



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

The Iowa Administrative Bulletin is published in pamphlet form biweekly pursuant to Chapter 17A, The Code, 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, objection filed by Administrative Rules Review Committee, Governor or the Attorney General, any delay by the Committee of the effective date of filed rules, and agenda for monthly committee meetings.

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

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

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to section 17A.6, The Code. 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
PHYLLIS BARRY, Deputy Code Editor
LAVERNE SWANSON, Administrative Code Assistant

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
3	Friday, July 18, 1980	August 6, 1980
4	Friday, August 1, 1980	August 20, 1980
5	Friday, August 15, 1980	September 3, 1980

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Iowa Administrative Bulletin

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Iowa Administrative Code

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AGENDUM

The Administrative Rules Review Committee will hold a special meeting, Tuesday and Wednesday, August 5 and 6, 1980, 9:00 a.m., Senate Committee Room 24. This meeting will be held in lieu of the regular meeting of August 12. The following rules will be reviewed.

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AGING, COMMISSION ON THE[20] Elderly care program, amendments to ch 8 IAB 7/23/80 ARC 1192	Third Floor Conference Room Employers Mutual Bldg. 717 Mulberry Des Moines, Iowa	August 13, 1980 10:00 a.m.
COMMERCE COMMISSION[250] Rulemaking procedure, amendments to chapter 20 IAB 5/14/80 ARC 1047	Hearing Room "A", 7th Floor 300 4th Street Des Moines, Iowa	August 6, 1980
Seasonal electric rates IAB 6/25/80 ARC 1134	Hearing Room "A", 7th Floor 300 4th Street Des Moines, Iowa	October 13, 1980 10:00 a.m.
CONSERVATION COMMISSION[290] Passenger capacity, ch 29 IAB 7/23/80 ARC 1199	4th Floor Conference Room Wallace State Office Bldg. 900 E. Grand Ave. Des Moines, Iowa	August 15, 1980 11:00 a.m.
Snowmobiles, 50.2 IAB 7/23/80 ARC 1200	4th Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	August 15, 1980 10:00 a.m.
License Depositaries, ch 66 IAB 7/23/80 ARC 1201	4th Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	August 12, 1980 10:00 a.m.
Lost or Destroyed License Blanks, ch 67 IAB 7/23/80 ARC 1202	4th Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	August 12, 1980 10:00 a.m.
ENERGY POLICY COUNCIL[380] Standby Emergency Energy Conservation measures, ch 12 IAB 7/23/80 ARC 1228	3rd Floor Conference Room Lucas Building Des Moines, Iowa	August 12, 1980 7:30 p.m.
ENVIRONMENTAL QUALITY[400] Emission reporting and pollution control, 1.2, ch 5 IAB 5/28/80 ARC 1094	5th Floor Conference Room Henry A. Wallace Bldg. 900 E. Grand Des Moines, Iowa	August 14, 1980 10:00 a.m.
Air pollution control, 3.7, 4.6, 7.1(12) IAB 5/28/80 ARC 1095	5th Floor Conference Room Henry A. Wallace Bldg. 900 E. Grand Des Moines, Iowa	August 14, 1980 10:00 a.m.
Surface water classification, amendments to ch 16 IAB 6/25/80 ARC 1152	Auditorium Henry A. Wallace Building 900 E. Grand Avenue Des Moines, Iowa	July 23, 1980 10:00 a.m.
Construction grant project priority list, 19.2(12) IAB 6/25/80 ARC 1153	Auditorium Henry A. Wallace Building 900 E. Grand Avenue Des Moines, Iowa	July 23, 1980 10:00 a.m.
Hazardous Waste Program 45.7, 45.8, 45.9 IAB 7/23/80 ARC 1225	5th Floor Conference Room Henry A. Wallace Bldg. 900 E. Grand Des Moines, Iowa	August 12, 1980 10:00 a.m.
LABOR BUREAU[530] Air contaminants, amendments to ch 10 IAB 6/25/80 ARC 1154	Labor Bureau Office 307 E. 7th St. Des Moines, Iowa	July 28, 1980 9:00 a.m.
Agriculture, health and safety standards, 28.1 IAB 6/25/80 ARC 1155	Labor Bureau Office 307 E. 7th St. Des Moines, Iowa	July 28, 1980 9:00 a.m.

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**OCCUPATIONAL SAFETY AND
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Procedure for hearings,
1.107, 1.110
IAB 7/9/80 ARC 1164

Executive Secretary's Office August 8, 1980
1st Floor, State Office Building 10:00 a.m.
Walnut and Fourth Streets
Des Moines, Iowa

PLANNING AND PROGRAMMING[630]

Home Energy Assistance
Program
IAB 7/9/80 ARC 1176

District Office Annex Conference Room July 30, 1980
9:00 a.m.
206 West State Street
Marshalltown, Iowa

District Office Conference Room July 30, 1980
9:30 a.m.
2849 N. Court Road
Ottumwa, Iowa

Wilder Resource Bldg. July 30, 1980
Room 105 10:00 a.m.
N.E. Iowa Technical Institute
Decorah, Iowa

Iowa Highway Patrol Bldg. July 30, 1980
Highway 18 West 1:00 p.m.
Spencer, Iowa

Ft. Dodge District Office July 30, 1980
Conference Room 1:00 p.m.
27 N. 7th Street
Ft. Dodge, Iowa

Dubuque District Office July 30, 1980
Dubuque County Office Bldg. 1:00 p.m.
1473 Central
Dubuque, Iowa

Community Room July 30, 1980
205 South Main 1:30 p.m.
Council Bluffs, Iowa

Social Services District Office July 30, 1980
611 N.W. Street 1:30 p.m.
Carroll, Iowa

Black Hawk County Income July 30, 1980
Maintenance Office 1:30 p.m.
1340 Logan Avenue
Waterloo, Iowa

Council Chambers July 30, 1980
City Hall 2:00 p.m.
Creston, Iowa

Bi-Centennial Building July 30, 1980
428 Western Avenue 3:30 p.m.
Room 3, 5th Floor
Davenport, Iowa

West Side Center July 31, 1980
601 Market Street 7:00 p.m.
Sioux City, Iowa

District Office August 4, 1980
1531 South Monroe 7:00 p.m.
Mason City, Iowa

Kirkwood Community College August 5, 1980
Iowa Room, Iowa Hall 7:00 p.m.
Cedar Rapids, Iowa

Social Services District Office August 6, 1980
Conference Room 1:30 p.m.
3609½ Douglas
Des Moines, Iowa

PUBLIC HEARINGS (cont'd)

PLANNING AND PROGRAMMING[630] (cont'd)

Southeastern Community College -
North Campus
Room 121
Burlington, Iowa

August 6, 1980
1:30 p.m.

State building code,
5.110-5.800
IAB 6/25/80 ARC 1136

Conference Room
523 E. 12th St.
Des Moines, Iowa

August 14 and 21, 1980
10:00 a.m.

SOCIAL SERVICES[770]

Medical assistance, 78.14(5)
IAB 7/23/80 ARC 1219

Social Services District Office
Conference Room
3609½ Douglas
Des Moines, Iowa

August 13, 1980
2:00 p.m.

SOIL CONSERVATION COMMISSION[780]

Coal mining, amendments to ch 4
IAB 6/25/80 ARC 1145

4th Floor Conference Room
Henry A. Wallace Building
900 E. Grand Avenue
Des Moines, Iowa

July 23, 1980
10:00 a.m.

Erosion control incentive
program, amendments to ch 7
IAB 6/25/80 ARC 1146

4th Floor Conference Room
Henry A. Wallace Building
900 E. Grand Avenue
Des Moines, Iowa

July 31, 1980
1:00 p.m.

TRANSPORTATION, DEPARTMENT OF[820]

Driver license, amendments
to (07,C) ch 13
IAB 7/9/80 ARC 1168

Dept. of Transportation Complex
800 Lincoln Way
Ames, Iowa

August 19, 1980

Passenger Services Exempt by
Permit from Public Convenience and
Necessity Certificate Requirements
IAB 7/23/80 ARC 1211

800 Lincoln Way
Ames, Iowa

September 2, 1980

ARC 1192**AGING, COMMISSION ON THE[20]
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 Acts of the Sixty-eighth General Assembly 1979 Session, Chapter 16, the rules of the Commission on the Aging appearing in the IAC relating to the Elderly Care Program (Chapter 8) are hereby amended. The Commission on the Aging has filed emergency rules ARC 1191* to implement the Elderly Care Program. However, because the commission is desirous of public comment, the emergency rules implementing the Elderly Care Program are hereby placed under notice pursuant to section 17A.4(1), The Code.

The commission will hold a public hearing on the proposed rules at 10:00 a.m. on August 13, 1980, in the third floor conference room of Employers Mutual Building, 717 Mulberry, Des Moines, Iowa. Any interested person may make an oral presentation at that time. Any interested person may also submit written comments on the proposed rules to the Executive Director, Iowa Commission on the Aging, 415 Tenth Street, Des Moines, Iowa 50319 on or before August 13, 1980.

These rules are intended to implement Acts of the Sixty-eighth General Assembly, Second Session, House File 2580.

*See p. 67

ARC 1196**COMMERCE COMMISSION[250]
TERMINATION OF NOTICE**

Notice is hereby given that the Iowa State Commerce Commission is withdrawing a Notice of Intended Action (ARC 0723, IAB 11/28/79) that concerned decorative outdoor gas lighting fixtures. Revised rules are being proposed under Notice of Intended Action—ARC 1195, IAB 7/23/80.

ARC 1195**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 sections 17A.4(1) and 476.2, The Code

1979, that on June 30, 1980, the commission issued an Order in Docket No. RMU-80-10, In Re: The Iowa State Commerce Commission Rules Regarding The Prohibition On Use Of Decorative Outdoor Gas Lights And Exemptions Thereto, "Order Commencing Rulemaking". The commission intends to commence rulemaking proceedings to implement Section 402 of the Powerplant and Industrial Fuel Use Act of 1978, "Prohibition on use of natural gas for decorative outdoor lighting". The Economic Regulatory Administration has delegated to the commission, pursuant to Section 402(e) of the Act, full responsibility and authority of the Secretary of the Department of Energy with regard to natural gas outdoor lighting, 10 CFR 516.30.

Pursuant to the authority of Chapter 476, "Public Utility Regulation," the commission intends to consider and adopt rules to prohibit the use of gas decorative outdoor lighting and to provide exceptions for specific categories of lighting upon application by the consumer.

Pursuant to commission rule 250—3.4(17A,474), IAC, an interested person may file with the Commission, not later than August 27, 1980, a written statement of position containing data, views, comments or argument concerning the commission's proposed rules.

Pursuant to commission rule 250—3.6(17A,474), IAC, requests for a rulemaking oral presentation shall be filed not later than August 27, 1980.

All communications to the commission shall clearly reference Docket No. RMU-80-10 and shall be addressed to the Executive Secretary, Iowa State Commerce Commission, 300 Fourth Street, Des Moines, Iowa 50319.

The commission intends to consider and adopt rules as set forth below. These rules are intended to implement 42 U.S.C.A. §8372, 10 C.F.R. 516.30, and section 476.8, The Code of Iowa.

Amend subrule 19.3(1) by adding the following paragraph:

e. Prohibition on use of natural gas for outdoor lighting.

(1) Definitions. Unless otherwise expressly provided, for the purposes of this subrule—

1. The term "direct industrial customer" means an industrial user of natural gas who obtains the natural gas under a contract with a natural gas pipeline company, or any agent thereof.

2. The term "natural gas" means any fuel consisting in whole or in part of natural gas, synthetic gas derived from petroleum or natural gas liquids, other hydrocarbon gases, or any mixture of gases produced, transmitted, distributed or furnished by a gas utility.

3. The term "natural gas outdoor lighting fixture" means a complete stationary natural gas outdoor lighting unit.

4. The term "pipeline company" means any person engaged in the business of interstate or intrastate transportation of natural gas by pipeline other than as a gas utility.

5. The term "residence" means any single or multiple family dwelling unit, including commonly held areas associated with such unit and including multiple family dwelling units which may be classified by the gas utility as "commercial" customers.

6. The term "substitute lighting" means outdoor lighting which does not directly burn natural gas.

7. The term "direct rural customer" means a rural user of natural gas who obtains the natural gas under a contract with a natural gas pipeline company, or any agent thereof.

COMMERCE COMMISSION[250] (cont'd)

(2) No gas utility or direct industrial or direct rural customer shall sell or offer for sale or install any natural gas outdoor lighting fixture after November 9, 1979.

(3) No gas utility shall supply natural gas for use in outdoor lighting, except in the case of any residential or municipal outdoor lighting fixture to which natural gas was being supplied on November 9, 1978; the prohibition date shall be effective on January 1, 1982.

(4) No direct industrial or direct rural customer shall use natural gas for outdoor lighting after November 9, 1979.

(5) The commission will grant exemptions for cause as specified below. Each affected customer is to be informed of the right of a customer to petition for an exemption to these rules and of the criteria that must be met in order to be awarded such an exemption. Upon receipt of a petition for exemption, a stay on the prohibition will be granted until the certificate of exemption or a statement of denial is issued. The certificate of exemption allows the customer to continue use of the lighting fixture. The affected utility will be notified of the exemption or denial. A petition for exemption which is denied may be appealed by the petitioner to the commission. Exemptions may be granted by meeting the criteria of one of the following categories:

1. Lighting of historical significance. A federal, state or local government agency, or an appropriate historical association, may petition the commission for an exemption from the prohibition set forth in subparagraphs 19.3(1)"e"(2) and 19.3(1)"e"(3) of this rule for any property on the basis of historical significance. In the case of a petition for an exemption from the prohibitions set forth in 19.3(1)"e"(2) of this rule, an exemption shall be granted only for replacement of natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978. Such replacement shall include replacement of an extant original or reproduction fixture; or installation of an original or reproduction fixture to replace a fixture which existed during the life of the specified historic property.

The criteria for an exemption on the basis of historic significance shall be satisfied upon certification, by the petitioner, that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified historic property or district, as applicable; and upon a finding that the specifically identified historic property is listed on the National Register of Historic Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior, pursuant to the National Historic Preservation Act (16 U.S.C. 470 as amended), applicable regulations (36 CFR Parts 60 and 63), and Executive Order 11593; or is in a district whose state or local statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior, pursuant to the Tax Reform Act of 1976 (26 U.S.C. 191, 280B) and applicable regulations.

An exemption request shall result in a stay from the prohibitions set forth above if the petitioner has certified that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified historic property or district, as applicable; and an application is pending, before the Department of Interior, for inclusion in one of the categories specified above.

2. Memorial lighting. A federal, state or local government agency, or an appropriate historical association, may petition the commission for an exemption from the

prohibitions set forth in subparagraphs 19.3(1)"e"(2) and 19.3(1)"e"(3) of this rule on the basis of memorial lighting. In the case of a petition for an exemption from the prohibition set forth in subparagraphs 19.3(1)"e"(2) and 19.3(1)"e"(3) of this rule, an exemption shall be granted only for replacement of a natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978. Such replacement shall include replacement of an extant fixture only.

The criteria for an exemption on the basis of memorial lighting shall be satisfied upon a finding that the specifically identified outdoor lighting fixture(s) directly contributes to preserving the memory of a deceased person or persons.

3. Commercial lighting of a traditional nature. A person using natural gas outdoor lighting for commercial purposes may petition the commission for an exemption from the prohibitions set forth in subparagraph 19.3(1)"e"(2) and 19.3(1)"e"(3) of this rule on the basis of historical significance. In the case of a petition for an exemption from the prohibition set forth in 19.3(1)"e"(2) of this rule, an exemption shall be granted only for replacement of a natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978. Such replacement shall include replacement of an existing natural gas fixture; or installation of an original or reproduction fixture to replace a fixture which existed at some previous time upon the specific property.

The criteria for an exemption on the basis of traditional nature shall be satisfied upon certification, by the petitioner, that the specifically identified natural gas outdoor lighting fixture(s) used for commercial purposes, which is of a traditional nature and conforms with the long-standing cultural or architectural style of the area in which such light is located, presently exists or will be used to replace a natural gas lighting fixture of a traditional nature and that the replacement lighting fixture will enhance the area in which the property is located by conforming with the long-standing cultural or architectural style of the area in which such light is located.

4. Safety of persons and property. A gas utility, a direct industrial or direct rural customer, residential customer or an interested person, may petition the commission for an exemption from the prohibitions set forth in subparagraphs 19.3(1)"e"(3) and 19.3(1)"e"(4) of this rule on the basis of the necessity to protect the safety of persons and property if such natural gas was being supplied on November 9, 1978.

The criteria for an exemption on the basis of the necessity to protect the safety of persons and property shall be satisfied upon a finding that compliance with the prohibition would significantly increase the chances of bodily injury or damage to property; compliance with the prohibition would significantly increase the chances of the occurrence of crime; or the lighting is necessary because other existing lighting does not provide lighting adequate to insure conformance with American National Standards Institute (ANSI) Standard No. D 12.1, "The American National Standard Practice for Roadway Lighting."

5. Time to install substitute lighting. A gas utility, a direct industrial or direct rural customer, residential customer or an interested person, may petition the commission for a temporary exemption from the prohibitions set forth in subparagraphs 19.3(1)"e"(3) and 19.3(1)"e"(4) of this rule. Such an exemption shall be on the basis of the time needed to permit the installation of substitute lighting where no adequate outdoor lighting (other than that

COMMERCE COMMISSION[250] (cont'd)

using natural gas) exists, if such natural gas was being supplied on November 9, 1978.

The criteria for an exemption on the basis of time to install substitute lighting shall be satisfied upon a finding that no adequate outdoor lighting (other than that using natural gas) is available at the time the applicable prohibition became effective; and the time required for installation of the substitute lighting will not extend beyond one year from the date the applicable prohibition became effective, unless facts and circumstances warrant a longer period.

6. Substantial expense. A gas utility, a direct industrial or direct rural customer, residential customer or an interested person, may petition the commission for an exemption from the prohibitions set forth in subparagraphs 19.3(1)"e"(3) and 19.3(1)"e"(4) of this rule on the basis of substantial expense which would not be cost justified, if such natural gas was being supplied on November 9, 1978.

The criteria for an exemption on the basis of substantial expenses which would not be cost justified shall be satisfied upon a finding that compliance with the prohibitions set forth in 19.3(1)"e"(3) and 19.3(1)"e"(4) of this rule would entail substantial expense; and that such expense would outweigh the benefits to be derived from compliance.

7. Public interest. A gas utility, a direct industrial or direct rural customer, residential customer or an interested person, may petition the commission for an exemption from the prohibitions set forth in subparagraphs 19.3(1)"e"(3) and 19.3(1)"e"(4) of this rule on the basis of the public interest and consistency with the purposes of the Act, if such natural gas was being supplied on November 9, 1978.

The criteria for an exemption on the basis of the public interest and consistency with the purposes of the Act shall be satisfied upon a finding that converting a specific natural gas outdoor lighting fixture(s) to substitute lighting would not reduce the use of natural gas.

These rules are intended to implement 42 U.S.C.A. §8372, 10 C.F.R. 516.30, and section 476.8, The Code.

See ARC 1196, IAB 7/23/80.

ARC 1199

CONSERVATION
COMMISSION[290]

NOTICE OF INTENDED ACTION

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

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

Pursuant to the authority of sections 107.24 and 106.3, The Code, the State Conservation Commission hereby gives Notice of Intended Action to rescind chapter 29, "Passenger Capacity" Iowa Administrative Code, and proposes a new chapter to replace it.

These rules stipulate passenger capacity for all vessels registered in or used on the waters of the state of Iowa except as provided in special event permits issued by the state conservation commission. It clarifies some existing departmental policies regarding passenger capacities of certain vessels and allows use of U.S. Coast Guard assigned capacities on vessels with official capacity plates or Coast Guard capacity information furnished in a manufacturer's certificate of origin.

Any interested person may make written suggestions or comments on these proposed rules prior to August 15, 1980. Such written materials should be directed to the Director, State Conservation Commission, Wallace State Office Building, Des Moines, Iowa 50319. Persons who want to convey their views orally may present those views in the Wallace State Office Building, fourth floor conference room, on August 15, 1980, at 11:00 a.m.

These rules are intended to implement sections 106.24 and 106.20, The Code.

The following is proposed.

CHAPTER 29
PASSENGER CAPACITY**290—29.1(106) Regulations on passenger capacities.**

The passenger capacity for all vessels registered in or used on the waters of the state of Iowa, except as provided in special event permits issued by the state conservation commission, shall be as follows:

All vessels of conventional design and construction under eight and one-half feet in length are considered one passenger capacity craft. All vessels eight and one-half feet in length to ten feet in length and less than 48 inches in width shall be considered one passenger capacity craft. All vessels eight and one-half feet to ten feet in length and 48 inches or over in width are considered two passenger capacity craft.

290—29.2(106) Conventional vessels. For all vessels of conventional design and construction between 16½ feet and 25½ feet in length, the following chart shall be used in determining passenger capacities:

Length	Width	Passenger Capacity
16'6" - 17'6"	64" +	7
17'6" - 18'6"	68" +	8
18'6" - 19'6"	72" +	9
19'6" - 20'6"	76" +	10
20'6" - 21'6"	80" +	11
21'6" - 22'6"	84" +	12
22'6" - 23'6"	88" +	13
23'6" - 24'6"	92" +	14
24'6" - 25'6"	96" +	15

Vessels over 25½ feet in length shall be considered on an individual basis.

290—29.3(106) Pontoon boats. Pontoon boats shall be figured on the basis of 15 square feet of deck space per passenger capacity with two clarifications:

a. Should the passenger capacity result in a fraction less than one-half, the next lower whole figure shall apply; and

b. Should the passenger capacity result in a fraction over one-half, the next highest whole figure shall apply.

This section shall apply only to those pontoon vessels not having fully enclosed house-type construction on their deck. These vessels shall be considered houseboats.

CONSERVATION COMMISSION[290] (cont'd)

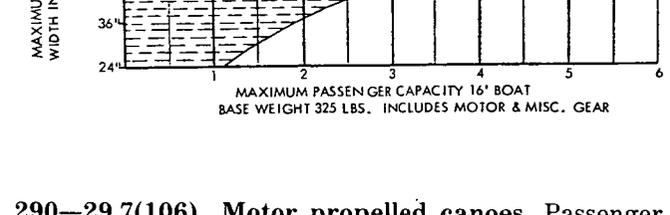
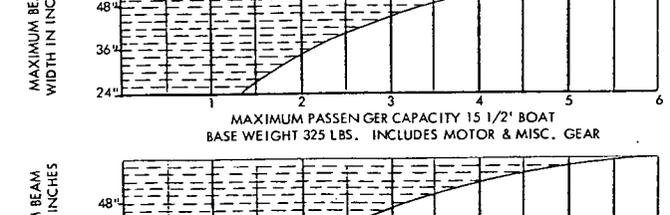
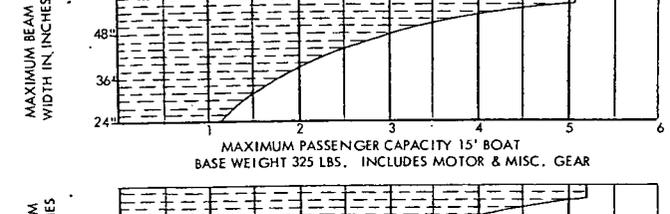
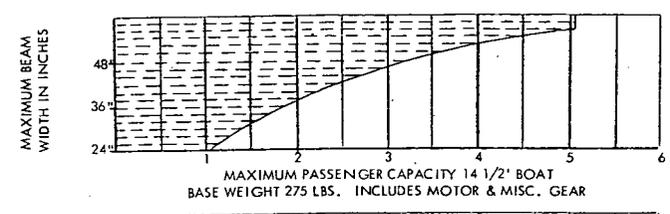
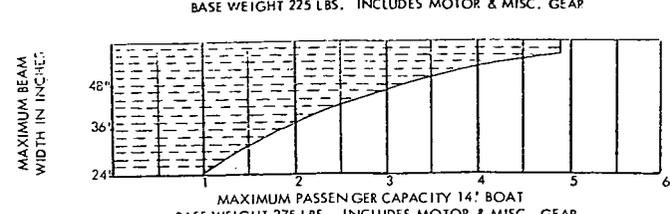
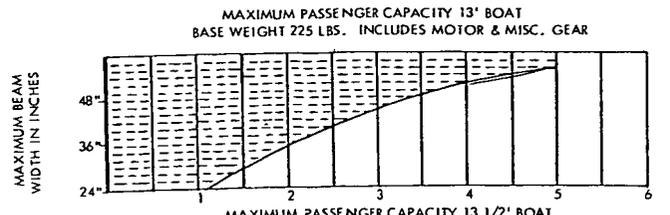
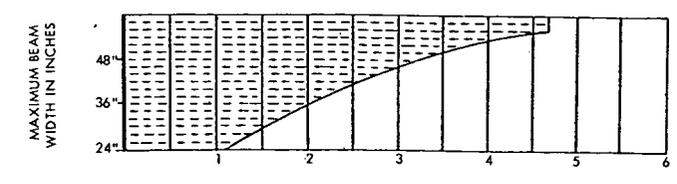
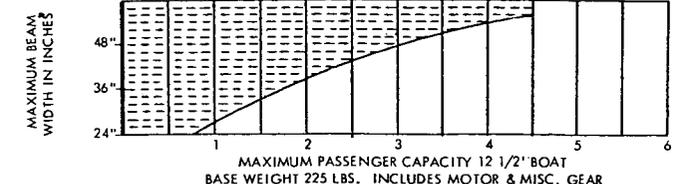
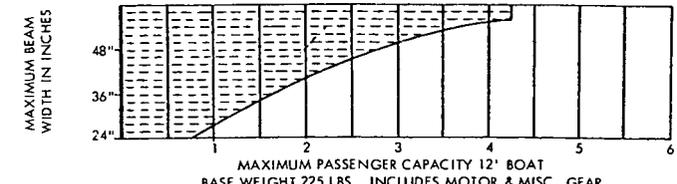
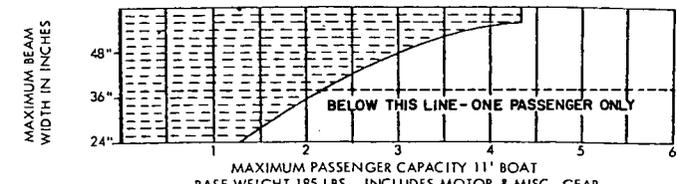
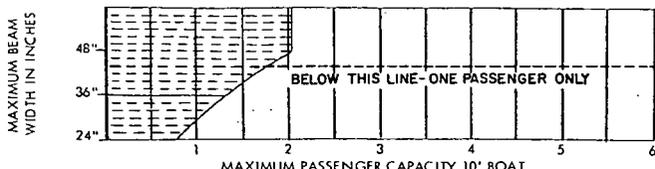
290—29.4(106) Houseboats. Houseboats shall be figured on the basis of 25 square feet of deck space using the main deck only. With two clarifications:

a. Should the passenger capacity result in a fraction less than one-half, the next lower whole figure shall apply; and

b. Should the passenger capacity result in a fraction over one-half, the next highest whole figure shall apply.

290—29.5(106) Children as passengers. In the loading of vessels where children are passengers, the last adult may be substituted by two children if their total combined weight is less than 160 pounds, this special regulation shall not alter the assigned passenger capacity of the vessel. This substitution shall not apply to vessels with a capacity rating of one, canoes or commercial vessels. On commercial vessels the capacity assigned by the inspecting officer shall be the legal use capacity for the vessel.

290—29.6(106) Charts. The following charts shall be used in determining passenger capacities of conventional design and construction vessels between 10 feet and 16½ feet in length:



290—29.7(106) Motor propelled canoes. Passenger capacities of conventional construction and design motor propelled canoes used on waters of this state under the jurisdiction of the state conservation commission shall be as follows:

Canoe Length in Feet	Passenger Limit
Under 14 ft.	1 passenger
14 ft. to 16 ft.	2 passenger
16 ft. 1 in. to 19 ft.	3 passenger
19 ft. 1 in. and over	4 passenger

Special or nonconventional design or constructed motor propelled canoes shall be considered on an individual basis.

CONSERVATION COMMISSION[290] (cont'd)

290—29.8(106) Paddle propelled canoes. Passenger capacities of paddle propelled canoes used on all waters under the jurisdiction of the state conservation commission shall be as follows:

Canoe Length in Feet	Passenger Limit
Under 16 ft	2 passenger
16 ft. to 18 ft.	4 passenger
Over 18 ft.	To be determined on an individual basis

In the loading of canoes sixteen feet one inch to nineteen feet in length which are registered as motorboats and which have an assigned capacity of three, a fourth passenger may be on board if there is no motor attached to the canoe.

290—29.9(106) U.S. Coast Guard assigned capacity rating. In the registration of vessels in which a certificate of origin is provided showing evidence that the U.S. Coast Guard has assigned a capacity rating in whole persons to that vessel, that capacity shall be used in place of the capacity given in this rule as the registration capacity.

In this case the assigned registration capacity and the whole persons capacity designated by the U.S. Coast Guard official capacity plate on the vessel shall be the same.

290—29.10(106) Incorrect registration. When information contained on the registration certificate of a vessel is found to be incorrect regarding vessel length, vessel width or passenger capacity, officers appointed by the state conservation commission may, upon inspection of the vessel, change the information on the certificate.

The officer shall within four days notify the state conservation commission and the county recorder of the county in which the vessel is registered of the changes on forms provided by the commission.

ARC 1200

CONSERVATION COMMISSION[290]

NOTICE OF INTENDED ACTION

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

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

Pursuant to the authority of sections 321G.2 and 107.24, The Code, the State Conservation Commission hereby gives Notice of Intended Action to amend chapter 50, "Snowmobiles", Iowa Administrative Code.

This rule clarifies that vehicles which can be registered as snowmobiles (all-terrain vehicles, etc.) cannot be operated on public lands under the jurisdiction of the commission unless there is measurable snow cover on that land.

The rule also formalizes the departmental policy regarding the snowmobile's registration under chapter 321G being the permit required by section 106.33 for operation on the surface of the ice. This eliminates the necessity of issuing individual permits for ice operation.

Any interested person may make written suggestions or comments on this proposed rule prior to August 15,

1980. Such written materials should be directed to the Director, State Conservation Commission, Wallace State Office Building, Des Moines, Iowa 50319. Persons who want to convey their views orally may present those views in the Wallace State Office Building, fourth floor conference room, on August 15, 1980, at 10:00 a.m. This rule is intended to implement chapters 321G and 106, The Code.

The following amendments are proposed.

Rule 290—chapter 50, is amended by adding the following new rule:

290—50.2(321G) Snowmobile operation.

50.2(1) A snowmobile shall not be operated on the public land of this state under the jurisdiction of the conservation commission without measurable snow cover on the land. Measurable snow cover shall be one-tenth of one inch.

50.2(2) The current registration certificate of a snowmobile shall be the permit required by section 106.33 for operation on the surface of the ice.

This rule is intended to implement sections 321G.2 and 106.33, The Code.

ARC 1201

CONSERVATION COMMISSION[290]

NOTICE OF INTENDED ACTION

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

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

Pursuant to the authority of sections 107.24 and 110.11, The Code, the State Conservation Commission hereby gives Notice of Intended Action to add a new chapter, chapter 66, "License Depositories", Iowa Administrative Code.

This proposed rule establishes procedures for agreements, and the conditions relating thereto, between the state conservation commission and retail business establishments regarding the sale of hunting and fishing licenses.

Any interested person may make written suggestions or comments on these proposed rules prior to August 12, 1980. Such written materials should be directed to the Director, State Conservation Commission, Wallace State Office Building, Des Moines, Iowa 50319. Persons who want to convey their views orally may present those views at a public hearing in the Wallace State Office Building, fourth floor conference room, on August 12, 1980, at 10:00 a.m. This rule is intended to implement section 110.11, The Code.

The following additions are proposed.

CHAPTER 66 LICENSE DEPOSITARIES

290—66.1(110) Depository designation. The director will designate a retail business establishment as a depository for the sale of hunting and fishing licenses and

CONSERVATION COMMISSION[290] (cont'd)

stamps in accordance with the provisions of this rule. A retail business establishment is defined as any store or service establishment open to the general public at a permanent location during regular, established hours of the day and times of the year.

290—66.2(110) Application. Application forms may be secured by a written or verbal request to the State Conservation Commission, Wallace Building, Des Moines, Iowa 50319; telephone (515) 281-4508. Requests for forms may be made through agency field staff or field officers. The applicant must provide the following information on the form:

1. The name of the retail business establishment and location(s) and telephone numbers.
2. A general description of the type of retail or service business.
3. The form of ownership. If a partnership, the full names and addresses of all partners must be provided. If a corporation, the date and state of incorporation must be provided.
4. The hours and days open for business.
5. The business and residence telephone number of the person signing the application.
6. The name, address, and telephone number of three credit references, including the bank used by the business establishment.

The application forms contain a statement to be signed agreeing to the terms and conditions as set forth in this rule. The application must be signed by the owner if a sole proprietorship, by a partner if a partnership, or, if a corporation, by an authorized corporate official. The signature must be attested to by a notary public.

290—66.3(110) Bond. The applicant must provide surety bond from an association or corporation which does the business of assuring the fidelity of others, and which has the authority by law to do business in this state.

66.3(1) Condition of bond. A bond shall generally provide that the applicant render a true account of, and turn over all moneys, license blanks, stamps, and duplicates when requested to do so by the state conservation director or an authorized representative, and to comply with all applicable provisions of the application, the Iowa Administrative Code and the Iowa Code.

66.3(2) Amount of bond. All bonds shall be in the amount of five thousand dollars or a larger amount as jointly agreed to by the agency and the depository.

66.3(3) Term of bond. The bond shall run continuously from the date the application is approved.

66.3(4) Termination of bond. The surety or principal may terminate the bond at any time by sending written notice by registered mail, return receipt requested, to the Director, State Conservation Commission, Wallace Building, Des Moines, Iowa 50319. The termination shall become effective thirty days after the receipt of the notice by the director.

290—66.4(110) Approval of application and bond. The director will approve the application upon the receipt of a satisfactory bond and a determination that the credit references are satisfactory. However, the director reserves the right not to approve any application received from a party whose depository agreement has previously been terminated by the agency for cause. Upon approval of the application and the bond by the director, the agency will provide the depository with license blanks, stamps, reporting forms, and instructions.

290—66.5(110) Depository reporting standards. All depositories shall comply with the following reporting standards:

66.5(1) Monthly reports. The monthly license sale report, including duplicate copies of the licenses sold and a check or other monetary instrument in the amount due shall be remitted to the agency by the fifth of the following month. A depository which does not provide the monthly report to the agency by the fifteenth of the following month shall be considered seriously delinquent. However, if a business is operated on a seasonal basis, a monthly report is not required for any month that the business is not open to the public.

66.5(2) Annual report. The annual report for all sales for the calendar year and including the return of all unused license blanks and stamps shall be remitted to the agency by January 31 of each year. An annual report shall also be submitted at the time a depository is terminated for any reason during the calendar year. This report must be received within fifteen days after the director receives the notice of termination. A depository will be considered seriously delinquent if the annual report is not received by February 15.

66.5(3) Accountability. The depository shall be fully accountable to the state for all proceeds collected from the sale of licenses and stamps. This accountability shall not be diminished by reason of bankruptcy, fire loss, theft loss, or other similar reason.

66.5(4) Probation. A depository shall be placed on probation by a notice sent by registered mail, return receipt requested, when any of the following circumstances occur. The probation will be automatically canceled by the agency after six months of satisfactory performance.

a. A depository is seriously delinquent for the second time during any consecutive six-month period.

b. A depository fails to correct a serious delinquency within ten days.

c. A check is returned by the bank by reason of insufficient funds.

66.5(5) Termination of depository. A depository may terminate the agreement at any time by notifying the director by registered mail, return receipt requested. The termination shall be effective thirty days after the receipt of the notice by the director, and after the depository has fully accounted for all moneys and unused license blanks and stamps. The agency may terminate the depository agreement and require an immediate and full accounting of all moneys and unused license blanks and stamps under any of the following circumstances:

a. The occurrence of a third serious delinquency during any consecutive six-month period.

b. Not making an insufficient funds check good within ten days after proper notice by the agency.

c. Failure to correct a serious delinquency within fifteen calendar days.

d. Knowingly placing a date, other than the correct date, on any license.

e. Knowingly selling a resident license or stamp to a nonresident, or selling a senior citizen or disabled license to a person not qualified for such license.

f. Charging more than the statutory writing fee.

g. Refusal to sell a license or stamp to any individual by reason of race, creed, nationality, or religion.

h. Expiration of bond coverage or cancellation of bond coverage by the surety.

CONSERVATION COMMISSION[290] (cont'd)

290—66.6(110) Multiple establishment locations. An application and bond may be submitted for business establishments with multiple locations. For purposes of reporting and for determining the amount of the bond, each location will be considered a separate entity. The party in charge of each location may act for the owner regarding the submission of monthly reports, moneys, and the annual report.

1. Loss or destruction by fire.
2. Loss from theft.
3. Loss while in transit.
4. Loss from natural causes, including but not limited to floods, tornadoes, and severe storms.
5. Loss or accidental destruction in a course of normal business operations or facility maintenance and repair.

The statement must also include a specific description of the precautions and procedures normally utilized by the recorder or depositary to prevent or to guard against the loss or destruction described, and a further statement as to why the precautions or procedures failed in this particular instance.

ARC 1202

CONSERVATION COMMISSION[290]

NOTICE OF INTENDED ACTION

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

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

Pursuant to the authority of sections 107.24 and 110.13, The Code, the State Conservation Commission hereby gives Notice of Intended Action to add a new chapter, chapter 67, "Lost or Destroyed License Blanks", Iowa Administrative Code.

This proposed rule establishes procedures and standards regarding determinations by the director whether or not to hold county recorders or depositaries financially responsible for lost or destroyed hunting and fishing license blanks.

Any interested person may make written suggestions or comments on these proposed rules prior to August 12, 1980. Such written materials should be directed to the Director, State Conservation Commission, Wallace State Office Building, Des Moines, Iowa 50319. Persons who want to convey their views orally may present those views at a public hearing in the Wallace State Office Building, fourth floor conference room, on August 12, 1980, at 10:00 a.m. This rule is intended to implement section 110.13, The Code.

The following additions are proposed.

CHAPTER 67

LOST OR DESTROYED LICENSE BLANKS

290—67.1(110) Accountability for license blanks. Whenever a depositary or recorder requests to be relieved from accountability for license blanks that have been lost or destroyed, the depositary or recorder shall file a bond for the face value of such lost or destroyed license blanks and provide an explanation to the director of the state conservation commission.

290—67.2(110) Explanation. The depositary or recorder must submit a written statement in the form of an affidavit regarding the facts and circumstances surrounding the alleged loss or destruction. Pictures, drawings, or other pertinent information may be attached and referenced in the statement. The loss or destruction must relate to one or a combination of the following reasons:

290—67.3(110) Review and determination by director. The director shall consider the written explanation as provided. The director shall also consider the past record of the depositary or recorder regarding losses and destructions; the past record of the depositary or recorder regarding prompt and accurate reporting; and may direct further investigations into the circumstances and facts by agency staff.

If the director determines that the depositary or recorder exercised reasonable and prudent care, the director shall relieve the depositary or recorder of accountability upon the filing of a bond.

If the director determines that there was gross negligence by the depositary or recorder and holds the depositary or recorder accountable, the depositary or recorder may file a request for a contested case proceeding as provided in the Iowa Administrative Code, chapter 64.

290—67.4(110) Bond. The depositary or recorder shall provide a bond in the amount of the face value of the lost or destroyed licenses on a bond form provided by the agency. The bond will be conditioned to the effect that the depositary or recorder agrees to surrender the subject licenses to the agency in the event that they are located at any future times; or in the event of proof showing that any or all of the subject licenses have been issued, the depositary, recorder, or sureties jointly and severally agree to pay the state the face value of all licenses covered by the bond.

For a face amount of five hundred dollars or less, the personal bond of the depositary or recorder is sufficient. One additional personal surety is required for a face amount up to one thousand dollars; and two personal sureties, in addition to the depositary or recorder, are required if the face amount is over one thousand dollars.

A corporate surety authorized to do business in Iowa may be provided in lieu of the personal sureties required, in addition to the depositary or recorder.

ARC 1228**ENERGY POLICY COUNCIL[380]
AMENDED NOTICE OF INTENDED ACTION**

Pursuant to the authority of section 93.7(10), The Code, the Energy Policy Council published a Notice of Intended Action June 11, 1980, in the Iowa Administrative Bulletin for a new Chapter 12, "Standby Emergency Energy Conservation Measures." This rule sets forth procedures for the council to use in dealing with energy emergencies. The proposed rule is being amended to include possible actions to be recommended to the governor in the event of an acute or impending shortage of distillate fuels, propane, residual fuels, or aviation fuels.

The Energy Policy Council will hold a public hearing on the proposed rules at 7:30 p.m., August 12, 1980, in the third floor conference room of the Lucas Building. Any interested person may also submit written comments on the proposed rules by mailing or delivering them to the Fuels Division, Energy Policy Council, Lucas Building, Des Moines, Iowa 50319 by August 22, 1980.

This rule is intended to implement section 93.8, The Code.

The following amendments are proposed.

ITEM 1. Add rule 380—12.7(93) to read as follows:

380—12.7(93) Recommended actions—distillates.

12.7(1) Action/voluntary—public appeal to save distillates consumed in the transportation sector, description. The council would develop television, radio, and newspaper spots to appeal to the public to conserve distillate fuels used for transportation. Examples of ways to reduce distillate consumption (use other-fueled vehicles, drive at constant speeds, etc.) and the distillate and economic savings which would occur should be included.

12.7(2) Action/voluntary—public appeal to use historical fuel sources, description. The council would contact trucking associations and launch an appeal for truckers to use their historical fuel sources in times of fuel shortages. If a trucker generally buys fuel from privately owned tanks, fuel should be bought from this source during a shortage, rather than buying fuel on the road whenever possible.

12.7(3) Action/voluntary—public appeal to increase payloads, description. The council would work with trucking associations to launch an appeal to transport full loads whenever possible. It is recognized that waiting to fill out loads has time costs attached; these time costs, however, may be less expensive than lack of fuel to move goods.

12.7(4) Action/voluntary—public information to improve truck efficiency, description. The council would develop brochures on improving truck efficiency (through tune-ups, aerodynamic improvements, proper tire inflation, etc.) and would distribute the information through all licensed special fuels distributors serving on-road customers.

12.7(5) Action/voluntary—appeal to rescind deadhead laws, description. The council would recommend the governor appeal to the Interstate Commerce Commission to rescind those regulations limiting backhaul opportunities during shortages.

12.7(6) Action/mandatory—speed limit enforcement, description. The council would announce through the news media that efforts to enforce the fifty-five mile-per-hour speed limit would be increased in an effort to conserve fuel. Radio spots to further encourage compliance

would also be developed. The DOT and DPS would either add or divert personnel to intensify efforts to enforce fifty-five mile-per-hour speed limits to a goal of seventy percent compliance (as measured by DOT) on interstates and major highways in Iowa.

12.7(7) Action/voluntary—encourage (target) percent reduction, description. The council would identify means of communicating with the construction, commercial, mining, and industrial sectors (through umbrella trade organizations, magazines, newspapers, news media, etc.) and would encourage all entities to reduce distillate consumption by (target) percent. Examples of how this could be done (reduction of hours of operation, shifting work to processes not requiring distillates, etc.) should be presented along with possible savings which could occur. The council would ask all concerns to submit a report to the council describing measures taken and probable savings. These would be published to achieve higher levels of compliance.

12.7(8) Action/voluntary—reduce hot water consumption, description. The council would work with the ICC to encourage the reduction of hot water consumption through an informational campaign based on brochures available at utilities, jobbers, and other energy distributors, along with television, radio, and newspaper spots.

12.7(9) Action/mandatory—reduce hot water set-point, description. The council would mandate that all nonresidential sectors turn back hot water thermostats to 105 degrees Fahrenheit. Exemptions would be granted for commercial processes and general health and sanitation codes which require the use of hotter water. At the same time, the residential sector would be encouraged to turn their water heaters back to 120 degrees Fahrenheit through an informational campaign (possibly taking the form of brochures distributed along with energy bills). Monitoring in the nonresidential sector will be composed primarily of random audits conducted by the ICC.

12.7(10) Action/voluntary—furnace tune-ups, description. All sectors would be encouraged to have furnaces tuned up for maximum efficiency. Informational brochures on simple furnace maintenance techniques could be distributed through utilities, jobbers, and other energy suppliers. Alternately, the council, working with energy suppliers, could make available free or low cost assistance in connection with the Residential Conservation Service, but expanded to include other sectors. Efforts to promote RCS should also be increased.

12.7(11) Action/voluntary—heat with alternate energy sources, description. All sectors would be encouraged to heat with alternate energy sources to reduce distillate fuel consumption. Examples of appropriate methods of doing this should be publicized (i.e., heating with wood, if available, switching to propane where possible, etc.)

12.7(12) Action/voluntary—reduce ventilation to minimum acceptable levels, description. Commercial and industrial sectors would reduce ventilation to a minimum acceptable level as determined by ICC for different business types. ICC would be responsible for providing technical assistance where needed to measure ventilation and correct to the determined level.

12.7(13) Action/voluntary—encourage peak shaving, description. The council would work with the ICC and utilities to encourage electrical consumers' participation in voluntary peak-shaving programs. An extensive peak-shaving program could significantly reduce the need to operate petroleum-fueled back-up generators during peak demand periods.

ENERGY POLICY COUNCIL[380] (cont'd)

12.7(14) Action/voluntary—shift loads to minimize start-ups, description. The council would work with the ICC and utilities to encourage industrial electrical consumers to minimize electrical consumption during peak hours to reduce petroleum-fueled back-up generator startups. Examples of how this could be accomplished (i.e., shifting schedules) should be researched and made available to the appropriate concerns. Some benefits for compliance should also be developed to provide incentive for shifting schedules.

12.7(15) Action/voluntary—(target) percent reduction in distillate fuel used by schools, description. The council would work with DPI to encourage schools to reduce distillate fuel consumption by (target) percent. School districts could pool special course offerings, move occupied classrooms closer together, restrict after-school activities to school nights, implement a four-day school week, extend winter vacation, use the schoolhouse for community meetings, or any other measures necessary to achieve the desired reduction. The schools would be asked to supply a report of actions being taken to reduce consumption and probable savings to gauge compliance.

12.7(16) Action/voluntary—minimum tillage practices, description. The council would work with the Department of Agriculture, the Agricultural Stabilization and Conservation Service county offices, and the Iowa State University Agriculture Extension Service to promote minimum tillage practices through media spots and brochures available through the three agencies. Capital investments may be substantial; the possibility of securing low-interest loans for change-overs necessary should be examined.

12.7(17) Action/voluntary—reduce crop tillage speed, description. The council would work with the Department of Agriculture, the Agricultural Stabilization and Conservation Service county offices, and the Iowa State University Agriculture Extension Service in developing media spots and brochures promoting the reduction of tractor speed when pulling tillage implements from six miles per hour to four miles per hour.

12.7(18) Action/voluntary—promote the co-ordination of power and ballast with load, description. The council would work with the Department of Agriculture, the Agricultural Stabilization and Conservation Service, and the Iowa State University Agriculture Extension Service to develop media spots and brochures promoting the co-ordination of power and ballast with load. Personnel would be available in county extension offices to give assistance.

12.7(19) Action/voluntary—register custom harvesting operators, description. The council would work with the Department of Agriculture to identify custom operators who harvest a minimum of 1,000 acres of crops annually. These operators would register their potential for additional harvesting with the Iowa Department of Agriculture. The Department of Agriculture would publish a booklet which would give the name, address, and potential capacity of the custom operators by counties. The booklet would be available through Agricultural Stabilization and Conservation Service and Iowa State University Agriculture Extension Service county offices.

12.7(20) Action/voluntary—register commercial livestock hauling trucks, description. The council would work with the Department of Agriculture, the Agricultural Stabilization and Conservation Service, and the Iowa State University Agriculture Extension Service to identify and register commercial livestock haulers and

map their normal routes. Farmers selling only a few animals at a time would be able to call a central point to be put on an animal pickup route so full trucks would move to the livestock sales points in times of shortages.

12.7(21) Action/mandatory—state government example by requiring a percent reduction in distillate consumption for all government operations, description. The council would work with the governor's office to direct all government operations to reduce distillate consumption by a (target) percent. Every agency would be responsible for monitoring its consumption during the period the measure was in effect, and would report actions taken and probable savings. Methods to be used to reduce consumption would be left to the discretion of the individual agency.

12.7(22) Action/voluntary—state government example by instituting a four-day government work week, description. The governor's office would identify agencies which could function on a four-day basis without significant impact on the health, safety, and welfare of the citizens of the state (possibly those agencies operating forty-hour work weeks), and would reduce their days of operation from five to four while increasing daily hours from eight to ten per day.

12.7(23) Action/voluntary—state government example by partial closure, description. The governor's office would identify agencies which could reduce operations without significant impact on the health, safety, or welfare of the citizens of the state and would reduce their hours of operation.

ITEM 2. Add rule 380—12.8(93) to read as follows:

380—12.8(93) Recommended actions—propane.

12.8(1) Action/voluntary—encourage (target) percent reduction, description. The council would identify means of communicating with the industrial and commercial sectors (through umbrella trade organizations, magazines, newspapers, news media, etc.) and would encourage all entities to reduce propane consumption by (target) percent. Examples of how this could be done (such as reduction of hours of operation) should be included. The council would ask all concerns to submit a report to the council describing measures taken and probable fuel savings. These would be published to achieve higher levels of compliance.

12.8(2) Action/voluntary—reduce hot water consumption, description. The council would work with the ICC to encourage the reduction of hot water consumption through an informational campaign based on brochures available at utilities, jobbers, and other energy distributors, along with television, radio, and newspaper spots.

12.8(3) Action/mandatory—reduce hot water set-point, description. The council would mandate that all nonresidential sectors turn back hot water thermostats to 105 degrees Fahrenheit. Exemptions would be granted for commercial processes and general health and sanitation codes which require the use of hotter water. At the same time, the residential sector would be encouraged to turn their water heaters back to 120 degrees Fahrenheit through an informational campaign (possibly taking the form of brochures distributed along with energy bills). Monitoring in the nonresidential sector will be composed primarily of random audits conducted by the ICC.

12.8(4) Action/voluntary—furnace tune-ups, description. All sectors would be encouraged to have furnaces tuned up for maximum efficiency. Informational brochures on simple furnace maintenance techniques could

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be distributed through utilities, jobbers, and other energy suppliers. Alternately, the council, working with energy suppliers, could make available free or low cost assistance in connection with the Residential Conservation Service, but expanded to include other sectors. Efforts to promote RCS should also be increased.

12.8(5) Action/voluntary—heat with alternate energy sources, description. All sectors would be encouraged to heat with alternate energy sources to reduce propane fuel consumption. Examples of appropriate methods of doing this should be decided upon and publicized (appropriate methods will depend on other fuels' supply situations).

12.8(6) Action/voluntary—reduce ventilation to minimum acceptable levels, description. Commercial and industrial sectors would reduce ventilation to a minimum acceptable level as determined by the ICC for different business types. ICC would be responsible for providing technical assistance where needed to measure ventilation and correct to the determined level.

12.8(7) Action/voluntary—dry corn with unheated air, description. The council would work with the Department of Agriculture, the Agricultural Stabilization and Conservation Service county offices, and the Iowa State University Agriculture Extension Service to promote drying corn with low temperature fan-forced air as much as possible. Brochures would be developed by the Iowa State University Agriculture Extension Service giving details on the conditions under which corn could be dried by air and when heated air would be necessary (for example, what initial moisture content, outside temperature and humidity, etc.). Brochures would be available at all of the above offices.

ITEM 3. Add rule 380—12.9(93) to read as follows:

380—12.9(93) Recommended actions—residual fuel.

12.9(1) Action/voluntary—encourage (target) percent reduction in residual fuel use, description. The council would work with oil companies and the Department of Revenue to determine residual users and historical consumption, and would encourage all users to reduce residual fuel consumption (target) percent through whatever measures were felt appropriate (partial closure, switching to alternate fuel sources if available, increasing efficiency, etc.). The council would ask for reports from each company describing actions taken and probable savings, and would publish them to achieve higher levels of compliance.

12.9(2) Action/voluntary—switch to alternate energy sources, description. The council would work with oil companies and the Department of Revenue to identify residual fuel users and would, through phone calls or mailings, encourage facilities to switch to other energy sources wherever possible.

12.9(3) Action/voluntary—four-day work week, description. The council would encourage industries burning residual fuel to reduce the work week to four days. Industries burning residual fuel would need to be identified through oil companies (for those who buy direct) and through the Department of Revenue (for those who buy from a distributor), and contacted through phone calls or mailings.

12.9(4) Action/voluntary—industry efficiency improvement, description. The council would work with oil companies and the Department of Revenue to determine industries consuming residual fuel and would suggest methods of increasing the efficiency of its use (i.e., if used for space heating, increase insulation, reduce thermostat set-point, etc.).

ITEM 4. Add rule 380—12.10(93) to read as follows:

380—12.10(93) Recommended actions—aviation fuels.

12.10(1) Action/voluntary—reduce recreational flying, description. The council would develop television, radio, and newspaper spots to appeal to the public to reduce recreational flying, and would urge light plane renters and airports to increase their charges for individuals flying for recreational purposes.

12.10(2) Action/voluntary—limit Air National Guard maneuvers, description. The council would recommend to the governor a goal for flight fuel consumption be set for the Air National Guard, to be achieved through discretionary measures on the part of the guard. The guard would monitor fuel consumption as compared to similar periods previous years, and would make the information public to demonstrate government's commitment to reducing consumption.

12.10(3) Action/voluntary—encourage reduced crop dusting, description. The council would work with the Department of Agriculture, the Agricultural Stabilization and Conservation Service county offices, and Iowa State University Agriculture Extension Service to encourage farmers to use methods other than crop dusting to spread chemicals over crops in times of aviation fuel shortages.

12.10(4) Action/mandatory—state government example by limiting travel by state employees, description. The council would work with the DOT to set goals for reduced operation of state-owned planes. Such goals could include percent reduction in miles traveled, increase in average passenger miles traveled per gallon of fuel, etc. The DOT would monitor compliance to measure a reduction in fuel use; this information would be made public to demonstrate government efforts to reduce consumption.

ARC 1225**ENVIRONMENTAL QUALITY
DEPARTMENT[400]****SOLID WASTE DISPOSAL COMMISSION****AMENDED NOTICE OF INTENDED ACTION**

Pursuant to the authority of the Acts of the Sixty-eighth General Assembly, Chapter 111, section 3, subsection 3, the Solid Waste Disposal Commission hereby gives Notice of Intended Action to amend proposed chapter 45, Hazardous Waste.

Acts of the Sixty-eighth General Assembly, chapter 111, gave the Solid Waste Disposal Commission authority to adopt rules establishing a hazardous waste program consistent with the federal hazardous waste programs. The commission has previously published Notice of Intended Action to adopt by reference the recently promulgated federal hazardous waste rules. See ARC 0986 (April 16, 1980 Iowa Administrative Bulletin, pages 1207 and 1208) and ARC 1115 (June 11, 1980 Iowa Administrative Bulletin, page 1444).

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The recently promulgated federal rules also established substantive requirements for state programs to meet in order to obtain "interim authorization" to administer the hazardous waste program in Iowa. See 40 CFR parts 122, 123, 124 and 125 as promulgated in the May 19, 1980 Federal Register (pages 33290—33512). The staff of the department has reviewed these rules and has recommended several proposed rules, printed below, which are derived from the part 122 through 125 requirements, and which the staff believes are sufficient to obtain "Phase I Interim Authorization" of its hazardous waste program. However, the commission intends to adopt any other portions of parts 122 through 125 that are necessary to obtain Phase I Interim Authorization. Therefore, the commission solicits comments on the rules proposed below and any other portions of parts 122 through 125 that may be required in order to obtain Phase I Interim Authorization.

A public hearing will be held 10:00 a.m. on August 12, 1980 in the Fifth Floor Conference Room, Henry A. Wallace Building, 900 E. Grand Avenue, Des Moines, Iowa. Any interested person may make an oral presentation at that time. Any interested person may also submit written comments to the Executive Director of the Department of Environmental Quality, Henry A. Wallace Building, Des Moines, Iowa 50319 on or before August 22, 1980.

These rules are intended to implement Acts of the Sixty-eighth General Assembly, chapter 111.

The following amendments are proposed.

Proposed Chapter 45 is amended by adding three new rules as follows:

400—45.7(68GA,ch111) Notification. Acts of the Sixty-eighth General Assembly, Chapter 111, section 5, subsection 1, requires that a person who, on the effective date of a rule listing a hazardous waste, is generating or transporting a listed hazardous waste or who owns or is operating a facility that treats, stores or disposes of the listed hazardous waste shall file with the executive director within ninety days a notification stating the waste handled by the person and the location and a description of the activity involving the waste. Acts of the Sixty-eighth General Assembly, Chapter III, section 5, subsection 2, requires that anyone who plans to commence generating or transporting a hazardous waste on or after the effective date of such a rule must file a notification prior to commencing that activity. Since the commission's rules listing hazardous waste simply adopt by reference the federal listing, the commission finds it appropriate to utilize federal notification requirements. Therefore, anyone who has filed a satisfactory notification with EPA will be deemed to have complied with the notification requirement of Iowa law. Anyone who intends to file the notification with the department of environmental quality may do so by using the federal form (EPA form 8700—12(2-80), see 45 Federal Register 12750—12754, February 26, 1980) or by filing the same information on 8½" x 11" typed pages.

400—45.8(68GA,ch111) Interim status permits.

45.8(1) Statutory requirement. Acts of the Sixty-eighth General Assembly, Chapter 111, section 6, subsection 2, require that a person who, on the effective date of the rules listing a hazardous waste, owns or operates a facility for the treatment, storage or disposal of a hazardous waste listed in these rules must obtain a permit within six months of the effective date of those rules. The section also provides that such a person is considered to have a

permit until such time as a final administrative determination is made if the person meets certain criteria.

45.8(2) Eligibility for interim status permit. In order to be considered to have a permit until final administrative determination, a person must:

a. Give the notice required by the Acts of the Sixty-eighth General Assembly, Chapter 111, section 5, subsection 1, (See 45.7(68GA,ch111).)

b. Apply for a permit. See 45.8(3) for the contents of the application.

45.8(3) Contents of application for permit to qualify for interim status. All applicants for a permit to qualify for interim status shall provide the following information:

a. The activities conducted by the applicant which require the applicant to obtain permits under Acts of the Sixty-eighth General Assembly, chapter 111.

b. Name, mailing address, and location of the facility for which the application is submitted.

c. Up to four SIC codes which best reflect the principal products or services provided by the facility.

d. The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity.

e. Whether the facility is located on Indian lands.

f. A listing of all permits or construction approvals received or applied for under any of the following programs:

(1) Hazardous Waste Management program under Acts of the Sixty-eighth General Assembly, chapter 111.

(2) UIC program under the federal Safe Drinking Water Act.

(3) NPDES program under chapter 19 of rules of the department of environmental quality.

(4) Prevention of Significant Deterioration (PSD) program under the Federal Clean Air Act.

(5) Nonattainment program under the Clean Air Act.

(6) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

(7) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.

(8) Dredge or fill permits under section 404 of the Federal Clean Water Act.

(9) Other relevant environmental permits, including state permits.

g. A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area.

h. A brief description of the nature of the business.

i. The latitude and longitude of the facility.

j. The name, address, and telephone number of the owner of the facility.

k. An indication of whether the facility is new or existing and whether it is a first or revised application.

l. For existing facilities, a scale drawing of the facility showing the location of all past, present, and future treatment, storage, or disposal areas.

m. For existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage, or disposal areas; and site of future treatment, storage, or disposal areas.

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n. A description of the processes to be used for treating, storing, or disposing of hazardous waste, and the design capacity of these items.

o. A specification of the hazardous wastes listed or designated under 45.2(68GA, ch111) to be treated, stored, or disposed at the facility, an estimate of the quantity of such wastes to be treated, stored, or disposed annually, and a general description of the processes to be used for such wastes.

45.8(4) Other requirements for applicants for interim status.

a. All permit applications shall be signed as follows:

(1) For a corporation: By a principal executive officer of at least the level of vice-president;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

b. Any person signing a document under paragraph "a" of this rule shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

c. Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted for a period of at least three years from the date the application is signed.

d. During the interim status period the facility shall not:

(1) Treat, store, or dispose of hazardous waste not specified in the permit application;

(2) Employ processes not specified in the permit application; or

(3) Exceed the design capacities specified in the permit application.

e. New hazardous wastes not previously identified in the permit application may be treated, stored, or disposed of at a facility if the owner or operator submits a revised permit application prior to such a change;

Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised permit application prior to such a change (along with a justification explaining the need for the change) and the executive director approves the change because of a lack of available treatment, storage, or disposal capacity at other hazardous waste management facilities;

Changes in the processes for the treatment, storage, or disposal of hazardous waste may be made at a facility or additional processes may be added if the owner or operator submits a revised permit application prior to such a change (along with a justification explaining the need for the change) and the executive director approves the change because:

It is necessary to prevent a threat to human health or the environment because of an emergency situation, or

It is necessary to comply with federal regulations (including the interim status standards 45.6(68GA, ch111) or state or local laws.

Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised permit application no later than ninety

days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the financial requirements of 45.6(68GA, ch111) until the new owner or operator has demonstrated to the executive director that new owner or operator is complying with those financial requirements. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the executive director by the new owner or operator of compliance with those financial requirements the executive director shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with those requirements as of the date of demonstration.

In no event shall changes be made to a hazardous waste management facility during interim status which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility.

f. During interim status, owners or operators shall comply with the interim status, owners or operators shall comply with the interim status standards at 45.6(68GA, ch111).

g. Grounds for termination of interim status. Interim status terminates when financial administrative disposition of a permit application is made.

400—45.9(68GA, ch111) Confidentiality of information.

45.9(1) Any information submitted to the department of environmental quality pursuant to these rules may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice.

45.9(2) Claims of confidentiality of the name and address of any permit applicant or permittee will be denied.

45.9(3) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions.

If a submitter does not provide substantiation, the executive director will notify the submitter by certified mail of the requirement to do so. If the executive director does not receive the substantiation within ten days after the submitter receives the notice, the executive director shall place the unsubstantiated information in the public file.

ARC 1198**MERIT EMPLOYMENT
DEPARTMENT[570]****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 19A.9, The Code, the Iowa Merit Employment Department hereby gives Notice of Intended Action to amend chapter 7 of their rules in the Iowa Administrative Code relating to certification.

These revisions are made to conform with Acts of the Sixty-eighth General Assembly, second session, House File 690.

Interested persons may submit their views in writing to W. L. Keating, Director, Merit Employment Department, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa no later than August 15, 1980.

The following amendments are proposed:

ITEM 1. Rule 570—7.6(19A) is amended as follows:

570—7.6(19A) Number of names certified. The number of names to be certified will be from among those eligibles with the highest ~~five~~^{six} scores, who are available for the location specified in the request for certification. ~~When the total number available on an eligible list exceeds fifty, the top ten percent of the available eligibles will be certified.~~

ITEM 2. Rule 570—7.11(19A) is amended as follows:

570—7.11(19A) Incomplete certification. If the director is unable to certify a sufficient number of eligibles from among the top ~~five~~^{six} scores, the ~~a~~Appointing Authority may decline certification to that vacancy and request provisional appointment authority.

ITEM 3. Rule 570—7.12(19A) is amended as follows:

570—7.12(19A) Nonconcurrent certification. If the director should receive multiple requests for certification from the same eligible list, with the same method, type and location of certification, the director may certify those standing on the eligible list second through ~~sixth~~^{seventh} highest scores to avoid the issuance of the same eligibles concurrently.

ARC 1179**PUBLIC INSTRUCTION,
DEPARTMENT OF[670]****TERMINATION OF NOTICE**

Pursuant to the authority of section 17A.4(1), The Code, the Iowa Department of Public Instruction hereby gives notice of termination of its notice of intended action to repeal chapter 21, "Proper Expenditure of Improvement of Instruction Funds," Iowa Administrative Code, and reserve for future use.

The department of public instruction is terminating the notice of intended action affecting chapter 21 of the Iowa Administrative Code, which was for the purpose of implementing House File 60, section 2, as adopted by the Sixty-eighth General Assembly and signed by the Governor on March 6, 1979. This notice was published August 8, 1979, and referred to as ARC 0465. Termination of this notice is due to a forthcoming comprehensive review of all existing Department of Public Instruction rules.

ARC 1220**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of section 239.18, The Code, the Department of Social Services is proposing amendments to rules appearing in the IAC relating to aid to dependent children (chapter 41). These rules reword 41.2(7)"a" for greater clarity and limit deductions for garnishment to those from internal revenue service.

Consideration will be given to written data, views, or arguments thereto, received by the Bureau of Policy, Research and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before August 15, 1980.

These rules are intended to implement sections 239.1, 239.2, and 239.5, The Code.

ITEM 1. Subrule 41.2(7), paragraph "a" is amended to read as follows:

a. ~~Any applicant or recipient living in one of the following classifications~~ *The following applicants or recipients living in the home with the child on whose behalf an application is made or assistance is received* ~~is~~ *are* required to complete the assignment forms and take whatever action is necessary to assign support payments being received or anticipated on behalf of the child or the caretaker of the child:

ITEM 2. Subrule 41.7(2), paragraph "e", subparagraph (1) is amended to read as follows:

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

ARC 1219**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of section 249A.4, The Code, the Department of Social Services is proposing to amend rules appearing in the IAC relating to medical assistance (chapter 78). The amendment is cost containment for hearing aids as directed by Acts of the Sixty-eighth General Assembly H.F. 2580.

Consideration will be given to written data, views, or arguments thereto, received by the Bureau of Policy, Research and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before August 15, 1980.

Oral presentations on the proposed rule may be made at 2:00 p.m., August 13, 1980, Social Services District Office Conference Room, 3609½ Douglas, Des Moines, Iowa.

These rules are implementing section 249A.4, The Code. The department has filed this rule under the emergency provisions as ARC 1218.

Subrule 78.14(5) is rescinded and the following inserted in lieu thereof:

78.14(5) Payment for hearing aids shall be factory cost plus a dispensing fee covering ear mold, fittings, and service for six months. Payment for batteries shall be made only when they are requested by the recipient.

ARC 1221**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of section 232.142(5), The Code, the Department of Social Services proposes amending rules appearing in the IAC relating to county and multicounty juvenile detention homes and county and multicounty juvenile shelter care homes (chapter 105). These rules reduce the minimum number of staff such facilities are required to have.

Consideration will be given to written data, views, or arguments thereto received by the Bureau of Policy, Research and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before August 15, 1980.

This rule is intended to implement section 232.142, The Code.

ITEM 1. Rule 770—105.1(232) is amended by adding the following subrule:

105.1(7) Coed facility. "Coed facility" shall mean a facility which has both sexes in residence.

ITEM 2. Subrule 105.5(1) is amended to read as follows:

105.5(1) Number of staff.

a. Generally. A sufficient number of child care or house parent staff shall be on duty at all times so as to provide adequate coverage. The number of staff required will vary depending on the size and complexity of the program. ~~At~~ *All facilities shall have at least one staff person on duty. Facilities having six or more residents shall have at least two staff persons shall be on duty at all times that children are usually awake and present in the facility. Coed detention homes shall and shelter care homes facilities having more than five residents should have both male and female staff on duty at all times. All child care or house parent staff shall be at least eighteen years of age.*

b. *On-call system. There shall be an on-call system for small coed facilities to provide staff of the same sex as the resident within ten minutes of need for the following situations:*

(1) *At intake.*

(2) *For all searches.*

(3) *When physical restraint is needed.*

(4) *For performance of procedures necessary to admit a youngster to the control room when physical contact is involved.*

(5) *When there is supervision of personal care.*

b. c. Prime programming time. A minimum staff-child ratio of one child care worker or house parent to five children shall be maintained during prime programming times.

e. d. Night time hours. At night, there shall be a staff person awake and making regular visual checks throughout the night. A log shall be kept of all checks, including the time of the check and any significant observations. There shall be an on-call system which allows backup within minutes for both child care staff and casework personnel.

ARC 1222**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of sections 217.6 and 234.6, The Code, the Department of Social Services proposes amending rules appearing in the IAC relating to Social Security Act—Title XX implemented (chapter 131) by adding the following rules. These rules govern the use of Mini-XX funds. These rules have also been filed under the emergency provisions and appear in this IAB as ARC

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

1189. These rules differ from the ones filed in that 131.5(1) specifies the allocation formula.

Consideration will be given to written data, views, or arguments thereto, received by the Bureau of Policy, Research and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before August 15, 1980.

These rules are intended to implement section 234.6, The Code.

770—131.5(234) Mini-XX funds.

131.5(1) State funds appropriated to supplement local purchase of social services (Mini-XX funds) shall be divided by the department in consultation with the statewide Title XX advisory committee among the sixteen planning districts for the state of Iowa on the basis of the following formula:

Fifty percent of the originally appropriated funds will be divided on the basis of poverty level population and fifty percent of the funds will be divided on the basis of the previous year's allocation.

One hundred percent of the supplemental appropriation will be divided on the basis of poverty level population.

131.5(2) Mini-XX funds allocated to each district shall be distributed within the district by the district administrator for the department of social services in consultation with the district Title XX advisory committee.

a. When the district administrator determines that federal funds allocated to the district under the Title XX plan for the local purchased services listed in the comprehensive annual services plan are insufficient to provide those services for the entire period indicated in the plan, the administrator shall allocate to those services that portion of the district allocation of Mini-XX funds necessary to fully fund those services.

b. Remaining funds shall be allocated by the district administrator under a formula developed after consultation with the district Title XX advisory committee. This allocation shall be established and reduced to writing not later than August 1 of the fiscal year. A copy of such allocation shall be made available to the public in the district office of the department of social services and each county office in the district. Such allocations may involve but are not limited to:

(1) Division of funds among the counties in the district on the basis of poverty level population;

(2) Allocation of funds to particular local purchased services and counties in the district. Such allocation of funds may be done under a formula designed to compensate counties for the disproportionate impact on county residents, if any, arising from the selection of particular services to be funded in the Title XX comprehensive annual service plan.

131.5(3) Mini-XX funds allocated under this program shall be used for local purchase of service contracts for services included in the overall statewide Title XX plan, but not necessarily listed for the district as local purchases in the comprehensive annual service plan. All Mini-XX funds shall require a twenty-five percent match with the department providing seventy-five. Where the twenty-five percent match is provided by a county, a county participation agreement shall be required.

131.5(4) In no event shall a county seek reimbursement for more Mini-XX funds than have been allocated.

a. Where Mini-XX funds allocated to a county, or to a service in a county, have been completely encumbered

based on service already provided, support of all clients will depend on the county's agreement to continue service with county funds.

b. Mini-XX funds may be allocated by the district administrator or the district administrator's designee based on an estimation of the number of clients in a particular county which can be served with the county's allocation for the service. When the number of applications accepted equals the estimation, additional clients requesting service shall be placed on a waiting list. Where vacancies arise, for example, where existing clients are terminated, they are to be filled by eligible clients based on order of application.

131.5(5) No client shall receive services under this Mini-XX program unless said client has applied for service in the appropriate local office of the Iowa department of social services.

a. The department shall determine eligibility according to 770—130.3(234). Failure to list the service in the district Title XX plan shall not require denial of service under this Mini-XX program where the district administrators or county have chosen to apply Mini-XX funds towards that service.

b. The department shall monitor the client's receipt of service and the client's progress toward achieving the goals outlined in 770—130.7(234).

c. By joint agreement of the district administrator and the county of residence, an otherwise eligible client may be provided sheltered workshop through this Mini-XX program, even though earnings from sheltered workshop would result in the client having income in excess of normal income guidelines.

131.5(6) Allocations under this program shall be monitored over the course of the fiscal year and may be modified by the district administrator where there are surpluses or unexpected shortfalls based on prior projections. The district administrator may authorize use of funds unexpended in one county to relieve shortages in another.

ARC 1223**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of sections 217.6 and 234.6, The Code, the Department of Social Services proposes amendments to rules appearing in the IAC relating to chore services (chapter 149). The rule will allow plowing of a garden on a lot other than the one on which the client lives.

Consideration will be given to written data, views, or arguments thereto, received by the Bureau of Policy,

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

Research and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before August 15, 1980.

This rule is intended to implement section 234.6(6)"f", The Code.

Subrule 149.1(5) is amended to read as follows:

149.1(5) Yard work. "Yard work" means mowing lawns; and shoveling walks on the lot where the client lives; and initial plowing of a garden, but not complete garden maintenance; on the lot where the client lives.

ARC 1224**SOCIAL SERVICES
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of sections 217.6 and 234.6, The Code, the Department of Social Services proposes the adoption of the following rules relating to home management services (chapter 158). These rules specify the services given, situations served, and eligibility for the services.

Consideration will be given to written data, views or arguments thereto received by the Bureau of Policy, Research and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before August 15, 1980.

These rules are intended to implement section 234.6(7), The Code.

TITLE XIII
SOCIAL SERVICE RESOURCES

CHAPTER 158

HOME MANAGEMENT SERVICES

770—158.1(234) Definitions. "Home management services" means supportive or environmental casework services including but not limited to instructions and training in the following areas: Management of household budgets, maintenance and care of the home, preparation of food, nutrition, consumer education, child rearing, health maintenance, socialization and stimulation to improve functioning.

770—158.2(234) Eligibility. Home management services shall be provided to persons who meet the eligibility requirements for services as specified in rule 770—130.3(234).

770—158.3(234) Service provision. Home management services are provided directly by departmental staff who have the necessary skills.

770—158.4(234) Situations served.

158.4(1) Home management services may be provided to assess individual service needs and determine eligibility, formulate an individual case plan, refer to and

arrange for service with another agency, and redetermine eligibility and continuing service needs.

158.4(2) Home management services may be provided to individuals who have developed or are developing problems with or show a lack of knowledge about indebtedness, housekeeping, meeting nutritional requirements, maintaining health, raising children, or economical shopping.

158.4(3) Home management services may be provided to individuals who have shown tendencies toward isolation, lack of motivation, deteriorating personal relationships, or inability to cope with daily living.

770—158.5(234) Adverse service actions. Service shall be denied, terminated or reduced and appropriate notice given the client as specified in rule 770—130.5(234).

These rules are intended to implement section 234.6(7), The Code.

ARC 1212**SOIL CONSERVATION
DEPARTMENT[780]****TERMINATION OF NOTICE**

Pursuant to the authority of section 467A.4(1), The Code, the State Soil Conservation Committee hereby terminates the Notice of Intended Action related to chapter 7, "Soil Conservation District Division", Iowa Administrative Code, that was published in IAB, Vol. II, page 246, September 5, 1979 as ARC 0537. The rules involved, 7.21 to 7.29, dealt with the "Iowa Till" Program.

No changes were made as a result of written suggestions or comments received prior to October 15, 1979 and the rules became effective as emergency filed in IAB, Vol. II, page 250, September 5, 1979 as ARC 0536. Further amendments to these rules have been proposed in IAB, Vol. II, page 1584, June 25, 1980 as ARC 1146.

ARC 1213**SOIL CONSERVATION
DEPARTMENT[780]****TERMINATION OF NOTICE**

Pursuant to the authority of section 467A.4(1), The Code, the State Soil Conservation committee hereby terminates the Notice of Intended Action relating to chapter 7, "Soil Conservation District Division", Iowa Administrative Code, that was published in IAB, Vol. II, page 246, September 5, 1979 as ARC 0539. The rules involved, 7.31 to 7.40, dealt with the Wind Erosion Control Incentives Program (WECIP).

No changes were made as a result of written suggestions or comments received prior to October 15, 1979 and the rules became effective as emergency filed in IAB, Vol. II, page 252, September 5, 1979 as ARC 0538. Further amendments to these rules have been proposed in IAB, Vol. II, page 1584, June 25, 1980 as ARC 1146.

ARC 1211

**TRANSPORTATION,
DEPARTMENT OF [820]**

07 MOTOR VEHICLE DIVISION

NOTICE OF INTENDED ACTION

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.

On September 2, 1980, at their regular meeting at the Department of Transportation Complex, 800 Lincoln Way, Ames, Iowa, the transportation commission shall consider for adoption the administrative rules as described herein. Such action shall be in accord with the Iowa administrative procedures Act, chapter 17A of The Code, and department of transportation rules 820—[01,B] chapter 1, "Administrative Rules".

Written comments concerning these proposed rules or written requests to make an oral presentation at the above specified commission meeting shall be addressed to the Department of Transportation, Office of Financial /Operational Analysis, 800 Lincoln Way, Ames, Iowa 50010. Written comments or written requests to make an oral presentation may be accepted if received by the department of transportation on or before August 18, 1980.

Any person or agency, as defined in section 17A.2, subsections 1 and 6 of The Code, may submit written comments or written requests to make an oral presentation. Such comments or requests shall clearly state:

1. The name, address and phone number of the person or agency authoring the comment or request.
2. The title and number of the proposed rule as given in this notice which is the subject of the comment or request. (Comments pertaining to a specific section of a proposed rule shall reference that section by subrule, paragraph, and subparagraph as appropriate.)
3. With regard to requests to make an oral presentation, the general content shall be indicated.

Pursuant to the authority of section 307.10, The Code, the department of transportation hereby gives notice of intended action to adopt 820—[07,F] chapter 8 entitled "Passenger Services Exempt by Permit from Public Convenience and Necessity Certificate Requirements".

These rules contain procedures for obtaining regional transit permits. They include information on filing applications, filing notice of insurance coverage with the department, and providing for the safe operation of the vehicles. The rules also provide information on how permit holders may make changes to their fleets and provide avenues for the department to suspend or revoke permits in cases where there is a reasonable doubt as to the legality of the operation.

These rules are intended to implement chapter 325, The Code.

Proposed rulemaking actions:

ARTICLE F
OPERATING AUTHORITY

CHAPTER 8 PASSENGER SERVICES

EXEMPT BY PERMIT FROM
PUBLIC CONVENIENCE AND NECESSITY
CERTIFICATE REQUIREMENTS

820—[07,F]8.1(325) Definitions. The following terms when used in this chapter of rules shall have the following meanings:

8.1(1) "Department" shall mean the Iowa department of transportation. The following organizational units within the department have some authority under these rules:

- a. The transportation regulation board.
- b. The public transit division.
- c. The general counsel division.
- d. The planning and research division.
- e. The office of operating authority.
- f. The office of motor vehicle enforcement.

8.1(2) "Transportation disadvantaged" shall mean the same as defined in chapter 601J, The Code.

8.1(3) "Regional transit agency" shall mean an agency designated by the county board(s) of supervisors to co-ordinate and administer a regional transit system as defined in 820—[09,B]1.2(307) IAC.

8.1(4) "Carrier" shall mean any organization or person as defined in subsection 4.1(13), The Code, who, under contract to a regional transit agency, provides passenger services primarily to the transportation disadvantaged.

8.1(5) "Permit" shall mean a nontransferable written authorization by the department to operate passenger transportation services pursuant to the provisions of subsection 325.6(3), The Code, and this chapter of rules.

8.1(6) "Permit holder" shall mean a regional transit agency which has been issued a permit.

820—[07,F]8.2(325) Scope of the chapter. This chapter implements subsection 325.6(3), The Code, which exempts passenger services primarily for the transportation disadvantaged from the certification requirements of section 325.6, if specified conditions are met, and which requires compliance with all rules of the department for publicly funded transit systems.

820—[07,F]8.3(325) Eligibility for permit. The department may issue a permit only to a properly designated regional transit agency. A list of these designated regional transit agencies shall be kept up to date by the public transit division and shall be available upon request.

820—[07,F]8.4(325) Methods of operation under a permit.

8.4(1) A permit holder may directly operate passenger transportation services which are in compliance with this chapter.

8.4(2) A carrier may provide passenger transportation services under the permit issued to a regional transit agency only if:

- a. Permission for such services has been given by the regional transit agency by contractual agreement approved by the public transit division; and
- b. The carrier is in compliance with this chapter.

820—[07,F]8.5(325) Application and filings.

8.5(1) Application for a permit shall be made to the office of operating authority on forms prescribed for that purpose and furnished upon request.

8.5(2) An application for a permit shall include, but not be limited to:

TRANSPORTATION, DEPARTMENT OF[820] (cont'd)

a. If applicable, the names and addresses of all carriers who will be operating under the permit, showing that these carriers operate under contractual agreements with the regional transit agency and with the permission of the public transit division as described in paragraph 8.4(2)"a".

b. Written certification by the regional transit agency that all passenger services described in the application for an exemption permit qualify for exemption from certification requirements, as set forth in subsection 325.6(3), The Code, and that such passenger services are in compliance with this chapter of rules or will be in compliance when operations begin.

c. Liability and property damage certificates of insurance or surety bonds showing coverage as specified in rule [07,F]8.6(325).

d. A list describing all motor vehicles to be operated under the permit including the year, make, serial number, and owner of each motor vehicle.

e. A safety inspection report, showing compliance with motor carrier safety rules specified in rule [07,F]8.7(325), which may be either:

(1) A copy of the report(s) of a motor vehicle enforcement officer showing that each motor vehicle to be operated under the permit has passed inspection; or

(2) For each new motor vehicle to be operated under the permit, a copy of the report, issued by a state inspection station within sixty days before the filing of the application, showing that the vehicle has passed inspection.

820—[07,F]8.6(325) Insurance.

8.6(1) Insurance requirements. There shall be on file at all times with the office of operating authority, on forms prescribed by that office, an effective certificate of insurance or surety bond covering each vehicle under a permit. The certificate or bond shall be in compliance with the requirements of section 325.26, The Code. The certificate or bond shall be in the name of the regional transit agency, or the owner of the motor vehicle, or both and shall specify the vehicles covered.

8.6(2) Cancellation of insurance. Written notice shall be given by the insurance company or bondholder to the office of operating authority and the public transit division thirty days prior to cancellation or notice of intended cancellation of any certificate of insurance or surety bond filed with the department for a vehicle under permit. Notices of cancellation shall show the correct name and address of the assured as then shown in the certificate or bond, the correct name of the insurance company or bondholder, the correct number of the policy or surety bond, and the make, year, and serial number of affected vehicles. Specific coverage under a certificate of insurance or surety bond may be canceled when the notice of cancellation includes that information.

820—[07,F]8.7(325) Motor carrier safety rules. All applicable rules and safety regulations promulgated by the U.S. department of transportation, federal highway administration, bureau of motor carrier safety, as published in parts 390-397, Title 49, C.F.R., and all laws of the state of Iowa, not in conflict with federal law, are hereby adopted as the safety rules and regulations applicable to passenger services operating under a permit. Copies of these rules and regulations, known as "Motor Carrier Safety Regulations", may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402; a regional transit agency may obtain up to five free copies from the public transit division.

820—[07,F]8.8(325) Issuance of permits. The permit shall be issued by the office of operating authority when the agency making application for the permit has, in fact:

8.8(1) Been designated a regional transit agency, as described in subrule 8.1(3);

8.8(2) Completed fully, accurately and correctly the application and filing material for the permit, as described in rules [07,F]8.5(325) and [07,F]8.6(325);

8.8(3) Documented that all carriers named in the application for the permit operate under contractual agreements with the regional transit agency and with the permission of the public transit division as described in paragraph 8.4(2)"a"; and

8.8(4) Certified in writing that all passenger services described in the application qualify for exemption from the certification requirements, as set forth in subsection 325.6(3), The Code, and that such passenger services are in compliance with this chapter of rules or will be in compliance when operations begin.

820—[07,F]8.9(325) Fee receipts. The office of operating authority shall, when the permit is issued, provide the regional transit agency with individualized fee receipts for each vehicle listed in the application. The fee receipt shall be carried with the vehicle at all times. The fee receipt shall be identical to that in 820—[07,F], subrule 4.6(2) IAC, except that no annual fee shall be required.

820—[07,F]8.10(325) Marking of motor vehicles.

8.10(1) Before placing any motor vehicle in service, there shall be placed on each side of the motor vehicle's exterior, in letters and numbers at least four inches in height, in a color in contrast to the background, the following:

a. Name of the regional transit agency under whose permit authority the motor vehicle is being operated.

b. Address (city and state) of the regional transit agency (permit holder); and

c. Iowa D.O.T. _____ (permit number).

8.10(2) If a carrier provides operations in addition to those covered by subsection 325.6(3), The Code, that carrier's vehicle markings may be temporary or removable, if they otherwise comply with this rule. The markings shall be affixed to the vehicle whenever the vehicle is being operated under the permit. If a carrier holds additional authority, proper vehicle markings shall be displayed.

820—[07,F]8.11(325) Operational changes. The permit holder shall inform the office of operating authority, at least thirty days in advance, of any changes in operations under the permit. These changes shall include, but are not limited to, new subcontracts and carriers, and shall include a statement showing that the changes have been approved by the public transit division. The thirty day notice period may be waived if the permit holder can show the public transit division good cause for its inability to comply with that requirement.

820—[07,F]8.12(325) Motor vehicle changes and additions. At least thirty days before placing an additional or replacement motor vehicle in intrastate service, the permit holder shall notify the office of operating authority of the proposed change. Operating authority will confirm this information with the public transit division.

8.12(1) The notice shall include, for each vehicle to be placed in service:

a. The make, serial number, year of manufacture, and the name of the owner;

TRANSPORTATION, DEPARTMENT OF [820] (cont'd)

b. A safety inspection report as prescribed in paragraph 8.5(2)"e";

c. The effective date of the change;

d. The filing of a new certificate of insurance specifying the vehicles added; and

e. The vehicle to be replaced (if applicable).

8.12(2) The notice may include a request that the regional transit agency be allowed to place a replacement or additional vehicle in service on less than the thirty day notice required by this rule. Any such request must include a statement explaining why a waiver of the thirty day requirement is needed.

8.12(3) A fee receipt will be issued, according to rule [07,F]8.9(325), within thirty days after the prescribed notice has been received, unless a request for earlier issuance has been received and granted.

820—[07,F]8.13(325) Annual reports. The permit holder shall report annually to the public transit division, on prescribed forms, verifying that the department's records are current and that each vehicle under the permit has passed a safety inspection within the preceding twelve months. This report may be made part of the regional transit development update at the discretion of the department.

820—[07,F]8.14(325) Filing addresses. All material required to be filed with the office of operating authority or with the public transit division should be directed to:

Iowa Department of Transportation

Motor Vehicle Division

Office of Operating Authority

5238 N.W. Second Avenue

Des Moines, Iowa 50313

Iowa Department of Transportation

Public Transit Division

5268 N.W. Second Avenue

Des Moines, Iowa 50313

820—[07,F]8.15(325) Duration, suspension, and revocation of permits. Each permit shall be in force and valid until the office of operating authority suspends or revokes the permit for cause.

8.15(1) Causes for suspension or revocation of all or any part of a permit shall be, but are not limited to, the following:

a. Violation of exemption requirements denoted in subsection 325.6(3), The Code;

b. Submission of false, inaccurate or incomplete information as prescribed in this chapter;

c. Failure to submit full, accurate and correct information in a timely manner as prescribed in this chapter; or

d. Notification of violations of federal or state statutes, regulations or rules.

8.15(2) The public transit division in consultation with the office of operating authority, the transportation regulation board, the planning and research division, and the general counsel division shall determine if cause for suspension or revocation exists. If cause is found, the public transit division shall notify the permit holder of the determination and offer the opportunity for an informal settlement or an evidentiary hearing. If the problem is not resolved by informal settlement or hearing, the office of operating authority may suspend or revoke the permit.

8.15(3) Notwithstanding the provisions of subrule 8.15(2), the office of operating authority shall immediately suspend the permit if the permit holder fails to maintain on file proof of adequate insurance for all vehicles under the permit as required by subrule 8.6(1) or fails to obtain fee receipts for all vehicles under the permit as specified in rule [07,F]8.9(325), and shall notify the public transit division of the suspension.

820—[07,F]8.16(325) Complaints. All complaints by or against permit holders shall be filed with the public transit division. When the complaint involves issues which affect or must be decided by another office or division of the department, the complaint will be forwarded to that office or division.

These rules are intended to implement subsection 325.6(3), The Code.

ARC 1191

AGING, COMMISSION ON THE[20]

Pursuant to the authority of Acts of the Sixty-eighth General Assembly 1979 session, chapter 16, the rules of the Commission on Aging appearing in the IAC relating to the Elderly Care Program (Chapter 8) are hereby amended.

The Commission on the Aging finds that notice and public participation would be impracticable and contrary to the public interest for the following reasons:

1. The commission has acted upon FY'81 Elderly Care Applications which have a funding period from July 1, 1980, to June 30, 1981. These applications were funded based on the definition of significant matching effort which is included in these amended rules.

2. So that there will not be an interruption in services to the elderly, it is necessary to file these amended rules according to emergency procedures.

3. The proposed changes have been reviewed by the Elderly Care Interagency Co-ordinating Committee and have been approved by the Commissioners.

Therefore, these rules are filed without notice and public participation, pursuant to section 17A.4(2), The Code. However, these rules have been placed under notice as ARC 1192 [IAB 7/23/80], and a public hearing has been scheduled for August 13, 1980.

The Commission on the Aging finds that these rules confer a benefit on the public as they will enable elderly persons to take advantage of services provided under Acts of the Sixty-eighth General Assembly H.F. 2580, relating to adult day care, home repair, chore service, and telephone reassurance. Therefore, these rules shall become effective immediately upon filing as provided in section 17A.5(2)"b"(2), The Code.

These rules are intended to implement Acts of the Sixty-eighth General Assembly H.F. 2580.

Adopted rule is as follows:

ITEM 1. Rule 20—8.1(68GA, ch16) is amended by adding a new subrule as follows:

8.1(8) *Telephone reassurance means regular, planned telephone calls to or from individuals aged 65 and older to assure their well-being. Trained volunteers shall be used to provide the direct service. If a contact is not made at the regular time, the volunteer will initiate assistance as needed.*

Subrule 8.1(8) "Equivalent support" is renumbered as 8.1(9).

Subrule 8.1(9) "Local match" is renumbered as 8.1(10).

Subrule 8.1(10) "Interagency coordinating committee" is renumbered as 8.1(11).

Subrule 8.1(10)"a" is renumbered as 8.1(11)"a".

Subrule 8.1(10)"b" is renumbered as 8.1(11)"b".

Subrule 8.1(10)"c" is renumbered as 8.1(11)"c".

Subrule 8.1(10)"d" is renumbered as 8.1(11)"d".

ITEM 2. Further amend rule 20—8.1(68GA, ch16) by rescinding renumbered 8.1(10) and inserting in lieu thereof:

8.1(10) *"Significant local match" means:*

a. *\$1 local cash or in-kind contribution (local tax; local voluntary funds; client fees; donated time, materials, space and services; or federal general revenue sharing funds) for each \$1 of elderly care funds or*

b. *\$2 federal funds (Title XX, Dept. of Energy, HUD, Farmers Home Administration, etc.) for each \$1 of elderly care funds. State funds shall not be used as local match.*

ITEM 3. Rule 20—8.5(68GA, ch16) is amended by adding a new subrule as follows:

8.5(4) *Telephone reassurance.*

Subrule 8.5(4) is renumbered as 8.5(5).

ITEM 4. Rule 20—8.7 is amended to read as follows:

20—8.7(68GA, ch16) Local match. Elderly care funds shall only be awarded and distributed with exceptions as stated below to local projects which match each state dollar with ~~two dollars of local funds~~ *significant local match* in cash or in equivalent support. Project income generated by client contributions may be included as cash match. If the applicant agency is already funding one of the services to be funded by the elderly care program, cash or in-kind generated by the current delivery of that service, not already committed as match for another source of funding, may be used to meet the match requirement of the elderly care program. The area agency match requirement shall be calculated on an area-wide basis. *Applicants are reminded that legislation and rules allow the opportunity for applicants to request a waiver of the match requirement.* The interagency coordinating committee may recommend that the commissioners waive or modify the local match requirements based on the following factors:

8.7(1) Demonstration by letter of commitment from a variety of local community groups and individuals of the contribution of cash or in-kind services or both.

8.7(2) Review of the socio-economic indicator, with emphasis on median family income, of the county or counties being served.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1227

ENVIRONMENTAL QUALITY[400]

AIR QUALITY COMMISSION

Pursuant to the authority of section 455B.12, The Code, the rules of the Air Quality Commission relating to rules of practice on odor complaints, appearing in chapter 14, IAC are being amended.

In reviewing departmental odor rules, it was discovered that a reference in section 14.3(3)"b" had been mis-cited. In this section the reference in the first line to 4.3(3)"a" should be 14.3(3)"a".

The commission finds good cause pursuant to 17A.4(2) Code of Iowa, for exempting this amendment from notice and public participation. It is unnecessary and contrary to the public interest since it concerns a mistaken citation. Also it does not involve any policy issue and would eliminate the confusion of the public in attempting to interpret it.

This rule amendment shall also be effective upon filing pursuant to 17A.5(2)"b"(2) since a benefit is conferred upon the public by the elimination of confusion in interpreting this section of the department's rules.

ENVIRONMENTAL QUALITY[400] (cont'd)

This rule amendment was adopted by the Air Quality Commission on June 12, 1980, and approved by the Executive Committee on June 27, 1980.

This emergency rule amendment is intended to implement section 455B.12, The Code.

ITEM 1. Amend paragraph 14.3(3)"b" to read as follows:

b. If the problem is not resolved under 14.3(3)"a" and the department has reason to believe the frequency, duration, quality and intensity constitutes a violation of 4.5(1), then the department may issue a notice of violation and proceed in accordance with Chapter 55 if:

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ARC 1208

REVENUE, DEPARTMENT OF[730]

Pursuant to the authority of sections 421.14 and 422.68(1), The Code, the Department of Revenue hereby amends rules relating to gambling by inserting an index.

The index is adopted pursuant to section 17A.4(2) and 17A.5(2)"b"(2), The Code, and becomes effective immediately upon filing. The department finds that notice and public participation is impractical for this addition to administrative rules. The index is provided to assist the public in more easily locating a rule that may be pertinent to their tax situation. As the index is no indication of departmental policy, it is not necessary for the public to participate in the adoption of the index. Further, the department finds the index to the rules should become effective immediately upon filing as it is a benefit to the public in dealing with the department on cigarette and tobacco tax matters. Persons wishing to find the department's position in regard to a particular subject matter will no longer have to search several pages to find an applicable rule, but will be able to refer to the index which will direct their attention to a rule or rules regarding their subject.

Pursuant to the above, these rules become effective immediately upon filing.

ITEM 1. Title X of the department's rules is amended by adding after the heading CIGARETTES AND TOBACCO, the following:

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REVENUE, DEPARTMENT OF[730]

Pursuant to the authority of sections 421.14 and 422.68(1), The Code, the Department of Revenue hereby amends rules relating to gambling by inserting an index.

The index is adopted pursuant to section 17A.4(2) and 17A.5(2)"b"(2), The Code, and becomes effective immediately upon filing. The department finds that notice and public participation is impractical for this addition to administrative rules. The index is provided to assist the public in more easily locating a rule that may be pertinent to their tax situation. As the index is no indication of departmental policy, it is not necessary for the public to participate in the adoption of the index. Further, the department finds the index to the rules should become effective immediately upon filing as it is a benefit to the public in dealing with the department on gambling matters. Persons wishing to find the department's position in regard to a particular subject matter will no longer have to search several pages to find an applicable rule, but will be able to refer to the index which will direct their attention to a rule or rules regarding their subject.

Pursuant to the above, these rules become effective immediately upon filing.

ITEM 1. Title XII of the department's rules is amended by adding after the heading GAMES OF SKILL, CHANCE, BINGO AND RAFFLES, the following:

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REVENUE, DEPARTMENT OF[730]

Pursuant to the authority of sections 421.14 and 422.68(1), The Code, the Department of Revenue hereby amends rules relating to the hotel/motel tax by inserting an index.

The index is adopted pursuant to section 17A.4(2) and 17A.5(2)"b"(2), The Code, and becomes effective immediately upon filing. The department finds that notice and public participation is impractical for this addition to departmental rules. The index is provided to assist the public in more easily locating a rule that may be pertinent to their tax situation. As the index is no indication of departmental policy, it is not necessary for the public to participate in the adoption of the index. Further, the department finds the index to the rules should become effective immediately upon filing as it is a benefit to the public in dealing with the department on hotel/motel tax matters. Persons wishing to find the department's position in regard to a particular subject matter will no longer have to search several pages to find an applicable rule, but will be able to refer to the index which will direct their attention to a rule or rules regarding their subject.

Pursuant to the above, these rules become effective immediately upon filing.

ITEM 1. Title XIV of the department's rules is amended by adding after the heading HOTEL AND MOTEL TAX, the following:

"INDEX FOR HOTEL/MOTEL TAX RULES

ABSORBING OR ADDING TAX UNLAWFUL 105.5
 ADDING OR ABSORBING TAX UNLAWFUL 105.5
 ADJUSTMENT NOTICE - BILLING 103.6(1)
 APPLICATION OF PAYMENTS. 104.7
 WITH INTEREST & PENALTY INVOLVED. . . 104.8

ASSESSMENT NOTICE - BILLING. 103.6(2)
 ASSIGNMENT, BANKRUPTCY, INSOLVENCY FOR
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 AUDIT OF RECORDS 103.5

 BANKRUPTCY, INSOLVENCY OR ASSIGNMENT FOR
 BENEFIT OF CREDITORS 104.5
 BASE FOR TAX 105.3
 BILLINGS 103.6
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 BONDING PROCEDURE. 103.10
 BUSINESS - SALE OF 104.4

 CERTIFICATION OF FUNDS 103.15
 CHARGES OR GRATUITIES BY EMPLOYEE. 103.3
 CLAIM FOR REFUND OF TAX. 104.6
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 CONFIDENTIAL INFORMATION 103.9
 CONFIDENTIALS & RECEIPTS (EMPLOYEE). 103.3
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 DEFINITIONS. 103.1
 DEPARTMENT. 103.1(1)
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 TRANSIENT GUEST 103.1(2)
 DEPARTMENT DEFINED 103.1(1)
 DIRECTOR DEFINED 103.1(1)
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 EXTENSION OF TIME FOR FILING 104.10

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EXTENSION OF. 104.10
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REVENUE, DEPARTMENT OF[730] (cont'd)

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INCLUDING TAX IN PRICE 105.5

INFORMATION CONFIDENTIAL 103.9

INSOLVENCY, BANKRUPTCY, OR ASSIGNMENT FOR
 BENEFIT OF CREDITOR. 104.5

INTEREST & PENALTY 104.8

JUDICIAL REVIEW. 103.12

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NOTICE OF ASSESSMENT - BILLING 103.6(2)

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OFFICIAL RECEIPTS. 103.3

PAYMENT APPLICATION. 104.7

WITH INTEREST & PENALTY INVOLVED. . . 104.8

PENALTY AND INTEREST 104.8

PENALTY WAIVER REQUESTS. 104.9

PERMITS. 104.3

SINGLE PERMIT - PRINCIPAL PLACE OF
 BUSINESS. 104.3(1)

POSTING "INCLUDING TAX". 105.5

PROCEDURE FOR BONDING. 103.10

PROPERTY NOT EXEMPT FROM DISTRESS - SALE . 103.8

RATE OF TAX. 105.2

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RECEIPTS & CREDENTIALS (EMPLOYEE). . . . 103.2

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[Filed emergency 7/3/80, effective 7/3/80]
[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1178**SECRETARY OF STATE[750]**

Pursuant to the authority of section 17A.3(1)"b", The Code, the Secretary of State adopts emergency rules creating a new chapter 4 "Forms" which relates to all forms used by the various divisions within the office of the secretary of state.

In compliance with section 17A.4(2), The Code, the agency finds that public notice and participation is unnecessary in that the Acts of the Sixty-eighth General Assembly, 1980 regular session, House File 687 provide in part for the disclosure of gifts made to a local official, local employee or to a member of the immediate family of the reporting person and provide for the secretary of state to develop a form for the purpose of such disclosure, effective July 1, 1980; that the design of the form is a nondiscretionary ministerial function.

The agency also finds, pursuant to section 17A.5(2)"b"(2) that the normal effective date of this rule thirty-five days after publication should be waived and the rule be made effective on July 1, 1980, as it confers a benefit upon the public to ensure speedy and uniform compliance with the agency's legislative mandate by immediate availability of the form.

The secretary of state adopted this rule on June 25, 1980.

This rule implements Acts of the Sixty-eighth General Assembly, 1980 regular session, House File 687, section 7, subsection 4.

**CHAPTER 4
FORMS**

750—4.1(68GA, HF687) Forms and instructions. Forms and instructions are developed by the agency in accordance with statutory directives.

Copies of forms and instructions of a general nature and those relating to elections may be obtained from the Office of the Secretary of State, Capitol Building, Des Moines, Iowa, 50319. Copies of forms and instructions relating to corporation matters and the uniform commercial code may be obtained from the respective divisions which are located in the Hoover State Office Building, Second Floor, Des Moines, Iowa 50319.

The subrules which follow list and describe those forms and instructions which members of the public use when dealing with the agency and its various divisions. Each direction of every instruction shall be complied with and each question or portion of every form answered in the same manner as if the forms and instructions were embodied in these rules.

4.1(1) Forms of general application.

<u>Form Number</u>	<u>Description</u>
GLO - 1	Public disclosure of gifts made to a "local official", "local employee" or to the person's immediate family

4.1(2) Reserved.

[Filed emergency 6/25/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1182**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of section 239.18, The Code, rules of the Department of Social Services appearing in the IAC relating to aid to dependent children (chapter 40) are hereby amended. These rules make home visits to applicants optional and provide the effective date of eligibility is no earlier than seven days after application.

The department of social services finds that notice and public participation are impracticable. Acts of the Sixty-eighth General Assembly H.F. 2580 has removed the requirement that home visits be made in all applications and has changed the effective date of application as a cost containment measure. In order to have the intended effect, there would not be time to go through the regular rulemaking process. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds these rules confer a benefit and remove a restriction on the public. They make the application process less restrictive. They also contain costs of the program so that more financial burden is not placed on the citizens of Iowa to pay for the program. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

The department also relies on the legislative intent expressed in Acts of the Sixty-eighth General Assembly H.F. 2580 which states the "department of social services shall adopt rules under section seventeen A point four (17A.4), subsection two (2) of the Code, which may become effective under section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code . . ."

The council on social services adopted these rules June 26, 1980. These rules are implementing sections 239.4 and 239.5, The Code. These rules are effective July 1, 1980.

ITEM 1. Rule 770—40.4(239) is amended to read as follows:

770—40.4(239) Procedure with application.

40.4(1) The decision with respect to eligibility shall be based primarily on information furnished by the applicant. The county shall notify the applicant in writing of additional information or verification that is required to establish eligibility for assistance. Failure of the applicant to supply such information or refusal to authorize the county department to secure such information from other sources shall serve as a basis for denial of assistance. Five working days shall be considered as a reasonable period for the applicant to supply the required information or verification. Any time taken beyond the five days shall be considered a delay on the part of the applicant.

40.4(2) *In the processing of an application, the local office shall conduct at least one face-to-face interview with the applicant prior to approval of the application for assistance. The application process shall include a visit, or visits, to the home of the child and the person with whom the child will live during the time assistance is granted under the following circumstances:*

a. *When it is the judgement of the local office that a home visit is required to clarify or verify information pertaining to the eligibility requirements; or*

b. *When the applicant requests a home visit for the purpose of completing a pending application.*

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

40.4(3) The decision with respect to eligibility shall be based on the applicant's eligibility or ineligibility on the date the decision is made in the local office.

This rule is intended to implement section 239.4, The Code.

ITEM 2. Rule 770—40.6(239) is rescinded and the following inserted in lieu thereof:

770—40.6(239) Effective date of grant. *New approvals shall be effective as of the date the applicant becomes eligible for assistance, but in no case shall the effective date be earlier than seven days following the date of application.*

This rule is intended to implement section 239.5, The Code.

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1183**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of section 239.18, The Code, rules of the Department of Social Services appearing in the IAC relating to aid to dependent children (chapter 41) are hereby amended. These rules eliminated eligibility for eighteen to twenty-one-year old children.

The department of social services finds that notice and public participation are impracticable. Acts of the Sixty-eighth General Assembly H.F. 2580 amends the law effective July 1, 1980, to eliminate eligibility for eighteen to twenty-one-year old children. The department has no authority to continue eligibility for these children and there is not time to go through the regular rulemaking process. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that these rules confer a benefit on the public by containing costs in the program so that more financial burden is not placed on the citizens of Iowa to pay for the program. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

The department also relies on the legislative intent expressed in Acts of the Sixty-eighth General Assembly H.F. 2580 which states the "department of social services shall adopt rules under section seventeen A point four (17A.4), subsection two (2) of the Code, which may become effective under section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code . . ."

The council on social services adopted these rules June 26, 1980. These rules are implementing sections 239.1, 239.2, and 239.5, The Code. These rules are effective July 1, 1980.

ITEM 1. Subrule 41.1(1) is amended to read as follows:

41.1(1) Age. Aid to dependent children shall be available to a needy child under the age of eighteen years;

or under the age of twenty-one years who is a student regularly attending school. A child is eligible for the entire month in which the child's eighteenth or twenty-first birthday occurs, unless the birthday falls on the first day of the month.

ITEM 2. Subrule 41.1(4), and its paragraphs and subparagraphs, is rescinded and reserved for future use.

ITEM 3. Subrule 41.4(1), paragraph "a", is amended to read as follows:

a. A child who is under the age of sixteen or between the ages of sixteen and ~~twenty-one~~ eighteen and attending school full time.

(1) *A child shall be considered as attending school full-time when enrolled or accepted in a full-time (as certified by the school or institute attended) program of study or training leading to a certificate, diploma, or degree. Correspondence school is not an allowable program of study.*

(2) *The child shall also be considered in regular attendance in months when the child is not attending because of official school or training program, vacation, illness, convalescence, or family emergency. A child meets the definition of regular school attendance until the child has been officially dropped from the school rolls.*

(3) *When the child's education is temporarily interrupted pending adjustment of the education or training program, assistance shall be continued for a reasonable period of time to complete the adjustment.*

(4) *The child sixteen to eighteen years of age who graduates from high school and has no plans to continue in school shall register for the work incentive program the first of the month following the month of graduation. When the child presents evidence of plans to continue the education, the exemption from registration shall be continued until age eighteen when attendance continues with the next regularly scheduled session.*

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1180**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of section 217.6 and chapter 249, The Code, rules of the Department of Social Services appearing in the IAC relating to state supplementary assistance (chapter 51) are hereby amended. These rules pass along the supplemental security income increase to state supplementary assistance recipients.

The department of social services finds that notice and public participation is impracticable. Supplemental security income benefits will increase July 1, 1980, and in order for state supplementary assistance recipients to have the advantage of this increase, there is not time to go through the regular rulemaking process. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

The department of social services finds that these rules confer a benefit on the public by passing along the supplemental security income increase to state supplementary assistance recipients. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

The council on social services adopted these rules June 26, 1980. These rules are implementing section 249.3, The Code. These rules are effective July 1, 1980.

ITEM 1. Subrule 51.4(1) is amended to read as follows:

51.4(1) Income. Income of a dependent relative shall be less than ~~\$104.20~~ \$119.20. When the dependent's income is from earnings, an exemption of \$65.00 shall be allowed to cover work expense.

ITEM 2. Rules 770—51.7(249) is amended to read as follows:

770—51.7(249) Income for providing room and board. In determining profit from furnishing room and board or providing family life home care, ~~\$104.20~~ \$119.20 per month shall be deducted to cover the cost, and the remaining amount treated as earned income.

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ITEM 1. Subrule 52.1(1) is amended to read as follows: 52.1(1) Protective living arrangement. The following assistance standards have been established for state supplementary assistance for individuals living in a protective living arrangement:

Family life home certified under rules in chapter 111.

~~\$246.40~~ \$276.20 care allowance

~~35.00~~ personal allowance

~~\$281.40~~ \$311.20 Total

ITEM 2. Subrule 52.1(2) is amended to read as follows:

52.1(2) Dependent relative. The following assistance standards have been established for state supplementary assistance for dependent relatives residing in a recipient's home.

a. Aged or disabled client and a dependent relative

~~\$312.40~~ \$357.20

b. Aged or disabled client, eligible spouse, and a dependent relative

~~\$416.50~~ \$476.20

c. Blind client and a dependent relative

~~\$334.40~~ \$379.20

d. Blind client, aged or disabled spouse and a dependent relative

~~\$438.50~~ \$498.20

e. Blind client, blind spouse and a dependent relative

~~\$460.50~~ \$520.20

ITEM 3. Subrule 52.1(3) is amended to read as follows:

52.1(3) Residential care. Payment to a recipient in a residential care facility shall be made on a flat per diem rate of ~~\$8.50~~ \$9.50 or on a cost-related per diem rate of no more than ~~\$13.50~~ \$14.00. A cost-related per diem rate shall be established for each facility choosing such method of payment according to rule 54.3(249).

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1184

SOCIAL SERVICES DEPARTMENT[770]

Pursuant to the authority of section 217.6 and chapter 249, The Code, rules of the Department of Social Services appearing in the IAC relating to state supplementary assistance (chapter 52) are hereby amended. These rules pass along the supplemental security income increase to state supplementary assistance recipients and raise the rates for residential care facilities.

The department of social services finds that notice and public participation is impracticable. Supplemental security income benefits will increase July 1, 1980, and in order for state supplementary assistance recipients to have the advantage of this increase, there is not time to go through the regular rulemaking process. Also, the legislature raised the residential care facility rates in Acts of the Sixty-eighth General Assembly H.F. 2580 which becomes effective July 1, 1980. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that these rules confer a benefit on the public by passing along the supplemental security income increase to state supplementary assistance recipients and by raising the rates paid to residential care facilities. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

The council on social services adopted these rules June 26, 1980. These rules are implementing section 249.3, The Code. These rules are effective July 1, 1980.

ARC 1185

SOCIAL SERVICES DEPARTMENT[770]

Pursuant to the authority of section 252.43, The Code, rules of the Department of Social Services appearing in the IAC relating to relief for needy Indians (chapter 64) are hereby amended. These rules transfer administration of the Indian relief program to the tribal council.

The department of social services finds that notice and public participation is impracticable since Acts of the Sixty-eighth General Assembly H.F. 2580 transfers administration of the Indian relief program to the tribal council effective July 1, 1980. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that these rules confer a benefit on the public by transferring the administration of the program to the tribal council. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

The council on social services adopted these rules June 26, 1980. These rules are implementing section 252.43, The Code. These rules are effective July 1, 1980.

ITEM 1. Rule 770—64.1(252) is amended to read as follows:

770—64.1(252) Relief for Indians. The director of social services in Tama county has been designated by the state department of social services to administer relief for needy Indians residing in the settlement.

General relief. The program of relief for needy Indians provides for the state department of social services, upon authorization of the Tama county director of social services tribal council of the settlement in Tama county, to order the state comptroller to write warrants, in favor of an Indian residing on the settlement for those items designated by the department of social services. Warrants may also be issued to meet special needs when recommended by the district administrator tribal council and approved, on an individual case basis, by the state department of social services.

ITEM 2. Subrule 64.2(9) is amended to read as follows:

64.2(9) Limitations on expenditures. The state department shall notify the county department tribal council, each month, of funds available for that month. The county department of social services tribal council may not issue orders in excess of such amount.

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1181

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of sections 217.6 and 234.6, The Code, rules of the Department of Social Services appearing in the IAC relating to the food stamp program (chapter 65) are hereby amended. These rules adopt regulations on furnishing social security numbers, fraud disqualification and recovery, rounding procedures, handling payments from the energy assistance programs, and joint processing of supplemental security income and food stamp applications.

Notice of intended action for regulations through March 4, 1980, was published in the IAB April 30, 1980, as ARC 1044. The department finds that notice and public participation for the later regulations would be contrary to the public interest as it would delay joint processing of applications. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that these rules confer a benefit on the public. They provide for joint processing of applications, make rounding the same as in the aid to dependent children program, disregard energy assistance payments, and maintain compliance with federal regulations. Therefore, these rules are filed as provided in section 17A.5(2)"b"(2), The Code.

The council on social services adopted these rules on June 26, 1980. These rules are intended to implement section 234.12, The Code. They shall become effective immediately upon filing [6/30/80].

ITEM 1. Rule 770—65.3(234), first paragraph, is amended to read as follows:

770—65.3(234) Administration of program. The food stamp program shall be administered in accordance with the Food Stamp Act of 1977 and in accordance with federal regulations, Title 7, Parts 270 through 282 as amended to November 6, 1979 and as amended April 2, 1980 and April 4, 1980 April 22, 1980.

ITEM 2. Add the following new rule:

770—65.13(234) Joint processing. The department will handle joint processing of supplemental security income and food stamp applications by having the social security administration complete and forward food stamp applications.

[Filed emergency 6/30/80, effective 6/30/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1186

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 249A.4, The Code, rules of the Department of Social Services appearing in the IAC relating to medical assistance (chapter 75) are hereby amended. These rules relate to the maximum income a person may have to be eligible in a medical institution.

The department of social services finds that notice and public participation is impracticable since the rule is to implement intent language in Acts of the Sixty-eighth General Assembly H.F. 2580 which goes into effect July 1, 1980. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that these rules confer a benefit on the public by keeping people eligible for medical assistance who may have become ineligible because of increased income and by making more needy people eligible for medical assistance in a medical institution. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

The council on social services adopted these rules June 26, 1980. These rules are implementing section 249A.4, The Code. These rules are effective July 1, 1980.

Subrules 75.1(4) and 75.1(10) are amended to read as follows:

75.1(4) Persons receiving care in a medical institution who make application for medical assistance subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for income. Medical assistance will be available to all persons receiving care in a hospital, skilled nursing facility or intermediate care

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

facility who make application subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for income and whose income is not in excess of the cost of the care in the institution based on standards established by the department or ~~\$600.00 before application of the \$20.00 disregard of earned or unearned income~~ *three hundred percent of the maximum monthly payment to an individual who is a recipient under the federal supplemental security income program*, whichever is the lesser.

75.1(10) Persons receiving care in intermediate care facilities for the mentally retarded. Medical assistance will be available to all persons receiving care in an intermediate care facility for the mentally retarded who make application subsequent to January 1, 1976, and who meet all eligibility requirements for Title XVI except for income and whose income is not in excess of the cost of care in the institution based on standards established by the department or ~~\$500.00 per month~~ *three hundred percent of the maximum monthly payment to an individual who is a recipient under the federal supplemental security income program*, whichever is lesser.

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1187

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 249A.4, The Code, rules of the Department of Social Services appearing in the IAC relating to medical assistance (chapter 78) are hereby amended. These rules are cost containment measures as specified by the legislature in Acts of the Sixty-eighth General Assembly H.F. 2580.

The department of social services finds that notice and public participation is impracticable since Acts of the Sixty-eighth General Assembly H.F. 2580 has specified these changes to be made for cost containment purposes and to have the intended effect, there would not be time to go through the regular rulemaking process. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that these rules confer a benefit on the public by containing costs for the services provided so that more financial burden is not placed on the citizens of Iowa to pay for the provision of these services. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

The department also relies on the legislative intent expressed in Acts of the Sixty-eighth General Assembly H.F. 2580 which states the "department of social services shall adopt rules under section seventeen A point four (17A.4), subsection two (2) of the Code, which may become effective under section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code . . ."

The council on social services adopted these rules June 26, 1980. These rules are implementing section 249A.4, The Code. These rules are effective July 1, 1980.

ITEM 1. Subrule 78.1(2), paragraph "a", is amended by adding the following subparagraph:

(5) *Payment will not be approved for prescription laxative drugs.*

ITEM 2. Subrule 78.2(2) is amended to read as follows:

78.2(2) *The amount of payment shall be based on several factors.*

a. In accordance with ~~45 CFR 204.30(b)(2)(iii)~~ *42 CFR 447.331-333*, the basis of payment for legend drugs shall be the pharmacist's usual, customary, and reasonable charge, but payment shall not exceed the current cost of the drug as defined by the department of social services plus a professional fee of \$3.00. This professional fee shall be applicable to services rendered on and after July 1, 1979.

b. The determination of the unit cost component of the drug shall be based on the package size of drugs most frequently purchased by providers or the maximum allowable cost of each multiple source drug designated by the pharmaceutical reimbursement board of the department of health, ~~education, and welfare and human services~~ and published in the Federal Register in accordance with ~~45 CFR 250.30(b)(2)(iii)~~.

c. *The pharmacist's usual and customary charge to the medical assistance program shall not exceed the lowest total cost (ingredient cost plus professional fee) of a prescription drug or insulin charged to any private third party payer, prescription drug insurance or benefit plan, or person participating in such a plan.*

d. Payment for sickroom supplies and medical equipment shall not exceed the manufacturer's suggested minimum retail price or the usual community price for such items, whichever is less.

e. No payment shall be made for sales tax.

ITEM 3. Subrule 78.4(1) paragraph "g", subparagraph (1), is amended to read as follows:

(1) Fixed and removable ~~prosthetics prostheses~~ are payable only in a five-year period and only with prior authorization, except when necessary to prevent a significant disability. Payable removable ~~prosthetics prostheses~~ are:

~~Complete or partial~~ dentures, including six months' post delivery care. *Partial dentures replacing anterior teeth, including six months' post delivery care. Partial dentures replacing posterior teeth may be utilized on a limited basis.*

Complete or partial temporary dentures, including six-months' post delivery care.

Obturator for surgically excised palatal tissue or deficient velopharyngeal function of cleft palate patients.

ITEM 4. Subrules 78.6(13) and 78.6(16) are amended to read as follows:

78.6(13) Actual laboratory cost, not to exceed ~~eleven dollars~~ *\$13.50*, of frames. An invoice must accompany the claim.

78.6(16) Prior approval shall be obtained from the department when a lens correction is the second within a ~~twelve-month~~ *twenty-four-month* period, for procedure in subrule 78.6(8) when the patient is under age thirty-five, and in all cases for procedures in subrules 78.6(9) and 78.6(14). The optometrist shall furnish sufficient information to clearly establish that these procedures are necessary in terms of the visual condition of the patient.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

Requests for prior approval shall be made of form ~~XIX~~ (OPTO 2), Application for Prior Approval Optometric Services D-9402 (SDC), Request for Prior Authorization.

ITEM 5. Subrule 78.7(4), second paragraph, is amended to read as follows:

The actual laboratory cost, not to exceed ~~eleven dollars~~ \$13.50, for frames. An invoice must accompany the claim.

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1218

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 249A.4, The Code, rules of the Department of Social Services appearing in the IAC relating to medical assistance (chapter 78) are hereby amended. This rule is cost containment for hearing aids as specified by the legislature in Acts of the Sixty-eighth General Assembly H.F. 2580.

The department of social services finds that notice and public participation is impracticable since Acts of the Sixty-eighth General Assembly H.F. 2580 have specified this change be made for cost containment purposes and to have the intended effect, there would not be time to go through the regular rulemaking process. Therefore, this rule is filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that this rule confers a benefit on the public by containing costs for the services provided so that more financial burden is not placed on the citizens of Iowa to pay for the provision of these services. Therefore, this rule is filed pursuant to section 17A.5(2)"b"(2), The Code.

The department also relies on the legislative intent expressed in Acts of the Sixty-eighth General Assembly H.F. 2580 which states the "department of social services shall adopt rules under section seventeen A point four (17A.4), subsection two (2), The Code, which may become effective under section seventeen A point five (17A.5), subsection two (2), paragraph b, The Code. . . ."

The Council on social services adopted these rules June 26, 1980. These rules are implementing section 249A.4, The Code. These rules are effective July 8, 1980 and will remain effective until January 1, 1981.

The department is asking for comment on this rule under a notice of intended action, ARC 1219.

Rule 770-78.14(249A) is amended by adding the following subrule:

78.14(5) *Payment for hearing aids shall be factory cost plus a dispensing fee covering ear mold, fittings, and service for six months. Payment for batteries shall be made only when they are requested by the recipient.*

[Filed emergency 7/3/80, effective 7/8/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1188

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to authority of section 249A.4, The Code, rules of the Department of Social Services appearing in the IAC relating to medical assistance (chapter 79) are hereby amended. These rules are cost containment measures as specified by the legislature in Acts of the Sixty-eighth General Assembly H.F. 2580.

The department of social services finds that notice and public participation is impracticable since Acts of the Sixty-eighth General Assembly H.F. 2580 has specified these changes be made for cost containment purposes and to have the intended effect, there would not be time to go through the regular rulemaking process. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that these rules confer a benefit on the public by containing costs for the services provided so that more financial burden is not placed on the citizens of Iowa to pay for the provision of these services. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

The department also relies on the legislative intent expressed in Acts of the Sixty-eighth General Assembly H.F. 2580 which states the "department of social services shall adopt rules under section seventeen A point four (17A.4), subsection two (2) of the Code, which may become effective under section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code. . . ."

The council on social services adopted these rules June 26, 1980. These rules are implementing section 249A.4, The Code. These rules are effective July 1, 1980.

Rule 770-79.1(249A) is amended by adding the following subrule:

79.1(4) Copayment by recipient. A copayment shall be charged to recipients for the following covered services:

a. The recipient shall pay \$1.00 copayment for total covered service rendered on a given date for dental services, optometrist services, opticians services, audiological examinations, orthopedic shoes, hearing aids, and durable medical equipment as defined in 78.10(9).

b. The recipient shall pay \$.50 copayment on each covered drug prescription, including each refill. The copayment requirement is not applicable to nondurable medical supplies as defined in 78.1(2)"b".

c. Copayment charges are not applicable to any of the above services when received by a child under the age of twenty-one when indicated by examination under the early and periodic screening, diagnosis, and treatment program, 770—chapter 84.

d. Copayment charges are not applicable to family planning services or supplies.

e. Copayment charges are not applicable for a recipient in a skilled nursing facility, intermediate care facility, or residential care facility.

f. All providers are prohibited from offering or providing copayment related discounts, rebates, or similar incentives for the purpose of soliciting the patronage of medical assistance recipients.

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1189**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of sections 217.6 and 234.6, The Code, rules of the Department of Social Services appearing in the IAC relating to Social Security Act - Title XX implemented (chapter 131) are hereby amended. These rules govern the use of Mini-XX funds.

The department of social services finds that notice and public participation would be impracticable and contrary to the public interest. The amount of the state supplemental appropriation "Mini-XX" and the related intent language allowing the use of these moneys for services outside of a district's local purchase plan was a part of the Acts of the Sixty-eighth General Assembly, H.F. 2580. Action on this was not concluded until the closing hours of the legislative session. It was impossible to file rules defining the use of these moneys until legislative action was completed. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that these rules confer a benefit on the public by allowing the allocation and expenditure of \$2.2 million in state funds for human services. Emergency filing of these rules allows the immediate use of these funds that might otherwise be unavailable until the regular rulemaking process is completed. The legislature has mandated that the state supplementation be used for "local purchase of service contracts" for the types of services listed in the overall statewide Title XX plan and unless the rules are promptly put in place, services of the type mandated cannot be given to Iowans. Regular rulemaking procedures would result in the final adoption of rules in the latter portion of the fiscal year with no services being offered until then and the remainder of the services being concentrated into a few months. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

The council on social services adopted these rules June 26, 1980. These rules are implementing section 234.6, The Code. These rules are effective July 1, 1980.

Add the following new rule:

770—131.5(234) Mini-XX funds.

131.5(1) State funds appropriated to supplement local purchase of social services (Mini-XX funds) shall be divided by the department in consultation with the statewide Title XX advisory committee among the sixteen planning districts for the state of Iowa on the basis of a formula approved by the statewide Title XX advisory committee.

131.5(2) Mini-XX funds allocated to each district shall be distributed within the district by the district administrator for the department of social services in consultation with the district Title XX advisory committee.

a. When the district administrator determines that federal funds allocated to the district under the Title XX plan for the local purchased services listed in the comprehensive annual services plan are insufficient to provide those services for the entire period indicated in the plan, the administrator shall allocate to those services that

portion of the district allocation of Mini-XX funds necessary to fully fund those services.

b. Remaining funds shall be allocated by the district administrator under a formula developed after consultation with the district Title XX advisory committee. This allocation shall be established and reduced to writing not later than August 1 of the fiscal year. A copy of such allocation shall be made available to the public in the district office of the department of social services and each county office in the district. Such allocations may involve but are not limited to:

(1) Division of funds among the counties in the district on the basis of poverty level population;

(2) Allocation of funds to particular local purchased services and counties in the district. Such allocation of funds may be done under a formula designed to compensate counties for the disproportionate impact on county residents, if any, arising from the selection of particular services to be funded in the Title XX comprehensive annual service plan.

131.5(3) Mini-XX funds allocated under this program shall be used for local purchase of service contracts for services included in the overall statewide Title XX plan, but not necessarily listed for the district as local purchases in the comprehensive annual service plan. All Mini-XX funds shall require a twenty-five percent match with the department providing seventy-five. Where the twenty-five percent match is provided by a county, a county participation agreement shall be required.

131.5(4) In no event shall a county seek reimbursement for more Mini-XX funds than have been allocated.

a. Where Mini-XX funds allocated to a county, or to a service in a county, have been completely encumbered based on service already provided, support of all clients will depend on the county's agreement to continue service with county funds.

b. Mini-XX funds may be allocated by the district administrator or the district administrator's designee based on an estimation of the number of clients in a particular county which can be served with the county's allocation for the service. When the number of applications accepted equals the estimation, additional clients requesting service shall be placed on a waiting list. Where vacancies arise, for example, where existing clients are terminated, they are to be filled by eligible clients based on order of application.

131.5(5) No client shall receive services under this Mini-XX program unless said client has applied for services in the appropriate local office of the Iowa department of social services.

a. The department shall determine eligibility according to 770-130.3(234). Failure to list the service in the district Title XX plan shall not require denial of service under this Mini-XX program where the district administrators or county have chosen to apply Mini-XX funds towards that service.

b. The department shall monitor the client's receipt of service and the client's progress toward achieving the goals outlined in 770-130.7(234).

c. By joint agreement of the district administrator and the county of residence, an otherwise eligible client may be provided sheltered workshop through this Mini-XX program, even though earnings from sheltered workshop would result in the client having income in excess of normal income guidelines.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

131.5(6) Allocations under this program shall be monitored over the course of the fiscal year and may be modified by the district administrator where there are surpluses or unexpected shortfalls based on prior projections. The district administrator may authorize use of funds unexpended in one county to relieve shortages in another.

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

(See ARC 1222, IAB 7/23/80.)

ARC 1190**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of section 234.38, The Code, rules of the Department of Social Services appearing in the IAC relating to payments for foster care (chapter 137) are hereby amended. These rules raise the rates allowed foster group care.

The department of social services finds that notice and public participation is impracticable. The legislature has appropriated funds to increase these rates for July 1,

1980, and to delay implementation would cause a hardship on the homes involved. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that these rules confer a benefit on the public by increasing these maximum rates. Many facilities have reached the present maximums and are operating at a loss. These rules should alleviate that hardship. Therefore, these rules are filed pursuant to section 17A.5(2)"b"(2), The Code.

The council on social services adopted these rules June 26, 1980. These rules are implementing section 234.38, The Code. These rules are effective July 1, 1980.

Rule 770—137.9(234) is amended to read as follows:

770—137.9(234) Public and private agency group care. The payment rate for licensed or approved public or private agency group care shall be the agency's unit cost as determined by the department's accounting and reporting procedure for purchase of service contracts. Whenever a facility has eight or less children, regardless of any association with a larger organization located elsewhere, payment shall not exceed ~~forty-four~~ *forty-six* dollars per day. Payment shall not exceed ~~fifty-five~~ *fifty-eight* dollars per day for all other facilities. The department will retain the option to utilize such facilities based upon the needs of children, programs available, and comparability of costs.

[Filed emergency 6/30/80, effective 7/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1203

CONSERVATION COMMISSION[290]

Pursuant to the authority of sections 106.3 and 107.24, The Code, the State Conservation Commission, at their regular monthly meeting on July 1, 1980, adopted an additional paragraph to chapter 28, "Registration and Numbering", Iowa Administrative Code.

Notice of intended action was published in the IAB, April 20, 1980, as ARC 1017.

Since documented vessels are not required to display registration numbers, the decal placement requirements as presently given in 290—chapter 28 are not workable.

This rule is identical to that published as notice of intended action.

This rule is intended to implement section 106.5, The Code.

This rule will become effective on August 29, 1980.

Rule 290—28.1(106) This additional paragraph is added as follows:

On documented vessels where registration numbers are not displayed, the current registration emblem shall be placed on each side of the bow (i.e., forward half) of the vessel and in such a position as to provide maximum visibility.

[Filed 7/2/80, effective 8/29/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1204

CONSERVATION COMMISSION[290]

Pursuant to the authority of sections 107.24 and 17A.4, The Code, the State Conservation Commission, on July 1, 1980, adopted the following amendments to chapter 102, "Rabbit and Squirrel Hunting Seasons", Iowa Administrative Code.

Notice of intended action was published in IAB 18, March 5, 1980, as ARC 0899.

The rule establishes season dates, daily bag limits, possession limits and shooting hours for hunting cottontail rabbits, jackrabbits and squirrels (fox and gray) for the 1980-1981 season.

Changes from such notice are as follows:

Rule 290—102.1(109)—The open season is September 6, 1980, through February 28, 1981, rather than August 30, 1980, through February 28, 1981.

Rule 290—102.2(109)—The open season is November 1, 1980, through January 4, 1981, rather than November 1, 1980, through January 31, 1981.

Rule 290—102.3(109)—The open season is September 6, 1980, through January 4, 1981, rather than August 30, 1980, through January 15, 1981.

This rule implements sections 109.38, 109.39, and 109.48, The Code, and will become effective August 27, 1980.

290—102.1(109) Cottontail rabbit season. Open season for hunting cottontail rabbits shall be from September ~~1 6, 1979~~ 1980, through February ~~29 28, 1980~~ 1981. Bag limit shall be ten per day; possession limit twenty. Legal hunting hours shall be from sunrise to sunset. Entire state open.

290—102.2(109) Jackrabbit season. Open season for hunting jackrabbits shall be from November ~~3 1, 1979~~ 1980 through January ~~6 4, 1980~~ 1981. Bag limit shall be three per day; possession limit six. Legal hunting hours shall be from sunrise to sunset. Entire state open.

290—102.3(109) Squirrel season. Open season for hunting squirrel (fox and gray) shall be from September ~~1 6, 1979~~ 1980 through January ~~6 4, 1980~~ 1981. Bag limit shall be six squirrels per day; possession limit twelve. Entire state open.

[Filed 7/2/80, effective 8/27/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1206

CONSERVATION COMMISSION[290]

Pursuant to the authority of sections 107.24 and 17A.4, The Code, the State Conservation Commission on July 1, 1980, adopted the following amendments to chapter 104, "Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, Otter, and Spotted Skunk Seasons", Iowa Administrative Code.

Notice of intended action was published in IAB, March 5, 1980, as ARC 0901.

The rule establishes season dates and opening hours for taking mink, muskrat, raccoon, badger, opossum, weasel, striped skunk, fox (red and gray), beaver, coyote, otter, and spotted skunk for the 1980-1981 season.

Changes from such notice are as follows:

Rule 290—104.1(109)—The open season is November 8, 1980, through January 4, 1981, rather than November 1, 1980, through January 15, 1981.

Rule 290—104.2(109)—The open season is November 8, 1980, through January 4, 1981, rather than November 1, 1980, through January 15, 1981.

Rule 290—104.3(109)—The open season is November 15, 1980, through January 18, 1981, rather than November 1, 1980, through January 15, 1981.

Rule 290—104.4(109)—The open season is November 8, 1980, through March 29, 1981, rather than November 1, 1980, through April 15, 1981, with the opening hour 8:00 a.m. rather than 12:00 noon on the first day. In that portion of the state along the Mississippi River north of Interstate Highway 80 and east of the Davenport, Rock Island and Northwestern Railroad tracks and the Chicago, Milwaukee, St. Paul and Pacific Railroad tracks, the season shall be December 27, 1980, through February 22, 1981, rather than December 15, 1980, through March 15, 1981.

This rule implements sections 109.38, 109.39, and 109.87, The Code, and shall become effective August 27, 1980.

CONSERVATION COMMISSION[290] (cont'd)

290—104.1(109) Mink and muskrat. Open season for the taking of mink and muskrat shall be from 8:00 a.m., November ~~3 8, 1979~~ 1980, through January ~~6 4, 1980~~ 1981. Entire state open. No bag or possession limit.

290—104.2(109) Raccoon, badger, opossum, weasel, and striped skunk. Open season for the taking of raccoon, badger, opossum, weasel, and striped skunk shall be from 8:00 a.m., November ~~3 8, 1979~~ 1980, through January ~~6 4, 1980~~ 1981. Entire state open No bag or possession limit.

290—104.3(109) Red and gray fox. Open season for the taking of red and gray fox shall be from 8:00 a.m., November ~~17 15, 1979~~ 1980, through January ~~13 18, 1980~~ 1981. Entire state open. No bag or possession limit.

290—104.4(109) Beaver. Open season for the taking of beaver shall be from 8:00 a.m., November ~~3 8, 1979~~ 1980, through March ~~31 29, 1980~~ 1981, except for that portion of the state along the Mississippi River north of Interstate Highway 80 and east of the Davenport, Rock Island and Northwestern Railroad tracks and the Chicago, Milwaukee, St. Paul and Pacific Railroad tracks which parallel the Mississippi River. In this area the season shall be from ~~8:00 a.m. 12:00 noon, December 29 27, 1979~~ 1980, through February ~~24 22, 1980~~ 1981. No bag or possession limit.

290—104.5(109) Coyote. Continuous open season. Entire state open. No bag or possession limit.

290—104.6(109) Otter and spotted skunk. Continuous closed season.

[Filed 7/2/80, effective 8/27/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

the legislature on the subject as expressed in Acts of the Sixty-eighth General Assembly in H.F. 700 and with the governor's urging in his veto message of H.F. 700 that the commission promulgate a rule conforming to H.F. 700. This adopted rule replaces 105.3(3) published in IAC (4-2-80) as ARC 0964 that was delayed for seventy days by the administrative rules review committee.

This rule implements section 109.48, The Code, and will become effective August 27, 1980.

DIVISION OF FISH AND GAME

105.3(3) In Fremont and Mills Counties on all waters and a 150-yard zone of land adjacent to these waters while possessing shotshells loaded with shot other than steel. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams, and seasonally-flooded areas of all types. Waters of the Missouri River, drainage ditches, and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement. Also on all lands and waters within the federal Upper Mississippi Wildlife and Fish Refuge in Allamakee, Clayton, Dubuque, Jackson, Clinton, and Scott Counties while possessing shotshells loaded with shot other than steel. Also on all waters and 150-yard zone of land adjacent to these waters on the following public hunting areas under the jurisdiction of the state conservation commission: Sweet Marsh, Bremer County; Big Marsh, Butler County; and Princeton Area, Scott County while possessing shotshells loaded with shot other than steel. This paragraph shall not apply to the taking of rails, woodcock, and snipe.

[Filed 7/2/80, effective 8/27/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1205

CONSERVATION
COMMISSION[290]

Pursuant to the authority of sections 107.24 and 17A.4, The Code, the State Conservation Commission, in an electronic meeting on July 2, 1980, amended subrule 105.3(3) of Chapter 105, "Migratory Game Bird Regulations", Iowa Administrative Code, by rescinding 105.3(3) in IAC (4-2-80) and adopting the following rule.

Notice of intended action was published in IAB May 28, 1980, as ARC 1093.

The rule requires the use of only steel shot for the hunting of migratory waterfowl in designated areas in Fremont and Mills Counties; Upper Mississippi Wildlife and Fish Refuge; Sweet Marsh, Bremer County; Big Marsh, Butler County; and Princeton Area, Scott County.

This rule is identical to that published as Notice of Intended Action. The final agency action was taken on July 2, 1980, because the statutory required meeting date, of July 1, 1980, was thirty-four days after publication of the notice. This adopted rule conforms with the intent of

ARC 1207

CONSERVATION
COMMISSION[290]

Pursuant to the authority of sections 107.24 and 17A.4, The Code, the State Conservation Commission on July 1, 1980, adopted the following amendments to chapter 109, "Common Snipe, Sora and Virginia Rail, Woodcock, and Ruffed Grouse Hunting Seasons", Iowa Administrative Code.

Notice of intended action was published in IAB, March 5, 1980, as ARC 0904.

The rule establishes season dates, daily bag limits, possession limits and shooting hours for hunting common snipe, sora and Virginia rails, woodcock, and ruffed grouse for the 1980-1981 season.

Changes from such notice are as follows:

Rule 290—109.1(109)—The open season is September 6, 1980, through December 21, 1980, rather than September 1, 1980, through December 31, 1980. Daily bag and possession limits and shooting hours are established.

CONSERVATION COMMISSION[290] (cont'd)

Rule 290—109.2(109)—The open season is September 6, 1980, through November 14, 1980, rather than September 1, 1980, through November 30, 1980. Daily bag and possession limits and shooting hours are established.

Rule 290—109.3(109)—The open season is September 20, 1980, through November 23, 1980, rather than September 1, 1980, through November 30, 1980. Daily bag and possession limits and shooting hours are established.

Rule 209—109.4(109)—The open season is October 11, 1980, through January 11, 1981, rather than October 1, 1980, through January 31, 1981.

This rule implements sections 109.38, 109.39 and 109.48, The Code, and will become effective August 27, 1980.

290—109.1(109) Common snipe season. Open season for hunting common snipe shall be from September ~~± 6, 1979~~ 1980, through December ~~± 21, 1979~~ 1980. Shooting hours shall be from sunrise to sunset each day. Daily bag limit eight birds; possession limit sixteen birds. Entire state open.

290—109.2(109) Sora and Virginia rail season. Open season for hunting sora and Virginia rails shall be from September ~~± 6, 1979~~ 1980, through November ~~9 14, 1979~~ 1980. Shooting hours shall be from sunrise to sunset each day. Daily bag limit fifteen and possession limit twenty-five in aggregate of both species. Entire state open.

290—109.3(109) Woodcock season. Open season for hunting woodcock shall be from September ~~22 20, 1979~~ 1980, through November ~~25 23, 1979~~ 1980. Shooting hours shall be from sunrise to sunset each day. Daily bag limit five; possession limit ten. Entire state open.

290—109.4(109) Ruffed grouse season. Open season for hunting ruffed grouse shall be from October ~~± 11, 1979~~ 1980, through January ~~6 11, 1980~~ 1981. Shooting hours shall be from sunrise to sunset daily. Bag limit three; possession limit six.

109.4(1) Closed portion of the state. Closed portion of the state shall be west of U.S. Highway 63, and south of U.S. Highway 20.

109.4(2) Reserved.

[Filed 7/2/80, effective 8/27/80]

[(Published 7/23/80)]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1197

ENGINEERING EXAMINERS[390]

Pursuant to the authority of section 114.6, The Code, the Iowa State Board of Engineering Examiners adopted by unanimous vote at its regular monthly meeting on January 4, 1980, the following amendments to chapter 1, "Administration", Iowa Administrative Code.

Notice of intended action was published in Iowa Administrative Bulletin Vol. II Number 12, December 12, 1979, as ARC 0731.

Changes from such notice are as follows:

1. Under Engineering Program, Nonaccredited - 4 year BS Degree to 4 year Degree and 4 year BS Degree plus degree in Engineering to 4 year BS Degree plus MS Degree in Engineering.

The amendments embodied in this rule modification simplify and clarify the board's rules on educational and experience requirements for registration.

This rule is intended to implement section 114.14, The Code of Iowa.

This rule will become effective on August 27, 1980.

Subrule 1.2(2) is amended as follows:

1.2(2) Substitution of experience for education. Engineering and land surveying applicants may substitute practical experience for educational requirements. The board generally will require the minimum number of years set forth below before an applicant will be permitted to take either the Fundamentals or the Professional Examination. Further, the requirements of the fundamental examination will not be waived solely as a consequence of an applicant's level of education.

EXPERIENCE REQUIREMENTS FOR ENGINEERING APPLICANTS

Education Level	1	2*
	Minimum Additional Years Experience To Taking Fundamentals Examination	Minimum Additional Years Experience Prior To Taking Professional Examination
No Post-High School Education	8	4
College or Junior College (Mathematics or Physical Sciences)		
1 year	7	4
2 years	6	4
3 years	5	4
4 year BS Degree	3	4
4 year BS Degree plus MS Degree in Engineering**	0	4
All Engineering Technology Programs and Architecture		
1 year	7	4
2 years	5½	4
3 years	4	4
4 year degree, Non-ECPD-accredited Technology	2½	4
4 year degree, ECPD-Accredited Technology	2	4
4 year degree, Architecture	2	4
4 year degree, Technology or Architecture plus MS Degree in Engineering**	0	4
Engineering Program, Non-ECPD-accredited		
1 year	7	4
2 years	5	4
3 years	3	4
4 year Degree	1	4
4 year BS Degree plus MS Degree in Engineering**	0	4
Engineering Program, ECPD-Accredited		
1 year	6	4
2 years	4	4
3 years	2	4
4 year BS Degree	0	4

*Column 1 indicates the years of practical experience required for the Fundamental Examination in addition to the completion of the stated

ENGINEERING EXAMINERS[390] (cont'd)

educational level. In order to determine the total years of practical experience required before taking the Professional Examination, column 2 must be added to column 1.

***The MS Degree in engineering must be from an institution in the United States of America with an accredited BS Degree in the same curriculum, and the MS Degree candidate must be required to fulfill the requirements for the BS Degree in the same area of specialization.*

[Filed 7/7/80, effective 8/27/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80

ARC 1194

GENERAL SERVICES
DEPARTMENT[450]

Pursuant to authority of section 18.4, The Code, the Department of General Services adopts amendments to IAC 450, Chapters 1 and 2, relating to centralized purchasing.

Notice of intended action was published in IAB Vol. II, No. 24, May 28, 1980, as ARC 1088. Changes from such notice are as follows:

1.1(2)(3), line 21, change "Telephonic" to "Telephone."

1.3(19) line 5, insert "notice" between "after" and "the."

1.4(3) line 5, delete the comma after "security."

This rule will become effective August 27, 1980.

ITEM 1. Rule 450—1.1(18) is amended to read as follows:

450—1.1(18) Methods of procurement used by central purchasing division. The department of general services, purchasing division, shall purchase all commodities by obtaining competitive bids whenever possible. An item may be exempt from purchase by the competitive bidding procedure when the director of the department determines the best interests of the state will be served due to an immediate or emergency need for the item. Bids are to be obtained by use of one of the following methods.

1.1(1) **Formal quotations bids.** Formal quotations bids as outlined herein shall be required on all nonexpendable items costing in aggregate ~~between \$2,500 and \$15,000~~ more than \$5,000.00. The purchasing division shall prepare a written "~~Formal Request for Quotation~~" "*Invitation for Bid*" form and mail same, with a special return bid envelope or an identifying sticker for the outside of the return envelope to the approved list of vendors for the particular class of commodity. The "~~Formal Request for Quotation~~" "*Invitation for Bid*" shall contain the following information:

1. Due date and time of formal bid opening.
2. Complete description of commodity needed.
3. Buyer's name or code.

Bids shall be opened publicly and read aloud on the date and the hour designated on the "~~Formal Request for Quotation~~" "*Bid*" form. Bids as received are to be tabulated and the tabulation made available to all interested parties. An award shall be made within thirty calendar days of the formal bid opening to the lowest ~~competent compliant~~ bidder. If an award is not made

within thirty calendar days the bids shall be deemed rejected and prices as quoted by a vendor shall not be deemed as binding, unless the evaluation period is extended by agreement between the division and the bidders.

Formal quotations Advertised formal bids as outlined herein will be required on all nonexpendable items costing in aggregate of \$15,000 or more. The purchasing division shall prepare a written "~~Formal Request for Quotation~~" "*Invitation for Bid*" form and handle as noted herein. In addition to the use of a direct mail request, the department shall cause to be printed in at least one daily paper in the state of Iowa a classified advertisement with the heading "Notice to Bidders". Said advertisement shall contain the following information:

1. Due date and time of formal bid opening.
2. General description of commodity to be purchased.
3. Address, name and phone number of person to be contacted to obtain official bid forms.

Bids shall be opened publicly and read aloud on the date and at the hour designated on the "~~Formal Request for Quotation~~" form. Bids as received are to be tabulated and the tabulation made available to all interested parties. An award shall be made within thirty calendar days of the formal bid opening to the lowest competent bidder. If an award is not made within thirty calendar days the bids shall be deemed rejected and prices as quoted by a vendor shall not be deemed as binding.

ITEM 2. A new 1.1(2) is inserted as follows and all subsequent subrules are renumbered accordingly:

1.1(2) *Requests for proposals.* Whenever a requirement exists for goods or services anticipated to cost more than \$15,000.00 and cost may not be the sole criterion for selection, the purchasing division may issue a Request for Proposals (RFP). The purpose of an RFP is to provide the vendor with sufficient information about a requirement for technical equipment or professional services so that the vendor may propose a solution to the requirement. As a minimum, elements of an RFP should be the following:

1. Need for a proposal conference.
2. Purpose, intent and background of the requirement.
3. Key dates in the proposal—award process.
4. Administrative requirements for submitting a proposal and format for the proposal.
5. Contractual terms and conditions.
6. Scope of work and performance requirements that the vendor must meet.
7. Evaluation criteria and methods of evaluation of the proposal.

An RFP shall be handled in the same way as an advertised formal bid.

1.1(2)(3) **Informal quotations bids.** On any item or group of items costing less than ~~\$2,500~~, \$5,000.00, the purchasing division shall obtain bids in one of the following ways: Prepare a written "~~Informal Request for Quotation~~" "*Invitation for Bid*" form and mail same to the approved list of vendors for that particular class of commodity. The "~~Request for Quotation~~" "*Invitation for Bid*" shall contain the following information:

1. Due date "~~informal quotation~~" "*bid*" must be returned.
2. Complete description of commodity needed.
3. Buyer's name or code.

Bids are to be opened informally on the due date or within twenty-four hours of same, and an award made to the lowest ~~competent compliant~~ bidder meeting specifications. Bids as received are to be tabulated and

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the tabulation made available to all interested parties. The purchasing section division or delegated agency may obtain telephonic bids on any expendable item or group of items costing less than \$500. Said bids must be documented on a special "Telephone Bid" form.

1.1(3)(4) Field purchases. The department of general services, purchasing division, may authorize an agency to use a special six-part field purchase order form to purchase expendable items only, provided that the total value of such an order does not exceed ~~\$150.~~ \$300.00. Items of equipment are not to be purchased by use of a field purchase order nor can a field purchase order be used to pay for leased equipment. The use of this type of purchasing should be limited to those items not normally covered by contract. ~~and that immediate need for same is so acute that the normal functions of the agency could conceivably be curtailed.~~ For purchases costing more than \$150.00, the using agency shall document solicitation of prices from at least two sources using the telephone bid form.

1.1(4)(5) Contract purchases. The purchasing division may, upon authorization of the director, enter into special contract purchase agreements for such items, groups of items or services that in the opinion of the director and the purchasing division, the best interest of the state will be served. Said contracts shall be obtained by use of one of the "Competitive Bidding" processes as outlined and awards made to the lowest competent compliant bidder.

If agreed to by the vendor, copies of contracts will be furnished to political subdivisions of the state to allow political subdivisions to order under the terms and conditions of the state contract.

This subrule is intended to implement sections 18.6(3) and 18.6(7), The Code.

ITEM 3. A new 1.1(6) is added as follows:

1.1(6) Blanket purchase agreements. When a using agency foresees a requirement for frequent purchases of off-the-shelf items, the purchasing division will competitively establish blanket purchase agreements (BPA) with conveniently located suppliers. A blanket purchase agreement is a formally approved charge account that is designed to reduce paperwork and the number of checks issued. The following provisions shall be included in blanket purchase agreements:

a. *Description of agreement.* A statement that the supplier agrees to furnish supplies or services as described in the agreement when requested by the responsible individual during a stipulated period and within specified dollar limits.

b. *Extent of obligation.* A statement that the state of Iowa is obligated only for authorized calls (orders) actually placed against the BPA.

c. *Pricing.* A statement of the pricing agreement established by the vendor and the contracting officer.

d. *Call limitation.* A statement of the limitation on individual and monthly calls (orders) against the BPA. Generally, no individual call shall be greater than \$2,000.00 and monthly charges shall not exceed \$10,000.00. Exact limits shall be established by the purchasing division and using agency for each BPA.

e. *Notice of individuals authorized to place calls and dollar limitations.* A provision shall be entered stating that the supplier will be furnished a list of authorized individuals who may place calls and the ordering limitations on each.

f. *Delivery tickets.* A provision shall be entered that requires all deliveries to be supported by a delivery ticket containing the following information:

- (1) Identification of supplier
- (2) BPA number
- (3) Date of call
- (4) Call number
- (5) Itemized list of supplies or services furnished
- (6) Quantity, unit price and extension of each item less applicable discounts
- (7) Date of delivery or shipment.

g. *Invoices.* A summary invoice supported by receipted copies of delivery tickets shall be submitted at least monthly for all deliveries made during the billing period identifying each delivery and stating its total amount.

h. *Payment.* Using agencies shall process invoices using the purchasing division "Purchase Order-Claim" form citing the BPA number and referencing the attached delivery tickets.

This rule is intended to implement section 18.6(1), The Code.

ITEM 4. Amend 1.2(18) by rescinding the entire rule and inserting in lieu thereof the following:

450—1.2(18) Approved vendors.

1.2(1) *Vendor eligibility.* Any firm or individual legally conducting business within the state of Iowa may request to be placed on the approved vendor listing. Such firm or individual must complete properly the vendor application form prescribed by the purchasing division and place it on file with the division. The purchasing division shall select vendors from the approved listing or any other accepted source and mail copies of solicitation documents.

1.2(2) *Vendor suspension or removal.* A bidder may be suspended or removed from the approved vendors listing for any of the following reasons.

a. *Failure to respond to three consecutive bid requests.*

b. *Failure to deliver within specified delivery dates without permission of the purchasing division and the using agency.*

c. *Failure to deliver in accordance with specifications.*

d. *Attempts to influence the decision of any state employee involved in the procurement process.*

e. *Evidence of agreements by vendors to restrain trade, or impede competitive bidding. Such activities shall be reported to the attorney general for appropriate action as well.*

f. *Determination by the civil rights commission that a vendor conducts discriminatory employment practices in violation of civil rights legislation and executive order.*

g. *Evidence that the vendor has willfully filed a false certificate with the division.*

The division shall notify in writing any vendor considered for suspension or removal and provide an opportunity to cure the alleged situation. If the vendor fails to remedy the situation after proper notice, the division may suspend the vendor from the approved vendors' listing for up to one year or permanently remove the firm depending on the severity of the violation. The appeal provisions of 450—1.5(18) shall apply to the decision of the division.

ITEM 5. Rule 450—1.3(18) is amended as follows:

1.3(1) *Bid preparation.* Bids shall be prepared either in ink or typewritten on the forms provided. Telegraphic or telephonic bids will not be considered as "Formal Bids".

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1.3(4) Item and total prices. A price for each separate item listed on the bidding document must be listed in the space provided. Only one unit price shall be quoted on each item and must be extended to show the total price for the quantity of the item requested. Total price for all items listed must be shown. Should a vendor desire to submit alternate prices this can be accomplished by attaching an addendum to the bidding document. In case of error the unit price shall prevail. *Preference shall be given to F.O.B. destination terms unless the purchasing division determines it is more economical to accept other terms. Prices for one-time purchases must be firm, and preference will be given to firm prices in multiple award contracts. If the purchasing division determines it is in the interests of the state of Iowa, an economic price adjustment clause based on an acceptable economic indicator may be included in multiple delivery contracts.*

1.3(6) Discounts. The bid form provides space for the statement of cash discount. The only discount provision that will be considered in determining awards will be for cash discount of thirty days or longer. Bids which specify discounts of "E.O.M." or of less than thirty days will be considered as net per item bids. ~~Term discount periods will be computed in any one of the following manners: The state will attempt to earn any discounts offered and will compute the period from the latest of the following:~~

- a. From date of invoice.
 - b. Date of receipt of completed order.
 - c. Date certified vendors claim voucher is received.
- ~~Whichever date is first.~~ When additional testing of product is required after delivery, the discount period shall not begin until test is completed and final approval made.

ITEM 6. Subrule 1.3(7) is rescinded in its entirety and the following inserted in lieu thereof:

1.3(7) *Time of acceptance. The vendor may state the time of acceptance in the space provided on the signed bid document, but this period shall not be less than ten days for informal quotations nor thirty days for formal bids. If no minimum is stated by the vendor, the offer shall be nonrevocable for ninety days. The division of purchasing may require a longer evaluation period for technical equipment.*

ITEM 7. Subrules 1.3(9), 1.3(11), 1.3(12) and 1.3(13) are amended as follows:

1.3(9) Federal and state taxes. The state of Iowa is exempt from the payment of Iowa sales tax, motor vehicle fuel tax and any other Iowa tax that may be applied to a specified commodity or service. ~~Exemption certificates~~ *Revenue department exemption letters* will be furnished a vendor on request.

1.3(11) Time of submission. All formal and informal bids shall be submitted in sufficient time, by the vendor, to reach the purchasing division prior to the date and time set for the opening of bids. Bids received after the date and time set for opening will be returned to the vendor unopened. ~~Bids as received by the purchasing division will be dated and time stamped showing date and hour received. Formal bids will be stamped with the date and time received by the division. All vendors to whom invitations were sent shall be notified of any changes in the time of submission. If an invitation is canceled prior to bid opening, any responses already received shall be returned unopened.~~

1.3(12) Modifications or withdrawal of bids. Bids may be modified or withdrawn prior to the time and date set for the opening of bids. Said modifications or withdrawal must be in writing and delivered in a sealed

envelope, properly identifying the correct bid proposal to be modified. ~~or withdrawn. After the opening of the bids, no bid may be modified or withdrawn. With the approval of the director, a bid may be withdrawn after opening only if the bidder provides prompt notification and adequately documents the commission of an honest error that might cause undue financial loss.~~

1.3(13) Testing. Various items may require testing either before or after final award is made. ~~This will be noted in the bid specifications and final award of contract will be made in completion of tests.~~ In these cases vendor must guarantee price until testing has been completed.

ITEM 8. Subrule 1.3(14) is rescinded and the following inserted in lieu thereof:

1.3(14) *Security. The purchasing division may require bid or performance security on sealed or advertised solicitations when deemed necessary to protect the interests of the state. When required, security must be by certified check, certificate of deposit or letter of credit made payable to the department of general services, or on a form issued by a surety company authorized to do business in the state of Iowa. When required, security shall not be waived.*

Security provided by vendors shall be retained in a locked container until all provisions of the solicitation have been complied with and then returned to the vendor. Annual bid and performance securities may be posted in the amount of \$10,000.00 when a vendor anticipates submitting frequent formal quotations. If a particular solicitation requires security greater than the annual limit on file, the response must contain security representing the difference between the annual requirement and the specific requirement.

This subrule is intended to implement section 18.6(5), The Code.

ITEM 9. Subrule 1.3(17) is amended to read as follows:

1.3(17) Strikes, lockouts or acts of God. Whenever a vendor's place of business, *mode of delivery* or source of supply has been disrupted by one of these acts, it shall be the responsibility of the vendor to advise promptly the department's purchasing division. The state of Iowa may elect to cancel all orders on file with the vendor and place the order with another vendor.

ITEM 10. A new subrule 1.3(19) is added as follows:

1.3(19) *Remedies for failure to deliver or delivery of nonconforming goods or services. In any case where the vendor has failed to deliver or has delivered nonconforming goods or services, the purchasing division shall provide a cure notice. If after notice the vendor continues to be in default, the division may procure goods or services in substitution from another source and charge the difference between the contracted price and the market price to the defaulting vendor. The attorney general shall be requested to make collection from the defaulting vendor.*

ITEM 11. Amend 1.4(3) as follows:

1.4(3) Rejection of bids. The right is reserved to reject any or all bids. Bids may be rejected because of faulty specifications, abandonment of the project, insufficient funds, evidence of unfair bidding procedures ~~or~~, failure to provide security when required, financial insolvency of the vendor, or by the director of general services if in his opinion the best interests of the state of Iowa will be served. New bids may be requested at a time deemed convenient to the purchasing division and the agency involved.

This subrule is intended to implement section 18.6(4), The Code.

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ITEM 12. A new subrule 1.6(6) is added as follows:

1.6(6) Risk of loss or damage. *Risk of loss or damage remains with the seller until delivery and acceptance by the agency at the destination shown on the purchase order.*

ITEM 13. Amend subrules 1.7(2) and 1.7(4) as follows:

1.7(2) Original invoice required. After the merchandise has been shipped to the agency, the vendor shall prepare an invoice in ~~triplicate~~, *duplicate*, one copy of which must be clearly marked "original copy" or "~~customer order~~, *copy*", and said invoices forwarded to the named agency. Vendors invoice, as submitted, must refer to the order number appearing in the upper right hand corner of the purchase order.

In case where a vendor is not able to render ~~a copy~~ *an original* of an invoice as outlined above it will be necessary to proceed as follows: Prepare an invoice in ~~triplicate duplicate~~ and clearly state on one copy of the same the following: "We certify that the items for which payment has been claimed were furnished for state of Iowa business and that these charges are reasonable, proper and correct and none of it has been paid"

(Authorized Signature)

1.7(4) Warrant identification. The state warrant will be mailed along with a copy of the original ~~vendors claim voucher~~ *purchase order* to assist vendor in identifying the payment. The remittance copy of the voucher is for vendor's file.

ITEM 14. Rules 2.1(18) and 2.2(18) are amended as follows:

450—2.1(18) Items purchased by centralized purchasing. All items of an expendable or nonexpendable nature and certain services used by an agency are to be purchased through the department of general services purchasing division. Some examples of these items are:

Typewriters	Equipment leasing of all types
Adding machines	Oxygen and acetylene gas
Calculators	Fuel oil
Desks, chairs	Pest control service
Tables	Janitorial service
Tools	All types of office supplies
Medical supplies	(not carried in central supply)
Dental supplies	

It shall be the function of the individual agency ~~with offices located within the Des Moines capitol complex area~~ to obtain the following types of services for the agencies' individual needs. Some examples are:

Professional consulting services *estimated to cost less than \$25,000.00*, newspaper advertising, tuition, court costs, filing fees, hearing officers' fees, outgoing freight, press clippings, rental of conference rooms, exhibit space; ~~office machine service contracts. Agencies located outside the Des Moines capitol complex shall be responsible for obtaining not only the above types of services but also the following listed services:~~

~~Public Utilities, engineering fees, architectural fees, large equipment services contracts *estimated to cost less than \$15,000.00 per year* (including but not limited to elevator services, X-ray equipment, closed circuit television surveillance equipment, etc. **Repair parts are not to be included**)).~~

The purchasing division will on request assist in obtaining any services required by an agency. It shall be the responsibility of the individual agency to obtain any needed authorization for such expenditures which may

be required by the Code of Iowa or by authorization of another branch of state government which may have jurisdiction over fund expenditures. *The agency shall develop procedures to assure competitive acquisition of all delegated purchases when possible.*

This rule is intended to implement sections 18.3(1) and 18.6(8), The Code.

450—2.2(18) Purchases exempt from competitive bidding. The director of general services or his or her designee may exempt an item from a competitive bidding procedure when he or she determines that the best interest of the state will be served due to an immediate or emergency need for an item. ~~The Telephone contact shall be made with the purchasing division, and then the agency shall submit to the director in writing a description of the item or items to be purchased, documentation of price quotations, cost of the item and the reasons why the purchase should be or was considered an emergency need or immediate need.~~

ITEM 15. Rescind 450—2.3(18) in its entirety, renumber all subsequent rules accordingly, and amend the following subrules:

2.43(1) Contract purchases. There are three types of contract purchases used in the purchasing procedures:

a. General contract. This form of contract is entered into by general services purchasing division to purchase commodities or equipment items that are in general use by all agencies. These contracts may include such items as:

Typewriters	Filing cabinets
Photographic film	Hand tools
Adding machines	Light bulbs
Laboratory supplies	Surgical dressings

The individual agency will be advised annually of the types of contracts that are on file in the purchasing division and may request copies of any or all of the contracts. The agency then refers to the appropriate contract and prepares the official 7-part state purchase order for items to be delivered from the contract. Contracts of this nature are normally entered into for a period of one year.

b. Individual contract. This form of contract is entered into by the general services purchasing division to purchase specific commodities that are primarily used by one agency and that are not commonly needed by another agency. An individual agency may request the purchasing division to enter into this type of contract purchasing to expedite delivery of commodities that fall into this category. These contracts may include such items as:

Uniforms	Ice and snow removal
Janitorial service	Survey equipment and supplies
Shelving	Disposal of wastepaper

The agency then prepares the official 7-part state of Iowa purchase order for commodities as required. *Contract items are not to be ordered on the field order form.*

c. Preitemized contract purchases. General services purchasing division may enter into a contract purchase agreement for selected groups of commodities on which standard state specifications have been established and the commodities are in common use by a majority of the state agencies. The purchasing division will furnish each state agency with a list of such commodities that will be purchased during the ensuing period. The using agency will then advise the purchasing division on forms provided the anticipated needs of the agency. The purchasing division will obtain bids, award contracts and

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advise the agencies of the successful contractor of each item listed. The agency or centralized purchasing will then prepare a 7-part official state purchase order for items to be delivered from the contract.

This subrule is intended to implement section 18.6(3), The Code.

2.43(2) Requisition purchasing of noncontract commodities. There are numerous expendable and nonexpendable items that the agency will not be able to purchase under the contract system of purchasing. The agency will then request the department of general services purchasing division to obtain special bids and purchase such items for the agency.

This is accomplished by the following procedure:

a. Agency ascertains needs.

b. Agency fills out ~~official~~ requisition form *indicating a description of the item and the amount budgeted.*

The purchasing division will write detailed specifications, obtain bids and issue a purchase order to the responsible vendor. The purchasing division may contact the requesting agency regarding an item to be purchased to ascertain if the item proposed by a vendor will be acceptable to the agency.

The purchasing division may require requisitions for certain commodities to be submitted at a scheduled time in order to consolidate requirements for volume buying. Agencies failing to submit requisitions in accordance with the schedule may be required to wait until the next scheduled period to purchase commodities included in the schedule.

This subrule is intended to implement section 18.6(6), The Code.

2.43(3) Field purchases. The general services purchasing division may authorize an agency to use a 7-part field purchase order form to purchase expendable items provided that the total value of such an order does not exceed ~~\$150.00~~ \$300.00. Items of equipment are not to be purchased by use of a field purchase order nor can a field purchase order be used to pay for leased equipment. The use of this type of purchasing should be limited to those items not normally covered by contract. These items could include the following categories:

Fresh fruits and vegetables

Emergency medical

Repair parts for essential equipment

Building materials needed for emergency repairs

Purchases of this type are made in the following manner:

a. Agency ascertains needs.

b. Agency obtains price from one or more vendors.

c. Agency prepares a special 7-part field purchase order.

The telephone bid form shall be used to document prices of the purchases costing more than \$150.00 and shall be filed with the agency copy of the field order form.

This subrule is intended to implement section 18.6(8), The Code.

ITEM 16. A new 2.3(5) is added as follows:

2.3(5) *Blanket purchase agreements. An agency desiring to use a blanket purchase agreement shall submit a purchasing division requisition form and include the following information in the "Description" block:*

1. *A statement that a blanket purchase agreement is desired.*

2. *A list of commodities or services to be covered under the BPA.*

3. *An estimated annual amount to be purchased, the proposed call limitation and the monthly limitation.*

4. *A list of authorized individuals who may place calls under the BPA.*

5. *A list of recommended sources of supply.*

This subrule is intended to implement section 18.6(8), The Code.

ITEM 17. Renumbered rule 2.4(18) is amended to read as follows:

450-2.54(18) Purchases under ~~\$50.00~~ \$75.00. In order to serve all agencies in the purchase of expendable ~~supply~~ items such as small purchases of books, subscriptions to a single magazine, ~~special supply items~~ (not carried in central supply) repair parts and with a total cost of not more than ~~\$50.00~~ \$75.00; agencies are allowed to purchase many of these items without notifying centralized purchasing.

The merchandise as described above may be purchased by use of the comptroller's form voucher 1. The form voucher 1 and invoice are to be sent directly to comptroller's preaudit section for processing.

Agencies will not be permitted to use this method to purchase any type of equipment items, draperies, carpeting, office furniture or any item that is on a statewide GSA contract. Items of this type will be purchased by use of a general services purchase form. *Purchases greater than \$75.00 shall not be split to fall under this subrule. Continued violations will result in withdrawal of the privilege.*

This subrule is intended to implement section 18.6(8), The Code.

2.54(1) Definition of equipment. Any item costing ~~\$100.00~~ \$300.00 or more and having an anticipated life of two years or more, plus all of the following items:

All types of chairs, tables, full suspension legal/letter-size files (any size) kardex files and desk card file cabinets of more than four drawers, surveying equipment, binoculars and pocket calculators, plus any item that bears a serial number assigned by the original equipment manufacturer. *Chairs, tables, files and movable partitions costing less than \$300.00 shall be marked "State of Iowa" and accounted for in aggregate. All other items of equipment shall be accounted for by a separate serial numbered tag.*

Hand tools (saws, hammers and screwdrivers, etc.), and normal desk supply items (staplers, punches, wastebaskets, etc.) are not considered equipment.

The comptroller's preaudit sections will not only be preauditing claims for arithmetic errors but will be observing any attempts by an agency to bypass normal purchasing procedures. Violations of normal purchasing procedures could mean that this special purchasing privilege could be withdrawn from a department or the whole program discontinued.

This rule is intended to implement sections ~~18.6(1)~~ 18.6(8) and 18.12(4), The Code.

ITEM 18. Renumbered subrule 2.5(6) is amended to read as follows:

2.65(6) The purchasing division of the department of general services is required to present a nonexpendable item or a group of items estimated to cost in excess of ~~\$15,000.00~~ \$40,000.00 to the director of general services or his or her designee for approval. The director of general services, or his or her designee at his or her discretion, may request additional justification or authorization for such a purchase.

This rule is intended to implement section 18.3(1), The Code.

GENERAL SERVICES DEPARTMENT[450] (cont'd)

ITEM 19. Renumbered rule 2.15(18) is amended to read as follows:

450—2.1615(18) Special handling of partial or incomplete shipment from a vendor. From time to time it may be necessary for a vendor to make a partial shipment of an order with the balance of the order to be shipped within a specified time period. The agency may elect to:

1. Record the receipt of merchandise and accept that portion and withhold payment until all merchandise has been received as ordered.

2. Record the receipt of merchandise and accept that portion, as delivered. Request the vendor to invoice in ~~triplicate~~ duplicate for that portion delivered and present for payment for that portion received (purchase order to be indicated partial payment). ~~Then the agency is to issue a new purchase order for the balance of the merchandise to be delivered at a later date.~~ Reference must be made on the new purchase order to original purchase order issued. *A new purchase order shall be prepared by the agency as a partial payment claim voucher. This document shall reference the original purchase order. The original purchase order shall be cross-referenced to all partial payments and closed out when final payment is made. The purchasing division recommends making partial payments when items are received and invoiced, rather than waiting for complete shipment.*

3. If all commodities have not been delivered by the scheduled delivery date the agency may request the central purchasing division to cancel the balance of the order and purchase from the next lowest responsible bidder.

This rule is intended to implement section 18.3(1), The Code.

ITEM 20. Renumbered rule 2.16(18) is amended to read as follows:

450—2.1716(18) Special handling of changed purchase orders.

2.16(1) Issuance of change orders. It may be necessary, at times, to authorize a change in purchase order as originally written. An agency may accomplish a change in an order by proceeding in one of the following manners:

1. *a.* If a change is necessary due to an arithmetical error in extension or addition and there is no change in the per unit cost of an item the agency may show the correct total on agency claim voucher. The agency should also correct copy 6 of the original purchase order in their file.

2. *b.* If there is a decline in price of an item as shown on the original purchase order the agency is to change unit price to coincide with the invoice price. The agency should also correct copy 6 of the original purchase order in their file.

3. *c.* If there is an increase in price or quantity of an item as shown on the original purchase order, change in F.O.B. point or a change in discount the agency is to advise the purchasing division in writing of such changes. The purchasing division will contact the vendor and make a decision if the change is to be allowed. The purchasing division will advise the agency and the vendor of their decision by use of "advise of change in purchase order" form. The agency on receipt of this form will make changes, if authorized, attach copy 3 of change authorization to corrected agency claim voucher and forward to the purchasing division for processing. The

agency should attach copy 4 of the change authorization to agency copy 6 of the original purchase order.

2.16(2) Correction of errors. *Whenever an error is made in typing or writing a quantity, unit price or extended price on a purchasing division purchase order form, the error shall be corrected in the following way:*

1. *Line through the incorrect figure in ink.*

2. *Enter the correct figure above the erroneous figure in ink.*

3. *The person approving the document shall initial the correction.*

Correction fluids or correction tapes shall not be used to correct quantities, unit prices or total prices on purchase order-claim documents.

This rule is intended to implement section 18.3(1), The Code.

ITEM 21. Renumbered rule 2.20(18) is amended to read as follows:

450—2.2120(18) Purchases from Iowa state industries. The centralized purchasing division will purchase items, materials, supplies and equipment from Iowa state industries in accordance with the provisions contained in chapter 87, ~~Sixty-seventh General Assembly, first session,~~ 216, the Code. *Agencies shall place orders in the same manner as for contract orders, except that no administrative charge shall be assessed by the purchasing division for processing the order and funds will be transferred automatically using comptroller office procedures.*

This rule is intended to implement section 216.8, The Code.

ITEM 22. A new rule 450—2.21(18) is added as follows:

450—2.21(18) Forms. *Only forms approved mutually by the comptroller's office and the department of general services shall be used to obligate state funds in any transaction with any vendor. The department of general services shall be responsible for printing and issuing all purchase forms. Locally devised purchase forms may be used only with the approval of the comptroller's office and the department of general services, and they shall be reviewed periodically to determine whether use shall be continued.*

This rule is intended to implement section 18.3(1), The Code.

[Filed 7/1/80, effective 8/27/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1226

INSURANCE DEPARTMENT[510]

The Insurance Department of Iowa, under the authority of section 505.8, The Code, amends chapter 30 of the insurance rules appearing in the Iowa Administrative Code, "Life Insurance Policies", by rescinding rule 30.6(508) and adopting new rule 30.6(508) in lieu thereof.

Notice of Intended Action was published in IAB, Vol. II, No. 23, on May 14, 1980 as ARC 1058.

INSURANCE DEPARTMENT[510] (cont'd)

As a result of public comment after publication of the Notice of Intended Action, the second sentence of the new rule 30.6(508) as it appeared in the notice was reworded slightly to improve clarity.

Amendment of rule 510—30.6(508) allows an insurer and insured to agree to back dating of a policy by six months prior to the time of application. This permits an insured to obtain a lower rate if his or her last birthday has occurred within that period of time.

Rule 510—30.5 is being rescinded because it mandates a medical examination before any life insurance policy can be issued (except a group life policy).

These changes are intended to implement chapter 508, The Code.

This rule will become effective on August 29, 1980.

ITEM 1. Amend chapter 30 by rescinding rule 30.6(508) and adopting new rule 30.6(508) in lieu thereof as follows:

510—30.6(508) Back dating of life policies. Upon the specific written request of an applicant for life insurance, an insurer may issue a policy with an effective date not more than six months prior to the date of the policy application. This regulation shall not be construed to prohibit the exercise of any exchange or conversion privileges in any policy or contract.

ITEM 2. Rescind rule 30.5(508) and reserve for future use.

[Filed 7/3/80, effective 8/29/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1177**LIVESTOCK HEALTH
ADVISORY COUNCIL[565]**

Pursuant to the authority of section 267.5, subsection 3, The Code, the Livestock Health Advisory Council hereby adopts the following amendments to chapter 1 of its recommendations, entitled "Recommendations," Iowa Administrative Code.

Notice of intended action was published April 30, 1980, as ARC 1037. The council adopted the amendments in final form on June 19, 1980.

The amendments change the recommendation regarding expenditure of funds to be used by Iowa State University College of Veterinary Medicine for livestock disease research by decreasing the swine TGE budget by \$20,000; by increasing the turkey coryza budget by \$15,000; and by funding a new bovine virus diarrhea project at the level of \$15,000. The only change in the amendment from the version under notice is the addition of the words "and swine hemophilus" to the tenth budget item. These words were added to correctly identify the scope of that research project.

These amendments will become effective September 1, 1980.

ITEM 1. Rule 565—1.1(267), the fourth listing, is amended to read as follows:

4. ~~\$65,000~~ \$45,000 for swine transmissible gastroenteritis research.

ITEM 2. Rule 565—1.1(267), the sixth listing, is amended to read as follows:

6. ~~\$10,000~~ \$15,000 for turkey coryza research.

ITEM 3. Rule 565—1.1(267), the tenth listing, is amended to read as follows:

10. \$20,000 for swine mycoplasmal pneumonia and swine hemophilus research.

ITEM 4. Rule 565—1.1(267) is amended by adding the following:

11. \$15,000 for bovine virus diarrhea research.

This recommendation is intended to implement section 267.5(3), The Code.

[Filed 6/23/80, effective 9/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1217**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of section 239.18, The Code, rules of the Department of Social Services appearing in the IAC relating to aid to dependent children (chapter 41) are hereby amended.

The council on social services adopted this rule June 26, 1980. Notice of Intended Action on this rule was published in the IAB May 14, 1980 as ARC 1056. The rule counts shelter payments paid by the absent parent the same as any other income-in-kind. The rule is identical to that published under notice.

This rule is intended to implement section 239.5, The Code. This rule shall become effective September 1, 1980.

Subrule 41.7(1) is amended by rescinding paragraph "c" and reserving said paragraph for future use.

[Filed 7/3/80, effective 9/1/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1216**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of section 249A.4, The Code, rules of the Department of Social Services appearing in the IAC relating to medical assistance (chapter 78) are hereby amended.

The council on social services adopted this rule June 26, 1980. Notice of intended action regarding this rule was

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

published in the IAB May 14, 1980 as ARC 1055. The rule would allow payment of fluoride treatment once every six months. The rule is identical to that published under notice.

This rule is intended to implement section 249A.4, The Code. This rule shall become effective August 27, 1980.

Subrule 78.4(1), paragraph "b", subparagraph (12), is amended to read as follows:

(12) Oral prophylaxis, including necessary scaling and polishing, is payable once in a six-month period. Topical application of fluoride is payable once in a ~~twelve-month~~ six-month period. (This does not include the use of fluoride prophylaxis paste as fluoride treatment).

[Filed 7/3/80, effective 8/27/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1215

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 249A.4, The Code, rules of the Department of Social Services appearing in the IAC relating to intermediate care facilities (chapter 81) are hereby amended.

The council on social services adopted this rule June 26, 1980. Notice of Intended Action regarding this rule was published April 16, 1980 as ARC 0993. This rule places a minimum and maximum amount on the incentive factor for intermediate care facilities. This rule is identical to that published under notice.

This rule is intended to implement sections 249A.2(6) and 249A.3(2)"a", The Code. This rule shall become effective August 27, 1980.

Subrule 81.6(16), paragraph "c" is amended to read as follows:

c. An incentive factor shall be determined at the beginning of the state's fiscal year based upon the most recent "Unaudited Compilation of Various Costs and Statistical Data". The incentive factor shall be equal to one-half the difference between the forty-sixth percentile of allowable costs and the seventy-fourth percentile of allowable costs. *Notwithstanding the foregoing, under no circumstances shall the incentive factor be less than \$1.00 per patient day or more than \$1.75 per patient day.*

[Filed 7/3/80, effective 8/27/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1214

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of section 217.6, The Code, and Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 147, section 9, rules of the Department of Social Services relating to domestic abuse (chapter 160) are hereby adopted.

The council on social services adopted these rules June 26, 1980. Notice of Intended Action on these rules was published in the IAB March 19, 1980, as ARC 0945. The rules contain the policies for the domestic abuse registry. The rules were changed to reserve sections for rules under notice as ARC 0884, the grammar was corrected in 160.10(1)"a", and 160.10(2) was rewritten.

These rules are intended to implement Acts of the Sixty-eighth General Assembly, 1979 session, chapter 147, section 9. These rules shall become effective August 27, 1980.

TITLE XIII
SOCIAL SERVICE RESOURCESCHAPTER 160
DOMESTIC ABUSE

770—160.1(68GA,ch8,ch147) Definitions.

160.1(1) to 160.1(4) Reserved.

160.1(5) State and local law enforcement agencies. "State and local law enforcement agencies" means the same as those persons identified in section 801.4, subsection 7, The Code.

160.2 to 160.9 Reserved.

770—160.10(68GA,ch147) Domestic abuse registry. The purpose of the domestic abuse registry is to collect and maintain domestic abuse data and issue statistical reports on domestic abuse.

160.10(1) Reports. Law enforcement agencies shall provide domestic abuse information to the department on the Domestic Abuse Registry Form, SS-1631-0. Completed forms shall be submitted at least quarterly. They may be submitted periodically throughout a quarter, but in no case later than ten working days after the end of March, June, September, and December.

a. A form shall be completed for each report made to a law enforcement agency of domestic abuse that falls within the definition, regardless of whether charges are filed or there is visible evidence of abuse.

b. The form should be completed by the person with the most knowledge of the occurrence, usually the officer in the field.

c. Only domestic violence that occurred in the state of Iowa shall be reported.

160.10(2) Access.

a. The domestic abuse registry will supply information according to Acts of the Sixty-eighth General Assembly, 1979 session, chapter 147, section 9, to courts, researchers, and department personnel when certain conditions are met.

(1) Records will be released by the manager of the domestic abuse registry upon receipt of a subpoena, court order, or other written directive of the court.

(2) The manager of the domestic abuse registry shall determine whether a person requesting domestic abuse information is conducting bona fide research. To make this determination, the manager may require such person to submit credentials and the research

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

design. Any costs incurred in the dissemination of the information shall be assumed by the researcher. The department will keep a public record of persons conducting domestic abuse research.

(3) Information will be released by the manager of the domestic abuse registry to department personnel upon written request from the district administrator or division director.

b. Other persons wishing information from the domestic abuse registry will be given copies of statistical reports upon request.

160.10(3) Expungement. Information will be expunged from the domestic abuse registry upon receipt of a court order.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 147, section 9.

[Filed 7/3/80, effective 8/27/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

ARC 1193

VETERINARY MEDICAL EXAMINERS BOARD[842]

Pursuant to the authority of sections 169.5(8) and 169.9, The Code, the Veterinary Medical Examiners Board amends rules appearing in chapter 2, "Application for Licensure" and chapter 4, "Auxiliary Personnel", of the IAC relating to fees for examination for state licensure.

Notice of intended action was published in IAB, October 31, 1979, as ARC 0651. This rule is identical to that published under Notice of Intended Action.

This rule will become effective on August 27, 1980.

ITEM 1. Rule 842—2.2(169) is amended as follows:

842—2.2(169) Fee schedule. Under the authority provided in chapter 169, The Code, the following fees are hereby adopted:

Examination for state licensure	\$40.00
National Board Examination or <i>Clinical Competency Test, or both</i>	45.00 or as set by P.E.S. and approved by the board.
Annual license renewal:	
(If received by July 1)	15.00
(If received after July 1)	20.00
Reciprocal license	50.00
Duplicate license	15.00

All licenses shall expire June 30. *The fee for the National Board Examination or Clinical Competency Test or both, as utilized by the board as a part of their examination process, shall be the fees charged by the professional examination service and approved by the board.*

ITEM 2. Rule 842—4.3(169) is amended as follows:

842—4.3(169) Examination. An examination fee of \$25.00 shall accompany application to take the examination; and both must be received by the department thirty days before examination. *Any additional fees for a national board written examination as provided by the professional examination service, when utilized by the board as part of their examination process, shall be the fees charged for the examination by the professional examination service and approved by the board.* Examination shall be held annually in December at the College of Veterinary Medicine at Ames or other designated site.

These rules are intended to implement sections 169.9, 169.5(8) and 169.12, The Code.

[Filed 7/1/80, effective 8/27/80]

[Published 7/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 7/23/80.

CORRECTION — GOVERNOR'S APPOINTMENTS

List of appointments on page 1539 of the June 25, 1980 IAB were for terms expiring as noted; current vacancies, and new boards. Persons listed were incumbents who may have been reappointed.

The list was not appointments which had been made by the governor—a subsequent Bulletin will include those appointments.

State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER 36

WHEREAS, House File 687, Acts of the 1980 Session of the Sixty-eighth General Assembly, contains provisions relating to the giving, acceptance and reporting of gifts; and

WHEREAS, the Governor, under Section 7 of said Act, has the authority and the responsibility to establish formal procedures and criteria for the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members;

NOW, THEREFORE, I, Robert D. Ray, Governor of the State of Iowa, do hereby establish the following gift reporting requirements for the executive department of state government:

ARTICLE I. Scope of Application

"Officials and employees of the executive department of the state" shall include all employees and officials of state government who are not members of the legislative and judicial departments. The term "official" includes elected and appointed officials, and board and commission members who are required by law to file oaths of office. The words "gifts" and "immediate family members" shall have the meanings specified in Section 6 of the Act.

ARTICLE II. Disclosure Report

A. An official or employee who receives or whose immediate family receives a gift in any one occurrence which has a value in excess of fifteen dollars shall file a written report of the gift in the office of the Secretary of State.

B. If a gift is made to an official or employee or an immediate family member and others which cannot be precisely attributed to that recipient, the report shall list the pro rata value of the gift attributable to the donee if that value exceeds fifteen dollars. The fact of apportionment shall be disclosed. A gift may not be apportioned between multiple donors to reduce its "value" unless it qualifies as a separate occurrence.

C. The report shall be filed by the fifteenth day of the month following the month in which the gift was received. The report shall show the donor, donee, nature, value and date of the gift. The report shall also show the street address, city and state of residence of the donor, if known.

D. The Secretary of State shall make available forms for the filing of these reports, upon request, to any person required to file a report. The reports shall be available for public inspection under conditions consistent with Chapter 68A, Code of Iowa, relating to public records.



Attest:

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 2nd day of July in the year of our Lord one thousand nine hundred and eighty.

Robert Key

 Governor

A. H. Schwarzer

 Secretary of State
 DEPUTY



State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER 37

- WHEREAS, the price of electricity, fuel oil, natural gas and other energy sources has been rapidly escalating and is expected to continue upward; and
- WHEREAS, three hundred different energy consuming devices with varying efficiencies are being purchased continually by state and local government; and
- WHEREAS, private business, state and local government, and professional organizations have collective experiences in life cycle purchasing analysis which could produce savings of energy and money for taxpayers;

NOW, THEREFORE, I, Robert D. Ray, Governor of the State of Iowa, by the power and authority vested in me by the Constitution and the laws of Iowa do hereby create the Governor's Life Cycle Purchasing Advisory Committee to recommend improvements in the current methods of government purchasing which would yield a cost and energy savings to state and local governments.

The Committee will receive the full support and cooperation of the State's three principal purchasing centers: the Board of Regents, the Department of Transportation, and the Department of General Services. Likewise, through committee membership, local government will be encouraged to fully and actively participate. The Committee will be assisted and advised by the Energy Policy Council which will coordinate preparation of the Committee's reporting and recommendations.

The Committee shall meet as often as necessary during the remainder of this year so that its report and recommendations will be available to the Governor by December 1, 1980. This report should contain recommended changes in the Iowa statutes, local ordinances, administrative rules, or operating practices which would lead to reduction of life cycle procurement costs for state and local government.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 2nd day of July in the year of our Lord one thousand nine hundred and eighty.


Governor




Secretary of State DEPUTY

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