



# IOWA ADMINISTRATIVE BULLETIN

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## CONTENTS IN THIS ISSUE

Pages 209 to 245 include ARC 1294 to ARC 1338  
and ARC 1340 to ARC 1341

### ACCOUNTANCY, BOARD OF[10]

Notice, Organization and administration, 2.8 ARC 1314	209
Notice, Registration and renewal of certificates, 6.4(2) ARC 1315	209
Notice, Permits to practice, 9.11(3) ARC 1316	209
Notice, Professional conduct, 11.4(2), 11.4(3), 11.6(3) ARC 1317	210
Notice, Procedure for enforcement, 12.9(1) ARC 1318	210

### ARCHITECTURAL EXAMINERS[80]

Notice, Fee schedule, 2.5 ARC 1296	211
------------------------------------	-----

### BEER AND LIQUOR CONTROL[150]

Filed, Liquor license—beer permits, amendments to ch 4 ARC 1323	235
Filed, License and permits 5.7, 5.8(1) ARC 1324	236
Filed, Advertising, 6.1(4), (5), (7), (8) ARC 1325	237
Filed, Representatives of distillers, etc., 7.2, 7.3 ARC 1326	238
Filed, Transportation and warehouse, 8.1(3), 8.2 ARC 1327	239
Filed, Complaint procedure, 10.1, 10.2, 10.14 ARC 1328	241
Filed, Procedure—hearing board, 11.1 ARC 1329	242
Filed, Forms, 12.1, 12.2(7) ARC 1330	242

### COMPTROLLER, STATE[270]

Filed, Deferred compensation program, 4.2(4), 4.3(1), 4.4(1), 4.6(3), 4.10(3) ARC 1322	244
---	-----

### CONSERVATION COMMISSION[290]

Notice, Manufacturer's certificate of origin, ch 39 ARC 1300	211
Notice, Fishing regulations, 108.2 ARC 1301	213

### EMPLOYMENT SECURITY[370]

Notice, IPERS, 8.5, 8.11, 8.12, 8.13, 8.19 ARC 1302	213
Notice, Federal Social Security, 9.4, 9.5, 9.7 ARC 1303	214

### ENVIRONMENTAL QUALITY[400]

Notice, Animal feeding operations, ch 20 ARC 1338	215
--	-----

### EXECUTIVE DEPARTMENT

Executive Order No. 38	246
Proclamations summarized	248

### HEALTH DEPARTMENT[470]

Notice, Qualifications of managers and instructors, 152.2(1) ARC 1320	219
Filed Emergency, Immunization, 7.4(3), 7.4(4) ARC 1297	232

### HISTORICAL DEPARTMENT[490]

Filed Emergency, Historical library hours, 5.12 ARC 1340	232
Filed Emergency, Public use of manuscript collection, 5.12 ARC 1341	233

### MERIT EMPLOYMENT DEPARTMENT[570]

Notice, Confidential classified employees, 2.4 ARC 1308	219
Notice, Allocations and reallocations, 3.1(6) ARC 1309	219
Notice, Pay plan-red-circling, 4.5(1), 4.5(8) ARC 1310	220
Notice, Provisional appointment, 8.4 ARC 1311	220
Notice, Examinations and interviewing, amendments to ch 19 ARC 1312	221

### PHARMACY EXAMINERS, BOARD OF[620]

Notice, Examination fee, 1.2 ARC 1305	222
Notice, NABPLEX reciprocity, 1.13, 1.14 ARC 1306	223
Notice, Two-year licensing period, 4.1 ARC 1307	223
Notice, Minimum standards, 6.8 ARC 1304	224

### PUBLIC HEARINGS

Summarized list	207
-----------------	-----

### PUBLIC INSTRUCTION, DEPARTMENT OF[670]

Notice, Graduate teacher education programs, ch 20 ARC 1321	224
--	-----

### REGENTS, BOARD OF[720]

Filed Emergency, Address changes, minor corrections, 7.2(2), 10.3, chs 11-13, 15, 16 ARC 1313	233
---	-----

### SOCIAL SERVICES[770]

Notice, Fair hearings and appeals, 7.14 ARC 1331	227
Notice, Supplementary assistance, 50.2 ARC 1298	227
Notice, Cost containment measures, 78.1(2), 78.4(1), 78.6(13), (16), 78.7(4) ARC 1332	228
Notice, Cost containment measures, 79.1(4) ARC 1333	229
Notice amended, Juvenile detention, 105.1(7), 105.5(1) ARC 1334	229
Notice, Waiting list for services, 130.6 ARC 1295	229
Notice, Shelter care facilities, 136.1(5), (8) ARC 1335	230
Notice, Payments for foster care, 137.8(4) ARC 1336	230
Notice, Foster family homes—emergency care, 137.11 ARC 1337	230
Notice, Disposition of adoption records, 139.4(10), (11), (12) ARC 1299	231

### TRANSPORTATION, DEPARTMENT OF[820]

Filed Emergency, Functional classification of highways, 3.15(2) ARC 1319	234
---	-----

### USURY

Notice	231
--------	-----

### VOTER REGISTRATION COMMISSION[845]

Filed Emergency, Registration lists, 2.3, 3.1 ARC 1294	244
---	-----

## 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>
6	Friday, August 29, 1980	September 17, 1980
7	Friday, September 12, 1980	October 1, 1980
8	Friday, September 26, 1980	October 15, 1980

## SUBSCRIPTION INFORMATION

### Iowa Administrative Bulletin

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

First quarter	July 1, 1980, to June 30, 1981	\$85.00 plus \$2.79 tax
Second quarter	October 1, 1980, to June 30, 1981	\$62.25 plus \$1.87 tax
Third quarter	January 1, 1981, to June 30, 1981	\$41.50 plus \$1.25 tax
Fourth quarter	April 1, 1981, to June 30, 1981	\$20.75 plus \$0.63 tax

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

### Iowa Administrative Code

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**Iowa Administrative Code Supplement & Bulletin** - \$148.00 plus \$4.44 tax  
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All checks should be made payable to the Iowa State Printing Division. Send all inquiries and subscription orders to:

Iowa State Printing Division  
Grimes State Office Building  
Des Moines, IA 50319  
Phone: (515) 281-5231



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## PUBLIC HEARINGS

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
<b>AGRICULTURE DEPARTMENT[30]</b> Pesticides, registration 10.6 IAB 8/20/80 ARC 1292	2nd Floor Conference Rm. (So. half) Wallace State Office Bldg. 900 E. Grand Ave. Des Moines, Iowa	September 15, 1980 10:00 a.m.
<b>AUDITOR OF STATE[130]</b> Credit cards, ch 7 IAB 8/20/80 ARC 1285	Savings and Loan Assn. Division Lucas State Office Bldg. Room 213 Des Moines, Iowa	September 16, 1980 2:00 p.m.
<b>COMMERCE COMMISSION[250]</b> 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.
<b>CONSERVATION COMMISSION[290]</b> Manufacturer's certificate of origin, ch 39 IAB 9/3/80 ARC 1300 Fishing regulations, ch 108 IAB 9/3/80 ARC 1301	4th Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa 4th Floor Conference Room Wallace State Office Building Des Moines, Iowa	September 24, 1980 10:00 a.m. September 23, 1980 10:00 a.m.
<b>EMPLOYMENT SECURITY[370]</b> IPERS, ch 8, social security, ch 9 IAB 9/3/80 ARC 1302, ARC 1303	Dept. of Job Service 1000 E. Grand Ave. Des Moines, Iowa	October 1, 1980 9:30 a.m.
<b>ENVIRONMENTAL QUALITY[400]</b> Animal feeding operations, ch 20 IAB 9/3/80 ARC 1338 Waste water construction and operation permits, 19.2(12) IAB 8/20/80 ARC 1276	Fifth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa 5th Floor Conference Room Wallace State Office Bldg. 900 E. Grand Des Moines, Iowa	September 24, 1980 10:00 a.m. September 24, 1980 10:00 a.m.
<b>HEALTH DEPARTMENT[470]</b> Medical examiners, 135.204(18) IAB 8/20/80 ARC 1259	3rd Floor Conference Rooms A & B Lucas State Office Building Des Moines, Iowa	September 10, 1980 3:00 p.m.
<b>INDUSTRIAL COMMISSIONER[500]</b> Contested cases, 4.28, 4.32- 4.34 IAB 8/20/80 ARC 1281	Hearing Room, 3rd Floor 507 10th Street Des Moines, Iowa	September 15, 1980
Declaratory rulings, 5.1 IAB 8/20/80 ARC 1282	Hearing Room, 3rd Floor 507 10th Street Des Moines, Iowa	September 15, 1980
Weekly compensation benefits and voluntary payments, 8.6, 8.7 IAB 8/20/80 ARC 1283	Hearing Room, 3rd Floor 507 10th Street Des Moines, Iowa	September 15, 1980
<b>MENTAL HEALTH ADVISORY COUNCIL[566]</b> Alternative diagnostic facility IAB 8/6/80 ARC 1250	United Methodist Hdq. 1019 Chestnut St. Des Moines, Iowa	September 12, 1980 9:00 a.m.
<b>PUBLIC INSTRUCTION[670]</b> Standards for graduate teacher ed programs, ch 20 IAB 9/3/80 ARC 1321	State Board Conference Room 2nd Floor Grimes State Office Building	October 3, 1980 9:30 am.

**SECRETARY OF STATE[750]**

Forms and instructions,  
4.1-4.4

IAB 8/20/80 ARC 1260

Office of Secretary of State  
Main Floor  
Capitol Building  
Des Moines, Iowa

September 10, 1980  
1:30 p.m.

Alternative voting systems,  
ch 10 IAB 8/20/80 ARC 1264

Office of Secretary of State  
Main Floor  
Capitol Building  
Des Moines, Iowa

September 10, 1980  
1:30 p.m.

**SOCIAL SERVICE DEPARTMENT[770]**

Multicounty juvenile detention  
and shelter care homes, ch 105  
IAB 8/23/80 ARC 1221

[Amended notice IAB 9/3/80 ARC 1334]

Bi-Centennial Building  
5th Floor Conference Room  
428 Western Avenue  
Davenport, Iowa

September 24, 1980  
3:30 p.m.

District Office Conference Room  
3609½ Douglas Avenue  
Des Moines, Iowa

September 24, 1980  
1:30 p.m.

**TRANSPORTATION, DEPARTMENT OF[820]**

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

Dept. of Transportation Complex  
800 Lincoln Way  
Ames, Iowa

September 2, 1980

Administrative rules (01,B)  
amendments to ch 1  
IAB 8/20/80 ARC 1274

Dept. of Transportation Complex  
800 Lincoln Way  
Ames, Iowa

September 30, 1980

Allocation of farm-to-market  
road funds, (06,Q) ch 16  
IAB 8/20/80 ARC 1262

Dept. of Transportation Complex  
800 Lincoln Way  
Ames, Iowa

September 30, 1980

Interstate registration and  
operation of vehicles,  
(07,F) amendments to ch 1  
IAB 8/20/80 ARC 1253

Dept. of Transportation Complex  
800 Lincoln Way  
Ames, Iowa

September 30, 1980

Truck operators and contract  
carriers, (07,F) amendments to  
ch 3 IAB 8/20/80 ARC 1254

Dept. of Transportation Complex  
800 Lincoln Way  
Ames, Iowa

September 30, 1980

Interstate commerce commission  
authority of motor carriers,  
(07,F) 5.2, 5.3  
IAB 8/20/80 ARC 1261

Dept. of Transportation Complex  
800 Lincoln Way  
Ames, Iowa

September 30, 1980

Liquid transport carriers,  
(07,F) 13.8  
IAB 8/20/80 ARC 1280

Dept. of Transportation Complex  
800 Lincoln Way  
Ames, Iowa

September 30, 1980

**ARC 1314****ACCOUNTANCY, BOARD OF[10]  
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 116.3, The Code, the Iowa Board of Accountancy hereby gives Notice of Intended Action to amend chapter 2, "Organization and Administration," Iowa Administrative Code.

The proposed amendment will eliminate from the annual register the names of individuals and firms who have failed to submit their application for renewal of their certificate, license, or permit by the expiration date.

Any interested person may submit data, views, and arguments in writing on this proposed amendment on or before September 23, 1980, to Stanton G. Bonta, Executive Secretary, Iowa Board of Accountancy, 300 Fourth Street, Second Floor, Des Moines, Iowa 50319.

This rule is intended to implement section 116.3, The Code.

The following amendment is proposed:

Rule 10—2.8(116) is amended to read as follows:

**10—2.8(116) Annual register.** The register to be printed and published, in accordance with section 116.3, shall also specifically identify those registrants that have not been issued permits to engage in the practice of public accounting in this state. The register shall also include the names and addresses of all officers and members of the board, the names (and addresses if not members of the board) of the chairman and members of standing committees of the board, the names and office addresses of in-charge or supervisory personnel of the board, and the official address to which communications to the board should be sent. *The names of individuals or firms failing to renew their certificate, license, or permit to practice by the expiration date will not appear in the annual register.*

**ARC 1315****ACCOUNTANCY, BOARD OF[10]  
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 116.3, The Code, the Iowa Board of Accountancy hereby gives Notice of Intended Action to amend chapter 6, "Registration and Renewal of Certificates and Licenses," Iowa Administrative Code.

The proposed amendment reduces from \$100.00 to \$50.00 the penalty if a registrant fails to renew the registration of the CPA certificate or the AP license within thirty days following the expiration date.

Any interested person may submit data, views, and arguments in writing on this proposed amendment on or before September 23, 1980, to Stanton G. Bonta, Executive Secretary, Iowa Board of Accountancy, 300 Fourth Street, Second Floor, Des Moines, Iowa 50319.

This rule is intended to implement sections 116.12 and 116.20, The Code.

The following amendment is proposed:

Subrule 6.4(2) is amended to read as follows:

**6.4(2)** If the registrant fails to renew such a registration within thirty days following its expiration date, ~~the board shall begin action to revoke or suspend the certificate or license under the provisions of section 116.21. However, the board may reinstate the certificate or license, to an effective status within twelve months from its expiration date upon the payment of a penalty of one hundred dollars, provided the board, in its discretion, determines such failure to have been due to excusable neglect. the board may reinstate the certificate or license upon the payment of a penalty of fifty dollars, provided the board, in its discretion, determines such failure to be due to excusable neglect. In the event registration does not occur within six months of the expiration date, or the certificate has not been surrendered to the board, the board shall begin action to revoke or suspend the certificate or license under the provisions of section 116.21.~~

**ARC 1316****ACCOUNTANCY, BOARD OF[10]  
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 116.3, The Code, the Iowa Board of Accountancy hereby gives Notice of Intended Action to amend chapter 9, "Permits to Practice," Iowa Administrative Code.

The proposed amendment reduces from \$100.00 to \$50.00 the penalty for reinstatement of the permit to practice of a certified public accountant or an accounting practitioner.

Any interested person may submit data, views, and arguments in writing on this proposed amendment on or before September 23, 1980, to Stanton G. Bonta, Executive Secretary, Iowa Board of Accountancy, 300 Fourth Street, Second Floor, Des Moines, Iowa 50319.

This rule is intended to implement section 116.20, The Code.

The following amendment is proposed:

Subrule 9.11(3) is amended to read as follows:

**9.11(3)** The board may reinstate an expired permit within twelve months from its expiration date upon the payment of a fee of ~~one hundred~~ *fifty* dollars, provided the board, in its discretion, determines such failure to have been due to excusable neglect.

**ARC 1317****ACCOUNTANCY, BOARD OF[10]  
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 116.3, The Code, the Iowa Board of Accountancy hereby gives Notice of Intended Action to amend chapter 11, "Rules of Professional Conduct," Iowa Administrative Code.

The proposed amendments will alter the rules of chapter 11 for certified public accountants, public accountants, and accounting practitioners which deals with auditing standards, accounting principles, and solicitation.

Any interested person may submit data, views, and arguments in writing on these proposed amendments on or before September 23, 1980, to Stanton G. Bonta, Executive Secretary, Iowa Board of Accountancy, 300 Fourth Street, Second Floor, Des Moines, Iowa 50319.

These rules are intended to implement section 116.3, The Code.

The following amendments are proposed:

ITEM 1. Subrules 11.4(2) and 11.4(3) are amended to read as follows:

**11.4(2) Auditing standards.** A CPA or PA shall not permit thier name to be associated with financial statements in such a manner as to imply that they are acting as an independent accountant unless they have complied with the applicable generally accepted auditing standards. ~~Statements on auditing standards issued by the American Institute of Certified Public Accountants, and other pronouncements having similar generally recognized authority, are considered to be interpretations of generally accepted auditing standards, and departures therefrom must be justified by those who do not follow them. The board will consider the American Institute of Certified Public Accountants Professional Standards, including the Statements on Standards for Accounting and Review Services (SSARS), as sources of interpretations of generally accepted auditing standards.~~

**11.4(3) Accounting principles.** A CPA or PA shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such financial statements contain any departure from such accounting principles which has a material effect on the financial statements taken as a whole, unless the CPA or PA can demonstrate that by reason of unusual circumstances the financial statements would otherwise have been misleading. In such cases the accountant's report must describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principle(s) would result in a misleading statement. ~~For purposes of this rule generally accepted accounting principles are considered to be defined by pronouncements issued by the Financial Accounting Standards Board and its predecessor entities and similar pronouncements issued by other entities having similar generally recognized authority. The board will consider the pronouncements issued by the Financial Accounting Standards Board and its predecessor entities as sources of interpretations of generally accepted accounting principles.~~

ITEM 2. Subrule 11.6(3) is amended to read as follows:  
**11.6(3) Solicitation.** A CPA, PA or AP shall not by any direct personal communication solicit an engagement to perform professional services;

a. If the communication would violate subrule 11.6(2) if it were a public communication; or

b. By the use of coercion, duress, compulsion, intimidation, threats, overreaching, or vexations or harassing conduct; or

c. ~~Where the engagement would be for a person or entity not already a client of the CPA, PA or AP unless such person or entity has invited such a communication or is seeking to secure the performance of professional services and has not yet engaged another to perform them.~~

c. *If the solicitation communication contains proposals which would be in violation of rules 11.3(116) or 11.4(116).*

**ARC 1318****ACCOUNTANCY, BOARD OF[10]  
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 116.3, The Code, the Iowa Board of Accountancy hereby gives Notice of Intended Action to amend chapter 12, "Procedure for Enforcement," Iowa Administrative Code.

The proposed amendment clarifies the methods by which names of licensees, disciplined by the board, will be published.

Any interested person may submit data, views, and arguments in writing on this proposed amendment on or before September 23, 1980, to Stanton G. Bonta, Executive Secretary, Iowa Board of Accountancy, 300 Fourth Street, Second Floor, Des Moines, Iowa 50319.

This rule is intended to implement section 258A.5(2)"c", The Code.

The following amendment is proposed:

Subrule 12.9(1) is amended to read as follows:

**12.9(1)** ~~The board shall publish the final decisions of the board relating to disciplinary proceedings in such manner and for such periods of time as it deems appropriate to protect the public from incompetent, dishonest, or unethical practitioners. The board will publish the names and circumstances of licensees disciplined by the board, when such publication is consistent with the "Positive Enforcement Program," designed for the protection of the public. Names of all licensees disciplined, regardless of the infraction involved, will be published in the board of accountancy publication. However, the board will not publish the name of the licensee where the infraction was of such a minor nature that it resulted only in a warning or citation being issued. In those instances in which a licensee's~~

ACCOUNTANCY, BOARD OF[10] (cont'd)

name is not published because the infraction was of a minor nature, the board will publish a summary, without names, of the violation to acquaint practitioners with the types of disciplinary matters being acted upon by the board.

The board will prepare a formal press release in those instances when a certificate or license has been revoked or suspended for a reason other than the licensee's failure to complete an annual registration of the certificate or license. In addition, the names of licensees who have received sanctions other than revocation or suspension (except for the minor infractions referred to above) will be published in the board's periodic publication. Revocations and suspensions resulting from a failure to register the certificate or license are also to be reported in the publication.

ARC 1296 ARCHITECTURAL EXAMINERS[80] 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 118.11, The Code, the Board of Architectural Examiners hereby gives Notice of Intended Action to amend rule 2.5(118,17A) "Fee Schedule", Iowa Administrative Code.

The present rules of the board are in conflict with the statutory mandate since the present fees do not generate enough funds to pay for the administrative costs of sustaining the board.

The board will accept written suggestions or comments on these proposed rules from any interested person prior to September 23, 1980. Such written comments or suggestions should be directed to the Board of Architectural Examiners, 1018 Des Moines Street, Des Moines, Iowa 50319.

This rule is intended to implement section 118.11, The Code.

80-2.5(118,17A) Fee schedule. Under the authority provided in section 118.11, The Code, the following fees are hereby adopted:

Table with 2 columns: Fee description and Amount. Includes Examination fees (\$60.00), Registration fee (\$15.00), Annual renewal fee (\$25.00), and Roster fee (\$25.00).

ARC 1300 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 106.3 and 107.24, The Code, the State Conservation Commission hereby gives Notice of Intended Action to add a new chapter, Chapter 39, "Manufacturer's Certificate of Origin", Iowa Administrative Code.

This proposed rule establishes the required content of a manufacturer's certificate of origin for vessels to be registered in Iowa. It also sets out the procedures for the use of an MCO. The procedure will assure accurate vessel information being obtained during the registration of a vessel and will greatly simplify the registration process for both boat owners and county recorders.

Any interested person may make written suggestions or comments on this proposed rule prior to September 24, 1980. Such written materials should be directed to the Director, State Conservation Commission, Wallace State Office Building, Des Moines, Iowa 50319. Persons who wish to convey their views orally may present those views in the Wallace State Office Building, fourth floor conference room, on September 24, 1980, at 10:00 a.m.

This rule is intended to implement sections 106.5 and 106.56, The Code.

The following rule is proposed.

CHAPTER 39

MANUFACTURER'S CERTIFICATE OF ORIGIN

290-39.1(106) Definitions. As used in this rule, unless the context clearly requires a different meaning.

39.1(1) "Manufacturer's certificate of origin" means a certification signed by the manufacturer or importer that the vessel described therein has been transferred to the person or dealer named therein and that the transfer is the first transfer of the vessel in ordinary trade or commerce. The terms "manufacturer's certificate", "importer's certificate", "manufacturer's statement", "MSO" and "MCO" shall be synonymous with the term "manufacturer's certificate of origin".

39.1(2) "Person" means an individual, partnership, firm, corporation, or association.

39.1(3) "Manufacturer" means every person engaged in the business of constructing or assembling boats of a type required to be registered under chapter 106, The Code.

39.1(4) "Dealer" means every person engaged in the business of buying, selling, or exchanging boats of a type required to be registered under chapter 106, The Code.

39.1(5) "New vessel" means every vessel which has not been sold at retail and not previously registered in this state or any other state.

39.1(6) "At retail" means to dispose of a vessel to a person who will devote it to a consumer use.

39.1(7) "Specially constructed vessel" means every vessel of a type required to be registered under chapter 106, The Code, not originally constructed under a distinctive name, make, model, or type by a generally recognized

## CONSERVATION COMMISSION[290] (cont'd)

manufacturer of vessels and not materially altered from its original construction.

**39.1(8)** "Reconstructed vessel" means every vessel of a type required to be registered under chapter 106, The Code, materially altered by the removal, addition, or substitution of essential parts, new or used.

**39.1(9)** "Essential parts" means all integral and body parts of a vessel required to be registered under chapter 106, The Code, the removal, alteration, or substitution of which would tend to conceal the identity of the vessel or substantially alter its appearance, model, type or mode or method of operation.

**39.1(10)** "Length" means the straight line horizontal measurement of the overall length from the foremost part of the boat to the aftermost part of the boat, measured from end to end over the deck excluding sheer, and measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

**39.1(11)** "Beam or width" means the transverse distance between the outer sides of the boat at the widest point excluding handles and other similar fittings, attachments, and extensions.

**39.1(12)** "Commission" means state conservation commission.

**39.1(13)** "Capacity plate" means the U.S. Coast Guard capacity plate bearing the information required by federal regulations governing boats and associated equipment. It shall not mean capacity plate information furnished by the boating industry association, national marine manufacturers association or any similar organization.

**290—39.2(106) Applicability.** This rule shall apply to all vessels required to be registered under chapter 106, The Code.

**290—39.3(106) Certificate of origin—content.** The following information shall be furnished, required and stated in the certificate of origin.

**39.3(1)** Date of transfer.

**39.3(2)** Invoice number which covers the transfer of this particular vessel.

**39.3(3)** Name and complete address of dealer to whom the boat is being transferred.

**39.3(4)** Trade name and model of vessel.

**39.3(5)** Model year of vessel.

**39.3(6)** Manufacturer's hull identification number (HIN) or serial number of hull if HIN not available.

**39.3(7)** Type of boat.

1. Runabout
2. Houseboat
3. Open utility boat
4. Cruiser
5. Sailboat
6. Pontoon boat
7. Canoe
8. Other (describe)

**39.3(8)** Propulsion.

1. Inboard/outdrive
2. Inboard
3. Outboard
4. Sail only
5. Manual
6. Horsepower if applicable

**39.3(9)** Fuel (if applicable).

1. Gasoline
2. Diesel
3. Other

**39.3(10)** Hull material.

1. Fiberglass
2. Plastic
3. Steel
4. Wood
5. Aluminum
6. Other

**39.3(11)** Length overall in feet and inches (exact measurement required). For pontoon boats and houseboats this shall be the deck measurement.

**39.3(12)** Beam in feet and inches (exact measurement required). For pontoon boats and houseboats this shall be the deck measurement.

**39.3(13)** U.S. Coast Guard capacity plate information.

1. Maximum horsepower rating
2. Maximum persons capacity in whole persons
3. Maximum weight capacity (persons, motor, gear, etc.)

**39.3(14)** A certification by the manufacturer that this is the first transfer of a new vessel and that all information given is true and accurate.

**39.3(15)** Firm name and complete address.

**39.3(16)** Signature and title of authorized person.

**39.3(17)** The reverse side of the certificate shall contain information regarding assignment of the vessel to facilitate transferring the vessel from the dealer to the purchaser. The information shall consist of:

1. The purchaser's name and address
2. Certification that the vessel is new and has never been registered in this or any other state
3. Signature of authorized agent of dealer

**290—39.4(106) Procedure—manufacturer.**

**39.4(1)** The manufacturer of the vessel shall enter all applicable information on the certificate of origin for each vessel.

**39.4(2)** The manufacturer's authorized agent shall sign the certificate and by so signing certify that all information contained on the certificate is true and accurate.

**39.4(3)** The completed certificate of origin shall be delivered to the dealer with the vessel to which it applies.

**290—39.5(106) Procedure—dealer.**

**39.5(1)** Upon sale of a vessel the dealer shall complete the first assignment information required on the reverse of the certificate of origin.

**39.5(2)** The dealer shall deliver the certificate of origin to the purchaser along with a bill of sale or receipt showing that the person has purchased the vessel for consumer use.

**290—39.6(106) Procedure—purchaser.**

**39.6(1)** The purchaser shall utilize the information contained on the certificate of origin to complete the information required on the application for vessel registration.

**39.6(2)** The purchaser shall surrender the certificate of origin to the county recorder upon applying for a vessel registration.

**290—39.7(106) Procedure—county recorder.**

**39.7(1)** The county recorder shall verify that the information contained in the application and the certificate of origin correspond and shall utilize that information so far as possible in issuing the vessel registration.

## CONSERVATION COMMISSION[290] (cont'd)

**39.7(2)** The county recorder shall retain the certificate of origin as a part of the permanent record of that vessel's registration transactions.

**290—39.8(106) Certification by commission officers.** Owners of vessels registered prior to the effective date of this Act for which an MCO was not furnished during the registration process which have the U.S. Coast Guard capacity plate may request certification of the certificate of origin information by an officer of the state conservation commission.

**39.8(1)** The certification furnished by the officer shall be in lieu of the manufacturer's certificate of origin and shall be utilized in the same manner.

**39.8(2)** The information contained on the officer's certification shall be that required in **39.3(106)**.

**39.8(3)** When the officer's certification would necessitate change of any information on an existing registration certificate the officer shall notify the county recorder in which the vessel is registered and the state conservation commission by furnishing those officers with a copy of the certification form.

**ARC 1301****CONSERVATION COMMISSION[290]****NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of section 107.24, The Code, the State Conservation Commission hereby gives Notice of Intended Action to amend chapter 108, "Fishing Regulations", Iowa Administrative Code.

This rule establishes season dates, daily catch limits, possession limits, and minimum length limits for the 1981 fishing season.

Any interested person may make written suggestions or comments on this proposed rule prior to September 23, 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 should contact the Fish Management Supervisor at (515) 281-5208 or at the fisheries office on the fourth floor of the Wallace State Office Building. Also, there will be a public hearing on Tuesday, September 23, 1980, at 10:00 a.m. in the conference room on the fourth floor of the Wallace State Office Building. Persons may present their views at this public hearing either orally or in writing.

This rule is intended to implement chapter 109, The Code.

The following amendments are proposed.

Rule 290—108.2(109) is amended to read as follows:

**290—108.2(109) Exceptions to seasons and limits, set in 108.1(109).**

**108.2(1)** Natural lakes. In Lakes West Okoboji, East Okoboji, and Spirit Lake, there shall be a closed season on walleye, sauger, muskellunge or tiger muskie, and northern pike from March 1, 1980 1981, through May 2, 1, 1980 1981.

**108.2(5)** Special trout regulations.

a. Brook Trout. There shall be no open season on brook trout in portions of the South Fork of Big Mill Creek, Jackson County; North Cedar Creek, Clayton County; and Spring Branch Creek, Delaware County where posted. *The minimum length limit of brook trout in the South Fork of Big Mill Creek, Jackson County shall be twelve inches.* Fishing for other species in the posted areas of South Fork Big Mill Creek and North Cedar Creek shall be by artificial lure only.

This rule is intended to implement sections 109.39 and 109.67, The Code.

**ARC 1302****EMPLOYMENT SECURITY[370]**

(JOB SERVICE)

**NOTICE OF INTENDED ACTION**

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

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

Pursuant to sections 97B.3, 97B.15 and 17A.3, The Code, The Iowa Department of Job Service hereby gives Notice of Intended Action to amend chapter 8, "Iowa Public Employees' Retirement System", Iowa Administrative Code.

Benefit formula increased from 46 percent to 47 percent of average of highest five consecutive years of service based on thirty years of service. New formula applicable to members retiring subsequent to January, 1976, with four or more years of service, thus providing increased benefits beginning with July 1980.

Vesting requirements were clarified and other technical changes made for clarification purposes. General Assembly members authorized to terminate coverage under IPERS.

The reduction factor for members retiring between age 62 and 65 to one-fourth of one percent per month from one-half of one percent for early retirement.

Interested persons, governmental agencies, and associations may present written comments or statements on the proposed amendments not later than 4:30 p.m., October 1, 1980, to James A. Hunsaker III, Iowa Department of Job Service, 1000 East Grand Avenue, Des Moines, Iowa 50319. A public hearing will be held at 9:30 a.m., October 1, 1980, at the above address. The proposed amendment is subject to revisions after the department considers all written and oral presentations. Persons who want to convey their views orally should contact Mr. Hunsaker at 515-281-8093 or at the above address.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, Regular Session, 1980, House

## EMPLOYMENT SECURITY[370] (cont'd)

File 2598; 97B, The Code, as amended by Acts of the Sixty-eighth General Assembly, Regular Session 1979, chapter 34; and 97B.41 and 97B.48 through 97B.53, The Code.

The following amendments are proposed.

ITEM 1. Amend subrule 8.5(1), paragraph "a" by adding the following subparagraphs:

(31) *Members of the state transportation commission, the board of parole, and the state health facilities council are excluded unless such members elect coverage by filing applications with the department to be covered.*

(32) *Employees of an interstate agency established under chapter 28E, The Code, and similar enabling legislation in an adjoining state if the city had made contributions to the system for employees performing functions which are transferred to the interstate agency shall be considered to be employees of the city for the sole purpose of membership in IPERS, although the employer contributions for those employees are made by the interstate agency.*

(33) *Persons employed as city managers, or as city administrators performing the duties of city managers, under a form of city government listed in chapters 372 or 420, The Code, are excluded unless such employees shall make an application to the department to be covered under the provisions of this chapter.*

This rule is intended to implement 97B.41, subsection 3, The Code, as amended, and Acts of the Sixty-eighth General Assembly, Regular Session 1980, House File 2598, sections 9 and 11.

ITEM 2. Amend rule 370—8.11(97B) by adding new subrule 8.11(7) as follows:

**8.11(7)** *Retirement benefits to a member shall terminate with the month preceding the month of death.*

This rule is intended to implement sections 97B.48 and 97B.51, The Code.

ITEM 3. Amend rule 370—8.12(97B) by adding new subrule 8.12(9) as follows:

**8.12(9)** *Prior service credit for service before January 1, 1946. An active, vested, or retired member who was employed prior to January 1, 1946, by the state or a political subdivision, except for a member employed by a school district which had established a pension and annuity retirement system under sections 294.8, 294.9 and 294.10, The Code, and was not employed by the state or a political subdivision between January 1, 1946, and July 1, 1953, may file written verification of the member's dates of employment with the department of job service and receive credit for years of prior service for the period of employment.*

This rule is intended to implement 97B, as amended by Acts of the Sixty-eighth General Assembly, Regular Session 1979, chapter 34, and Acts of the Sixty-eighth General Assembly, Regular Session 1980, House File 2598.

ITEM 4. Amend subrule 8.13(2) as follows:

a. *Effective July 1980, if a member is less than ~~sixty-five~~ sixty-two years of age in the month of the member's retirement date, the benefit payment formula will be reduced by one-half of one percent for each month that the early retirement date precedes the normal retirement date, as defined in section 97B.45, The Code.*

b. *Effective July 1980, for a member who is at least sixty-two years of age and less than sixty-five years of age, the benefit formula will be reduced by one-fourth of one percent for each month that the early retirement date precedes the normal retirement date as defined in Code section 97B.45.*

Rescind all of subrule 8.13(6) and insert in lieu thereof the following:

**8.13(6)**

a. *For each active member retiring on or after January 1, 1976, with four or more complete years of service, the monthly benefit will be equal to one-twelfth of an amount equal to forty-seven percent of the five-year average covered wage multiplied by a fraction of years of service.*

b. *For an inactive vested member the monthly retirement allowance shall be determined on the basis of the formula in effect on the date of the member's retirement. If early retirement, the benefit shall be adjusted as provided in subrule 8.13(2) paragraphs "a" and "b".*

Amend subrule 8.13(7) by adding paragraph "a" as follows:

a. *Incentive pay will be taken into account in the calculation of the five-year average covered wage and will be added to the last quarter in which wage payments or vacation payments are made. The incentive pay will not increase the quarters worked and will not change the first month of entitlement.*

This rule is intended to implement Acts of the Sixty-eighth General Assembly, Regular Session 1980, House File 2598.

ITEM 5. Amend subrule 8.14(2) as follows:

**8.14(2)** *Interest shall be credited to a vested or active member's account from the date the member terminated employment until such member's first month of entitlement to benefits, or in case of a refund of accumulated contributions, interest will be credited until the date of refund payment, and in case of death, to the date of death.*

This rule is intended to implement sections 97B.52 and 97B.53, The Code.

ITEM 6. Amend rule 370—8.19(97B) by adding new subrule 8.19(6) as follows:

**8.19(6)** *A member who is re-employed in covered employment after retirement may after again retiring from employment, request a recomputation of benefits.*

This rule is intended to implement sections 97B.48, subsection 3; 97B.49; and 97B.50, The Code.

## ARC 1303

### EMPLOYMENT SECURITY[370]

(JOB SERVICE)

#### NOTICE OF INTENDED ACTION

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

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

Pursuant to sections 97C.18 and 17A.3, The Code, The Iowa Department of Job Service, hereby gives Notice of Intended Action to amend chapter 9, "Federal Social Security", Iowa Administrative Code.

Acts of the Sixty-eighth General Assembly, Regular Session, 1980, House File 2598, section 287, provides for the monthly remittance of social security contributions to

## EMPLOYMENT SECURITY[370] (cont'd)

conform with the requirement of the Social Security Administration that contribution shall be remitted monthly effective July 1, 1980.

Interested persons, governmental agencies, and associations may present written comments or statements on the proposed amendments not later than 4:30 p.m., October 1, 1980, to James A. Hunsaker III, Iowa Department of Job Service, 1000 East Grand Avenue, Des Moines, Iowa 50319. A public hearing will be held at 9:30 a.m., October 1, 1980, at the above address. The proposed amendment is subject to revision after the department considers all written and oral presentations. Persons who want to convey their views orally should contact Mr. Hunsaker at (515) 281-8093 or at the above address.

This rule is intended to implement chapter 97C, The Code, as amended by the Sixty-eighth General Assembly, Regular Session 1980, House File 2598.

The following amendments are proposed.

ITEM 1. Amend subrule 9.4(1) as follows:

**9.4(1)** Each employing unit shall make such reports at such times as the IPERS office may require, and shall comply with the instructions printed upon any report form or in the handbook issued by the IPERS office pertaining to the preparation and return of such report.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, Regular Session 1980, House File 2598, section 28.

ITEM 2. Amend subrule 9.5(2) and add new subrule 9.5(3) as follows:

**9.5(2)** Wages are taxable in the quarter period in which they are actually paid to the employee.

**9.5(3)** *Effective January 1, 1981, wages will be reported on an annual basis using forms prescribed by the IPERS office. Reports shall show all covered wages paid during the calendar year up to the maximum established by Social Security Administration for that year. Reports are to be filed by the fifteenth day of January to be considered timely and free from interest.*

*This rule is intended to implement Acts of the Sixty-eighth General Assembly, Regular Session 1980, House File 2598, section 28.*

ITEM 3. Amend subrules 9.7(1) and (2) as follows:

**9.7(1)** Contributions shall become due and payable quarterly monthly before the fifteenth day of the month following the close of the calendar quarter month in which the wages were paid.

**9.7(2)** Upon request filed with the IPERS office before the due date of any contributions, the IPERS office may, for good cause, grant an extension of time for payment of such contribution and the due date, but no extension shall exceed thirty days after end of calendar quarter involved. If an employer who has been granted an extension fails to pay the contribution on or before the end of the period of such extension, interest shall be payable from the original due date as if no extension had been granted.

Rescind all of subrule 9.7(3) and insert in lieu thereof the following:

**9.7(3)** *Any employing unit who pays wages during a month must forward the social security contributions deducted from those wages plus the employer's share of contributions on a monthly basis. Remittance for each month is due in full on or before the fifteenth day of the following month.*

*This rule is intended to implement Acts of the Sixty-eighth General Assembly, Regular Session 1980, House File 2598, section 28.*

## ARC 1338

## ENVIRONMENTAL QUALITY[400]

## WATER QUALITY COMMISSION

## NOTICE OF INTENDED ACTION

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

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

Pursuant to the authority of section 455B.32 and chapter 172D, The Code, the Water Quality Commission hereby gives notice of intended action to amend chapter 20 on "Animal Feeding Operations", by adding Divisions I and II which will apply to operations that are modified or established after the effective date of rule 20.1(455B). All other operations will be covered by rules 20.2 to 20.7. The amended chapter 20 and proposed rules 20.20 to 20.26 (Division II) will specify the minimum levels of waste control, the permits required, which operations are required to have a permit and the procedures to obtain a permit.

Chapter 172D, The Code, states in general terms that the Water Quality Commission rules adopted after November 1, 1976, shall apply to:

1. Facilities with an established date of operation on or after the effective date of the rule or,

2. Prior established facilities, when (a) their permits expire or (b) where ten years from their established dates of operation have passed or (c) for nonpermitted facilities, five years after the effective date of the new rule, whichever is greater. Since chapter 172D limits the applicability of new rules regarding animal feeding operations, the IDEQ has no alternative but to propose an additional set of rules. The current rules, 20.1 to 20.7, will be rescinded ten years after the effective date of the proposed rules 20.20 to 20.26, when they will no longer be applicable to any operations.

Any interested person may make written suggestions or comments on the proposed new chapter prior to October 6, 1980. Such written materials should be directed to the Executive Director, Iowa Department of Environmental Quality, Wallace State Office Building, 900 E. Grand Avenue, Des Moines, Iowa 50319. Persons who want to convey their feelings orally should contact Craig Swartzbaugh, IDEQ Wastewater Operations Branch, Wallace State Office Building, 900 E. Grand Avenue, Des Moines, Iowa 50319, Telephone (515) 281-8991. Also, there will be a public hearing on September 24, 1980, in the fifth floor conference room of the Wallace State Office Building. Persons may present their views at this hearing either orally or in writing.

Persons who wish to make oral presentations at the public hearing are requested to contact Craig Swartzbaugh at least one day prior to the public hearing.

This rule is intended to implement section 455B.32, The Code.

The following is proposed.

Rule 400—20.1(455B) is amended to read as follows:

## DIVISION I

**400—20.1(455B) Applicability and Definitions.** *These rules specify what minimum levels of waste control are required, what permits are required, which operations*

## ENVIRONMENTAL QUALITY[400] (cont'd)

are required to have a permit and the procedures to obtain a permit. Compliance with these rules does not relieve the operator of the responsibility to comply with other applicable federal, state or local laws. Chapters 3, 4, and 16 of Environmental Quality of the Iowa Administrative Code and chapter 455B, The Code, contain other environmental laws that apply.

Rules 20.20 to 20.26, which follow will regulate facilities that begin operation or are modified after (the effective date of this rule), and rules 20.1 to 20.7 will regulate all others.

In addition to the definitions in sections 455B.1 and 455B.30 of the Code, the following definitions shall apply.

Also, the definitions listed below are in addition to those outlined in sections 455B.1 and 455B.30, The Code, 1979.

**20.2 to 20.19 Reserved.**

Division II of these rules specifies what minimum levels of waste control are required, what permits are required, which operations are required to have a permit and the procedures to obtain a permit. Compliance with these rules does not relieve the operator of the responsibility to comply with other applicable federal, state or local laws. Chapters 3, 4 and 16 of Environmental Quality of the Iowa Administrative Code and 455B, The Code, contain other environmental laws that apply.

Rules 20.20 to 20.26 apply to:

1. Facilities with an established date of operation on or after (the effective date of rules 20.20 to 20.26).
2. Facilities not holding an unexpired DEQ permit on (the effective date of rules 20.20 to 20.26), unless the facility was not previously required to hold a DEQ permit, in which case rules 20.20 to 20.26 apply if and when the facility's established date of operation is ten years or more old, or (five years from the effective date of rules 20.20 to 20.26), whichever is later.
3. Facilities holding an unexpired DEQ permit on (the effective date of rules 20.20 to 20.26), when that permit expires or ten years after the facility's established date of operation, whichever is later.

**DIVISION II**

**400—20.20(455B) Definitions.** In addition to the definitions in sections 455B.1 and 455B.30, The Code, the following definitions shall apply to this chapter.

**20.20(1)** "Animal enclosure" means a lot, yard, corral, building, or other area in which animals are confined.

**20.20(2)** "Animal feeding operation" means an animal enclosure in which animals are confined and fed or maintained for forty-five days or more in any twelve-month period. Two or more animal enclosures under common ownership or management are deemed to be a single animal feeding operation if the enclosures are adjacent or a common area or system is utilized for the disposal of waste from the enclosures.

**20.20(3)** "Open feedlot" means an animal feeding operation consisting of one or more unroofed or partially roofed animal enclosures where no crop, vegetation, or forage growth or residue cover is sustained during the period of confinement.

**20.20(4)** "Housed feeding operation" means an animal feeding operation consisting of one or more totally roofed animal enclosures where wastes are stored or removed as a liquid or semiliquid.

**20.20(5)** "New animal feeding operation" means an animal feeding operation whose construction was commenced or whose operation is again commenced, after a period of twelve months or more of discontinued operation, on or after (the effective date of these rules).

**20.20(6)** "Animal capacity" means the maximum number of animals which will be confined, as determined by the applicant, in an animal feeding operation at any one time.

**400—20.21(455B) Minimum waste control requirements.** Water pollution control facilities shall be constructed and maintained to meet the minimum waste control requirements stated in the following paragraphs; provided that if evaluation of site topography, operating procedures, experience and available information may result in a departmental determination that control requirements more or less stringent than the minimum are necessary to assure adequate water pollution control will be achieved.

**20.21(1)** General requirements. The following requirements apply to all animal feeding operations:

a. All waste controls shall be designed and constructed in accordance with the "Iowa Wastewater Facilities Design Standards for Animal Wastes" or provide comparable effectiveness.

b. All wastes removed from an animal feeding operation or its waste control facilities shall be disposed of by land application in a manner which will not cause surface or groundwater pollution. It is recommended that disposal be in accordance with the land disposal guidelines contained in chapter 600 of the "Iowa Wastewater Facilities Design Standards for Animal Wastes".

**20.21(2)** Open feedlots.

a. For open feedlots required to have an INPDES/Operation permit, as identified in 20.24(1), the minimum level of waste control shall be retention of all waste from the feedlot areas and from other waste contributing areas resulting from all precipitation events less than the twenty-five-year, twenty-four-hour frequency precipitation event. As an alternative to providing the above specified level of waste control, a feedlot may reduce animal numbers, remove any man-made ditches or flushing systems, relocate or take such other actions as are necessary to eliminate the conditions for which this level of waste control is required, provided that elimination of such conditions will provide an adequate level of waste control.

Control of wastes from open feedlots may be accomplished through use of waste retention basins, terraces, or other runoff control methods. Diversion of uncontaminated surface drainage prior to contact with feedlot or waste storage areas may be required. Waste solids settling facilities shall precede the waste retention basins or terraces.

b. For open feedlots closer than the following distances\* to any watercourse that drains more than 3200 acres of land upstream of the point where any waste drainage would enter the watercourse, the minimum level of waste control is the same as required in 20.21(2)"a".

Animal Species	*Distance to Water Course (feet per animal)
Cattle, Slaughter or feeder	2.0
Cattle, Dairy	3.0
Swine, (over 55 lbs.)	0.5
Sheep or Lambs	0.2
Turkeys	0.05

\* (Distance should be measured along the path of waste drainage flow from the feedlot to the watercourse.)

Assistance in determining when an open feedlot meets these criteria can be obtained by contacting a county soil conservation district office.

c. For all other open feedlots the minimum level of waste control shall be the removal of settleable solids

## ENVIRONMENTAL QUALITY[400] (cont'd)

from the wastes prior to discharge into a water of the state or discharge from the property on which the operation is located, unless such solids removal is to be accomplished on other property through written agreement with that property owner.

Settleable solids removal may be accomplished by use of solids settling basins, terraces, diversions, or other solids removal methods. Construction of solids settling facilities shall not be required where existing site conditions provide adequate settleable solids removal.

**20.21(3) Housed feeding operations.** For housed feeding operations the minimum level of waste control shall be the retention of all wastes produced.

Retention of wastes from housed feeding operations may be accomplished by using earthen waste storage structures (such as lagoons or basins) or formed waste storage tanks (such as concrete, steel or wood tanks).

**400—20.22(455B) Permit requirements.** An animal feeding operation may be required to obtain either or both of the following permits:

Construction permit. This permit is a written approval of the executive director to construct a waste disposal system, or part thereof, in accordance with the plans and specifications approved by the department.

INPDES/Operation permit. This means an Iowa National Pollutant Discharge Elimination System/Operation permit which is a joint state and federal permit written by the executive director that specifies the conditions and requirements under which the operation of, or discharge from, a waste disposal system, or part thereof, is authorized.

**400—20.23(455B) Construction permits.**

**20.23(1) Permit requirements.** A construction permit must be obtained prior to constructing, installing, or modifying a waste storage or disposal system for the following animal feeding operations:

a. All operations with animal capacity exceeding those numbers specified in 20.24(1)"a".

b. All operations with capacity exceeding 1000 animal units (as defined in 20.24(1)"b").

c. Open-feedlots with capacity exceeding 300 animal units (as defined in 20.24(1)"b") if waste controls are required.

d. Operations covered by the anaerobic lagoon permit requirements of 3.1(1).

e. Operations required to obtain an INPDES/Operation permit under provisions of 20.24(1)"e".

**20.23(2) Application requirements.** An application for a construction permit must be submitted at least ninety days in advance of the planned date of start of construction.

**20.23(3) Application procedures.** Application for a construction permit shall be made by submitting an engineering report, plans and specifications and other data as specified in the "Iowa Wastewater Facility Design Standards for Animal Wastes".

Plans and specifications must be prepared and submitted in conformance with chapter 114, The Code.

**20.23(4) Review of applications.** Review of plans and specifications shall be conducted to determine the potential of the proposed waste disposal system to achieve the level of waste control being required of the animal feeding operation. In conducting this review, applicable criteria contained in the "Iowa Wastewater Facilities Design Standards for Animal Wastes," federal guidelines and standards, soil conservation service standards and

specifications, and department of commerce precipitation data, shall be used.

To the extent of any conflict between the above criteria the "Iowa Wastewater Facilities Design Standards for Animal Wastes" shall prevail.

The chapters of the "Iowa Wastewater Facilities Design Standards for Animal Wastes" are:

20. Design Standards
30. Preliminary Engineering Reports
40. Final Design Plans
50. Waste Management Plans
100. Housed Feeding Operations - Formed Slurry Storage Tanks and Earthen Slurry Storage Basins
200. Housed Feeding Operations - Anaerobic Waste Stabilization Lagoons
300. Open Feedlot Solid Removal Facilities
400. Open Feedlot Liquid Runoff Storage Basins
500. Open Feedlot Runoff Travel Distance Diversion
600. Land Disposal of Animal Wastes

When engineering justification satisfactory to the executive director is provided substantially demonstrating that variation from the "Iowa Wastewater Facilities Design Standards for Animal Wastes" will result in at least equivalent effectiveness, such a variation may be accepted by the executive director.

**20.23(5) Issuance procedures.** The executive director shall issue or deny a construction permit within sixty days of receipt of a complete application unless a longer period of time is required and the applicant is so notified in writing prior to the expiration of the sixty-day period.

**400—20.24(455B) INPDES/Operation permits.**

**20.24(1) Permit requirements.** An animal feeding operation shall not operate without an INPDES/Operation permit if any of the conditions listed below exist:

a. If the animal capacity equals or exceeds the following numbers:

Species	Animal Capacity Exceeds
Cattle, Slaughter or feeder	1,000
Cattle, Dairy	700
Swine (Over 55 lbs.)	2,500
Horses	500
Sheep or lambs	10,000
Turkeys	55,000
Laying Hens or Broilers (if the facility has continuous overflow watering)	100,000
Laying Hens or Broilers (if the facility has a liquid manure system)	30,000
Ducks	5,000

b. If the total animal unit capacity of a feeding operation containing several animal species exceeds 1,000. Total animal unit capacity shall be determined by multiplying the number of animals of each species in the feeding operation by the following multipliers and summing the totals for all species contained in the feeding operation.

Species	Multipliers
Slaughter and Feeder Cattle	1.0
Mature Dairy Cattle	1.4
Swine. (Over 55 lbs.)	0.4
Sheep or Lambs	0.1
Horses	2.0

c. Notwithstanding "a" and "b" above, an INPDES/Operation permit is not required for an animal feeding

## ENVIRONMENTAL QUALITY[400] (cont'd)

operation if wastes are discharged only in the event of a twenty-five-year, twenty-four-hour storm event. This exemption from permit requirements does not apply to "d" and "e" below.

d. If pollutants are discharged into a water of the state through a man-made ditch, flushing system, or other similar man-made device; or pollutants are discharged directly into waters of the state which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined and more than the following number of animals are confined:

Species	Animal Capacity Exceeds
Cattle, Slaughter or feeder	300
Cattle, Dairy	200
Swine, (Over 55 lbs.)	750
Horses	150
Sheep	3,000
Turkeys	16,500
Laying Hens or Broilers (if the facility has a continuous overflow watering)	30,000
Laying Hens or Broilers (if the facility has a liquid manure system)	9,000
Ducks	1,500
Animal units (where animal units is defined as in 20.24(1)"b" above.)	300

e. If the executive director has determined after on-site inspection that the operation is or may be a significant contributor of pollution to waters of the state, prevention or abatement of any pollution will be required. An INPDES/Operation permit may also be required for these facilities. Criteria for the determination of significant contributor may include the size, location, means of waste conveyance from the facility, slope of the land, vegetation, rainfall or other factors related to the facility which would impact the likelihood of wastes or wastewater entering the waters of the state.

#### 20.24(2) Application requirements.

##### a. Existing operations.

(1) Operations holding an INPDES/Operation permit, or a federal NPDES permit. Animal feeding operations which hold an INPDES/Operation permit or a federal NPDES permit must submit an application for renewal at least 180 days in advance of the date the permit expires.

(2) Operations holding a state operation permit. Animal feeding operations which hold a valid state operation permit issued by the department prior to (the effective date of these rules), shall not be required to reapply for an INPDES/Operation permit unless covered by the INPDES/Operation permit requirements of 20.24(1). Covered operations shall make application for an INPDES/Operation permit within 180 days of the effective date of these rules.

(3) Operations not holding an INPDES/Operation or a state operation permit. Animal feeding operations covered by the INPDES/Operation permit requirements of 20.24(1) shall make application for an INPDES/Operation permit within 180 days of the effective date of these rules. Once proper application has been made and the application is in process, continued operation of the animal feeding operation without an INPDES/Operation permit is authorized unless and until the application has either been approved or disapproved by the executive director.

(4). Application for a state operation permit or an INPDES/Operation permit submitted prior to the effective date of these rules will satisfy the requirements of this rule. Additional or updated information must be provided upon notification from the executive director.

(5) Permits required as a result of departmental investigation. An animal feeding operation which is required to apply for an INPDES/Operation permit as a result of departmental investigation (in accordance with the provisions of 20.24(1)"e") shall make application for an INPDES/Operation permit within sixty days of receipt of written notification by the executive director of the need to apply for a permit. Once proper application has been submitted, continued operation without an INPDES/Operation permit is authorized unless and until the application has either been approved or disapproved by the executive director.

b. New operations. New animal feeding operations which will, upon completion, be covered by the INPDES/Operation permit requirements of 20.24(1) shall apply for an INPDES/Operation permit at least 180 days prior to the scheduled date of the new operation.

**20.24(3) Application procedures.** Application for an INPDES/Operation permit shall be made by submitting a completed form provided by the department. The application must be signed by the person who is legally responsible for the animal feeding operation and its associated waste disposal system.

**20.24(4) Issuance procedures.** The executive director shall issue or deny an INPDES/Operation permit for a new or expanded operation within 180 days of receipt of a complete application unless a longer period of time is required and the applicant is so notified in writing prior to expiration of the 180-day period. The details of the permit issuance procedures are identified in 400—19.5(455B). Operation of an approved system may commence immediately after the issuance of an INPDES/Operation permit.

##### 20.24(5) Permit conditions.

a. INPDES/Operation permits shall contain such conditions as are deemed necessary by the executive director to assure compliance with all applicable rules of the department, to assure that the waste disposal system is properly operated and maintained, to protect the public health and beneficial uses of state waters, and to prevent water pollution from waste storage or disposal operations.

b. An INPDES/Operation permit may be granted for any period of time not to exceed five years.

c. The executive director may modify, suspend or revoke in whole or in part any INPDES/Operation permit for cause, as identified in 19.3(11).

**400—20.25(455B) Transfer of legal responsibilities or title.** If legal responsibility for permitted animal feeding operation and its associated disposal system is transferred, the person to whom legal responsibility is transferred shall be subject to all terms and conditions of said permit. The department shall be notified of a transfer of legal responsibility or title of such an operation within thirty days of the transfer.

**400—20.26(455B) Validity of rules.** If any rule, sub-rule, paragraph, subparagraph, sentence, clause, phrase or word of these rules, or any part thereof, is declared unconstitutional or invalid for any reason, the remainder of said rules shall not be affected thereby and shall remain in full force and effect, and to that end, these rules are declared to be severable.

**ARC 1320****HEALTH DEPARTMENT[470]****BOARD OF BARBER EXAMINERS  
NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of sections 147.76 and 158.7, The Code, the Board of Barber Examiners gives Notice of Intended Action to rescind subrule 152.2(1) found in chapter 470—152, Iowa Administrative Code, "Qualifications of managers and instructors" and adopt a new subrule.

Any interested person may make written suggestions or comments on the proposed rule not later than 4:30 p.m. October 10, 1980. Such written materials should be directed to Keith Rankin, Executive Secretary, Board of Barber Examiners, State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319.

The proposed rule is intended to implement sections 147.76 and 158.7, The Code.

The following is proposed.

**ITEM 1.** Rescind subrule 152.2(1) and adopt the following in lieu thereof.

**152.2(1)** An instructor in a school of barbering shall be licensed by the state department of health as an instructor in barbering. A person is qualified to receive a license as an instructor who has met all the requirements of section 158.3, The Code, as a barber, has practiced as a licensed barber for not less than two years, has graduated from an accredited high school or has an equivalent education as determined by the board, and has passed an examination administered by the board to determine his or her fitness to practice as an instructor. If after making application for the barber instructor's examination and paying the required fee permission is requested by the applicant in writing from the board to instruct until the date of the next examination, the board may grant such special permission not to exceed six months. If the applicant fails such examination the second time, the board will not renew the special permission to instruct. The applicant is eligible to take the examination again only after completing a special institute approved by the board.

**ARC 1308****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 2, State Service and its Divisions, Iowa Administrative Code.

Chapter 2 is being revised with addition of a new rule relating to Confidential Classified Employees.

Any interested persons may make written suggestions or comments on this proposed rule to W.L. Keating, Director, Iowa Merit Employment Department, Grimes State Office Building, East Fourteenth Street and Grand Avenue, Des Moines, Iowa, no later than September 25, 1980.

Chapter 2 is amended by adding the following new rule:

**570—2.4(19A) Confidential classified employees.** A classified employee whose position, within a class covered by a collective bargaining agreement, is determined to be confidential shall be exempt from the collective bargaining agreement covering the class. The confidential employee shall be paid within the same salary grade range as is provided by the collective bargaining agreement covering the class, but for all other purposes shall be governed by the applicable merit rules for noncontract employees.

This rule is intended to implement section 19A.9, The Code.

**ARC 1309****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 3, Classification Plan, Iowa Administrative Code.

Chapter 3 is being revised with addition of a revision relating to allocations and reallocations.

Any interested persons may make written suggestions or comments on these proposed rules to W.L. Keating, Director, Iowa Merit Employment Department, Grimes

## MERIT EMPLOYMENT DEPARTMENT[570] (cont'd)

State Office Building, East Fourteenth Street and Grand Avenue, Des Moines, Iowa, no later than September 25, 1980.

Amend subrule 3.1(6) as follows:

**3.1(6)** Allocations and reallocations approved by the merit employment department or a classification review board shall become effective ~~at no sooner than~~ the beginning of the next regular pay period after the position(s) change form has been approved by the state comptroller's office indicating that funds are available for the allocation change. If funds are determined not to be available, the original allocation shall be maintained until such time as the approved position change can be funded and shall not be retroactive.

This rule is intended to implement chapter 19A.9, The Code.

**ARC 1310**

**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 4, Pay Plan, Iowa Administrative Code.

Subrule 4.5(1)"b" is revised to clarify rule relating to appointments based on over-qualification. Subrule 4.5(8) is to clarify rule relating to "red-circling".

Any interested persons may make written suggestions or comments on these proposed rules to W.L. Keating, Director, Iowa Merit Employment Department, Grimes State Office Building, East Fourteenth Street and Grand Avenue, Des Moines, Iowa, no later than September 25, 1980.

The following revisions are proposed:

ITEM 1. Subrule 4.5(1), paragraph "b" is revised as follows:

b. Appointment based on overqualification or exceptional qualifications. An appointing authority may, with the prior approval of the director, offer appointment above the entrance rate of a pay grade for a class to certified eligibles who have been determined to possess significant, pertinent qualifications which exceed the minimum qualifications for a class or who possess outstanding and unusually applicable experience for the position depending upon the particular demonstrated need of the appointing authority. All other incumbent classified employees possessing ~~similar~~ *equivalent* qualifications in the same class under the same appointing authority shall be adjusted in pay to the step in the pay grade approved. A new review date shall be established for all incumbent classified employees so adjusted. All

eligibles certified for the same vacancy possessing like overqualifications shall be offered the same special entrance rate and the appointing authority shall certify such has been done before appointment will be approved. Requests for appointment above the third step of the pay grade shall be submitted to and approved by the commission.

ITEM 2. Subrule 4.5(8) is revised as follows:

**4.5(8)** Pay adjustments incident to pay grade reassignments.

a. In the event a class is assigned to a higher pay grade; when a general salary matrix schedule adjustment is made or the annual salary/classification schedule is approved by the Iowa executive council, all employees in positions in that class shall be adjusted to a corresponding step in the new pay range as they held in the old pay range. If an employee has not been adjusted previously, as provided in 4.5(9)"c", such adjustment shall be made prior to grade adjustment. In all other class pay grade upward adjustments, the classified employee(s) rate of pay shall be maintained at their former rate of pay by adjustment to a step in the new pay grade corresponding to their individual rates of pay in their old class pay grade. Employees whose rates of pay exceeds the maximum step in the class pay grade shall be "red-circled" *with a maximum duration in accordance with 4.5(7)"d"*. The review date shall not change upon reassignment to a new class pay grade. Subrule 4.5(2), paragraph "b" shall apply to increase eligibility as of the effective date of adjustment.

b. In the event a class is assigned to a lower pay grade, the employees' rates of pay shall be maintained at ~~the~~ *their* former rates of pay by adjusting to a step in the new lower pay grade corresponding to the rates of pay in the old pay grade. Employees in that class whose rates of pay exceeds the maximum step in the new lower pay grade shall be "red-circled" ~~or frozen~~ at their former rates of pay in the old pay range. *Maximum duration of "red-circled" rates shall be in accordance with 4.5(7)"d"*.

This rule is intended to implement section 19A.9, The Code.

**ARC 1311**

**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 9A.9, The Code, the Iowa Merit Employment Department hereby gives Notice of Intended Action to amend chapter 8, Appointments, Iowa Administrative Code.

Chapter 8 is revised clarifying the rule relating to provisional appointment.

## MERIT EMPLOYMENT DEPARTMENT[570] (cont'd)

Any interested persons may make written suggestions or comments on this proposed rule to W.L. Keating, Director, Iowa Merit Employment Department, Grimes State Office Building, East Fourteenth Street and Grand Avenue, Des Moines, Iowa, no later than September 25, 1980.

The following revision is proposed:

ITEM 1. Rule 570—8.4(19A) is revised as follows:

**570—8.4(19A) Provisional appointment.** If the director is unable to certify a sufficient number of names from an eligible list for a class or from an appropriate eligible list, an appointing authority may submit the name(s) of eligible person(s) to fill the position(s) pending examination and the establishment of an adequate eligible list. If such person(s) meet(s) the minimum qualifications for the class, such person(s) may be provisionally appointed to fill the existing vacancy or vacancies until an adequate eligible list is established and appointment made therefrom. *Permanent or probationary classified employees are not eligible for provisional appointment.*

No provisional appointment shall be continued for more than thirty calendar days after an adequate list has been established; nor for more than a total of one hundred and eighty calendar days from the date of appointment. Successive provisional appointments shall not be allowed permitted. Appointment shall not confer any privilege, right of appeal, position, transfer, demotion, promotion, re-employment or reinstatement to any classified position, but incumbents shall be eligible for vacation and sick leave and other classified employee benefits.

A period of provisional service shall not constitute a part of the required probationary period, except where such provisional service immediately precedes probationary appointment to the same class by the agency in which the provisional time was worked. In that case, the actual amount of provisional time worked shall constitute a part of the required probationary period and shall be credited up to a maximum of six months.

This rule is intended to implement section 19A.9, The Code.

Any interested persons may make written suggestions or comments on these proposed rules to W.L. Keating, Director, Iowa Merit Employment Department, Grimes State Office Building, East Fourteenth and Grand Avenue, Des Moines, Iowa, no later than September 25, 1980.

The following revisions and new rule are proposed:

ITEM 1. Chapter 19 is revised as follows:

**570—19.1(19A) Personnel administration.** The Iowa State merit system of personnel administration is established and governed by the provisions of chapter 19A of the Code of Iowa, and the rules promulgated thereunder. The operational unit under such authority is the merit employment department through the executive responsibility of the director of Merit Employment. Within the Merit Employment, a The merit employment commission of five members is appointed by the governor subject to the approval confirmation of two-thirds of by the Senate. The commission is non-partisan responsible for duties prescribed by statute and promulgated rules and no more than three members of the Commission may be of the same political party. The Merit Employment department is the central personnel agency responsible for the administration, co-ordination and recommendation of personnel programs set forth in chapter 19A for all aspects of the state's personnel program governing appointments, promotion, layoff, transfer, welfare, discipline, appeal, grievance, salary, classification, selection and leave based on merit principles, equal opportunity and fitness. and its The agency's operational structure is composed of two groups, clerical administration and technical services such divisions as are deemed necessary by the director to carry out the purposes of the Act within the budget funds provided. Information requests, materials submission or requests inquiry concerning any operation or function of the Merit Employment department or the commission should be addressed to the Grimes State Office Building, State Capitol, Des Moines, Iowa 50319. Telephone inquiry contact to the department's units may be made through listings provided in the city of Des Moines' telephone directory or the Iowa capitol complex telephone directory listings.

**570—19.2(19A) Application forms.** The Merit Employment department does not require special forms for any appeal or request for information to the Merit Employment Commission or the Merit Employment department as provided in these rules. Official application forms are provided in these rules, but All appeals and must, however, be in writing. Official application forms are provided by the Merit Employment department and are available from the department, and state agencies and Access centers and of the Employment Security Commission Job Service of Iowa employment offices.

**570—19.3(19A) Declaratory rulings by the Merit Employment Department.**

**19.3(1)** Any person may make written request for a declaratory ruling judgment as to statutory provisions of the merit a Act, rule or other written statement of law, or policy, decision or order of the Merit Employment commission; or the Merit Employment department; the Director or other authorized person.

**19.3(2)** No special form or procedure shall be is required for a request for a declaratory judgment, but The request must state specifically the statutory provision, rule, written statement of law, policy, decision or order concerned, and enough Sufficient information must be presented in the posed question(s) so it may be answered for a completely and accurately response.

## ARC 1312

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 19, General, Iowa Administrative Code.

Chapter 19 is an updating of the entire chapter and addition of a new rule (19.5(19A)) relating to taking merit examinations and interviewing for merit promotions.

## MERIT EMPLOYMENT DEPARTMENT[570] (cont'd)

**19.3(3)** Answers Response to a requests for declaratory judgments will be made within seven fourteen working days of the date of receipt of the request by the department, unless necessary research requires an additional period of time the request must be answered by the Merit Employment Commission. In the latter instance the request will be presented to the Merit Employment Commission at their next regularly scheduled meeting and answer will be made within five working days following that Merit Employment Commission meeting. If delay it is necessary, the request be presented to the Merit Employment Commission; the petitioner will be notified of the expected date of response such action.

**19.3(4)** Declaratory rulings made by the Merit Employment Department, the Merit Employment Commission, the Director or other authorized person shall have the same status as a decision or order in a contested case.

**570—19.4(19A) Petition for promulgation, amendment, revision or repeal of a merit rule.**

**19.4(1)** Any person may petition the merit employment commission or the director requesting the promulgation, amendment, revision or repeal of a merit department rule.

**19.4(2)** No special form shall be is required for such petition necessary, but the following shall be is required for consideration.

a. The petition shall be in writing.

b. The Proposed promulgation, amendment, revision or repeal petition shall be specific and detailed be set forth sufficiently so the proposal can be accurately understood. A promulgation, amendment or revision The petition shall be submitted in the department's rule form as with other merit rules. and General statements will not be entertained.

c. An explanatory statement of the reason(s) for the proposed promulgation, amendment, revision or repeal shall accompany each petition.

d. More than one petition may be submitted at any given time, but each must comply with this subrule, paragraphs "b" and "c".

**19.4(3)** Within sixty calendar days after the receipt of a the petition at the department, the Merit Employment Commission or the director shall:

a. Deny the petition in writing on the merits stating the reasons for the denial, or;

b. Initiate rule making proceedings in accordance with section 17A.4 of the Code of Iowa.

ITEM 2. Chapter 19 is amended by an addition of a proposed new rule as follows:

**570—19.5(19A) Taking merit examinations and interviewing for merit promotions.**

**19.5(1)** With prior supervisory approval classified employees may be granted time off without pay to take merit examinations during their regularly scheduled work hours. Employees may elect to use vacation or earned compensatory time.

**19.5(2)** With prior supervisory approval classified employees may be granted paid work time for attending interviews during scheduled work hours for jobs within their department. For departments which have state-wide operations, the appointing authority may restrict paid work time to interviews within their central office complex, institution, county or district office. A reasonable time limit for interviews may be designated by the appointing authority. For jobs outside the department, central office complex, institution, county or district

office, if so determined and designated by the appointing authority, employees may be granted time off without pay, vacation leave or earned compensatory leave during regularly scheduled work hours.

**19.5(3)** Employees shall not be granted vacation leave or compensatory leave for taking merit examinations or attending interviews outside their regularly scheduled work hours.

**19.5(4)** The use of state vehicles, mileage reimbursement or per diem is not authorized by this subrule for taking merit examinations or for attending interviews.

**19.5(5)** Appointing authorities shall promulgate, publish and post their regulations for their employees in accordance with this subrule.

These rules are intended to implement section 19A.9, The Code.

## ARC 1305

### PHARMACY EXAMINERS[620]

#### 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 155.19, The Code, the Iowa Board of Pharmacy Examiners hereby gives Notice of Intended Action to amend chapter 1, "Licensure", Iowa Administrative Code. The proposed amendments were approved during the July 29, 1980, meeting of the Iowa Board of Pharmacy Examiners.

The proposed amendment increases examination fees and does not allow refunds to be made for cancellations occurring later than thirty days prior to the examination date.

Any interested person may submit data, views, and arguments in writing on these proposed amendments on or before September 23, 1980, to Norman C. Johnson, Executive Secretary, Board of Pharmacy Examiners, 217 Jewett Building, Des Moines, Iowa 50319.

This rule is intended to implement section 147.94, The Code.

The following amendments are proposed.

Rule 620—1.2(147) is amended to read as follows:

**620—1.2(147) Examination fee.** The fee for examination shall be sixty dollars. and is to accompany the application. After June 1, 1981, the fee will be one hundred dollars. Fees shall accompany the application. No refunds will be made for cancellations occurring later than thirty days prior to the examination date.

This rule is intended to implement section 147.94, The Code.

**ARC 1306****PHARMACY EXAMINERS[620]  
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 155.19, The Iowa Board of Pharmacy Examiners hereby gives Notice of Intended Action to amend chapter 1, "Licensure," Iowa Administrative Code. The proposed amendments were approved during the July 29, 1980, meeting of the Iowa Board of Pharmacy Examiners.

The proposed amendments will correct sections of chapter 1 which deal with examination subjects and will add a section to allow for the transfer of examination scores from another state board of pharmacy.

Any interested person may submit data, views, and arguments in writing on these proposed amendments on or before September 23, 1980, to Norman C. Johnson, Executive Secretary, Board of Pharmacy Examiners, 217 Jewett Building, Des Moines, Iowa 50319.

This rule is intended to implement section 155.5, The Code.

The following amendments are proposed.

ITEM 1. Strike all of subrule 620—1.13(1) and insert in lieu thereof the following:

**1.13(1)** *Applicants shall be administered the National Association of Boards of Pharmacy (NABP) Licensure Examination (NABPLEX) or its equivalent as determined by NABP.*

ITEM 2. Subrule 620—1.13(3) is amended to read as follows:

**1.13(3)** ~~Annual~~ Examinations on Iowa drug laws and federal drug laws shall be given to each applicant before the issuance of any license to practice pharmacy.

ITEM 3. Add rule 620—1.14(155) as follows:

**620—1.14(155) Transfer of exam scores.**

**1.14(1)** The board of pharmacy examiners will accept NABPLEX scores transferred from another state board of pharmacy through NABP in lieu of the applicant taking NABPLEX in Iowa if the applicant is not licensed as a pharmacist in another state and the grades are transferred within one year of the applicant's taking NABPLEX.

**1.14(2)** A \$25.00 fee will be charged when NABPLEX scores are transferred. In addition, the current renewal fee will be charged at the time of licensure.

This rule is intended to implement section 155.5, The Code.

**ARC 1307****PHARMACY EXAMINERS[620]  
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 155.19, The Code, the Iowa Board of Pharmacy Examiners hereby gives Notice of Intended Action to amend chapter 4, "License Fees, Renewal Dates, Fees for Duplicate Licenses and Certification of Grades," Iowa Administrative Code. The proposed amendments were approved during the July 29, 1980, meeting of the Iowa Board of Pharmacy Examiners.

The proposed amendments will implement a two-year licensing period for pharmacists.

Any interested person may submit data, views, and arguments in writing on these proposed amendments on or before September 23, 1980, to Norman C. Johnson, Executive Secretary, Board of Pharmacy Examiners, 217 Jewett Building, Des Moines, Iowa 50319.

This rule is intended to implement section 147.94, The Code.

The following amendments are proposed.

Rule 620—4.1(147) is amended to read as follows:

**620—4.1(147) Renewal date and fee—late application.** *Effective July 1, 1981, license to practice pharmacy shall expire on the second thirtieth day of June following the date of issuance of the license. The license renewal form shall be issued upon payment of a ~~thirty~~ sixty dollar fee. Exception: Pharmacists whose last name begins with the initials A through M will be issued a one-year license on July 1, 1981, and shall pay a fee of thirty dollars for that one-year license and thereafter on the second thirtieth day of June following the date of issuance shall pay a fee of sixty dollars per renewal period.*

*Failure to renew the license within thirty days after expiration shall require a renewal fee of ~~thirty-five~~ one hundred dollars. Those receiving a one-year license on July 1, 1981, who fail to renew within thirty days after expiration shall pay a renewal fee of fifty dollars.*

This rule is intended to implement section 147.94, The Code.

## ARC 1304

### PHARMACY EXAMINERS[620]

#### 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 155.19, The Code, the Iowa Board of Pharmacy Examiners hereby gives Notice of Intended Action to amend chapter 6, "Minimum Standards for the Practice of Pharmacy." The proposed amendments were approved during the July 29, 1980, meeting of the Iowa Board of Pharmacy Examiners.

The proposed amendments will implement a two-year continuing education requirement.

Any interested person may submit data, views, and arguments in writing on these proposed amendments on or before September 23, 1980, to Norman C. Johnson, Executive Secretary, Board of Pharmacy Examiners, 217 Jewett Building, Des Moines, Iowa 50319.

This rule is intended to implement section 258A.2, The Code.

The following amendments are proposed.

ITEM 1. Rule 620—6.8(67GA,SF312) is amended to read as follows:

**620—6.8(67GA,SF312) Continuing education requirements as a condition to for license renewal.**

ITEM 2. Subrule 6.8(2) is amended to read as follows:

**6.8(2) Continuing education unit required.** The nationally accepted measurement of continuing education is referred to as CEU (Continuing Education Unit) and will be the measurement employed by the board of pharmacy examiners. ~~There must be ten contact hours of approved continuing education to equal~~ *are equivalent to one CEU.* The board of pharmacy examiners will require 1.5 CEU for the period of January 1, 1978 to July 1, 1979, and ~~thereafter~~ *after July 1, 1981, will require 1.5 3.0 CEU each fiscal year renewal period. Exception: Those pharmacists who receive a one-year license on July 1, 1981, will require 1.5 CEU for renewal of their license on July 1, 1982, and thereafter will require 3.0 CEU for each renewal period.*

ITEM 3. Subrule 6.8(5) is amended to read as follows:

**6.8(5) New license holders registered by examination.** After the initial license is issued, the *new* license holder is exempt from meeting CE requirements for the first license renewal. Regardless of when license is first issued, the *new* license holder will be required to obtain ~~fifteen~~ *thirty* contact hours (3.0 CEU) of CE credits prior to the second renewal.

ITEM 4. Subrule 6.8(6) is amended to read as follows:

**6.8(6) Notification of pharmacists who have not turned in CE credits or those who have not completed the required CE credits for the year renewal period will be as follows:**

a. First notice of renewal will be mailed on May 1. This notice will list CE hours credited to licensee and indicate the amount needed by July 1: ~~of each year.~~

b. Pharmacists who have not submitted required CE credits by July 1 ~~of each year~~ will be issued a renewal card

marked "inactive," upon submission of renewal application and fee.

c. If a pharmacist chooses to become inactive at the time of license renewal, he/*she* may so state. The license renewal form will carry a field for this designation.

d. Inactive pharmacists who wish to become active must complete one-month internship for each year they were on inactive status. Internship will be in a pharmacy approved by the board. Pharmacists will be issued a temporary "intern" card specifying the condition of internship.

ITEM 5. Subrule 6.8(9) is amended to read as follows:

**6.8(9) Physical disability or illness.** The board may, in individual cases involving physical disability or illness, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time shall be granted unless written application therefor shall be made ~~on forms provided by the board~~ and signed by the licensee and a physician licensed by the board of medical examiners. Waivers of the minimum educational requirements for physical disability or illness may be granted by the board for any period of time not to exceed one ~~year~~ *renewal period.* In the event that the physical disability or illness upon which a waiver has been granted continues beyond the period of the waiver, the licensee must reapply for an extension of the waiver. The board may, as a condition of any waiver granted, require the applicant to make-up a certain portion of all of the minimum educational requirements waived by such methods as may be prescribed by the board.

ITEM 6. Add subrule 6.8(10) as follows:

**6.8(10) New license holders registered by reciprocity.** *After the initial license is issued, the new license holder by reciprocity will be required to obtain thirty contact hours (3.0 CEU) of CE credits prior to the first renewal period.*

This rule is intended to implement section 258A.2, The Code.

## ARC 1321

### PUBLIC INSTRUCTION, DEPARTMENT OF[670]

#### 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 authority of section 257.10(11), The Code, the Iowa Department of Public Instruction hereby gives Notice of Intended Action to adopt rules regarding the approval of graduate teacher education programs leading to certification, endorsement or approval.

Any interested person may make written suggestions or comments on these proposed rules prior to October 6, 1980. Such written material should be directed to the Director, Teacher Education and Certification Division,

## PUBLIC INSTRUCTION, DEPARTMENT OF [670] (cont'd)

Iowa Department of Public Instruction, Grimes State Office Building, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the Director, Teacher Education and Certification Division at (515) 281-3245 or in the office of teacher education and certification on the third floor of the Grimes State Office Building. Also, there will be a public hearing on Friday, October 3, 1980, at 9:30 a.m. in the state board conference room on the second floor of the Grimes State Office Building. Persons may present their views either orally or in writing at this public hearing. Persons who wish to make oral presentations at the public hearing should contact the Director, Teacher Education and Certification Division at least one day prior to the date of the hearing.

These rules are intended to implement section 257.10(11), The Code.

The following rules are proposed:

## CHAPTER 20

STANDARDS FOR GRADUATE  
TEACHER EDUCATION PROGRAMS

**670—20.1(257) Definitions.** For purposes of clarity, the following definitions are used throughout the chapter.

**20.1(1)** State board means Iowa state board of public instruction.

**20.1(2)** Superintendent means state superintendent of public instruction.

**20.1(3)** Department means state department of public instruction.

**20.1(4)** Institution means a college or university in Iowa offering graduate study and which is seeking state board approval of its graduate teacher education program(s).

**20.1(5)** Unit means the organizational entity within an institution with the responsibility of administering the graduate teacher education program(s).

**20.1(6)** Graduate teacher education programs means the graduate programs of teacher education leading to certification.

**20.1(7)** Program means a specific field of specialization leading to a specific endorsement or an approval area.

**670—20.2(257) Authority.** Graduate teacher education programs in Iowa are subject to approval by the state board as provided in section 257.10, subsection 11, The Code.

**670—20.3(257) Institutions affected.** All Iowa colleges and universities offering graduate study and which are seeking state board approval of their graduate teacher education programs shall meet the standards contained in this chapter.

**670—20.4(257) Criteria for graduate teacher education programs.** Each institution seeking approval of its graduate teacher education programs shall file evidence of the extent to which it meets the standards contained in this chapter by means of a self-evaluation report.

Such filing shall include the specific program or curricular pattern designed to meet the requirements and the teaching privileges or services to be authorized for each endorsement and shall specify the courses or competencies that students must complete or exhibit and the standards which must be attained as a condition for being recommended for certification or endorsement(s) or approval(s). Each program for which approval is sought must be submitted for review and approval by the state board.

The self-evaluation shall include a definition of the scope and limitations of the graduate program offerings and services, indicating the basic level, whether it is pre-kindergarten-kindergarten, elementary, secondary, elementary-secondary, or postsecondary.

After the state board has approved the specific programs filed by an institution, students who complete such programs and are recommended by an authorized official of that institution will be issued the appropriate certificate bearing one or more teaching or specific service endorsements, and also, where applicable, approval indicating the subject or areas of approval.

**670—20.5(257) Approval of graduate teacher education programs.** The superintendent shall base his recommendations to the state board for approval of graduate teacher education programs on a study of the factual and evaluative evidence on record about each program in terms of the standards contained in this chapter.

Approval, if granted, shall be for a term of five years; however, approval for a lesser term may be granted by the state board if it determines conditions so warrant.

If approval is not granted, the applying institution will be advised concerning the areas in which improvement or changes appear to be essential for approval. The institution may reapply at its discretion when it is ready to show what actions have been taken along the lines of suggested improvement.

**670—20.6(257) Visiting teams.** Upon application or reapplication for approval, a team shall visit each institution for evaluation of its graduate teacher education programs. The membership of the team shall be selected by the teacher education and certification division with the concurrence of the institution being visited. The team may include faculty members of other teacher education institutions within or outside the state, personnel from the elementary and secondary schools, to include classroom teachers, personnel of the department, representatives from professional education organizations, and students in graduate teacher education programs from other than the institution being visited. Each team member should have appropriate competencies, background, and experience to enable the member to contribute to the evaluation effort. The expenses for the visiting team shall be borne by the department.

**670—20.7(257) Periodic report.** Each institution shall keep its graduate teacher education programs under continuous, faculty-wide review. Institutions placed on the approved programs list will be asked to make periodic reports upon request of the department which shall provide basic information necessary to keep the records of each graduate teacher education program up to date.

**670—20.8(257) Re-evaluation of graduate teacher education programs.** An institution shall file a self-evaluation of its graduate teacher education programs at any time deemed necessary by the superintendent. Any action for continued approval or rescission of approval shall be approved by the state board.

**670—20.9(257) Approval of program changes.** Upon application by an institution, the superintendent is authorized to approve minor additions or changes within the institution's approved graduate teacher education programs. When an institution proposes major revisions in one or more of its approved programs, or a revision which exceeds the primary scope of its graduate teacher education programs, such revisions shall become operative only after having been approved by the state board.

## PUBLIC INSTRUCTION, DEPARTMENT OF [670] (cont'd)

**670—20.10(257) Purposes and objectives.** The unit seeking approval of its graduate teacher education programs shall have defined statements of purposes and objectives. These objectives shall be consistent with the overall objectives of the institution.

**670—20.11(257) Organization.**

**20.11(1) Control.** Overall control of the institution shall reside in a board or an otherwise designated body.

Institutions shall present evidence that the board is fulfilling its responsibility in providing policy, facilities, and faculty for graduate teacher education programs.

**20.11(2) General administration.** The institution shall be under the direction of an administrative officer.

**20.11(3) The unit.** Responsibility for assuring the quality of the various graduate teacher education programs within an institution shall be centralized and vested in a single designated administrative unit. Although aspects of this responsibility may be shared with appropriate units or committees, responsibility shall be unified, specific, widely understood, and the administrative unit shall be generally accessible.

The provisions for communication, co-operation, and co-ordination shall be clear in institutions operating several programs.

**20.11(4) Finances.** Financial resources shall be available to support the scope of the graduate teacher education programs.

**20.11(5) Extended services.** Institutions offering extended services for graduate teacher education programs including summer sessions, evening and weekend programs, off-campus extension, and correspondence courses, shall provide the resources necessary for conducting such programs.

**670—20.12(257) Students.**

**20.12(1) Admission to the institution.** The institution shall comply with its announced entrance requirements.

**20.12(2) Admission to and retention in graduate teacher education programs.** There shall be announced and written policies by which students apply for, are admitted to, and are retained in graduate teacher education programs.

**20.12(3) Evaluation.** The unit shall design and implement a plan for continuous evaluation of students as they progress through the graduate teacher education programs. Measures of academic ability, observation by faculty in courses, laboratory field experiences, and other modes of appraisal should be utilized to assess specific strengths and weaknesses as they affect the programming for students, their retention within the graduate teacher education programs, and their readiness to assume the professional role for which they are preparing.

**20.12(4) Advisory service.** Graduate students in teacher education shall have available to them advisory services. The advisory system for students in graduate teacher education programs shall reflect attention to individual student potentialities.

**20.12(5) Student records.** The unit shall maintain a system of student records for those enrolled in graduate teacher education programs.

**20.12(6) Students participation in graduate teacher education programs.** Students enrolled in graduate teacher education programs shall have the opportunity to express at least annually their views regarding such programs. Clear lines of communication must be open for student input affecting the development and evaluation of the graduate teacher education programs.

**20.12(7) Residence requirement.** The residence requirement shall be appropriate to the objectives of the programs in which they apply.

**670—20.13(257) Faculty.**

**20.13(1) Faculty competence.** The collective competence and background of the graduate faculty in teacher education shall include a balance of theory, knowledge of current practices in program areas offered, and actual experiences for which students are being prepared.

The institution shall have written policies of selection, retention, and promotion of personnel.

**20.13(2) Part-time faculty.** The part-time faculty in graduate teacher education programs shall be identified as such. Part-time faculty shall meet the requirements for appointment to the full-time faculty or shall be employed on a proportionate basis when they can make a contribution to the graduate teacher education programs.

The unit shall monitor the use of part-time faculty in order to prevent the fragmentation of instruction in graduate teacher education programs.

**20.13(3) Service load of faculty.** The total service load of the faculty in graduate teacher education shall not exceed other units in the institution and should be interpreted to include not only regular instruction but also extension teaching, committee assignments, supervisory responsibilities in connection with research advisement, independent study, advisory and consultative services, testing, and guidance services.

**20.13(4) Instruction.** The unit shall evaluate instruction systematically. Appraisal of the graduate teacher education faculty shall be made in terms of instructional competence to provide the programs for which approval is being sought.

**670—20.14(257) Facilities.**

**20.14(1) Library.** The library shall serve as the principal resource center for the instruction, research, and other services pertinent to the graduate teacher education programs. Administrative procedures and equipment shall conform to accepted media practices, including cataloguing methods, and adequate hours of accessibility. The library shall be administered by professionally prepared personnel.

**20.14(2) Instructional materials center.** A materials laboratory or center shall be maintained either as part of the library or as a separate entity. It shall be open to students as a laboratory of materials for instruction and supervision and shall be administered by professionally prepared personnel.

**20.14(3) Other resources.** Classrooms, offices, clerical assistance, equipment and other resources essential for graduate teacher education programs shall be available to support the scope of the programs offered.

**670—20.15(257) Curriculum.**

**20.15(1) Development, evaluation and revision.** Responsibilities for the administration of a continuing program of curriculum development, evaluation, and revisions for graduate teacher education programs shall be centralized in a designated administrative unit.

The process of curriculum development for the various graduate teacher education programs shall make provision for enlisting the co-operation and participation of representatives of local school systems, college teachers in fields related to the area of specialization, professional associations, and appropriate committees.

## PUBLIC INSTRUCTION, DEPARTMENT OF[670] (cont'd)

**20.15(2) Planning.** Planning shall make clear the provisions for assuring scholarship in depth appropriate to the announced level. Each program shall provide for maintaining the quality of scholarship.

**20.15(3) Breadth.** Programs shall provide sufficient breadth of coverage to enable the student to develop supporting and related competencies and insights in addition to a major emphasis.

**20.15(4) Supervised experiences.** Programs designed for the development of initial competence in teaching or in an area of educational specialization shall include a program of supervised practical experience in the functions for which the student is being prepared or in lieu thereof, equivalent experiences as judged by the institution.

**20.15(5) Flexibility.** Each program shall have sufficient flexibility to permit adaptation to the individual backgrounds and objectives of the students.

**20.15(6) Guidelines.** Programs shall be designed to meet the guidelines established by the state board. These guidelines will be based on current practices and recommendations of professional organizations representing the area of specialization as well as recommendations of recognized professional education specialists in higher education programs leading to certification.

**20.15(7) Objectives.** Each program shall be built upon a statement of purposes and objectives of teaching/serving in the area of the school curriculum.

**20.15(8) Course content or competencies.** Each program shall be built on a statement of the courses or competencies needed by persons to teach or to serve in the appropriate area of the school program or curriculum. These courses or competencies shall include attitudes, knowledges, understanding and skills that are required, and the degree of expertise necessary.

**670—20.16(257) Evaluation of graduates.** There shall be a continuous program of evaluation which provides for a systematic follow-up of graduates of programs to determine the adequacy of their preparation and their competence as professionals.

This rule is intended to implement section 257.10(11), The Code.

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 September 26, 1980.

This rule is intended to implement section 17A.22, The Code.

Rule 770—7.14(217) is amended to read as follows:

**770—7.14(217) Limitation of persons attending.** The hearing shall be limited in attendance to the following persons: ~~other than the Appellant, appellant's representative, and such witnesses as the appellant may wish to present.~~ *agency employees, agency's legal representatives, other persons present*

**7.14(1) Worker.** The local office worker responsible for the case.

**7.14(2) Supervisor.** The supervisor of such worker.

**7.14(3) Administrator.** The local office administrator.

**7.14(4) Board of welfare.** A member of the county board of social welfare.

**7.14(5) County attorney.** The county attorney or assistant county attorney.

**7.14(6) Board of supervisors.** A member of the county board of supervisors.

**7.14(7) District administrator.** The district office administrator or designee.

**7.14(8) Others.** Such other persons as may be specifically authorized to attend for the purpose of offering testimony pertinent to the issues in controversy, and others upon mutual agreement of the parties. The hearing officer may sequester witnesses during the hearing.

Nothing in this rule shall be construed to allow members of the press, news media, or any other citizens' group to attend the hearing without the written consent of the appellant on form PA-3160-0, Acknowledgement and Waiver.

**ARC 1331****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 217.6, The Code, the Department of Social Services is proposing to amend rules appearing in the IAC relating to fair hearings and appeals (chapter 7). The rule eliminates members of county boards of supervisors and social welfare from attendance at hearings unless they are present for the purpose of offering pertinent testimony and clarifies language regarding attendance of others.

**ARC 1298****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 249.4, The Code, the Department of Social Services proposes amending rules appearing in the IAC relating to state supplementary assistance (chapter 50). These rules specify where and how applications for state supplementary assistance are made.

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 September 26, 1980.

These rules are intended to implement section 249.4, The Code.

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

Subrules 50.2(2) and 50.2(3) are amended to read as follows:

**50.2(2)** Any person applying for payment for a protective living arrangement or payment for a dependent relative shall make application for supplemental security income ~~and state supplementary assistance~~ at the social security administration district office. The local office of the department of social services shall certify to the social security administration as to the propriety of the living arrangement or the status of the dependent.

**50.2(3)** Any person applying for payment for residential care or dependent person allowance shall make application at the local office of the department of social services. *Any person applying for payment for a protective living arrangement or in-home-health related care, whose income exceeds supplemental security income payment standards, shall make application at the local office of the department of social services. The application shall be made on the Application for Medical Assistance or State Supplementary Assistance, PA-1107-0, provided by the department.*

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 charges 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. Requests for prior approval shall be made on 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.

EDITOR'S NOTE: An amendment scheduling public hearings on this rule will be published in the September 17, 1980, Iowa Administrative Bulletin.

## ARC 1332

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 proposes the following changes to rules of the Department of Social Services appearing in the IAC relating to medical assistance (chapter 78). These rules are cost containment measures as specified by the legislature in 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 September 26, 1980.

These rules are intended to implement section 249A.4, The Code. These rules were filed emergency and are published as ARC 1187 on July 23, 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.*

**ARC 1333****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 proposes the following changes to rules of the department of social services appearing in the IAC relating to medical assistance (chapter 79). These rules are cost containment measures as specified by the legislature in 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 September 26, 1980.

These rules are intended to implement section 249A.4, The Code. These rules were filed emergency and are published as ARC 1188 on July 23, 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.

**EDITOR'S NOTE:** An amendment scheduling public hearings on this rule will be published in the September 17, 1980, Iowa Administrative Bulletin.

**ARC 1334****SOCIAL SERVICES  
DEPARTMENT[770]****AMENDED NOTICE OF  
INTENDED ACTION—HEARING**

Pursuant to the authority of section 232.142(5), The Code, the Department of Social Services amends the Notice of Intended Action on proposed rules relating to county and multicounty juvenile detention homes and county and multicounty juvenile shelter care homes (chapter 105).

Notice of Intended Action regarding these rules was published as ARC 1221, July 23, 1980. This amendment adds the dates of public hearings.

Oral presentations according to 770—chapter 3 may be made at:

Davenport      Wednesday, September 24, 1980, 3:30 p.m.  
Bi-Centennial Building  
5th Floor, Conference Room 3  
428 Western Avenue

Des Moines      Wednesday, September 24, 1980, 1:30 p.m.  
District Office Conference Room  
3609½ Douglas Avenue

**ARC 1295****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 general provisions for social services (chapter 130). These rules provide a waiting list for 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 September 26, 1980.

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

Subrule 130.6(1) is amended to read as follows:

**130.6(1) Determine eligibility.**

a. *When an individual has been determined eligible for a Title XX service by a department worker and that service is currently unavailable, the individual's name may be placed on a waiting list for a period not to exceed sixty days from the date of determination of eligibility. As the service becomes available, it shall be provided to clients in the following order:*

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

(1) Clients needing service because of a life threatening situation.

(2) Clients needing service because of a short-term emergency situation, according to the emergency and the date of determination of eligibility.

(3) Clients needing service to prevent institutionalization according to the date of determination of eligibility.

(4) The remaining clients, according to the date of determination of eligibility.

b. When a client has been assessed, determined eligible for a service, placed on a waiting list for sixty days and the service is still not available, the client shall not be reassessed and again placed on a waiting list for the same service. The client must be served at the completion of the sixty-day waiting period.

**ARC 1335****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 foster care services (chapter 136). These rules change the implementation clauses and allow shelter care facilities to provide foster care 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 September 26, 1980.

These rules are intended to implement section 234.6(6)"b", The Code.

ITEM 1. In the implementation clauses, change the references to section 234.6(7)"b" to section 234.6(6)"b" throughout the chapter [chapter 136].

ITEM 2. Subrules 136.1(5) and 136.1(8) are amended to read as follows:

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

**136.1(8)** "Person" or "agency" shall mean individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of the department, who are licensed by the department as a foster family home, child caring agency or child placing agency, or approved as a shelter care facility.

**ARC 1336****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 234.38, The Code, the Department of Social Services proposes amending rules appearing in the IAC relating to payments for foster care (chapter 137). This rule would allow reimbursement of the medical copayment made for a foster child.

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 September 26, 1980.

This rule is intended to implement section 234.39, The Code.

Rule 770—137.8(234) is amended by adding the following subrule:

**137.8(4)** Medicaid copayment. When a family or agency caring for a child in foster care incurs expenses for the child's medical care as a result of copayment charges for medical assistance services, such expenses may be reimbursed. Claims for \$1.00 or more shall be submitted to the worker quarterly or at the end of the child's placement with that family or agency. The family or agency shall keep the receipts for these expenses for three years or until audit, whichever is earlier.

**ARC 1337****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 234.38, The Code, the Department of Social Services proposes amending rules appearing in the IAC relating to payments for foster care (chapter 137). This rule allows shelter care facilities to be paid for emergency foster care and distinguishes between family and group homes.

Consideration will be given to written data, views, and arguments thereto, received by the Bureau of Policy, Research, and Analysis, Department of Social Services,

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

Hoover State Office Building, Des Moines, Iowa 50319, on or before September 26, 1980.

This rule is intended to implement section 234.38, The Code.

Rule 770—137.11(234) is amended to read as follows:

**770—137.11(234) Emergency care.** Each district shall have facilities to provide twenty-four-hour emergency foster care. Emergency care shall not exceed thirty days in one six-month period, and the facility's policy may limit placement to less than thirty days. ~~Two opinions~~ The following options shall be available for funding such facilities emergency care for each district:

**137.11(1) Facilities Foster family homes** designated to maintain beds for emergency care shall receive a subsidy of fifty dollars per month per bed. ~~When emergency care is approved by the department such payment shall be the same as for regular foster care be paid according to rule 770—137.6(234).~~ In order to assure that there are adequate emergency beds available, such designated homes may be paid a subsidy of fifty dollars per month per bed. No such emergency care facility shall be approved for more than five beds under subsidy.

**137.11(2) Facilities Foster family homes** may be designated to provide emergency care and may be paid on a daily rate per child when a child is placed. Rates for such children shall be:

Age of Child	Rate
Age 0-11	\$10 per day (\$300 per month)
Age 12 and over	\$17 per day (\$510 per month)

**137.11(3) Public and private agency group facilities and approved juvenile shelter care facilities** may be designated to provide emergency care and shall be paid according to rule 770—137.9(234).

This rule is intended to implement section 234.38, The Code.

## ARC 1299

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 217.6 and chapter 600, The Code, the Department of Social Services proposes amending rules appearing in the IAC relating to adoption services (chapter 139). The rules clarify the role of the adoption investigator and provide for the disposition of adoption records to assure maintenance and confidentiality of records. The department has two proposals for the disposition of adoption records, either destruction or transmittal to the department, and would like comments on which alternative is the most appropriate.

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 September 26, 1980.

These rules are intended to implement section 600.2(2), The Code.

Add the following subrules:

**139.4(10) Role of the investigator.** An adoption investigator is authorized to provide:

- A preplacement investigation of the proposed adoptive family.
- An investigation of the child to be adopted and the child's background.
- A postplacement investigation.
- Reports to the court concerning these investigations.
- Reports to the independent placer about these investigations.

**139.4(11) Prohibited activities.** The investigator shall not engage in the following activities:

- Placing a child as an independent placer.
- Recruiting children for placement.

**139.4(12) Records of investigator.** When an investigator ceases activities in the state, all adoption records shall be destroyed.

OR

**139.4(12) Records of investigator.** When an investigator ceases activities in the state, all adoption records shall be sent to the department of social services for preservation.

## NOTICE - USURY

In accordance with the provisions of the Acts of the Sixty-eighth General Assembly, First Session 1979, Senate File 158, the superintendent of banking has determined that the maximum lawful rate of interest provided for in section 535.2, The Code, as amended, shall be:

July 30, 1978 - September 30, 1978	10.25%
October 1, 1978 - December 31, 1978	10.50%
January 1, 1979 - March 31, 1979	10.75%
April 1, 1979 - April 30, 1979	11.00%
May 1, 1979 - May 31, 1979	11.00%
June 1, 1979 - June 30, 1979	11.25%
July 1, 1979 - July 31, 1979	11.25%
August 1, 1979 - August 31, 1979	11.00%
September 1, 1979 - September 30, 1979	11.00%
October 1, 1979 - October 31, 1979	11.00%
November 1, 1979 - November 30, 1979	11.25%
December 1, 1979 - December 31, 1979	12.25%
January 1, 1980 - January 31, 1980	12.75%
February 1, 1980 - February 29, 1980	12.50%
March 1, 1980 - March 31, 1980	12.75%
April 1, 1980 - April 30, 1980	14.50%
May 1, 1980 - May 31, 1980	14.75%
June 1, 1980 - June 30, 1980	13.50%
July 1, 1980 - July 31, 1980	12.25%
August 1, 1980 - August 31, 1980	11.75%
September 1, 1980 - September 30, 1980	12.25%

## ARC 1297

## HEALTH DEPARTMENT[470]

Pursuant to the authority of section 139.9(8), The Code, the State Department of Health adopts the following amendments relating to immunization to chapter 7 of the department's rules found in the IAC.

The department 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 upon filing with the Administrative Rules Coordinator on August 8, 1980, as it confers a benefit on the public to have the rules concerning immunization, which are less restrictive, be effective before school opens in autumn 1980. This will remove the requirement of school applicants receiving vaccinations which are no longer required.

The department adopted this rule August 7, 1980.

The proposed rule was published in the June 11, 1980, Iowa Administrative Bulletin as ARC 1103. No comments have been received. The rule is the same as proposed.

The rule implements section 139.9(8), The Code.

ITEM 1. Amend subrule 7.4(3), paragraph "c", to read as follows:

c. At least one dose of rubeola vaccine received after applicant was at least twelve months of age. ~~Applicants receiving the vaccine after January 1, 1977 shall have been at least fifteen months of age at the time of the immunization;~~ and

ITEM 2. Amend subrule 7.4(3), paragraph "d", to read as follows:

d. At least one dose of rubella vaccine received after the applicant was at least twelve months of age. ~~Applicants receiving the vaccine after January 1, 1977 shall have been at least fifteen months of age at the time of the immunization;~~

ITEM 3. Amend subrule 7.4(4), paragraph "b", to read as follows:

b. At least three doses of trivalent oral polio vaccine. At least one dose of trivalent oral polio vaccine shall have been received after the applicant's fourth birthday. Applicants ~~nineteen~~ *eighteen* years of age and older are exempt from the polio requirement. Persons with a previous history of inactivated polio vaccine should consult with the Iowa state department of health, division of disease prevention, for immunization recommendations; and

ITEM 4. Amend subrule 7.4(4), paragraph "c", to read as follows:

c. At least one dose of rubella vaccine or demonstrate a positive hemagglutination antibody inhibition titer to rubella. Applicants receiving the vaccine shall have been at least twelve months of age at the time of the immunization. ~~Applications receiving the vaccine after January 1, 1977 shall have been at least fifteen months of age at the time of the immunization;~~ Male and female applicants twelve years of age and older and ~~menstruating~~ *menstruating* females less than twelve years of age are exempt from the rubella immunization requirement; and

ITEM 5. Amend subrule 7.4(4), paragraph "d", to read as follows:

d. At least one dose of rubeola vaccine after January 1, 1965. Applicants receiving the vaccine shall have been at least twelve months of age at the time of the immunization. ~~Applicants receiving the vaccine after January 1,~~

~~1977 shall have been at least fifteen months of age at the time of the immunization.~~ The rubeola requirement shall be waived for applicants with a history of rubeola illness diagnosed by a doctor. Male and female applicants twelve years of age and older and menstruating females less than twelve years of age are exempt from the rubeola immunization requirement.

[Filed emergency after notice 8/7/80, effective 8/8/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

## ARC 1340

## HISTORICAL DEPARTMENT[490]

Pursuant to the authority of section 303.5(12), The Code, the Iowa State Historical Department, Division of the State Historical Society, adopts and implements an emergency rule changing rule 5.2(303) of the Iowa Administrative Code reducing the hours that the state historical society of Iowa library is open to the public so that a reduced staff is able to continue an acceptable level of technical processing.

In compliance with section 17A.4(2), The Code, the department finds that public notice and participation is unnecessary because the changed hours will be posted and publicized in the news media to alert the public of the changes and impractical because of the urgency of the change.

The department 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 made effective September 1, 1980. Because of a reduction in library staff caused by a state-wide "hiring freeze" the library must reduce the number of hours it is open to the public. Otherwise the library cannot continue to benefit the public by providing quality reference service including access to new library materials.

The historical department adopted this rule at its regular board meeting on August 13, 1980.

This rule implements section 303.7, The Code.

**490—5.2(303) Library hours.** The state historical society of Iowa library is open to the public Monday through ~~Friday Saturday from 8:00 a.m. to 10:00 a.m. to 4:30 p.m.;~~ *on Saturday from 8:00 a.m. to 12 noon, (except during June, July, and August when it is open from 10:00 a.m. to 4:30 p.m. Monday through Friday and on Saturday from 8:00 a.m. to 12 noon); and 6:00 p.m. to 9:00 p.m. the last Tuesday of each month. The library is closed on all official state holidays.*

[Filed emergency 8/15/80, effective 9/1/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

**ARC 1341****HISTORICAL DEPARTMENT[490]**

Pursuant to the authority of section 303.5(12), The Code, the Iowa State Historical Department, Division of the State Historical Society adopts and implements an emergency rule changing rule 5.12(303) of the Iowa Administrative Code redefining the hours during which the manuscript collection is available for public use.

In compliance with section 17A.4(2), The Code, the department finds that public notice and participation is unnecessary because the changed hours will be posted and publicized in the news media to alert the public of the changes and impractical because of the urgency of the change.

The department 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 made effective September 1, 1980. To avoid confusing the public by bringing the manuscript collection hours in line with library hours and providing access to presently unprocessed materials through increased staff time spent on processing, this rule change is necessary and will benefit the public.

The Historical Department adopted this rule at its regular board meeting on August 13, 1980.

This rule implements section 303.6, The Code.

**490—5.12(303) Hours for the use of manuscript collection.** The manuscript collection of the division of the state historical society is open for the use of researchers ~~8:00 a.m.~~ 10:00 a.m. to 4:30 p.m.; Monday through Friday. *If prior arrangements are made, manuscript materials may be used by the public in the state historical society of Iowa library during the additional hours that it is open.* All users are subject to the regulations set forth in 5.16(303).

[Filed emergency 8/15/80, effective 9/1/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

**ARC 1313****REGENTS, BOARD OF[720]**

Pursuant to the authority of section 262.9(11), The Code, the Board of Regents amends rules appearing in chapter 7, "Equal Employment Opportunity," chapter 10, "Records Management," chapter 11, "Board of Regents Administrative Procedures," chapter 12, "University of Iowa Procedures," chapter 13, "Iowa State University of Science and Technology Procedures," chapter 15, "Iowa Braille and Sight Saving School," and chapter 16, "Iowa School for the Deaf," Iowa Administrative Code. The amendments (1) provide the current address for the board of regents office; (2) correct an error in which the term "Iowa Administrative Code" is used in place of "Iowa Administrative Bulletin;" and (3) correct a statement that an oral presentation regarding the proposed adoption of a rule may be scheduled not less than ten days after notice in the Iowa Administrative Bulletin, giving the limitation of twenty days as specified in 17A.4(1)"b". The board of regents finds that notice and public participation are unnecessary, since the office location and correction of the errors are noncontroversial. Therefore, these rules are filed without notice pursuant to section 17A.4(2), The Code. These rules confer a benefit to the public by providing accurate information, and therefore shall be effective August 15, 1980, as provided in section 17A.5(2)"b"(2), The Code. These rules were adopted August 11, 1980, and implement chapter 262, The Code.

ITEM 1. Amend the following listed rules by striking the phrase "Grimes State Office Building" and inserting in lieu thereof the words "Lucas State Office Building:"

7.2(2)"a" line 2

10.3(304) line 4

11.1(4) line 3

12.1(4) line 3

12.10(5) step 4, line 7

13.1(4) line 3

15.1(4) line 3

16.1(4) line 3

ITEM 2. Amend the following rules by striking the words "Iowa Administrative Code" and inserting in lieu thereof the words "Iowa Administrative Bulletin:"

11.4(262) line 4

12.4(262) line 5

13.4(262) line 5

15.4(262) line 5

16.4(262) line 5

ITEM 3. Amend the following rules by striking the word "ten" and inserting in lieu thereof the word "twenty:"

11.4(262) line 4

12.4(262) line 4

15.4(262) line 4

16.4(262) line 4

[Filed emergency 8/13/80, effective 8/15/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

**ARC 1319**  
**TRANSPORTATION,**  
**DEPARTMENT OF[820]**

08 PLANNING AND RESEARCH DIVISION

Pursuant to the authority of section 306.6, subsection (2), The Code, the state functional classification review board, on July 21, 1980, adopted an emergency amendment to 820—[08,C] chapter 3 entitled "Functional Classification of Highways".

This amendment to the rules for the state functional classification review board eliminates the specified meeting dates and times which have proved impracticable and permits the chairman to establish the dates and times. The minimum schedule of four meetings a year is retained. This amendment is supported by both the Iowa county engineers' association and the league of Iowa municipalities.

This rule amendment is filed in reliance upon the provisions of section 17A.4, subsection (2), The Code, for the reasons as follows: Section 306.6, The Code, as amended by the Acts of the Sixty-seventh General Assembly, 1978 Session, chapter 1108, increased the work load placed on the board by requiring the board to make the final administrative determination for all disputes relative to the transfer of jurisdictions, in addition to the normal work load of classification appeals. Transfers of jurisdiction were scheduled to be resolved by July 1, 1980, but due to the increased work load the transfers are several months behind schedule. The board needs increased flexibility in establishing meeting dates and times to assure the availability of board members and to schedule meetings that will achieve maximum results. The board will continue to provide advance notice of all meetings to the public and

participants. Therefore, the state functional classification review board finds that it is impracticable and contrary to the public interest to delay implementation of this rule amendment by soliciting public input through the notice and public participation requirements of section 17A.4, subsection (1), because such delay would hinder timely resolution of previously filed appeals regarding transfers of jurisdiction, to the detriment of the disputing jurisdictions involved.

In reliance upon the provisions of 17A.5(2)"b"(2), The Code, the state functional classification review board also finds that this rule amendment will confer a benefit on the public because immediate implementation will help to assure timely resolution of filed appeals to the benefit of the disputing jurisdictions involved. Accordingly, this rule amendment shall become effective upon filing with the administrative rules coordinator on August 15, 1980.

This rule amendment is intended to implement chapter 306, The Code.

Pursuant to the authority of section 306.6, subsection (2), The Code, rules 820—[08,C] chapter 3 entitled "Functional Classification of Highways" are hereby amended.

Subrule 3.15(2) is amended to read as follows:

**3.15(2) Meeting times and dates. Meetings dates and times shall begin at 10:30 a.m. on the third Monday of every third month be established by the chairman. Meetings shall be held at least four times each year beginning May 17, 1976.**

[Filed emergency 8/15/80, effective 8/15/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

**ARC 1323**  
**BEER AND LIQUOR**  
**CONTROL DEPARTMENT[150]**

The Iowa Beer and Liquor Control Department, pursuant to the authority of sections 123.21 and 17A.4, The Code, amends chapter 4 of its rules appearing in the Iowa Administrative Code relating to liquor licenses and beer permits.

Chapter 4 entitled "Liquor Licenses—Beer Permits" of the Beer and Liquor Control Department[150] is being amended in the Iowa Administrative Code.

The Iowa Beer and Liquor Control Department adopted, with the approval of the department's council, the amendments to chapter 4 in their final form on Thursday, August 7, 1980. An oral hearing was held for the public on Tuesday, July 1, 1980, in the department's central office. Statements made at the hearing and written comments received were considered by the department before it adopted the amended rules in chapter 4.

The department's notice of intention to amend chapter 4 was published in the Iowa Administrative Bulletin on May 28, 1980, under Notice of Intended Action number ARC 1080.

The adopted amendments to chapter 4 give licensees and permittees more specific information about what their licenses and permits allow them to do.

The amendments to chapter 4 adopted by the department on August 7, 1980, differ from the proposed amendments to chapter 4 published in the Iowa Administrative Bulletin on May 28, 1980, in the following respects:

1. The department, after considering opinions voiced at the public hearing on July 1, 1980, and written material received deleted the requirement in rule 4.13(123) that outdoor areas must be fenced in, and the rule now requires that outdoor areas must be discernible.

2. At the request of the ARRC, the term "our department" was changed to "the department" in subrule 4.18(1).

3. The department, on its own volition, added the introductory phrase "Temporary transfers." to the beginning of subrule 4.18(2).

4. The department, on its own volition, replaced the verb "can" with "may" four times in rule 4.25(123).

5. The department, on its own volition, added the introductory phrase "Native wineries—licensee decals." to the beginning of rule 4.29(123).

6. The department, on its own volition, added the introductory phrase "Persons producing fuel alcohol." at the beginning of rule 4.30(123).

7. The department, on its own volition, deleted the sentence in rule 4.30(123) which read "They must, however, register with the department and send us monthly production reports."

Sections 123.38, 123.30, 123.49, 17A.18, 123.39, 123.27, and 123.56, The Code, are being implemented by the adopted amendments in chapter 4.

The adopted amendments to chapter 4 will be published in the Iowa Administrative Bulletin on September 3, 1980, and will be effective on October 8, 1980.

The following amendments to chapter 4 have been adopted.

ITEM 1. Rule 150—4.13(123) is amended to read as follows:

**150—4.13(123) Outdoor service.** Any licensee or permittee having ~~tables out-of-doors an outdoor, contiguous, discernible area~~ may serve the type of alcoholic liquor or beer permitted by the ~~licensee license or permit at such tables, provided that such tables are immediately adjacent to the indoor premises in the outdoor area.~~ A licensee or permittee, prior to serving in the outdoor area, must file with this department:

1. A new diagram showing the discernible outdoor area.

2. A letter from licensee or permittee telling what dates the outdoor area will be used.

3. A letter from local authority approving the outdoor area.

4. A letter from the insurance and bonding companies acknowledging that the outdoor area is covered by the dramshop insurance policy and the bond.

This rule is intended to implement section 123.38, The Code.

ITEM 2. Rescind all of rule 150—4.18(123) and insert in lieu thereof the following:

**150—4.18(123) Transfer of license or permit to another location.** A liquor license or a beer permit may only be transferred within the boundaries of the local authority which approved the license or permit.

**4.18(1) Permanent transfers.** A person may obtain an application for a permanent transfer from the local authority or the department. The application must be approved by the local authority and sent to the department prior to the transfer. An endorsement from the insurance company holding the dramshop policy listing the new address must be sent to the department prior to the transfer. When the above requirements are met, the department shall issue an amended license or permit showing the new permanent address.

**4.18(2) Temporary transfers.** If the transfer of a license or permit is for the purpose of accommodating a special event or circumstance temporary in nature, the minimum time of transfer is hereby set at twenty-four hours and transfer time shall not exceed seven days. A letter from the local authority granting the temporary transfer must be sent to the department. Temporary transfers cannot be made more than three times a year for any one licensee or permittee. The insurance company holding the dramshop policy must be notified of any change of address.

This rule is intended to implement section 123.30, The Code.

ITEM 3. Chapter 4 is amended by adding rule 4.25(123).

**150—4.25(123) Age requirements.** Persons eighteen and older may hold a liquor license or beer permit. Eighteen-year-old licensees may purchase from and may pick up alcoholic beverages at state liquor stores; persons, who are not licensees, must be nineteen in order to pick up alcoholic liquor at a state liquor store. People eighteen and older may be bartenders, waiters, waitresses, and may serve alcoholic beverages in establishments in which alcoholic beverages and beer are consumed (class "A", "B", and "C" liquor establishments and class "B" beer establishments). People sixteen and older may sell beer in class "C" beer establishments. People must be eighteen or older to work in a state liquor store.

This rule is intended to implement sections 123.30 and 123.49, The Code.

ITEM 4. Chapter 4 is amended by adding rule 4.26(123).

## BEER AND LIQUOR CONTROL DEPARTMENT[150] (cont'd)

**150—4.26(123) Timely filing of renewal beer and liquor applications.** A licensee or permittee who timely files his or her renewal application with the local authority will be able to continue to use his or her permit or license after the permit or license expires. A renewal application is "timely filed" if it is filed with the local authority at least fifteen days before expiration of license or permit unless otherwise defined by the local authority.

This rule is intended to implement section 17A.18, subsection 2, The Code.

ITEM 5. Chapter 4 is amended by adding rule 4.27(123).

**150—4.27(123) Effect of suspension.** Subject to the right to convey a suspended establishment under section 123.39, The Code, no beer or liquor can be consumed in an establishment under suspension.

This rule is intended to implement section 123.39, The Code.

ITEM 6. Chapter 4 is amended by adding rule 4.28(123).

**150—4.28(123) Use of establishment during hours liquor and beer cannot be consumed.** No one, including licensee, permittee, and employees can consume beer or alcohol beverages in their licensed establishment during hours which beer and alcohol cannot be sold. An establishment covered by a liquor license or beer permit can be used as a restaurant or any other lawful purpose during hours which beer or liquor cannot be sold as long as beer or alcohol beverages are not consumed during these hours.

This rule is intended to implement section 123.49, The Code.

ITEM 7. Chapter 4 is amended by adding rule 4.29(123).

**150—4.29(123) Native wineries—licensee decals.** Native wineries who sell wine to liquor licensees for resale in a licensed establishment must collect a fifteen percent IBLCD licensee tax, in lieu of the three percent sales tax, and must affix an IBLCD licensee decal on each bottle sold. The department will keep native wineries supplied with licensee decals. The native wineries will be required to keep a decal ledger listing each licensee making a purchase, the license number, the series of decal numbers used, the dollar amount of liquor purchased, and the amount of licensee tax collected. Each month the native wineries must remit the total amount of the licensee tax collected along with a copy of the licensee decal ledger to the accounting division of the department.

Sales tickets for licensee sales will be maintained by the wineries. These will be used by the department's auditors to reconcile the number of decals used to the number of bottles sold. They will also be used to reconcile total dollar sales to the fifteen percent tax submitted to the department. The sales tickets will be signed by the licensee upon completion of the transaction, with the licensee number being documented on the sales ticket. Wineries violating this rule shall lose their right to receive licensee decals from the department for thirty days.

This rule is intended to implement sections 123.27 and 123.56, The Code.

ITEM 8. Chapter 4 is amended by adding rule 4.30(123).

**150—4.30(123) Persons producing fuel alcohol.** Persons producing fuel alcohol for their own use or to be

sold commercially do not have to obtain a license or permit from the department.

This rule is intended to implement section 123.41, The Code.

[Filed 8/15/80, effective 10/8/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

## ARC 1324

BEER AND LIQUOR  
CONTROL DEPARTMENT[150]

The Iowa Beer and Liquor Control Department, pursuant to the authority of sections 123.21 and 17A.4, The Code, amends chapter 5 of its rules appearing in the Iowa Administrative Code relating to the license and permit division.

Chapter 5 entitled "License and Permit Division" of the Beer and Liquor Control Department[150] is being amended in the Iowa Administrative Code.

The Iowa Beer and Liquor Control Department adopted, with the approval of the department's council, the amendments to chapter 5 in their final form on Thursday, August 7, 1980. An oral hearing was held for the public on Tuesday, July 1, 1980, in the department's central office. Statements made at the hearing and written comments received were considered by the department before it adopted the amended rules in chapter 5.

The department's notice of intention to amend chapter 5 was published in the Iowa Administrative Bulletin on May 28, 1980, under Notice of Intended Action number ARC 1081.

The adopted amendments to chapter 5 tell licensees and permittees when they have to get a new license or permit, a new dramshop, and a new bond.

The amendments to chapter 5 adopted by the department on August 7, 1980, are identical to the proposed amendments to chapter 5 published in the Iowa Administrative Bulletin on May 28, 1980.

Sections 123.31 and 123.92, The Code, are being implemented by the adopted amendments in chapter 5.

The adopted amendments to chapter 5 will be published in the Iowa Administrative Bulletin on September 3, 1980, and will be effective on October 8, 1980.

The following amendments to chapter 5 have been adopted.

ITEM 1. Rescind all of rule 150—5.7(123) and insert in lieu thereof the following:

**150—5.7(123) Change of ownership of a licensed premise, new license or permit required.**

5.7(1) A licensee or permittee must obtain a new license or permit and a new bond and a new dramshop policy whenever one of the following occurs:

- a. When a business is sold or leased to another person.
- b. When a licensee or permittee changes to another form of business, such as: Sole proprietorship to a corporation; a corporation to a sole proprietorship; a sole

## BEER AND LIQUOR CONTROL DEPARTMENT[150] (cont'd)

proprietorship to a partnership; a partnership to a sole proprietorship; a partnership to a corporation; or a corporation to a partnership.

c. When the ownership of fifty percent or more of the stock of a corporation changes.

d. When a partner leaves a partnership or when a new partner is added to a partnership.

e. When a corporation name is changed due to a merger or is voluntarily changed by its owners.

f. Each time an entity obtains a seasonal license or permit.

5.7(2) A new license or permit is not required:

a. When only the trade name of the business is changed.

b. When a corporation has changed ownership of less than fifty percent of the stock. A letter to the department listing the new owner or owners and the amount of stock held by each is required.

c. When a name of a licensee or permittee is changed by marriage, divorce, or other legal proceeding. A letter requesting the name change is required.

d. When a license or permit is transferred to another location within the jurisdiction of the local authority as allowed by rule 150—4.18(123).

This rule is intended to implement section 123.31, The Code.

ITEM 2. Subrule 5.8(1) is amended to read as follows:

**5.8(1)** Current certificate required. It must be issued by a company holding a current certificate of authority from the Iowa insurance commissioner authorizing the company to issue dramshop liability insurance in Iowa or issued under the authority and requirements of sections 515.147 to 515.149, The Code. *The dramshop policy must take effect the day the license or permit takes effect and must run until the expiration date of the license or permit. A new dramshop and a new bond must be provided each time the department issues a new license with a new license number or a new permit with a new permit number.*

This rule is intended to implement section 123.92, The Code.

[Filed 8/15/80, effective 10/8/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

## ARC 1325

BEER AND LIQUOR  
CONTROL DEPARTMENT[150]

The Iowa Beer and Liquor Control Department, pursuant to the authority of sections 123.21 and 17A.4, The Code, amends chapter 6 of its rules appearing in the Iowa Administrative Code relating to advertising.

Chapter 6 entitled "Advertising" of the Beer and Liquor Control Department[150] is being amended in the Iowa Administrative Code.

The Iowa Beer and Liquor Control Department adopted, with the approval of the department's council, the amendments to chapter 6 in their final form on Thursday, August 7, 1980. An oral hearing was held for the public on Tuesday, July 1, 1980, in the department's central office. Statements made at the hearing and written comments received were considered by the department before it adopted the amended rules in chapter 6.

The department's notice of intention to amend chapter 6 was published in the Iowa Administrative Bulletin on May 28, 1980, under Notice of Intended Action number ARC 1082.

The adopted amendments to chapter 6 eliminate outdated advertisement rules.

The amendments to chapter 6 adopted by the department on August 7, 1980, are identical to the proposed amendments to chapter 6 published in the Iowa Administrative Bulletin on May 28, 1980.

Section 123.51, The Code, is being implemented by the adopted amendments in chapter 6.

The adopted amendments to chapter 6 will be published in the Iowa Administrative Bulletin on September 3, 1980, and will be effective on October 8, 1980.

The following amendments to chapter 6 have been adopted.

ITEM 1. Amend subrule 6.1(4), paragraphs "b", "e", and "f", to read as follows:

b. Rescind all of paragraph "b" and reserve for future use.

e. Any statement, design, device or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer. ~~Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."~~

Blank to be filled in with the name of the person making guaranty.

f. Any statement that the product is produced, blended, made, bottled, packed, or sold under, or in accordance with, any authorization, law or regulation of any municipality, county or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government, and, if a municipal, county, state or federal permit number shall not be accompanied by any additional statement relating thereto.

This rule is intended to implement section 123.51, The Code.

ITEM 2. Amend subrule 6.1(5), paragraph "e" to read as follows:

## BEER AND LIQUOR CONTROL DEPARTMENT[150] (cont'd)

e. The code number or price excepting in trade magazines, periodicals or books sent on a direct mail basis to retail liquor licensees for the exclusive use of such licensee only and showing a complete listing of Iowa code numbers, brands and prices offered for sale by the department. The format of all trade magazines, periodicals or books containing prices of alcoholic beverages sold by the department shall be approved by the director prior to publication. No trade magazine, periodical or book containing prices of alcoholic beverages sold by the department, with the exception of the one published by the department, shall in any way use the phrase "official" or "official price list".

This rule is intended to implement section 123.51, The Code.

ITEM 3. Amend subrule 6.1(7) paragraph "f" to read as follows:

f. Picture screen advertising. No advertising of distilled spirits shall be displayed upon the picture screen of any theater.

This rule is intended to implement section 123.51, The Code.

ITEM 4. Rescind all of subrule 6.1(7), paragraph "h", subparagraph (2) and reserve for future use.

ITEM 5. Amend subrule 6.1(8), paragraph "b" to read as follows:

b. Novelty advertising prohibited. No liquor trade name or the name of an alcoholic liquor supplier shall be used in connection with any novelty advertising for use, sale or distribution on retail licensed premises. Such novelty advertising shall include, but not be limited to matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses or similar articles. ~~The foregoing shall not prohibit a retail licensee from listing the brand names and prices of liquor he serves on menus and tents.~~

This rule is intended to implement section 123.51, The Code.

[Filed 8/15/80, effective 10/8/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

## ARC 1326

BEER AND LIQUOR  
CONTROL DEPARTMENT[150]

The Iowa Beer and Liquor Control Department, pursuant to the authority of sections 123.21, and 17A.4, The Code, amends chapter 7 of its rules appearing in the Iowa Administrative Code relating to representatives of distillers.

Chapter 7 entitled "Representatives of Distillers, Rectifiers, Manufacturers, Brewers and Vintners" of the Beer and Liquor Control Department[150] is being amended in the Iowa Administrative Code.

The Iowa Beer and Liquor Control Department adopted, with the approval of the department's council, the amendments to chapter 7 in their final form on Thursday, August 7, 1980. An oral hearing was held for the public on Tuesday, July 1, 1980, in the department's central office. Statements made at the hearing and written comments received were considered by the department before it adopted the amended rules in chapter 7.

The department's notice of intention to amend chapter 7 was published in the Iowa Administrative Bulletin on May 28, 1980, under Notice of Intended Action number ARC 1083.

The adopted amendments to chapter 7 clarify the procedures representatives must follow:

The amendments to chapter 7 adopted by the department on August 7, 1980, differ from the proposed amendments to chapter 7 published in the Iowa Administrative Bulletin on May 28, 1980, in the following respects:

1. At the request of the ARRC, the phrase "or her" was added to modify the noun "designee" in the first sentence of subrule 7.2(1).

2. At the request of the ARRC, the word "thereof" was deleted in the first sentence of subrule 7.2(1).

3. At the request of the ARRC, the word "that" was deleted in the first sentence of subrule 7.2(1).

4. At the request of the ARRC, the word "so" was deleted in the first sentence of subrule 7.2(1).

5. At the request of the ARRC, most of the sentence which begins "No supplier or representative thereof" was retained in subrule 7.2(1).

6. At the request of the ARRC, the phrase "or her" was added to modify the noun "designee" in the last sentence of subrule 7.2(2).

7. At the request of the ARRC, the phrase "located in Des Moines, Iowa" was retained in subrule 7.2(2).

8. At the request of the ARRC, the phrase "at Camp Dodge, Iowa" was retained in subrule 7.3(1), paragraph "d".

9. At the request of the ARRC, the phrase "or her" was added to modify the noun "business" in subrule 7.3(1), paragraph "f".

10. At the request of the ARRC, the phrase "or she" was added to subrule 7.3(1), paragraph "f", subparagraph 2.

Section 123.21, The Code, is being implemented by the adopted amendments in chapter 7.

The adopted amendments to chapter 7 will be published in the Iowa Administrative Bulletin on September 3, 1980, and will be effective on October 8, 1980.

The following amendments to chapter 7 have been adopted.

## BEER AND LIQUOR CONTROL DEPARTMENT[150] (cont'd)

ITEM 1. Subrule 7.2(1) is amended to read as follows:

7.2(1) Solicitation of employees. No supplier of alcoholic beverages, or salesman, agent or representative thereof, shall solicit either in person, by mail or otherwise any employee of the department except the director or his or her designee ~~thereof~~, for the purpose or with the intent of furthering the sale of a particular brand or brands of merchandise as against another brand or brands of merchandise, and ~~that~~ at no time will any supplier or their representative call upon or make contact personally with the department or a member of the department more than four times a year in any one year, unless so requested to do so by the department. No supplier or representative thereof shall give away any alcoholic beverage of any kind or description or anything of value to any person in the employ of the department. ~~except for testing or sampling purposes only.~~ This ~~last~~ provision shall not prevent any contribution to any college, university or any research project for use in combating and studying alcoholism.

This rule is intended to implement section 123.21, subsection 2, The Code.

ITEM 2. Subrule 7.2(2) is amended to read as follows:

7.2(2) Visiting of state stores. No salesman, agent or representative of any supplier shall visit any state liquor store except for the purpose of making a purchase in the usual manner, as any other customer; ~~and such person shall not enter any warehouse or store of the department for the purpose of sales promotion or to secure information regarding inventory or any other matter relating to sales.~~ Any information relative to sales or inventories of their particular brands will be furnished on request by the director or his or her designee at the central offices located in Des Moines, Iowa.

This rule is intended to implement section 123.21, subsection 2, The Code.

ITEM 3. Amend subrule 7.3(1), paragraphs "c", "d", and "f", to read as follows:

c. New listings are made on a ~~quarterly~~ ~~basis~~. ~~February 1, May 1, August 1, and November 1~~ of each year. These dates also include any change in price, alcoholic content, name or formula. The deadline for submission of merchandise for possible listings shall be ~~thirty~~ ~~forty-five~~ days prior to the effective dates shown in this paragraph.

d. All new listings shall be submitted on the proper form "Liquor Vendors Price Quotations", furnished by the department, and shall include freight charges f.o.b. our warehouse at Camp Dodge, Iowa.

f. No supplier shall give away any alcoholic liquor samples of any kind or description at any time in connection with his or her business except ~~alcoholic liquor for testing or sampling purposes; which must be delivered to our warehouse.~~

This rule is intended to implement section 123.21, subsection 2, The Code.

ITEM 4. Amend subrule 7.3(1), paragraph "f", subparagraph (2), to read as follows:

(2) When a distiller wishes to change the formula or price of a brand already listed with the department, he or she must submit new quotations ~~thirty-five~~ ~~forty-five~~ days prior to the effective date which must fall only on February 1, May 1, August 1, and November 1.

This rule is intended to implement section 123.21, subsection 2, The Code.

[Filed 8/15/80, effective 10/8/80]

[Published 9/3/80]

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## ARC 1327

BEER AND LIQUOR  
CONTROL DEPARTMENT[150]

The Iowa Beer and Liquor Control Department, pursuant to the authority of sections 123.21 and 17A.4, The Code, amends chapter 8 of its rules appearing in the Iowa Administrative Code relating to transportation and warehouse.

Chapter 8 entitled "Transportation and Warehouse" of the Beer and Liquor Control Department[150] is being amended in the Iowa Administrative Code.

The Iowa Beer and Liquor Control Department adopted, with the approval of the department's council, the amendments to chapter 8 in their final form on Thursday, August 7, 1980. An oral hearing was held for the public on Tuesday, July 1, 1980, in the department's central office. Statements made at the hearing and written comments received were considered by the department before it adopted the amended rules in chapter 8.

The department's notice of intention to amend chapter 8 was published in the Iowa Administrative Bulletin on May 28, 1980, under Notice of Intended Action number ARC 1084.

The adopted amendments to chapter 8 eliminate outdated transportation and warehouse procedures.

The amendments to chapter 8 adopted by the department on August 7, 1980, differ from the proposed amendments to chapter 8 published in the Iowa Administrative Bulletin on May 28, 1980, in the following respects:

1. At the request of the ARRC, the word "and" was deleted before the word transport and a comma was added after the word transport in subrule 8.1(3).

2. At the request of the ARRC, "this department" was changed to "the department" in subrule 8.1(3).

3. The department, on its own volition, added the phrase "The Code" to subrule 8.1(3).

4. At the request of the ARRC, the phrase "had and" was deleted from subrule 8.1(3).

5. At the request of the ARRC, the phrase "Camp Dodge, Iowa" was retained in subrule 8.2(1).

6. The department, on its own volition, replaced the word "expressed" with the word "express" in subrule 8.2(3).

7. The department, on its own volition, added the word "and" in subrule 8.2(5).

8. At the request of the ARRC, the address of the department's office was retained in subrule 8.2(5).

## BEER AND LIQUOR CONTROL DEPARTMENT[150] (cont'd)

9. At the request of the ARRC, the address of the department was retained two places in subrule 8.2(12).

10. The department, on its own volition, changed the phrase "is forwarded" to "is to be forwarded" in subrule 8.2(12).

Section 123.21, The Code, is being implemented by the adopted amendments in chapter 8.

The adopted amendments to chapter 8 will be published in the Iowa Administrative Bulletin on September 3, 1980, and will be effective on October 8, 1980.

The following amendments to chapter 8 have been adopted.

ITEM 1. Subrule 8.1(3) is amended to read as follows:

**8.1(3)** Transportation and delivery of intoxicating liquors. Any common carrier may receive for transportation, ~~and~~ transport, and deliver shipments of intoxicating liquors made by or consigned to wholesalers, distillers, rectifiers, blenders, and manufacturers holding a permit issued by ~~this~~ *the* department provided that in respect to such shipments and the delivery thereof, compliance shall be ~~had and~~ required under sections 123.98, 123.101, and 123.103, *The Code*, and provided further that promptly upon arrival of any such shipment at the delivery point, the carrier shall report to the department at Des Moines the purported amount and character thereof, and the name and address of the consignor and consignee.

ITEM 2. Subrule 8.2(1) is amended to read as follows:

**8.2(1)** Shipment into state. Shipments of alcoholic liquors, ~~and wines and malt beverages~~ can only be made into the state of Iowa by suppliers. ~~against purchase orders issued by the department.~~ Shipments can only be made to the state warehouse, Camp Dodge, Iowa; ~~or to receiving points designated by the director.~~

ITEM 3. Subrule 8.2(2) is amended to read as follows:

**8.2(2)** Purchase order and requirements. The original copy of the purchase order and a duplicate acknowledgment copy are mailed direct by the department to the supplier. The shipping plant will execute the acknowledgment copy ~~and return same direct to the department duly signed.~~ *duly signed and will return it directly to the merchandising co-ordinator.*

ITEM 4. Subrule 8.2(3) is amended to read as follows:

**8.2(3)** Bottle-label requirements and registration. After the type of container and labels submitted are approved by the department for use on shipments into Iowa, no change may be made in the type of container or labels without the ~~expressed~~ *express* approval of the department. All labels must conform to the regulations of the ~~Federal Alcohol Administration. Bureau of Alcohol, Tobacco and Firearms.~~

ITEM 5. Subrule 8.2(5) is amended to read as follows:

**8.2(5)** Notification—changes in age, proof, formula. Whenever consent has been given by the department for a change in either age or proof, the supplier must notify the department at the time the first shipment goes forward, giving the new age or proof together with car number and initial, *and* date of shipment. Failure of the shipper to give this notification shall mean that the shipper shall assume all cost of necessary inconvenience suffered by the department as a result of the changes made. Letter covering this advice should be forwarded to the director of the department, State Office Building, 300 Fourth Street, Des Moines, Iowa, 50319.

ITEM 6. Amend subrule 8.2(7), paragraph "b" to read as follows:

b. Duplicate to accompany copy of forwarding advice furnished to ~~superintendent of warehouse, Camp Dodge, Iowa; the traffic department.~~

ITEM 7. Subrule 8.2(8) is amended to read as follows:

**8.2(8)** How to consign shipments. All shipments to the department are to be forwarded on straight bill of lading. The original bill of lading is to be retained in the files of the shipping point for future use in supporting claims, etc. The signed memorandum copy of the bill of lading is to be forwarded to ~~invoice department to be attached to the invoice when prepared and mailed to Iowa; the traffic department.~~ Freight rate must be shown on the bill of lading in the proper place.

ITEM 8. Subrule 8.2(9) is amended to read as follows:

**8.2(9)** Prepaid freight and freight bill. Under the sales agreement with the department, the goods are sold on a delivered price basis ~~at~~ to their warehouse. ~~railroad side track.~~ Freight charges must accordingly be fully prepaid to destination by ~~distillers' suppliers'~~ shipping plants. The shipping plant will retain the prepaid bill and not forward it to Iowa.

ITEM 9. Subrule 8.2(12) is amended to read as follows:

**8.2(12)** Invoicing instructions. Shipping plant is to use its own regular invoice form as no special invoice form is supplied by the department. Purchase order number must be shown on the invoice and in the proper place. Car initial and number must be shown without fail and complete routing. Iowa code number must be shown on the same line with the particular brand and size and not placed at the foot of the invoice. The various items on the invoices must be listed in consecutive order of the code numbers, namely, the item carrying the lowest code number must be the first item appearing on the face of the invoice. The signed memorandum copy of the bill of lading is to be attached to the invoice when mailed ~~in Iowa; to the department.~~ Shipping plant will retain in its files the original bill of lading. After completing the invoice to the above extent, the shipping plant must show the following claimant's affidavit typewritten across the face of the original and duplicate of the invoice and to have same signed *and dated*:

## Claimant's Affidavit

State of \_\_\_\_\_ County ss:

We, \_\_\_\_\_, the within claimant, do state that items for which payment is claimed were furnished under authority of the law, that the charge is just and lawful and that the same is wholly unpaid.

Claimant

Date \_\_\_\_\_

The invoice in duplicate carrying the above claimant's affidavit together with signed memorandum copy of the bill of lading is *to be forwarded* to: (Also see following note)

Accounting Department  
Iowa Beer and Liquor Control Department  
300 Fourth Street  
Des Moines, Iowa 50319

NOTE: Shipping plant must be careful to observe the special requirements of Iowa and forward all shipping papers complete, attached together, and in one envelope to the Accounting Department, Iowa Beer and Liquor

## BEER AND LIQUOR CONTROL DEPARTMENT[150] (cont'd)

Control Department, 300 Fourth Street, Des Moines, Iowa 50319 so that same will be received by time shipment arrives. A complete set of shipping papers to the accounting department will comprise the following:

- a. Invoice in duplicate with Claimant's Affidavit executed thereon.
- b. Acknowledgment of order duly executed.
- c. Signed memorandum copy of bill of lading.

ITEM 10. Subrule 8.2(13) is rescinded and reserved for future use.

These rules are intended to implement section 123.21, subsection 2, The Code.

[Filed 8/15/80, effective 10/8/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

## ARC 1328

### BEER AND LIQUOR CONTROL DEPARTMENT[150]

The Iowa Beer and Liquor Control Department, pursuant to the authority of sections 123.21 and 17A.4, the Code, amends chapter 10 of its rules appearing in the Iowa Administrative Code relating to complaint procedure.

Chapter 10 entitled "Complaint Procedure" of the Beer and Liquor Control Department[150] is being amended in the Iowa Administrative Code.

The Iowa Beer and Liquor Control Department adopted, with the approval of the department's council, the amendments to chapter 10 in their final form on Thursday, August 7, 1980. An oral hearing was held for the public on Tuesday, July 1, 1980, in the department's central office. Statements made at the hearing and written comments received were considered by the department before it adopted the amended rules in chapter 10.

The department's notice of intention to amend chapter 10 was published in the Iowa Administrative Bulletin on May 28, 1980, under Notice of Intended Action number ARC 1085.

The adopted amendments to chapter 10 answer some frequently asked questions.

The amendments to chapter 10 adopted by the department on August 7, 1980, differ from the proposed amendments to chapter 10 published in the Iowa Administrative Bulletin on May 28, 1980, in the following respects:

1. At the request of the ARRC the term "our department" was changed to "the department" in rule 10.1(123,17A).

2. At the request of the ARRC, the phrase "his designated hearing officer" was changed to "the designated hearing officer." in rule 10.2(123,17A).

3. The department, on its own volition, changed the capital letter "C" to a small "c" on the word "chapter" in rule 10.2(123,17A).

4. The department, on its own volition, changed the phrase "Iowa Beer and Liquor Control Department" to "Iowa beer and liquor control department" in rule 10.2(123,17A).

5. The department, on its own volition, changed the phrase "of the Code" to "The Code." in rule 10.2(123,17A).

6. The department, on its own volition, changed the phrase "123.32(4) of the Code" to "123.32, subsection 2, The Code." in rule 10.14(123,17A).

Section 123.32, The Code, is implemented by the adopted amendments in chapter 10.

The adopted amendments to chapter 10 will be published in the Iowa Administrative Bulletin on September 3, 1980, and will be effective on October 8, 1980.

The following amendments to chapter 10 have been adopted.

ITEM 1. Rule 150—10.1(123,17A) is amended to read as follows:

**150—10.1(123,17A) Statute of limitations.** A complaint alleging a violation of the Iowa beer and liquor control Act chapter 123, The Code, must be filed with the department or with the local authority within one year from the date of the alleged violation.

This rule is intended to implement section 123.32 subsection 4, The Code.

ITEM 2. Rule 150—10.2(123,17A) is amended to read as follows:

**150—10.2(123,17A) Forms.** The complaint shall substantially comply with the form prescribed in subrule 12.2(9). The complaint shall be filed with the Iowa Beer and Liquor Control Department, 300 Fourth Street, Des Moines, Iowa 50319. *The local approving authority and the director of the department, or the director's designated hearing officer, have jurisdiction to suspend or revoke licenses and permits for violations of chapter 123, The Code. The director of this department, or the designated hearing officer, has jurisdiction of cases in which licensees or permittees are charged with violating provisions of chapter 123, The Code, and local ordinances. The director of this department does not have jurisdiction of cases based solely on violations of local ordinances. Complaints based solely on violations of local ordinances must be heard either by a city council or a county board of supervisors. Administrative hearing complaints which are to be heard by the director of this department, or the designated hearing officer, which charge permittees or licensees with violating provisions of chapter 123, The Code, must be signed by a county attorney, a city attorney, a representative of the Iowa department of public safety, or an employee of the department other than the person who is going to be the hearing officer, and shall be filed with the licensing division, Iowa beer and liquor control department. Administrative hearing complaints to be heard by a city council, charging permittees or licensees with violating provisions of chapter 123, The Code, or city ordinances, must be signed by a city attorney and filed in the city clerk's office. Administrative hearing complaints which are to be heard by a county board of supervisors must be signed by a county attorney and filed in the county auditor's office.*

This rule is intended to implement section 123.32 subsection 4, The Code.

ITEM 3. Rule 150—10.14(123,17A) is amended to read as follows:

## BEER AND LIQUOR CONTROL DEPARTMENT[150] (cont'd)

**150—10.14(123,17A) Appeal.** Any party to a contested case, aggrieved by a decision of the hearing officer *or the local authority*, may appeal that decision to the department's hearing board pursuant to section ~~123.32(4) of the code~~ *123.32, subsection 2, The Code*. An appeal from a decision rendered by the hearing officer *or the local authority* must be filed with the department's hearing board within thirty days of the date of the decision of the hearing officer *or the local authority*. The notice of appeal shall substantially comply with the form shown in subrule 12.2(10).

This rule is intended to implement section 123.32 subsection 4, The Code.

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**ARC 1329****BEER AND LIQUOR  
CONTROL DEPARTMENT[150]**

The Iowa Beer and Liquor Control Department, pursuant to the authority of sections 123.21 and 17A.4, The Code, amends chapter 11 of its rules appearing in the Iowa Administrative Code relating to hearing board procedure.

Chapter 11 entitled "Procedure—Hearing Board" of the Beer and Liquor Control Department[150] is being amended in the Iowa Administrative Code.

The Iowa Beer and Liquor Control Department adopted, with the approval of the department's council, the amendments to chapter 11 in their final form on Thursday, August 7, 1980. An oral hearing was held for the public on Tuesday, July 1, 1980, in the department's central office. Statements made at the hearing and written comments received were considered by the department before it adopted the amended rules in chapter 11.

The department's notice of intention to amend chapter 11 was published in the Iowa Administrative Bulletin on May 28, 1980, under Notice of Intended Action number ARC 1086.

The adopted amendments to chapter 11 tell licensees and permittees whether or not they can use their license or permit pending appeal.

The amendments to chapter 11 adopted by the department on August 7, 1980, differ from the proposed amendments to chapter 11 published in the Iowa Administrative Bulletin on May 28, 1980, in the following respects:

1. At the request of the ARRC, the phrase "our department's hearing board" was changed to "the department's hearing board" in rule 11.1(123,17A).

2. At the request of the ARRC, the phrase "our department" was changed to "the department" in rule 11.1(123,17A).

Section 17A.18, The Code, is implemented by the adopted amendment in chapter 11.

The adopted amendments to chapter 11 will be published in the Iowa Administrative Bulletin on September 3, 1980, and will be effective on October 8, 1980.

The following amendment to chapter 11 has been adopted.

ITEM 1. Rule 150—11.1(123,17A) is amended to read as follows:

**150—11.1(123,17A) Notice of appeal-docketing.** Upon receipt of notice of appeal, the department shall assign a docket number to the case, acknowledge receipt of notice of appeal, and schedule the appeal for a hearing date. The notice of hearing shall be served upon all parties by certified mail, return requested, or service as in civil proceedings. *A licensee or permittee who is appealing local authority's denial of a renewal application can operate under the permit or license after the permittee or licensee files written notice of appeal with the department. A licensee or permittee who is appealing the local authority's denial of his or her initial application cannot sell or serve liquor or beer until the hearing board renders its decision. After licensee or permittee files written notice of appeal from a suspension or revocation to the department's hearing board, the effective date of the suspension or revocation will be stayed and no part of a suspension or revocation will be served until the hearing board renders its decision.*

*This rule is intended to implement section 17A.18, subsection 2, The Code.*

[Filed 8/15/80, effective 10/8/80]

[Published 9/3/80]

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**ARC 1330****BEER AND LIQUOR  
CONTROL DEPARTMENT[150]**

The Iowa Beer and Liquor Control Department, pursuant to the authority of sections 123.21 and 17A.4, the Code, amends chapter 12 of its rules appearing in the Iowa Administrative Code relating to forms.

Chapter 12 entitled "Forms" of the Beer and Liquor Control Department[150] is being amended in the Iowa Administrative Code.

The Iowa Beer and Liquor Control Department adopted, with the approval of the department's council, the amendments to chapter 12 in their final form on Thursday, August 7, 1980. An oral hearing was held for the public on Tuesday, July 1, 1980, in the department's central office. Statements made at the hearing and written comments received were considered by the department before it adopted the amended rules in chapter 12.

The department's notice of intention to amend chapter 12 was published in the Iowa Administrative Bulletin on May 28, 1980, under Notice of Intended Action number ARC 1087.

BEER AND LIQUOR CONTROL DEPARTMENT[150] (cont'd)

The adopted amendments to chapter 12 clarify what coverage is on the bonds.

The amendments to chapter 12 adopted by the department on August 7, 1980, differ from the proposed amendments to chapter 12 published in the Iowa Administrative Bulletin on May 28, 1980, in the following respects:

1. The department, on its own volition, changed "Scope" to "scope" in rule 12.1(123,17A).

2. The department, on its own volition, changed "Iowa Beer and Liquor Control Department" to "Iowa beer and liquor control department" as it is now in our rule 12.1(123,17A).

3. The department, on its own volition, changed the phrase "section 123.49 (subsections 2(a), (d), or (e))" to "section 123.49, subsection 2, paragraph "a", "d", or "e", Iowa Code." in subrule 12.2(7).

4. At the request of the ARRC, "this department" was changed to "the department." in subrule 12.2(7).

5. The department, on its own volition, changed the sentence in subrule 12.2(7) which read "Pursuant to section 123.30, Iowa Code, the penal sum of this bond shall be forfeited to this department if principal's beer permit is revoked under section 123.49(2)"a", Iowa Code" to "Pursuant to section 123.50, Iowa Code, the penal sum of this bond shall be forfeited to the department if principal's beer permit is revoked under section 123.50, Iowa Code, after principal had been convicted of section 123.49, subsection 2, paragraph "a", Iowa Code." in subrule 12.2(7).

Sections 123.21, 123.30, and 123.125, The Code, are implemented by the adopted admendments in chapter 12.

The adopted amendments to chapter 12 will be published in the Iowa Administrative Bulletin on September 3, 1980, and will be effective on October 8, 1980.

The following amendments to chapter 12 have been adopted.

ITEM 1. Rule 150—12.1(123,17A) is amended to read as follows:

150—12.1(123,17A) Purpose and scope. These rules shall govern all forms prescribed by the Iowa beer and liquor control department for use in proceedings before the department. The department may ~~prescribe~~ allow additional or different forms to be utilized in a specific case as necessary.

This rule is intended to implement section 123.21, The Code.

ITEM 2. Rescind all of subrule 12.2(7) and insert in lieu thereof the following:

12.2(7) Certification of bond.

IOWA BEER AND LIQUOR CONTROL DEPARTMENT

BOND NO. \_\_\_\_\_

This bond issued in connection with an application for a Class \_\_\_\_\_ Liquor Control License or Class \_\_\_\_\_ Beer Permit.

KNOW ALL MEN BY THESE PRESENTS THAT

\_\_\_\_\_ of, \_\_\_\_\_ County, State of Iowa, as (City and/or County)

Principal, and \_\_\_\_\_ of \_\_\_\_\_, (City and State)

as surety, are held firmly bound unto the state of Iowa in the penal sum of \_\_\_\_\_, lawful money of the United States, for the payment of which, in Des Moines, Polk County, Iowa, we bond ourselves, our successor and our legal representatives firmly by these presents.

PURSUANT TO section 123.50, Iowa Code, the penal sum of this bond shall be forfeited to the department if principal's liquor license is revoked under section 123.50, Iowa Code, after principal has been convicted of section 123.49, subsection 2, paragraph "a", "d", or "e", Iowa Code. Pursuant to section 123.50, Iowa Code, the penal sum of this bond shall be forfeited to the department if principal's beer permit is revoked under section 123.50, Iowa Code, after principal had been convicted of section 123.49, subsection 2, pararaph "a", Iowa Code. Pursuant to section 123.30, Iowa Code, the penal sum of this bond, or any part thereof, shall be forfeited to the department if principal licensee tenders this department a check for purchase of alcoholic beverages, as allowed by section 123.24, Iowa Code, and licensee fails to redeem any nonsufficient fund checks that it tendered the department for the purchase of alcoholic beverage.

NOW THEREFORE, if the said \_\_\_\_\_ shall well and truly observe and obey all the provisions of sections 123.30, 123.49, 123.50, Iowa Code, including the payment of all taxes as provided therein, then this bond shall be void, otherwise to remain in full force and effect.

THIS BOND shall be effective on \_\_\_\_\_, 19 \_\_\_\_\_, and shall remain effective continuously without cumulative liability until canceled. This bond may be canceled by the principal or the surety by giving written notice to the other party and the Iowa beer and liquor control department at its office in Des Moines, Iowa, stating the date of cancellation, which in no event shall be less than thirty days after actual receipt of said notice; however, no cancellation shall be effective as to forfeiture in the event proceedings for the revocation of the principal's liquor control license or beer permit have been or are commenced prior to the effective date of such cancellation.

Signed \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

PRINCIPAL

SURETY

NOTE: Surety on this bond must be a surety company holding a current certificate of authority from the Iowa Insurance Commissioner.

This rule is intended to implement sections 123.30 and 123.125, The Code.

[Filed 8/15/80, effective 10/8/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

## ARC 1322

### COMPTROLLER, STATE OF[270]

Pursuant to the authority of section 8.6, The Code, the State Comptroller hereby adopts the following rule amendments to chapter 4, Iowa Administrative Code, entitled Deferred Compensation Program. The adopted rules will permit members of the general assembly to participate in this program, employees to transfer insurance carriers once during the time between open enrollment periods, and establishes new maximums for the amount that can be deferred. The state comptroller adopted this rule on August 14, 1980 after considering any comments received.

The Notice of Intended Action was published in the IAB on July 9, 1980 under number ARC 1173. The adopted rule is identical to the notice of intended action.

The following rule is adopted:

ITEM 1. Subrule 4.2(4) is amended as follows:

**4.2(4)** "Employee" as used in these rules shall mean an employee of the state of Iowa, *including full-time elective officials and members of the general assembly, except employees of the board of regents institutions. For the purposes of enrollment, elective officials-elect and members-elect of the general assembly are considered employees.*

ITEM 2. Amend subrule 4.3(1) as follows:

**4.3(1)** Initial eligibility. All permanent or probationary employees of the state of Iowa who regularly work thirty or more hours per week are eligible to defer compensation under the agreement. This includes full-time elective officials *and members of the general assembly.* Final determination on eligibility, if any questions should arise, will be made by the employer. *No member or member-elect of the general assembly is eligible who chooses an alternative method of salary payment other than that stated in section 2.10(5)"a", The Code, where the effect of implementation of the alternative would be to make an insufficient amount available for deduction, under the method selected pursuant to subrule 4.6(8), to constitute the pro rata portion of the deferred compensation for each and every pay period as to which compensation shall be paid.*

ITEM 3. Amend subrule 4.4(1) as follows:

**4.4(1)** Open enrollment. An open enrollment period will be held each year for those employees who desire to participate in the plan and did not enroll at the time the plan was implemented. This open enrollment period will be from November 1 until November 30 of each year. All completed forms, including but not limited to the signed agreement and authorization to deduct from earnings, must be received by the employer on or before December 1, following the open enrollment period. Any forms not received by that date will not be processed and must be resubmitted during the next open enrollment period if the employee desires to participate in the plan. The policies will become effective February 1 of the following year and the premiums will be deducted from the paychecks received by the participating employees during the month of January. *Enrollment is permitted for elective officials-elect and members-elect of the general assembly, during the enrollment period, to the same extent as if they were otherwise eligible to enroll as employees.*

ITEM 4. Amend subrule 4.6(3) as follows:

**4.6(3)** Amount allowed to be deferred. After making provisions for the amounts to be deducted for FICA, IPERS, voluntary deductions and the withholding tax on

FICA, IPERS, and ~~no~~ voluntary deductions, the balance of earned compensation may be deferred *up to a maximum of twenty-five percent of the employee's base salary not to exceed \$7,500 per year.* The amount to be deferred must remain constant for one calendar year and may not in any case, exceed the amount of net pay to be received by the participating employee.

ITEM 5. Amend subrule 4.10(3) as follows:

**4.10(3)** Number of companies. All life insurance companies licensed to do business in Iowa may sell policies under the plan. Each participating employee will be limited to participation with only one company at any given time. If a participating employee desires to change companies, the only way that this can be accomplished is to terminate their participation with the original company, effective after the payroll reductions have been made ~~during December~~ *totally for any calendar month.* The employee must also submit the proper forms so that participation with the new company will be effective with the payroll reductions to be effective ~~in January of the next succeeding calendar year with the next succeeding calendar month.~~ *The new policy shall be effective the first of the month following the initial month of payroll reduction. The total funds accumulated under the old policy may be transferred in total to the new policy upon approval by the employer. Company changes can be made by any employee only once in the time between the open enrollment periods. The amount of payroll reduction for the new company must be the same as for the old when this is done at a time other than during open enrollment. This can be done only during an annual open enrollment period and all forms must be received prior to December 1.* There can be no break in the reduction of compensation and both sets of forms must be submitted at the same time and properly filled out. The employer will hold the original policy until such time as the proceeds may be disbursed under the terms of the agreement, that is, death, retirement, or approval of a claim for disability or financial hardship.

Section 509A.12, The Code, is being implemented by this rule. The rule will be effective on October 8, 1980.

[Filed 8/14/80, effective 10/8/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

## ARC 1294

### VOTER REGISTRATION COMMISSION[845]

Pursuant to the authority of section 47.8, The Code, the Voter Registration Commission hereby adopts amendments to Chapter 3 "Voter Registration Lists" to repeal a rule promulgated under section 48.5(2)"d", The Code, which was declared unconstitutional in McCarthy vs. Linn County Auditor, Northern District of Iowa, C 76-45, February 1978, and amendments to Chapter 2 "Voter Registration Forms and Instructions" to correct an error made in the original drafting of the rule.

## VOTER REGISTRATION COMMISSION[845] (cont'd)

In compliance with section 17A.4(2) the commission finds that public notice and participation is unnecessary in that these amendments are for internal correction and to comply with federal court mandate.

The voter registration commission adopted these amendments at a regular meeting on August 5, 1980.

These rules shall be effective October 8, 1980.

These rules are intended to implement sections 48.3 and 48.5, The Code. The following amendments are adopted.

ITEM 1. Subrules 3.1(9) and 3.1(10) are amended to read as follows:

~~3.1(9) All free lists under section 48.5(2)"d" shall be provided by the registrar, unless the county has not provided initial data or updates properly to the state registrar.~~

~~3.1(10)~~ 3.1(9) The county commissioner may provide to any citizen a certified copy of any original voter registration form for evidentiary or other legal purpose. The county commissioner may charge a reasonable fee for this service.

This rule is intended to implement section 48.5, The Code.

ITEM 2. Subrule 2.3(1) paragraph "j" is amended as follows:

j. Under the conditions described in ~~2.3(1)"h"~~ 2.3(1)"i", if there is a probability the applicant may not be able to register by use of the voter registration by mail form in time to qualify the applicant to vote in the next known election the commissioner shall immediately notify the applicant of other methods of registration.

This rule is intended to implement section 48.3, The Code.

[Filed without notice 8/5/80, effective 10/8/80]

[Published 9/3/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 9/3/80.

# State of Iowa

## Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

### EXECUTIVE ORDER NUMBER 38

- WHEREAS, the national economy and the Iowa farm and business economies remain unsettled and in a recession with uncertain prospects for immediate improvement; and
- WHEREAS, these factors generated a substantial decline in actual state revenues compared to earlier estimates for fiscal year 1979-1980 and a general fund balance of only \$23.5 million on June 30, 1980--some \$67 million below the June 30, 1979, figure; and
- WHEREAS, latest revenue estimates for fiscal year 1980-1981 anticipate revenues to be \$68 million below earlier estimates; and
- WHEREAS, state fiscal experts have concluded that without revisions to the state budget in fiscal year 1980-1981, the shortfall in revenues will result in a general fund deficit on June 30, 1981, of \$5 million to \$40 million (Legislative Fiscal Director) and \$40.9 million (State Comptroller); and
- WHEREAS, Article VII of the Iowa Constitution prohibits state budget deficits (with few exceptions inapplicable here); and
- WHEREAS, Section 8.31, the Iowa Code, provides a procedure for uniform and prorated reductions of state appropriations by the Governor to avoid overdrafts and deficits; and
- WHEREAS, without implementing these uniform, prorated reductions in state appropriations, the State will face a deficit in the general fund on June 30, 1981.
- 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 make the following findings and orders:

Page 2

1. I find that the estimated budget resources during fiscal year 1981 are insufficient in the amount of \$63 million to pay all appropriations in full as required by Section 8.30, the Code, to wit:

General fund balance, June 30, 1980	<u>\$23.5 million</u>
Fiscal year 1981 receipts	<u>\$1,749.3 million</u>
Fiscal year 1981 appropriations and standing estimated appropriations	<u>\$1,835.8 million</u>
TOTAL	<u>(\$63 million)</u>

2. I further find that a 3.6 percent reduction in appropriations subject to Section 8.31, the Code, is necessary to prevent an overdraft or deficit in the general fund of the state at the end of this fiscal year.
3. I hereby direct the implementation of Section 8.31, the Code, requiring the uniform modification of allotment requests filed pursuant to that section for each of the remaining three-quarters of the fiscal year to achieve an annual 3.6 percent fiscal year reduction in each respective appropriation unless subsequent projections provide good reason to alter these findings.
4. I further direct the State Comptroller to prepare such modified allotments for the second quarter of fiscal year 1981, which commences October 1, with the exception of appropriations excluded by Section 8.2(1), the Code, pertaining to the courts, the legislature, constructive trust funds such as tax refund allocations, federal highway matching funds, and obligated, encumbered or contracted capital items.
5. I ask the Governor's Economic Advisory Council to meet at least 15 days prior to the commencement of each quarterly allotment period for the purpose of evaluating the Iowa economy and its likely effect on budget resources.

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 12th day of August in the year of our Lord one thousand nine hundred and eighty.

  
Governor

Attest:

  
Secretary of State



**PROCLAMATIONS**

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

- Disaster emergency, Storm damage, Decatur, Wayne, Appanoose, Davis, Van Buren, Lee and Des Moines Counties proclaimed disaster areas ..... June 4, 1980
- Disaster emergency, Storm damage, Palo Alto, Cerro Gordo, Plymouth, Cherokee, Pocahontas, Humboldt, Wright, Woodbury, Hamilton, Hardin, Grundy, Black Hawk, Delaware, Dubuque, Monona, Story, Jackson, Harrison, Shelby, Audubon, Dallas, Polk, Jasper, Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mills, Clarke, Lucas, Wapello and Page counties proclaimed disaster areas ..... July 3, 1980
- Disaster emergency, Storm damage, Henry county proclaimed disaster area ..... July 22, 1980
- Dansk Fest Week ..... June 5 - 12, 1980
- Catholic Council for Social Concern Week ..... June 8 - 14, 1980
- AAUW Week ..... June 15 - 21, 1980
- Vista Appreciation Week ..... June 15 - 21, 1980
- National Tennis Week ..... June 21 - 29, 1980
- Amateur Radio Week ..... June 22 - 28, 1980
- Burglary Prevention Month ..... June, 1980
- Recognize the Goose as a Symbol of Faithfulness ..... June, 1980
- Independence Sunday ..... Sunday before July 4
- Open Heart Open Day ..... July 7, 1980
- All-American Soap Box Derby Week ..... July 13 - 19, 1980
- Radiologic Technology Week ..... July 13 - 19, 1980
- Space Day ..... July 20, 1980
- Black Women's Week ..... July 27 - August 1, 1980
- Model Aviation Month ..... July, 1980
- Sport Aviation Month ..... August, 1980







# IOWA ADMINISTRATIVE BULLETIN

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