended to read as follows:

770—139.1(600) Application. Persons wishing to adopt a child who is legally free for adoption and under the guardianship of the department of social services shall make application on form SS-6101-4, Application for Adoption.

This rule is intended to implement chapter 600 of the Code.

770—139.2(600) Foster parents. Foster parents who wish to adopt a child considered hard to place or who have

had a child not considered hard to place in their care for a period of one year or more shall be given priority.

This rule is intended to implement section 600.1 of the Code.

~~770—139.1(66GA, Ch 1229)~~ 770—139.3(600)

Termination of parental rights. The Iowa department of social services shall place a child in an adoptive home only after termination of parental rights.

This rule is intended to implement chapter 600 of the Code.

~~770—139.2(66GA, Ch 1229)~~ 770—139.4(600)**Certification of investigator.**

~~139.2(1)~~ **139.4(1)** Application. Application for certification shall be made on form SS-6105-0, Application for Certification of Adoption Investigator; provided by the department.

~~139.2(2)~~ **Time limit.** The investigator shall be certified for two years. Certification shall expire at the end of two years unless the investigator is recertified. No provisional certificates shall be given.

~~139.2(3)~~ **139.4(2)** Qualifications of investigator. The investigator shall meet one of the following qualifications:

a. Education and experience for certification.

(1) Graduation from an accredited four year college or university and at least three years of experience working at least fifty percent of the time in adoptions or foster care; or

(2) A bachelor's degree in social work from a program accredited by the council on social work education from an accredited four year college or university and at least two years of experience working at least fifty percent of the time in adoptions or foster care; or

(3) An equivalent combination of graduate education in the social or behavioral sciences from an accredited college or university and qualifying experience up to a maximum of thirty semester hours for one year of the required experience; or

(4) A master's degree in social work from a program accredited by the council on social work education from an accredited college or university and at least one year of experience working at least fifty percent of the time in adoptions or foster care.

b. For approval, the person shall be currently employed as a social worker in a licensed child-placing agency or the department of social services. A certificate will not be issued to such employer. Such approval shall extend only for those acts performed within the course and scope of the approved person's employment.

~~139.2(4)~~ **139.4(3)** Verification of qualifications.

a. The applicant shall provide a transcript of college credits.

b. The applicant shall give names of at least two references who shall be contacted by the certifier.

c. Experience shall be documented.

~~139.2(5)~~ **139.4(4)** Conditions for denial of certification. Certification shall be denied when:

a. the The applicant does not meet one or more qualifications listed in subrule ~~139.2(3)~~ 139.4(2)"a"; or

b. The applicant does not provide verification required in ~~139.2(4)~~ 139.4(3); or

c. When the references do More than one reference does not recommend certification; or

d. The applicant has willfully and knowingly provided false information regarding qualifications for certification.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

~~139.4(5)~~ *Time limit.* The investigator shall be certified for two years. Certification shall expire at the end of two years unless the investigator is recertified. No provisional certificates shall be issued.

~~139.2(6)~~ ~~139.4(6)~~ *Renewal of certification.* Application may be made for renewal of certification. A currently certified investigator who wishes to be recertified shall notify the department of such in writing at least thirty days prior to the expiration of the certification on form SS-6105-0, Application for Certification for Adoption Investigator. Renewal will be granted when there are no grounds for revocation. Upon timely receipt of the request for recertification, the department shall notify the investigator of the recertification. When such request is not received prior to the date of expiration, the department shall notify the investigator that the certification has been cancelled. To be recertified, such person shall submit a new application on form SS-6105-0, Application for Certification for Adoption Investigator.

~~139.2(7)~~ ~~139.4(7)~~ *Conditions for revocation of certification or approval.* Certification may be revoked when any of the following conditions exist:

a. After complaints about the certified investigator or approved agency employee are received and verified by the department of social services when the effect of the actions would be detrimental to any of the parties involved in the adoption.

b. When the investigator or approved agency employee has misrepresented in required reports any information obtained in the course of the investigation.

c. When the investigator or approved agency employee has placed duress or undue pressure on participants in any portion of the adoption process.

d. When there is evidence that the investigator willfully and knowingly misrepresented information regarding qualifications in order to become certified.

~~139.2(8)~~ ~~139.4(8)~~ *Form of certificate.* The certificate shall contain the name of the investigator and the expiration date of the certificate, and be signed by a person designated by the commissioner of the department of social services.

~~139.2(9)~~ ~~139.4(9)~~ *Records of certification.*

a. The Iowa department of social services shall keep records of certification which shall include the application and verification.

b. The department shall keep an alphabetical list of certified investigators, by districts, which shall be updated regularly. Lists of certified investigators shall be furnished to all local district offices of the department and to any person who requests a list.

This rule is intended to implement section 600.2(2) of the Code.

~~770-139.5(600)~~ *Fees for certified investigators.* Certified investigators may charge a fee for services rendered pursuant to and in compliance with the provisions of section 600.8, subsection 6, of the Code. The department shall be notified by the investigator concerning a total fee charged any family in excess of \$500 and the notice of such charge shall be accompanied by an itemized statement of charges.

This rule is intended to implement section 600.8(6) of the Code.

~~770-139.3(66GA, Ch 1229)~~ ~~770-139.6(600)~~

Investigations and reports. Requests for preplacement investigations received by the department shall be referred to a private agency or a certified investigator unless one of the following exists:

~~139.3(1)~~ ~~139.6(1)~~ *Fee.* The client is unable to pay the cost of service according to the fee schedule guidelines.

~~139.3(2)~~ ~~139.6(2)~~ *Hard to place child.* The client is interested in adopting a hard to place child.

~~139.3(3)~~ ~~139.6(3)~~ *Preference.* The client prefers that the department provide the service, depending upon availability of staff.

This rule is intended to implement section 600.8(3) of the Code.

~~770-139.4(66GA, Ch 1229)~~ ~~770-139.7(600)~~ *Department fees for adoptive parents.*

~~139.4(1)~~ ~~139.7(1)~~ *Cost of service.* The adoptive parents shall be charged for the cost of service according to fee schedules based on the department of social services' actual reasonable cost of providing the service. Fee schedules shall be compiled by the department for:

- a. Preplacement studies.
- b. Postplacement studies.
- c. Postplacement supervision.
- d. Any supplemental reports required.

~~139.4(2)~~ ~~139.7(2)~~ *Verification of income.* Income shall be verified by inspecting the adoptive parent's latest federal income tax report. A copy of such report shall be kept in the parents' record.

~~139.4(3)~~ *Fee determination.* Fees shall be assessed on a sliding fee scale using the family's adjusted gross income according to the current high standard of living scale from the department of labor statistics. The amount of the fee shall be determined according to the following chart:

Percent of income in relation to high standard of living	Percent of cost of service assessed
Below 50%	No fee
50% to 59.9%	10%
60% to 69.9%	20%
70% to 79.9%	40%
80% to 89.9%	60%
90% to 99.9%	80%
100% or more	100%

~~139.4(4)~~ *Medical expenses.* Any medical expenses relating to the birth of the child incurred by the child to be adopted or said child's biological mother shall be paid by the prospective adoptive parents upon placement of the child, when other funds are not available.

~~139.4(5)~~ ~~139.7(3)~~ *Waiver of fee.* The fee shall be waived for any family wanting to adopt a physically or mentally handicapped child, an older child, a sibling group, or an otherwise hard to place child.

~~139.4(6)~~ *Preplacement reports.* Preplacement reports shall be furnished only after charges have been paid.

This rule is intended to implement section 600.8(6) of the Code.

~~770-139.5(66GA, Ch 1229)~~ ~~770-139.8(600)~~ *Interstate placements.* Interstate and international placements shall follow interstate compact on placement of children procedures according to section 238.33 of the Code.

This rule is intended to implement chapter 600 of the Code.

~~770-139.9(600)~~ *Foreign and international adoptions.* Foreign and international adoptions shall follow the procedures for interstate compact on the placement of children, section 238.33 of the Code, when applicable. When the compact is not applicable, a child will only be placed

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

after the department has been furnished a preplacement investigation report as required by section 600.8 of the Code, documents which demonstrate the child is legally free for adoption, and all available medical and social information concerning the child.

This rule is intended to implement section 600.15 of the Code.

~~770—139.6(600)~~ 770—139.10(600) Research.

139.10(1) Requests. Any person seeking access to information for the purpose or purposes set forth in section 600.16(1)"c" of the Code, shall submit a request to the commissioner. Each request shall contain sufficient facts to establish that the information sought is necessary for conducting a legitimate research project or for treating a patient in a medical facility.

~~139.6(1)~~ **139.10(2) Committee.** A research committee shall be appointed by the commissioner of the department of social services. Upon receipt of a request for information sought in conducting a research project, the commissioner shall appoint a committee consisting of no less than three departmental employees. Research requests to the department shall be approved or denied by this committee. On a request for information for treating a patient in a medical facility, approval shall be by the commissioner or designee.

~~139.6(2)~~ **Contact of adoptive parents.** When research is approved, the department of social services shall contact adoptive parents when the research requires such contact.

This rule is intended to implement section 600.24" c" of the Code.

~~770—139.7(600)~~ 770—139.11(600) Appeals. Certified investigators or applicants may appeal decisions of the department and prospective adoptive parents may appeal nonapproval by the person making the investigation according to rules in 770—chapter 7.

This rule is intended to implement sections 600.2(2) and 600.8(2)" b" of the Code.

~~770—139.8(600)~~ **Notice of adoption hearing.** When notice of adoption hearing is served to the department, such service shall be made to the district administrator of the social services district in which the petition to adopt is filed.

Rule 139.8 is intended to implement section 600.11 of the Code.

ARC 0339

SOCIAL SERVICES
DEPARTMENT[770]

NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of section 217.6 and chapter 232 of the Code, proposes the adoption of the following rules relating to children in need of assistance or delinquent children.

Consideration thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before July 20, 1979.

Pursuant to the authority of section 217.6 and chapter 232 of the Code, rules of the department of social services appearing in the IAC relating to children in need of assistance or delinquent children (chapter 141) are hereby amended.

ITEM 1. Amend the title as follows:

CHILDREN IN NEED OF ASSISTANCE OR
DELINQUENT CHILDREN FOUND TO
HAVE COMMITTED A DELINQUENT ACT

ITEM 2. Rescind rule 770—141.1(232) and reserve said rule for future use.

ITEM 3. Rule 770—141.2(232) is amended to read as follows:

770—141.2(232) Placement. This rule applies only to those children adjudicated under chapter 232 of the Code prior to the July 1, 1979. Before a youth is placed from one of the children's institutions, a Placement Contract, Form SS-3605-0 which outlines the conditions of the placement, shall be signed by the youth, superintendent, field social worker and parents.

ITEM 4. Rule 770—141.3(232) is amended to read as follows:

770—141.3(232) Return from placement to children's institutions for violation of placement contract. This rule applies only to those children adjudicated under chapter 232 of the Code prior to July 1, 1979.

ITEM 5. Rule 770—141.4(232) is amended to read as follows:

770—141.4(232) Hearing procedure for violation of placement contract (parole). This rule applies only to those children adjudicated under chapter 232 of the Code prior to July 1, 1979. The following procedures shall be followed, notwithstanding any conflicting rules in chapter 7 of social services rules in returning a youth to a children's institution for parole violation, unless the return is ordered by an Iowa court.

ARC 0341**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under the authority of section 238.33 of the Code, proposes the adoption of the following rules relating to interstate compact on the placement of children.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before July 20, 1979.

Pursuant to the authority of section 238.33 of the Code, rules of the department of social services appearing in the IAC relating to interstate compact on the placement of children (chapter 142) are hereby amended.

Add the following new rules:

770—142.3(238) Article II(d). For the purposes of Article II(d), a child caring agency or institution shall not include any institution caring for the mentally ill, mentally defective, or epileptic; or any institution primarily educational in character; or any hospital or other medical facility.

770—142.4(238) Article III(a). For the purposes of Article III(a), "sending state" shall mean "sending agency".

770—142.5(238) Article III(a) procedures.

142.5(1) All intended placements in Iowa or from Iowa coming under the purview of this compact shall be referred to the interstate compact unit, bureau of children's services, department of social services.

142.5(2) All persons involved in the placement of a child into Iowa or from Iowa into another state shall meet all the placement requirements of the receiving state prior to the actual placement.

142.5(3) Supervision of placements made by persons or agencies outside of Iowa shall be provided by a licensed Iowa agency, the department of social services, or an Iowa certified adoption investigator. Exempted from this provision are:

a. Any agency licensed as a child placing agency in another state which is located in a county directly adjacent to an Iowa border may practice in the Iowa counties contiguous to the out-of-state county.

b. Placement in a facility for treatment that is licensed by the department unless the department specifies that the supervision must be provided by the department for all placements in any particular facility.

770—142.6(238) Article III(c) A child may be placed in Iowa preliminary to adoption only when:

142.6(1) The child is legally available for adoption at the time of placement as attested to by the sending state's compact designee submitting the certified legal documents issued according to the statutes of the sending state and citation of the statutes of that state which are applicable.

142.6(2) There has been a preplacement investigation by an authorized person or agency in Iowa, such investigation has been made available to the Iowa interstate compact unit, the investigation has been made within the past year, and the sending state intending to place the child has been notified that the home has been approved for an adoptive placement in Iowa.

770—142.7(238) Article VIII(a). For the purpose of Article VIII(a), relative shall mean step-parent, grandparent, adult brother or sister, or adult uncle or aunt, and guardian shall mean any guardian other than that appointed as preliminary to adoption.

770—142.8(238) Applicability. The requirements of this compact shall be in effect for all placements into Iowa from or from Iowa to any state within the United States and the District of Columbia.

ARC 0326**DENTAL EXAMINERS,
BOARD OF[320]**

Pursuant to the authority of sections 147.76 and 153.33(5) of the Code, the Board of Dental Examiners adopts the following rule relating to dental advertising:

ITEM 1. Chapters 26 (Advertising), 27 (Professional Notices), and 28 (Designation of Specialty) are repealed.

This rule is intended to implement section 153.33(5) and Bates v. Arizona, 97 SCT 2691(1977).

[Filed emergency 6/5/79, effective 6/5/79]

Pursuant to 17A.4(2), the board finds that notice and public participation are impracticable and unnecessary since the board wishes to amend these rules prior to their effective date and since a notice of intended action has been submitted which provides for public participation in the promulgation of amended rules on dental advertising.

Pursuant to section 17A.5(2), the board further finds that the rule shall become effective upon filing with the administrative rules co-ordinator since it removes a restriction on the public. It is felt that the rules as filed are too restrictive and should be amended.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0352**LABOR, BUREAU OF[530]**

Pursuant to the authority of sections 17A.4(2) and 88.9(3), Code of Iowa the Commissioner of Labor, on behalf of the Bureau of Labor, hereby adopts the following rule as an amendment to a rule published in the Iowa Administrative Bulletin, May 16, 1979, as ARC #0252.

ITEM 1. Amend 530—8.5(88) to read as follows:

530—8.5(88) Persons protected by section 88.9(3).

8.5(1) All employees are afforded the full protection of section 88.9(3). For purposes of the Act, an employee is defined as "an employee of an employer who is employed in a business of his employer." ~~The Act does not define the term "employ". However, the broad remedial nature of this legislation demonstrates a legislative intent that the existence of an employment relationship, for purposes of section 88.9(3), is to be based upon economic realities rather than upon common law doctrines and concepts.~~

~~**8.5(2)** For purposes of section 88.9(3), even an applicant for employment could be considered an employee. Further, because section 88.9(3) speaks in terms of any employee, it is also clear that the employee need not be an employee of the discriminator. The principal consideration would be whether the person alleging discrimination was an "employee" at the time of engaging in protected activity.~~

This rule is intended to implement section 88.9(3) of the Code.

ITEM 2. Amend 530—8.16(88) by deleting the entire rule and substituting the words:

8.16 Reserved.

[Filed emergency 6/8/79, effective June 25, 1979]

This rule is filed as an emergency rule under section 17A.4(2) of the Code of Iowa for the good cause that public notice and participation is unnecessary as this amendment is required to correct objections filed to the rules by the Administrative Rules Review Committee on June 5, 1979. It is further filed for an emergency effective date under section 17A.5(2)"b"(2) of June 25, 1979, as that was the effective date of the original rule and it confers a benefit on the public to have the entire set of rules effective at the same time.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0351**REVENUE, DEPARTMENT OF[730]**

Pursuant to the authority of section 17A.3(1)"b" of the Code, the following rule (8.1) pertaining to forms developed by the Department of Revenue and used by taxpayers is hereby amended.

Rule 730—8.1(17A) is amended by adding the following form to 8.1(7):

57006 Real Estate Transfer—Declaration of Value. Filed by a buyer, seller or either's agent in certain conveyances of real property at the time a conveyance instrument is presented for recording. One copy is retained by the city or county assessor, and one copy is used by the department in formulating the assessment/sales ratio study.

This amendment is intended to implement section 428A.7 of the Code.

[Filed emergency 6/11/79, effective 6/27/79]

Pursuant to section 17A.4(2) and 17A.5(2)"b"(2) of the Code, the above rule is effective immediately upon publication. The department finds that notice and public participation on this rule is unnecessary as the public has already had notice and the opportunity for participation during 1979. This rule was first published under Notice on January 24, 1979, and was filed March 2, 1979, becoming effective April 25, 1979. However, on March 20, 1979, Chapter 8 rules were completely rewritten and filed under Notice. Inadvertently, form number 57006 relating to the declaration of value was omitted from the rewriting of Chapter 8 because it was already going through the rulemaking process. Further, the rule confers a benefit to the public as accurate and full information on sales as reflected by the declaration of value form will result in all classes of property being assessed at an equal level. State aid to local schools is based in part upon the property tax basis of each school district and inequities in levels of assessment among school districts can have an adverse effect upon the equitable distribution of this state aid. Therefore, because of the previous public participation in the exact same rule and because of the benefits to be gained for the formulation of equalization orders by the department, this rule is made effective immediately upon publication.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0350**REVENUE, DEPARTMENT OF[730]**

Pursuant to the authority of Sections 421.14 and 422.68(1) of the Code, Chapter 17 rules of the Department of Revenue are hereby amended by adding the following new rule.

Amend Chapter 17 of the department's rules relating to exempt sales by adding the following new rule.

730—17.17(422,423) Beverage container deposits. Tax shall not apply to beverage container deposits. This rule is also applicable to all mandatory beverage container deposits required under the provisions of chapter 455C of the Iowa Code, including deposits on items sold through vending machines.

This rule is intended to implement chapter 455C of the Code.

[Filed emergency 6/11/79, effective 7/1/79]

The above new rule is added to chapter 17 pursuant to the provisions of sections 17A.4(2) and 17A.5(2)"b"(2) and is to become effective July 1, 1979. The department finds that notice and public participation is contrary to the public interest in the promulgation of this rule. The purpose of the rule is to inform retailers and beverage container redemption centers that no sales tax has been or will be applied to the container deposit. Thus, retailers will know not to assess any tax against the mandatory beverage container deposit and thus there will be no need to refund any tax erroneously applied to a deposit at the time the container is returned to a redemption center. For the same reasons as stated above, the rule is made effective July 1, 1979, through the provisions of section 17A.5(2)"b"(2). July 1, 1979, is the date on which the provisions of chapter 455C of the Code relating to beverage container deposits becomes effective.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0357**REVENUE, DEPARTMENT OF[730]**

Pursuant to the authority of sections 421.14 and 422.68(1) of the Code, the department hereby amends the following rules relating to individual income tax.

Add the following new rule 730—43.5(422) to chapter 43, "Assessments and Refunds":

730—43.5(422)1978 Income tax rebate. A rebate of 1978 taxes is to be computed for all taxpayers that had an individual income tax liability for the first tax year beginning in 1978. The provisions of the rebate act are in effect through June 30, 1980; therefore, the following subrules are applicable only through that date as clarified below in subrules 43.5(1) through 43.5(4).

43.5(1) Rebate determined on tax liability minus allowable credits. The amount of the rebate is determined on the Iowa income tax liability of a taxpayer, minus credits for (a) personal exemptions, (b) child and dependent care as defined in Section 44A of the Internal Revenue Code of 1954 and (c) income tax paid to another

state or foreign country. If the total of the above allowable credits is equal to or greater than the income tax liability of the taxpayer, the taxpayer will receive no rebate.

43.5(2) Married couples filing separate return. For purposes of the rebate a married couple shall be considered as one taxpayer and the amount of the rebate shall be determined on the combined income tax liability of both spouses. For married persons filing separately on a combined return, only one rebate check will be issued in the names of both spouses. In the case of married taxpayers, who elect to file separate returns, the allowable rebate shall be prorated between the spouses on the ratio that each spouse's income tax liability bears to the total income tax liability of both spouses. The following formula may be used to compute the amount of the rebate that will be issued to each spouse:

$$\text{allowable} \times \frac{\text{wife's income tax liability (net of applicable credits)}}{\text{income tax liability of both spouses (net of applicable credits)}} = \text{wife's rebate}$$

$$\text{allowable} \times \frac{\text{husband's income tax liability (net of applicable credits)}}{\text{income tax liability of both spouses (net of applicable credits)}} = \text{husband's rebate}$$

EXAMPLE 1. A husband and wife file separate Iowa returns for 1978. The husband's income tax liability is \$600 after reduction of the credits specified in subrule 43.5(1). The wife's income tax liability after reduction of the credits is \$400. The allowable rebate for the taxpayers is ten percent of their combined liability of \$1,000 or \$100. On the basis of the formula, the wife's rebate is:

$$\$100 \times \frac{\$400}{\$1000} = \$40$$

The husband's rebate is:

$$\$100 \times \frac{\$600}{\$1000} = \$60$$

EXAMPLE 2. A husband and wife file separate Iowa returns for 1978. The husband's income tax liability is \$4,900. The wife's income tax liability of \$100. The allowable rebate for the taxpayers is 10% of their total liability of \$5,000 or \$500, but is limited to \$250.

The wife's rebate is:

$$\$250 \times \frac{\$100}{\$5000} = \$5.00$$

The husband's rebate is:

$$\$250 \times \frac{\$4900}{\$5000} = \$245.00$$

43.5(3) Audits or examinations during period of rebate. The effect of the rebate must be considered in audits of 1978 Iowa returns when the audits or examinations are agreed to by the taxpayer or a certified notice is sent to the taxpayer on or before June 30, 1980. In cases where audits completed prior to June 30, 1980, increase the income tax liability of the taxpayer, the amount of the rebate of the taxpayer will be increased accordingly, subject to the maximum amount of \$250. In cases where audits completed prior to June 30, 1980, decrease the income tax liability of the taxpayer, the rebate of the taxpayer will be decreased accordingly.

43.5(4) Amended returns received during the rebate period. The department will adjust the amount of the rebate on all amended 1978 returns that are received or are postmarked on or before June 30, 1980.

43.5(5) Interest paid on rebates. Interest at the rate of

REVENUE, DEPARTMENT OF[730] (cont'd)

three-fourths of one percent per month is to be paid on rebates not made within one hundred twenty days from the date of payment. For calendar year 1978 returns filed before April 30, 1979, the date of payment is April 30, 1979. For calendar year 1978 returns filed after April 30, 1979, due to an extension of time, the date of payment is the last date to which the return due date has been extended and not the actual date the return is filed.

EXAMPLE: A return due date has been extended to June 30, 1979. Even though the return is filed on May 15, 1979, the date of payment for purposes of the rebate is June 30, 1979, and; therefore, no interest would accrue on the rebate until 120 days after June 30, 1979.

For fiscal years, the date of payment is considered to be the last day of the fourth month following the close of the tax year, or in the case of extensions, the last day of the month for which the return due date has been extended. However, interest will not be paid on rebates issued after one hundred twenty days from the date of payment in the case of returns that were improperly or incorrectly completed. For purposes of paying interest on rebates, amended returns will be considered as returns that are improperly or incorrectly completed. Also, any adjustment to a return which alters the tax liability, or an application of an overpayment to another tax due which the taxpayer currently owes the department will be considered an improper or incorrect return.

43.5(6) Application of rebate when taxpayer fails to remit tax. For any individual that files an income tax return before the due date but fails to remit the tax due with the return, an assessment will be issued for the total amount of tax, penalty, interest and fees due. No rebate will be refunded or applied to this liability unless the taxpayer remits the difference between the amount due and the amount of the rebate and specifically requests that the rebate be applied to the tax liability due. Any balance of the rebate will be refunded to the taxpayer.

These rules are intended to implement House File 693, Acts of the Sixty-eighth General Assembly.

[Filed emergency after Notice 6/11/79, effective 6/11/79]

The above rules relating to the rebate of taxes are effective immediately upon filing pursuant to sections 17A.4(2) and 17A.5(2)"b"(2) of the Code. The department finds it is in the public interest to make these rules effective immediately upon publication as the department is already in the process of issuing rebates as the bill providing rebates became effective immediately upon publication. The rules above present the administrative interpretations the department is using in determining and issuing the rebates and the public has the right to know what actions the department is taking. To delay issuing rebates until the department goes through the normal rulemaking procedures would result in a long delay in taxpayers receiving their rebate, contrary to the intent of the legislature and the governor. Further, the state would be required to pay interest on the rebates if the department did not issue them within 120 days of the due date of the return. For the same reasons as stated above in justifying the impracticality of having public participation in the adoption of these rules, the department also makes these rules effective immediately upon filing pursuant to section 17A.5(2)"b"(2) of the Code.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0318

**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of sections 217.6 and 234.6 of the Code, rules of the department of social services appearing in the IAC relating to general provisions for services (chapter 130) are hereby amended.

Subrule 130.3(1), paragraph "b" is amended to read as follows:

b. The monthly gross income according to family size is less than the following amounts: (*Title XX regulations require that gross income be used*)

Family Size	Homemaker Day Care	Family Planning	All Other Services
	Monthly Gross Income Below	Monthly Gross Income Below	Monthly Gross Income Below
1 Member	\$ 500	\$ 392 \$ 425	\$ 440 \$ 400
2 Members	\$ 651	\$ 613 \$ 563	\$ 675 \$ 523
3 Members	\$ 804	\$ 684 \$ 700	\$ 740 \$ 646
4 Members	\$ 957	\$ 754 \$ 838	\$ 846 \$ 769
5 Members	\$1,110	\$ 875 \$ 972	\$ 982 \$ 892
6 Members	\$1,264	\$ 996 \$1,106	\$1,117 \$1,015
7 Members	\$1,293	\$1,018 \$1,131	\$1,142 \$1,038
8 Members	\$1,322	\$1,041 \$1,156	\$1,168 \$1,061
9 Members	\$1,350	\$1,064 \$1,182	\$1,193 \$1,084
10 Members	\$1,378	\$1,086 \$1,207	\$1,218 \$1,107

For more than ten members, the monthly income is increased by three percent of the family income for a family of four rounded to the nearest whole dollar.

[Filed emergency after Notice 5/29/79, effective 7/1/79]

Notice of intended action regarding these rules was published in the Iowa Administrative Bulletin April 4, 1979. The income level for family planning services was raised to 52% of median income.

The department of social services finds that this rule confers a benefit on the public by maintaining the fiscal integrity of the program. Leaving services at a level higher than those in the Governor's Title XX Plan for any time beyond the July 1 effective date could result in denying services to needy individuals who would have otherwise been eligible. Therefore, this rule shall become effective July 1, 1979, as provided in section 17A.5(2)"b"(2) of the Code.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0356

COMMERCE COMMISSION[250]

Pursuant to the authority of sections 476.1 and 476.2, the commission hereby adopts the following:

ITEM 1. Amend 19.4(2) as follows:

Customer deposits. Each utility may require from any customer or prospective customer a deposit intended to guarantee payment of bills for service. *A new or additional deposit may be required upon reasonable notice of the need for such a requirement in any case where a deposit has been refunded or is found to be inadequate or where a customer's credit standing is not satisfactory to the utility.* ~~Such~~ The total deposit shall not be less than five dollars nor more in amount than the maximum estimated charge for service for two consecutive billing periods or ninety days, whichever is less, or as may reasonably be required by the utility in cases involving service for short periods or special occasions. ~~A new or additional deposit may be required upon reasonable notice of the need for such a requirement in any case where a deposit has been refunded or is found to be inadequate or where a customer's credit standing is not satisfactory to the utility.~~

ITEM 2. Amend 19.4(10) as follows:

Budget billing and payment agreements. Each utility shall offer its residential customers a budget billing plan whereby monthly bills are normalized over the course of the budget year a twelve-month period. Such customer may enroll in the budget payment plan at any time and shall not be required to make any initial payment at the time of enrollment. Provided, however, the utility may require a customer to pay any past due amount before allowing enrollment. The budget payment plan shall have a due date which can be changed for cause, upon written request.

A utility must give a residential customer disconnected or about to be disconnected ~~due to inability to, who is unable to pay a delinquent bill in full;~~ an opportunity to enter into a reasonable agreement to pay a delinquent that bill unless the customer is in default upon such an agreement. The utility may require the customer to provide confirmation of financial difficulty such as an acknowledgement from the department of social services or another agency. Reasonableness is to be determined by considering the customer's ability to pay, the size of the bill, the customer's payment history, the amount of time and the reasons why the bill had been outstanding. *If the utility refuses a payment agreement offered by a customer, it must provide a written explanation to the customer upon request.*

ITEM 3. Amend the introductory paragraph of 19.4(15) as follows:

Reasons for denying and discontinuing service. Service may be refused or disconnected for any of the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued. No service shall be disconnected on the day preceding a day or days on which the utility's business office is closed *and the utility is unable or unwilling to reconnect service on days its business office is closed,* except as provided in 19.4(15)"a" and 19.4(15)"b". Service may be refused or disconnected:

ITEM 4. Amend 19.4(15)"h" as follows:

h. For nonpayment of bill or deposit, except as restricted by 19.4(16), provided that the utility has:

(1) Made a reasonable attempt to effect collection;

(2) Given the customer, and any other person or agency designated by the customer, written notice that he or she has at least twelve days in which to make settlement of his or her account, together with a written summary of the rights and remedies available to avoid disconnection and a designation of who should be contacted;

(3) In the case of a residential customer, made a good faith attempt to contact the customer by telephone or in person to inform the customer of the pending disconnection and his or her rights and remedies; during the period November 1 to April 1, if the attempt fails, the premises must be posted with a notice informing the customer of the same information at least one day prior to disconnection;

(4) Given the customer reasonable opportunity to dispute the reason for the disconnection and, if financial difficulty is confirmed, an opportunity to enter into a reasonable agreement to pay a delinquent bill as required by 19.4(10). In the event there is a dispute concerning a bill for natural gas service, the utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid discontinuance of service for nonpayment of such disputed bill for up to forty-five days after the rendering of the bill. The forty-five days shall be extended by up to sixty days if requested of the utility by the commission in the event the customer files a written complaint with the commission. Such disconnection of a residential customer may not take place on a weekend, a holiday or after 2:00 p.m. unless the utility is prepared to reconnect the same day, and may not take place ~~when the temperature for the remainder of the day and the following day as forecast by the nearest Federal Weather Service station is predicted to be less than 20 degrees Fahrenheit where gas is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 degrees Fahrenheit.~~

~~During the period November 1 to April 1, a Disconnection of a residential customer shall be postponed if the discontinuance of service would present an especial danger to the health of the customer or any permanent resident of the premises; however, the utility may require verification of the especial danger to health by a physician or a public health or social service official. Verification shall postpone disconnection for thirty days; however, the postponement may be extended by renewal of the verification. An especial danger to health is indicated if one appears to be seriously impaired and may, because of mental or physical problems, be unable to manage his or her own resources, carry out activities of daily living or protect oneself from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to: Age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances which indicate a severe or hazardous health situation. The utility may require written verification of the especial danger to health by a physician or a public health official, including the name of the person endangered, a statement that he or she is a resident of the premises in question, the name, business address, and telephone number of the certifying~~

COMMERCE COMMISSION[250] (cont'd)

party, the nature of the health danger and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.

Verification shall postpone disconnection for thirty days; however, the postponement may be extended by a renewal of the verification. In the event service is terminated within fourteen days prior to verification of illness by or for a qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. The customer must enter into an agreement for the retirement of the unpaid balance of the account within the first thirty days and keep the current account paid during the period that the unpaid balance is to be retired.

ITEM 5. Amend 19.4(16)"g" as follows:

g. Failure of a present residential customer to pay a deposit during the period November 1 through April 1 for the location at which he or she has been receiving service.

ITEM 6. Repromulgate 19.4(16)"h" which reads as follows:

h. Failure of a disconnected customer to pay the full amount due for past service if financial difficulty is confirmed and the customer is willing to enter into a reasonable agreement to pay the delinquent amount as required by 19.4(10).

ITEM 7. Amend 20.4(3) as follows:

Customer deposits. Each utility may require from any customer or prospective customer a deposit intended to guarantee payment of bills for service. A new or additional deposit may be required upon reasonable notice of the need for such a requirement in any case where a deposit has been refunded or is found to be inadequate or where a customer's credit standing is not satisfactory to the utility. ~~Such~~ The total deposit shall not be less than five dollars nor more in amount than the maximum estimated charge for service for two consecutive billing periods or ninety days, whichever is less, or as may reasonably be required by the utility in cases involving service for short periods or special occasions. A new or additional deposit may be required upon reasonable notice of the need for such a requirement in any case where a deposit has been refunded or is found to be inadequate or where a customer's credit standing is not satisfactory to the utility.

ITEM 8. Amend 20.4(11) as follows:

Budget billing and payment agreements. Each utility shall offer its residential customers a budget billing plan whereby monthly bills are normalized over the course of the budget year a twelve-month period. Such customer may enroll in the budget payment plan at any time and shall not be required to make any initial payment at the time of enrollment. Provided, however, the utility may require a customer to pay any past due amount before allowing enrollment. The budget payment plan shall have a due date which can be changed for cause, upon written request.

A utility must give a residential customer disconnected or about to be disconnected due to inability to, who is unable to pay a delinquent bill in full; an opportunity to enter into a reasonable agreement to pay a delinquent that bill unless the customer is in default upon such an agreement. The utility may require the customer to provide confirmation of financial difficulty such as an acknowledgment from the department of social services or another agency. Reasonableness is to be determined by considering the customer's ability to pay, the size of the

bill, the customer's payment history, the amount of time and the reasons why the bill had been outstanding. If the utility refuses a payment agreement offered by a customer, it must provide a written explanation to the customer upon request.

ITEM 9. Amend the introductory paragraph of 20.4(17) as follows:

Reasons for denying and discontinuing service. Service may be refused or disconnected for any of the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued. No service shall be disconnected on the day preceding a day or days on which the utility's business office is closed and the utility is unable or unwilling to reconnect service on days its business office is closed, except as provided in 20.4(17)"a" and 20.4(17)"b". Service may be refused or disconnected:

ITEM 10. Amend 20.4(17)"h" as follows:

h. For nonpayment of bill or deposit, except as restricted by 20.4(18), provided that the utility has:

(1) Made a reasonable attempt to effect collection;

(2) Given the customer, and any other person or agency designated by the customer, written notice that he or she has at least twelve days in which to make settlement of his or her account, together with a written summary of the rights and remedies available to avoid disconnection and a designation of who should be contacted;

(3) In the case of a residential customer, made a good faith attempt to contact the customer by telephone or in person to inform the customer of the pending disconnection and his or her rights and remedies; during the period November 1 to April 1, if the attempt fails, the premises must be posted with a notice informing the customer of the same information at least one day prior to disconnection;

(4) Given the customer reasonable opportunity to dispute the reason for the disconnection and, if financial difficulty is confirmed, an opportunity to enter into a reasonable agreement to pay a delinquent bill as required by 20.4(11). In the event there is a dispute concerning a bill for electric utility service, the utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid discontinuance of service for nonpayment of such disputed bill for up to forty-five days after the rendering of the bill. The forty-five days shall be extended by up to sixty days if requested of the utility by the commission in the event the customer files a written complaint with the commission. Such disconnection of a residential customer may not take place on a weekend, a holiday or after 2:00 p.m. unless the utility is prepared to reconnect the same day, and may not take place when the temperature for the remainder of the day and the following day as forecast by the nearest Federal Weather Service station is predicted to be less than 20 degrees Fahrenheit, where electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 degrees Fahrenheit.

During the period November 1 to April 1, disconnection of a residential customer shall be postponed if the discontinuance of service would present an especial danger to the health of the customer or any permanent resident of the premises; however, the utility may require

COMMERCE COMMISSION[250] (cont'd)

verification of the especial danger to health by a physician or a public health or social service official. Verification shall postpone disconnection for thirty days; however, the postponement may be extended by renewal of the verification. An especial danger to health is indicated if one appears to be seriously impaired and may, because of mental or physical problems, be unable to manage his or her own resources, carry out activities of daily living or protect oneself from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to: Age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances which indicate a severe or hazardous health situation. *The utility may require written verification of the especial danger to health by a physician or a public health official, including the name of the person endangered, a statement that he or she is a resident or the premises in question, the name, business address, and telephone number of the certifying party, the nature of the health danger and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.*

Verification shall postpone disconnection for thirty days; however, the postponement may be extended by a renewal of the verification. In the event service is terminated within fourteen days prior to verification of illness by or for a qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. The customer must enter into an agreement for the retirement of the unpaid balance of the account within the first thirty days and keep the current account paid during the period that the unpaid balance is to be retired.

ITEM 11. Amend 20.4(18)"g" as follows:

g. Failure of a ~~present~~ residential customer to pay a deposit during the period November 1 through April 1 for the location at which he or she has been receiving service.

ITEM 12. Repromulgate 20.4(18)"h" which reads as follows:

h. Failure of a disconnected customer to pay the full amount due for past service if financial difficulty is confirmed and the customer is willing to enter into a reasonable agreement to pay the delinquent amount as required by 20.4(11).

These rules are intended to implement section 476.8 of the Code.

[Filed 6/8/79, effective 8/1/79]

Notice of intended action regarding these rules was published in the IAB on April 4, 1979. In most pertinent respects, the rules adopted here are the same as those originally proposed and the emergency rules currently in effect. The most significant change is the year-round application of the "especial danger to health" provision and its amendment so as to more specifically set forth verification requirements and to require the customer to pay current bills and enter into an agreement to pay his or her arrearage. Other modifications of a minor nature are founded upon suggestions received in written and oral comments.

These rules shall become effective August 1, 1979.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0345

**CONSERVATION
COMMISSION[290]**

Pursuant to the authority of sections 107.24 and 17A.3 of the Code, the following rule is hereby adopted.

DIVISION OF LANDS AND WATERS

CHAPTER 48

SALE OF NURSERY STOCK TO THE PUBLIC

290—48.1(107,111) Purpose. The conservation commission shall sell nursery stock to private landowners and public agencies to encourage the establishment of wildlife habitat and erosion control plantings and to promote forestry.

290—48.2(107,111) Procedures.

48.2(1) Description of nursery stock to be sold.

a. Plants sold for use on private land shall not exceed four years of age.

b. Plants sold for use on private land shall be barerooted.

c. Only those species in accepted use for wildlife habitat, erosion control and forestry plantings shall be sold for use on private land.

d. Seeds and cuttings of those species in paragraph "c" may be sold for use on private land.

48.2(2) Order limitations.

a. The minimum acceptable order shall be five hundred plants in total with the minimum number of one hundred plants of one species.

(1) To complete the previous year's planting, a purchaser may order less than five hundred plants with a minimum of one hundred plants of one species.

(2) Special purpose packets shall contain the number and species of plants as determined annually by the state forester but not to exceed four hundred plants.

b. If a shortage occurs, substitution of suitable species may be made at the discretion of the state forester.

c. Nursery stock shall be sold only for planting within the state of Iowa.

48.2(3) Customer obligation.

a. Nursery stock planted on private land shall be for the purposes of wildlife habitat establishment, the control of soil erosion or to establish forest cover.

b. Purchasers of nursery stock for planting on private land shall, as a part of the order, be required to certify the plants will be used for wildlife habitat, erosion control or forestation purposes and will not be used to establish a new farmstead windbreak, shade trees or ornamental plantings.

c. All purchasers of stock shall, as a part of the plant order, be required to certify as to the location of the intended planting site. Location by land survey to the quarter section and civil township shall be considered adequate.

d. All purchasers shall be required as a part of the plant order, to certify that the plants purchased will not be sold with roots attached.

290—48.3(107,111) Nursery stock prices.

48.3(1) Prices shall be set annually by the conservation commission.

48.3(2) Prices shall be established at a level to give maximum encouragement for tree and shrub establishment consistent with budget constraints and the purposes stated herein.

CONSERVATION COMMISSION[290] (cont'd)

These rules are intended to implement sections 107.20 and 111.2 of the Code.

[Filed 6/6/79, effective 8/1/79]

Notice of intended action was published in the Iowa Administrative Bulletin on 4/4/79. A section in the proposal entitled "Compliance" was eliminated upon advice from the attorney general's office. The section had been questioned by the Administrative Rules Review Committee.

No written or oral comments were received and the rule is as published, except for the section mentioned above and necessary renumbering of the final section, relating to nursery stock prices. The rule shall become effective [August 1, 1979] 35 days after filing and publication as provided for in section 17A.5 of the Code.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0323

CONSERVATION
COMMISSION[290]

Pursuant to the authority of sections 107.24 and 17A.4 of the Code, chapter 106 of the Iowa Administrative Code relating to hunting seasons for deer, is hereby rescinded and the following rules adopted in lieu thereof.

DIVISION OF FISH AND GAME
CHAPTER 106

1979 DEER HUNTING REGULATIONS

290—106.1(109) General. Deer may be taken during the 1979 season subject to the following regulations:

106.1(1) License. All hunters must have in possession a 1979 deer license when hunting deer. Licenses will be issued by zone and period and will be valid in the designated zone and for the designated period only. In all zones, licenses will be issued for antlered deer or any sex deer. Licenses will be issued to those applying for a paid gun license according to the following: In zone 1, no any sex deer licenses will be issued for the first period and four hundred seventy-five any sex deer licenses will be issued for the second period; in zone 2, one hundred twenty-five any sex deer licenses will be issued for the first period and two hundred fifty any sex deer licenses will be issued for the second period; in zone 3, five hundred any sex deer licenses will be issued for the first period and one thousand any sex deer licenses will be issued for the second period; in zone 4, three hundred and seventy-five any sex deer licenses will be issued for the first period and seven hundred fifty any sex deer licenses will be issued for the second period; in zone 5, five hundred seventy-five any sex deer licenses will be issued for the first period and one thousand one hundred fifty any sex deer licenses will be issued for the second period; in zone 6, seven hundred fifty any sex deer licenses will be issued for the first period and fifteen hundred any sex deer licenses will be issued for the second period; in zone 7, no any sex deer licenses will be issued for the first period and eight hundred any sex deer licenses will be issued for the second period; in zone 8, two hundred any

sex deer licenses will be issued for the first period and four hundred any sex deer licenses will be issued for the second period; in zone 9, no any sex deer licenses will be issued for the first period and seven hundred fifty any sex deer licenses will be issued for the second period; in zone 10, one hundred twenty-five any sex deer licenses will be issued for the first period and two hundred fifty any sex deer licenses will be issued for the second period. The commission shall conduct a drawing to determine which applicants are to receive an any sex deer license. All other applicants will receive a license valid only for antlered deer. Antlered deer are defined as those deer having at least one forked antler. Ratios of antlered deer only licenses to any deer licenses determined by this drawing shall be applicable to landowner-tenant licenses.

106.1(2) Daily and possession limits. Daily bag limit one deer; possession limit one deer; season limit one deer.

106.1(3) Shooting hours. Shooting hours for shotgun and muzzle-loaded weapons shall be from sunrise to sunset. Shooting hours for bow and arrow hunting shall be from one-half hour before sunrise to one-half hour after sunset.

290—106.2(109) Method of take.

106.2(1) Bow and arrow. Deer of any age or sex may be taken by bow and arrow only over the entire state from October 1 through November 30, 1979.

106.2(2) Shotgun and muzzle-loaded method. Deer may be taken with gun only from December 1 through December 4, 1979, or from December 8 through December 14, 1979, in ten zones.

a. Zone 1. Deer, in accordance with the type and tenure of license issued, may be taken in zone 1 which is an area bounded as follows: Beginning at the point where U.S. Highway 169 crosses the Minnesota-Iowa state line; thence along U.S. Highway 169 to state Highway 3; thence along state Highway 3 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 20; thence along U.S. Highway 20 to the Nebraska-Iowa state line; thence along the Nebraska-Iowa, South Dakota-Iowa and Minnesota-Iowa state lines to the point of beginning.

b. Zone 2. Deer, in accordance with the type and tenure of license issued, may be taken in zone 2 which is an area bounded as follows: Beginning at the point where state Highway 3 and Interstate Highway 35 intersect; thence along Interstate Highway 35 to U.S. Highway 30; thence along U.S. Highway 30 to state Highway 4; thence along state Highway 4 to state Highway 141; thence along state Highway 141 to U.S. Highway 59; thence along U.S. Highway 59 to U.S. Highway 20; thence along U.S. Highway 20 to U.S. Highway 71; thence along U.S. Highway 71 to state Highway 3; thence along state Highway 3 to the point of beginning.

c. Zone 3. Deer, in accordance with the type and tenure of license issued, may be taken in zone 3 which is an area bounded as follows: Beginning at the point where U.S. Highway 20 crosses the Nebraska-Iowa state line; thence along U.S. Highway 20 to U.S. Highway 59; thence along U.S. Highway 59 to the Missouri-Iowa state line; thence along the Missouri-Iowa and Nebraska-Iowa state lines to the point of beginning.

d. Zone 4. Deer, in accordance with the type and tenure of license issued, may be taken in zone 4 which is an area bounded as follows: Beginning at the point where Interstate Highway 35 and U.S. Highway 30 intersect; thence along Interstate Highway 35 to its eastern junction with Interstate Highways 80 and 235; thence along Interstate Highway 235 to its western junction with

CONSERVATION COMMISSION[290] (cont'd)

Interstate Highways 80 and 35; thence along Interstate Highway 35 to the Missouri-Iowa state line; thence along the state line to U.S. Highway 59; thence along U.S. Highway 59 to state Highway 141; thence along state Highway 141 to state Highway 4; thence along state Highway 4 to U.S. Highway 30; thence along U.S. Highway 30 to the point of beginning.

e. Zone 5. Deer, in accordance with the type and tenure of license issued, may be taken in zone 5 which is an area bounded as follows: Beginning at the point where Interstate Highway 235 and state Highway 163 intersect; thence along state Highway 163 to state Highway 92; thence along state Highway 92 to U.S. Highway 218; thence along U.S. Highway 218 to U.S. Highway 34; thence along U.S. Highway 34 to U.S. Highway 63; thence along U.S. Highway 63 to the Missouri-Iowa state line; thence along the state line to Interstate Highway 35; thence along Interstate Highway 35 to its western junction with Interstate Highways 80 and 235; thence along Interstate Highway 235 to the point of beginning.

f. Zone 6. Deer, in accordance with the type and tenure of license issued, may be taken in zone 6 which is an area bounded as follows: Beginning at the point where U.S. Highway 63 crosses the Missouri-Iowa state line; thence along U.S. Highway 63 to U.S. Highway 34; thence along U.S. Highway 34 to U.S. Highway 218; thence along U.S. Highway 218 to state Highway 92; thence along state Highway 92 to the Illinois-Iowa state line; thence along the Illinois-Iowa and Missouri-Iowa state lines to the point of beginning.

g. Zone 7. Deer, in accordance with the type and tenure of license issued, may be taken in zone 7 which is an area bounded as follows: Beginning at the point where U.S. Highway 61 intersects with state Highway 92 at its northern junction; thence along state Highway 92 to state Highway 163; thence along state Highway 163 to Interstate Highway 235; thence along Interstate Highway 235 to its eastern junction with Interstate Highways 80 and 35; thence along Interstate Highway 35 to state Highway 3; thence along state Highway 3 to state Highway 38; thence along state Highway 38 to U.S. Highway 61; thence along U.S. Highway 61 to the point of beginning.

h. Zone 8. Deer, in accordance with the type and tenure of license issued, may be taken in zone 8 which is an area bounded as follows: Beginning at the point where state Highway 92 intersects with the Illinois-Iowa state line; thence along state Highway 92 to U.S. Highway 61; thence along U.S. Highway 61 to state Highway 38; thence along state Highway 38 to state Highway 3; thence along state Highway 3 to the Illinois-Iowa state line; thence along the state line to the point of beginning.

i. Zone 9. Deer, in accordance with the type and tenure of license issued, may be taken in zone 9 which is an area bounded as follows: Beginning at the point where state Highway 3 intersects with the Illinois-Iowa state line; thence along state Highway 3 to U.S. Highway 63; thence along U.S. Highway 63 to the Minnesota-Iowa state line; thence along the Minnesota-Iowa, Wisconsin-Iowa and Illinois-Iowa state lines to the point of beginning.

j. Zone 10. Deer, in accordance with the type and tenure of license issued, may be taken in zone 10 which is an area bounded as follows: Beginning at the point where U.S. Highway 63 crosses the Minnesota-Iowa state line; thence along U.S. Highway 63 to state Highway 3; thence along state Highway 3 to U.S. Highway 169; thence along U.S. Highway 169 to the Minnesota-Iowa state line; thence along the state line to the point of beginning.

290—106.3(109) Permitted and prohibited weapons and devices.

106.3(1) Permitted weapons. 10-12-16-20 gauge shotguns with single slugs only, flintlock or percussion cap lock muzzle-loaded muskets or rifles of not less than .44 nor larger than .775-caliber with single projectile only, and bows with broadhead arrows will be permitted in taking deer.

106.3(2) Prohibited weapons and devices. The use of dogs, domestic animals, salt or bait, shotguns with rifled barrels or rifled extensions on the barrel, rifles other than muzzle-loaded, handguns, crossbows, automobiles, aircraft, or any mechanical conveyance, is prohibited.

290—106.4(109) Application procedure. All applications for deer gun hunting licenses, both paid and landowner-tenant, for the 1979 deer hunting season must be made on forms provided by the state conservation commission and returned to the commission office in Des Moines, Iowa. Applications for paid gun hunting licenses must be accompanied by fifteen dollars. Only individual applications will be accepted, and only individual remittances of the fifteen dollar fee will be accepted. Both paid and landowner-tenant applications for licenses will be received and accepted only from August 13 through September 11, 1979, during the regular daily working period of 8:00 a.m. to 4:30 p.m. Incomplete or improperly completed applications, applications not meeting the above conditions, or applications received prior to or after the application period will not be considered as a valid application. No one shall make more than one application or receive more than one deer license.

106.4(1) If the quota of any sex deer licenses has not been filled, licenses shall then be issued in the order in which such applications are received and shall continue to be issued until such quota has been met or until a date fifteen days prior to the opening day of the season, whichever first occurs.

106.4(2) Reserved.

290—106.5(109) Transportation tag. A transportation tag bearing license number of licensee, year of issuance, and date of kill properly shown shall be visibly attached to the carcass of each deer before carcass can be transported. The head, and antlers if any, must remain attached to all deer while being transported by any means whatsoever from the place where taken to the personal abode of the possessor or a commercial preservation facility.

These rules are intended to implement sections 109.38, 109.39, and 109.48 of the Code.

[Filed 6/5/79, effective 8/1/79]

The notice of intended action was published in the IAB on 3/7/79. A public hearing was held on 4/12/79. Comments were received on the proposal at, and prior to, the hearing. Several persons requested more liberal seasons while most people were satisfied with the 1978 regulations.

These regulations are based on the best biological data available as determined by research conducted by the commission.

These rules shall become effective 35 days after filing and publication [August 1, 1979] as provided for in section 17A.5 of the Code.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0343**HEALTH DEPARTMENT[470]****BOARD OF SPEECH PATHOLOGY
AND AUDIOLOGY EXAMINERS**

Pursuant to the authority of section 258A.2 of the Code the board of speech pathology and audiology examiners amends chapter 156 relating to continuing education as follows:

ITEM 1. Amend subrule 156.2(1), paragraph "b" by adding the following new unnumbered paragraph:

Those persons newly licensed during the license renewal year shall not be required to complete continuing education as a prerequisite for their first renewal of license.

[Filed 6/6/79, effective 8/1/79]

This rule was published under notice of intended action in the Iowa Administrative Bulletin dated April 18, 1979. The rule is the same as that published under notice of intended action. No comments were received. The effective date of the rule is August 1, 1979.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0346**PUBLIC SAFETY
DEPARTMENT[680]**

Pursuant to the authority of sections 17A.3, 80.18, 321.4, 691.3 and 692.10 of the Code, the Iowa Department of Public Safety hereby amends rules relating to the department, private detective licensing, sheriff's uniforms, weapons, motor vehicle impoundment, devices and methods to test blood for drug or alcohol content, criminal justice information system, filing a complaint against an employee, identification section of the division of criminal investigation, criminalistics laboratory, special railway agents, payment of small claims, and law enforcement administrators' telecommunications advisory committee as follows:

These rules were published under notice of intended action in the Iowa Administrative Bulletin dated May 2, 1979. These rules, except for minor language changes as recommended by comments received, are the same as those published under notice of intended action. These rules shall be effective August 2, 1979.

ITEM 1. Chapter 1 is amended by rescinding and inserting rules 1.1(17A) through 1.4(17A) and in lieu thereof the following:

680—1.1(17A) Establishment of the department of public safety. The state department of public safety was created by an Act of the General Assembly (Chapter 120, Acts of the Forty-eighth General Assembly, 1939) through the consolidation of several departments and divisions to assist co-ordination among the law enforcement agencies at all levels of government within Iowa.

The department of public safety is primarily a law enforcement agency with the responsibility to enforce state laws and also has other administrative duties.

680—1.2(17A) Organization. The department of public safety is administered by a commissioner who is appointed by and serves at the pleasure of the governor. Bureaus which provide planning and staff support, conduct staff inspections and investigate complaints against officers of the department report directly to the commissioner. The rest of the department is divided into six divisions: The administrative services division, the state patrol division, the capitol security division, the communications division, the fire marshal division, and the division of criminal investigation.

1.2(1) The administrative services division, through its bureaus, provides primary support services to all line elements in the general field of business administration, data processing, collections, and office management.

1.2(2) The division of state patrol is a law enforcement agency that primarily regulates the orderly flow of traffic on the state's highways, and responds to local law enforcement agencies' requests for emergency assistance. Peace officer members of this division have a duty to detect and apprehend criminals and enforce all state laws. Section 321.2 of the Code imposes motor vehicle law enforcement duties upon this division and the commissioner may and does assign to this division other law enforcement responsibilities.

This division also assigns officers to the promotion of motor vehicle and other safety education, and will provide emergency transportation of substances needed by doctors, veterinarians, or hospitals, and support security for special events. Any citizen requesting such services may contact Division or District Headquarters, the addresses for which are listed in this chapter.

This division is also responsible for the highway emergency long-distance phone (HELP). Anyone calling 1-800-362-2200 from anywhere in Iowa will be connected with someone at the District Headquarters in Des Moines who will try to provide immediate assistance.

1.2(3) The division of capitol security is a law enforcement agency which performs police and security work, regulates the orderly flow of traffic, and preserves the peace in and around the seat of state government and at Terrace Hill.

1.2(4) The communications division provides total police communications to the public safety sector including the department of public safety, police departments, sheriffs' offices, and other local state and federal criminal justice agencies.

1.2(5) The fire marshal division is responsible for the promotion and enforcement of fire safety, fire protection, elimination of fire hazards, and the enforcement of laws, rules and regulations concerned with fire prevention, such as the storage, transportation, handling, and use of inflammable liquids, combustibles, explosives, and liquid petroleum gas, and inspection of electric wiring, heating, and adequate fire exits for public buildings.

This division is also responsible for investigation into the cause, origin and circumstances of fires and the enforcement of all laws relating to the suppression of arson and apprehension of those persons suspected of arson. These functions are performed through the bureau of fire prevention and the bureau of arson and explosives.

1.2(6) The division of criminal investigation is a law enforcement unit that is made up of the bureau of criminal investigation and the bureau of narcotic and drug enforcement. This division, through the two bureaus, conducts criminal investigations, enforces Iowa's beer and liquor laws under chapter 123 of the Code, maintains the

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state's central repository for all criminal history records, and operates the state criminalistics laboratory.

680—1.3(17A) Offices.

1.3(1) Principal office. The principal office for the department is that of the commissioner in the Wallace State Office Building in the Capitol Complex in Des Moines. Its mailing address is the Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319.

1.3(2) Division offices. The principal offices of the divisions of the department are also located in the Wallace State Office Building.

1.3(3) Addresses of district headquarters, fire marshals, radio stations and other offices located outside the principal headquarters may be obtained at the Department of Public Safety's principal office in the Wallace State Office Building.

ITEM 2. Further amend chapter 1 by renumbering rules 1.5(17A) through 1.9(17A) as rules 1.4(17A) through 1.8(17A).

ITEM 3. The renumbered subrule 1.4(1), shall be amended as follows:

~~1.5(1)~~ **1.4(1)** Persons wishing to obtain information from or report information to the department may contact any of the offices listed in ~~1.4(17A)~~ **1.3(17A)**.

ITEM 4. The renumbered subrule 1.4(2) shall be amended as follows:

~~1.5(2)~~ **1.4(2)** Those wishing to make submissions to the department may do so by delivering or forwarding to the ~~administration~~ *administrative services* division of the department, the principal offices of the affected division or, if the subject matter is relevant to a specific geographical location the nearest office as listed in ~~1.4(17A)~~ **1.3(17A)**.

ITEM 5. The renumbered subrule 1.4(4) shall be amended as follows:

~~1.5(4)~~ **1.4(4)** Communication of information regarding conflicts with the department, declaratory rulings or rules or initiation of rulemaking by the department shall be directed to the ~~administration~~ *administrative services* division as provided in chapter 10 of these rules.

These rules are intended to implement section 17A.3 of the Code.

ITEM 6. Chapter 2, "Administration", shall be retitled "Private Detective Business or Profession".

ITEM 7. Rules 2.1(17A), 2.2(17A) and 2.3(17A) are hereby rescinded.

ITEM 8. Rules 2.100(17A,80A) through 2.111(17A,80A) are renumbered as 2.1(17A,80A) through 2.12(17A,80A).

ITEM 9. Renumbered rule 2.1(17A,80A) is amended as follows:

~~680—2.100~~ **2.1(17A,80A) Licensing private detectives.** The ~~administration~~ *administrative services* division administers the private detective licensing statute and all questions, comments, information, requests for information or applications for a license shall be directed to the ~~administration~~ *administrative services* division.

ITEM 10. Renumbered rule 2.3(17A,80A) is amended as follows:

~~680—2.102~~ **2.3(17A,80A) Applicant information.** One who wishes to be licensed as a private detective or

detective agency may contact the ~~administration~~ *administrative services* division and request applicant information. The information that will be provided will contain a copy of the relevant section of the Code, rules and forms.

ITEM 11. Renumbered rules 2.4(17A,80A) to 2.7(17A,80A), 2.10(17A,80A) and 2.12(17A,80A) are amended by changing form numbers as follows:

Form 680—~~2.103~~ 4-A.

Form 680—~~2.103~~ 4-B.

Form 680—~~2.103~~ 4-C.

Form 680—~~2.103~~ 4-D.

Form 680—~~2.103~~ 4-E.

Form 680—~~2.103~~ 4-F.

Form 680—2.111-A shall be renumbered 680—2.12-A.

ITEM 12. Renumbered subrule 2.2(2) is amended as follows:

~~2.101(2)~~ **2.2(2)** Denial of a license shall mean and include the denial of an application for a license or for renewal of a license or the ~~suspension, withdrawal, cancellation or revocation of a license.~~

ITEM 13. Amend renumbered rule 2.2(17A,80A) by adding a new subrule as follows:

2.2(3) *Suspension or revocation of a license shall mean and include the suspension and revocation of a license.*

ITEM 14. Renumbered rule 2.8(17A,80A) first paragraph is amended as follows:

~~680—2.107~~ **2.8(17A,80A) Good moral character.** The license will be denied, *suspended or revoked* if the applicant or licensee does not meet the requirements of the Code. A license will not be issued if the applicant is not considered of good moral character. The following shall be considered evidence of the lack of good moral character.

ITEM 15. Renumbered subrule 2.9(2) is amended as follows:

~~2.108(2)~~ **2.9(2)** An applicant whose license is denied, *suspended or revoked* after an application has been submitted cannot reapply for a license for two years after denial, *suspension or revocation.*

ITEM 16. Renumbered rule 2.11(17A,80A) is amended as follows:

~~680—2.110~~ **2.11(17A,80A) Appeal.** The denial, *suspension, or revocation* of a license may be appealed by proceeding under chapter 10 of these rules.

These rules are intended to implement section 80A.5 of the Code.

ITEM 17. Rules 2.200(17A,80A) through 2.209(17A,337A) are renumbered as rules 3.1(17A,337A) through 3.10(17A,337A) and moved to chapter 3.

ITEM 18. Rules 2.300(17A,66GA,Ch1245) through 60—2.305(17A,66GA,Ch1245) shall be renumbered 680—4.1(17A,66thGA,Ch1245724) through 4.6(17A,66thGA,Ch1245724) and moved to chapter 4.

ITEM 19. Renumbered subrules 4.2(5) and 4.2(6) are amended to read as follows:

~~2.301(5)~~ **4.2(5)** Form WP3. A form that shall be used to apply for a permit to purchase a pistol or revolver. *an annual permit to acquire pistols or revolvers.*

~~2.301(6)~~ **4.2(6)** Form WP4. A two-part form that shall be used as the permit to purchase a pistol or revolver and as a report to the sheriff by a seller or transferor of a pistol or revolver of such sale or transfer *annual permit to acquire pistols or revolvers.*

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ITEM 20. Renumbered subrules 4.5(1) and 4.5(2) are amended to read as follows:

~~2.304(1)~~ 4.5(1) The application (Form WP3) for ~~a~~ an annual permit to ~~purchase~~ acquire pistols or revolvers ~~may~~ shall be made to the sheriff of ~~any~~ the county of the applicant's residence.

~~2.304(2)~~ 4.5(2) The annual permit (Form WP4) to ~~purchase~~ acquire pistols or revolvers shall be issued to the person applying for the permit immediately upon submission to the sheriff of the completed application.

ITEM 21. Renumbered rule 4.5(17A,724) is amended by striking all of the renumbered subrule 4.5(3)

ITEM 22. Renumbered subrule 4.6(4) is amended to read as follows:

~~2.305(4)~~ 4.6(4) Page 1 of Form WP4 shall be sent to the commissioner by the sheriff within seven working days from the day received issued by the sheriff.

These rules are intended to implement section 80A.5 of the Code.

ITEM 23. Chapter 3, "State Patrol", shall be retitled "Sheriff's Uniforms".

These rules are intended to implement section 337A.4 of the Code.

ITEM 24. Rules 3.1(17A,80,321) through 680-3.12(17A,80), and rules 3.14(17A) through 3.15(17A,321) are rescinded.

ITEM 25. Rule 3.13(321B) is amended as follows:

The first unnumbered paragraph is renumbered as 7.1(321B).

Subrules 3.13(1) through 3.13(4) shall become rules 7.2(321B) through 7.5(321B).

These rules are intended to implement section 321B.4 of the Code.

ITEM 26. Chapter 4, "Bureau of Criminal Investigation", shall be retitled "Weapons".

ITEM 27. Rules 4.1(17A), 4.2(17A), 4.4(17A,749), and 4.7(695) are rescinded.

ITEM 28. Rules 4.3(17A,749,749B) first unnumbered paragraph is renumbered as rule 11.1(17A,749,690749B,692).

Subrules 4.3(1) through 4.3(6) are renumbered as rules 11.2(17A,749,690749B,692) through 11.7(17A,749,690749B,692).

See also Item 57.

ITEM 29. Amend renumbered 11.1(17A,749,749B) as follows:

~~680-4.3~~ 11.1(17A,749,690749B,692) **Identification section.** The identification section maintains information necessary to identify persons with criminal histories. *It collects, files and disseminates criminal history data to authorized criminal justice agencies upon request and updates criminal history records as a continual process.*

ITEM 30. Strike renumbered rule 11.2(17A,749,749B) and insert in lieu thereof the following:

~~680-4.3(1)~~ 11.2(17A,690,692) **Definitions.**

11.2(1) "Criminal identification records" shall mean either of the following records, the forms for which are provided by the department to law enforcement agencies:

1. Department of public safety arrest fingerprint cards
2. State of Iowa final disposition reports

11.2(2) "Felony" and "misdemeanor" shall have the

same meaning and classifications as described in sections 701.7 and 701.8 of the Code.

11.2(3) The "taking of fingerprints" shall mean the obtaining of a fully rolled set of inked fingerprint impressions having suitable quality for fingerprint classification and identification.

ITEM 31. Amend renumbered rule 11.3(17A,690,692) as follows:

~~4.3(2)680-11.3(17A,690,692)~~ **Release of information.** Information contained in the identification section of the bureau is not a public record and is released only to criminal justice agencies or public agencies authorized and approved by the confidential records council.

ITEM 32. Amend renumbered rule 11.5(17A,690,692) as follows:

~~4.3(4)680-11.5(17A,690,692)~~ **Review of record.** Persons wishing to review their record may do so during normal business hours by completing Form 680-4.3-B provided for that purpose. The individual may make notes concerning the record on file, but cannot obtain a copy.

ITEM 33. Amend renumbered subrule 11.6(17A,690,692) as follows:

~~4.3(5)680-11.6(17A,690,692)~~ **Inaccuracies in criminal history.** If the individual believes inaccuracies exist in his or her criminal history, notice may be filed with the division outlining the alleged inaccuracies accompanied by any available supporting data. In all instances where a notice is so filed, the division contacts the arresting agencies, court of record and institutions to verify record accuracy. Any necessary changes shall be made to the individual's record. Any agency previously receiving a copy of the inaccurate record shall be so notified with a correct copy. A final report shall be made to the individual who has so filed a notice of correction within twenty days of filing. If, after notice is filed and the division makes its final report, the individual is still of the opinion that inaccuracies exist within the records, an appeal of the final decision of the division to the Polk county district court or the district court of the individual's residence may be made.

ITEM 34. Amend renumbered 11.7(17A,690,692) as follows:

~~4.3(6)680-11.7(17A,690,692)~~ **Fingerprint files and crime reports.** This section also maintains all uniform crime reports and fingerprint files: It also has personnel for the entry of crime reports into the criminal system.

ITEM 35. Add the following new rules:

680-11.8(17A,690,692) Taking of fingerprints. The taking of fingerprints shall be in compliance with section 690.2 of the Code, and in addition the sheriff of each county and the chief of police of each city, of 10,000 or more population shall take the fingerprints of all persons held for the commission of an aggravated misdemeanor or serious misdemeanor and forward such fingerprint records, within forty-eight hours after they are taken, to the bureau of criminal investigation.

680-11.9(17A,690,692) Arresting agency portion of final disposition form. The sheriff of each county and the chief of police of each city shall complete the arresting agency portion of the final disposition form with the arrest information on all persons whose fingerprints are

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taken in accordance with the rules or section 690.2 of the Code, and thereafter forward the form to the appropriate county attorney.

680—11.10(17A,690,692) Final disposition of form. The county attorney of each county shall complete the final disposition report and submit it to the bureau of criminal investigation within thirty days when a preliminary information or citation is dismissed without new charges being filed, or when the case is ignored by a grand jury. When an indictment is returned or a county attorney's information filed, the final disposition form shall be forwarded to the court having jurisdiction.

680—11.11(17A,690,692) Destruction of fingerprints. If the fingerprints of any person, whose fingerprints are not already on file, are taken, and the person is not convicted of any offense, then his or her fingerprint records shall be destroyed by any officer having them.

ITEM 36. Rule 4.5(17A,749A) first unnumbered paragraph is renumbered as rule 12.1(17A,691).

Subrules 4.5(1) through 4.5(10) are renumbered as rules 680—12.2(17A,691) through 680—12.11(17A,691).

ITEM 37. Rule 4.6(17A,80) first unnumbered paragraph is renumbered as rule 680—13.1(17A,80).

Subrules 4.6(1) through 4.6(7) are renumbered as rules 13.2(17A,80) through 13.8(17A,80). Contents of subrules 4.6(8) through 4.6(10) are added to renumbered rule 13.8(17A,80) and subrules 4.6(11) through 4.6(18) are renumbered as rules 13.9(17A,80) through 13.16(17A,80).

See Item 59.

ITEM 38. The renumbered rule 13.1(17A,80) is amended as follows:

680—4.113.1(17A,80) Appointment of railway special agents. The ~~administration~~ *administrative services* division processes applications for appointment as railway special agents from persons who are regularly employed by a railroad so that person may protect railroad property.

ITEM 39. Amend renumbered rule 13.2(17A,80) through 13.8(17A,80) as follows:

4.6(1)680—13.2(17A,80) Standards. All applicants shall meet minimum standards to qualify as law enforcement officers as established in the Iowa law enforcement academy rules.

4.6(2)680—13.3(17A,80) Training requirements. All applicants shall meet all training requirements of the Iowa law enforcement academy.

4.6(3)680—13.4(17A,80) Letter of request. The chief special agent of the railroad company shall submit a letter of request for the appointment of a railroad employee as railway special agent. This letter and all other correspondence is to be sent to this division, Attention: Railway Special Agent License. The letter shall state the applicant's full name (first, middle and last) and address and should state to whom the application should be mailed.

4.6(4)680—13.5(17A,80) Application form. Each railway special agent applicant shall complete an application form that is not reproduced in these rules but is available and may be obtained from this division. This form should be typewritten or clearly printed in ink and all questions must be answered, if applicable.

4.6(5)680—13.6(17A,80) Photographs. Each application shall have the required 3" by 3" photograph, as required, and two additional photographs measuring 1½" by 1½" suitable for the identification card.

4.6(6)680—13.7(17A,80) Vision classification. Each applicant's vision classification for each eye with and without glasses shall be indicated.

4.6(7)680—13.8(17A,80) Surety bond. It is required that the requesting railroad company submit a surety bond in the amount of five thousand dollars (\$5,000) for the person to be appointed. ~~4.6(8)~~ Such surety bond in the amount stated shall be issued by a bonding or surety company licensed through the Iowa insurance commission to do business in the state of Iowa. ~~4.6(9)~~ The surety bond shall name the railway special agent and the bond shall state that the bonded person is a duly appointed railway special agent. ~~4.6(10)~~ Surety bonds shall be issued for each person and shall remain in effect until thirty days after the company providing the bond gives notice to the department that the bond will be terminated.

4.6(11)680—13.9(17A,80) Background investigation. All railroad employers who are seeking to have an applicant appointed as a railway special agent shall conduct a complete background investigation of each applicant. The results of this background investigation shall be submitted with the application in typewritten report form. This background investigation shall contain but not limited to, the following items:

1. Written comments from former employers in reference to honesty, integrity, character, personality and working performance of the applicant.

2. Written comments by personnel with any state, municipal or county law enforcement agency about the applicant and the applicant's prior employment and residences.

3. A check with all creditors for payment record and obligations.

4. A check with the clerk of court in the applicant's county of residence for any court action, civil or criminal.

5. A check with the county recorder's office where applicant resides to determine any property listed in the applicant's name and liens which may be on file.

6. A check with the credit bureau where the applicant resides or has been employed for the applicant's credit rating.

7. Certified copies of any educational records that are available (high school and college transcripts) and DD201 military form, if any.

4.6(12)680—13.10(17A,80) Weapons permit. If the applicant needs a concealed weapons permit, the applicant shall have enclosed Form 680—4.7A showing the applicant has qualified with a firearm and has attained the accepted score of sixty out of a possible one hundred as provided in 4.7(695) show that he or she has fulfilled the requirements outlined in chapter 4, "Weapons".

4.6(13)680—13.11(17A,80) Renewal of permit. Each railroad employer of a railway special agent will, on or before December 15 of each year, file with this division Form 680—4.7A WP1 or WP2 to renew the firearms weapons permit.

4.6(14)680—13.12(17A,80) Weapons training. It is required that each railway special agent receive continuous firearm weapon training and demonstrate necessary proficiency in the use of firearm weapons, and fire at least three hundred rounds per year.

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4.6(15)680—13.13(17A,80) Review of application. Upon receipt of all material necessary for the appointment of a railway special agent, the division will process the application. All material will be reviewed and maintained in *administrative services* division headquarters files. The division will conduct further investigation of the applicant which may include a check of driver's license and motor vehicle files, criminal history data records and verification of the fact that income tax returns have been filed with the Iowa department of revenue.

4.6(16)680—13.14(17A,80) Identification card. After the application is approved, the railroad company will be issued an identification card (Form 680—4.6-A) for the applicant. This card should have affixed one fingerprint and the signature of the applicant. It shall then be returned to ~~this~~ the *administrative services* division for authentication of signatures.

4.6(17)680—13.15(17A,80) Notification. The railroad company shall notify the *administrative services* division, within five working days, when any of the following takes place:

1. The railway special agent appointed by the department is terminated from employment.
2. The railway special agent has been hospitalized for a long term illness or is undergoing psychiatric evaluation or treatment.
3. The discharge of any firearm by any railway special agent other than during target practice or hunting. This report shall include the circumstances, the number of shots fired, the type of weapon, the reason for firing and all information concerning any injury to a person or property.

4.6(18)680—13.16(17A,80) Notice of termination of employment. A notice of termination of employment shall include the railway special agent's identification card and weapon permit.

ITEM 40. Chapter 6, "Vice Enforcement", shall be rescinded, and the following inserted in lieu thereof:

CHAPTER 6
MOTOR VEHICLE IMPOUNDMENT

680—6.1(17A,321) Motor vehicle impoundment. The patrol division and other peace officer members of the department may impound any vehicle determined to be "abandoned" as defined in section 321.89 "b", of the Iowa Code, provided that:

1. The officer shall first attempt to determine the owner through department of transportation records and request communications division advise an owner found thereby that the motor vehicle must be moved within a reasonable time or it will be impounded, and

2. Either the owner cannot be found or the owner fails to remove the vehicle within a reasonable time.

680—6.2(17A,321) Motor vehicles which may be impounded immediately.

6.2(1) Vehicles which an officer has reason to believe are wrongfully possessed by the person then having control of such vehicles and on which the vehicle identification number or the identification numbers of any component part have been altered or defaced, or on which an attempt to alter or deface has been made.

6.2(2) Vehicles which are involved in an accident when immediate impoundment is necessary:

a. To preserve evidence which will be used in an administrative or judicial proceeding; or

b. To protect the vehicle from theft or further damage when the owner cannot be found or gives consent to such impoundment; or

c. To prevent further accidents when the vehicle is so situated as to appear to constitute a hazard to traffic.

6.2(3) Vehicles which an officer has reason to believe are being used to transport contraband.

6.2(4) Vehicles involved in a person's death when the medical examiner or a peace officer determines:

a. That seizure is necessary to secure evidence needed in the investigation of the cause and manner of death, and

b. That circumstances indicate the car may be removed or tampered with before written authorization for its impoundment can be obtained.

c. That the vehicle is situated on a public highway in such a manner that it may constitute a hazard to traffic.

6.2(5) Vehicles under the control of a person at the time of his or her arrest, if:

a. The person arrested is the owner of the vehicle and gives his or her consent to the impoundment; or

b. The arrested person's vehicle reasonably appears to a peace officer to constitute a traffic hazard if it remains where it is situated at the time of arrest and the arrested person is unwilling or unable to have it moved; or

c. Some other provision of rule 680—6.2(17A,32) would authorize its immediate impoundment.

6.2(6) Vehicles positioned upon a public highway in such a location as to indicate that they constitute a hazard to traffic.

680—6.3(17A,321) Vehicles which need not be impounded immediately.

6.3(1) A vehicle under the control of a person arrested does not have to be towed if the foregoing conditions involving prisoner's property do not make towing necessary. With the consent of the person in control of the vehicle, an officer may park and secure the vehicle temporarily.

6.3(2) If a motor vehicle is unattended, an officer shall tag it with Form 680—6.3. A record is kept by the officer at the district to which the officer is assigned. After the period of time prescribed in section 321.89 of the Code, the unattended vehicle shall be declared an abandoned vehicle.

6.3(3) If the vehicle is thought to be abandoned, the officer shall attempt to determine the owner through department of transportation records, and request that patrol communications advise the owner that the motor vehicle must be moved within a reasonable time or it will be impounded. If the owner cannot be contacted, or if the owner does not remove the vehicle, the vehicle may be impounded.

680—6.4(17A,321) Towing procedure. If the vehicle is to be towed, the officer must:

6.4(1) Request that a tow truck be dispatched to remove the vehicle.

6.4(2) Complete the vehicle tow-in and recovery report which requires but is not limited to the following information:

a. Reason for towing.

b. The license number and description of the vehicle, including its condition at the time of impoundment.

c. Vehicle identification number and registration information, when readily accessible.

d. If the car is unlocked, an inventory of accessible, removable personal property, including a notation of any parts of the vehicle which appear to be missing. If the car is locked, an inventory of only visible personal property

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and missing parts until proper authority is obtained by entering the vehicle.

e. If the vehicle is believed to be a stolen vehicle, information indicating the circumstances of recovery and owner notification.

6.4(3) Instruct the towing service, after completion of the tow-in report, to tow the vehicle to a designated location, which in the case of an abandoned vehicle shall be the towing service's storage area.

680—6.5(17A,321) Abandoned vehicles. If the vehicle is impounded pursuant to rule 680—6.1(17A,321).

6.5(1) The district officer in charge of abandoned vehicles shall notify, within ten days of impoundment, by certified mail, the last known registered owner of the vehicle and all lienholders of record, addressed to their last known address of record, that the abandoned vehicle has been impounded. Such notice shall state:

a. The location of the vehicle.

b. That the person or persons notified have the right to reclaim the vehicle within twenty-one days of notice upon payment of all towing, preservation and storage charges resulting from impoundment.

c. That failure to reclaim the vehicle within twenty-one days will constitute a waiver of all right, title, claim and interest in the vehicle and will also constitute the giving of consent to sale or disposal of the vehicle.

d. That a written objection to the impoundment may be filed in accordance with subrule 6.5(3).

6.5(2) When the district officer in charge of abandoned vehicles is unable to determine the identity or address of the last known registered owner or of any lienholders of record, the officer shall cause to be published once in a newspaper of general circulation in the area where the abandoned vehicle was found, a notice containing all the information otherwise required by subrule 6.5(1).

6.5(3) Registered owners or lienholders of record may, within the twenty-one-day reclamation period, submit a written objection to the initial impoundment or to any procedure followed by the patrol officer or towing agent. Such objection shall contain an explanation of why the objector believes the impoundment was not authorized by law. When an objection is received by the district officer in charge of abandoned vehicles, such officer shall:

a. Immediately consider the objection and make an initial decision as to the legality of the impoundment,

b. Immediately thereafter notify the objector of the decision. Such notice shall state either:

(1) That the impoundment was authorized by law, and explain the basis of such decision, or

(2) That the impoundment was not authorized by law, that the vehicle will be released to the objector upon presentation of proof of ownership at district headquarters, and that no towing or storage fees will be assessed for twenty-one days, and

c. File a copy of the notice required by subrule 6.5(3), paragraph "b" with other documents kept in connection with the impoundment.

6.5(4) The registered owner and any lienholders of record have twenty-one days in which to reclaim the vehicle after receipt or publication of notice as prescribed in subrules 6.5(1) and (2), except where written objection to impoundment has been made in accordance with subrule 6.5(3), in which case the twenty-one-day period shall begin when notice of the district officer's response to the objection is received. An additional fourteen days will

be allowed if the owner or any lienholder submits a written request for an extension of the twenty-one-day reclamation period.

6.5(5) If the reclamation period has expired, and either: the registered owner or any lienholder of record has made no written objection to the impoundment, or an objection has been filed and the district officer has determined that the impoundment was authorized by law, then all rights of the owner or of any lienholders of record with regard to the impounded vehicle are forfeited and the vehicle will be either:

a. Sold for use upon the highway after an inspection and certification that it is safe for such use in accordance with section 321.238 of the Iowa Code; or

b. Sold for junk, demolished, and sold as scrap, or

c. Sold as provided in section 321.88 with a restricted certificate of title and not for use on the highways.

6.5(6) When the vehicle is sold:

a. The circumstances of the sale shall be entered in appropriate records kept by the district officer in charge of abandoned vehicles.

b. The required department of transportation forms shall be completed by the officer, given to the purchaser, and mailed to the abandoned vehicle section of the motor vehicle division of the department of transportation. The motor vehicle division shall then take action regarding the funds collected or expended.

6.5(7) If the registered owner or any lienholders of record have filed written objection to the impoundment in accordance with subrule 6.5(3) and the district officer has determined that the impoundment was not authorized by law, towing and storage fees will not be assessed unless the objector, after receipt of notice of such determination, fails to reclaim the vehicle within the reclamation period provided in subrule 6.5(4). If the vehicle is not reclaimed during the reclamation period, said fees shall be deemed "abandoned," and subject to forfeiture and sale if not claimed within sixty days of receipt of notice from the district officer pursuant to subrule 5.4(3).

These rules are intended to implement chapter 321 of the Code.

ITEM 41. Chapter 7, "Narcotic and Drug Enforcement", is rescinded.

ITEM 42. A new chapter 7 is entitled "Devices and Methods to Test Blood For Alcohol or Drug Content."

ITEM 43. Chapter 8, "TRACIS", is retitled "Criminal Justice Information System."

ITEM 44. Rule 680—8.1(17A) is rescinded and the following inserted in lieu thereof:

680—8.1(17A) Criminal justice information system. *The criminal justice information system is administered by the field services bureau. It provides and operates a telecommunicative system between criminal justice agencies for distribution of traffic record and criminal justice information. The criminal justice information system was created by governor's executive orders 6 and 18.*

ITEM 45. The first unnumbered paragraph of rule 680—8.100(749B) shall be amended as follows:

680—8.100(749B692) Communications terminal security. *Installation of TRACIS criminal justice information system terminal access shall be available to criminal justice agencies as defined by section 749B.692.1(10) of the Code.*

PUBLIC SAFETY DEPARTMENT[680] (cont'd)

ITEM 46. Subrule 8.100(5) shall be amended as follows:

8.100(5) Where ~~TRACIS~~ *criminal justice information system* terminals are not operated on a twenty-four-hour per day basis, said terminals shall be located in a locked physically secure room when unattended.

ITEM 47. Subrule 8.100(7) shall be amended as follows:

8.100(7) An agency which may be authorized direct access to criminal history files shall make application to the ~~director of the bureau of criminal investigation (identification) department~~. Before authorization is granted, the administrator of the criminal justice agency making the application to operate a terminal shall enter into a written agreement with the department of public safety agreeing to abide by all rules, policies and procedures necessary for system security and discipline. The agreement shall reserve to the department of public safety the right to terminate furnishing criminal history information to the applicant agency if abuses are discovered concerning either the security or dissemination requirements of criminal history data.

These rules are intended to implement chapter 692.10.

ITEM 48. Rule 9.1(17A) is rescinded and rules 9.100(750) through 9.105(750) are transferred to chapter 15. See Items 61 to 64.

ITEM 49. Chapter 9, "Patrol Communications", is retitled "Complaint Against an Employee" and the following rules inserted thereof:

680—9.1(17A) Definitions. As used in the rules contained herein the following definitions apply, unless the context otherwise requires:

9.1(1) "Department" shall mean the Iowa department of public safety.

9.1(2) "Commissioner" shall mean the commissioner of the department or authorized representative.

9.1(3) "Officer" shall mean a peace officer employee of the department.

9.1(4) "Complaint" shall mean an allegation by a fellow officer or third party of a breach of rules or orders by an officer, or a violation of the law.

9.1(5) "Employee" shall mean a merit employee of the department.

680—9.2(17A) Filing the complaint.

9.2(1) Any person who wishes to file a complaint against an officer or against the department may do so:

a. In a letter to any officer of the department of public safety, or to the internal affairs bureau. The mailing address to the internal affairs bureau is: Internal Affairs Bureau, Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319.

b. In a telephone call to any officer or the internal affairs bureau.

c. By filling out an allegation of employee misconduct form which may be obtained at the department's principal office in the Wallace State Office Building in the Capitol Complex, or at any of the Highway Patrol District Headquarters.

9.2(2) The complainant should try to describe the nature of the complaint and the details of any incident as specifically and completely as possible.

9.2(3) The complainant need not be identified. Anonymous complaints will be accepted and investigated as thoroughly as any other complaints.

9.2(4) Any identified citizen complainant will receive a receipt of his or her complaint, in writing, from the internal affairs bureau.

680—9.3(17A) Investigation and review. The complaint will be investigated and reviewed by any of the following:

1. The officer's immediate supervisor.
2. An intermediate supervisor.
3. The internal affairs bureau.
4. The conduct review board.
5. The commissioner.

According to the procedures outlined in Chapter 1.5 entitled "Disciplinary Procedures" of the department's "Peace Officer Personnel Rules".

680—9.4(17A) Notification. The commissioner or his designee will notify, in writing, any citizen complainant of the specific final action on any case involving a citizen's complaint. Any supervisor involved in the termination of a citizen's complaint prior to the case reaching the commissioner or his designee will assure that the commissioner is notified immediately of all such cases so that he may notify the citizen complainant of the specific final action on the case.

680—9.5(17A) Complaints. Any person who wishes to file a complaint against an employee of the department may do so by writing or phoning the employee's immediate supervisor or the commissioner's office.

These rules are intended to implement chapter 80 of the Code.

ITEM 50. Rule 680—10.3(17A) is amended as follows:

680—10.3(17A) Business hours. The principal office of the department in the ~~Lucas~~ Wallace State Office Building in Des Moines, Iowa, shall be open between the hours of 8:00 a.m. to 4:30 p.m. each weekday except Saturdays, Sundays and legal holidays as prescribed in the Code, for the purpose of receiving protests, pleadings, petitions, motions, requests for public information, copies of official documents, or for the opportunity to inspect public records.

All documents or papers required to be filed with the department by these rules shall be filed with ~~administration~~ *administrative services* division in the principal office of the department at the ~~Lucas~~ Wallace State Office Building, Des Moines, Iowa 50319. Requests for public information or copies of official documents or the opportunity to inspect public records shall be made in the ~~administration~~ *administrative services* division's office at the department's principal office.

ITEM 51. Subrule 10.101(3), paragraph "a" amends the form by striking the word "Lucas" and inserting "Wallace".

ITEM 52. Subrule 10.101(5), rule 10.102(17A) and subrules 10.104(2) and 10.104(3) are amended by striking the word "administration" and inserting "administrative services".

ITEM 53. Rule 680—10.200(17A) is amended as follows:

680—10.200(17A) Commencement of contested case proceedings. After the filing of the answer and the administration division notifying the hearing officer, the case proceedings will be commenced by the hearing officer through delivery of notice by certified mail return receipt requested to the parties. *The notice shall be sent no fewer than thirty days before the date set for the hearing.* **The notice** It shall include:

ITEM 54. Rule 680—10.500(17A) is amended as follows:

PUBLIC SAFETY DEPARTMENT[680] (cont'd)

680—10.500(17A) Denial, revocation or suspension of license, refusal to review license. Where the department is required by constitution to provide notice and evidentiary hearing prior to the refusal or denial, *revocation or suspension* of a license, a notice, as prescribed in 10.200(17A) shall be served by the department upon the licensee or applicant. Prior to the refusal or denial, *revocation or suspension* of a license, the department shall give thirty days written notice to the applicant or licensee in which to appear at a hearing to show cause why a license should not be refused or denied, *revoked or suspended*. In addition to the requirements of 10.200(17A), the notice shall contain a statement of facts or conduct and the provisions of the law which warrant the denial, *revocation or suspension* of the license, or the refusal to renew a license. If the licensee wishes, a petition may be filed as provided in 10.502(17A) with the hearing officers within thirty days prior to the hearing. The department may, in its discretion, file an answer to the petition filed by the licensee prior to the hearing. Thereafter, the rules contained in this chapter governing contested case proceedings shall apply.

ITEM 55. Rules 10.502(17A), 10.600(17A) and subrule 10.702(1) are amended by striking the word "Lucas" and inserting the word "Wallace".

ITEM 56. Subrules 10.600(4), 10.600(5) and 10.702(2) are amended by striking the word "administration" and inserting the words "administrative services".

ITEM 57. A new chapter 11 entitled "Identification Section of the Division of Criminal Investigation" is hereby created. See Items 28 through 35.

These rules are intended to implement section 690.1 and 692.10 of the Code.

ITEM 58. A new chapter 12 entitled "Criminalistics Laboratory" is hereby created. See Item 36.

These rules are intended to implement section 691.3 of the Code.

ITEM 59. A new chapter 13, entitled "Special Railway Agents", is hereby created. See Items 37 through 39.

These rules are intended to implement section 80.7 of the Code.

ITEM 60. Chapter 14 is inserted as follows:

CHAPTER 14
PAYMENT OF SMALL CLAIMS

680—14.1(17A,80) Authorization to reimburse. The department is authorized to expend up to seventy-five dollars per item as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed while the employee is engaged in service for the department. The following requirements shall apply for filing such claims with the department.

14.1(1) Claimant shall provide his or her immediate supervisor with a detailed written account of the circumstances under which the loss occurred, a description of the nature and ownership of the item destroyed or damaged and, where available, the name of a witness who can verify the loss.

14.1(2) Claimant shall also provide his or her immediate supervisor with vendors' estimates of replacement costs and with estimates of repair costs of damaged items.

14.1(3) The claim and estimates shall be passed on through the chain of command for reimbursement. Reimbursement will be based on a determination of the most economic and adequate compensation for the loss,

taking into account the extent of the damage, the feasibility of repair and the cost of replacement.

The rule is intended to implement section 18.18 of the Code.

ITEM 61. Add new chapter 15, entitled "Law Enforcement Administrator's Telecommunications Advisory Committee (LEATAC)."

ITEM 62. Rules 9.100(750) to 9.105(750) are renumbered as 15.1(750693) to 15.6(750693).

ITEM 63. Amend renumbered subrule 15.2(3) as follows: "~~Two~~ Three members of the department of public safety appointed by the commissioner of public safety.

ITEM 64. Renumbered rule 15.2(693) is amended by adding the following subrules:

15.2(10) One member representing the Iowa department of transportation appointed by the director of the Iowa department of transportation.

15.2(11) One member representing the Iowa conservation commission appointed by the director of the Iowa conservation commissioner.

These rules are intended to implement chapter 693 of the Code.

[Filed 6/7/79, effective 8/2/79]

The following changes, as recommended by the administrative rules review committee, were made:

ITEM 13. 2.2(3) Minor language changes for clarification.

ITEM 33. ~~4.3(5)~~ 680—11.6 Inaccuracies in Criminal History. Added "or the District Court of the individual's residence."

ITEM 35. 680—11.8 Taking of Fingerprints. Language change for clarification.

680—11.11 Destruction of Fingerprints. Minor language changes for clarification.

ITEM 39. 680—13.9 Background Investigation. Minor language changes for clarification.

680—13.10 Weapons Permit. Minor language changes for clarification,

680—13.12 Weapons Training. Minor language changes for clarification.

680—13.14 Notification. Minor language changes for clarification.

The following changes were made per written recommendations from interested persons.

ITEM 40. 680—6.2(2)c Minor language changes for clarification.

680—6.2(4) Minor language changes for clarification.

680—6.2(4) Added an item "c" which reads: "That the vehicle is situated on a public highway in such a manner that it may constitute a hazard to traffic."

680—6.2(5)"b" Rewrote for clarification.

680—6.2 Added (6) which reads: "Vehicles positioned upon a public highway in such a location as to indicate that they constitute a hazard to traffic."

ITEM 49. 680—9.2(4) Minor language changes for clarification

680—9.3 Changed "Chapter E" to "Chapter 1.5" to reflect changes in DPS peace officer personnel rules.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0319

REAL ESTATE COMMISSION[700]

Pursuant to the authority of section 117.9 and chapter 17A of the Code of Iowa, the Iowa Real Estate Commission hereby amends chapters 1 and 2 appearing in the Iowa Administrative Code relating to brokers and salespersons, and administrative procedure and to the administration of chapter 117 of the Code of Iowa. The rules under consideration are as follows:

ITEM 1. Rescind all of rule 700—1.3(117) and insert in lieu thereof the following:

700—1.3(117) Application for examination. Applicants for examination of apprentice salesperson, salesperson, or broker license shall be made on formal applications obtained from the testing service designated by the real estate commission, or from the real estate commission, and they shall be filed with the testing service designated by the commission not later than the first business day of the month in which the applicant wishes to be tested. Applications received after this date will be held for the next examination. The tests are administered the fourth Saturday of the month the test is offered.

1.3(1) An applicant for broker examination must meet the requirements set out in section 117.15 of the Code of Iowa. Permission to register for said examination must be approved by the Iowa real estate commission.

1.3(2) An applicant for examination is required to take the examination on the date scheduled, but may request a reschedule to a later examination date by filing a new application for examination and paying examination fee.

1.3(3) If an applicant scheduled to take an examination fails to attend the scheduled examination, the applicant may reschedule for a later examination by filing a new application for examination and paying examination fee.

1.3(4) The examination fee shall be submitted with the application for examination.

1.3(5) Reapplying after failure. An applicant who takes an examination and fails same shall be eligible to take the next regular scheduled examination providing the applicant remits the examination fee and notice of intent to the testing service designated by the real estate commission. Privilege of taking the next regular scheduled examination applies only after the first failure.

ITEM 2. Rescind all of rule 700—1.13(117) and insert in lieu thereof the following:

700—1.13(117) Fees. The following is a list of fees to be paid by applicants and licensees:

- Fee for real estate examination \$11.00
- Fee for retake or reschedule of real estate examination—no examination fees shall be refunded \$11.00
- Fee for apprentice salesperson license \$10.00
- Fee for original license or renewal as salesperson \$10.00
- Fee for original license or renewal as broker or broker-salesperson \$20.00
- Fee for license as corporation, partnership, copartnership, association, trade name or renewal \$20.00
- Fee for branch office or broker duplicate license \$10.00

- Fee for conversion of apprentice salesperson license to salesperson license \$ 5.00
- Fee for license or renewal under reciprocity, or nonresident for broker, partnership, copartnership, corporation, association or trade name \$20.00
- Fee for licensure or renewal as salesperson upon a reciprocity basis \$10.00
- Fee for change of employment of apprentice-salesperson, salesperson or broker-salesperson \$ 5.00
- Fee for change of business address \$ 1.00
- Reissuance of any license held by commission \$ 5.00

ITEM 3. Rescind all of rule 700—2.2(117) and insert in lieu thereof the following:

700—2.2(117) Application for license. When the commission receives notice from the testing service of an individual passing a qualifying examination, the real estate commission upon request will furnish the applicant with a formal application for a license. The application form shall require detailed personal, financial, and business information concerning the applicant, and the applicant shall attest to the accuracy thereof.

2.2(1) An applicant who passes a qualifying examination and desires a license shall file a completed application with proper fee for a license with the real estate commission not later than seventy-five calendar days after the qualifying real estate examination.

2.2(2) Credit bureau report. An applicant who passes a qualifying examination and desires a license shall request a credit report from a credit bureau, and the report must be on file not later than seventy-five calendar days after the qualifying real estate examination. The cost of the report shall be paid by the applicant.

Rules 1.3(117) and 2.2(117) are intended to implement sections 117.16 and 117.20 of the Code and rule 1.13(117) is intended to implement section 117.27 of the Code.

[Filed 5/30/79, effective 8/1/79]

These rules are identical to those published on March 21, 1979, in the Iowa Administrative Bulletin under Notice of Intended Action. These rules shall become effective August 1, 1979.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0325

REGENTS, BOARD OF[720]

Pursuant to the authority of section 262.9(11) of the Code, chapter 2 of the board of regents rules, appearing in the Iowa Administrative Code, are hereby amended by adding the following:

Amend rule 2.2(262) by striking the last paragraph (the unnumbered paragraph at the end of subrule 2.2(4)) and inserting in lieu thereof the following:

~~For the academic year 1971-72 the rules shall apply only to freshman students and to sophomore transfer students who have not previously completed at least thirteen semester hours while in residence at the University.~~

For the academic year 1979-1980, this rule is suspended

REGENTS, BOARD OF[720] (cont'd)

with respect to sophomore students. For the academic year 1980-81, this rule is suspended for both freshman and sophomore students. The rule shall be automatically reinstated at the end of the 1980-81 academic year unless the Board of Regents takes action to extend the period of suspension.

[Filed 6/6/79, effective 8/1/79]

This rule is identical to that published on May 2, 1979, in the Iowa Administrative Bulletin under a Notice of Intended Action. This rule shall become effective August 1, 1979.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0328

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 905.7 of the Code, rules of the department of social services appearing in the IAC relating to community based corrections (chapter 25) are hereby amended.

ITEM 1. Rule 770—25.1(905) is amended by adding the following subrule:

25.1(17) Contraband. Contraband shall mean weapons, alcohol, drugs, money, obscene materials, or material advocating disruption of or injury to clients, employees, programs, or physical facilities. It shall also include anything which is illegal to possess under the law, or materials which are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs.

ITEM 2. Subrule 25.2(1) is amended to read as follows:

25.2(1) The chief of the bureau of community correctional services, division of adult correctional services, department of social services, shall be the accrediting authority. The decision of the chief shall be final, *except as provided in chapters 17A and 905 of the Code.*

ITEM 3. Subrule 25.4(6) is amended by striking paragraph "1", and subrules 25.4(8), 25.4(9), and 25.4(10) are amended to read as follows:

25.4(8) The director shall ensure that a case plan is developed for each client under supervision, *except pre-conviction clients*, which includes an assessment of client needs, capabilities, community resources available to meet the client's needs and time schedules for the achievement of the plan.

25.4(9) The director shall ensure that the agency has a written client *discipline and grievance policy policies* including procedures and an appeals process.

25.4(10) The director shall ensure that there are written procedures governing the handling and dissemination of information, *including access by the client*, and the confidentiality of client records which comply with applicable state and federal laws.

ITEM 4. Subrule 25.5(2) is amended to read as follows:

25.5(2) The agency shall have written policy and procedures assuring staff contact with all persons in *preconviction status* held in any jail or lockup in the judicial district for purposes of providing a pretrial interview within twenty-four hours of their arrest.

ITEM 5. Subrules 25.8(4); 25.8(4), paragraph "b"; 24.8(7); and 25.8(16) are amended to read as follows:

25.8(4) The agency shall have written policies and procedures governing the method of handling prescription drugs and ~~over the counter nonprescription~~ drugs within the facility; no prescription or ~~narcotic~~ *narcotic drugs controlled substances* are to be allowed in the facility without the authorization of a licensed physician; medication taken by or administered to a resident shall be done according to Iowa law:

b. No prescription or ~~narcotic drugs controlled~~ *narcotic drugs controlled substance* shall be permitted in the facility that ~~are~~ *is* not in an individually labeled ~~bottle~~ *bottle container*.

25.8(7) At the time of intake, the facility staff shall discuss program goals, services available, rules governing conduct, program rules and regulations, disciplinary procedures available to staff, *client fiscal management systems*, resident responsibilities and rights and communication privileges; this is documented by employee and resident signatures.

25.8(16) The facility shall have written policies and procedures governing the searching of residents, their properties and the seizure of *contraband or evidence* pertinent to an investigation of violations of the terms and conditions of residential rules, regulations and contracts in accordance with appropriate statutory authority.

[Filed 6/5/79, effective 8/1/79]

Notice of intended action regarding these rules was published in the IAB April 4, 1979, and these rules shall become effective August 1, 1979. A change was made in item 1 to eliminate the reference to the Code which related to minors.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0329

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 239.18 of the Code, rules of the department of social services appearing in the IAC relating to aid to dependent children (chapter 41) are hereby amended.

Subrule 41.5(2) is amended to read as follows:

41.5(2) Duplication of assistance. No person whose needs are included in an aid to dependent children grant shall concurrently receive a grant under any other public assistance program administered by the department. Neither shall such person concurrently receive a grant from a public assistance program in another state. *When a child leaves the home of a specified relative, no payment for a concurrent period shall be made for the same child in the home of another relative.*

[Filed 6/5/79, effective 8/1/79]

Notice of intended action regarding this rule was published in the IAB April 4, 1979, and this rule shall become effective August 1, 1979. This rule is identical to that published in the April 4, 1979 IAB.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0330

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 249A.4 of the Code, rules of the department of social services appearing in the IAC relating to medical assistance (chapter 75) are hereby amended.

Rule 770—75.4(249A) is rescinded and the following inserted in lieu thereof.

770—75.4(249A) Right of subrogation.

75.4(1) The agency within the department of social services responsible for administration of the department's right of subrogation is the bureau of medical services. All notifications to the department required by law shall be directed to the bureau of medical services. Notification shall be considered made as of the time such notification is deposited so addressed, postage prepaid in the United States postal service system. The act of notification shall not in any way be considered to give the agreement of the commissioner or designee to any compromise under which the department would receive less than full reimbursement of the amounts it expended.

75.4(2) The department may pursue its rights to recover either directly from any third party or from any recovery obtained by or on behalf of any medical assistance recipient. A reduction for attorney fees from the full amount of the department's claim shall be allowed only where the department's recovery is obtained from the proceeds recovered by or on behalf of the recipient. The department will provide computer generated documents or claim forms describing the services for which it has paid upon request of any affected recipient or such recipient's attorney. Such documents may also be provided to a third party where necessary to establish the extent of the department's claim.

75.4(3) In those cases where appropriate notification is not given to the department or where the department's recovery rights are otherwise adversely affected by an action of the recipient or one acting on the recipient's behalf, medical assistance benefits shall be terminated. Subsequent eligibility for medical assistance benefits shall be denied until such time as an amount equal to the unrecovered claim has been reimbursed to the department or the individual produces documentation of incurred medical expense equal to the amount of the unrecovered claim. Such incurred medical expense shall not be paid by the medical assistance program.

This rule is intended to implement section 249A.6 of the Code.

[Filed 6/5/79, effective 8/1/79]

Notice of intended action regarding these rules was published in the IAB April 4, 1979, and these rules shall become effective August 1, 1979. Subrule 75.4(3) was changed to specify how long ineligibility would exist when the department's recovery rights are adversely affected.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0331

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 249A.4 of the Code, rules of the department of social services appearing in the IAC relating to intermediate care facilities (chapter 81) are hereby amended.

Subrule 81.6(11), paragraph "h", subparagraphs (4), (5), and (6), are amended to read as follows:

(4) The maximum allowed compensation for the administrator is ~~\$1,000.00~~ \$1,250.00 per month plus ~~\$15.00~~ \$13.00 per month per bed licensed capacity for each bed over sixty, not to exceed ~~\$1,666.67~~ \$1,775.00 per month.

(5) The maximum allowed compensation for an assistant administrator in facilities having a licensed capacity of one hundred fifty-one or more beds is ~~\$750.00~~ \$950.00 per month.

(6) The maximum allowed compensation for a nursing director is sixty percent of the amount allowed for the administrator, ~~but not less than \$750.00 or \$950.00~~ per month, *whichever is greater*. The nursing director shall be a licensed ~~professional~~ registered or practical nurse.

[Filed 6/5/79, effective 8/1/79]

Notice of intended action regarding these rules was published in the IAB April 4, 1979, and these rules shall become effective August 1, 1979. These rules were changed to clarify what was meant by a professional nurse.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

ARC 0332

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 217.6 and chapter 249 of the Code, rules of the department of social services appearing in the IAC relating to family-life homes (chapter 111) are hereby amended.

Subrule 111.3(7) is amended to read as follows:

111.3(7) A certified family-life home shall not be concurrently licensed as a residential care facility, intermediate care facility, child care center or a foster family home. *An exception may be made for a home to be concurrently licensed as a foster family home and certified as a family-life home in order to provide continued care for a person who was placed in the home as a foster child.*

[Filed 6/5/79, effective 8/1/79]

Notice of intended action regarding this rule was published in the IAB April 4, 1979, and this rule shall become effective August 1, 1979. This rule is identical to that published in the April 4, 1979 IAB.

[Published 6/27/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 6/27/79.

LABOR, BUREAU OF[530]

At its June 5th meeting the administrative rules review committee voted the following objection:

The committee objects to rules 530—8.5* and 8.16* on the grounds they are beyond the authority of the department. These rules are designated part of ARC 0252, appearing in Vol. 1 IAB 25 (5/16/79).

Rule 8.5 defines an employee to include an applicant for employment or an employee of someone other than the discriminator. It is the position of the committee this is an unwarranted interpretation of section 88.9(3), since employee is statutorily defined in section 88.3(5) as: "... an employee of an employer who is employed in the business of his employer." This definition rather specifically requires that a current employee/employer relationship exist and to the extent that rule 8.5 expands this definition it is beyond the authority of the department. The

objection may be overcome by amending rule 8.5(88) to read:

530—8.5(88) Persons protected by section 88.9(3). All employees are afforded the full protection of section 88.9(3). For purposes of the Act, an employee is defined as "an employee of an employer who is employed in the business of his employer."

Code section 88.9(3) mandates the commissioner to make a determination on a complaint within ninety days. The obvious intent of this provision is to insure prompt handling of complaints. Rule 8.16 provides this provision is merely "directory" in nature. Section 88.9(3) uses the word shall, which is defined in section 4.1 as imposing a duty, which is mandatory. This statutory duty may not be lessened by administrative rule and therefore rule 8.16 is beyond the authority of the department.

*See amendments filed herein [ARC 0352] intended to overcome objection.

In the Name and By the Authority of the State of Iowa

Executive Order Number 35

Whereas, the Governor's Economy Committee, established by Executive Order Number One, on August 20, 1969, proved highly successful in improving the efficiency, economy, and effectiveness of state services; and

Whereas, it is vital to the economic health and prosperity of the State of Iowa that its administrative services continue to be conducted on a sound, efficient, and economical basis and that the people of this State be assured of wise expenditure of their tax dollars; and

Whereas, leaders of business and industry of this State are volunteering assistance in performing a detailed examination of the administration of these state services and procedures of state government; and

Whereas, there has been established a non-profit organization known as the Governor's Economy Committee '79, in accordance with Chapter 504A of the 1979 Code of Iowa:

Now, Therefore, I, Robert D. Ray, Governor of the State of Iowa, do hereby authorize and empower said Committee to make such studies and analyses that they consider necessary to ascertain the means and manner by and in which the services of the State of Iowa may be afforded to its citizens in the most efficient, expeditious, and economical manner.

In Furtherance Whereof, I request every office and employee of Iowa State Government to cooperate and furnish to the said Governor's Economy Committee '79 and its representatives complete information concerning their respective departments, divisions, bureaus and boards and to give to the Committee and its agents every assistance in the performance of their duties; and

Upon The Completion Of Its Work, said Committee shall render to me a full report of its findings and recommendations as said Committee shall deem appropriate in the premises.

In Testimony Whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 7th day of June in the year of our Lord one thousand nine hundred seventy-nine.

Attest:

/s/ Robert D. Ray

Governor

/s/ Melvin D. Synhorst

Secretary of State

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