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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 Co-ordinator 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 67 GA, 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.

WAYNE A. FAUPEL, CODE EDITOR
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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, 1979, to June 30, 1980	\$52.00 plus \$1.56 tax
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Third quarter	January 1, 1980, to June 30, 1980	\$26.00 plus \$0.78 tax
Fourth quarter	April 1, 1980, to June 30, 1980	\$13.00 plus \$0.39 tax

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 Supplements are as follows:

Iowa Administrative Code - \$434.00 plus \$13.02 tax
(Price includes Volumes I through XI, five supplement binders and a one-year subscription to the Code Supplement and the Iowa Administrative Bulletin.)

Iowa Administrative Code Supplement & Bulletin - \$120.00 plus \$3.60 tax
(Subscription expires June 30, 1980.)

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

Iowa State Printing Division
Grimes State Office Building
Des Moines, IA 50319
Phone: (515) 281-6298

ARC 0642**CIVIL RIGHTS COMMISSION[240]
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 601A.5(10), and 601A.15(5) and (7), Code of Iowa, the Civil Rights Commission proposes to take action on the rules described below. The proposed action outlines the basis and procedure for postponing public hearings and deadlines for submissions in public hearings. The action is intended to speed up the process of public hearing, without affecting the due process rights of the parties to a postponement when truly necessary.

Interested persons may submit written comments or views to the Iowa Civil Rights Commission by sending or delivering them to the Commission office located on the Eighth Floor, Colony Building, 507 Tenth Street, Des Moines, Iowa 50319, no later than November 19, 1979.

Requests for oral presentation on the intended action may be made by writing to or visiting the Iowa Civil Rights Commission, Eighth Floor, Colony Building, 507 Tenth Street, Des Moines, Iowa 50319; no later than November 19, 1979.

Amend subrule 1.9(5) by adding the following paragraph "a":

a. Continuance of contested case hearings or submission deadlines in contested case hearings.

(1) Applications for continuance shall be filed without delay after the grounds therefor become known to the party or the party's counsel.

(2) A continuance may be allowed for any cause not growing out of the fault or negligence of the applicant, which satisfies the hearing officer that substantial justice will be more nearly obtained. It shall be allowed if the

parties agree and the hearing officer approves. The hearing officer is not bound by the agreement of the parties, and may modify the agreement or reject the agreement if, in the judgment of the hearing officer, justice will be more nearly served. Failure of a party to timely obtain counsel, after clear and adequate notice of the right to be represented by an attorney will not be considered grounds for a continuance to allow time to obtain counsel.

(3) All such applications based on absence of evidence, if required to be in writing, must be supported by affidavit of the party, an agent of the party, or the professional statement of the party's attorney, and must show:

1. The name and residence of the absent witness, or if unknown, that affiant has used diligence to ascertain them;

2. What efforts, constituting due diligence, have been made to obtain such witness or the testimony of such witness, and facts showing reasonable grounds to believe the testimony will be procured in the future, and stating when the witness will be available;

3. What particular facts, distinct from legal conclusions, affiant believes the witness will prove, and that he believes them to be true and knows of no other witness by whom they can be fully proved. If the hearing officer finds such motion sufficient, the adverse party may avoid the continuance by admitting that the witness if present, would testify to the facts therein stated, as the evidence of such witness.

(4) The adverse party may at once, or within such reasonable time as the hearing officer allows, file specific written objections to the application for continuance, which shall be part of the record.

(5) Oral applications for continuance will only be allowed when the other party, the agent for the other party, or the other party's attorney have been notified, and when the hearing officer is satisfied that

1. There is no time for a written application

2. The lateness of the application was not caused by undue delay or lack of diligence by the applicant. If the application for continuance is oral, the resistance may be oral, but both must be committed to writing for the record.

ARC 0641**COMMERCE COMMISSION[250]****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 State Commerce Commission hereby gives notice pursuant to section 17A.4(1), Code of Iowa, that on September 28, 1979, the Commission issued an order in Docket No. RMU-79-6, In Re: Iowa State Commerce Commission rules regarding the establishment of standards to protect soil conservation practices, structures, and drainage structures with respect to the construction of pipelines, (Order Commencing Rulemaking).

Pursuant to the authority of Senate File 447, (Sixty-eighth General Assembly, Chapter 118) the Commission intends to adopt a new chapter 9 in the Iowa Administrative Code (IAC).

New chapter 9 of 250, IAC, concerns the establishment of standards to protect soil conservation practices, structures and drainage structures which are affected as a result of the construction of pipelines.

Any person interested in this matter may file written comment on the proposed rules no later than November 16, 1979, by filing an original and five copies of such comments, substantially complying with the form prescribed in commerce commission subrule 2.2(2), IAC. Such comments shall clearly indicate the author's name and address as well as a specific reference to this docket and the rule upon which comment is submitted. All such comments shall be directed to the Executive Secretary, Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319.

This rulemaking procedure is conducted pursuant to [250] Chapter 3, IAC. The Commission has scheduled November 13, 1979, commencing at 10:00 a.m. in Hearing Room "A", Seventh Floor, 300 Fourth Street, Des Moines, Iowa, as the date, time and place for receiving oral presentations with respect to the proposed rules.

It is proposed that the following new chapter 9 of 250 IAC, be adopted.

CHAPTER 9

**PROTECTION OF UNDERGROUND
IMPROVEMENTS AND SOIL CONSERVATION
STRUCTURES AND RESTORATION OF
AGRICULTURAL LANDS AFTER PIPELINE
CONSTRUCTION**

250—9.1(68GA,Ch118) General information.

9.1(1) Authority. The standards contained herein are prescribed by the Iowa state commerce commission pursuant to authority granted to the commission in Acts of the Sixty-eighth General Assembly of the State of Iowa, chapter 118, relating to construction standards for pipelines.

9.1(2) Purpose. The purpose of this chapter is to establish standards for the protection of underground improvements during construction of pipelines, to protect soil conservation and drainage structures from being permanently damaged by pipeline construction, and to provide for the restoration of agricultural lands after pipeline construction.

9.1(3) Definitions. The following words and terms, when used in these rules, shall have the meanings indicated below:

a. "Agricultural land" shall mean:

- (1) Land which is presently under cultivation, or
- (2) Land which has previously been cultivated, or
- (3) Cleared land capable of being cultivated.

b. "Drainage structures" or "underground improvements" means any permanent structure used for draining agricultural lands including drain tile systems and buried terrace outlets.

c. "Pipeline" means any pipe, pipes or pipelines used for the transportation or transmission of any solid, liquid or gaseous substance, except water.

d. "Pipeline company": Any person, firm, copartnership, association, corporation or syndicate engaged in or organized for the purpose of owning, operating or controlling pipelines.

e. "Pipeline construction" shall refer to scheduled new construction and shall not include normal maintenance or emergency construction.

f. "Soil conservation practices" means any land conservation practice recognized by the soil conservation service including grassed waterways, renovated pasture and hay land planting.

g. "Soil conservation structures" means any permanent structure recognized by the soil conservation service including toe walls, drop inlets, grade control works, terraces, levees, and farm ponds.

h. "Topsoil" means the uppermost part of the soil, frequently designated as the plow layer, the Ap layer, or the Ap horizon, which is ordinarily moved in tillage, or its equivalent in uncultivated soils, and ranging in depth from three to twelve inches.

250—9.2(68GA,Ch118) Protection of underground improvements.

9.2(1) Existing drain tile.

a. Pipeline clearance from drain tile. Where underground drain tile is encountered, the pipeline shall be installed in such manner as to clear such tile line at its existing grade and in accordance with Drawing No. ISCC-PL1.

b. Temporary repair. Any underground drain tile damaged, cut or removed shall be temporarily repaired and maintained as necessary to allow for its proper function during construction of the pipeline.

c. Marking. Any underground drain tile damaged, cut or removed shall be marked by placing a highly visible flag in the trench spoil bank directly opposite such tile. This marker shall not be removed until the tile has been repaired by the permanent tile repair crew and such repairs have been approved and accepted.

d. Permanent repairs. Permanent repair and replacement of damaged drain tile shall be performed in accordance with the following requirements:

(1) All broken or cracked tile shall be removed.

(2) Only unobstructed tile shall be used for replacement.

(3) Tile furnished for replacement purposes shall be of a quality and size at least equal to that of the tile being replaced.

(4) Tile shall be replaced so that its original gradient and alignment are restored, except where relocation and rerouting has been requested by the company and has been approved by the landowner or his authorized agent.

(5) Channels or rigid pipe shall be placed so as to adequately support and align the replacement structure in accordance with Drawing No. ISCC-PL1.

COMMERCE COMMISSION[250] (cont'd)

e. Inspection. Prior to backfilling of the applicable trench, permanent tile repairs shall be inspected for compliance by the county inspector.

f. Backfilling. The backfill within twelve inches surrounding the permanently repaired drain tile shall be placed by hand to assure proper alignment.

9.2(2) Future drain tile. At locations where the proposed installation of underground drain tile is made known in writing to the company prior to securing of an easement on the property, and has been defined by a qualified technician, the pipeline shall be installed at a depth which will permit proper clearance between the pipeline and the proposed tile installation. The commission shall read this rule at informational meetings conducted pursuant to section 479.5 of the Code.

250—9.3(68GA,Ch118) Protection of soil conservation practices and structures.

9.3(1) Existing practices and structures. Existing practices and structures damaged by the construction of a pipeline shall be restored to the line and grade existing at the time of pipeline construction.

a. Disturbed vegetation shall be re-established.

b. Restoration of terraces shall be in accordance with Drawing No. ISCC-PL2.

c. Such restoration shall be inspected for compliance by the county inspector.

9.3(2) Future practices and structures. At locations where the proposed installation of soil conservation practices and structures is made known in writing to the company prior to the securing of an easement on the property, and has been defined by a qualified technician, the pipeline shall be installed at a depth which will allow for future installation of such soil conservation practices and structures, and retain the integrity of the pipeline. The commission shall read this rule at informational meetings conducted pursuant to section 479.5 of the Code.

250—9.4(68GA,Ch118) Restoration of agricultural lands.

9.4(1) Separation of topsoil.

a. Removal. The existing topsoil shall be removed separately for the full width of the pipe trench to a maximum depth of twelve inches and shall be conserved during subsequent construction operations.

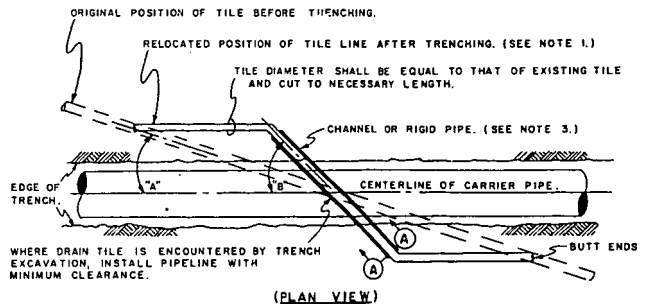
b. Backfill. The topsoil shall be replaced so the upper portion of the trench and the crowned surface shall contain only the topsoil originally removed.

9.4(2) Removal of rock.

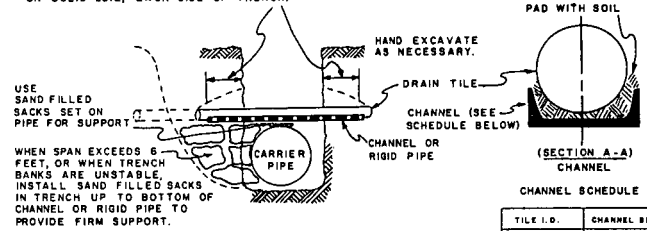
a. The topsoil, when backfilled, shall be free of all rock and debris not native to the topsoil prior to excavation, except where otherwise provided in the easement.

b. Rock which cannot remain in the backfill according to 9.4(2)"a" shall be disposed of at locations and in a manner mutually satisfactory to the company and the landowner or his authorized agent.

RESTORATION OF DRAIN TILE



2"0" MINIMUM LENGTH OF CHANNEL OR RIGID PIPE SUPPORT ON SOLID SOIL, EACH SIDE OF TRENCH.

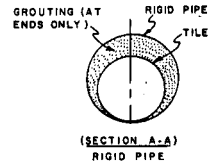


(METHOD OF SUPPORT -- ELEVATION)

TILE I.D.	CHANNEL SIZE
3"	4" AT 2.4 #
4"-6"	5" AT 2.7 #
6"-8"	7" AT 3.8 #
10" & LARGER	10" AT 18.5 #

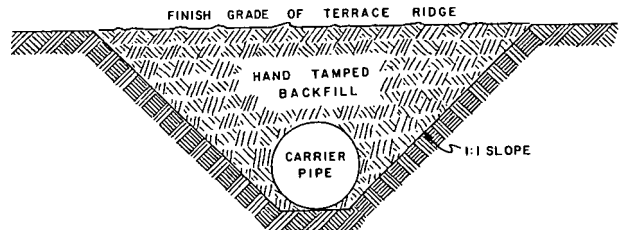
NOTES:

- TILE SHALL BE RELOCATED AS SHOWN WHEN ANGLE "A" BETWEEN PIPELINE AND ORIGINAL TILE IS LESS THAN 20° UNLESS REQUESTED OTHERWISE BY LANDOWNER. ANGLE "B" SHALL BE 45° FOR USUAL WIDTHS OF TRENCH. FOR EXTRA WIDTHS, IT MAY BE GREATER. DIAMETER OF RIGID PIPE SHALL BE OF ADEQUATE SIZE TO ALLOW FOR GROUTING BETWEEN THE TILE AND RIGID PIPE.



ISCC PL-1

RESTORATION OF TERRACE



ISCC PL-2

ARC 0637

ENVIRONMENTAL QUALITY[400]

AIR QUALITY COMMISSION

NOTICE OF TERMINATION

The Air Quality Commission gives notice of withdrawal on a Notice of Intended Action that concerned a proposed rule that was published in the Iowa Administrative Bulletin on March 7, 1979. The proposed rule related to monitoring of opacity from coal-fired steam generating units, rule 400—7.1(455B) IAC, as proposed.

ARC 0629

HEALTH DEPARTMENT[470]

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 135.11(15) of the Code, the state Department of Health proposes to amend the rules for local boards of health found in chapter 77 IAC 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., November 9, 1979, to Dr. Ronald Eckhoff, Division of Community Health, Iowa State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319.

ITEM 1. Subrule 77.1(2) is amended to read as follows:

77.1(2) Meetings of local board of health. The place, date and time of regular meetings of the local board of health shall be determined by vote of the board, and shall be published in a newspaper of general circulation in the area in which the local board has jurisdiction. ~~comply with the provisions of the open meetings law which is found in chapter 28A of the Code.~~

a. Each local board of health shall meet at least four times yearly.

b. Special meetings of the board may be called as needed by the chairman, or by any three board members. At least twenty-four hours' notice shall be given of special meetings, except in case of emergency.

ITEM 2. Subrule 77.2(2) is amended to read as follows:

77.2(2) An annual report of expenditures for the previous calendar year, to be submitted on forms provided by the state department of health, which shall be submitted ~~prior to March 15, 1969, and each year thereafter, within thirty days of the close of the county fiscal year.~~

ITEM 3. Amend subrule 77.3(1), paragraph "a" to read as follows:

a. Reimbursement for travel in private car on board of health business at a rate not to exceed ten cents per mile. ~~the same rate as provided for a public officer or employee in section 79.9 of the Code.~~

These rules are intended to implement section 135.11(15) of the Code.

ARC 0630

HEALTH DEPARTMENT[470]

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 144.3 of the Code, the state Department of Health proposes to amend the rules relating to vital statistics found in chapter 96 IAC as follows.

Any person, governmental agency or association may submit written comments concerning the proposed amendment to Peter J. Fox, Hearing Officer, Iowa State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319 not later than 4:30 p.m., November 9, 1979.

Rule 96.1(144) is amended to read as follows:

470—96.1(144) Specification. The state registrar may require that a person requesting a copy of a vital record, examination, or search for a vital record specify in writing the name of the person whose vital records are to be copied, examined, or searched; the purpose of such request; *the relationship of the person making the request to the registrant;* and the signature and address of the person making the request.

This amendment is intended to implement section 144.43 of the Code.

NOTICE — USURY

In accordance with the provisions of Acts of the Sixty-eighth General Assembly, First Session 1979, Chapter 130, the superintendent of banking has determined that the maximum lawful rate of interest provided for in section 535.2 of the Code of Iowa, as amended, shall be:

July 30, 1978 - September 30, 1978	10.25%
October 1, 1978 - December 31, 1978	10.50%
January 1, 1979 - March 31, 1979	10.75%
April 1, 1979 - April 30, 1979	11.00%
May 1, 1979 - May 31, 1979	11.00%
June 1, 1979 - June 30, 1979	11.25%
July 1, 1979 - July 31, 1979	11.25%
August 1, 1979 - August 31, 1979	11.00%
September 1, 1979 - September 30, 1979	11.00%
October 1, 1979 - October 31, 1979	11.00%

ARC 0626

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

Pursuant to the authority of sections 147.76 and 153.33(5) of the Code, rules of the board of dental examiners appearing in the Iowa Administrative Code are amended as follows:

Rescind Chapter 50.

[Filed emergency 9/19/79, effective 9/19/79]

The board of dental examiners finds that notice and public participation is unnecessary and contrary to the public interest under section 17A.4(2) of the Code. It is unnecessary since the board adopted rules on discipline (Chapter 30) effective June 6, 1979, after notice and public comment but inadvertently failed to repeal the old rules in this chapter. Notice and public participation are contrary to the public interest in this instance as it would allow two conflicting chapters to remain in effect.

The board of dental examiners also finds that the repeal of Chapter 50 should become effective immediately upon filing with the administrative rules co-ordinator as provided by section 17A.5(2)"b"(2) of the Code, because the board finds it confers a substantial benefit on the public to eliminate the old rules as they do not meet the current requirements of the law and they are in conflict with the new rules which do meet the requirement.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0621

EXECUTIVE COUNCIL[420]

Pursuant to the authority of sections 17A.3 and 17A.22, of the Code, the Executive Council hereby adopts the following emergency rules relating to administration of a contingent fund for emergency loans and grants to relieve disaster emergencies.

In so doing, the council pursuant to section 17A.4(2), finds good cause exists to waive public participation in this rulemaking as it is impracticable to expeditiously implement Acts of the Sixty-eighth General Assembly, first session, chapter 3, sections 15 and 16, through normal rulemaking and to confer benefits intended by the general assembly upon the citizens of this state in a timely fashion. Also, these rules are deemed necessary to administer the provisions of section 29C.20 and the council finds an emergency exists in that applications for loans are pending for consideration upon the effective date of these rules.

These rules shall become effective immediately upon filing as provided by section 17A.5(2)"b"(2).

This is intended to implement Acts of the Sixty-eighth General Assembly, first session, chapter 3, sections 15 and 16, and section 29C.20, Code of Iowa.

CHAPTER 15

DISASTER CONTINGENCY FUND

420—15.1(17A,29C) Purpose. The purpose of these rules is to enumerate policies, responsibilities, and procedures adopted by the executive council of the state of Iowa in order to provide guidance for state officials who are responsible for administering the state disaster contingency fund following a declared disaster.

420—15.2(17A,29C) Definitions.

15.2(1) "Act" means chapter 29C of the Code of Iowa.

15.2(2) "Disaster" means manmade catastrophes and natural occurrences such as fire, flood, earthquake, tornado, windstorm, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property.

15.2(3) "Disaster area" means an area in which the governor determines natural disasters or potential disasters will cause immediate financial inability to meet the continuing requirements of local government on the part of government subdivisions therein.

15.2(4) "Governmental subdivisions of the state" means any political subdivision of this state (29C.20(5)).

15.2(5) "Normal expenditures" are expenditures or obligations required for usual and recurring costs in connection with firefighting, snow removal, street, road, and bridge maintenance, insect control, and other expectable public safety, maintenance, or operating measures.

15.2(6) "Over and above normal expenditures" are those necessary for disaster relief purposes which have not been regularly incurred or budgeted, but must be met from normally budgeted funds, including those established for emergency disaster relief, or by reapportionment of funds budgeted for other purposes.

15.2(7) "State co-ordinating officer" is the individual appointed by the governor to co-ordinate state assistance in a disaster or an emergency.

420—15.3(17A,29C). Policy. It is the policy of the state of Iowa to maintain an organization and procedures for providing supplemental assistance by the state to governmental subdivisions in the achievement of improved

EXECUTIVE COUNCIL[420] (cont'd)

disaster readiness and capability to recover from the effects of a disaster. It is the policy of the state to encourage and offer guidance to governmental subdivisions in the achievement of improved disaster readiness and capability to recover from the effects of such disasters.

420—15.4(17A,29C) Program responsibilities.

15.4(1) Governor. The governor may declare a disaster area in accordance with 29C.6 of the Code and appoint a SCO, designate adequate staff support, and provide for a budget and allocate funds to administer the Act.

15.4(2) Executive council actions. The executive council will:

a. Decide if aid is justified by the application and showing, and if so, the amount of the loan(s) or grant(s) to be made.

b. Develop and publish the form and procedures for applying for disaster loans and grants, and issue rules describing the administration of the state disaster contingency fund.

c. Designate and instruct appropriate state departments and agencies to assist the SCO in the administration of the state disaster contingency fund by loan or use of personnel, equipment and facilities.

15.4(3) State co-ordinating officer actions. The state co-ordinating officer will:

a. Prepare and maintain current rules for issuance by the executive council, providing for the administration of the state disaster contingency fund.

b. Inspect or co-ordinate the inspection of disaster areas and recommend concerning declaration of disaster areas to the governor. Recommend concerning disaster loans and grants to the executive council.

c. Co-ordinate, as necessary, actions by other departments and agencies necessary to the administration of the state disaster contingency fund.

d. Report annually to the governor and the executive council on activities in connection with administration of the state disaster contingency fund including, but not limited to: A description of each disaster of a magnitude sufficient to warrant recommendations to the governor and executive council. Such description to include the kind and scope of the disaster and the disposition of government subdivision applications for loans and grants, and total of loan and grant approvals to date.

15.4(4) State comptroller actions. The state comptroller will execute loans and grants in the amounts, and as scheduled, to government subdivisions as approved by the executive council and maintain appropriate accounts.

15.4(5) State auditor actions. The auditor will audit the accounts of government subdivisions to insure that loans and grants have been applied in accordance with determined eligibility and will make an audit report to the executive council.

15.4(6) Government subdivisions actions. In order to conform to the provisions of the state disaster assistance Act governmental subdivisions will:

a. Make every effort to avert and recover from the disaster with their own resources.

b. If necessary, file an application for a disaster loan or grant.

c. Maintain detailed accounts of disaster expenses.

d. Initiate action to implement annual emergency levy as authorized by sections 24.6 and 384.8 of the Code in order to expedite repayment of loan.

420—15.5(17A,29C) Eligibility for state disaster loans and grants.

15.5(1) Loans. To be eligible for disaster loans, a governmental subdivision must have potential or actual expenditures for disaster caused local government expenses amounting to at least \$6.00 for each person (population last U.S. census or official school district census) in the governmental subdivision. Disaster loans can be applied to the following or similar examples of eligible local government items of work: Flood fighting, rescue, debris clearance, safety, health and sanitation measures. Also repair or replacement (without improvement of the original facility) of roads, streets, bridges, dikes, levees, and drainage facilities, public utilities and buildings and equipment.

15.5(2) Grants. To be eligible for a grant, a governmental subdivision must have sustained a loss of fifty percent or more of its income required to sustain its annual operating budget because of destruction of the taxable or revenue producing property due to a natural disaster. The amount of the financial grant shall not exceed fifty percent of the operating budget or twenty-five thousand dollars for a fiscal year. Disaster grants will be utilized for operating expenditures and cannot be utilized for long-term capital improvements, except in those cases where they are a scheduled part of the annual operating budget.

420—15.6(17A,29C) Forms.

15.6(1) Form SDA-1 "Certified True Copy of Resolution of Governing Body"

15.6(2) Form SDA-2 "Certificate by Applying Official"

15.6(3) Form SDA-3 "Application for Supplemental State Disaster Aid"

15.6(4) Form SDA-4 "Report and Recommendation of the State Co-ordinating Officer"

420—15.7(17A,29C) Procedures.

15.7(1) Action by the governor. After considering information furnished by the government subdivisions involved, the recommendation of the director of the state office of disaster services, and his own findings, the governor will decide whether a disaster is to be declared and make the necessary announcement.

15.7(2) Action to be initiated by governmental subdivisions.

a. Upon the declaration of a disaster by the governor of an area including a governmental subdivision which, in the opinion of appropriate authorities, constitutes or may constitute a disaster justifying supplemental state financial assistance, under the state disaster Act, a request for such assistance will be directed to the executive council through the state co-ordinating officer.

b. The initial request for a loan shall be in the form of a letter briefly describing the disaster, or impending disaster, including a statement of expenditures, over and above normal, by the governmental subdivision concerned, for meeting the disaster or for mitigating the impact of an impending disaster.

c. The initial request for a grant shall be in the form of a letter describing the disaster, or impending disaster, including a statement concerning the projected loss of operating income suffered as a result of the disaster.

d. The letter request will be accompanied by Form SDA-1, "Certified True Copy of Resolution of Governing Body" which will constitute evidence of the authority of

EXECUTIVE COUNCIL[420] (cont'd)

the requesting public official to represent the governmental subdivision concerned, Form SDA-2, "Certification of Requesting Public Official" and Form SDA-3, "Application for Supplemental State Disaster Aid".

e. Co-operation with and assistance to investigative officials. Governmental subdivision officials, and records, will be made available to the investigative official representing the SCO, for interview and examination.

15.7(3) Action by state co-ordinating officer.

a. The SCO, upon receipt of an initial request for assistance supported by Form SDA-1, Form SDA-2, and Form SDA-3, will immediately advise the governor and the secretary of the executive council of such request and will furnish copies of all accompanying documents.

b. Following the declaration of a disaster area by the governor, the SCO will designate an investigative official who will be directed to proceed to the site of the disaster area and conduct interviews and investigation as provided in his instructions.

c. The SCO, following a report by the investigative official, will submit a recommendation to the executive council as to eligibility and entitlement of the requesting governmental subdivision on Form SDA-4.

15.7(4) Action by the executive council.

a. After the governor has declared a disaster area, the executive council will consider the information furnished by the governmental subdivisions requesting loans and grants, the report and recommendation of the SCO, and decide which of the governmental subdivisions are eligible, and if so, the amount and terms reflecting approved eligibility.

b. In the event the aggregate total of established entitlement for loans and grants exceeds the funds available under the Act, the executive council may apportion the funds available on a pro rata basis among the eligible applicants. The executive council may then request the next general assembly to appropriate funds for the balance.

15.7(5) Actions by the state comptroller. Upon a determination of eligibility and entitlement, the state comptroller will be directed to make the necessary funds available to the requesting governmental subdivision for application in accordance with the provisions of the Act and other provisions of the law.

15.7(6) Actions by the state auditor. Upon granting of a loan or grant in accordance with the provisions of the Act, as implemented by this rule, the auditor of state will be directed to review the manner of application of the proceeds of the loan or grant, in accordance with the provisions of the Act, and the manner of repayment of such loan in accordance with the provisions of the Act and other provisions of the law.

This rule is intended to implement section 29C.20 of the Code.

[Filed emergency 9/17/79, effective 9/17/79]

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0632**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of section 294 A.4 of the Code, the following rules are adopted.

TITLE VIII
MEDICAL ASSISTANCE

CHAPTER 85
INPATIENT PSYCHIATRIC SERVICES FOR
INDIVIDUALS AGE 65 AND OVER AND UNDER
AGE 21

770—85.1(249A) Inpatient psychiatric facility.

85.1(1) With respect to individuals age sixty-five and over, an inpatient psychiatric facility is an establishment that is licensed pursuant to health department rule 470—51.33(135B) in Iowa or another state to provide inpatient psychiatric care and is certified to participate in the Medicare program.

85.1(2) With respect to individuals under age twenty-one, inpatient psychiatric services shall be provided by a psychiatric facility licensed pursuant to health department rule 470—51.33(135B) or an inpatient program in such a psychiatric facility, either of which is accredited by the joint commission on the accreditation of hospitals.

770—85.2(249A) Eligibility of individuals under age twenty-one.

85.2(1) Age. The individual shall be under twenty-one years of age. When treatment in the facility is provided immediately preceding the individual's twenty-first birthday, coverage continues to be available until the twenty-second birthday or until service is no longer required, whichever is earlier.

85.2(2) Period of eligibility. The individual is considered to be an inpatient until unconditionally discharged or, if earlier, attains age twenty-two as specified in 85.2(1). Coverage extends until the last day of the month of the discharge or the twenty-second birthday. While on inpatient status the eligible individual is entitled to the full scope of medical assistance benefits.

85.2(3) Certification of need for care. An independent team shall certify that inpatient services can be reasonably expected to improve the individual's condition or prevent further regression so that ongoing inpatient services eventually will no longer be required, and that outpatient services are not presently a viable alternative.

a. The preadmission evaluation shall be performed within forty-five days prior to the proposed date for admission to the facility.

(1) The preadmission evaluation should be performed by a community mental health center in those localities where this service is available. Otherwise, the evaluation should be performed by a team consisting of a physician and a social worker who may be from the local office of the department of social services.

(2) The evaluation shall be submitted to the institution indicated on or prior to the date of the patient's admission.

b. For emergency admissions, a certification shall be provided by the interdisciplinary team defined in 85.7(3), responsible for the plan within fourteen days after admission.

c. When an individual makes application subsequent to admission, a certification by the team responsible for

care shall be provided and cover any period prior to application for which claims are to be made.

85.2(4) Financial eligibility for individuals under age twenty-one. The aid to dependent children program income and resource standards applicable to the size of the individual's family shall be considered in determining financial eligibility. When the individual is unmarried and living with a parent or parents, the total income and resources of the family unit shall be considered in determining financial eligibility of the individual in the institution. This consideration continues until the individual reaches age twenty-one so long as the individual continues to reside with the parent or parents. In other situations, income and resources shall be considered subject to the following conditions:

a. When the individual is unmarried and in an independent living arrangement or nonparental living arrangement, only income and resources attributable to the individual are considered available in determining financial eligibility.

b. When the individual is married, regardless of living arrangement, the aid to dependent children income and resource standards applicable to the size of the individual's family shall be considered in determining financial eligibility. This standard also applies when the individual is separated from spouse and dependents, but responsible for their support.

770—85.3(249A) Eligibility of individuals age sixty-five and over. Individuals shall meet the financial eligibility requirements set forth in the department's subrule 75.1(4).

770—85.4(249A) Client participation.

85.4(1) Individuals under age twenty-one.

a. When an individual is unmarried and entered the institution from a nonparental or independent living arrangement and has income of such individual's own, then all monthly income in excess of \$25.00 per month for personal requirements and after disregards applicable in the aid to dependent children program shall be applied against the cost of care in the institution. Income of the individual's parents or other family members will not be considered in determining the amount of client participation.

b. A married individual or an unmarried individual who enters the institution from a parental home is not required to contribute to the cost of care in the institution.

85.4(2) Individuals age sixty-five and over. Client participation in the cost of care will be determined in accordance with rule 770—75.5(249A).

770—85.5(249A) Responsibilities of hospitals.

85.5(1) Maintenance of records. Each hospital shall maintain medical records that meet the standards of the joint commission of accreditation of hospitals. Such records shall clearly indicate that the patient is involved in an active treatment program that has as its goal the return of the patient to a higher level of social and emotional functioning. The record shall be comprehensive in all areas and contain a treatment plan for each patient. The treatment plan shall be based upon the assessment of the patient's fundamental needs.

a. There shall be documentation that a physical examination is done within twenty-four hours after admission.

b. There shall be documentation that there is an assessment procedure for early detection of mental health problems that are life-threatening or indicative of severe

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personality disorganization or deterioration. The psychiatric evaluation shall include, but is not limited to the following items:

- (1) History of psychological problem areas.
- (2) Family history.
- (3) Previous psychiatric treatment.
- (4) Direct psychological observations and behavioral appraisal.

(5) When indicated, intellectual, projective, and personality testing.

(6) When indicated, evaluation of language, cognition, self-help, and social-effective and visual motor functioning.

c. In child and adolescent programs, the psychiatric evaluation shall also include an assessment of the developmental/chronological age of the patient, including, but not limited to, the following areas:

(1) A developmental history from the prenatal period to the present.

- (2) The rate of progress.
- (3) Developmental milestones.
- (4) Developmental problems.

(5) An evaluation of the patient's strengths as well as problems.

(6) An assessment of the patient's developmental needs appropriate to the patient's age which shall include a detailed appraisal of peer and group relationships.

d. There shall be a social assessment which includes information relating to the following areas:

- (1) Environment and home.
- (2) Religion.
- (3) Childhood history.
- (4) Military service history.
- (5) Financial status.
- (6) Drug and alcohol usage among other members of the family or household.

(7) Evaluation of the patient's family circumstances, including the constellation of the family group, the current living situation, and all social, religious, ethnic, cultural, financial, emotional, and health factors.

(8) Evaluation of the expectations of the family regarding the patient's treatment, the degree to which they expect to be involved, and their expectations regarding the length of time and type of treatment required.

e. The complete physical examination, psychiatric evaluation, and social assessment shall be done as soon as possible, but in no case later than thirty days after payments are initiated for care provided.

f. Progress shall be reviewed regularly at multidisciplinary case conferences that are oriented toward evaluation of the individual patient's treatment plan as well as evaluation of the patient's progress in meeting the stated treatment goals. Results of these reviews shall be entered in the patient's record. Progress notes shall be entered in the patient's record and include the following:

- (1) Chronological documentation of the patient's clinical course.
- (2) Documentation of all treatment rendered to the patient.
- (3) Documentation of the implementation of the treatment plan.
- (4) Descriptions of each change in each of the patient's conditions.
- (5) Descriptions of responses to and outcomes of treatment.
- (6) Descriptions of the responses of the patient, patient's family, or significant intercurrent events.

g. The review of the treatment plan shall be done at least quarterly and shall clearly indicate:

(1) That all appropriate measures are being used for the treatment of the patient, and

(2) That continued treatment in the hospital is necessary.

h. The review shall be a substantive evaluation which clearly documents the care, treatment, and progress of the patient.

i. There shall be a plan for meeting the current personal, financial, and social needs of the patient and for handling and protecting the funds and other resources of the patient. This should be done in co-operation with other community agencies.

85.5(2) Social work services. Social work services shall be provided to:

a. Maintain patients at or restore them to the greatest possible degree of health and independent functioning, including provision of medical and social history to assist in diagnosis and treatment plans.

b. Assist patients in having and using effectively the institutional treatment and rehabilitative resources available in the community that are necessary for health improvement and recovery, specifically in carrying out the plan of treatment.

c. Encourage the development and maintenance of family and community interests and ties, and maximum independence in the management of the patient's affairs.

d. Where indicated, assist patients in planning for and returning home or to other alternate care, and in evaluating need and arranging for guardianship.

85.5(3) Comprehensive plan for aftercare. A comprehensive plan for aftercare shall be prepared for each patient. The plan shall reflect a full utilization of appropriate community resources. Discharge planning should begin soon after the admission of the patient to the hospital.

a. Discharge planning and aftercare services shall be made in co-operation with and closely co-ordinated with other community services.

b. After receiving the necessary consents for release of information, the hospital shall supply appropriate clinical information to the referral agencies.

770—85.6(249A) Responsibility of department for alternate care arrangements.

85.6(1) Development of resources. The division of mental health resources and the division of community programs shall work together in developing and extending existing alternate care resources to assure the availability of appropriate and suitably located resources. These resources shall be utilized by persons released from the psychiatric facility and those who otherwise would need care in such institutions.

85.6(2) Type of resources. Alternate care resources include care in the patient's own or a relative's home with necessary supportive services, particularly homemaker services; foster family care; nursing homes; county care facilities; halfway houses; day care centers; mental health centers; psychiatrists in private practice; and other programs providing less than total hospitalization.

85.6(3) Responsibility of participating facilities. Each hospital, working in co-operation with local agencies, shall be assisted by the department in locating alternate care resources and appropriate alternate methods of care.

85.6(4) Social services. Patients discharged from a psychiatric facility or those in need of alternate care

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arrangement who otherwise would be cared for in such facilities shall have access to an array of necessary social services. These services shall include:

a. Counseling and other assistance, including protective services, to assist persons:

(1) To understand and carry out the hospital's recommendation for continuing care and services.

(2) To plan for and select the alternate care arrangements most appropriate to the patient's physical, emotional, social, and personal needs. As much as possible, the individual shall have the right of free choice.

(3) To live outside the hospital. To assist the individual, the hospital shall share necessary information and recommendations with appropriate people involved in the patient's continued care.

(4) To secure and use appropriate community services.

(5) To develop or maintain family and community ties and to participate in community activities.

(6) To secure needed medical care.

(7) To arrange for transfer to another type of alternate care or return to the psychiatric hospital, when necessary.

b. Homemaker services when needed to assist aged persons to live in their own or a relative's home as an alternate care arrangement.

c. Foster family care for those persons who need a family environment which cannot be provided in their own homes.

770—85.7(249A) Additional requirements for individuals under age twenty-one.

85.7(1) Active treatment. Inpatient psychiatric services shall involve active treatment. Active treatment means implementation of a professionally developed and supervised individual plan of care that is developed and implemented by an interdisciplinary team no later than fourteen days after admission and is designed to achieve the recipient's discharge from inpatient status at the earliest possible time.

85.7(2) Individual plan of care. An individual plan of care is a written plan developed for each recipient by an interdisciplinary team to improve the recipient's condition to the extent that inpatient care is no longer necessary. The plan shall meet the requirements of 85.5(1) and (2).

85.7(3) Interdisciplinary team. The team shall include as a minimum either a board-eligible or board-certified psychiatrist or a clinical psychologist who has a doctoral degree, a physician licensed to practice medicine or osteopathy, and one of the following:

a. A psychiatric social worker.

b. A registered nurse with specialized training or one year's experience in treating mentally ill individuals.

c. An occupational therapist who is licensed and who has specialized training or one year of experience in treating mentally ill individuals.

d. A psychologist who has a master's degree in clinical psychology or has been licensed in the State of Iowa.

770—85.8(249) Date of approval. The effective date of approval shall be determined in accordance with rule 770—76.5(249A), but shall be no earlier than July 1, 1979.

[Filed emergency after notice 9/27/79, effective 9/27/79]

Notice of intended action regarding these rules was published in the IAB July 11, 1979. These rules are specific provisions of the subject matter noticed.

The department of social services finds that these rules confer a benefit on the public by enabling the state to claim federal matching dollars. By making the rules effective before the end of September, federal match can be claimed for the entire quarter of July through September and will earn approximately \$300,000 in federal participation for the three-month period. Therefore, these rules shall become effective immediately upon filing as provided in section 17A.5(2)"b"(2) of the Code.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0627**TRANSPORTATION
DEPARTMENT[820]****07 MOTOR VEHICLE DIVISION**

Pursuant to the authority of section 307.10 of the Code, rules 820—[07,F] chapter 2 entitled "Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight" are hereby amended.

Rescind all of subrule 2.3(4) including all paragraphs and subparagraphs and insert in lieu thereof the following:

2.3(4) There is presently a special or emergency condition for Iowa due to the anticipated shortage of transportation, agricultural and home heating fuel. The Iowa energy policy council predicts a near-term seven percent shortfall of middle distillate (including diesel) fuels with the possibility of a more severe shortfall in the long-term. The long-term shortfall possibilities are based on the consideration that the United States department of energy is running at least seven percent short of their desired goal of stockpiling a minimum amount of home heating fuel for the coming winter months and only thirty percent of the diesel fuel required for Iowa's fall agricultural harvest is presently available on Iowa farms.

Additionally, many operational problems are developing in the railroad sector of transportation in the form of two major railroad line bankruptcies, a current shut-down of one of these lines due to labor difficulties, and the outlook for a severe shortfall in railcar availability during the coming harvest season.

In recognition of these special or emergency conditions and considering that reduced highway wear is anticipated in the fall and winter months in view of better roadway soil conditions, the Iowa department of transportation shall issue special emergency overweight permits to commercial vehicles.

The following procedures shall be followed in obtaining and using these permits:

a. Applications may be obtained from the Office of Operating Authority, 300 Fourth Street, Des Moines, Iowa 50319; 515/281-5664. Upon receipt of a completed application and correct fees, operating authority shall issue the appropriate permits.

b. The original permits shall be carried in the vehicle and made available for inspection to any peace officer. The permits shall not be transferable between individual vehicles.

c. No permit shall authorize loads exceeding 80,000 pounds combined gross weight, 20,000 pounds single axle weight or 34,000 pounds tandem axle weight. The maximum allowable length for any vehicle shall be as provided in section 321.457 of the Code. The federal modified bridge law (23 USC 127) shall apply.

d. Permits shall be revoked for vehicles in violation of any condition or provision of the permit, including axle weight, gross weight, speed, embargoes or length. Any person whose permit has been revoked may request a hearing before an appointed hearing officer of the department of transportation. Such hearing request shall be directed in writing to the director of the office of operating authority within ten days of the revocation of the permit. Individual permits that have been revoked may be reapplied for thirty days following the revocation of the original permit.

e. Additional special permit insurance requirements pursuant to section 321E.13 of the Code are waived.

f. Individual permit fees shall be:

(1) \$70 for the privilege of operating at higher axle load limits; and

(2) Consistent with the fee schedule established in section 321.122 of the Code for registration weight; and

(3) For permits purchased after October 26, 1979, one-half of the amounts called for under (1) and (2) above.

g. The permits shall be valid on a twenty-four hour a day basis for the period beginning September 18 and extending through December 31, 1979.

h. Holders of existing special or emergency overweight and overlength permits issued since August 14, 1979, shall:

(1) Comply with the fifty-five-foot truck-tractor semi-trailer length limitation by September 30, 1979, and

(2) Be afforded the opportunity of canceling their presently held permits, and shall be eligible for a pro rata refund of two-thirds of their permit fee if said permit is received in the office of operating authority on or before September 30, 1979, and is accompanied by a request for refund; and

(3) Be notified of these provisions.

[Filed emergency 9/20/79, effective 9/20/79]

These rules were adopted on September 18, 1979, by the transportation commission and shall become effective on September 20, 1979, upon filing with the administrative rules co-ordinator. These rules are filed in reliance upon the provisions of 17A.4(2), 17A.5(2)"b"(2), and 321E.15 of the Code for the reasons as stated below.

The department has given notice and held a hearing on these rules in compliance with 321E.15 of the Code. Notice of the hearing was sent by Mailgram on September 11 and September 12 to all the cities and counties of Iowa, the Independent Trucking Association, the Iowa Motor Truck Association, the Iowa Better Trucking Association, the AAA Motor Club of Iowa, and the Iowa Farm Bureau. A public notice of the hearing was published in the major newspapers in Iowa, and a news release regarding the hearing was distributed to the news media. A hearing on these rules was held on September 17, 1979. The department finds that further notice and public participation, as required by 17A.4(1) of the Code, is unnecessary in that the department has afforded the public the opportunity to participate through the notice and hearing requirements of 321E.15.

The department finds that it would be contrary to the public interest to delay implementation of these rules because a special or emergency condition presently exists in Iowa due to the anticipated shortage of transportation, agricultural, and home heating fuels. Additionally, many operational problems are developing in the railroad sector of transportation which will adversely affect the ability to transport this year's grain harvest. These rules will markedly assist in the movement of agricultural products, conserve diesel fuel, allow for the diversion of transportation fuel for use in the crop harvest and replenishment of home heating fuels, and, generally, expand the capacity of the transportation system.

These rules are considered to confer a benefit on the public because they will assist in ameliorating the special or emergency condition described in the preceding paragraph.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0628

COLLEGE AID COMMISSION[245]

Pursuant to the authority of section 261.26 of the Code of Iowa the Iowa College Aid Commission amends the following rules, which are intended to implement Acts of the Sixty-eighth General Assembly, chapter 13.

ITEM 1. Amend the title to chapter 8 as follows:

OPTOMETRIC AND *PODIATRIC* TRAINING PROGRAM

ITEM 2. Amend catchwords of rule 8.1(261) as follows:
245—8.1(261) *Two state-supported program programs to ensure admission of Iowa residents to optometric and podiatric training through contracts with accredited colleges of optometry and podiatry.*

ITEM 3. Amend subrule 8.1(2) as follows:

8.1(2) Contracts. Contracts with colleges of optometry and podiatry shall be renegotiated annually by the commission, subject to the availability of appropriated funds.

ITEM 4. Amend subrule 8.1(3), paragraph "b" as follows:

b. Two weeks after the beginning of the academic year, the college will submit to the commission a list of names by class of Iowa residents who are officially enrolled in the optometric and podiatric degree program programs respectively.

[Filed 9/20/79, effective 11/21/79]

Notice of intended action regarding these rules was published July 25, 1979. These rules become effective on November 21, 1979.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0631

COMPTROLLER, STATE[270]

Pursuant to the authority of section 8.6(16) of the Code, rules of the State Comptroller appearing in the Iowa Administrative Code relating to auditing claims (chapter 1) are hereby amended.

ITEM 1. 1.6(2)"b", numbered paragraph 3 is amended to read as follows:

3. Those traveling on state business who are required to depart before 7:00 a.m. and return after lunch but prior to 6:00 p.m. may be reimbursed a maximum of ~~\$5.00~~ \$5.25 for breakfast and lunch.

ITEM 2. 1.6(2)"b", numbered paragraph 4 is amended to read as follows:

4. Those traveling on state business who are required to depart after 7:00 a.m. and return before 6:00 p.m. may be reimbursed a maximum of ~~\$2.50~~ \$2.75 for lunch.

ITEM 3. 1.6(2)"b", numbered paragraph 6 is amended to read as follows:

6. Those traveling on state business who depart after lunch and return after 6:00 p.m. may be reimbursed a maximum of ~~\$7.00~~ \$6.75 for dinner.

[Filed 9/26/79, effective 11/21/79]

Pursuant to the authority of section 8.6(16) of the Code, the state comptroller filed emergency rules as ARC 0362 which became effective July 1, 1979. A Notice of Intended Action was also filed as ARC 0363 and was published in the Iowa Administrative Bulletin dated July 11, 1979.

These rules are being filed for the purpose of reallocating the lunch and dinner reimbursement amounts as submitted in ARC 0362 and ARC 0363. These rules differ in the respect that 25¢ is being deducted from the dinner amount and is being added to the lunch amount. These changes are being submitted after the holding of a public hearing.

These rules implement meal limits as provided in the collective bargaining contracts and implement the same benefits for employees not covered under collective bargaining contracts.

These rules are to be effective November 21, 1979.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0638**ENVIRONMENTAL QUALITY[400]****SOLID WASTE DISPOSAL COMMISSION**

Pursuant to the authority of section 455B.78, Code of Iowa, the rules of the Solid Waste Disposal Commission relating to access to dumping sites and sign posting at a sanitary landfill, appearing in [400] Chapter 26 of the Iowa Administrative Code, are hereby amended.

ITEM 1. Rescind all of subrule 26.6(2), paragraph "a" and insert in lieu thereof the following:

a. *Access to the dump site shall be controlled as necessary to prevent further open dumping. Any gates shall be kept locked.*

ITEM 2. Amend subrule 26.6(2), paragraph "b" to read as follows:

b. A permanent sign shall be posted at the dump entrance indicating that it is closed, specifying the penalty for unauthorized dumping, identifying the location of a permitted site and providing other pertinent information. *This requirement may be waived upon a showing to the department's satisfaction that the need for such a sign does not exist.*

[Filed 9/28/79, effective 11/21/79]

Notice of intended action on these rules was published in the May 30, 1979, Iowa Administrative Bulletin. The rules are the same as the proposed rules.

These rules were approved by the solid waste disposal commission on September 20, 1979, and by the executive committee on September 28, 1979.

These rules shall become effective November 21, 1979.

Rule 26.6(455B) is intended to implement section 455B.78 of the Code.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0639**ENVIRONMENTAL QUALITY[400]****SOLID WASTE DISPOSAL COMMISSION**

Pursuant to the authority of section 455B.78, Code of Iowa, the rules of the Solid Waste Disposal Commission, relating to permit applications, and appearing in [400] Chapter 27 of the Iowa Administrative Code, are hereby amended.

ITEM 1. Amend subrule 27.2(1), paragraph "a" to read as follows:

a. Applications for renewal to be timely filed must be received at the department's office at least *sixty ninety* days before the expiration date of the existing permit. For application forms, see 32.1(2).

ITEM 2. Subrule 27.2(2) is amended to read as follows:

27.2(2) Temporary permit. This permit is issued by the executive director under the authority of subsection 455B.82(1) of the Code for solid waste disposal sites which do not comply with the requirements of chapter 455B of the Code and these rules. ~~Such permits are nonrenewable, and shall not be issued for a term greater than one year. Such permits are issued for a term of one year, and are renewable. Temporary permits may be renewed if the executive director finds that the public interest will be best served by granting a renewal and the terms of the previous temporary permit have been complied with.~~

ITEM 3. Amend subrule 27.2(2), paragraph "a" to read as follows:

a. Temporary permits shall incorporate as a condition a compliance schedule specifying how and when the applicant will meet the requirements ~~for an operational sanitary disposal project of chapter 455B of the Code and these rules.~~

ITEM 4. Rescind all of rule 400—27.3(455B) and insert in lieu thereof the following:

400—27.3(455B) Applications for permits.

27.3(1) Application requirements for permits and renewals. See 32.1(455B).

27.3(2) Time limit on submittal of information.

a. Sanitary disposal project permit applications. If an application for a sanitary disposal project permit is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application may be returned by the department as incomplete without prejudice to the applicant's right to reapply. The applicant may be granted, upon request, an additional thirty days to complete the application.

b. Applications for renewal or amendment of a sanitary disposal project. If an application for a sanitary disposal project permit renewal or amendment is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application may be denied by the department.

[Filed 9/28/79, effective 11/21/79]

Notice of intended action on these rules was published in the May 30, 1979, Iowa Administrative Bulletin. The rule changes are the same as the proposed rule changes.

These rules were approved by the solid waste disposal commission on September 20, 1979, and by the executive committee on September 28, 1979.

These rules shall become effective November 21, 1979.

ENVIRONMENTAL QUALITY[400] (cont'd)

These rules are intended to implement section 455B.78 of the Code.

[Published 10/17/79]

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ARC 0640

ENVIRONMENTAL QUALITY[400]

SOLID WASTE DISPOSAL COMMISSION

Pursuant to the authority of section 455B.78, Code of Iowa, the rules of the Solid Waste Disposal Commission relating to communication facilities, sanitary facilities, permit and engineering plans, and staking requirements at a sanitary landfill, appearing in [400] Chapter 28 of the Iowa Administrative Code, are hereby amended.

ITEM 1. Amend subrule 28.2(2), paragraph "c" to read as follows:

c. Telephone or other communication facilities shall be available on the site *unless the applicant demonstrates to the department that, on the basis of the characteristics of the waste to be handled at the site, the hours of operation and the restricted access of the public to the site, such facilities are unnecessary.*

ITEM 2. Amend subrule 28.2(2), paragraph "d" to read as follows:

d. Sanitary facilities, personnel washing facilities and potable water shall be available within a shelter on the site *unless the applicant demonstrates to the department that, on the basis of the characteristics of the waste to be handled at the site and the times of operation of the site, such facilities are unnecessary.*

ITEM 3. Rescind all of subrule 28.2(2), paragraph "e" and insert in lieu thereof the following:

e. *Access to the site shall be restricted and a gate shall be provided at the entrance to the site and kept locked when an attendant or operator is not on duty.*

ITEM 4. Amend subrule 28.2(2), paragraph "f" to read as follows:

f. A copy of the permit, engineering plans and reports shall be kept at the site at all times *unless the applicant demonstrates to the department that, on the basis of the characteristics of the waste to be handled at the site and the times of operation of the site, such is unnecessary.*

ITEM 5. Subrule 28.2(2) is amended by relettering the present paragraph "i" as "j" and relettering the subsequent paragraphs in successive order and by adding a new paragraph 28.2(2)"i" as follows:

i. *Provision shall be made for an all-weather fill area which is accessible for solid waste disposal during all weather conditions under which solid waste is received and disposed of at the site. Such all-weather areas shall be operated at all times in accordance with chapter 455B of the Code and these rules.*

ITEM 6. Amend subrule 28.2(2) by adding the following new paragraphs "r" and "s".

r. *Each sanitary landfill shall be staked as necessary and inspected annually or as otherwise specified in the permit, by a professional engineer registered in Iowa. A brief report by the engineer indicating areas of conformance or nonconformance with the approved plans and specifications shall be submitted to the department by the permit holder within thirty days of the inspections. In specifying alternate inspection frequencies the department shall consider the types and quantities of waste disposed of, the rate of development of the site, the degree of control over site development inherent in the design and topography of the site and the quality of prior operation.*

s. *If any pockets, seams or layers of sand or other highly permeable material are encountered at the sanitary landfill, the permit holder shall promptly notify the department and shall insure that a professional engineer registered in Iowa has certified that all sands encountered were totally excavated or sealed off properly or otherwise handled as explicitly provided for in the permit before solid waste is disposed in that area of the site.*

[Filed 9/28/79, effective 11/21/79]

The notice of intended action on these rules was published in the May 30, 1979, [amended notice IAB 6/13/79] Iowa Administrative Bulletin. The rules are substantially the same as the proposed rules with the following modifications made in response to public comments received: (1) All-weather fills shall be provided for and be accessible for disposal during all weather conditions; (2) Staking shall be semiannually or as specified in the permit; and (3) Where pockets of sand or other highly permeable materials are encountered, certification of a professional engineer that the material is excavated or sealed off, is required.

These rules were adopted by the solid waste disposal commission on September 20, 1979, and by the executive council on September 28, 1979.

Rule 28.2(455B) is intended to implement section 455B.78 of the Code.

The rules shall become effective November 21, 1979.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0633**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of section 217.6 of the Code, the following rules are adopted.

TITLE II
CORRECTIONS

CHAPTER 16

JOHN BENNETT CORRECTIONAL CENTER

770—16.1(217) Minimum security furloughs. Furloughs may be granted to those residents who are legally eligible. Furloughs are a privilege earned by overall responsible behavior, subject to the guidelines in these rules. This privilege may be withdrawn at any time for reasons deemed sufficient by the superintendent or designee.

16.1(1) Minimum requirements.

a. Only minimum security residents are eligible for furloughs. A resident may apply for a forty-eight hour furlough after being on minimum security status for four months and demonstrating positive behavior in the areas of conduct, work assignment, attitude, program participation, and overall adjustment. The resident will then be eligible for one furlough per month based on the factors identified above.

b. Only residents without detainers or disciplinary action pending are eligible.

c. Recommendation for furlough shall be given by the unit counselor. Recommendation shall include:

- (1) Verification of sufficient time earned.
- (2) The responsible person accepting supervision.

(3) Community notification. Residents shall notify community officials, such as law enforcement or local city government, of their intention to apply for furlough. Community input will be taken into consideration in the recommendation.

d. Residents shall have sufficient funds in their account to cover the cost of the furlough and for emergencies.

e. Residents shall have approval of their work supervisor.

f. Residents serving a class A felony are not eligible.

g. Any resident serving a mandatory sentence shall be within one year of release consideration.

h. Major reports automatically cancel furlough eligibility. When a resident is found guilty of a major report, such resident shall go four months in minimum security status without a report prior to being reconsidered for furlough eligibility.

i. Residents who escape from the institution, escape while on furlough, or commit a felony on furlough during present commitment are not eligible for furlough privileges.

j. Furloughs shall only be permitted during resident nonworking hours.

k. Furloughs may be granted for holidays at the discretion of the superintendent or designee.

l. Factors such as the nature of the offense, criminal history, and psychiatric or psychological information will be considered by the unit classification committee in determining furlough eligibility.

m. Not more than twenty-five percent of those residents that are eligible for furloughs in each minimum security unit shall be out on furlough at any given time.

The unit classification team will determine a resident's eligibility, based upon the total time spent in minimum security, critical areas for the unit's operation, past furloughs, the date the furlough plan was submitted, and similar factors.

16.1(2) Furlough eligibility/plan approval. Residents shall receive furlough eligibility and plan approval through the unit classification team, the unit manager, and the superintendent or designee.

16.1(3) Responsible person. Residents taking furlough shall be under the supervision of a responsible person. Responsible persons shall meet the following requirements:

a. Be a verifiable family member, such as parent, including step and foster; sibling, including step and foster; spouse; adult offspring; legal guardian, or natural grandparent.

b. Be a nonfamily member who meets the following criteria:

(1) Is on the resident's approved visiting list.

(2) Supplies a minimum of three character references.

c. Has written permission from the proper authorities when under the jurisdiction of the courts.

d. Has prefurlough interview with the unit counselor when requested.

16.1(4) Plan arrangements. All arrangements for furloughs shall include the following:

a. Residents shall secure a form letter from the counselor to be sent to the local law enforcement agency at the requested furlough destination.

b. The following information shall be provided:

(1) Complete transportation plan, including the means of transportation.

(2) Schedules, estimated arrival times, and any other information required by the counselor.

(3) Name, address, telephone number, and relationship of responsible person.

(4) Purpose of furlough.

(5) Furlough destination, including complete address and telephone number.

c. Unless they are immediate family members, only one resident on furlough shall be permitted at a residence at any given time. Exceptions may be granted in writing by the unit manager.

d. Residents on weekend furloughs shall be at the furlough destination between 12:00 midnight and 6:00 a.m.

e. Residents shall submit their furlough plans to the counselor for verification and approval at least ten working days prior to the requested date of departure.

f. When furloughs are granted, the resident shall contact the local law enforcement agency upon arrival at the furlough destination as designated in the furlough plan.

16.1(5) Verification of furlough plan. The counselor shall verify the plan arrangements in 16.1(4) within two working days after receiving it from the resident. The plan and the counselor's recommendation shall then be presented to the unit classification team.

16.1(6) Classification team responsibilities. The classification team consists of the unit manager, the unit lieutenant, and the unit counselor.

a. The classification team shall schedule a meeting with the resident requesting furlough within two working days after receiving the verified plan from the counselor.

b. The team shall consider all of the factors relative to the requested furlough, insure that it meets the rules for

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furloughs, and take into consideration the safety of the community.

c. When a furlough is not granted, the resident shall be given the reasons for the denial in writing. The resident may appeal the denial, in writing, to the superintendent.

16.1(7) Final decision. The superintendent or designee shall review each furlough application and make the final decision to approve or deny the furlough. When the furlough is denied, the resident will be informed of the reason in writing.

[Filed 9/27/79, effective 11/21/79]

Notice of intended action regarding these rules was published in the IAB July 25, 1979, and these rules shall become effective November 21, 1979. 16.1(1)"a" was reworded to clarify how many furloughs a resident may have, 16.1(1)"m" was reworded to clarify what was meant, and 16.1(4)"b"(1) was changed to allow greater flexibility in means of transportation.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0634

**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.

Rescind entire rule 770—41.7(239) and insert the following in lieu thereof.

770—41.7(234) Income. All unearned and earned income, unless specifically exempted, disregarded, or deducted for work expenses as defined in these rules, shall be considered in determining initial and continuing eligibility and the amount of the aid to dependent children grant.

Initial and continuing aid to dependent children assistance shall be granted only when the countable unearned and earned income received by the eligible group and available to meet the current month's needs is less than the total of the amount designated as basic needs according to the schedule of basic needs in subrule 41.8(2) and any special need allowable under subrule 41.8(3).

41.7(1) Unearned income. Unearned income is any income in cash or in kind that is not gained by labor or service. Net unearned income shall be determined by deducting reasonable income producing costs from the gross unearned income.

a. Social security income is the amount of the entitlement before withholding of a Medicare premium.

b. Unearned income in kind shall be considered in the same manner as unearned income when such payment is for an item recognized as a basic or special need and represents the full cost of such item, and is made by an individual other than an individual living in a shared arrangement. The chart for determining income in kind in subrule 41.8(2) shall be used to determine the amount of income to apply towards the needs of the eligible group when a payment in kind meets these two conditions.

c. House or shelter payments shall be considered the same as cash received in the amount actually paid by the absent parent.

d. Any financial assistance received for the purpose of education or training shall be considered as first available for the educational expenses of tuition; books; transportation to and from school, computed in the same manner as an actual work expense; child care necessary for school attendance; board and room when the student does not live at home; and any other direct verified educational expense. Money left after such educational expenses, unless specifically exempt, shall be considered available to meet the needs of the eligible group. When a student has a combination of exempt and nonexempt income for educational purposes, the exempt income shall be considered as first available for the expenses of education.

e. When an individual receiving educational assistance from the veterans administration also receives an additional amount for an individual's dependents the amount for the individual's dependents who are in the eligible group shall be counted available as nonexempt income.

f. When the applicant or recipient sells property on contract and the proceeds are used to purchase a homestead or reduce the mortgage on a homestead, the monthly

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contract payments less the payments made on the homestead mortgage shall be considered as unearned income. When property is sold on contract and the proceeds are not used to purchase a homestead or reduce the mortgage on a homestead, the monthly contract payments shall be considered unearned income.

g. Every person in the eligible group shall apply for benefits for which that person may be qualified and accept those benefits, even though the benefit may be reduced because of the laws governing a particular benefit. The needs of any individual who refuses to cooperate in applying for or accepting benefits from other sources shall be removed from the eligible group. Such individual is not eligible for the earned income disregard in subrule 41.7(2)"a" or medical benefits.

h. Support payments in cash shall be considered as unearned income in determining initial and continuing eligibility. When child support has been assigned, any such cash child support paid to the recipient after the date of decision to approve assistance until the assignment is implemented by the clerk of court shall be refunded to the child support recovery unit.

i. The applicant or recipient shall co-operate in supplying verification of all unearned income.

41.7(2) Earned income. Earned income is defined as income in the form of a salary, wages, tips, commission earned as an employee, or profit from self-employment. With reference to commission, wages, or salary, earned income means the total gross amount irrespective of expenses of employment. With respect to self-employment, earned income means the total profit determined by comparing gross income with the total cost of producing the income. Income shall be considered earned income when it is produced as a result of the performance of services by an individual.

a. The first \$30.00 of the total of gross nonexempt earned income earned as an employee or the net profit from self-employment income for a month of all individuals whose needs are included in the assistance grant plus one-third of the remainder is disregarded in determining eligibility and the amount of the assistance grant. This disregard does not apply to earnings from public service employment under the work incentive program. Initial eligibility is determined without application of this disregard. Exception: When for any one of the four months immediately preceding the date of reapplication the needs of the individual having the income were met in whole or in part by an aid to dependent children grant from any state, such individual is automatically eligible for the \$30.00 plus one-third disregard of earned income.

b. A member of the eligible group is not eligible for the \$30.00 plus one-third disregard of earned income for one month if within thirty days preceding such month the individual

(1) Terminated employment or reduced earned income without good cause as defined in 41.4(1) or

(2) Refused to accept a bona fide offer of employment as defined in 42.1(239) in which such individual is able to engage.

c. The earnings of an eligible child fourteen years of age or over are disregarded as income when the child is a full-time student or a part-time student who is not a full-time employee. A student is one who is attending a school, college or university, or a course of vocational or technical training designed to fit the person for gainful employment and includes a participant in the job corps program. Full-time employee means employed at least

forty hours per week except where fewer hours are normal to the occupation, but on no account less than thirty hours per week. Initial eligibility is determined without application of this disregard.

d. Those expenses covered by a standard \$30.00 work expense deduction or actual cost when the expenses exceed \$30.00, child care, Federal Insurance Contribution Act (FICA) payments, and state and federal taxes, shall be deducted from earned income in determining eligibility and the amount of the assistance grant subject to the policies governing each expense.

e. Each person whose income is considered in determining eligibility and the amount of the assistance grant is entitled to a standard \$30.00 work expense deduction to cover mandatory withholding, transportation, midshift meals, special uniforms and clothes, tools and materials, and union dues. When the person's total work expenses for these items exceed \$30.00, the excess is also deducted subject to the rules governing each of these expenses. In no case may the allowed work expenses exceed income. When the person has two jobs, a loss on one job shall not be used as a deduction from the income of the other job.

(1) Mandatory withholding from an individual's paycheck shall be considered a work expense only when such withholding is for retirement, life and health group insurance, or a court-ordered garnishment of earnings.

(2) Transportation shall be considered a work expense only when such transportation is to and from work, including transporting the individual's child or children to and from a child care facility or babysitter, and includes parking fees and bridge tolls. The expense is allowable based on the actual cost of bus transportation as charged in the community as reported; the actual cost of cab transportation as verified by the cab company when cab transportation is necessary due to late working hours, remoteness of the home, or the impossibility of securing other means of transportation; the current mileage rate paid to state employees when a private motor vehicle is used for a reasonable estimate of miles as reported (reasonable shall mean the estimate is within three miles round trip daily when the mileage is calculated from maps or verified by driving the usual route); payment to ride with another person as verified by receipt; parking meter fees as reported; parking lot fees as verified by receipt; and bridge tolls as reported.

(3) Meals purchased during the hours of employment shall be considered a work expense only when such meals are purchased at midshift. The amount allowable shall be the actual cost not to exceed the current rate paid to state employees for lunch. The individual shall submit receipts for midshift meals.

(4) Uniforms or protective clothing shall be considered a work expense only when such clothing is required by the employer and verified by receipt.

(5) Tools and materials shall be considered a work expense only when required by the employer and verified by receipt.

(6) Union dues shall be considered a work expense only when directly related to current employment.

f. Child care shall be considered a work expense in the amount paid, not to exceed the going rate in the community, only when such child care covers the actual hours of the individual's employment plus a reasonable period of time for commuting; or the period of time when the individual who would normally care for the child is employed at such hours that the individual is required to sleep during the child's waking hours, excluding any hours the child is in school. The expense shall be verified

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by receipt and shall be allowed when paid to any person except a parent of the child.

g. Each individual whose earned income is considered in the computation of an aid to dependent children grant shall be allowed a FICA deduction on such income.

h. Each individual whose earned income is considered in the computation of an aid to dependent children grant shall be allowed a deduction for state and federal taxes by using the current Federal Employer's Tax Guide and Iowa Income Tax Withholding Table. The number of withholding exemptions shall be as follows:

(1) The number of individuals in the eligible group when such earned income is attributable to the caretaker in the eligible group.

(2) The wage earner when the earned income is attributable to a child in the eligible group.

(3) The number of individuals in the eligible group plus the parent when such parent with earnings has been removed from the eligible group for an income maintenance sanction or in stepparent cases.

(4) The number of ineligible dependents plus the wage earner, when the wage earner is not a parent and is not in the eligible group.

One additional exemption shall be used in applying the Federal Employer's Tax Guide when the special withholding allowance regulation is applicable.

When there is in existence a court order specifically designating that a child or children may not be claimed by the wage earner as a tax exemption, the number of withholding exemptions shall conform with the court order.

i. Payment from passengers in a car pool shall be considered as income only when the individual elects to have actual work expense computed, and such payment exceeds the amount determined by multiplying the number of miles travelled by the current mileage rate paid to state employees. When the payment amounts to less than the amount of the transportation expense, the difference shall be considered as an item of work expense. When the payment amounts to more than the amount of the transportation expense, the excess income shall be added to the gross monthly earned income.

j. A person is considered self-employed when such person:

(1) Is not required to report to the office regularly except for specific purposes such as sales training meetings, administrative meetings, or evaluation sessions.

(2) Establishes such person's own working hours, territory, and methods of work.

(3) Files quarterly reports of earnings, withholding payments, and FICA payments to the internal revenue service.

k. The net profit from self-employment income in a nonhome based operation shall be determined by deducting only the following expenses that are directly related to the production of such income:

(1) The cost of inventories and supplies purchased that are required for the business, such as items for sale or consumption and raw materials.

(2) Wages, commissions, and mandated costs relating to the wages for employees of the self-employed.

(3) The cost of shelter in the form of rent; mortgage or contract payments, including interest and taxes; and utilities.

(4) The cost of machinery and equipment in the form of rent or mortgage or contract payments, including interest.

(5) Insurance on the real or personal property involved.

(6) The cost of any repairs needed.

(7) The cost of any travel required.

(8) Any other expense that is directly related to the production of the income.

l. When the client is renting out apartments in the client's home, the following shall be deducted from the gross rentals received to determine the profit:

(1) Shelter expense in excess of that set forth on the chart for determining income in-kind in subrule 41.8(2) for the eligible group.

(2) That portion of expense for utilities furnished to tenants which exceeds the amount set forth on the chart for determining income in-kind in subrule 41.8(2).

(3) Ten percent of gross rentals to cover the cost of upkeep and replacement.

m. In determining profit from furnishing board, room, operating a family life home, or providing nursing care, the following amounts shall be deducted from the payments received:

(1) \$41.00 plus an amount equivalent to the monthly thrifty food plan in the food stamp program for a one-member household for a boarder and roomer or an individual in the home to receive nursing care, or \$41.00 for a roomer, or an amount equivalent to the monthly thrifty food plan in the food stamp program for a one-member household for a boarder.

(2) Ten percent of the total payment to cover the cost of upkeep and replacement for individuals receiving a room or nursing care.

n. In determining profit from providing child care services in the applicant's or recipient's own home, forty percent of the total gross income received shall be deducted to cover the costs of producing the income unless the individual requests to have expenses in excess of the forty percent considered. When the applicant or recipient requests to have actual expenses considered, profit shall be determined in the same manner as specified in 41.7(2)"o".

o. In determining profit for a self-employed enterprise in the home other than providing room and board, renting apartments or providing child care services in the home, the following expenses shall be deducted from the income received:

(1) The cost of inventories and supplies purchased that are required for the business, such as items for sale or consumption and raw materials.

(2) Wages, commissions, and mandated costs relating to the wages for employees.

(3) The cost of machinery and equipment in the form of rent; mortgage or contract payment, including interest; and any insurance on such machinery and equipment.

(4) Ten percent of the total gross income to cover the costs of upkeep and replacement when the work is performed in the home.

(5) Any other direct cost involved in the production of the income.

p. Income in-kind received in payment for work shall be given the same consideration as cash when such work is in a commercial arrangement and the payment for the work is regular and certain.

q. The applicant or recipient shall co-operate in supplying verification of all earned income. A self-employed individual shall keep any records necessary to establish eligibility.

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41.7(3) Shared living arrangements. When an aid to dependent children parent shares living arrangements with another family or person, any cash paid from such family or person to the aid to dependent children parent toward the combined obligation for shelter and other basic needs shall be considered exempt as income. Only when it is proven that a contribution made to the aid to dependent children eligible group is exclusively for their needs shall such contribution be considered as income.

41.7(4) Diversion of income.

a. Nonexempt earned and unearned income of the aid to dependent children parent shall be diverted to meet the unmet needs, including special needs, of the dependent, but ineligible children of the aid to dependent children parent living in the family group. Income of the aid to dependent children parent shall be diverted to meet the unmet needs of the ineligible child of the aid to dependent children parent and a companion in the home only when the income and resources of the companion and the child are within aid to dependent children standards. The maximum income that shall be diverted to meet the basic needs of the dependent, but ineligible child shall be the differences between the needs of the eligible group if the ineligible child were included and the needs of the eligible group with the child excluded.

b. Nonexempt earned and unearned income of the aid to dependent children shall be diverted to permit payment of court-ordered support to children not living with such parent when such payment is actually being made.

41.7(5) Income of unmarried payee under age eighteen.

a. The income of the unmarried payee under age eighteen living with a self-supporting parent or parents shall be considered available in the computation of the assistance grant except when such income is specifically exempted, disregarded, or restricted by law or regulation.

b. The income of the unmarried payee under age eighteen who is also an eligible child in the grant of such payee's parent shall be treated in the same manner as that of any other child.

c. The income of the unmarried payee under age eighteen living with a nonparental relative or in an independent living arrangement shall be treated in the same manner as though the payee had attained majority.

41.7(6) Exempt as income and resources. The following shall be exempt as income and resources:

a. Food reserves from home-produced garden products, orchards, domestic animals, and the like, when utilized by the household for its own consumption.

b. The value of the coupon allotment in the food stamp program.

c. The value of the United States department of agriculture donated foods (surplus commodities).

d. The value of supplemental food assistance received under the Child Nutrition Act and the special food service program for children under the National School Lunch Act.

e. Any benefits received under Title III-C, Nutrition Program for the Elderly, of the Older Americans Act.

f. Any assistance that is provided in cash or in kind under the emergency energy conservation services program.

g. Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the Federal-Aid Highway Act of 1968.

h. Any judgment funds that have been or will be distributed per capita or held in trust for members of any Indian tribe. When the payment, in all or part, is converted to another type of resource, that resource is also exempt.

i. Payments to volunteers in volunteers in service to America.

j. Payments for supporting services or reimbursement of out-of-pocket expenses received by volunteers in any of the programs established under Titles II and III of the Domestic Volunteer Services Act.

k. Tax-exempt portions of payments made pursuant to the Alaskan Native Claims Settlement Act.

l. Experimental housing allowance program payments made under annual contribution contracts entered into prior to January 1, 1975, under section 23 of the U.S. Housing Act of 1936 as amended.

m. The income of a supplemental security income recipient.

n. Income of a child when the payee has elected to exclude the child from the eligible group.

o. The \$30.00 weekly incentive allowance and any payment for training and employment related expenses made under the Comprehensive Employment and Training Act of 1973.

p. Earnings from youth employment demonstration programs established under the Comprehensive Employment and Training Act of 1973.

q. Loans and grants obtained and used under conditions that preclude their use for current living costs.

r. Any loan or grant to any undergraduate student for educational purposes made or insured under any program administered by the United States commissioner of education.

s. All earned income of the undergraduate student in a college work-study program administered by the United States commissioner of education.

t. Extended social security benefits paid to individuals between the ages of eighteen and twenty-two because of their status as full-time students.

41.7(7) Exempt as income. The following are exempt as income.

a. The earnings of a child under the age of fourteen.

b. Reimbursement from the employer for job-related expenses.

c. The following nonrecurring lump sum payments:

(1) Income tax refund.

(2) A retroactive lump sum benefit which is directly tied to an ongoing benefit payment.

(3) Lump sum insurance settlement, judicial settlement, or inheritance.

(4) Refunds of security deposits on rental property or utilities.

d. Payments received by the family providing foster care to a child or children when the family is operating a licensed foster home.

e. Any income which is restricted to the sole use of a child being removed from the eligible group to be placed in aid to dependent children-foster care.

f. Contributions, gifts, and winnings received on less than a quarterly basis, with no assurance of continuance.

g. Income of less than \$5.00 per month from any one source.

h. Supplementation from county funds providing:

(1) The assistance does not duplicate any of the basic needs as recognized by the aid to dependent children program, or

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(2) The assistance, if a duplication of any of the basic needs, is made on an emergency basis, not as ongoing supplementation.

i. Any payment received as a result of an urban renewal or low cost housing project from any governmental agency unless the cost of shelter is furnished in full.

j. A retroactive corrective payment.

k. The training allowance issued by the rehabilitation education and services branch of the department of public instruction.

l. The following payments from the work incentive program:

(1) The monthly incentive allowance and daily training allowance for transportation and lunches for individuals in vocational classroom training and work experience program.

(2) The payment for child care.

m. The payment for training related expenses to individuals in an individual education and training plan.

41.7(8) Treatment of income in sanction cases. A parent removed from the eligible group for an income maintenance sanction is not eligible for the \$30.00 plus one-third earned income disregard, and shall be permitted to retain only that part of such parent's income to meet the parent's needs as determined by the difference between the needs of the eligible group with the parent included and the needs of the eligible group with the parent excluded. All remaining income of the parent shall be applied against the needs of the eligible group.

41.7(9) Budgeting process.

a. The budgeting process is the process by which income is computed to determine initial eligibility, the initial aid to dependent children grant and the amount of the ongoing aid to dependent children grant. The amount of assistance shall be based on an estimate of income that will be received in that month.

(1) Income considered shall be the expected income available to meet the needs of the eligible group during the month.

(2) Allowable work expenses shall be the expected work expenses incurred during the month for which income is considered.

(3) All income and work expenses, except in the month of decision at the time of application, shall be converted to a monthly amount. Daily income and work expenses shall be converted to a weekly amount and then converted to a monthly amount. In converting to a monthly amount the following procedures shall be used:

Multiply weekly income or work expenses by 4.3.

Multiply biweekly (every two weeks) income or work expenses by 2.15.

Multiply twice a month income or work expenses by 2.

(4) The third digit to the right of the decimal point in any computation of income and work expenses shall be dropped.

b. At time of application all earned and unearned income received and anticipated by the eligible group during the month the decision is made shall be considered to determine eligibility for aid to dependent children except that income which is exempt. When lump sum, student and self-employment income is prorated, then the prorated amount is counted as income received in the month of decision. Allowable work expenses during the month of decision shall be deducted from earned income.

(1) When the income in the month of decision exceeds the needs of the eligible group, the application shall be rejected.

(2) When the income in the month of decision is less than the needs of the eligible group, the application shall be approved and the earned income disregards shall be applied in the computation of the aid to dependent children grant.

(3) Eligibility for aid to dependent children for any month or partial month prior to the month of decision shall be determined only when there is eligibility in the month of decision. In determining eligibility and the amount of the assistance payment for any month or partial month prior to the month of decision, all income in such month shall be considered in the same manner as in the month of decision.

c. Constant income is income the frequency and the gross amount of which remain the same. Constant work expenses are expenses the frequency and amount of which remain the same. Variable income is that income which may or may not be received at regular frequencies or the gross income is not constant. Variable work expenses are those work expenses which may or may not be incurred at regular frequencies or the amount of the expense is not constant.

d. When income is anticipated to begin or begins, the local office shall compute the monthly income on the basis of the change. The estimate shall be considered accurate for the remainder of the six-month period unless a change as defined in 41.7(9)"f" occurs.

(1) When the income is variable earned income, payroll information (paystubs or employer listing of pay received per pay period) shall be used excluding any partial pay period. When payroll information does not reflect a full pay period an employer's statement can be used.

(2) All information regarding the earned income and work expenses available up to the date of estimate shall be used as far as possible; however, the exclusion of any information in the ten days preceding the date of estimate shall be acceptable.

e. To determine the expected income for the ongoing grant at time of approval or review, variable income shall be averaged over three months, providing the income has existed in the three months. The three-month period is known as the base averaging period.

(1) The initial base averaging period at time of approval shall be the three-month period ending with the calendar month prior to the month of decision. The base averaging period at time of review shall be the three-month period ending with the calendar month which precedes by two full months the effective date of the review.

(2) Income included in the base averaging period because the paystub was dated near the end of the base averaging period but was not actually received in the base averaging period may be used in establishing expected income.

(3) Any change during the base averaging period shall be handled in accordance with 41.7(9)"f".

(4) When a variation of pay due to an atypical circumstance occurs in the base averaging period that cannot be reasonably expected to recur in the six-month review period, the pay period or periods reflecting such variation shall be excluded from the average.

(5) Variable work expenses allowed by departmental rules which are incurred in the base averaging period shall be averaged in the same manner as the variable income.

(6) The average income established in the base averaging period shall be considered accurate for any one of

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

the six months in the review period unless a change, as defined in 41.7(9)"f", occurs during the review period.

f. When a change in income or work expenses occurs in the base averaging period, the local office shall recompute the income for the review period using the same policies as defined in 41.7(9)"e" and on the basis of the change.

(1) A change in income in the base averaging period is defined as a change of jobs, a clearly established permanent change in the variable hours worked, or a change in the rate of pay.

(2) A change in work expenses is defined as the beginning or termination of work expenses, or a clearly established permanent change in the amount of the work expenses.

g. Variable income that has existed for less than the three months in the base averaging period shall be averaged in accordance with 41.7(9)"e", except that it shall be averaged over the period of time it has existed.

h. When it is determined during a review period that the previously computed average monthly income is no longer valid due to a change as defined in 41.7(9)"f", the local office shall redetermine the monthly income on the basis of the change for the balance of the review period.

i. Lump sum earned and unearned income, except for the income of the self-employed and retroactive lump sum benefits as defined in 41.7(7)"c", shall be prorated over the number of months for which the income was received and applied to the grant for the same number of months. When this lump sum income is earned income, the appropriate disregards and deductions and diversions shall be applied to the monthly prorated income. This is true when the lump sum income is received prior to the month of decision and is anticipated to continue after assistance is approved, and in the month of decision, and any time during the receipt of assistance even though the income may not be anticipated to continue.

j. Lump sum nonexempt financial assistance for education or training shall be prorated over the period it is intended to cover after deducting allowable expenses of education or training. This is true when the income is received prior to the month of decision and covers a period of time extending beyond the month of decision, and in the month of decision, and received or anticipated to be received after the approval of assistance.

k. Income from self-employment received on a regular weekly, biweekly, semimonthly or monthly basis shall be budgeted in the same manner as the earnings of an employee.

l. Income from self-employment not received on a regular weekly, biweekly, semimonthly or monthly basis

that represents an individual's annual income shall be averaged over a twelve-month period of time, even if the income is received within a short period of time during that twelve-month period.

(1) When a self-employment enterprise which does not produce a regular weekly, biweekly, semimonthly or monthly income has been in existence for less than a year, its income shall be averaged over the period of time it has been in existence and the monthly amount projected for the review period. If the enterprise has been in operation for such a short time that there is very little income information, the client and the worker shall agree upon a reasonable estimate which shall be considered accurate for three months, after which the income shall be averaged.

(2) These policies apply when such self-employment income is received prior to the month of decision and is anticipated to continue, and in the month of decision, and after assistance is approved.

m. When income from terminated employment is applied toward the grant the month following the month the employment terminates, the standard \$30.00 deduction or actual allowable expenses in excess of \$30.00 which were incurred in the production of the income and child care, when allowed, and taxes shall be deducted from the earnings.

[Filed 9/27/79, effective 12/1/79]

Notice of intended action regarding these rules was published in the IAB February 21, 1979 [Amended Notice IAB April 18, 1979], and these rules shall become effective December 1, 1979. The rules were reorganized and some policies were rewritten to make them clearer without changing the policies. A budgeting process based on average expected income was substituted for the monthly reporting process. Other changes in policy from the noticed rules are that definitions for earned and unearned income were added, a policy on how to count social security benefits was added, the requirement the client co-operate in verifying all income was added, definitions of "good cause" and "bona fide" in refusing employment were added, a limit on work expense was added, any court-ordered garnishment will be deducted as a work expense, use of cabs for transportation was limited, the current policy on requiring receipts for meals was kept, and a policy on determining profit from providing child care in a home was added.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0635**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.

Rule 770—81.2(249A) is rescinded and said rule reserved for future use.

[Filed 9/27/79, effective 11/21/79]

Notice of intended action regarding this rule was published in the IAB July 25, 1979, and this rule shall become effective November 21, 1979. This rule is identical to that published in the July 25, 1979 IAB.

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

ARC 0636**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of sections 217.6 and 234.15 of the Code, rules of the department of social services appearing in the IAC relating to Iowa rural rehabilitation student loan and grant program (chapter 146) are hereby amended.

Rule 770—146.2(234) is amended by adding the following subrule:

146.2(6) Only current federally insured student loan borrowers with the department of social services are eligible.

[Filed 9/27/79, effective 11/21/79]

Notice of intended action regarding this rule was published in the July 25, 1979 IAB, and this rule shall become effective November 21, 1979. This rule is identical to that published in the July 25, 1979 IAB

[Published 10/17/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 10/17/79.

PROCLAMATIONS

Robert D. Ray, Governor of the State of Iowa, proclaimed the following:

- Disaster emergency, storm damage, Page, Fremont, Mills, Buchanan, Bremer
and Fayette counties proclaimed disaster areas August 28 and 29, 1979
- Grandparent's Day September 9, 1979
- Executive Housekeepers Week September 9-15, 1979
- Soil and Water Conservation Week September 9-15, 1979
- Hispanic Heritage Week September 10-16, 1979
- Constitution Week September 16-22, 1979
- Lupus Week September 16-22, 1979
- Medical Record Week September 16-22, 1979
- National Safety Town Week September 16-22, 1979
- Blue Cross and Blue Shield 50th Anniversary Day September 21, 1979
- Hunting and Fishing Day September 22, 1979
- Child Health Day October 1, 1979
- Italian American Days October 7 and 8, 1979
- National Beauty Salon Week Week of October 7, 1979
- Odd Fellow and Rebekah Week October 7-13, 1979
- Reading is Fun Day October 11, 1979
- Iowa Poetry Day October 15, 1979
- Credit Union Day October 18, 1979
- Junior High/Middle School Student Council Week October 21-27, 1979
- Surgical Technologists Week October 21-27, 1979
- Hobby Month October, 1979
- Iowa Pork Month October, 1979
- Special election to fill vacancy in representative district 38 November 6, 1979
- Iowa Community Betterment Recognition Day November 7, 1979

SUMMARY OF OPINIONS FROM THE OFFICE OF

ATTORNEY GENERAL THOMAS J. MILLER

July, 1979CERTIFICATE OF NEED

Change of Ownership. Sections 135.61(19), 135.61(19)c, 135.63(1), 135.64 and 135.83, the Code, 1979. Sections 135.61 through 135.83, the Code, 1979, do not provide authority to review changes of ownership of institutional health facilities. (Johnson to Pawlewski, Commissioner of Public Health, 7/5/79) #79-7-9

CITIES AND TOWNS

Authority of peace officers outside the confines of their jurisdictions Chapter 28E, section 801.4, the Code, 1979. The exercise of the official powers of a peace officer is limited to that geographical and political unit comprising his or her bailiwick, unless expressly expanded by statute; otherwise, outside of his or her bailiwick a peace officer retains only those powers of a private citizen. An officer's bailiwick may be expanded or altered by appropriate action of cooperating political subdivisions pursuant to chapter 28E, the Code, 1979. (Dallyn to Callaghan, Iowa Law Enforcement Academy, 7/3/79) #79-7-5

Conflict of Interests. Chapter 71, §§362.5, 372.5, 400.15, and 403.16, the Code, 1979. Mere familial relationship does not create a conflict of interests. (Blumberg to Larsen, State Representative, 7/17/79) #79-7-23

CONSTITUTIONAL LAW

Land Preservation. Sections 93A.1 and 93A.3, the Code, 1979. Section 93A.3(c) is constitutional. (Blumberg to Hoth, Des Moines County Attorney, 7/11/79) #79-7-16

COUNTIES AND COUNTY OFFICERS

Sale of County Farm. A county board of supervisors may sell the county farm which is no longer needed, invest the proceeds, and allocate the interest or earnings from such investment to the county Institutions and Poor Funds. Article III, §39A, Iowa Constitution; §§24.22, 252.31, 252.35, 252.43, Chapter 253, §§331.18, 332.3(6), 332.3(13), 444.12, 452.10, 453.1, 453.7, the Code, 1979. (Hyde to Schwengels, State Senator, 7/23/79) #79-7-27

Peace Officers: Advance Travel Expenses. Article VII, section 1, and Article III, section 39A of the Iowa Constitution; and §§91A.3(6), 79.13, 333.2, 333.2(18), and 332.35, the Code, 1979. A county board of supervisors has the authority to authorize credit cards or advance cash to a sheriff or deputy sheriff to defray traveling expenses prior to the time that a sheriff or deputy actually incurs the expense. A county board of supervisors may pay advance mileage under a contract for use of a private automobile. (Cleland to Holden, State Senator, 7/12/79) #79-7-18

ATTORNEY GENERAL (cont'd)

County Hospital - Powers of Board of Hospital Trustees. §§347.13(5), 347.14(1) and 347.18, the Code, 1979. A board of trustees of a county hospital may restrict the use of the hospital by a duly licensed and qualified physician pursuant to reasonable rules and regulations and appropriate safeguards. (Johnson to Soldat, Kossuth County Attorney, 7/3/79) #79-7-4

COURTS

Records, preservation and destruction thereof. §§255.1, 255.4, 606.22, the Code, 1979. Section 255.4 of the Code provides that the records maintained by the clerk of court, pursuant to Chapter 255 of the Code, may be destroyed by the clerk of court, after five years, without reproduction of those records by the clerk of court. (Heintz to Frisk, Harrison County Attorney, 7/23/79) #79-7-26

HIGHWAYS

Transfer of jurisdiction. §§306.4, 306.8, the Code, 1979. As a result of the reclassification of a road or street under Chapter 306, a transfer of control between two jurisdictions will take place despite the absence of an agreement to that effect. Section 306.8 does not require that money transferred thereunder be used for repair of the transferred road or street. (Ferree to Hutchins, State Senator, 7/2/79) #79-7-2

INSURANCE

Benefits for Government Employees. Counties may provide insurance coverage for dependents of employees and such coverage is a mandatory subject of the collective bargaining process. The limitation on funding of insurance in §509A.3, the Code, 1979, applies only to employees and officers not covered by Chapter 20, Public Employment Relations Act, when costs of an insurance plan are shared by the employer and employee. Article XI, §3, Constitution of Iowa, Chapter 20, §20.9, Chapter 23, §§ 24.37, 279.12, 449.9(2), Chapter 509, Chapter 509A, §§509A.1, 509A.2, 509A.3, 509A.5, 509A.8, 514.16, the Code, 1979, Ch. 1095, Acts of the 65th G.A.(1974). (Hagen to Tompkins, Cerro Gordo County Attorney, 7-20-79) #79-7-24

JUVENILE LAW

Detention/shelter care of runaways. Chapter 232, the Code, 1979. §§232.19(1), 232.19(2), 232.20(1), 232.21(1)(c), 232.21(1)(d), 232.21(4), 232.22(1), 232.139(4), 232.139(5); 232.139(6). An out-of-state non-delinquent runaway may not be held in detention in Iowa. He may be held in shelter care a maximum of 48 hours unless a court order authorizes continuing shelter care for a reasonable time to effectuate his return to the home state. (Hoyt to Williams, Acting Commissioner, Department of Social Services, 7/2/79) #79-7-1

ATTORNEY GENERAL (cont'd)

LANDLORD-TENANT

Three-day notice. §§562.4, 562A.2, 562A.8, 562A.9(4), 562A.27(2), 648.3 and 648.4, the Code, 1979. The three-day written notice of section 562A.27(2) is a separate and distinct notice from the three-day notice to quit of sections 648.3 and 648.4. Because the three-day notice to quit of section 648.4 is applicable only to tenancies at will and the three-day written notice of section 562A.27(2) is applicable only to tenancies for term, these notices are separate and distinct statutory requirements and do not take precedence over each other. (Johnson to Sherzan, State Representative, 7/10/79) #79-7-14

MENTAL HEALTH

Commitment of juveniles. Chapters 229 and 232, §§229.1-2, 229.6-18, 229.21, 232.47, 232.49, 232.51-52, 232.96, 232.98-99, the Code, 1979. There are four situations in which a juvenile could be the subject of a Chapter 229 proceeding. Two of these involve juveniles who are already involved in the juvenile justice system under Chapter 232. Three of the four situations are handled by the juvenile court, rather than the district court. However, all Chapter 229 actions are independent of any concurrent Chapter 232 actions. Consequently, the "least restrictive alternative" approach favored under §232.52 and §232.99 is inapplicable to the disposition entered under Chapter 229. (Fortney to Jackson, Department of Social Services, 7/5/79) #79-7-8

Supreme Court Rules of Procedure. Sections 229.4(3), 229.11, 229.13-14, 229.22-23, 229.40, 684.18-19, the Code, 1979. The requirement of Rule 31 that a facility be able to state that a patient confined under Chapter 229 requires chemotherapy because such treatment is "necessary to preserve the patient's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue" is only applicable to circumstances of involuntary hospitalization prior to a due process hearing. In other situations such a statement is not required in order to institute chemotherapy. (Fortney to Williams, Acting Commissioner, Department of Social Services, 7/3/79) #79-7-7

MOBILE HOMES

Maximum Finance Charge and Definition. Section 20 of Chapter 1190, Acts of the 1978 Regular Session of the 67th G.A.; Sections 135D.1, 21.1(68((a), 413.3, 535, 535.2, 537, 537.1301, 562B.7, the Code, 1979. The maximum finance charges stated in Section 537.2602 apply to mobile home "loans" as defined by the Code of Iowa but do not apply to consumer credit sales of mobile homes which are covered by §537.2201. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. (Clauss to Wilson, Deputy, Industrial Loan Division, Auditor of State, 7/3/79) #79-7-6

ATTORNEY GENERAL (cont'd)

MOTOR VEHICLES

Exceeding Speed Limits -- Authorized Emergency Vehicles. Sections 321.230, 321.1(26), 321.231, 321.285, the Code, 1979. A police officer responding to an emergency call may lawfully exceed the speed limit only when making use of an approved audible or visual signaling device. (Miller to Jochum, State Representative, 7/26/79) #79-7-30

OPEN MEETINGS

Agenda Amendments. Section 28A.4, the Code, 1979. An agenda which had been posted more than twenty-four hours prior to a scheduled meeting may be amended to include additional matters only if good cause exists requiring expeditious discussion or action on such matters. In the absence of factors making twenty-four hours notice impossible or impractical, an existing agenda may not be amended within twenty-four hours of a meeting and such matters must be scheduled for future meetings so that the public may receive the prescribed notification. (Cook & Schantz to Marten Emmet County Attorney, 7/6/79) #79-7-11

Civil Service Commission. Sections 4.7, 28A.2(1), 28A.2(2), 28A.5(1), 28A.5(1)(f), 28A.5(1)(i), 28A.5(2), 28A.5(3), 28A.5(4), 400.1, 400.3, 400.26, 400.27. Civil service commissions, created and operating under the provisions of Chapter 400, are subject to the open meetings provisions of Chapter 28A. Section 400.26 requires that the hearing on an employee's appeal be conducted open to the public notwithstanding the exceptions in §28A.5 of the open meetings law. The deliberations of the commission may be conducted in a closed session only if they fall within an exception in §28A.5, to include subsection (i). To close the deliberations pursuant to subsection (i), the general requirements of §28A.5 must be complied with and (1) there must be a request for a closed session from the individual concerned and (2) there must be a need to close the session to "prevent needless and irreparable injury to that individual's reputation." (Cook to Larsen, State Representative, 7/6/79) #79-7-12

SCHOOLS

Age of Admission to School. Constitution of Iowa, Article IX, §7, §281.2(1) and (2); §282.3(1), (2) and (3), the Code, 1979. 1971 Acts, G.A., 181 (Ch. 163). School districts are without discretion to admit a student to kindergarten unless the child has attained the age of five on or before September fifteenth of the particular school year. (Hagen to Murray, State Senator, 7/2/79) #79-7-3

Child Abuse Investigation and Reporting Act. Chapter 232. Teachers in public schools are not "persons responsible for the care of the child" within the investigative and reporting provisions of Iowa's Child Abuse Reporting Act. Teachers, however, are subject to criminal, civil and professional sanctions should they abuse a child. (Appel to Horn, State Representative, 7/6/79) #79-7-13

Driver Education in Summer School. Responsibility of school districts for driver education, summer school and transportation of students.

ATTORNEY GENERAL (cont'd)

Sections 4.1, 4.1(36)(a) and (c); 257.25(6), 279.10, 279.11, 282.6, Chapter 285, §§285.1, 285.1(12), 285.10(9)(10), 285.11(1)(2)(6)(8), Chapter 285, §§285.1, 285.1(12), 285.10(9)(10), Chapter 442, Chapter 670, the Code, 1979. Chapters 248 and 274, Acts of the 61st G.A. (1965); Chapter 271, Acts of the 62nd G.A. (1967). School districts have discretionary power to operate summer school and to offer driver education in summer school in satisfaction of requirement. Transportation is required for eligible students during regular school year. Districts may but are not required to provide transportation for summer school students. (Hagen to Binneboese, State Representative, 7/16/79) #79-7-20

Sale of Schoolhouse. Use of funds derived from sale of realty by school district to city within its jurisdiction. Sections 23.2, 23.18, 278.1(2), 278.2, 297.7, 297.22, 297.22(4), 297.25, 297.41, the Code, 1979. Sections 278.1(2) and 297.41 authorize separate methods by which school districts may dispose of property and allocate funds derived from disposition of property. (Hagen to Schnekloth, State Representative, 7/20/79) #79-7-25

STATE OFFICERS AND EMPLOYEES

Airline discount coupon ownership. §8.13(2), the Code, 1979. Where the State pays for the airline travel of its officers or employees, including legislators, discount coupons received by the officer or employee from the airline as a result of the travel are the property of the State. (Haskins to Halvorson, State Representative, 7/25/79) #79-7-29

Audiologists. Sections 147.151, 154A.1 and 154A.19, the Code, 1979. Licensed audiologists cannot dispense hearing aids without the additional license to dispense hearing aids required by Chapter 154A. They may, however, determine the need for and the use of hearing aids, and may loan them without remuneration. (Mueller to Ver Hoef, Chairperson, Board of Speech Pathology and Audiology, 7/27/79) #79-7-31

Campaign Finance. Section 56.13, the Code, 1979. Rules requiring Iowa committees to affirmatively determine if out-of-state committees have filed with the Campaign Finance Disclosure Commission and forbidding in-state committees to accept contributions from out-of-state committees where proper statements are not on file is outside the scope of the Commission's statutory authority. (Appel to Administrative Rules Committee, 7/17/79) #79-7-22

City Development Board -- Annexations. Chapter 368, the Code, 1979. The provisions of §§368.11, 368.12, 368.14, 368.15, 368.16, 368.17, 368.18 and 368.19 do not apply to voluntary annexations in §368.7. (Blumberg to Nail, Chairperson, City Development Board, 7/11/79) #79-7-17

Commission on the Aging. 42 U.S.C. §3001 et. seq.; 42 U.S.C. §§3025 (A)(I)(E), 3025(B)(I), 3025(b)(4); Chapters 7A, 17A, 249B, 1979 Code of

ATTORNEY GENERAL (cont'd)

of Iowa, §§20-1.1(6) and 20-1.2(2)(f), Iowa Administrative Code. The Iowa Commission on the Aging has the responsibility to designate planning and service areas under the Older Americans Act. The Commission on the Aging may designate as a planning and service area any unit of general purpose local government with a population of 100,000 or more. No conflicts exist in state law to this authority granted within the Older Americans Act. (Appel and McDonald to Glenn R. Bowles, Director, Commission on the Aging, 7/16/79) #79-7-19

Compatibility of Offices. §§28C.9 and 29C.10, The Code 1979. The positions of Chief of Police and Coordinator of the joint city-county disaster services and emergency planning administration are compatible. (Blumberg to Bruhn, Acting Director, Office of Disaster Services, 7/25/79) #79-7-28

Iowa Board of Pharmacy Examiners. Chapter 155, Chapter 204, Chapter 152, Chapter 148B, §234.22, The Code 1979. Dispensing of prescription drugs is limited to licensed practitioners who are allowed by the code to prescribe and to pharmacists. (McGrane & Blumberg to Johnson, Iowa Board of Pharmacy Examiners, 7/5/79) #79-7-10

Department of Public Safety: Criminal History Data. Sections 691.1(10), 692.2, 692.5, 692.19, The Code 1979. An individual may not obtain a certified copy of his criminal history record or a copy certifying no record. (Boecker to Larson, Commissioner, Department of Public Safety, 7/10/79) #79-7-15

Scavenger Tax Sale for Ordinary Taxes and Special Assessments. §§384.69 and 446.18, The Code 1979; §§446.19 and 569.8, The Code 1979, as amended by Senate File 159, Acts of 68th G.A. (1979). At a scavenger tax sale, the county treasurer should attempt to sell property for all delinquent taxes and delinquent special assessments. A city may, but need not, bid at such sale to protect its interests. (Griger to Tofte, State Representative, 7/16/79) #79-7-21

ATTORNEY GENERAL (cont'd)

STATUTES CONSTRUED

<u>Code, 1979</u>	<u>Opinion</u>	<u>Code, 1979</u>	<u>Opinion</u>
4.1	79-7-20	372.5	79-7-23
4.7	79-7-12	384.69	79-7-21
7A	79-7-19	400.15	79-7-23
8.13(2)	79-7-29	400.1,3	79-7-12
17A	79-7-19	400.26,27	79-7-12
20.9	79-7-24	403.16	79-7-23
23	79-7-24	413.3	79-7-6
23	79-7-25	442	79-7-20
24.22	79-7-27	444.12	79-7-27
24.37	79-7-24	446.18	79-7-21
28A.2,5	79-7-12	452.10	79-7-27
28A.4	79-7-11	453.1,7	79-7-27
29C.9,10	79-7-28	499.9(2)	79-7-24
56.13	79-7-22	509	79-7-24
79-13	79-7-18	535.2	79-7-6
91A.3(6)	79-7-18	535.2	79-7-6
39A.1,3	79-7-16	537.1301	79-7-6
135.61	79-7-9	562.4	79-7-14
135.64	79-7-9	562A	79-7-14
135.83	79-7-9	562B.7	79-7-6
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204	79-7-10	692.2,5,19	79-7-15
229	79-7-8	801.4	79-7-5
229	79-7-7		
232	79-7-8		
232	79-7-13		
232.19(1)(2)	79-7-1		
249B			
250	79-7-32		
252	79-7-27		
253	79-7-27		
257.25(6)	79-7-20		
278.1(2)	79-7-25		
279.12	79-7-24		
281.2(1),(2)	79-7-3		
282.3(1),(2),(3)	79-7-3		
285.1	79-7-20		
286	79-7-2		
297.41	79-7-25		
306.4,8	79-7-2		
321	79-7-20		
321.1(68((a)	79-7-6		
321.230	79-7-30		
331.18	79-7-27		
332.3(6)	79-7-32		
332.3	79-7-27		
333.2	79-7-18		
347.13,14,18	79-7-4		
362.5	79-7-23		
368	79-7-17		
		<u>68th General Assembly</u>	
		<u>Senate Files</u>	
		159	79-7-21
		<u>Constitution of Iowa</u>	
		Art. III, §39A	79-7-18
		Art. III, §39A	79-7-32
		<u>Constitution of the United States</u>	
		3025(a)(1)(E)	79-7-19
		3025(b)	79-7-19

ATTORNEY GENERAL (cont'd)

SUMMARY OF OPINIONS FROM THE OFFICE OF
ATTORNEY GENERAL THOMAS J. MILLER

June, 1979

COUNTIES AND COUNTY OFFICERS

County Boards of Supervisors. §§125.43, 125.45, 125.48, 230.15, 230.25, 252A.3, 336A.4, and 627.6, 1979 Code of Iowa; County boards of supervisors may make a reasonable assessment of the ability to pay of persons legally liable for the support of patients in the mental health or alcoholism treatment programs. Such an assessment is limited to a person's present ability to pay for support, based on the person's nonexempt assets and the economic needs of the person and his/her family. The board may subsequently review the ability to pay of persons legally liable for the support of patients receiving treatment in these programs. Such redeterminations apply only to current charges, and may not be applied retroactively. (McDonald to Huffman, Pocahontas County Attorney, 6/22/79) #79-6-22

Incompatibility of Offices. Chapter 173, Sections 332.3(23), 336.2(7), 347.13, 347.14(13) and 347.27, the Code, 1979. A member of a board of supervisors may not simultaneously be a member of a county hospital board or a county fair board. A member of a board of supervisors may be a member of the State Fair Board. The doctrine of incompatibility of offices is not an obstacle to an assistant county attorney representing a local school district, but such representation may raise several ethical problems under the Code of Professional Responsibility. (Appel and Blumberg to Arends, Assistant Humboldt County Attorney, 6/8/79) #79-6-5

County Attorney: Lawsuits against County Supervisors. Chapter 613A, Chapter 125, Section 336.2(6), Code of Iowa (1979). County Attorney has primary obligation to defend a county supervisor who is a member of the board of directors of a nonprofit corporation pursuant to Code §125.39 who is sued for an act or omission of the supervisor as a member of that corporation. (Cleland to Hutchins, State Senator, 6/13/79) #79-6-15

Open Meetings -- Drainage Districts. §§28A.2(1), 28A.2(2), 455.1, 455.2, 455.4, 455.7, 455.18, 455.28, 455.30, 455.135, the Code, 1979. A county board of supervisors, when it is in charge of a drainage district, is covered by the open meetings law. A board of trustees, when it is in charge of a drainage district, is covered by the open meetings law, if it is multi-membered, formally and directly created, and has policy-making or decision-making duties. The decision to make minor repairs in a drainage district must be made by the county board of supervisors or the board of trustees itself and must be in open session. (Haskins to Cochran, State Representative, 6/15/79) #79-6-19

ATTORNEY GENERAL (cont'd)

Loss of County Treasurer's Fund. Sections 64.2, 64.10, 334.13-26, the Code, 1979. Losses from robbery in a county treasurer's office in excess of the amount of the treasurer's bond of \$25,000 are covered by §334.13. Losses less than \$25,000 not covered by insurance are to be recovered from the treasurer's surety or borne by the county. (Hagen to Johnson, State Auditor, 6/8/79) #79-6-4

Welfare: Residency Requirement. Chapter 255, the Code, 1979, 8 USC §1101(a)(15); 8 USC §1182(e). The limitation on medical treatment of the indigent at University Hospitals under Chapter 255, Code of Iowa, 1979, to "legal residents of Iowa" is constitutional. Aliens in the United States on temporary student visas are not residents of Iowa and are not eligible for treatment under Chapter 255. (Appel and Cosson to Murray, State Senator, 6/12/79) #79-6-12

Workmen's Compensation Insurance. Section 309.9, the Code, 1979. Premiums for insurance covering county road employees may not be paid out of the secondary road fund. (Ferree to Bradley, Keokuk County Attorney, 6/13/79) #79-6-13

CONSERVATION COMMISSION

Disposition of Obsolete State Property. Sections 18.3, 18.3(4), 18.6, 18.9, 18.12(3), 18.12(6)(b) and (c), 18.12(8), 107.17, 107.24(7), the Code, 1979; Section 19.23, the Code, 1971; Art. XI, Sec. 8, Iowa Constitution; Chapter 84, Section 99, Laws of Sixty-fourth G.A., First Session; Chapter 121, Section 12, Laws of the Sixty-fifth G.A., 1973 Session. The Conservation Commission need not seek the authorization of the Director of the Department of General Services to conduct a sale of obsolete personal property not under the Director's control. The proceeds from such a sale conducted by the Conservation Commission should be deposited in those funds specified in Section 107.17, the Code, 1979. (Benton to Brabham, Iowa Conservation Commission, 6/26/79) #79-6-26

Wildlife habitat stamps. Sections 110.1, 110.3, 110.7, 110A.5, 110A.6, the Code, 1979. Persons hunting upon licensed Game Breeding and Shooting Preserves must possess a wildlife habitat stamp. Non-residents hunting upon licensed Game Breeding and Shooting Preserves must also possess an unused pheasant tag issued pursuant to §110.7, the Code, 1979. (Benton to Brabham, Acting Director, Iowa Conservation Commission, 6/15/79) #79-6-20

CONSTITUTIONAL LAW

Special legislation. Art. I, §6, Art. III, §30, Iowa Constitution S.F. 478, which purports to legalize and validate certain agreements of North Iowa Municipal Electric Cooperative Association, is not violative of Art. III, §30 or Art. I, §6. (Haskins to Jesse, State Representative, 6/11/79) #79-6-9

ATTORNEY GENERAL (cont'd)

DRAINAGE DISTRICTS

Affirming or Acquiring Rights-of-way. Iowa Constitution, Art. I, Sec. 18; Iowa Constitution, Amendment 13, Art. I, Sec. 18; 455.135(8); 455.135(6); Ch. 68, Sec. 4, 30 G.A. Original right-of-way at time drainage district was established can be determined from county records. If records unavailable it can be determined by a new survey. Drainage district acquired a prescriptive easement as to right-of-way if district was established in substantial compliance with statutes in effect in 1906. Additional right-of-way must be acquired by procedures provided in Section 455.135(6). (Adams to Willis, Calhoun County Attorney, 6/12/79) #79-6-11

ENVIRONMENTAL PROTECTION

Federally Mandated Pretreatment Program -- Federal Clean Water Act. 33 U.S.C. §§1317, 1342; Chapter 455B, the Code, 1979, and Title 400, Iowa Administrative Code. Iowa law provides authority to apply and enforce pretreatment standards upon industrial users discharging into publicly owned treatment works. Opinion #78-10-1 (Davis to Crane, 10-6-78) is withdrawn where inconsistent herewith. (Osenbaugh to Crane, Executive Director, Iowa Department of Environmental Quality, 6/12/79) #79-6-10

Governor/Energy Policy Council/General Assembly/Legislative Council: Energy Emergency Powers; Delegation of Powers; Legislative Veto of Governor's Emergency Proclamation. Iowa Const., Art. III, §1, Legislative Department, §1, 8, 15, 16, 17; Amendments 26 and 37; Chapter 17A; §§93.7(10), 93.8, the Code, 1979. Section 93.8, the Code, 1979, granting energy emergency powers to the Governor and the Energy Policy Council, is constitutional except insofar as it allows revocation of an emergency proclamation by concurrent resolution of the General Assembly or by vote of the Legislative Council. (Osenbaugh to Gallagher, 6/4/79) #79-6-2

BANKING

Legal Relationship of the Iowa Mortgage Loan Act, Chapter 535A, 1979 Code of Iowa, and the Federal Home Mortgage Disclosure Act, 12 U.S.C. §2801, et seq., and the Acts' Statutory Requirements Regarding Disclosure and/or Filing of Mortgage Loan Information and Data by Certain Federal and State Financial Institutions. United States Constitution, 12 U.S.C., §2801-8; Chapter 535A, 535A.1(2-4), 535A.4, 535A.4(4), the Code, 1979; Board of Governors of the Federal Reserve System, May 9, 1977, 42 F.R. 24314, May 13, 1977. While the federal Mortgage Loan Disclosure Statement may be filed by state financial institutions, additional mortgage information or data not contained in the federal Mortgage Loan Disclosure Statement can be required and collected pursuant to Section 535A.4(1-3), the Code, 1979, and 12 U.S.C. §2805. State financial institutions may petition the Federal Reserve Board for an exemption from the federal Home Mortgage Disclosure Act. The State cannot, however, require that federal financial institutions

ATTORNEY GENERAL (cont'd)

file any disclosure information as the federal Home Mortgage Disclosure Act preempts the application of state mortgage loan disclosure laws to federal financial institutions. Chapter 535A is constitutional except insofar as it requires federal financial institutions file disclosure reports pursuant to 535A.4(1-3), the Code, 1979. (Hagen to Chiodo, State Representative, 6/21/79) #79-6-21

MENTAL HEALTH

Role of County Attorney under Chapter 229, the Code. §§229.6-8, 229.12, 229.21, 229.50-53, 333.2. Chapter 229, the Code, does not permit the county attorney to screen applications for orders of involuntary hospitalization prior to the time of filing with the clerk of court. The Code of Iowa does not charge the county attorney with the duty of presenting evidence in support of the involuntary commitment of a substance abuser. (Fortney to Wickey, Assistant Woodbury County Attorney, 6/8/79) #79-6-6

MENTAL RETARDATION

Sterilization of mentally retarded minor with parental consent. Fourteenth Amendment to the Constitution of the United States; Social Security Act; Chapter 145, the Code; Chapter 77, Acts of the 67th General Assembly. Given the fundamental nature of the right to procreate and the intrusive and irreversible nature of sterilization, a parent does not have the authority to consent to the sterilization of a mentally retarded child. A district court lacks the requisite jurisdiction to approve an application for sterilization. (Fortney to Yenger, 6/11/79) #79-6-8

County financial responsibility for services for mentall retarded in sheltered work/work activity. §222.60, the Code. The cost of services for a mentally retarded individual at a sheltered work/work activity center can properly be charged to the county of legal settlement if the costs are necessary and legal; the costs are related to admission, commitment or treatment; and, the costs are for a patient at an authorized facility. (Fortney to Williams, Acting Commissioner, 6/27/79) #79-6-27

MOTOR VEHICLES

Schools; Criminal Law. §§321.285, 321.372(1), the Code, 1979. Section 321.372(1) prohibits stopping a school bus to load or unload students with less than 300 feet of clear visibility in situations where visibility is obstructed by inclement weather. In certain circumstances, the legal excuse of sudden emergency may be available to the bus driver. The 1936 amendment to §321.285 permitting a driver to assume that other drivers will obey the law may provide a legal excuse for driving at a speed which will not permit stopping within an assured clear distance. The amendment does not provide an excuse for travelling in excess of a reasonable and proper speed. (Mull to Lytle, 6/4/79) #79-6-1

ATTORNEY GENERAL (cont'd)

Left turns. Ch. 321, §§320, 354, the Code, 1979. Complete stops on the travelled portion of a roadway which are made pursuant to §320 are not forbidden by §321.354. (Gregersen to Gallagher, State Senator, 6/25/79) #79-6-24

MUNICIPALITIES

Civil Service. Section 400.11, the Code, 1979. Preference shall be given to those on eligibility lists for temporary service. (Blumberg to Walter, State Representative, 6/7/79) #79-6-3

Platting. §§409.1, 409.8, 409.9, 409.12, 409.31 and 409.45, the Code, 1979. An owner of land or parcels of land of forty acres or less, and an owner of land of any size within a city or within two miles of a city pursuant to §409.14, who subdivides the land into three or more parts shall have a plat made and filed before the subdivided land can be sold. (Blumberg to Howell, State Representative, 6/11/79) #79-6-7

Soil Conservation Districts -- Tort Liability. Chapters 467A and 613A, §§626.24 and 627.18, the Code, 1979. Soil conservation districts are municipalities, not state agencies, for purposes of tort liability. These districts cannot levy a tax to satisfy judgments arising out of successful tort actions. (McNulty to Vance, Director, Iowa Department of Soil Conservation, 6/26/79) #79-6-25

PUBLIC EMPLOYERS

Payment for sick leave. Iowa Const., Art. III, §38A (amendment 1968); Iowa Const., Art. III, §39A (amendment 1978); §20.9, §79.1, §279.40, §332.3(10), §372.13(4), the Code, 1979. Public employers have authority to pay employees for sick leave. (Powers to Longnecker, Director, State Retirement Systems, IPERS, 6/13/79) #79-6-14

PUBLIC EMPLOYEES

Retirement. §§97B.45 and 97B.47, the Code, 1979. A member of IPERS must retire on the first day of a month. A member must retire on the first day of the month in which he or she reaches retirement age, unless the employer permits the member to work beyond the retirement age. A member reaches the retirement age on his or her birthday. (Blumberg to Priebe and Tieden, State Senators, 6/28/79) #79-6-28

PUBLIC RECORDS

Confidentiality: Trade Secrets. Sections 17A.2(7), 17A.3, 68A.1, 68A.7, 68A.8. An agency in possession of an item makes the preliminary determination of whether it is a trade secret within the meaning of §68A.7(3). If an agency has reasonable grounds for concluding the item is a trade secret, it need not make the item available for inspection and copying. (Schantz and Cosson to Nelson, Director of Data Processing, Office of the State Comptroller, 6/14/79) #79-6-16

ATTORNEY GENERAL (cont'd)

STATE OFFICERS AND DEPARTMENTS

Department of Social Services, Office of Communications. Sections 217.30 and 229.27, the Code, 1979; §§770-17.5(1), 770-18.6(1), 770-19.3(1), 770-20.3(1), 770-21.4(3), 770-22.6(1), and 770-28.5, Iowa Administrative Code. A written release should be secured from a client before his photograph is taken for a department publication. Such release should describe the publication for which the photograph is to be used, including the purpose and date of release of the publication. A client release should be executed each time the photograph is used or the publication is reprinted. The Office of Communications should investigate the status of the client before the photograph is used or released in a publication. In instances where the status of the client has changed since the taking of the photograph, the photograph should not be used for publication, notwithstanding a prior secured written release from the client. (McDonald to Fredericci, Director, Office of Communications, 6/14/79) #79-6-17

Credit Union Department. Chapter 533, the Code, 1979; §§533.1, 533.6, 533.37, 533.51, 533.53, 533.54 and 533.55, the Code, 1979; %533.1, the Code, 1977. The Credit Union Review Board may review and reverse important decisions of the Administrator if such action is deemed necessary or suitable to effect the provisions of Chapter 533. The Board should not reverse routine, day-to-day administrative decisions made by the Administrator. The Credit Union Department should promulgate rules to more specifically define the relationship of the Board and the Administrator. (McDonald to Reed, Acting Deputy Administrator, Credit Union Department, 6/15/79) #79-6-18

Commission for the Blind. §601B.6(9), §17A.2; Rule prescribing use of guide dogs in adjustment centers is not outside jurisdictional authority of Commission. Such a rule may be subject to rulemaking under Iowa Administrative Procedure Act, but question need not be decided since commission has voluntarily agreed to promulgate appropriate rule. Such rules may be subject to judicial challenge under §17(19)(g) of the IAPA. (Appel to Kudart, 6/22/79) #79-6-23

ATTORNEY GENERAL (cont'd)

STATUTES CONSTRUED

<u>Code, 1979</u>	<u>Opinion</u>	<u>Code, 1979</u>	<u>Opinion</u>
17A	79-6-2	336.2(6)	79-6-15
17A.2	79-6-23	336.2(7)	79-6-5
17A.2(7)	79-6-16	347.13	79-6-5
17A.3	79-6-16	347.14(13)	79-6-5
19.3	79-6-26	347.27	79-6-5
18.3(4)	79-6-26	354	79-6-24
18.6	79-6-26	372.13(4)	79-6-14
18.9	79-6-26	400.11	79-6-3
18.12(3)	79-6-26	409.8-9	79-6-7
18.12(6) (b, c)	79-6-26	409.12	79-6-7
18.12(8)	79-6-26	409.31	79-6-7
28A.2(1)	79-6-19	409.45	79-6-7
28A.2(2)	79-6-19	455B	79-6-10
64.2	79-6-4	455	79-6-19
64.10	79-6-4	455.135(6)	79-6-11
68A.1	79-6-16	467A	79-6-25
68A.7	79-6-16	533	79-6-18
68A.8	79-6-16	535A.1-4	79-6-21
79.1	79-6-14	601B.6(9)	79-6-23
93.7(10)	79-6-2	613A	79-6-15
93.8	79-6-2	613A	79-6-25
97B.45	79-6-28	626.24	79-6-25
97B.47	79-6-28	627.6	79-6-22
107.17	79-6-26		
107.24(7)	79-6-26	<u>Constitution of Iowa</u>	<u>Opinion</u>
110.1	79-6-20	Art. I, §§6,18	79-6-9
110.5	79-6-20	Art. III, §1	79-6-2
125.45	79-6-22	Art. III, §30	79-6-9
125.48	79-6-22	Art. III, §38A	79-6-14
145	79-6-8	Art. IV, §39A	79-6-14
217.30	79-6-17		
222.60	79-6-27	<u>U.S. Constitution</u>	<u>Opinion</u>
229.6	79-6-6	Ch. 1101(a)(15)	79-6-12
229.12	79-6-6	Ch. 1182(e)	79-6-12
229.21	79-6-6	Ch. 1317	79-6-10
229.27	79-6-17	Ch. 1342	79-6-10
229.50-53	79-6-6	Ch. 2801-8	79-6-21
230.15	79-6-22		
230.25	79-6-22	<u>Ia. Adms. Code</u>	<u>Opinion</u>
252A.3	79-6-22	Ch. 400	79-6-10
255	79-6-12	Ch. 770	79-6-17
279.40	79-6-14		
309.9	79-6-13	<u>30th General Assembly</u>	<u>Opinion</u>
320	79-6-24	Ch. 68, §4	79-6-11
321	79-6-24		
321.285	79-6-1		
321.372(1)	79-6-1		
332.3(10)	79-6-14		
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