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CONTENTS IN THIS ISSUE

Pages 810 to 896 include ARC 1671 to ARC 1705,
ARC 1714 to ARC 1719

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11-30-81
Mary

AUDITOR OF STATE[130]

- Notice, Consumer loans and certain securities, ch 9 ARC 1675 810
- Filed, Industrial loans, 1.28 ARC 1681 829
- Filed Emergency after Notice, NOW accounts, ch 8 ARC 1686 826
- Filed Emergency, Consumer loans and certain securities, ch 9 ARC 1674 826

CIVIL RIGHTS COMMISSION[240]

- Notice, Rules of practice, 1.1(6)"f", 1.5(1)"e", 1.8(7), 1.8(8), 1.9(6)—1.9(16) ARC 1705 811

ENERGY POLICY COUNCIL[380]

- Notice, Petroleum set-aside program, amend ch 3 ARC 1671 812
- Notice, Conservation measures, natural gas and electricity, 12.11, 12.12 ARC 1672 814
- Filed, Standby emergency energy conservation measures, 12.1 to 12.5 ARC 1716 831

ENVIRONMENTAL QUALITY[400]

- Notice Terminated, Animal feeding operations, ch 20 ARC 1676 815
- Filed, Air quality, controlling pollution, 1.1, 1.2, 3.1, 3.5, 4.1 ARC 1678 831
- Filed, Air quality, excess emission, 1.2, ch 5 ARC 1677 836

EXECUTIVE DEPARTMENT

- Executive order, No. 40 897
- Proclamations summarized 899

HEALTH DEPARTMENT[470]

- Notice, Milk and milk products, ch 13; Eating and drinking establishments, rescinds chs 13 and 14 ARC 1683 816
- Notice, Medical examiners, prescription drugs, 135.1(21), 135.251 ARC 1688 816
- Notice, Medical examiners, examinations, 135.102(1), 135.103(1), 135.105(2), 135.106, 135.108 ARC 1687 816
- Notice, Physician's assistants, 136.5(4) ARC 1689 817

MERIT EMPLOYMENT DEPARTMENT[570]

- Notice, Pay plan, 4.5(1)"c"(2) ARC 1714 818
- Notice, Life of a certificate, 7.8 ARC 1715 818

PLANNING and PROGRAMMING[630]

- Filed, State building code, ch 5 ARC 1680 839

PUBLIC HEARINGS

- Summarized list 809

PUBLIC INSTRUCTION DEPARTMENT[670]

- Filed, Driver education, 6.9 to 6.12 ARC 1679 884
- Filed, Approvals, 16.4, 16.5 ARC 1718 884
- Filed, Graduate teacher education programs, ch 20 ARC 1719 885

RAILWAY FINANCE AUTHORITY[695]

- Filed, General applicability, ch 2 ARC 1690 887

REGENTS, BOARD OF[720]

- Filed, Admission to universities, 1.1 to 1.3 ARC 1691 888
- Filed, Admission to universities, 1.4 ARC 1692 890

REVENUE DEPARTMENT[730]

- Filed, Practice and procedure, 7.6 ARC 1717 892

SOCIAL SERVICES DEPARTMENT[770]

- Notice, Intermediate care facilities, 81.10(3) ARC 1701 818
- Notice, Intermediate care facilities for mentally retarded, 82.9(2) ARC 1702 819
- Notice, Child foster care facilities, chs 106, 107, 112 ARC 1703 819
- Notice, Foster family homes, ch 113 ARC 1704 820
- Filed, ADC, 40.1(4) ARC 1694 892
- Filed Emergency, Food stamp program, 65.3 ARC 1693 828
- Filed, Medical assistance, persons covered, 75.1(4), 75.1(10) ARC 1695 892
- Filed, Medical assistance, hospitals, 78.3(12) ARC 1696 893
- Filed, Medical assistance, 78.12(15), 81.13(28), 82.3(4) ARC 1697 893
- Filed, Juvenile detention homes, 105.11 ARC 1698 893
- Filed, Child day care services, 132.4(3)"e" ARC 1699 894
- Filed, In-home health related care, 148.4(3), 148.4(7), 148.4(8), 148.7 ARC 1700 894

TRANSPORTATION, DEPARTMENT OF[820]

- Notice Terminated, Driver's license, [07,C] 13.13(7)"c" ARC 1673 824
- Filed without Notice, Administrative rules, rescinds 1.2(5)"c" ARC 1682 895
- Filed, Financial responsibility, [07,C] 14.4(3), 14.4(5), 14.4(6), 14.5(2) ARC 1684 895
- Filed, Functional classification review board, [08,C] 3.15 ARC 1685 896

11-30-81

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PREFACE

The Iowa Administrative Bulletin is published in pamphlet form biweekly pursuant to Chapter 17A, The Code, and supersedes Part I of the Iowa Administrative Code Supplement.

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

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

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

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

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to section 17A.6, 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>
15	Friday, January 2, 1981	January 21, 1981
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Iowa Administrative Bulletin

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Iowa Administrative Code

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

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PUBLIC HEARINGS

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
AUDITOR OF STATE[130] Renegotiable rate mortgages amendments to ch 6 IAB 12/24/80 ARC 1664	Supervisor of Savings & Loan Associations Auditor of State Lucas State Office Bldg. Des Moines, Iowa	January 15, 1981 2:00 p.m.
Consumer Loans and certain securities, ch 9 IAB 1/7/81 ARC 1675	Supervisor of Savings & Loan Associations Auditor of State Lucas State Office Bldg. Des Moines, Iowa	January 29, 1981 2:00 p.m.
COMMERCE COMMISSION[250] Gas and electric utilities, 19.9 and 20.10 IAB 10/1/80 ARC 1416	Hearing Room "A", 7th Floor Commerce Commission 300 Fourth Street Des Moines, Iowa	January 6, 1981 10:00 a.m.
I-SAVE plan, 27.11 IAB 12/10/80 ARC 1628	Hearing Room "A", 7th Floor Commerce Commission 300 Fourth Street Des Moines, Iowa	January 15, 1981 10:00 a.m.
CONSERVATION COMMISSION [290]		
State game refuges 3.1, 3.2 IAB 12/24/80 ARC 1646	4th Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	January 15, 1981 10:00 a.m.
ENERGY POLICY COUNCIL[380]		
Petroleum set-aside program ch 3 amendments IAB 1/7/81 ARC 1671	2rd Floor Conference Room Lucas State Office Bldg. Des Moines, Iowa	January 27, 1981 7:30 p.m.
Standby energy conservation ch 12 IAB 1/7/81 ARC 1672	3rd Floor Conference Room Lucas State Office Bldg. Des Moines Iowa	January 28, 1981 2:00 p.m.
NURSING, BOARD OF[590]		
Nursing Practice for R.N.'s and and L.P.N.'s, ch 6 IAB 12/10/80 ARC 1629	Auditorium Wallace State Office Bldg. Des Moines, Iowa	January 28, 1981 7:00 p.m.
SOIL CONSERVATION DEPARTMENT[780]		
Surface coal mining and reclamation, 4.6(8) IAB 12/24/80 ARC 1667	4th Floor Conference Room Wallace State Office Bldg. E. 9th and Grand Des Moines, Iowa	January 23, 1981 1:00 p.m.
Iowa financial incentive program for soil erosion control, 5.30 - 5.39 IAB 12/24/80 ARC 1668	Best Western Starlite Village 13th St. and Interstate 35 Ames, Iowa	January 19, 1981 1:00 p.m.
TRANSPORTATION, DEPARTMENT OF[820]		
Motor carriers and charter carriers [07,F] chapter 4 IAB 11/12/80 ARC 1553	Dept. of Transportation Complex 800 Lincoln Way Ames, Iowa	January 20, 1981
Interstate motor vehicle fuel permits and transport carrier registration [07,F] chapter 7 IAB 11/12/80 ARC 1554	Dept. of Transportation Complex 800 Lincoln Way Ames, Iowa	January 20, 1981
Liquid transport carriers [07,F] chapter 13 IAB 11/12/80 ARC 1555	Dept. of Transportation Complex 800 Lincoln Way Ames, Iowa	January 20, 1981

ARC 1675
AUDITOR OF STATE[130]
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 534.19(22), 534.41(2), and 17A.4(1), The Code, the Supervisor of Savings and Loan Associations, under the direction of the Auditor of State, hereby gives Notice of Intended Action to adopt new rules under the Savings and Loan Division as Chapter 9, a new chapter entitled "Consumer Loans and Certain Securities."

The Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 129, Section 7 provides that savings and loan associations may begin granting consumer loans and investing in certain high-grade commercial paper and corporate debt securities, when federally chartered associations operating in the state are granted similar authority. The Federal Home Loan Bank Board issued regulations approving such activity which became effective November 17, 1980. These rules are designed to mirror the federal regulations so that equal competition will result between the federal and state institutions. These new powers enacted for associations are a part of the Depository Institutions Deregulation and Monetary Control Act of 1980 passed by Congress.

These proposed rules are also being filed as ARC 1674 under sections 17A.4(2) and 17A.5(2)"b"(2), The Code, so that a delay in implementation will not cause a competitive disadvantage for the state-chartered associations. The rules filed under emergency action will be terminated upon adoption of the rules through the Notice of Intended Action process and public participation.

Any interested parties may make written suggestions or comments on the proposed rules. Such written materials should be delivered to the Supervisor of Savings and Loan Associations, Auditor of State, Lucas State Office Building, Des Moines, Iowa, 50319, before January 30, 1981.

Persons who wish to convey their views orally may do so by contacting the Supervisor of Savings and Loan Associations at 515-281-5491. There will be a public hearing in the above office at 2:00 p.m. on January 29, 1981. Persons may present their views at the public hearing orally or in writing. Persons who wish to make oral presentation at the public hearing should contact the Supervisor at least one day prior to the date of the hearing.

These proposed rules are intended to implement section 534.19(22), The Code.

CHAPTER 9

CONSUMER LOANS AND CERTAIN SECURITIES

130—9.1(534) Authority.

9.1(1) An association may grant direct or indirect consumer loans pursuant to Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 129, Section 7, the authority to make open-end and closed-end consumer loans includes the ability to originate, purchase, sell, service and participate in such loans, provided, that such

loans shall conform to the provisions of these rules and the association's written underwriting standards.

9.1(2) An association may invest in, sell or hold commercial paper and corporate debt securities, including corporate debt securities convertible into stock. An investment under this section includes the investing in, redeeming or holding of shares in any open-end management investment company which is registered with the Securities and Exchange Commission under the Investment Act of 1940 and whose portfolio is restricted by such management company's investment policy, changeable only if authorized by shareholder vote, solely to the investments that an association is authorized to invest in under these rules and other regulations and statutes.

9.1(3) The lending and investment authority described under these rules shall be available only for periods of time when federally chartered savings and loan associations operating in this state are granted similar authority.

130—9.2(534) Definitions.

9.2(1) "Consumer loan" is the same as defined under section 537.1301(14), The Code. When granting consumer loans under these rules, it is intended that the association rely substantially upon such factors as the general credit standing of the borrower, guaranties or security other than the primary security for the loan. Appropriate evidence to demonstrate justification for such reliance should be retained in the association's files.

9.2(2) A "direct loan" is one in which the association takes the application, evaluates the credit worthiness of the applicant, processes the application, prepares the loan documents and closes the loan.

9.2(3) An "indirect loan" is one which the underwriting, processing, and closing is done by a third party, usually a dealer, who later sells or assigns the loan to the association.

9.2(4) "Loan" is the same as defined under section 537.1301(25).

9.2(5) "Commercial paper" includes any note, draft or bill of exchange which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace. The maturity of any renewal thereof is likewise limited.

9.2(6) "Corporate debt security" is defined as a marketable obligation, evidencing the indebtedness of any corporation in the form of a bond, note or debenture which is commonly regarded as a debt security and is not predominantly speculative in nature. A security is marketable if it may be sold with reasonable promptness at a price which corresponds reasonably to its fair value.

9.2(7) An "association" is the same as defined under section 534.2(1), The Code.

130—9.3(534) General provisions.

9.3(1) The total combined investment which may be made by an association, in consumer loans and securities covered under these rules, shall not exceed twenty percent of its assets.

9.3(2) Indirect loans may not be made through a dealer unless the dealer is approved by the association's board of directors.

9.3(3) The total balances of all outstanding unsecured consumer loans that can be made under these rules to one borrower, is limited to the lesser of one-fourth of one percent of the association's assets or five percent of its net

AUDITOR OF STATE[130] (cont'd)

worth. However, any association may make up to \$3,000 in unsecured loans to any one borrower and, beginning on January 1, 1982, and annually thereafter, such amount shall be adjusted by the dollar amount that reflects the percentage increase, if any, in the Consumer Price Index during the previous twelve months as shown in the Index.

9.3(4) If a loan that may be made under these rules is also authorized to be made under another rule or statute, which may have different percentage-of-assets and other limitations or requirements, an association shall have the option of choosing under which applicable rule or statute the loan shall be made.

9.3(5) As of the date of purchase of commercial paper or corporate debt securities, as shown by the most recently published rating made of such investments by at least one nationally recognized investment rating service, the commercial paper must be rated in either one of the two highest grades and the corporate debt securities must be rated in one of the four highest grades.

9.3(6) The commercial paper or corporate debt securities shall be denominated in dollars and the issuer shall be domiciled in the United States.

9.3(7) At any one time, an association's total investment in the commercial paper and corporate debt securities of any one issuer, or issued by any person or entity affiliated with such issuer, shall not exceed one percent of the association's assets. This provision shall not apply to investments in the shares of an open-end management investment company, in which cases an association's total investment in the shares of any one such company shall not exceed five percent of the association's assets.

9.3(8) Investments in corporate debt securities convertible into stock are subject to the following additional limitations:

a. Purchase of securities convertible into stock at the option of the issuer is prohibited;

b. At the time of purchase, the cost of such securities must be written down to an amount which represents the investment value of the securities considered independently of the conversion feature;

c. Such securities must be traded on a national securities exchange; and

d. Associations are prohibited from exercising the conversion feature.

9.3(9) At any one time, the average maturity of an association's portfolio of corporate debt securities may not exceed six years.

9.3(10) An association shall maintain information in its files adequate to demonstrate that it has exercised prudent judgment in making investments under this section.

ARC 1705

CIVIL RIGHTS COMMISSION[240]

NOTICE OF INTENDED ACTION

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

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

Pursuant to the authority of Sections 601A.5(10) and 601A.15(11), The Code, the Iowa Civil Rights Commission hereby gives Notice of Intended Action to amend Chapter 1, "Rules of Practice," Iowa Administrative Code.

Sections 601A.5(10) and 601A.15(11), The Code, authorize the Iowa civil rights commission to establish rules to enforce the Iowa Civil Rights Act, including procedural rules. The commission has reviewed *Estabrook v. Iowa Civil Rights Commission*, N.W.d2d (Iowa 1979), and seeks to clarify the procedure for determining that a complaint may not proceed to public hearing, even after a determination of probable cause. Specifically, the rule changes would specify the administrative closure, by the internal hearing officer, as a means to close such a case. The effect is merely procedural, clarifying the authority and procedure for making such a closure.

Section 601A.15(11), The Code, further authorizes the Iowa civil rights commission to establish rules to govern, expedite, and effectuate procedures under the Iowa Civil Rights Act. The commission seeks to expedite the hearing procedures by holding procedural hearings in contested cases only where they are shown to be necessary, and by allowing telephone conferences for such procedural hearings to avoid delay and expense. The rules also encourage early resolution of issues before hearing, by authorizing prehearing conferences, and by authorizing the hearing officer to require more specific statements for complaints, and to require answers. The change should result in shorter hearings, more likelihood of settlement, and the timely raising of issues such as jurisdiction. Hearing costs should be reduced to complainants, respondents, and to the state of Iowa, with no loss of effectiveness.

Any interested person may submit written comments, data, or arguments concerning these proposed rule changes, by sending or delivering them to the Iowa Civil Rights Commission office, located on the Eighth Floor, Colony Building, 507 Tenth Street, Des Moines, Iowa 50319 no later than January 27, 1981.

Requests for oral presentation on the intended action may be made by writing to or visiting the internal hearing officer, Iowa Civil Rights Commission, at the above address, or by calling him at 515/281-3978, no later than January 27, 1981.

These rules are intended to implement Chapter 601A, The Code.

ITEM 1. Amend subrule 1.1(6) paragraph "f" as follows:

f. The term "administratively closed" shall mean that, in the opinion of the investigating official, no useful purpose would be served by further action by the commission respecting a complaint, such as where the commission staff has not been successful in locating a complainant after diligent efforts, where the respondent has gone out of business, where a right to sue letter has been issued, or where, after a probable cause decision has been made, it is determined that the record does not justify proceeding to public hearing.

ITEM 2. Amend subrule 1.5(1) paragraph "e" as follows:

e. Administrative closures. The hearing officer may rule that a case be administratively closed where no useful purpose would be served by further action by the commission, such as where the complainant has not been located after diligent efforts, issuance of a right to sue letter, or where, after probable cause decision has been made, it is determined that the record does not justify proceeding to public hearing. This provision does not contemplate administrative closure where an alternative resolution, such as full investigation is possible and is warranted.

CIVIL RIGHTS[240] (cont'd)

ITEM 3. Amend rule 1.8(601A) by adding subrule 1.8(7) as follows:

1.8(7) Where the motion is to the hearing officer assigned to hear the case, the parties may be allowed a procedural hearing at the discretion of the hearing officer, if it can be shown that the questions cannot be adequately addressed in writing, and that fairness requires a hearing.

ITEM 4. Amend rule 1.8(601A) by adding subrule 1.8(8) as follows:

1.8(8) All procedural hearings shall be held in Des Moines, Iowa, or by telephone conference call, unless the hearing officer determines that fairness requires that such hearing should be held elsewhere. A record of arguments will not be kept unless requested by either party. Such a record may be a tape recording or by certified shorthand reporter, at the discretion of the hearing officer.

ITEM 5. Amend rule 1.9(601A) by adding subrule 1.9(6) as follows:

1.9(6) Prehearing conference. At the discretion of the hearing officer, or by request of counsel for one or more parties, a prehearing conference may be held in person in Des Moines, Iowa, or by telephone conference call, unless the hearing officer determines that fairness requires that such conference be held in person elsewhere. Such conference outside of Des Moines is to be only in exceptional circumstances. A record of hearing will not be kept unless requested by either party. Such a record may be by tape recording or by certified shorthand reporter, at the discretion of the hearing officer. The conference will include anticipated issues for the complainant, defenses for the respondent, jurisdictional issues, exhibits, witnesses, discovery, and stipulations of fact or of law.

ITEM 6. Amend rule 1.9(601A) by adding subrule 1.9(7) as follows:

1.9(7) Answer. If, prior to the notice of hearing, the hearing officer in her or his discretion determines that the issues will likely be more clearly defined and that the hearing will likely be shortened without prejudice to the rights of either side, the hearing officer may direct that counsel for complainant submit a more specific statement of the complaint by a date certain, including numbered items or paragraphs and any anticipated amendments. Counsel for respondent may be directed to submit an answer by a date certain, responding to each paragraph, not including amendments which have not been filed. Any questions or objections to jurisdiction that then exist shall be raised at that time, unless they relate to authority over the subject matter. Failure of complainant to timely respond to the order will be construed as an election to stand on the present complaint, and failure of the respondent to timely respond will be construed as an admission of the allegations in the restated complaint, unless good cause is shown by complainant or respondent for allowing additional time to respond. A general denial will not be responsive if, in the knowledge of respondent or its counsel, any of the issues listed will not be contested, such as complainant's hourly rate at the time of leaving, or the date of application. This rule does not foreclose the complainant from later amending the complaint, under subrule 1.3(1), nor does it foreclose the respondent from raising any defenses which may arise after time to respond but before hearing. When a notice of hearing has been issued the hearing officer may in her or his discretion, direct such more specific statement and

answer, unless time does not allow the parties to adequately respond. Then, the hearing may be postponed, if in the judgment of the hearing officer, the need for more specific statement outweighs the need for a hearing at the earliest opportunity.

ITEM 7. To amend the present subrules 1.9(6) through 1.9(14) by renumbering as follows: Subrules 1.9(6) (8); 1.9(7) (9); 1.9(8) (10); 1.9(9) (11); 1.9(10) (12); 1.9(11) (13); 1.9(12) (14); 1.9(13) (15); and 1.9(14) (16).

These rules are intended to implement section 601A.15, The Code.

ARC 1671

ENERGY POLICY COUNCIL[380]

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 93.7(10), The Code, and Acts of the Sixty-eighth General Assembly, Chapter 1110, section 2(1)"c", the Energy Policy Council intends to promulgate rules on the specification of a special hardship in the community served by a motor fuel franchisee for purposes of enabling the franchisee to purchase motor fuel from other than the franchisor. Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1110 establishes procedures and criteria under which motor fuel may be purchased by a motor fuel franchisee from other than the franchisor. Section 2(1)"c" of that Act states that in order to purchase motor fuel from an outside source the "franchisee (must) request motor fuel from the set-aside program administered by the energy policy council under section 93.7, (9), The Code, and allocation from the set-aside program (must) be denied and the director of the energy policy council (must) determine that the franchisee has demonstrated that a special hardship exists in the community served by the franchisee to the public health, safety and welfare, as specified under the rules of the energy policy council." (underlining added) (Acts of the Sixty-eighth General Assembly, Session Laws, Chapter 1110, 1980).

The council has established rules governing the operation of the set-aside program (380, Chapter 3 of the Iowa Administrative Code). The council here intends to augment those rules to specify how a franchisee who has been denied set-aside may demonstrate special hardship relating to the public health, safety and welfare of the community. The council has listed below six options to establish special hardship criteria under the Act. The council wishes to receive public comments on these six options and suggestions from the public on alternative methods of demonstrating special hardships.

The options are as follows:

1. Gasoline lines. One obvious indication of hardships which threaten the health, safety and welfare of a community is the formation of gasoline lines. The director could make a determination that formation of gasoline lines of predetermined number of vehicles and duration in a community is demonstration of special hardship for all franchises in that community.

The council requests comments on the appropriateness of the use of gasoline lines to measure hardships. (Do lines

ENERGY POLICY COUNCIL[380] (cont'd)

alone indicate threats to public health, safety and welfare?) In addition, comments on the length of the lines, their duration, and the boundaries used to define a community are solicited. The council also seeks comments on procedures under which gasoline lines could be reported and verified.

2. Allocation fractions. Under the federal regulations which govern the flow of gasoline, each franchisor, during a time of gasoline shortages, reduces the supplies going to each franchisee by a standard fraction. During the 1979 shortage, these fractions ranged from fifty percent to one hundred percent of what the franchisee received during the base year. Since these fractions purport to measure the extent to which supplies are reduced over a previous period, they may be useful in acting as the threshold below which a franchisee may be allowed to purchase from an outside source.

Thus the council seeks suggestions on the fraction which would best measure the threat to public health, safety and welfare, the extent to which allocation fractions accurately measure the supply situation of the franchisee and the community and the usefulness of this method should the federal allocation system be scrapped. In addition, comments on the procedures under which these fractions would be reported and verified are solicited.

3. Distribution interruptions. A reliable indication of gasoline shortages is outages at pipeline terminals for particular brands. This results when franchisors are unable to add enough gasoline into the pipeline to allow their franchisees to make withdrawals from the terminals. In addition, a gasoline shortage is sometimes caused by a malfunctioning pipeline or refinery problems. Dry terminals, malfunctioning pipelines and down refineries all result in one thing—franchisees are unable to pull gasoline out of the pipeline terminal. Thus, the director could use the inability to withdraw product from the terminal for which withdrawal rights have been secured as evidence of a special hardship to the community served by the franchisee.

The council solicits comments on the extent to which inability to make pipeline withdrawals measures a threat to the community's public health, safety and welfare, whether the brand which is out at the terminal should have a minimum market share in the community before all franchisees are allowed to make outside purchases, whether the outside purchase authority should be limited to franchisees whose brand is out at the terminal, and how the community should be defined. The council also seeks comments on the procedures under which this test could be measured and verified.

4. Set-aside criteria. The state petroleum set-aside program has been established to relieve emergencies and hardships of petroleum distributors and end users. The council has established specified criteria under which gasoline franchisees may qualify for set-aside assistance. These criteria include:

a. A franchisee located in a town forced to take on customers of neighboring stations which have closed;

b. New homes and businesses constructed near a franchisee sharply increase demand for the outlet's gasoline. These new customers are not provided for in the outlet's normal allocation and would create a hardship while its application for an increased allocation is pending before the Department of Energy;

c. A detour from a nearby highway increases traffic and boosts demand for the franchisee's gasoline;

d. A franchisee which provides the only emergency

road service within a twenty-mile stretch of highway;

e. A franchisee afflicted by an abnormally low base period volume and unable to get relief from the Department of Energy;

f. The only retail gasoline outlet in the community.

Should these criteria be applied to the Act, a franchisee who is eligible for a set-aside assignment, but is unable to obtain set-aside fuel because of insufficient supplies, would be able to purchase fuel from an outside source.

The council requests comments on the extent to which the set-aside criteria reflect a threat to public health, safety and welfare in a community. In addition, comments on appropriate procedures to verify evidence indicating compliance with the criteria are solicited.

5. Public health, safety and welfare. The director could attempt to establish standards which directly measure health, safety and welfare of people in a community. Health could include any sort of medical services affected by a gasoline shortage. Safety could include police, fire and emergency service which require gasoline. Welfare could include a demonstration of unemployment or dramatic income loss due to the inability to obtain adequate gasoline supplies. If any resident of a community (definitions requested) can present evidence which indicates such a threat to the public health, safety and welfare, all franchisees in the community would be made eligible to purchase motor fuel from an outside source.

The council requests comments on the appropriateness of such a test (one based on residents of a community instead of franchisees), and the specific measurements and procedures to be used to verify such a threat to the public health, safety and welfare.

6. Combinations/other. The director could also specify combinations of the above five options. For example, option 1, gasoline lines, might be combined with option 5, public health, safety and welfare, so that franchisees are able to make outside purchases upon the formation of gasoline lines which restrict the use of public safety vehicles in a community. The council seeks suggestions on such combinations and procedures under which they could be employed. In addition, options not put forth in this notice may be appropriate specifications of threats to public health, safety, and welfare. The council wishes to be made aware of such options.

Any interested person may make written suggestions or comments prior to February 6, 1981. Such written materials should be directed to the Director, Fuels Division, Energy Policy Council, State Capitol Complex, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the Director, Fuels Division at 515/281-4420 or in the Energy Policy Council office on the second floor of the Lucas State Office Building. Also, there will be a public hearing on Tuesday, January 27, 1981 at 7:30 p.m. in the conference room on the third floor of the Lucas State Office Building. Persons may present their views at this public hearing either orally or in writing.

The rule to be developed is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1110.

ARC 1672**ENERGY POLICY COUNCIL[380]****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 93.7(10), The Code, the Energy Policy Council proposes to amend Chapter 12*, "Standby Emergency Energy Conservation Measures." The proposed amendments are being filed to inform the public of possible council measures to be taken in the event of a shortage of natural gas or electricity.

The Energy Policy Council will hold a public hearing on the proposed rules at 2:00 p.m., January 28, 1981, in the third floor conference room of the Lucas Building. Any interested person may also submit written comments on the proposed rules to the Energy Policy Council, Capitol Complex, Des Moines, Iowa 50319 on or before February 6, 1981.

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

The amendments are detailed below.

ITEM 1. Add rule 380—12.11(93) to read as follows:
380—12.11(93) Recommended actions—natural gas. The Iowa commerce commission regulates natural gas curtailments by utilities under its subrule 19.4(15). Utility natural gas curtailment plans are filed with the ICC in the utilities' tariffs. Curtailments by interstate pipeline companies are regulated by the Federal Energy Regulatory Commission, which has adopted the following priorities.

Priority one—residences, commercial establishments using less than fifty mcf of natural gas on a peak day, schools, hospitals, sanitation facilities, correctional facilities, gas used for minimum plant protection, police and fire protection, and for emergency situations.

Priority two—essential agricultural use including production, processing, quality maintenance, irrigation, drying, or for the production of fertilizer, agricultural chemicals, feed or food.

Priority three—essential industrial feedstock and process use, where no alternative is practical or economical as determined by the Federal Energy Regulatory Commission (FERC).

Priority four—use of natural gas in commercial establishments using over 50 mcf on peak days and in industries using less than 300 mcf per day.

Priority five—all other uses. Four subpriorities exist in this category—users requiring 300 to 1,500 mcf per day, users requiring 1,500 to 3,000 mcf per day, users requiring 3,000 to 10,000 mcf per day, and users requiring over 10,000 mcf per day.

The service a user is entitled to under these priorities is the service provided during a base period which is determined by the natural gas company, except for agricultural users which are entitled to their current needs. All service to priority four and five users must be cut off before service can be reduced to priority one, two or three users; however, priority four users may have service reduced before all users in priority five are completely cut off if the FERC determines this to be reasonable. Federal curtailment priorities make no

distinction between firm and interruptible service to users.

In the event of an anticipated natural gas supply disruption, the natural gas distributor will notify the ICC of the nature and anticipated length and impact of the shortage. The ICC will then notify the Energy Policy Council, which will respond by encouraging reduced consumption in all sectors by implementing the measures listed below in an effort to stretch supplies and reduce the disruption caused by curtailments.

12.11(1) Action/voluntary—reduce hot water energy consumption, description. The EPC would work with the ICC to encourage the reduction of hot water energy consumption through an informational campaign based on brochures available at utilities and other natural gas distributors, along with television, radio, and newspaper spots. Brochures would provide information on ways to reduce heating requirements (such as turning back thermostats on water heaters) and reduce hot water consumed.

12.11(2) Action/voluntary—furnace tune-ups, description. All sectors would be encouraged to have furnaces tuned up for maximum efficiency. Informational brochures on simple furnace maintenance techniques would be distributed through utilities and other natural gas suppliers. Alternately, the EPC, working with energy suppliers, could make available free or low cost assistance in connection with the Residential Conservation Service, but expanded to include other sectors. Efforts to promote RCS would also be increased.

12.11(3) Action/voluntary—heat with alternate energy sources, description. All sectors would be encouraged to heat with alternate energy sources to reduce natural gas consumption. Examples of appropriate methods of doing this would be publicized.

12.11(4) Action/voluntary—reduce ventilation to minimum acceptable levels, description. Commercial and industrial sectors would reduce ventilation to a minimum level as determined by the state for different business types and buildings. The state would be responsible for providing technical assistance where needed to measure ventilation and correct to the determined level.

12.11(5) Action/voluntary—encourage (target) percent reduction, description. The EPC would identify means of communicating with the industrial and commercial sectors (through umbrella trade organizations, magazines, newspapers, news media, etc.) and would encourage all entities to reduce natural gas consumption by (target) percent. Examples of how this could be done (such as reduction of hours of operation) would be included. The EPC would ask all concerns to submit a report to the EPC describing measures taken and probable fuel savings. These would be published to achieve higher levels of compliance than may be possible through a public appeal measure.

12.11(6) Action/voluntary—encourage industrial users to switch to back-up fuels, description. The EPC would work with the ICC, natural gas companies, and utilities to identify industrial users of natural gas, and would request these users to switch to their back-up fuel if possible (the majority of industrial users have residual oil as a back-up fuel; a shortage of this fuel caused by switching from natural gas would not endanger any essential end-users).

12.11(7) Action/voluntary—encourage utilities to restrict the use of natural gas for electrical generation, description. The EPC would contact the major utilities

ENERGY POLICY COUNCIL[380] (cont'd)

with plants in Iowa and request that natural gas-burning electrical generators be shutdown during a natural gas shortage. Utilities would be encouraged to use other-fueled generators or make purchases to make up for the lost wattage.

ITEM 2. Add rule 380—12.12(93) to read as follows:
380—12.12(93) Recommended actions—electricity.
 The Iowa commerce commission regulates disruption of electrical service under its subrule 20.4(17). The ICC has requested utilities file emergency plans in their operating tariffs. All the major utilities (which provide about eighty-seven percent of the electrical power to the state) and some municipal and rural utilities have complied with this request and have developed comprehensive plans to manage emergencies. In general, the plans include the following measures.

Reduce company use of electricity.

Terminate cancelable and interruptible sales.

Contact large businesses and request consumption be cut, particularly during peak demand hours.

Contact area news media and appeal to the public to reduce electrical consumption to a minimum level by delaying the use of electrical appliances, reducing lighting or replacing it with other lighting, delaying meal preparation to off-peak hours, reducing or curtailing the use of electronic entertainment systems (such as stereos), reducing hot water consumption, lowering (or raising) the thermostats on heat pumps (or air conditioners), etc., particularly during peak demand hours.

If the network is still threatened, isolate feeders carrying essential loads (if possible) and rotate other feeder circuits to meet the anticipated overload.

As a further step, reduce voltage output.

Some transmission lines have frequency reduction triggers which will automatically drop loads should the frequency drop below a certain level.

To ensure that all electrical consumers have been considered under emergency planning, the Energy Policy Council requests the ICC exercise its regulatory authority to require emergency plans for all utilities to be included with the utilities' tariffs. At a minimum, these

plans should identify essential and emergency loads and a means of notifying these users of possible service interruptions.

As utilities notify the ICC of probable or impending service disruptions, the commission will notify the EPC. Information on the nature and anticipated length and impact of the shortage would be disseminated to the public through all available media detailing measures which may be taken to manage the shortage, and means of reducing consumption and coping with reduced service.

* See ARC 1716, p. 831

ARC 1676**ENVIRONMENTAL QUALITY[400]****WATER QUALITY COMMISSION****NOTICE OF TERMINATION**

Pursuant to the authority of Section 455B.32, The Code, the Water Quality Commission hereby gives Notice of Termination of its intent to amend Chapter 20, Iowa Administrative Code, "Animal Feeding Operations". These proposed rules were published in Notice of Intended Action in the Iowa Administrative Bulletin on September 3, 1980 as ARC 1338. They concern the modification of minimum levels of waste control, the permits required, which operations are required to have permits, and the procedures to obtain a permit to operate an animal feeding facility.

The Water Quality Commission at a meeting on December 3, 1980 voted to remove these rules from consideration for promulgation, because of significant confusion surrounding their development and also with the new Environmental Quality Commission taking over the Water Quality Commission duties after January 1, 1981, it was believed that they should have the opportunity to develop these highly controversial rules.

ARC 1683**HEALTH DEPARTMENT[470]
NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of Section 135.11(15), The Code, the Iowa State Department of Health gives Notice of Intended Action to rescind Chapter 13, relating to milk and milk products, and Chapter 14, relating to eating and drinking establishments, of the Iowa Administrative Code. The amendment removes provisions to the IAC which are no longer current relating to milk and milk products and eating and drinking establishments.

Any interested person may make written comments prior to 4:30 p.m., January 30, 1981, which should be addressed to Ken Choquette, Health Engineering Section, Iowa State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319.

This amendment is intended to implement Section 135.11(15), The Code.

The following is proposed.

Chapter 13 "Milk and Milk Products" and Chapter 14 "Eating and Drinking Establishments" Iowa Administrative Code are rescinded.

ARC 1688**HEALTH DEPARTMENT[470]****MEDICAL EXAMINERS, BOARD OF
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, 148.6 and 258A.4, The Code, The Iowa board of Medical Examiners hereby gives Notice of Intended Action to amend chapter 135, "Medical Examiners", Iowa Administrative Code.

The present rules do not specify minimum standards of acceptable or prevailing practice regarding packaging, labeling, and keeping of records pertaining to prescription drugs dispensed by physicians and surgeons.

On September 4, 1980 the interim Committee on Prescription Drug Dispensing Practices, composed of six legislators and representatives from each of the following examining boards, dentistry, medicine, nursing, pharmacy, podiatry and veterinary medicine met and approved a resolution urging the Iowa Board of Medical Examiners to promulgate rules to insure uniformity of dispensing practices. These rules will be included under a section of Chapter 135, Iowa Administrative Code, to be known as the "Standards of Practice".

Any interested person may make written suggestions or oral comments on these proposed rules prior to January 27, 1981. Such written materials should be

directed to Ronald V. Saf, Executive Director, Iowa Board of Medical Examiners, State Capitol Complex, Executive Hills West, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the Executive Director, Iowa Board of Medical Examiners at 515/281-5171 or in the offices at Executive Hills West prior to January 27, 1981.

These rules are intended to implement Chapters 147, 148, 148B, 150, 150A and 258A, The Code.

The following amendments are proposed.

ITEM 1. Rule 470—135.1(17A,147) is amended as follows by adding subrule 135.1(21):

135.1(21) "Prescription drugs" means drugs, medicine and controlled substances which by law can only be dispensed for human use by a physician, dentist or podiatrist or by a pharmacist upon the prescription of a physician, dentist or podiatrist.

This rule is intended to implement sections 147.76 and 148.6, The Code.

ITEM 2. Chapter 470—135 is amended by adding a new division as follows:

STANDARDS OF PRACTICE

470—135.251(148,258A) Standards of practice—packaging, labeling and records of prescription drugs dispensed by a physician.

135.251(1) A physician shall dispense a prescription drug only in a container which meets the requirements of the Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471-1476 (1976), unless otherwise requested by the patient, and of Section 502G of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. ss. 301 et. seq. (1976).

135.251(2) A label shall be affixed to a container in which a prescription drug is dispensed by a physician which shall include:

1. The name and address of the physician.
2. The name of the patient.
3. The date dispensed.
4. The directions for administering the prescription drug and any cautionary statement deemed appropriate by the physician.
5. The name and strength of the prescription drug in the container.

135.251(3) The provisions of subrules 135.251(1) and 135.251(2) shall not apply to packaged drug samples.

135.251(4) A physician shall keep a record of all prescription drugs dispensed by the physician to a patient which shall contain the information required by subrule 135.251(2) to be included on the label. Noting such information on the patient's chart or record maintained by the physician is sufficient.

This rule is intended to implement Sections 147.55, 148.6, 258A.3 and 258A.4, The Code.

ARC 1687**HEALTH DEPARTMENT[470]****MEDICAL EXAMINERS, BOARD OF
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.

HEALTH DEPARTMENT[470] (cont'd)

Pursuant to the authority of Sections 147.76 and 147.80, The Code, the Iowa Board of Medical Examiners hereby gives notice of intended action to amend Chapter 145, "Medical Examiners," Iowa Administrative Code.

These changes are required to defray increasing costs incurred in the operation of board functions as specified by the Code. Section 147.80, The Code, mandates that the board shall maintain income in a direct relationship with actual operating expenses. The present fees are below the projected costs of the board's operation.

Any interested persons may make written suggestions or comments on these proposed rules prior to January 27, 1981. Such written materials should be directed to Ronald V. Saf, Executive Director, Iowa Board of Medical Examiners, Executive Hills West, State Capitol Complex, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact Ronald V. Saf, at 515-281-5171 or in the offices at Executive Hills West.

These rules are intended to implement Chapters 147, 148, 150A, The Code.

The following amendments are proposed.

ITEM 1. Subrule 135.102(1) is amended as follows:

135.102(1) The application accompanied by a fee of ~~one hundred~~ *one hundred fifty* dollars must be on file at least sixty days prior to the date of the examination.

ITEM 2. Subrule 135.103(1) is amended as follows:

135.103(1) Each applicant shall submit a completed application form accompanied by a fee of ~~one hundred~~ *one hundred fifty* dollars.

ITEM 3. Subrule **135.105(2)**, paragraph "a" is amended as follows:

a. Submit a completed application form accompanied by a fee of ~~twenty-five~~ *fifty* dollars.

ITEM 4. Rule 470—135.106(148) "Temporary licensure", is amended to read as follows:

135.106(1) The board may, in its discretion, issue a temporary license authorizing the license to practice medicine and surgery whenever, in the opinion of the board, a need exists therefor and the person possesses the qualifications prescribed by the board for such license, which shall be substantially equivalent to those required under Chapter 148 or Chapter 150A as the case may be. A temporary license shall be issued for one year and, at the discretion of the board may be annually renewed, not to exceed two additional years, at a fee of ~~fifty~~ *one hundred fifty* dollars per year.

a. Submit a completed application form accompanied by a fee of ~~fifty~~ *one hundred fifty* dollars.

ITEM 5. Rule 470—135.108(147) "License examination renewal fees," is amended to read as follows:

135.108(1) For a license to practice medicine and surgery or osteopathic medicine and surgery issued upon the basis of examination given by the medical examiners, ~~one hundred~~ *one hundred fifty* dollars.

135.108(2) For a license to practice medicine and surgery or osteopathic medicine and surgery or osteopathy issued by endorsement or under a reciprocal agreement, or the issuance of a special license, ~~one hundred~~ *one hundred fifty* dollars.

135.108(3) For the renewal fee of a license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy, or a special license, ~~twenty~~ *forty* dollars.

135.108(6) For a license to practice as a resident physician, ~~twenty-five~~ *fifty* dollars.

135.108(8) For a temporary license, ~~fifty~~ *one hundred fifty* dollars.

135.108(9) For the renewal of a temporary license, ~~fifty~~ *one hundred fifty* dollars.

These rules are intended to implement sections 147.2, 147.10, 147.25, 147.29, 147.76, 147.80, 147.82, 147.102, 148.4, 148.5, 148.10, 148.11, 150A.7, 150A.9, The Code.

ARC 1689

HEALTH DEPARTMENT[470]

MEDICAL EXAMINERS, BOARD OF
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 148B.2 and 148B.7, The Code, the Iowa Board of Medical Examiners hereby gives Notice of Intended Action to amend Chapter 136, "Physicians Assistants", Iowa Administrative Code.

The present rules do not clearly specify requirements as recommended by the Advisory Committee on Physician's Assistants and the policies of the Iowa Board of Medical Examiners regarding qualifications for individual physician's assistants seeking approval to perform medical services in a remote clinic.

These changes would specify minimum standards and would require individuals requesting such approval to be nationally certified. These rules would also set a period of time for familiarization of procedures between the physician and the assistant prior to utilization in a remote setting. It is intended that these rules would better ensure quality care to the citizens of Iowa who live in less populated areas.

Any interested person may make written suggestions or comments on these proposed rules prior to January 27, 1981. Such written materials should be directed to Ronald V. Saf, Executive Director, Iowa Board of Medical Examiners, State Capitol Complex, Executive Hills West, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the Executive Director, Iowa Board of Medical Examiners at 515/281-5171 or in the offices at Executive Hills West.

These rules are intended to implement Chapter 148B, The Code.

The following amendments are proposed.

ITEM 1. Subrule 136.5(4) is amended to read as follows:

136.5(4) Special permission may be granted by the board to utilize a physician's assistant in a place remote from the physician's primary place for meeting patients if:

- a. There is a demonstrated need for such utilization.
- b. Adequate provision for immediate communication between the physician and *the* physician's assistant exists.
- c. A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising physician and patients who may be seen initially by the physician's assistant.
- d. The responsible physician spends at least two one-half days per week in the remote office.
- e. Adequate supervision and review of the work of the physician's assistant is provided.

HEALTH DEPARTMENT[470] (cont'd)

f. The physician's assistant has been certified by the National Commission on Certification of Physician's Assistants, 3384 Peachtree Road, N.E., Suite 560, Atlanta, Georgia 30326.

g. The physician's assistant has performed medical services under the direct supervision of the supervising physician for a period of not less than three months prior to utilization in a remote clinic.

These rules are intended to implement chapter 148B.7, The Code.

ARC 1714

**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.

Classified employees who have been reinstated no later than one calendar month after making application for long-term disability or following termination of long-term disability benefits, shall be given prior continuous service credit for vacation entitlement, pay increase eligibility and reduction in force purposes.

Any interested persons may make written suggestions or comments on this proposed rule to W.L. Keating, Director, Merit Employment Department, Grimes State Office Building, East Fourteenth Street and Grand Avenue, Des Moines, Iowa 50319, no later than January 28, 1981.

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

The following amendment is proposed:

ITEM 1. Subrule 4.5(1) paragraph "c" subparagraph (2) is amended as follows:

(2) Classified employees who have been reinstated *no later than one calendar month*, after having made application ~~for or are currently receiving~~ long-term disability benefits *or following the termination of long-term disability benefits*, shall be given prior continuous service credit for vacation entitlement, ~~and~~ pay increase eligibility *and reduction in force* purposes. ~~This rule shall have a retroactive effect for a period of one year to ensure equal treatment for all persons.~~ Classified employees within a collective bargaining ~~contract unit~~ shall be governed by their particular contract.

ARC 1715

**MERIT EMPLOYMENT
DEPARTMENT[570]
NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of Section 19A.9, The Code, the Iowa Merit Employment Department hereby gives Notice of Intended Action to amend Chapter 7, "Certification and Selection", Iowa Administrative Code.

The life of a certificate of eligibles shall be one month from date of issue. Extensions may be requested but no extension granted shall exceed two weeks beyond original expiration date. All appointments must be reported during the life of the certificate. Effective dates of appointments must be no later than sixty days after expiration date of certificate.

Any interested persons may make written suggestions or comments on this proposed rule to W.L. Keating, Director, Merit Employment Department, Grimes States Office Building, East Fourteenth Street and Grand Avenue, Des Moines, Iowa 50319, no later than January 28, 1981.

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

The following amendment is proposed.

ITEM 1. Rule 570—7.8(19A) is amended as follows:
570—7.8(19A) Life of a certificate. The life of a certificate of eligibles shall be one ~~calendar~~ month from the date of issue. ~~If additional names are issued, two additional days will be added to the certificate's original expiration date for each additional name added.~~

Certificate extensions may be requested ~~in writing~~, but no extension granted shall exceed two weeks beyond the certificate's original expiration date.

~~Any~~ All appointments ~~must be reported sixty calendar days after the date of the certificate's issuance is void during the life of the certificate.~~ Effective dates of appointments ~~must be no later than sixty days after the expiration date of the certificate, otherwise such appointments will be void.~~

ARC 1701

**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 294A.4, The Code, the Department of Social Services proposes amending rules appearing in the IAC relating to intermediate care facilities (chapter 81). This rule limits the deduction from earned income to \$65.00 per month.

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 January 30, 1981.

This rule is intended to implement sections 249A.2(6) and 249A.3(2)"a", The Code.

Subrule 81.10(3) is amended to read as follows:

81.10(3) Determination of client participation. All resident income, determined in accordance with 770—75.5(249A), above \$25.00 per month ~~allow~~ allowance for personal needs shall be applied to the cost of nursing care. *Residents with earned income shall retain \$65.00 of that income for a personal allowance.*

ARC 1702**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 amending rules appearing in the IAC relating to intermediate care facilities for the mentally retarded (chapter 82). This rule limits the deduction from earned income to \$65.00 per month.

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 January 30, 1981.

This rule is intended to implement section 249A.12, The Code.

Subrule 82.9(2) is amended to read as follows:

82.9(2) Financial participation by resident. Each resident shall retain \$25.00 per month of income for personal needs. *Residents with earned income shall retain \$65.00 of that income for a personal allowance.* The balance of monthly income shall be applied toward the cost of care. The facility shall make arrangements with the resident for payment of such excess funds.

ARC 1703**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 Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 3, the Department of Social Services proposes adopting the following rules. 770—chapter 106 and 770—chapter 107 are rescinded and reserved. Chapter 112, licensing and regulation of child foster care facilities, provides the policies on applications, notifications, denial and revocation of licenses, provisional licenses, and adverse actions for all foster care facilities.

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 January 30, 1981.

These rules are intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 5.

TITLE XII

LICENSING AND APPROVAL STANDARDS

CHAPTER 112

LICENSING AND REGULATION OF CHILD
FOSTER CARE FACILITIES

770—112.1(68GA, ch.1065) Applicability. This chapter relates to licensing procedures for all child foster care facilities authorized by Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065. Rules relating to specific types of facilities are located in 770—Chapter 113, "Licensing and Regulation of Foster Family Care Homes", 770—Chapter 114, "Licensing and Regulation of all Group Living Foster Care Facilities for Children", 770—Chapter 115, "Licensing and Regulation of Community Care Facilities", 770—Chapter 116, "Licensing and Regulation of Residential Treatment Facilities", and 770—Chapter 117, "Licensing and Regulation of Comprehensive Care Facilities". This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065.

770—112.2(68GA, ch.1065) Definitions.

112.2(1) Foster family home. "Foster family home" means an individual person or married couple who wishes to provide or is providing, for a period exceeding twenty-four consecutive hours, board, room, and care for a child in a single family living unit.

112.2(2) Reserved.

112.2(3) Reserved.

112.2(4) Reserved.

112.2(5) Applicant.

a. The applicant for a foster family home license is the foster parent or parents.

b. For a proprietary child caring facility, the applicant is the owner of the facility.

c. For facilities having a board of directors, the applicant may be the president of the board or the board's designee.

112.2(6) Director's designee.

a. For comprehensive care facilities, residential treatment and community care facilities, the director's designee is the chief of the bureau of children's services.

b. For foster family homes, the designee is the district administrator.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065.

770—112.3(68GA, ch.1065) Application for license.

112.3(1) Right to apply. Any adult individual or agency has the right to make application for a license.

112.3(2) Decision to operate a facility. When an applicant has reached a decision to operate a facility for child foster care, the applicant shall complete the Application for License to Operate Foster Family Home or Family Day Care Home, SS-2101, or Application for License or Certificate of Approval, SS-3105-0. Requests for renewal shall be made on the same form.

112.3(3) Withdrawal of an application. The applicant shall report the withdrawal of an application promptly to the department.

112.3(4) Evaluation of the application. Each application will be evaluated by the department to insure that all standards are met.

112.3(5) Reports and information. Requested reports and information relevant to the licensing determination shall be furnished to the department by the applicant.

112.3(6) Applications for renewal. Applications for renewal shall be made to the department at least thirty

SOCIAL SERVICES[770] (cont'd)

but no more than ninety days prior to expiration of the license.

112.3(7) Notification. Facilities shall be notified of approval or denial within ninety days of application or reapplication.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 5.

770—112.4(68GA, ch.1065) License.

112.4(1) A new license shall be obtained when the licensee moves or the facility is remodeled.

112.4(2) A new license shall be obtained when the number of children for which the license is granted changes.

112.4(3) When corrective action is completed on or before the date specified on a provisional license, a full license shall be issued for the remainder of the year.

112.4(4) When the corrective action is not completed by the date specified on a provisional license, a full license shall be denied.

112.4(5) There shall be no fee nor charge for issuing a license.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 5.

770—112.5(68GA, ch.1065) Denial.

112.5(1) Applications will be denied when:

a. The minimum standards set forth in these rules are not met.

b. For just cause.

c. The applicant, as a sole proprietor or a foster family home parent, has been convicted of a crime indicating an inability to operate a children's facility or care for children.

d. The applicant, as a sole proprietor or foster family home parent, has a history of verified child abuse or neglect reports, or one incident of child abuse or neglect causing a serious injury to a child which prevents normal functioning of the child.

e. There is a verified sexual abuse report on the foster family applicants or the sole proprietor of an agency who is involved in the operation of the agency.

f. Over half of the references recommend that no license be granted.

112.5(2) Reapplications will be denied

a. For the same reasons as original applications.

b. For the same reasons as listed in the grounds for revocation.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 5.

770—112.6(68GA, ch.1065) Revocation.

112.6(1) Mandatory. The license shall be revoked by the division director for the following reasons:

a. When the facility is misusing funds furnished by the department.

b. When the facility is operating without due regard to the health, sanitation, hygiene, comfort, or well-being of the children in the facility.

c. When the director or sole proprietor involved in the operation of the facility or foster parent has been convicted of a crime indicating an inability to operate a children's facility or care for children.

d. When the child foster care facility fails to continue to comply with all of the licensing requirements in both law and regulation.

e. When there is a verified sexual abuse report on the

foster family home parents or sole proprietor of an agency who is involved in the operation of the agency.

112.6(2) Optional. Licenses may be revoked when

a. The foster family fails to notify the licensing worker when moving to a new home within thirty days after the date of moving.

b. The facility staff has been convicted of a crime indicating an inability to care for children.

c. The foster family or facility fails to meet any or all requirements of the placement agreement.

d. There is a child sexual abuse report on members of the foster family other than the foster parents.

e. There is a verified child abuse report on staff of a licensed group facility.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 5.

770—112.7(68GA, ch.1065) Provisional license.

112.7(1) Statement of reasons for provisional licenses. Provisional licenses shall be accompanied by a statement of the reasons for the provisional license, the standards that have not been met, the date that the facility must make required changes to meet standards.

112.7(2) Corrective action. The facility shall furnish the licensing agency with a plan of action to correct deficiencies listed that resulted in the provisional license. The plan shall give specific dates upon which the corrective action will be completed.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 5.

770—112.8(68GA, ch.1065) Adverse actions. Notice of adverse actions and the right to appeal shall be given to applicants and licensees in accordance with 770—chapter 7.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 5.

ARC 1704**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 Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 6, the Department of Social Services proposes the adoption of the following rules relating to licensing and regulation of foster family homes (chapter 113). These rules give the requirements a family home must meet in order to be licensed to provide foster care.

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 January 30, 1981.

SOCIAL SERVICES[770] (*cont'd*)

These rules are intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, sections 2, 3, 5 and 8.

TITLE XII

LICENSING AND APPROVAL STANDARDS

CHAPTER 113

LICENSING AND REGULATION
OF FOSTER FAMILY HOMES

770—113.1(68GA, ch.1065) Applicability. This chapter specifically relates to the licensing and regulation of foster family homes. Refer to 770—chapter 112 for general licensing rules and regulations which apply to all foster care facilities, including foster family homes.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065.

770—113.2(68GA, ch.1065) Definitions.

113.2(1) Foster family home. "Foster family home" means an individual person or married couple who wishes to provide or is providing, for a period exceeding twenty-four consecutive hours, board, room, and care for a child in a single family living unit.

113.2(2) Relative. "Relative" means brothers, sisters, aunts, uncles, grandparents, half brothers, half sisters, and first cousins of the child.

113.2(3) Adequate lighting. "Adequate lighting" means a light intensity of twenty-foot candles (approximately equivalent to a sixty watt-bulb at a height of five feet).

113.2(4) Direct exit. "Direct exit" means a doorway which allows an individual to leave the building without walking through another room.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065.

770—113.3(68GA, ch.1065) Application for license.

113.3(1) Where to apply. Persons wishing to care for children through a public or private agency shall make application through that agency.

113.3(2) Relative applications. A relative, as defined in this chapter, may apply for a license as a foster parent to qualify for aid to dependent children-foster care or to continue foster care payments.

113.3(3) Children placed by parents, relatives or guardian. Persons wishing to care for children being placed directly by parents, guardian or another relative shall make application to the department of social services prior to placement.

113.3(4) Application form. When a person has reached a decision to operate a foster family home, the application shall be made on form SS-2101, Application for License to Operate a Family Foster Home. A request for renewal of the license shall be made on the same form.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, Chapter 1065, section 5.

770—113.4(68GA, ch.1065) Provisions pertaining to the license.

113.4(1) Number of children. A foster family home shall be licensed for the care of only five children including the foster family's biological and adoptive children. Any exceptions to this rule must:

- a. Be documented in the case record with reasons given for granting the exception, and
- b. Be approved by the district administrator, and
- c. Meet one of the following criteria:

(1) An exception is necessary to keep a sibling group together.

(2) Regardless of the number of biological and adoptive children that are in the home, when the parents have shown the ability to parent a large number of children, an exception may be made to allow the placement of three foster children.

113.4(2) Employees of the department as foster parents. Employees of the department may be licensed as foster family home parents unless they are engaged in the administration or provision of foster care services. Employees engaged in the administration or provision of foster care services include:

a. Child care staff, social workers, youth service workers or their supervisors in state institutions.

b. Foster care service workers, foster care licensing staff, and supervisors of the above staff employed in county, district or central offices of the department.

c. Other staff in county and district offices engaged in foster care placements such as child protective staff or adoption workers.

d. Department staff responsible for the development of policies and procedures relating to foster care licensing and placement.

113.4(3) Limits on foster family home licensure. A licensed foster family home shall not be permitted to be a licensed comprehensive care facility, community care facility, residential treatment center or licensed child care center.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 5.

770—113.5(68 GA, ch.1065) Physical standards.

113.5(1) General standards. The foster home shall be safe, clean, well ventilated, properly lighted, properly heated, and free from vermin and rodents to assure the well-being of the children residing in the home.

113.5(2) Grounds.

a. There shall be safe outdoor space provided according to the age and developmental needs of the child for active play. The area available shall be documented in the case record.

b. The play area shall be protected against such hazards as traffic, pools, railroads, waste material, and contaminated water.

113.5(3) Sleeping rooms.

a. For single occupancy, the minimum area per child shall be sixty-four square feet.

b. For multiple occupancy, the minimum area per child shall be forty square feet.

c. When sleeping rooms meet only minimum requirements, the home shall provide additional room in other parts of the home for study and play.

113.5(4) All rooms above ground.

a. The ratio of window area to floor area shall be at least four percent except when mechanical artificial ventilation is provided.

b. The ceiling height for rooms above ground shall be seven feet or more.

113.5(5) Rooms below ground.

a. Rooms below ground shall be free from excessive dampness, noxious gases, and objectionable odors.

b. Sleeping rooms below ground shall conform to standards listed in 113.5(3) and 113.7(1)"a".

113.5(6) Physical care standards.

a. Grouping children in sleeping rooms shall take into consideration the age and sex of children. Children over six years of age shall not share a room with a child of the opposite sex.

b. Children one year or older shall be provided bedroom space other than in the foster parents' bedroom.

SOCIAL SERVICES[770] (cont'd)

c. There shall be provisions for isolating from other children, a child who is ill or suspected of having a contagious disease.

d. The foster home shall provide food with good nutritional content and in sufficient quantity to meet the individual needs of the children.

e. Linens shall be changed at least weekly and more frequently for an enuretic or encropetic child.

f. Waterproof mattress covers shall be provided for children under three years of age and for any child who is enuretic or encropetic.

g. Individual space shall be provided for the child's clothes and personal possessions.

113.5(7) Household pets. Household pets in contact with children must be inoculated.

113.5(8) Artificial lighting. Adequate artificial lighting fixtures shall be provided for study in areas where children will be studying.

113.5(9) Toilet facilities.

a. Toilet facilities shall be provided with natural or artificial ventilation.

b. At least one toilet and one lavatory or wash basin should be provided and equipped to be easily and safely reached by children. When privies are provided, they shall be maintained in a clean and sanitary condition at all times.

113.5(10) Heating plant. The heating plant shall have a capacity to maintain a temperature of approximately sixty-five degrees Fahrenheit during the day in severe weather at a point twenty-four inches from the floor. Gas fired space heaters, other stoves, fireplaces and water heaters shall be vented to the outside atmosphere.

113.5(11) Ventilation. Ventilation shall be provided in all rooms where children eat, sleep, and play either by windows which can be opened or by mechanical venting systems. Windows and doors used for ventilation shall be screened with sixteen mesh screen.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 3.

770—113.6(68GA,ch.1065) Sanitation, water, and waste disposal.

113.6(1) Food preparation and storage. Food preparation areas shall be clean and there shall be facilities to store cold food and storage areas for other food supplies.

113.6(2) Milk supply. Only pasteurized Grade A fluid milk shall be served to residents. When foster family homes produce their own milk, Grade A or B fluid milk from a tested herd may be served.

113.6(3) Public water supply. The water supply is approved when the water is obtained from a public water supply system.

113.6(4) Private water supply.

a. Each privately operated water supply shall be annually checked and evaluated for obvious deficiencies such as open or loose well tops or platforms and poor drainage around the wells.

b. As part of the evaluation, water samples must be collected and submitted by the department of social service worker to the university hygienic laboratory or other laboratory certified by the hygienic laboratory and analyzed for coliform bacteria and nitrate (NO³) content.

c. When the water supply is obtained from more than one well, proof of the quality of the water from each well is required.

d. When the water sample result shows the water is

potable, the license can be granted.

e. When the water sample is not approved, the facility shall provide a written statement as to how the water supply will be upgraded.

f. A facility can temporarily obtain potable water from another source if a written statement is provided including where the water will be obtained and how it will be transported and stored.

113.6(5) Sewage treatment.

a. Facilities, wherever possible, shall be connected to public sewer systems.

b. Private disposal systems shall be designed, constructed and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

113.6(6) Garbage storage and disposal.

a. A sufficient number of covered garbage and rubbish containers shall be provided to properly store all material between collections.

b. Containers shall be fly tight, water tight, and rodent proof and shall be maintained in a sanitary condition.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 3.

770—113.7(68GA,ch.1065) Fire safety.

113.7(1) Fire protection.

a. Basements used for sleeping, in addition to meeting the physical standards described in 113.5(3) and 113.5(5), shall have two exits, one of which shall be a direct exit to the outside through a standard walk-out door. Window well and window type exits do not qualify as the direct exit from the basement.

b. The first floor shall have two direct exits.

c. Second floor shall have a minimum of two exits, one of which shall lead to a direct exit to the outside without going through another room.

d. Third floor shall be used for sleeping purposes only when equipped with an outside exit to the ground.

e. Combustible materials shall be kept away from furnaces, stoves, or water heaters.

f. The family shall have a safety plan to be used in case of fire, tornado, or blizzard.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 3.

770—113.8(68GA,ch.1065) Foster parent training.

All foster parents shall have orientation prior to licensure. The orientation may be provided in an individual meeting of the worker with one set of foster parents or in a group setting. Orientation will be developed by department staff and shall include the following:

113.8(1) Medical assistance program. An explanation of the medical assistance program which provides the foster parent information on how the medical assistance program can be used.

113.8(2) Legal status of children. A discussion of the legal status of children and the rights and responsibilities of the biological or adoptive parents, the foster parents, and department or agency staff and courts.

113.8(3) Agency and foster parents. A discussion of the relationship between the agency and foster parents.

113.8(4) Involvement of others. An explanation of the rationale for the agency, the biological or adoptive parents, and other interested parties involvement in decision making regarding the child.

SOCIAL SERVICES[770] (cont'd)

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 2.

770—113.9(68GA,ch.1065) Policy for involvement of biological or adoptive parents.

113.9(1) Acceptance by foster parents. Foster parents shall accept the involvement of biological or adoptive parents and other relatives of the child unless this involvement is evaluated and documented by the department or supervising agency to be detrimental to the child's well-being.

113.9(2) Nature of involvement. The extent and nature of the involvement of the biological or adoptive parents and other relatives shall be determined by the caseworker in consultation with the foster parents, biological or adoptive parents, and others involved with the child and family.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 3.

770—113.10(68GA,ch.1065) Records to be kept by the licensee: These records shall be given to the supervising agency when the child leaves the foster care placement.

113.10(1) Contents of notebook. A notebook shall be kept containing the following information:

- a. The child's full name, birthdate, and date of acceptance for care.
- b. Date of discharge.
- c. Name and address of the person to whom the child is discharged.
- d. Names and addresses of significant relatives of the child, including parents, grandparents, brothers and sisters, aunts and uncles, and any significant others.

113.10(2) Placement agreement. A placement agreement signed by both the child's parents or guardian and the foster parents when the child's parents or guardian have placed the child privately; or a placement agreement for the specific child in placement signed by both foster parents and the agency when placement is made by an agency.

113.10(3) Medical information. Medical information concerning the following shall be maintained by the foster parents:

- a. Names and addresses of doctors who have treated the child and the type of treatment received while in the foster home.
- b. A record of the health history of the child and injuries received by the child.
- c. Anything to which the child is allergic.
- d. A medical authorization.

113.10(4) School information. School reports including report cards and pictures shall be maintained by the foster parents.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 3.

770—113.11(68GA,ch.1065) Health of foster family.

113.11(1) Prior to licensure. The foster parents shall furnish the licensing agency with a health report on the family completed no more than six months prior to the application for licensure. The report shall include information on all family members.

113.11(2) Contents of report. This report shall include a statement from the health practitioner that there are no health problems which would be a hazard to children placed in the home, and a statement that the

foster parents' health would not prevent needed care from being furnished to the foster child.

113.11(3) Capability for caring for the child. If there is evidence that the foster parent is unable to provide necessary care for the child, the worker or the physician may require additional medical reports.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 8.

770—113.12(68GA,ch.1065) Characteristics of foster parents.

113.12(1) Age.

a. Foster parents shall be at least eighteen years of age.

b. The age of foster parents shall be considered as it affects their ability to care for a specific child and function in a parental role.

113.12(2) Income and resources. The foster family shall have sufficient income and resources to provide adequately for the family's own needs.

113.12(3) Religious considerations. The foster parents shall respect the child's religious background and affiliation.

113.12(4) Requirements of foster parents. Foster parents shall be stable, responsible, physically able to care for the type of child placed, mature individuals who are not unsuited by reason of debauchery, habitual use of narcotic drugs, lewd or lascivious behavior or other conduct likely to be detrimental to the physical or mental health or morals of the child. They shall exercise good judgment in caring for children and have a capacity to accept agency supervision.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 2.

770—113.13(68GA,ch.1065) Record checks.

113.13(1) All applicants shall be checked to determine if there is a child abuse or domestic abuse report.

113.13(2) Fingerprint checks are required to determine that the applicant has not been convicted of a crime involving mistreatment or exploitation of a child unless the licensor has personal knowledge of the family sufficient to assure that there is no such record.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 8.

770—113.14(68GA,ch.1065) Planned activities and personal effects.

113.14(1) Daily routine. The daily routine shall promote good health and provide an opportunity for normal activity with time for rest and play.

113.14(2) Clothing.

- a. All children should have their own clothing.
- b. Children shall have training and help in selection and proper care of clothing.
- c. Clothing shall be suited to the existing climate and seasonal conditions.
- d. Clothing shall be becoming, of proper size, and of the character usually worn by children in the community.
- e. There shall be an adequate supply of clothing to permit laundering, cleaning and repair.
- f. There shall be adequate closet and drawer space for children to permit access to their clothing.

SOCIAL SERVICES[770] (cont'd)

113.14(3) Educational opportunity. Every child shall be given the opportunity to complete high school or vocational training in accordance with the child's aptitude.

113.14(4) Religious training. Each child shall be given an opportunity for religious training. Whenever practicable, the child shall be placed with foster parents of such child's own religious faith, or in accordance with the wishes of the biological or adoptive parents. Children shall not be required to participate in religious training or observances contrary to the wishes of the biological, adoptive family, or religious beliefs of the child.

113.14(5) Community participation. Every child shall be given the opportunity to develop health social relationships through participation in neighborhood, school and other community and group activities. The child shall have the opportunity to invite friends to the foster home and to visit the home of friends.

113.14(6) Work assignments. Work assignments shall be in keeping with the total healthy development of the child. Exploitation of the child is prohibited. No child shall be permitted to do any hazardous tasks or to engage in any work which is in violation of the child labor laws of the state. Each child shall have the opportunity to learn to assume some responsibility for self and for household duties in accordance with the child's age, health and ability. However, assigned tasks shall not deprive the child of school, sleep, play or study periods.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 3.

770—113.15(68GA,ch.1065) Medical examinations, health care and records of the child.

113.15(1) Physical examinations. Each child should have a physical examination by a physician prior to placement in the foster home to determine such child is free from contagious or infectious diseases, including a tuberculin skin test and a chest X ray when the skin test is positive. When this physical examination cannot be given prior to admission, an examination shall be scheduled within seven days after placement. An annual medical review of treatment received during the year shall be obtained from the health practitioner or practitioners. When a child is in continuous foster care, a new physical examination shall not be required when the child transfers from one foster family home to another unless there is some indication that an examination is necessary.

113.15(2) Medical information for foster parents. The foster parents shall be given information about the immunizations received by children under their care, physical limitations, and medical recommendations. The foster parents shall have available, at all times, the name, address and telephone number of the child's physician, parents or guardian, and the supervising agency.

113.15(3) Medical and dental supervision. Each child shall be under regular medical and dental supervision. Foster parents shall keep the supervising agency informed of any health problems. In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's directions given at the time of placement.

113.15(4) Exemption from medical care. Nothing in this rule shall be construed to require medical treatment or immunization for a minor child of any person who is a member of a church or religious organization which is against medical treatment for disease. In such instance, an official statement from the organization and a

notarized statement from the parents shall be incorporated in the record.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 3.

770—113.16(68GA,ch.1065) Training and discipline.

113.16(1) Foster parents' methods of training and discipline. The evaluation of the foster parent shall include a discussion and written report of the foster parents' methods of training and discipline.

113.16(2) Restrictions on training and discipline. Child training and discipline shall be handled with kindness and understanding. No child shall be deprived of food as punishment. No child shall be subjected to unusual, unnecessary, severe corporal punishment inflicted in any manner upon the body. No child shall be subjected to verbal abuse, threats or derogatory remarks about the child or the child's family.

113.16(3) Reports of mistreatment. Reports of mistreatment coming to the attention of the supervising agency shall be investigated promptly and referred to the proper authorities when necessary.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 2.

770—113.17(68GA,ch.1065) Emergency care and release of children.

113.17(1) Supervision and arrangements for emergency care. Foster parents shall know the whereabouts of children under care at all times. In case of emergency requiring the foster parents' temporary absence from the home, arrangements shall be made with designated, responsible persons for the care of the children during the period of absence.

113.17(2) Release of foster child. The foster parents shall release the foster child to only the agency, parent or guardian from whom the child was received for care, or the person specifically designated by the agency, parent or guardian.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1065, section 2.

ARC 1673**TRANSPORTATION,
DEPARTMENT OF[820]
TERMINATION OF NOTICE**

Pursuant to the authority of Section 307.10, The Code, the Department of Transportation proposed a Notice of Intended Action to amend 820—[07,C] Chapter 13 entitled "Drivers' License". Specifically, the notice proposed an amendment to paragraph [07,C]13.13(7)"c" and appeared in the February 6, 1980 Iowa Administrative Bulletin as ARC 0841.

The proposed amendment lowered the definition of a serious violation from twenty-five mph or more over the legal limit to sixteen mph or more over the legal limit.

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

The proposed change also simplified and streamlined the suspension schedule. The proposed new schedule divided violations into five mph increments, versus the existing one mph increments.

The last date of oral presentation for this proposed rule amendment was March 18, 1980.

The department of transportation has not adopted this

proposed rule amendment within one hundred eighty days following the publication of notice or within one hundred eighty days after the last date of oral presentation. Therefore, notice is hereby given, pursuant to paragraph 17A.4(1)"b", The Code, that the department of transportation terminates further action on this notice of intended action.

ARC 1686**AUDITOR OF STATE[130]**

Pursuant to the authority of Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1166 and sections 534.12(11), 534.41(2), and 17A.5(1), The Code, the Auditor of State hereby emergency adopts new rules under the Savings and Loan Division as Chapter 8, a new chapter entitled "NOW Accounts." Notice of Intended Action was published on November 12, 1980 as ARC 1559.

The adopted rules will govern the issuance of (NOW) negotiable order of withdrawal accounts by savings and loan associations. The accounts are in effect ones upon which dividends/interest is paid. The Depository Institutions Deregulation and Monetary Control Act of 1980 has given savings and loan associations a vast new amount of powers, including NOW accounts. The federal Home Loan Bank Board has issued similar regulations on these accounts for federal associations. Chapter 1166 states that like powers are to be granted to state-chartered associations for similar periods of time.

There were no responses received during the period of time allowed for public comment. In addition, no one indicated a desire to appear at the public hearing scheduled for December 3, 1980. Two slight grammatical corrections are made to subrule 130—8.2(2), however.

The bank board has ruled that NOW accounts shall become authorized for issuance on December 31, 1980. Because Chapter 1166 states that similar authority shall be given to state associations for the same time periods, the adopted rules shall become effective pursuant to section 17A.5(2)b(2) on December 31, 1980. This emergency implementation confers a benefit to state-chartered associations because it creates parity with federal associations. The public will also be benefited because of the increased amount of competition for these checking account services.

The adopted rules implement Acts of Sixty-eighth General Assembly, 1980 Session, Chapter 1166 and section 534.12(11), The Code.

CHAPTER 8**NOW ACCOUNTS****130—8.1(534) Definitions.**

8.1(1) A (NOW) negotiable order of withdrawal account is a share (savings) account on which dividends (interest) are paid, from which the owner may make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties. The account must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit.

8.1(2) An association is the same as defined under section 534.2(1).

8.1(3) A share account is the same as defined in section 534.2(16).

8.1(4) A dividend is defined under section 534.2(3).

130—8.2(534) Authorization.

8.2(1) Pursuant to authority under Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1166, an association may offer NOW accounts under which account owners may order or authorize the withdrawal of a specified amount of the account by means of cash or a negotiable or nonnegotiable check or similar instrument

payable to the account owner or to the third parties or their order for the benefit of the account owner.

8.2(2) Pursuant to this authority a NOW account holder, by nontransferable order or authorization, may periodically or otherwise, authorize payment to third parties from accounts and purchase travelers checks and money orders from an association.

8.2(3) The authority granted under these rules shall become effective December 31, 1980, and remain valid at any time when federally chartered associations operating in this state are granted similar authority. Pursuant to Public Law No. 96-221, 94 statute 132 (1980), federal associations have been granted this authority to be effective December 31, 1980.

130—8.3(534) General Provisions.

8.3(1) An association may extend secured or unsecured credit in the form of overdraft privileges specifically related to NOW accounts. This rule also applies to officers, directors and employees of an association, when such loans are secured by savings accounts maintained by these affiliated persons at the association and the initial extension of overdraft credit plus future increases or decreases is approved by the association.

8.3(2) Associations are not required to issue account books or certificates evidencing ownership of NOW accounts.

8.3(3) An association may distribute dividends on NOW accounts as provided by its articles of incorporation or by resolution of its board of directors, all subject to section 534.42, The Code. A "mutual deposit" association shall pay interest in lieu of dividends pursuant to Iowa Administrative Code 130, chapter 4.

8.3(4) An association, by resolution of its board of directors, and not in conflict with its articles of incorporation or section 534.10, The Code, may determine not to distribute dividends (interest) on any NOW account with less than a specified minimum amount.

8.3(5) An association may charge a service fee for making any payment or transfer or for maintaining a NOW account under these rules.

8.3(6) A NOW account shall be afforded all of the various rights and privileges for share accounts pursuant to chapter 534, The Code.

These rules are intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1166.

[Filed emergency after notice 12/17/80, effective 12/31/80]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1674**AUDITOR OF STATE[130]**

Pursuant to the authority of Sections 534.19(22), 534.41(2), and 17A.4(2), The Code, the Supervisor of Savings and Loan Associations, under the direction of the Auditor of State, adopts by emergency action the following rules under the Savings and Loan Division. The new chapter, designated as Chapter 9, is entitled "Consumer Loans and Certain Securities." Effective upon filing of these rules in the Administrative Rules Coordinator's office savings and loan associations may

AUDITOR OF STATE[130] (cont'd)

begin granting consumer loans and investing in commercial paper and corporate debt securities.

In compliance with section 17A.4(2), The Code, the Savings and Loan Division finds that public notice and participation are unnecessary because section 534.19(22), The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 129, section 7 and Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1167, states that authority for such investments by state-chartered associations is available only for periods of time when federally chartered associations operating in this state are granted similar authority, and the state authorization is subject to the same rights and limitations imposed upon federal associations.

The Federal Home Loan Bank Board has approved such activity for federal associations effective November 17, 1980. A delay in implementing state rules would create a competitive disadvantage for state associations. In addition, a benefit will be conferred upon the public because of the new sources of consumer loanable money available and the increased competition for these loans. Therefore, these rules are filed pursuant to section 17A.4(2) to become effective upon filing pursuant to section 17A.5(2)"b"(2), The Code. However, a Notice of Intended Action has been contemporaneously filed as ARC 1675 to solicit public comment.

The Depository Institutions Deregulation and Monetary Control Act of 1980 authorized a vast amount of new lending and investment powers for savings and loan associations. Included in this authority is the ability for associations to make consumer loans, i.e., personal loans, automobile loans, appliance loans, etc. Previous to this the only consumer loans which associations could grant included home improvement, educational and savings account loans. In addition to the above the new authority allows associations to invest in high-grade commercial paper and corporate debt securities.

These rules which are being adopted under emergency action will also be under Notice of Intended Action. This will give the public a chance to comment on the rules as they relate to this new type of lending authority. A public hearing will be held under the notice filing to receive any oral or written comments that the public may wish to interject. Upon adoption of the rules through the Notice of Intended Action process, these rules filed through emergency action will be terminated.

These rules implement section 534.19(22), The Code, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1167.

CHAPTER 9

CONSUMER LOANS AND CERTAIN SECURITIES

130—9.1(534) Authority.

9.1(1) An association may grant direct or indirect consumer loans pursuant to section 534.19(22), The Code. The authority to make open-end and closed-end consumer loans includes the ability to originate, purchase, sell, service and participate in such loans, provided, that such loans shall conform to the provisions of these rules and the association's written underwriting standards.

9.1(2) An association may invest in, sell or hold commercial paper and corporate debt securities, including corporate debt securities convertible into stock. An investment under this section includes the investing in, redeeming or holding of shares in any open-end management investment company which is registered with the Securities and Exchange Commission under the

Investment Act of 1940 and whose portfolio is restricted by such management company's investment policy, changeable only if authorized by shareholder vote, solely to the investments that an association is authorized to invest in under these rules and other regulations and statutes.

9.1(3) The lending and investment authority described under these rules shall be available only for periods of time when federally chartered savings and loan associations operating in this state are granted similar authority.

130—9.2(534) Definitions.

9.2(1) "Consumer loan" is the same as defined under section 537.1301(14), The Code. When granting consumer loans under these rules, it is intended that the association rely substantially upon such factors as the general credit standing of the borrower, guaranties or security other than the primary security for the loan. Appropriate evidence to demonstrate justification for such reliance should be retained in the association's files.

9.2(2) A "direct loan" is one in which the association takes the application, evaluates the credit worthiness of the applicant, processes the application, prepares the loan documents and closes the loan.

9.2(3) An "indirect loan" is one which the underwriting, processing, and closing is done by a third party, usually a dealer, who later sells or assigns the loan to the association.

9.2(4) "Loan" is the same as defined under section 537.1301(25).

9.2(5) "Commercial paper" includes any note, draft or bill of exchange which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace. The maturity of any renewal thereof is likewise limited.

9.2(6) "Corporate debt security" is defined as a marketable obligation, evidencing the indebtedness of any corporation in the form of a bond, note or debenture which is commonly regarded as a debt security and is not predominantly speculative in nature. A security is marketable if it may be sold with reasonable promptness at a price which corresponds reasonably to its fair value.

9.2(7) An "association" is the same as defined under section 534.2(1), The Code.

130—9.3(534) General provisions.

9.3(1) The total combined investment which may be made by an association, in consumer loans and securities covered under these rules, shall not exceed twenty percent of its assets.

9.3(2) Indirect loans may not be made through a dealer unless the dealer is approved by the association's board of directors.

9.3(3) The total balances of all outstanding unsecured consumer loans that can be made under these rules to one borrower, is limited to the lesser of one-fourth of one percent of the association's assets or five percent of its net worth. However, any association may make up to \$3,000 in unsecured loans to any one borrower and, beginning on January 1, 1982, and annually thereafter, such amount shall be adjusted by the dollar amount that reflects the percentage increase, if any, in the Consumer Price Index during the previous twelve months as shown in the Index.

9.3(4) If a loan that may be made under these rules is also authorized to be made under another rule or statute, which may have different percentage-of-assets and other limitations or requirements, an association shall have the

AUDITOR OF STATE[130] (cont'd)

option of choosing under which applicable rule or statute the loan shall be made.

9.3(5) As of the date of purchase of commercial paper or corporate debt securities, as shown by the most recently published rating made of such investments by at least one nationally recognized investment rating service, the commercial paper must be rated in either one of the two highest grades and the corporate debt securities must be rated in one of the four highest grades.

9.3(6) The commercial paper or corporate debt securities shall be denominated in dollars and the issuer shall be domiciled in the United States.

9.3(7) At any one time, an association's total investment in the commercial paper and corporate debt securities of any one issuer, or issued by any person or entity affiliated with such issuer, shall not exceed one percent of the association's assets. This provision shall not apply to investments in the shares of an open-end management investment company, in which cases an association's total investment in the shares of any one such company shall not exceed five percent of the association's assets.

9.3(8) Investments in corporate debt securities convertible into stock are subject to the following additional limitations:

a. Purchase of securities convertible into stock at the option of the issuer is prohibited;

b. At the time of purchase, the cost of such securities must be written down to an amount which represents the investment value of the securities considered independently of the conversion feature;

c. Such securities must be traded on a national securities exchange; and

d. Associations are prohibited from exercising the conversion feature.

9.3(9) At any one time, the average maturity of an association's portfolio of corporate debt securities may not exceed six years.

9.3(10) An association shall maintain information in its files adequate to demonstrate that it has exercised prudent judgment in making investments under this section.

[Filed emergency 12/12/80, effective 12/12/80]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1693

SOCIAL SERVICES
DEPARTMENT[770]

Pursuant to the authority of Sections 217.6 and 234.6, The Code, rules of the Department of Social Services appearing in the IAC relating to the food stamp program (chapter 65) are hereby amended. This rule excludes HUD rental refunds from resources for two months after receipt and adjusts coupon allotments, standard deduction, and maximum child care/shelter deduction.

The department of social services finds that notice and public participation would be impracticable and contrary to the public interest. The regulations exempting HUD rental refunds for a period of time is the result of settlement of a class action suit and must be implemented to comply with the court order. The regulations updating the allotments and deductions are to be effective January 1, 1981, which leaves no time to go through the regular rulemaking procedure. Therefore, these rules are filed without notice and public participation pursuant to section 17A.4(2), The Code.

The department of social services finds that this rule confers a benefit on the public. By counting the HUD rental refunds as a resource upon receipt, persons near the resource limit could become ineligible, thus having an adverse effect because of receipt of another governmental benefit. By exempting these payments for two months, this problem can be eliminated. The annual adjustments in allotments and deductions increase the current benefit levels of participating households and allow some marginally ineligible households to become eligible for food stamp benefits. Therefore, this rule is filed pursuant to section 17A.5(2)"b"(2), The Code.

The council on social services adopted this rule December 17, 1980.

This rule is intended to implement sections 217.6 and 234.12, The Code.

This rule shall become effective January 1, 1981.

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

770—65.3(234) Administration of program. The food stamp program shall be administered in accordance with the Food Stamp Act of 1977 and in accordance with federal regulation, Title 7, Parts 270 through 282 as amended to ~~July 8, 1980~~ December 2, 1980.

[Filed emergency 12/19/80, effective 1/1/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1681

AUDITOR OF STATE[130]

Pursuant to Acts of the Sixty-eighth General Assembly, 1980 Regular Session, Chapter 1171, section 6, and sections 536A.28 and 17A.4(1), The Code, the Auditor of State adopts an amendment to Chapter 1, "Industrial Loans", Iowa Administrative Code.

The new rule is to be entitled "Iowa Industrial Loan Corporation Thrift Guaranty Act", and will provide a basis for the organization of and membership in the Industrial Loan Thrift Guaranty Corporation of Iowa, whose members will be industrial loan companies which issue thrift certificates to the public. The rules also designate the duties of the auditor of state who shall oversee the corporation and its members.

Notice of Intended Action was published in IAB, November 12, 1980, as ARC 1535.

Change of such notice is as follows:

- 1.28(2)"a" — word "Thrift" deleted
- 1.28(2)"a"(3) — word "prior" added
- 1.28(2)"b" — word "Thrift" deleted
- 1.28(2)"b"(3) — reference number "(4)" substituted for "(3)"

1.28(3) second paragraph — word "Thrift" deleted

1.28(3) — new paragraph "If, pursuant to section 15 of the Guaranty Act, the auditor determines that there is reasonable cause to take over the management of the property of a member, the auditor may, in his discretion ask the Guaranty Corporation, through its board of directors, to take such action as it elects to minimize the risk of loss to the Guaranty Corporation or to otherwise protect the interest of the public investors including, but not limited to:

1. Purchasing the capital stock of that member;
2. Contributing or lending funds to that member; or
3. Participating in the management of that member."

1.28(4) — words, "Thrift" and "of Iowa" deleted

1.28(5) — word "Thrift" deleted

1.28(6) — words "Thrift" and "of Iowa" deleted

1.28(7) — word "Thrift" deleted

1.28(8) — word "Thrift" deleted twice

1.28(10) — words "Thrift" and "of Iowa" deleted

1.28(10)"a"(1) — words "Thrift" and "of Iowa" deleted

1.28(10)"d" — words "Thrift" and "of Iowa" deleted

1.28(11) — word "Thrift" deleted twice

1.28(11)"c" — word "Thrift" deleted

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Regular Session, Chapter 1171.

This rule will become effective on February 11, 1981.

IOWA INDUSTRIAL LOAN CORPORATION
THRIFT GUARANTY ACT

130—1.28(536A) Rules of auditor.

1.28(1) Definitions.

a. "Industrial loan corporation" means a corporation licensed under chapter 536A, The Code.

b. "Guaranty corporation" means the corporation created pursuant to Acts of the Sixty-eighth General Assembly, chapter 1171, section 4.

c. "Member" means an industrial loan corporation which is required by Acts of the Sixty-eighth General Assembly, chapter 1171, section 5, to be a member of the guaranty corporation.

d. "Thrift certificates" means senior indebtedness issued to and in the hands of the general public, and includes thrift certificates, installment thrift certificates, certificates of indebtedness, promissory notes, or similar

evidences of indebtedness.

e. "Capital impairments" or "impaired capital" means the failure of a member to comply with the capital stock requirements of section 536A.8, The Code.

1.28(2) Reports.

a. Each member, within ninety days after the end of each fiscal year, shall submit the following reports to the auditor of state and the Guaranty Corporation.

(1) A balance sheet of the member, as at such date, setting forth in comparative form the corresponding figures as of a date one year prior thereto;

(2) A statement of income of the member, for such fiscal year ended on such date, setting forth in comparative form the corresponding figures as of a date one year prior thereto;

(3) An analyses of the related surplus accounts for such fiscal year, setting forth in comparative form the corresponding figures as of a date one year prior thereto;

(4) Supplementary data relative to analyses of unearned finance charges, contractual delinquency, reserve for losses, loans to and investments in subsidiaries or affiliates at the date of the balance sheet and the highest amount of loans to or investment in each subsidiary or affiliate during the period covered by the financial statements. Such information shall be examined by the member's independent certified public accountant in accordance with the treatment of supplementary data pursuant to generally accepted auditing standards as promulgated by the American Institute of Certified Public Accountants. The appropriate "Robert Morris" form and required supplements may be substituted for the supplementary data relative to unearned finance charges, contractual delinquency and reserve for losses.

b. Each member, within sixty days after the end of each first semiannual period, shall submit the following reports to the auditor of state and the Guaranty Corporation.

(1) A balance sheet of the member, as at such date, setting forth in comparative form the corresponding figures as of a date one year prior thereto;

(2) A statement of income of the member, for such fiscal period ended on such date, setting forth in comparative form the corresponding figures as of a date one year prior thereto;

(3) Supplementary data relative to loans to and investments in subsidiaries or affiliates at the date of the balance sheet and the highest amount of loans to or investment in each subsidiary or affiliate during the period covered by the financial statements. Such information shall be provided in the same format as provided pursuant to 1.28(2)"a"(4).

The financial statements with respect to each fiscal year shall be certified by an independent certified public accountant certified and registered to practice in the state of Iowa. The financial statements with respect to each first semiannual period shall be certified by an independent certified public accountant certified and registered to practice in the state of Iowa or shall be attested to by an authorized officer of the member.

Such financial statements shall be prepared in accordance with generally accepted accounting principles, and examinations by such independent certified public accountants shall be made in accordance with generally accepted auditing standards.

A member that does not submit a required report to the auditor in the time prescribed may be assessed a penalty fee of ten dollars for each day such report is late.

1.28(3) Impairment of capital. On review of reports

AUDITOR OF STATE[130] (*cont'd*)

submitted as provided above, the auditor may make such further examination of a member as deemed necessary to determine whether an impairment of capital exists. Such examination may include loan classification and recommended write down of assets to market value.

The member may request and obtain a meeting within thirty days of receipt of the auditor's written recommendation with the following: The auditor, the member's independent certified public accountant and a designated representative of the Guaranty Corporation to review any such recommended loan classification or write down of assets to market value.

In the event the auditor determines that capital of member is impaired and after meeting with the member to attempt to resolve and correct such impairment, the auditor may proceed to take over the management of the member as provided by section 15 of the Guaranty Act.

If, pursuant to section 15 of the Guaranty Act, the auditor determines that there is reasonable cause to take over the management of the property of a member, the auditor may, in his discretion ask the Guaranty Corporation, through its board of directors, to take such action as it elects to minimize the risk of loss to the Guaranty Corporation or to otherwise protect the interest of the public investors including, but not limited to:

1. Purchasing the capital stock of that member;
2. Contributing or lending funds to that member; or
3. Participating in the management of that member.

1.28(4) Auditor reimbursement—management by auditor. In the event the auditor or his designated representative assumes management of the Guaranty Corporation of Iowa or any of its member corporations, the auditor will be reimbursed by the corporation being managed for actual costs and expenses incurred while assuming such management.

1.28(5) Affiliated loans. A member shall not extend credit to a subsidiary or affiliated corporation, unless the extension of credit:

1. Is commercially reasonable, and
2. Does not involve more than the normal risk of repayment, or present other unfavorable features. If a member extends credit to subsidiary or affiliated corporation(s) in excess of twenty percent of capital and surplus, such member shall on an annual and semiannual basis provide separate reports on such corporation(s) to the auditor and the Guaranty Corporation in such format as required by subrule 1.28(2).

1.28(6) Investment of guaranty corporation funds: The Guaranty Corporation is authorized to invest its funds in:

- a. Deposits and accounts in insured commercial banks and savings and loan associations.
- b. Direct obligations of the United States of America or agencies thereof.
- c. General obligations of the state of Iowa or of any other state.
- d. Other government or corporate securities which are rated by at least two nationally recognized rating agencies with a minimum rating of not less than the two highest ratings extended by such agencies.

The investment portfolio shall be such as to provide reasonable liquidity.

1.28(7) Fidelity bond requirements. An industrial loan corporation which is a member of the Guaranty Corporation shall maintain a fidelity bond to protect the company from losses due to dishonesty, theft or misconduct of any of its officers, directors, or employees. Such bond shall be in an amount at least equal to 1.5 percent of outstanding thrift certificate debt at

December 31, each year, however, each member is required to maintain a minimum bond of one hundred thousand dollars, with a maximum deductible of twenty thousand dollars.

1.28(8) Notice of change in officers, directors, or shareholders. Each member shall file with the auditor and the Guaranty Corporation a listing of its executive officers and directors and also of shareholders holding either beneficially or of record twenty percent or more of the outstanding voting securities of such member. A member shall file with the auditor and the Guaranty Corporation written notice of any change of such listing on file within ten days of such change.

1.28(9) Advertisement of interest rates.

a. Interest rates paid on thrift certificates shall be stated in terms of annual rate of simple interest.

b. If a percentage yield achieved by compounding interest is advertised, the annual rate of simple interest shall also be stated along with a brief explanation of the method of compounding.

c. Whenever an advertisement, display, distribution or broadcast contains a reference to the interest to be paid on thrift certificates and a minimum investment requirement exists with respect to obtaining said interest rate, such reference shall also include a clear statement of the minimum savings or investment requirement.

d. Whenever an advertisement, display, distribution or broadcast contains a reference to the interest to be paid on thrift certificates and a penalty exists for withdrawal thereof prior to maturity, such reference shall also include either a clear statement of the exact penalty which may be imposed or the statement, "A substantial interest penalty may be imposed for early withdrawal".

1.28(10) Advertisement regarding the Guaranty Corporation.

a. Advertising, displays, distribution or broadcasts, by or on behalf of any member of the corporation with regard to its thrift certificates shall include the following disclosures:

(1) Whenever in such advertisement, display, distribution or broadcast, a reference is made with regard to membership in the Guaranty Corporation the statement "Thrift certificates are protected up to a maximum of ten thousand dollars by the Industrial Loan Thrift Guaranty Corporation of Iowa, a private corporation, regulated by the state of Iowa; however, thrift certificates are not guaranteed by the state of Iowa":

(2) Whenever in such advertisement, display, distribution or broadcast, a reference is made to the size or amount of assets, capital or other measures of financial worth of an association, partnership, or corporation with which said member is affiliated, such advertisement, display, distribution or broadcast must disclose whether or not said association, partnership, or corporation is under any obligation to insure or guarantee the thrift investment liabilities of said member.

b. When used in television advertisements, the disclosures required in subrule 1.28(9) and in subparagraphs 1.28(10)"a" (1) and (2) shall be made orally or superimposed in writing upon the viewing screen. If a writing is used in television advertisements, the statement shall be of such size and of such duration to allow sufficient time to be fully read by a reasonable person.

c. When used in radio advertisements, the disclosure required in the subrule 1.28(9) and subparagraphs 1.28(10)"a"(1) and (2) shall be made orally.

d. No advertisement, display, distribution or

AUDITOR OF STATE[130] (cont'd)

broadcast by any member of the Guaranty Corporation with regard to its thrift certificates shall contain any representation concerning the protected or guaranteed nature of its thrift certificates without providing equal prominence to the disclosure provided by subparagraph 1.28(10)"a"(1).

1.28(11) Guaranty Corporation brochure. The Guaranty Corporation shall prepare a brochure to be distributed to all prospective investors by members. The brochure shall provide explanation as to the Guaranty Corporation form and purpose; the (guaranty) fund and an explanation of types of accounts guaranteed. All members shall provide the brochure as set forth below:

a. When accepting moneys from any new customer on the member premises, said customer shall be offered a copy of the brochure.

b. Upon receipt by a member of money from a customer who has an existing account and who has not previously been offered a copy of the brochure, one shall be offered to said customer at the time of receipt of the money.

c. Any new customer who forwards moneys for investment by mail will be mailed a copy of the brochure.

The members shall purchase the brochures at cost from the Guaranty Corporation.

[Filed 12/17/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1716**ENERGY POLICY COUNCIL[380]**

Pursuant to the authority of Section 93.7(10), The Code, the Energy Policy Council adopts, on November 11, 1980, a new Chapter 12, Standby Emergency Energy Conservation Measures.

Chapter 12 sets forth procedures for the council to follow if it is found that an actual or impending acute shortage of usable energy exists or in response to a federally mandated conservation target.

Notice of Intended Action was published in IAB June 11, 1980, as ARC 1101. Amendments were published in IAB July 23, 1980, as ARC 1228.

Changes from such notice are as follows:

380—12.1(93) The scope of the rule has been modified to reflect the deletion of specific measures for petroleum fuel shortages from the adopted rule and reference the proposed measures as on file at the Energy Policy Council office.

380—12.2(93) A word change has been made to allow the chair flexibility in calling a council meeting if requested by a council member.

380—12.4(93) A wording change has been made to reflect the deletion of specific measures for petroleum fuel shortages from the adopted rule.

380—12.6(93) to 380—12.10(93) have been deleted from the adopted rule and will be kept on file at the Energy Policy Council office.

These rules implement section 93.8, The Code, and will become effective February 25, 1981.

CHAPTER 12**STANDBY EMERGENCY ENERGY
CONSERVATION MEASURES**

380—12.1(93) Scope. The purpose of this chapter is to establish procedures for the council to follow if it is found that an actual or impending acute shortage of energy exists and to reference certain actions which might be recommended to the governor for inclusion in an emergency proclamation or in response to a federally mandated conservation target under the Emergency Energy Conservation Act (96-102). Section 93.8, The Code, authorizes the council, by resolution, to recommend that the governor issue a proclamation of an acute energy shortage. That recommendation may also be accompanied by recommended actions, if any, to cope with the energy shortage. The Energy Policy Council office will keep on file an Emergency Energy Conservation Plan (EECP) from which the council may adopt particular actions for recommendation to the governor.

380—12.2(93) Director findings. If the director of the council or any member of the council believes that an actual or impending acute shortage of usable energy exists and requests a meeting, the chair may call a meeting of the council within a reasonable period of time. The director or member shall then present to the council those findings which he/she believes threaten the health, safety, or welfare of the people of this state or portions thereof.

380—12.3(93) Council action. If the council by resolution determines the health, safety, or welfare of the people of this state is threatened by an actual or impending acute shortage of usable energy, it shall transmit the resolution to the governor together with its recommendation on the declaration of an emergency by the governor and recommended actions, if any, to be undertaken.

380—12.4(93) Emergency Energy Conservation Plan. The EECP will consist of voluntary and mandatory measures which the council contemplates would be recommended to the governor for inclusion in an emergency proclamation under section 93.8, The Code. The council shall tailor its recommendations to the specific emergency confronted at the time of the resolution. The council may, at the time of an energy emergency, determine that additions, modifications, or deletions of the proposed measures are necessary.

380—12.5(93) Actions available for public inspection. Further information on recommended actions or measures will be available for public inspection at the EPC Office, Lucas Building, Des Moines, Iowa 50319, and will be available to any person or agency upon request.

[Filed 12/19/80, effective 2/25/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1678**ENVIRONMENTAL QUALITY[400]****AIR QUALITY COMMISSION**

Pursuant to the authority of Section 455B.12, The Code, 1979, as amended by the Acts of the Sixty-eighth General Assembly, Chapter 1149, the Air Quality Commission adopts amendments to its construction permit rules. The affected rules are found in Chapter 1, "Definitions", and Chapter 3, "Controlling Pollution".

ENVIRONMENTAL QUALITY DEPARTMENT[400] (cont'd)

Notice of Intended Action was published in the October 15, 1980 Iowa Administrative Bulletin as ARC 1476. A public hearing was held November 13, 1980 at 10:00 a.m. in the fifth floor conference room of the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa. Written comments were eligible for consideration for an additional ten days after the hearing date.

The amendments to the construction permit rules now require a permit prior to the initiation of construction as specified in section 110(a)(2)(d) of the federal Clean Air Act. The maximum review time for either issuance or denial of a permit application is changed from sixty to one hundred twenty days, (Items 1-4).

The adopted revisions also modify the emission offset rules for nonattainment areas. The definitions contained in EPA's August 7, 1980 final rulemaking on the federal Emission Offset Interpretative Ruling has been incorporated. (See 45 Federal Register 52676-52748, August 7, 1980.) Previously the emission offset rules applied only to sources of particulate matter. The offset requirements now apply to all regulated air contaminants, (Items 5-15).

Items 15 and 16 in the Notice of Intended Action (ARC 1476) relate to the control of volatile hydrocarbons for sources located in Linn County. The rules were proposed to fulfill the Clean Air Act requirement that all major sources located in nonattainment areas install reasonably available control technology (RACT) for the respective nonattainment pollutant. The release of volatile organic compounds (VOC) is a precursor to ground level ozone formation. Air quality data collected in Linn County over the past two years show compliance with the ozone standard. The air quality commission has submitted a redesignation request, and the EPA has published a proposed reclassification of Linn County to attainment with the ozone standard. Due to the tentative nature of the EPA action and the potential elimination of the need for requiring RACT for VOC sources, the commission will delay action on this portion of the proposed rules pending final redesignation by EPA.

The environmental quality commission will publish a termination notice on Items 15 and 16 if EPA redesignates Linn County as attainment for ozone. If EPA does not redesignate Linn County as attainment, the commission intends to adopt Items 15 and 16 without further notice or public participation (provided the EPA decision not to redesignate is made within the one hundred eighty days allowed by section 17A.4(1)"b", The Code).

Changes to the rules resulting from public comments are as follows:

Item 3. In subrule 3.1(1) the word "said" has been replaced by the word "A" at the beginning of the second sentence.

Item 6. In the definition at 3.5(1)"b"(2) for "major modifications", in the seventh sentence, the colon and semicolon and the words following semicolon are deleted.

In the last sentence of definition 3.5(1)"d"(2), the term "particulate matter" has been replaced by the phrase "any regulated air contaminant".

The revisions to Items 3 and 6 are included to make the rules more readable and understandable.

Item 7. The definition at 3.5(1)"g" on "emissions unit" has been modified to include the term "installation" as follows:

g. "Emissions unit or installation" means an identifiable piece of process equipment.

The definition at 3.5(1)"s", "Resource recovery facility"

has been replaced by a definition of "building, structure, or facility" as follows:

s. "Building, structure, or facility" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

The revisions to Item 7 are made to assure that the definitions in the commission's offset rule are equivalent to those contained in the Federal Emission Offset Interpretative Ruling (40 CFR part 51, Appendix S). The definition of "major stationary source" uses the term "stationary source", which, as currently defined in 1.2(59), [renumbered 1.2(64)] in turn uses the terms "building, structure, or facility" and "installation". The definition of "major stationary source" in the Prevention of Significant Deterioration context was a central issue in the Alabama Power et. al. vs. Costle court decision. The adopted definition of "major stationary source" provides for a more detailed permit review process for sources located in nonattainment areas than for sources located in areas which are in attainment with the ambient air quality standards.

Item 13. In subrule 3.5(7), compliance of existing sources, the word "major" is inserted prior to the phrase "sources owned or operated by the applicant".

The purpose for the revision to Item 13 is to assure that the commission's offset rule does not exceed the standards or limitations set by the requirements of the federal Clean Air Act, as mandated by revisions to 455B.12 by Acts of the Sixty-eighth General Assembly, Chapter 1149.

Other than the changes outlined above the rules for Items 1-14 are identical to those published in the Notice of Intended Action.

These rules were adopted by the air quality commission on December 11, 1980, and approved by the Executive Committee on December 12, 1980.

These rules are intended to implement section 455B.12, The Code, as amended by the Acts of the Sixty-eighth General Assembly, Chapter 1149, and will become effective on February 11, 1981.

ITEM 1. Subrule 1.1(1) is amended to read as follows:

1.1(1) Meaning. For the purpose of these rules, the following terms shall have the meaning indicated in this chapter. The definitions set out in section ~~136B.2[Code 1971]~~[455B.10 [Code 1975] 1979 as amended by Acts of the Sixty-eighth General Assembly, Chapter 1149] shall be considered to be incorporated verbatim in these rules.

ITEM 2. Amend 400—1.2(455B) by adding the following new subrule in alphabetical sequence and renumbering the remaining subrules accordingly.

1.2(33) Initiation of construction, installation or alteration. Significant permanent modification of a site to install equipment, control equipment or permanent structures. Not included are activities incident to preliminary engineering, environmental studies, or acquisition of a site for a facility.

ITEM 3. Subrule 3.1(1) is amended to read as follows:

3.1(1) Permit required prior to initiation of construction, installation or alteration. Each person planning to construct, install, reconstruct or alter any

ENVIRONMENTAL QUALITY DEPARTMENT[400] (cont'd)

equipment as defined in 1.2(21) or related control equipment as defined in 1.2(17) shall obtain a permit for the proposed equipment or related control equipment from the department, prior to the initiation of construction, installation or alteration of any portion of the stationary source. ~~Said~~ A permit will not be required if the alterations to the equipment will not change the emissions from that equipment. Commencing February 22, 1979, each person planning to construct, install, reconstruct, or alter an anaerobic lagoon shall obtain a permit for the proposed lagoon from the department prior to the initiation of construction, installation or alteration.

ITEM 4. Subrule 3.1(2) is amended to read as follows:

3.1(2) Processing of applications for permits. The department shall notify the applicant in writing of the issuance or denial of a permit as soon as practicable, at least within ~~sixty~~ *one hundred twenty* days of the completed application for permit. If the application for permit is found by the department to be incomplete upon receipt, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the permit may be denied for lack of information. When this schedule would cause undue hardship to an applicant, or materially handicap this need for proceeding promptly with the proposed installation, modification or location, a request for priority consideration and the justification therefor shall be submitted to the department.

ITEM 5. Rule 400—3.5(455B), line 1, is amended to read as follows:

400—3.5(455B) Particulate matter emission offsets. Special requirements for nonattainment areas.

ITEM 6. Subrule 3.5(1), paragraph "a", is amended to read as follows:

3.5(1) Definitions.

a. "Major stationary source" means:

(1) Any stationary ~~air contaminant~~ source of air contaminants which directly emits, or has the potential to emit, 100 tons per year or more of ~~particulate matter~~ *any regulated air contaminant, or*

(2) Any physical change that would occur at a stationary source not qualifying under subparagraph (1) as a major stationary source, if the change would constitute a major stationary source by itself.

A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

Subrule 3.5(1), paragraph "b", is amended as follows:

b. "Major modification" means any physical change in or change in the method of operation of a major stationary source, or series of contemporaneous physical changes in the method of operation of a major stationary source, that would result in a significant net emissions increase in that source's potential to emit particulate matter of any regulated air contaminant (or that would make the stationary source major taking into account all accumulated net increases in potential emissions occurring at the stationary source including any initial construction since December 21, 1976).

(1) Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.

(1) (2) A physical change, or change in the method of operation, shall not include routine maintenance, repair or replacement.

(2) A change in the method of operation, unless previously limited by enforceable permit conditions,

shall not include:

Routine maintenance, repair, and replacement;

~~Use of an alternative fuel or raw material, if prior to December 21, 1976, the source was capable of accommodating such fuel or material;~~

~~Use of an alternative fuel or raw material by reason of an order in effect under sections 2(a) and (b) of the Energy Supply and Environmental Co-ordination Act of 1974 (or any superseding legislation), a prohibition under the Power Plant and Industrial Fuel Use Act of 1978, (or any superseding legislation) or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;~~

~~Use of an alternative fuel by reason of an order or rule under section 125 of the Clean Air Act;~~

~~Change Any change in ownership of the at a stationary source; or~~

~~Use of refuse derived an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;~~

~~Use of an alternative fuel or raw material by a stationary source which the source was capable of accommodating before December 21, 1976, unless such change would be prohibited by any enforceable permit condition.~~

~~An increase in the hours of operation or in the production rate, unless such change is prohibited under any enforceable permit condition.~~

Rescind subparagraphs (3), (4) and (5).

Subrule 3.5(1), paragraph "c", is amended as follows:

c. "Potential to emit" means the capability at maximum capacity to emit of a particulate matter stationary source after to emit the application of air pollution control a pollutant equipment under its physical and operational design. Annual potential shall be based on the maximum annual rated capacity of the stationary source assuming continuous year round operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the annual potential. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is an enforceable permit condition. Secondary emissions do not count in determining the annual potential to emit of a stationary source. (For a definition of "secondary emissions", see paragraph "e".) Fugitive emissions also do not count, in calculating the potential to emit of the stationary source or major modification except with respect to the following stationary sources and then only to the extent quantifiable:

Coal cleaning plants (with thermal dryers);

Kraft pulp mills;

Portland cement plants;

Primary zinc smelters;

Iron and steel mill plants;

Primary aluminum ore reduction plants;

Primary copper smelters;

Municipal incinerators capable of charging more than 250 tons of refuse per day;

Hydrofluoric, sulfuric or nitric acid plants;

Petroleum refineries;

Fossil fuel-fired boilers (or combination thereof) totaling more than 250 million BTUs per hour heat input;

Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

ENVIRONMENTAL QUALITY DEPARTMENT[400] (cont'd)

Taconite ore processing plants;
 Lime plants;
 Phosphate rock processing plants;
 Coke oven batteries;
 Sulfur recovery plants;
 Carbon black plants (*furnace process*);
 Primary lead smelters;
 Fuel conversion plants;
 Sintering plants;
 Secondary metal production plants;
 Chemical process plants;
 Glass fiber processing plants;
 Charcoal production plants;

Fossil fuel-fired steam electric plants of more than 250 million BTUs per hour heat input;

Any other stationary source category which, at the time of the applicability determination, is being regulated under section 111 or 112 of the Clean Air Act.

d. "Lowest achievable emission rate" means, for any source, that rate of emissions based on the following, whichever is more stringent:

(1) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(2) The most stringent emission limitation which is achieved in practice by such class or category of source.

This term, applied to a modification, means the lowest achievable emission rate for the new or modified facilities emission units within the stationary source.

For the control of volatile organic compound (VOC) emissions, this term may include a design, equipment, material, work practice or operational standard or combination thereof.

In no event shall the application of this term permit a proposed new or modified facility stationary source to emit particulate matter any regulated air contaminant in excess of the amount allowable under applicable new source standards of performance.

e. "Secondary emissions" means emissions which occur or could occur as a result of the construction or operation of a major stationary source or major modification, but do not necessarily come from the major stationary source or major modification itself. For purposes of this rule, secondary emissions must be specific and well defined, must be quantifiable, and must affect the same general nonattainment area as the stationary source or modification which causes the secondary emission. Secondary emissions may include, but are not limited to:

Emissions from barges or trains coming to or from the new or modified stationary source or modifications; and

Emissions from any off-site support source facility which would not otherwise be constructed or would not otherwise increase its emissions as a result of the construction or operation of the major stationary source or major modification.

ITEM 7. Amend 3.5(1) by adding the following new paragraphs:

f. (1) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(2) An increase or decrease in actual emissions is

contemporaneous with the increase from the particular change only if it occurs between January 1, 1978 and the date that the increase from the particular change occurs.

(3) An increase or decrease in actual emissions is creditable only if the executive director has not relied on it in issuing a permit for the source under this rule which permit is in effect when the increase in actual emissions from the particular change occurs.

(4) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(5) A decrease in actual emissions is creditable only to the extent that:

The old level of actual emissions or the old level of allowable emissions whichever is lower, exceeds the new level of actual emissions;

It is an enforceable permit condition at and after the time that actual construction on the particular change begins;

The executive director has not relied on it in issuing any other permit; and

It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(6) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

g. "Emissions unit or installation" means an identifiable piece of process equipment.

h. "Reconstruction" will be presumed to have taken place where the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new stationary source. Any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of new source performance standards (see 4.1(2)). A reconstructed stationary source will be treated as a new stationary source for purposes of this rule. In determining lowest achievable emission rate for a reconstructed stationary source, the definitions in the new source performance standards shall be taken into account in assessing whether a new source performance standard is applicable to such stationary source.

i. "Fixed capital cost" means the capital needed to provide all the depreciable components.

j. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

k. "Significant" means in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide: 100 tons per year (tpy)

Nitrogen oxides: 40 tpy

Sulfur dioxide: 40 tpy

Particulate matter: 25 tpy

Ozone: 40 tpy of volatile organic compounds

Lead: 0.6 tpy

l. "Allowable emissions" means the emissions rate calculated using the maximum rated capacity of the source (unless the source is subject to an enforceable permit condition which restricts the operating rate, or hours of operation, or both) and the most stringent of the following:

ENVIRONMENTAL QUALITY DEPARTMENT[400] (cont'd)

(1) Applicable standards as set forth in chapter 4;
 (2) Any applicable state implementation plan emissions limitation, including those with a future compliance date; or

(3) The emissions rate specified as an enforceable permit condition, including those with a future compliance date.

m. "Enforceable permit condition" means all limitations and conditions which are enforceable by the executive director, including those requirements developed pursuant to new source performance standards, requirements within the state implementation plan, and any permit requirements established pursuant to this rule, or under conditional or construction permit rules.

n. (1) "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit as determined in accordance with subparagraphs (2) to (4) below.

(2) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The reviewing authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period.

(3) The executive director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(4) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

o. "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

p. "Commence" as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

q. "Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the state implementation plan.

r. "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework and construction of permanent storage structures. With respect to a change in method of operating this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

s. "Building, structure, or facility" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0 respectively).

ITEM 8. Subrule 3.5(2) is amended to read as follows:

3.5(2) *Emission offset* applicability.

a. Primary standard particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for a primary particulate matter standard in 40 ~~FCR~~ *CFR* §81.316 (*March 6, 1980*) then emission offsets must be achieved prior to startup.

If a major source or major modification is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 *CFR* §81.316, but the modeled (CRSTER, ~~PTMPT~~ *PTMTP* or an appropriate optimum model) worst case ground level particulate concentrations due to the major source or major modification in a designated primary standard particulate matter nonattainment area is equal to or greater than five micrograms per cubic meter (twenty-four-hour concentration), or one microgram per cubic meter (annual geometric mean), then emission offsets must be achieved prior to startup.

If, after the permit is issued, the area is redesignated in 40 *CFR* §81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the executive director shall relieve the applicant of the obligation of implementing the offsets.

b. Secondary standard particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for the secondary particulate matter standard in 40 *CFR* §81.316, (*March 6, 1980*) emission offsets must be achieved prior to startup if the offsets are reasonably available. If a major source is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 *CFR* §81.316, but the modeled (CRSTER, ~~PTMPT~~ *PTMTP* or an appropriate optimum model) worst case ground level particulate matter concentrations due to the major source or major modification in a designated secondary standard particulate matter nonattainment area is equal to or greater than five micrograms per cubic meter (twenty-four-hour concentration), emission offsets must be achieved prior to startup if the offsets are reasonably available.

If offsets are determined to be reasonably available, and if after the permit is issued, the area is redesignated in 40 *CFR* §81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the executive director shall relieve the applicant of the obligation of implementing the offsets.

c. Offsets are reasonably available if the owner or operator can reasonably achieve any of the reductions listed in ~~3-5(5)~~ *3.5(4)*, paragraphs "c" to "i" at the owner or operator's own major source.

d. *Emission offsets are not required for volatile organic*

ENVIRONMENTAL QUALITY DEPARTMENT[400] (cont'd)

compound (VOC) and carbon monoxide (CO) emissions in ozone and carbon monoxide nonattainment areas respectively.

e. Emission offsets for any regulated air contaminant in the respective designated nonattainment area shall provide for reasonable further progress toward attainment of the applicable national ambient air quality standards and provide a positive net air quality benefit in the affected area.

ITEM 9. Rescind all of subrule 3.5(4).

ITEM 10. Amend subrule ~~3.5(5)~~ by renumbering it as 3.5(4) and amend paragraph "a" of 3.5(4) as renumbered to read as follows:

~~3.5(5)~~ 3.5(4) Acceptable emission offsets.

a. Equivalence. The effect of the reduction of particulate emissions must be measured or predicted to occur in the same area as the emissions of the major source or major modification. It can be assumed that, if the emission offsets are obtained from an existing source on the same premises or in the immediate vicinity of the major source or major modification and if the particulate matter air contaminant disperses from substantially the same stack height, the emissions will be equivalent and may be offset. Otherwise, an adequate diffusion model must be used to predict the effect. If the reduction accomplished at the source is in accordance with the ratio of 3.5(5)"b" and if the effect of the reduction is measured or predicted to occur in the same area as the emissions of the major source or major modification, the effect of the reduction at the measured or predicted point does not have to exactly offset the effect of the major source or major modification.

ITEM 11. Amend subrule ~~3.5(6)~~ by renumbering it as 3.5(5) and amending it to read as follows:

~~3.5(6)~~ 3.5(5) Banking of offsets in nonattainment areas. If the offsets in a given situation are more than required by ~~3.5(5)"b"~~ 3.5(4)"b", the amount of offsets that is greater than required may be banked for the exclusive use or control of the person achieving the reduction. If the person achieving the reduction is not an individual, an authorized representative of the person must release control of the banked emissions in writing before another person can utilize the banked emissions.

ITEM 12. Rule 400—3.5(455B) is amended by adding a new subrule, 3.5(6) as follows:

3.5(6) Emission standard. The emission rate for a new major source or major modification locating in or significantly affecting a designated nonattainment area shall be the lowest achievable emission rate (LAER). A major source or major modification has a significant effect if it causes an increase in a designated nonattainment pollutant level greater than the following amounts:

	Averaging time (hours)				
	Annual	24	8	3	1
SO ₂	1.0 ug/m ³	5 ug/m ³	25 ug/m ³		
TSP	1.0 ug/m ³	5 ug/m ³			
NO _x	1.0 ug/m ³				
CO		0.5 mg/m ³		2 mg/m ³	

Pollutant

SO₂ _____ 1.0 ug/m³ _____ 5 ug/m³ _____ 25 ug/m³ _____
TSP _____ 1.0 ug/m³ _____ 5 ug/m³ _____
NO_x _____ 1.0 ug/m³ _____
CO _____ 0.5 mg/m³ _____ 2 mg/m³ _____

ITEM 13. Amend subrule 3.5(7) to read as follows:
3.5(7) Compliance of existing sources. If a new major source or major modification is subject to subrule 3.5(6) emission offsets are required, then all major sources owned or operated by the applicant (or by any entity controlling, controlled by, or under common control by the applicant) in Iowa shall be either in compliance with applicable emission standards or under a compliance schedule approved by the air quality commission.

ITEM 14. Subrule 4.1(1) is amended to read as follows:
4.1(1) In general. The federal standards of performance for new stationary sources (new source performance standards) shall be applicable as specified in 4.1(2). Compliance with emission standards specified elsewhere in this chapter shall be in accordance with chapter 2 of these rules. All standards in this chapter shall be considered as operation standards rather than design standards.

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ARC 1677

ENVIRONMENTAL QUALITY[400]

AIR QUALITY COMMISSION

Pursuant to the authority of Section 455B.12, The Code, 1979, the Air Quality Commission adopts rules on excess emission reporting requirements and on the operation and maintenance of pollution control equipment. These rules are contained in Chapter 1 "Definitions" and Chapter 5 "Excess Emission".

Notice of Intended Action was published in the May 28, 1980 Iowa Administrative Bulletin as ARC 1094. A public hearing was held August 14, 1980 at 10:00 a.m. in the 5th floor conference room of the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa. The Air Quality Commission extended the deadline for filing written comments from August 24, 1980 to September 8, 1980.

The rules are intended to limit the amount of excess emissions. Reporting requirements are detailed for incidents of excess emission. General operation and maintenance requirements are specified as well.

Changes in the rules resulting from public comments are as follows:

In Item 2, after the first paragraph of 5.1(2), a new paragraph is inserted "An oral report of excess emission is not required for a source with operational continuous monitoring equipment (as specified in rule 7.1(1)) if the incident of excess emission continues for less than thirty minutes and does not exceed the applicable visible emission standard by more than ten percent opacity."

The new exception to subrule 5.1(2) is intended to eliminate duplicative reporting requirements for emission units equipped with continuous monitoring devices.

Subrule 5.1(3) was amended to eliminate duplicate statements of reporting requirements by providing that written reports are necessary as a follow-up to all oral reports and to eliminate unnecessary statements pertaining to violations of the rule.

Two new sentences are added at the end of 5.1(4). "A variance from this subrule may be available as provided

ENVIRONMENTAL QUALITY DEPARTMENT[400] (cont'd)

for in section 455B.22, The Code. In the case of an electric utility, a reasonable period of time is eight hours plus the period of time until comparable generating capacity is available to meet consumer demand with the affected unit out of service, unless, the director shall, upon investigation, reasonably determine that continued operation constitutes an unjustifiable environmental hazard and issue an order that such operation is not in the public interest and require a process shutdown to commence immediately."

The intent of the addition to subrule 5.1(4) is to clarify what constitutes a reasonable period of time for an electrical utility and to provide for continued power generation when a facility shutdown would necessarily cause interruption of service to the general public. The reference to the variance statute is to inform regulated sources of a variance application option which is available to them.

Other than the changes outlined above these rules are identical to those published in the Notice of Intended Action.

These rules were adopted by the Air Quality Commission on November 13, 1980, and approved by the Executive Committee on December 12, 1980.

These rules are intended to implement section 455B.12, The Code, as amended by the Acts of the Sixty-eighth General Assembly, Chapter 1149, and will become effective on February 11, 1981.

ITEM 1. Amend 400—1.2(455B) by adding the following new subrules in alphabetical sequence and renumber the remaining subrules accordingly.

1.2(23) Excess emission. Any emission which exceeds the applicable emission standard prescribed in chapter 4 or rule 3.5(455B) of these rules.

1.2(36) Malfunction. Any sudden and unavoidable failure of control equipment or of a process to operate in a normal manner. Any failure that is caused entirely or in part by poor maintenance, careless operation, lack of an adequate maintenance program, or any other preventable upset condition or preventable equipment breakdown shall not be considered a malfunction.

1.2(56) Shutdown. The cessation of operation of any control equipment or process equipment or process for any purpose.

1.2(63) Startup. The setting into operation of any control equipment or process equipment or process for any purpose.

ITEM 2. Rescind all of chapter 5 and insert in lieu thereof the following:

CHAPTER 5

EXCESS EMISSION

400—5.1(455B) Excess emission reporting.

5.1(1) Excess emission during periods of startup, shutdown, or cleaning of control equipment. Excess emission during a period of startup, shutdown, or cleaning of control equipment is not a violation of the emission standard if the startup, shutdown or cleaning is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions. Cleaning of control equipment which does not require the shutdown of the process equipment shall be limited to a period or periods aggregating not more than six minutes in any sixty minutes.

5.1(2) Oral report of excess emissions. An incident of excess emission (other than an incident of excess emission during a period of startup, shutdown or cleaning) shall be reported to the appropriate regional office of the

department within eight hours of, or at the start of the first working day following the onset of the incident. The reporting exemption for an incident of excess emission during startup, shutdown or cleaning does not relieve the owner or operator of a source with continuous monitoring equipment of the obligation of submitting reports required in subrule 7.1(6).

An oral report of excess emission is not required for a source with operational continuous monitoring equipment (as specified in subrule 7.1(1)) if the incident of excess emission continues for less than thirty minutes and does not exceed the applicable visible emission standard by more than ten percent opacity.

The oral report may be made in person or by telephone and shall include as a minimum the following:

a. The identity of the equipment or source operation from which the excess emission originated and the associated stack or emission point.

b. The estimated quantity of the excess emission.

c. The time and expected duration of the excess emission.

d. The cause of the excess emission.

e. The steps being taken to remedy the excess emission.

f. The steps being taken to limit the excess emission in the interim period.

5.1(3) Written report of excess emission. A written report of an incident of excess emission shall be submitted as a follow-up to all required oral reports to the department within seven days of the onset of the upset condition, and shall include as a minimum the following:

a. The identity of the equipment or source operation point from which the excess emission originated and the associated stack or emission point.

b. The estimated quantity of the excess emission.

c. The time and duration of the excess emission.

d. The cause of the excess emission.

e. The steps that were taken to remedy and to prevent the recurrence of the incident of excess emission.

f. The steps that were taken to limit the excess emission.

g. If the owner claims that the excess emission was due to malfunction, documentation to support this claim.

5.1(4) Excess emissions. An incident of excess emission (other than an incident during startup, shutdown or cleaning of control equipment) is a violation. If the owner or operator of a source maintains that the incident of excess emission was due to a malfunction, the owner or operator must show that the conditions which caused the incident of excess emission were not preventable by reasonable maintenance and control measures. Determination of any subsequent enforcement action will be made following review of this report. If excess emissions are occurring, either the control equipment causing the excess emission shall be repaired in an expeditious manner or the process generating the emissions shall be shut down within a reasonable period of time. An expeditious manner is the time necessary to determine the cause of the excess emissions and to correct it within a reasonable period of time. A reasonable period of time is eight hours plus the period of time required to shut down the process without damaging the process equipment or control equipment. A variance from this subrule may be available as provided for in section 455B.22, The Code. In the case of an electric utility, a reasonable period of time is eight hours plus the period of time until comparable generating capacity is available to meet consumer demand with the affected unit out of service, unless, the director shall, upon investigation,

ENVIRONMENTAL QUALITY DEPARTMENT[400] (cont'd)

reasonably determine that continued operation constitutes an unjustifiable environmental hazard and issue an order that such operation is not in the public interest and require a process shutdown to commence immediately.

400—5.2(455B) Maintenance and repair requirements.

5.2(1) Maintenance and repair. The owner or operator of any equipment or control equipment shall:

a. Maintain and operate the equipment or control equipment at all times in a manner consistent with good practice for minimizing emissions.

b. Remedy any cause of excess emissions in an expeditious manner.

c. Minimize the amount and duration of any excess emission to the maximum extent possible during periods of such emissions. These measures may include but not be limited to the use of clean fuels, production cutbacks, or the use of alternate process units or, in the case of utilities, purchase of electrical power until repairs are completed.

d. Implement measures contained in any contingency plan prepared in accordance with 5.2(2)"c".

e. Schedule, at a minimum, routine maintenance of equipment or control equipment during periods of process shutdown to the maximum extent possible.

5.2(2) Maintenance plans. A maintenance plan will be required for equipment or control equipment where in

the judgment of the executive director a continued pattern of excess emissions indicative of inadequate operation and maintenance is occurring. The maintenance plan shall include, but not be limited to the following:

a. A complete preventive maintenance schedule, including identification of the persons responsible for inspecting, maintaining and repairing control equipment, a description of the items or conditions that will be inspected, the frequency of these inspections or repairs, and an identification of the replacement parts which will be maintained in inventory for quick replacement;

b. An identification of the equipment and air pollution control equipment operating variables that will be monitored in order to detect a malfunction or failure, the normal operating range of these variables, and a description of the method of monitoring and surveillance procedures.

c. A contingency plan for minimizing the amount and duration of any excess emissions to the maximum extent possible during periods of such emissions.

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[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1680

PLANNING AND PROGRAMMING[630]

Pursuant to the authority of sections 103A.7 and 103A.11, The Code, the building code commissioner, with the approval of the building code advisory council, hereby amends Chapter 5 "State of Iowa Building Code", Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 25, 1980 as ARC 1136. Public hearings were held on August 14 and 21, 1980 and written comments were received until August 21, 1980. On consideration of the written and oral comments, the building code advisory council, at a special meeting on November 25, 1980, approved these rules.

The final rules are substantially the same as the intended action except as follows:

1. Revisions in subrules 5.3(5) and 5.3(6) were added to clarify the intent of the rules.
2. 5.110(9)"c" has been reworded.
3. 5.120(4), delete "and the International Association of Plumbing and Mechanical Officials".
4. 5.140(1), add new paragraph "e" and reletter remaining paragraphs.
5. 5.300(1), deleted reference to "International Association of Plumbing and Mechanical Officials".
6. 630—5.400(103A), revision was made to section 1004 of the uniform plumbing code which will allow the use of plastic pipe for all water distribution uses.
7. 5.500(1), delete "National Electrical Code".
8. 5.620(16), change the word "dealer" in first sentence to "manufacturer".
9. 5.621(1)"b", the term "the effective date of these rules" changes to September 1, 1977, for new mobile homes and January 1, 1978, for used mobile homes.
10. 5.621(1)"c" was deleted.
11. Table 6-A and Figures 1 to 5 following were revised to reflect rules revisions.
12. Figures following Division 7 are included and revised to reflect changes.
13. A new subrule 5.131(4) has been added to establish a fee for copies of the building code.

These rules are intended to implement sections 103A.7 and 103A.9, The Code.

These rules will become effective on March 1, 1981.

The following amendments are adopted:

ITEM 1. Rescind subrules 5.3(5) and 5.3(6) and insert the following:

5.3(5) Review of local board of appeal decisions. For purposes of assuring compliance with approval of alternate materials and methods of construction, section 103A.13, The Code, local board of appeal decisions which are based upon the acceptance of an alternate material or method of construction shall be filed with the commissioner.

5.3(6) Commissioner's action. Upon receipt of a local board of appeal ruling which is based upon the acceptance of an alternate material or method of construction the commissioner shall review the decision for compliance with section 103A.13 and notify the local board of one of the following:

a. That the decision of the local board is based upon an alternate material or method of construction meeting the requirements of section 103A.13. The commissioner shall submit the findings to the building code advisory council for approval as required by section 103A.14(3), The Code. The local board shall be notified of the council's action.

b. That the decision of the local board is not, in the opinion of the commissioner, an alternate material or method of construction meeting the requirements of section 103A.13. Unless additional proof or evidence can be submitted to substantiate the alternate use, the proposed material or method of construction cannot be used as proposed.

ITEM 2. Rule 630—5.100(103A) to rule 630—5.800(103A) including all figures and tables are rescinded and the following inserted in lieu thereof:

630—5.100(103A) ISBC administration rules and regulations.

5.101 to 5.109 Reserved.

DIVISION 1
Part 1

630—5.110(103A) Legislative.

5.110(1) Legislative history. The 1972 General Assembly of the state of Iowa passed House File 6, an Act to institute an Iowa state building code for the purpose of ensuring the health, safety and welfare of its citizens. House File 6 later became known as Chapter 103A, The Code.

Chapter 103A, The Code, became effective on July 1, 1972, and established a seven-member advisory council, and a building code commissioner with the authority to promulgate rules and to hire qualified staff to enforce the provisions of the state building code.

The Iowa state building code, I.S.B.C. 100.0, was adopted by the advisory council on January 25, 1973 and became effective on February 1, 1973. Revisions to I.S.B.C. 100.0 were approved by the council on June 1, 1974 and became known as I.S.B.C. 100.1, later amendments, approved by the council due to the adoption of the 1973 editions of model codes and became I.S.B.C. 200.0. I.S.B.C. 200.0 has been revised to adopt the 1976 editions of model codes and will be identified as I.S.B.C. 300.0. I.S.B.C. 300.0 has been revised to adopt the latest editions of model codes and will be designated as I.S.B.C. 400.0.

5.110(2) Legislative authority. Statutory provisions governing the administration, enforcement, and the promulgating of rules and regulations set forth in the state building code Act, chapter 103A, The Code, defines the authority, powers and duties of the advisory council and the building code commissioner. Other statutes concerning enforcement of this code, and promulgating of rules shall include chapter 104A, The Code, known as the Handicapped Requirements.

5.110(3) Title. These administrative and construction rules and regulations (I.S.B.C. 400.0) promulgated by the commissioner and approved by the advisory council shall be known as the state building code, may be cited as such and will be referred to herein as this code.

5.110(4) Applicability. These rules and regulations for those buildings and structures to which it is applicable, shall constitute a lawful local building code, and shall take precedence over any other local ordinance or resolution.

5.110(5) Enforcement. This code shall be enforced by the commissioner in accordance with chapter 103A, The Code. The guidance of legal counsel and the co-operation of the advisory council and local building departments are herewith recommended to assist in furthering the purposes and objectives of this code, as mandated by the Sixty-fourth General Assembly.

5.110(6) Interpretations. Except as otherwise provided in this code, the commissioner shall have arbitrary authority with regard to provisions of this code. Written

PLANNING AND PROGRAMMING[630] (cont'd)

interpretations of any requirements or provisions of these rules will be issued upon request. A request shall be accompanied by sufficient substantiating data as may apply to the conditions for which an interpretation is requested.

5.110(7) Appeals. The commissioner shall establish a state building code board of review — appeals, as empowered by section 103A.15, The Code. The board shall function to hear petitions, and to revoke, modify or affirm determinations by the commissioner. Written request for a hearing on appeals must be received by the commissioner, two weeks before the meeting of the advisory council. Regularly scheduled meetings of advisory council are held on the third Thursday of each month. Special hearings may be called by the commissioner by urgent written request or at the discretion of the commissioner. Further appeal may be petitioned to the full membership of the advisory council. (See IAC 630—5.6(103A) for other appeal procedures.)

5.110(8) Judicial appeal. Judicial review of actions by the commissioner, board of review, advisory council may be sought in accordance with the Iowa administrative procedure Act and section 103A.18, The Code.

5.110(9) Alternate materials and method of constructions. The commissioner is authorized to approve any alternate if satisfactory and performs as required by this code.

a. Requests for consideration of alternate provisions or application thereof shall be submitted to the commissioner by the building owner or his agent in writing with substantiating data. See IAC subrule 5.3(1).

b. The granting of such alternates or applications will be stated in writing, along with limitations or conditions thereof.

c. Research committee reports published by the nationally recognized code groups whose specific code has been adopted may be approved by the administrative authority or agency as an alternate material or method of construction without requiring authorization by the commissioner. Details of the approval shall be recorded and entered in the files of the administrative authority or enforcement agency.

5.110(10) Violation and penalties. Any person, firm or corporation determined to be in violation of the applicable provisions of state building code shall be subject to the actions and penalties prescribed in chapter 103A, The Code.

5.110(11) Validity. If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

5.111 to 5.119 Reserved.

Part 2

630—5.120(103A) General Administration.

5.120(1) Adoption by reference. The specifications and regulations which are mentioned by title and date below are hereby adopted and declared to be a part of this code when not in conflict with a specific statement contained herein.

5.120(2) The Uniform Building Code and appendices 1979 edition and the Uniform Building Code Standards 1979 edition including the 1980 supplement as published by the International Conference of Building Officials.

5.120(3) The National Electrical Code, 1978 edition, NFPA No. 70-1978, as published by the National Fire Protection Association.

5.120(4) The Uniform Mechanical Code, 1979 edition as published by the International Conference of Building Officials.

5.120(5) The Uniform Plumbing Code, 1979 edition as published by the International Association of Plumbing and Mechanical Officials.

5.120(6) Code for Energy Conservation in New Building Construction, 1977 edition as published by the National Conference of States on Building Codes and Standards, Inc.

630—5.121(103A) Optional alternate to adopted codes. Specifications and regulations which are enumerated by title and date below may be used as an optional alternate to the "Uniform Building Code", "Uniform Mechanical Code", "Uniform Plumbing Code", and "The National Electrical Code", only in those buildings classified as one- and two-family dwellings.

5.121(1) The one- and two family dwelling code, 1979 edition, published jointly by the American Insurance Association, Building Officials and Code Administrators International, Southern Building Code Congress International and the International Conference of Building Officials.

5.121(2) Any governmental subdivision which has by ordinance or resolution adopted the state building code as their building code, may include the one- and two-family dwelling code. The acceptance of the one- and two-family dwelling code voids all provisions of the code adopted in 5.120(2) to 5.120(5) which apply to one- and two-family dwellings.

5.121(3) Any governmental subdivision which has by ordinance or resolution adopted the state building code as their building code, may delete chapter 44 of the Uniform Building Code, 1979 and transfer such regulations deemed necessary by those in authority to their SPECIFIC requirements.

630—5.122(103A) Definitions.

5.122(1) "Board of appeals" means the local board of appeals as created by local ordinance.

5.122(2) "Board of review" or "board" means the state building code board of review created by the state building code Act.

5.122(3) "Building" means a combination of materials, whether portable or fixed, to form a structure affording facilities or shelter for persons, animals or property. The word "building" includes any part of a building unless the context clearly requires a different meaning.

5.122(4) "Building component" is any part, subsystem, subassembly, or other system designed for use in, or as a part of, a structure, including but not limited to: Structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

5.122(5) "Building department" means an agency of any governmental subdivision charged with the administration, supervision, or enforcement of building regulations, prescribed or required by state or local building regulations.

5.122(6) "Building system" means plans, specifications and documentation for a system of manufactured factory-built structures or buildings or for a type or a system of building components, including but not limited to: Structural, electrical, mechanical, fire protection, or

PLANNING AND PROGRAMMING[630] (*cont'd*)

plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

5.122(7) "Commissioner" means the state building code commissioner created by the state building code Act.

5.122(8) "Construction" means the construction, erection, reconstruction, alteration, conversion, repair, equipping of buildings, structures or facilities, and requirements or standards relating to or affecting materials used in connection therewith, including provisions for safety and sanitary conditions.

5.122(9) "Equipment" means plumbing, heating, electrical, ventilating, conditioning, refrigeration equipment, and other mechanical facilities or installations.

5.122(10) "Governmental subdivision" means any state, city, town, county or combination thereof.

5.122(11) "Label" is an approved device affixed to a factory-built structure or building, or building component, by an approved agency, evidencing code compliance.

5.122(12) "Listing agency". An agency approved by the commissioner which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed models, and which makes available timely reports of such listing including specific information verifying that the product has been tested to approved standards and found acceptable for use in a specified manner.

5.122(13) "Public building". Any building or structure used by the public which is constructed in whole or in part by the use of state funds, or the funds of any political subdivision of the state.

5.122(14) "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner except transmission and distribution equipment of public utilities. The word "structure" includes any part of a structure unless the context clearly requires a different meaning.

630—5.123(103A) Other rules. Adherence to the requirements of this code is not intended to supersede any specific authority of other state agencies, federal agencies or governmental subdivisions within the state of Iowa, except as prescribed by statute. Special attention is herewith directed to the following state agencies.

- a. Department of public safety
- b. State fire marshal
- c. Bureau of labor, elevator safety and boiler inspections
- d. Department of social services
- e. Department of health
- f. Department of environmental quality
- g. Natural resources council.

5.123(1) Creation of department. There may be established within the governmental subdivision a "building department" which shall be under the jurisdiction of the building official designated by the appointing authority. Within the publications of this code such terms as "administrative authority", "authority having jurisdiction", or "authorized representative" shall mean the building official.

5.123(2) Powers and duties of building official. The building official in those governmental subdivisions establishing a building department shall enforce all the provisions of this code as prescribed by local law or ordinance and as outlined by section 103A.19, The Code.

5.123(3) Permits only. Any government subdivision that has not established a building department as per

5.123(1) but requires a permit to construct or occupancy permit or both such person or agency shall be known as the "issuing authority".

5.124 to 5.129 Reserved.

Part 3

630—5.130(103A) Scope.

5.130(1) Application. The provisions of this code shall apply to construction, alteration, moving, renovation, repair and use of any building or structure in those political subdivisions of the state of Iowa, which have accepted this code as authorized by the state building code Act.

5.130(2) Applicability. Provisions of this code shall be mandatory for the following:

a. Manufacture and installation of factory-built structures. Factory-built structures approved by the commissioner shall be deemed to comply with all building regulations applicable to its manufacture and installation and shall be exempt from local building regulations except as herein provided. (See Division 6 for requirements for factory-built structures.)

b. All buildings owned by the state or any agency of the state.

c. In those governmental subdivisions which by ordinance or resolution have adopted the state building code as their local building code.

d. All buildings and structures intended for use by the general public shall meet the requirements for the physically handicapped. (See Division 7, Handicapped Rules and Regulations, of this code.)

e. All buildings, structures and additions required to be energy efficient as per Division 8, Thermal and Light Efficiency Standards.

5.130(3) Application to existing buildings. Buildings or structures to which additions, alterations, or repairs are made shall comply with all of the requirements for new buildings or structures except as specifically provided herein. See section 1210, Uniform Building Code, for provisions requiring installation of smoke detectors in existing Group R, Division 3, Occupancies.

a. Additions, alterations, and repairs: Additions, alterations or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this code provided the additions, alterations or repairs conform to that required for a new building or structure. Additions, alterations or repairs shall not cause an existing building or structure to become unsafe or overloaded. Any building or structure so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories or area permitted for new buildings or structures. Any building plus new additions shall not exceed the height, number of stories and area specified for new buildings.

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect any structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed.

Exception: The installation or replacement of glass shall be as required for new installations.

b. Whenever there are practical difficulties involved in carrying out the provisions of this code, the authority having jurisdiction may grant modifications for individual cases, provided such modifications are in conformity with the spirit and purpose of this code and do not in

PLANNING AND PROGRAMMING[630] (*cont'd*)

any way lessen the fire protection requirements or impair in any degree the structural integrity or life safety performance as required by this code. The details of any action granting modifications shall be recorded and entered in the files of the Enforcement Agency.

5.130(4) Existing occupancies. Buildings in existence at the time of adoption of this code may have their existing use or occupancy continued, if such occupancy was legal at the time of the adoption of this code and provided such continued use is not dangerous to life. Any change in the use or occupancy of any existing buildings or structures shall comply with the provisions of 5.130(13) of this code and Section 502 U.B.C.

5.130(5) Systems and equipment. In existing occupancies which remain in the same classifications, mechanical, plumbing and electrical systems shall comply as follows:

a. Mechanical. Heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances lawfully installed prior to the effective date of this code may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.

All heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances when installed, altered, or repaired shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances.

b. Plumbing. Plumbing in existing buildings or on existing premises shall be in accordance with the uniform plumbing code sections 201, 320, and 1320.

c. Electrical. Any electrical installation existing at the time of adoption of this code may continue if such an installation was legal at the time of adoption of this code, provided such continued use is not dangerous to life. Any change or revision in existing wiring must comply with this code and additional revisions necessary must be made to comply with this code.

d. Electrical, mechanical, plumbing systems or components must meet energy conservation standards required by Division 8, of this code.

NOTE: All buildings or structures both existing and new and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in a building or structure when erected, altered or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of buildings and structures.

5.130(6) Handicapped. The provisions of chapter 104A, The Code, are part of this code and shall be so enforced. (See also Division 7 of this code for further requirements.)

5.130(7) Historic buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all of the requirements of this code, when authorized by those having jurisdiction provided:

a. The building or structure has been designated by official action of the legislative body as having special historical or architectural significance.

b. Any unsafe conditions as described in 5.130(9) will be corrected in accordance with approved plans.

c. Any substandard conditions will be corrected in accordance with approved plans.

d. The restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

5.130(8) Moved buildings and temporary buildings. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official or issuing authority for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

5.130(9) Unsafe buildings. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures provided by local or state law.

5.130(10) Unsafe appendages. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in this code, are hereby designated unsafe and as such are public nuisances and shall be abated in accordance with the local or state laws governing.

5.130(11) Tests. Whenever there is insufficient evidence of compliance with the provisions of this code or that any material or any construction does not conform to the requirements of this code, the commissioner or building official may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved testing agency.

Test methods shall be as specified by this code for the material in question. If there are no appropriate test methods specified in this code, the commissioner or building official shall determine the test procedure. Copies of the results of all such tests shall be retained for a period of not less than two years after the acceptance of the structure.

5.130(12) Permits and inspections. In those governmental subdivisions that have by ordinance or resolution adopted procedures for issuance of permits and specific or special inspections as per sections 103A.19 and 103A.20, The Code. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the governmental subdivision, or cause the same to be done, without first obtaining a permit for each building or

PLANNING AND PROGRAMMING[630] (cont'd)

structure from the building official. (See Division 6 for additional permit requirements for factory-built structures.)

5.130(13) Certificate of occupancy. The requirements for and the issuance of certificates of occupancy shall be included in the local laws and ordinances and may provide the requirements as outlined in section 103A.19, The Code.

5.130(14) Use or occupancy. No building or structure of A, E, I, H, B or R, occupancy classifications as defined by the uniform building code 1979, used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy.

630—5.131(103A) Plans and specifications review. Plans and specifications for all state-owned buildings, and other buildings covered by chapters 103A and 104A, The Code, shall be filed with and approved by the commissioner before construction is commenced. Such plans and specifications shall be filed by the owner or his authorized agent, agency or the responsible design architect or engineer whose seal shall appear on each page of the drawings and on the title page of the specifications; said architect or engineer shall be legally qualified to practice such profession in the state of Iowa.

Exception: Plans and specifications reviewed by a local building official or duly authorized person or agency in accord with chapters 103A and 104A shall be exempt from filing said documents with the commissioner.

5.131(1) Minimum review requirements. Plans, specifications and other supporting information shall be sufficiently clear and complete to show in detail that the proposed work will comply with the requirements of this code and shall include the following:

a. Plot plan. Include site size, streets, footages, yards and boundaries, drainage, contours. All proposed and existing buildings.

b. Construction. Foundation, floor, roof and structural drawings. Door, window and finish schedules. Sections, details, connections and material designations. Loads and engineering data calculations signed by a registered engineer or architect may be required.

c. Electrical. Floor and ceiling plans, lighting, receptacles, motors and other equipment. Service entry location, line diagram, and wire, conduit and breaker sizes.

d. Plumbing. Floor plan, fixtures, pipe sizes and other equipment and materials. Isometric with pipe sizes, fixture schedule and sewage disposal.

e. Mechanical. Floor or ceiling plans, equipment, distribution location, size and flow. Locate dampers and safeguards. Indicate all materials.

f. Soils data. A soils report by a recognized authority shall be filed with plans and specifications.

g. Other. Any additional information may be requested to substantiate that the project is in compliance with this code.

h. Responsibility. Approval by the commissioner or his designee of any plan review does not alter the responsibility of the professional certifying such design.

5.131(2) Fees for review. Schedule "A" shall be used to determine the fee to be assessed to the state agency, filing a certificate for review of construction, addition, remodeling, or alteration of a building or structure. Normal repair and maintenance and equipment replacement shall not require submission. (See Division 6, Division 7 and Division 8 for fees for compliance with factory-built structures and installations, handicapped provisions and energy conservation standards.)

5.131(3) Additional service and consultation. When inspections are made by the state building code staff, a charge shall be made based on time spent on services, plus travel expenses. The hourly rate shall be \$30.00 per hour and direct cost for travel.

NOTE: All plans submitted to the commissioner after January 1, 1976 shall be subject to the fees contained herein.

SCHEDULE "A"

TOTAL VALUATION*	FEE
\$1.00 to \$25,000.00	\$15.00 for the first \$2,000.00 plus \$3.90 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$105.00 for the first \$25,000.00 plus \$2.90 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$180.00 for the first \$50,000.00 plus \$1.95 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$277.50 for the first \$100,000.00 plus \$1.47 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 and up	\$835.50 for the first \$500,000.00 plus \$0.97 for each additional \$1,000.00 fraction thereof

*Total Valuation — In computing the plan-check fee the value of all construction work covered by the state building code as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent work or permanent equipment shall be included. The commissioner will use as a guide to determine the valuation the latest "Building Valuation Data", and the "Regional Modifiers", as published annually by the International Conference of Building Officials, unless the agency can show that the actual cost will be less.

5.131(4) Fees for copies of documents. Charges for copies of the State Building Code Administration Section shall be as follows:

Administration Section (all divisions)	\$2.00
Individual Divisions	\$1.00

Charges for other documents obtained by the Building Code Section will be the actual cost plus postage or delivery charges.

5.132 to 5.139 Reserved.

Part 4

630—5.140(103A) General construction rules and regulations.

5.140(1) Adoption. Chapters 4 to 54 and chapter 60 on Standards, with all appendices of the uniform building code, 1979 Edition, as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 are hereby adopted by reference as the construction rules and regulations, Division 1, Part 4 of the Iowa state building code, administration section, with the following revisions and amendments.

a. Chapters 1, 2 and 3 of the uniform building code, 1979 Edition, are deleted and replaced by the adminis-

PLANNING AND PROGRAMMING[630] (cont'd)

tration rules and regulations, Division 1, Parts 1, 2 and 3 of this code.

b. Delete appendix chapters 23, 53 and 70 of the uniform building code, 1979 Edition.

c. Section 402. Add the following definition:

ATRIUM: Is a vertical opening extending through more than two (2) floors bounded on one or more sides by walls of a building.

d. Section 502 last paragraph, line 2 delete reference to section 306 and replace with subsection 5.130(13).

e. Add a new paragraph to section 709(e) which shall read as follows: Structures of Type II-N construction with sides open (as defined in subsection (b)) around the entire building may be unlimited in area where the height does not exceed 8 tiers.

f. Delete section 1213.

g. Chapter 12, add new section 1216 to read:

Special Construction Requirements

Sec. 1216(a) Foundation retaining walls. Notwithstanding other design requirements of chapter 24, 26 and 29, foundation retaining walls for group R, Division 3 occupancies of Type V construction may be constructed in accordance with the provisions set forth, provided that use, or building site conditions affecting such walls are within the limitation specified herein.

1. The maximum height of the foundation wall shall be seven feet eight inches measured between the foundation plate and a concrete floor slab having a minimum thickness of three and one-half inches. If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required.

2. The foundation plate shall be attached to the wall as prescribed in Sec. 2907(e).

3. Material used for backfilling shall be carefully placed granular soil of average or high permeability except the top two feet may be an impervious type material and shall be drained with an approved drainage system. The wood and earth separation requirements of Sec. 2517 Subsection (c)7 shall be observed at all times.

4. Where soils containing a high percentage of clay, fine silt or similar material of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.

(b) Hollow concrete masonry foundation walls.

1. Hollow concrete masonry units shall be set in Type M or Type S mortar.

2. All footings shall be of cast-in-place concrete having a minimum compressive strength of 2,500 pounds per square inch at twenty-eight days, and shall be reinforced longitudinally with not less than a half-inch steel bar for one-story construction, or two half-inch steel bars for two story construction. Footing reinforcement shall be symmetrically placed and so located as to ensure no less than three inches of concrete cover on all sides.

3. Masonry foundation walls having a nominal thickness of not less than twelve inches may be unreinforced. Other masonry foundation walls shall comply with the following requirements:

(i) The nominal thickness of concrete masonry units shall not be less than eight inches.

(ii) When a foundation wall has a horizontal clear-span of more than twelve feet between supporting cross walls or corners, fully grouted vertical reinforcing shall be provided in the center of said wall in the amount of 0.075 square inches of ASTM A615 grade 40 or better steel, per lineal foot of wall. All reinforcing steel shall be

deformed bars spaced no more than eight feet (8'-0") on center. All grout shall comply with Section 2403(s).

(c) Cast-in-place plain concrete foundation walls. Cast-in-place walls constructed under the provisions of this subsection shall be concrete having a minimum compressive strength of twenty-eight days of not less than 3,000 pounds per square inch. All materials proportioning, and placing shall conform to the requirements of chapter 26. In addition, the following shall apply:

(i) The minimum thickness of wall shall be seven and one-half inches (7½").

(ii) Walls shall be reinforced with no less than three half-inch diameter deformed ASTM A615 grade 40 steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near the bottom, and one bar located near mid-height of the wall. Reinforcing bars and methods of placement shall be in accordance with chapter 26.

h. Section 1706(a). Add another sentence to read:

"Protection for atriums shall be as specified in Section 1706(e)."

Section 1706. Add new Section 1706(e).

Section 1706(e). Atriums. Wall and opening protection shall be provided between an atrium and other portions of the building. Walls, partitions and floors forming all of, or part of, an atrium separation shall be of materials consistent with the requirements for the type of construction, but of construction not less effective than a smoke or draft stop barrier. Doors shall be maintained self-closing or shall be automatic closing by actuation of a smoke detector as provided in Section 4306(b).

An atrium need not be separated, except as provided in this section, from other portions of the building where:

1. The building is equipped with an automatic sprinkler system throughout. The portion of the system serving an atrium having a floor to ceiling or roof height of more than 55 feet shall be designed to be effective under increased height conditions.

2. An automatic smoke control system is provided for the atrium and any adjoining areas not physically separated from the atrium. Such a system should be designed by those knowledgeable in the field of fire safety with sufficient documentation and data produced, so that an analysis can be made by the commissioner for approval of the system.

3. The average minimum clear horizontal dimension of the atrium at each floor level is not less than thirty (30) feet.

Construction of walls and openings common to the atrium and other portions of the building shall be not less than that required for one-hour fire-resistive construction.

Exception:

1. Openings may be as provided by Section 3304(g), however, the total areas of all openings, other than doors, in any portion of the construction separating the atrium from other portions of the building may exceed twenty-five percent of the area of the common wall of the room which it is separating from the atrium and float glass held in place by a gasket system which permits deflection without loading the glass and so designed that the entire surface, upon actuation, is covered with water.

Stairways, ramps or escalators within the atrium need not be enclosed where serving only the atrium and not directly connected with corridors, exitways, or stairways serving other portions of the building above the ground floor level and one adjacent level to the ground floor level.

PLANNING AND PROGRAMMING[630] (cont'd)

i. Section 1711. Delete Subsections (a), (b), and (c) and insert new subsections in place thereof.

(a) Floors and walls. In other than dwelling units, toilet room floors shall have a smooth, hard, nonabsorbent surface such as portland cement, concrete, ceramic tile or other approved material which extends upward onto the walls at least four inches. Walls within closet compartments and walls within two feet of the front and sides of urinals shall be similarly finished to a height of four feet and, except for structural elements, materials used in such walls shall be of a type which is not adversely affected by moisture.

(b) Toilet facilities. Water closet compartments in all occupancies shall be not less than thirty inches in width and shall provide a clear space in front of the water closet not less than twenty-four inches.

(c) Other toilet facilities. For other provisions see Division 7, "Handicapped rules and regulations", in this code.

Delete the following Sections:

Sec. 1712.

Sec. 1713.

j. Section 1807(a). Delete the period on line 3 after the word "access" and add the following:

"but of greater height than the ladder capability of the local fire department, shall conform to the requirements of this section in addition to other applicable requirements of this code."

k. Section 1807(h). Delete the first paragraph, and add a new paragraph. Elevators shall comply with the rules promulgated by the Iowa state labor commissioner and chapter 51 of this code. Elevator lobbies shall comply with the following:

l. Section 2305(d). Delete the last sentence of paragraph 2, and insert the following: Roofs shall sustain a minimum snow load of 30 pounds per square foot. The building official shall determine if conditions warrant the need for greater snow loads.

m. Section 2310. The minimum horizontal wall anchorage force of 200 pounds per lineal foot of wall shall not be applicable.

n. Section 2312. Add to Subsection 2312(a) after the first paragraph the following: The requirements of Section 2312 Earthquake Regulations shall be applicable only to those buildings or structures listed hereinafter:

1. Any building housing a Group A, E, I, Group H, Division 1, or Group H, Division 2 occupancy.

2. Any tower structure exceeding fifty feet in height including, but not limited to, water towers and transmission towers.

3. Any major public building or structure including, but not limited to, office buildings, police stations, fire stations, water treatment and supply facilities, sewage treatment facilities, bridges.

4. Any other building or structure other than those listed above, in which the fundamental period of vibration "T" is in excess of one-half a second.

o. Table No. 29-A. Delete table and insert in place thereof:

NUMBER OF STORIES	THICKNESS OF FOUNDATION WALLS (Inches)		MINIMUM WIDTH OF FOOTING (Inches)	THICKNESS OF FOOTING (Inches)	MINIMUM DEPTH OF FOUNDATION BELOW NATURAL SURFACE OF GROUND AND FINISH GRADE (Inches)
	Concrete	Unit Masonry			
1	8	8	16	8	*42
2	8	8	16	8	*42
3	10	12	18	12	*42

*NOTES: See Sec. 2905 for requirements for unusual conditions. If unusual or deeper frost conditions may be encountered, the building official may require additional depth.

p. Section 3304(h). Delete exception and add:

Exceptions:

1. Protection of openings in interior walls of exterior exit balconies is not required.

2. Self-closing and automatic closing devices are not required on doors in medical office/clinic occupancies when the building is of Type I F.R. or Type II F.R. construction and complies with fire extinguishing systems per chapter 38 U.B.C., and is separated from adjacent Group I areas with required occupancy separation.

q. Table 33A. Delete right-hand column "Access by means of a ramp or an elevator must be provided for the physically handicapped as indicated." (See Division 7. Rules and regulations for the handicapped, Table 705A for accessibility requirements.)

r. Section 3704(c). Anchorage requirements of this section shall apply to Seismic Zone No. 1 within the state of Iowa.

s. Section 5101, Paragraph 2. Delete paragraph and insert in place thereof:

Compliance with the rules and regulations of Elevator Division of the Department of Labor of Iowa shall also be herein required, and in the event of a conflict of the provisions in this code, the rules and regulations promulgated by the department of labor shall apply.

In addition to these provisions, see Section 1807 of the uniform building code 1979 for elevator requirements in highrise buildings, and Division 7 of the state building code, administration section for compliance with handicapped requirements.

5.141 to 5.199 Reserved.

DIVISION 2

630—5.200(103A) Electrical rules and regulations.

5.200(1) Adoption. Chapter 1 to 9 of the National Electrical Code, 1978 Edition, NFPA No. 70 as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, are hereby adopted by reference as the electrical rules and regulations, Division 2 with the following deletions and amendments.

a. Article 90. Delete the text of Article 90 and insert in place thereof:

90.1 Purpose.

The purpose of these rules and regulations is the practical safeguarding of life and property from hazards arising from the use of electricity.

90.2 Scope.

(a) Provisions covered.

1. Electrical conductors and equipment installed within or on public and private buildings or other struc-

PLANNING AND PROGRAMMING[630] (cont'd)

tures, including yards, carnival, parking and other lots and industrial substation.

2. Conductors that connect the installation to a supply of electricity.

3. Other outside conductors on the premises.

(b) Provisions not covered.

1. Installations in ships, watercraft, railway rolling stock, aircraft, automotive vehicles and mobile homes constructed to the federal standards.

2. Installations underground in mines.

3. Installations of railways for generation, transformation, transmission or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes.

4. Installations of communication equipment under exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.

5. Installations under the exclusive control of electric utilities for the purposes of communication, metering; or for the generation, control, transformation, transmission and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.

b. Appendix — Note: The appendix has not been adopted as a requirement of these rules and regulations but may be used as general information concerning NFPA.

5.201 to 5.299 Reserved.

DIVISION 3**630—5.300(103A) Mechanical rules and regulations.**

5.300(1) Adoption. Chapters 4 to 20, and Appendices A, B, and C of the Uniform Mechanical Code, 1979 Edition published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, are hereby adopted as the Mechanical Rules and Regulations, Division 3, of the state building code with amendments as follows:

a. Section 404, Building Code. Delete definition and insert in place thereof: Building Code is the 1980 Edition of the Construction Rules and Regulations, Division I of the Iowa state building code.

5.301 to 5.399 Reserved.

DIVISION 4**630—5.400(103A) Plumbing rules and regulations.**

5.400(1) Adoption. Chapters 1 to 13, of the Uniform Plumbing Code, 1979 Edition as published by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032, are hereby adopted by reference as the Plumbing Rules and Regulations, Division 4, of the Iowa state building code, with amendments as follows:

a. Section 201. Delete the subsections, e, f, g, h, i and j. (See 5.110(9) for alternate materials and methods of construction.)

b. Section 209. Add:

When backwater valves are required by section 409(a), they shall consist of a manually operated valves. In addition, approved valves which are automatic in operation as described in section 209 may also be used but are not required.

c. Table A — Plumbing Material Standards. Delete reference to "homogenous bituminized fiber drain and sewer pipe", on page 23.

d. Subsection 401(a). Delete exception 2 and rewrite as follows:

2. ABS and PVC pipes and fittings shall be marked to show conformance with the standards in the code. ABS and PVC installations are limited to construction not exceeding two stories in height and shall meet the following conditions:

(a) No vertical stack shall exceed thirty-five feet in height. No horizontal branch shall exceed fifteen feet in length.

(b) All installations shall be made in accordance with the manufacturers' recommendations.

(c) Installations shall not be made in any space where the surrounding temperature will exceed 140°F.

NOTE: Application of ABS and PVC beyond the limits of this code may be approved by the administrative authority for a particular case provided it is certified and warranted by a professional engineer or architect.

e. Subsection 409(a). Add the following exception after 409(a):

Exception: The requirements of subsection 409(a) shall apply only when it is determined necessary by the administrative authority or the engineers of the governing body, based on local conditions.

f. Table 4-3. Delete reference to footnote 3 for vent piping maximum units under 1½-inch pipe size.

g. Section 502. Delete subsection (a) and add:

(a) No vents will be required on a downspout or rain leader trap, a backwater valve, a subsoil catch basin trap, a three-inch basement floor drain, or a water closet provided its drain branches into the house drain on the sewer side at a distance of five feet or more from the base of the stack and the branch line to such a floor drain or water closet is not more than twelve feet in length.

h. Section 503. Delete exception 2 and rewrite as follows:

2. ABS and PVC pipes and fittings shall be marked to show conformance with the standards in the code. ABS and PVC installations are limited to construction not exceeding two stories in height and shall meet the following conditions:

(a) No vertical stack shall exceed thirty-five feet in height. No horizontal branch shall exceed fifteen feet in length.

(b) All installations shall be made in accordance with the manufacturers' recommendations.

(c) Installations shall not be made in any space where the surrounding temperature will exceed 140°F.

NOTE: Application of ABS and PVC beyond the limits of this code may be approved by the administrative authority for a particular case provided it is certified and warranted by a professional engineer or architect.

i. Section 507. Add a new subsection (c) to read as follows:

(c) A vent stack or a main vent shall be installed with a soil or waste stack whenever back vents, relief vents or other branch vents are required in two or more branch intervals or stories.

j. Section 604. Add a new subsection (c) to read as follows:

(c) In basements of residential construction a stand-pipe receptor for any clothes washer may discharge directly over a floor drain. A proper air gas shall be provided.

k. Section 608. After the word "MACHINE" in the last paragraph, substitute a comma for the period, and add the following sentence:

"or by looping the discharge line of the dishwasher as

PLANNING AND PROGRAMMING[630] (cont'd)

high as possible near the flood level of the kitchen sink where the waste disposer is connected."

l. Section 613. Add a new subsection (d) to read as follows:

(d) The following wet venting conditions are given as examples of common conditions used in residential construction which are allowed under this code, provided the piping sizes are maintained as required by other sections of this code and the wet vented section is vertical.

1. Single bathroom groups. A group of fixtures located on the same floor level may be group vented but such installations shall be subject to the following limitations:

(a) One fixture of two or less units may drain into the vent of a three inch closet branch.

(b) One fixture of two or less units may drain into the vent of a one and one-half inch bathtub waste pipe.

(c) Two fixtures of two or less units each may drain into the vent of a two-inch bathtub waste serving two or less tubs providing that they drain into the vent at the same location.

2. Common vent. A common vent may be used for two fixtures set on the same floor level but connecting at different levels in the stack providing the vertical drain is one pipe size larger than the upper fixture drain but in no case smaller than the lower fixture drain.

3. Double bathroom group. Where bathrooms or water closets or other fixtures are located on opposite sides of a wall or partition or are adjacent to each other within the prescribed distance such fixtures may have a common soil or waste pipe and common vent. Water closets having a common soil and vent stack shall drain into the stack at the same level.

4. Basement closets. Basement closets or floor drains may be vented by the waste line from a first floor sink or lavatory having a one and one-half inch waste and vent pipe.

m. Table 7-1. Change tabulation to read as follows:

Trap Arm	Distance Trap to vent	
	Feet	Inches
1¼	5	0
1½	6	0
2	8	0
3	12	0
4 and larger	12	0

n. Section 1004. Delete subsection (a) and insert in place thereof:

(a) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron; galvanized steel, lead, approved plastic or other approved materials. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the Administrative Authority.

o. Section 1105. Delete entire section and insert in place thereof:

Sec. 1105. Size of building sewers.

The size of any building sewer shall be determined on the basis of the total number of fixture units drained by the sewer, in accordance with Table 4-3, except that the minimum diameter for any building sewer regardless of the number of fixtures shall be four inches.

p. Appendices. Appendices A, B, C, D, E, G, H and I are not approved as rules, however they may be used as a point of reference when circumstances warrant.

5.401 to 5.499 Reserved.

DIVISION 5

630—5.500(103A) One- and two-family dwelling rules and regulations.

5.500(1) Adoption. The one- and two-family dwelling code, chapters 2 to 26, Part VI Electrical, Appendices A and B, 1979 Edition, published under the auspices of the Nationally Recognized Model Code Group listed in Division 1, Part 2, subrule 5.121(1), of this code, is approved as an optional alternate for one- and two-family dwellings to the Uniform Building Code, the Uniform Plumbing Code and the Uniform Mechanical Code, with the following deletions and amendments.

a. Delete Sec. R-202, including Table 2-A. Insert new paragraphs and Table 2-A to read:

General Design Requirements.

Sec. R-202 — Design criteria set forth in Division I of the construction rules and regulations of this code as repeated herein shall apply to one- and two-family dwellings:

Horizontal wind pressure shall be considered as acting upon the gross area of the vertical projection of that portion of the building or structure measured above the average level of the adjoining ground.

Table 2-A. Wind Pressure

Height Zones (Feet)	Wind Pressures-Map Areas Zone 30 (Pounds per sq. ft.)
Less than 30	25
30 to 49	30
50 to 99	40

Roof snow loads shall be required to sustain a minimum snow load of 30 pounds per square foot.

No roof shall be designed for live loads less than the required minimum snow load. Snow loads reduced for each degree of pitch over 20 degrees as determined by the following formula:

$$R_s = \frac{S}{40} - \frac{1}{2}$$

Where:

R_s = snow load reduction in pounds per square foot per degree of roof pitch over 20 degrees.

S = Total snow load in pounds per square foot.

b. Sec. R-216. Smoke detectors. Delete title and text of Sec. R-216 and insert in place thereof:

Fire Warning System.

Sec. R-216. Every dwelling unit shall be provided with approved smoke detectors conforming to U.B.C. standard No. 43.6. Smoke detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Care shall be exercised to ensure that the installation will not interfere with the operating characteristics of the detector. When actuated the detector shall provide a clear and distinctive alarm.

c. Sec. R-302. Delete second paragraph and insert the following:

The ultimate compressive strength of concrete at 28 days shall be not less than 2000 pounds per square inch.

Exception: Where weathering may require a higher cement content or grade of masonry as determined by the local building official or others having jurisdiction, such material shall be subject to approval by the authority.

d. Sec. R-304. Delete reference to Table No. 2-A. "as established in Table No. 2-A."

PLANNING AND PROGRAMMING[630] (cont'd)

Add a new paragraph to Sec. R-304:

In lieu of a structural design when required by Table No. 3-B, the provisions of Division 1, Part 4, subrule 5.140(1)f may be used when applicable.

e. Sec. R-308. Delete reference to Table No. 2-A in first paragraph and add:

"The appropriate map in Appendix A."

Part VI Electrical. Delete paragraph and add new paragraph.

"The electrical requirements shall conform to the electrical code for one- and two-family dwellings (N.F.P.A. 70A-1978) excerpted from the 1978 National Electrical Code (N.F.P.A. 70-1978) as published by the National Fire Protection Association."

5.500(2) Application. The use of the one- and two-family dwelling code as an alternate method of construction for one- and two-family dwellings by a local governmental subdivision (See 630—5.120(103A)) or a manufacturer for use in the construction of factory-built structures under the requirements of Division 6 of this code (See 630—5.600(103A)) voids all provisions of Division 1, Part 4, Division 3 and Division 4 which apply to one- and two-family dwellings.

5.501 to 5.599 Reserved.

DIVISION 6
Part 1

630—5.600(103A) Factory-built structures rules and regulations.

5.601 to 5.609 Reserved.

630—5.610(103A) "Modular factory-built structures." Part 1 of Division 6 contains the rules and regulations which are to apply to all factory-built structures which are not specifically included in Part 2 of this division.

5.610(1) Authority to promulgate rules. Provisions contained within all sections of Part 1 are authorized under section 103A.9, The Code.

5.610(2) Scope and applicability. The provisions contained within Part 1 shall apply to the following:

a. Plan evaluation, manufacture, inspection, and installation of "modular factory-built structures," of closed-type construction and of open-type construction for those manufacturers who have by option chosen to have their building component, assembly or system considered to be closed construction.

b. Approval by the commissioner or his designated representative of an organization or person referred to as a third-party agent, or independent inspection agency.

c. All "modular factory-built structures" manufactured for installation in Iowa after February 1, 1973.

d. Every modular factory-built structure, building, building system, component, assembly or system manufactured for installation in Iowa on or after February 1, 1973 shall bear a seal issued by the commissioner which certifies that the unit complies with the code and that the certificates and approvals required by these rules have been submitted or obtained.

e. Every modular factory-built structure, building, building system, component, assembly, or system manufactured before February 1, 1973, and installed in Iowa for the first time will be required to have a seal attached attesting that it complies with the code and that the certificates and approvals have been submitted to the commissioner.

f. Certified buildings and modular structures moved after the first installation shall comply with 5.130(8) of the code. Local enforcement agencies shall determine if

those moved buildings comply with the code and local zoning ordinances.

5.610(3) Definitions. Definitions found in Division 1 apply to this division. These definitions also apply to all parts of this division. This section covers terms and definitions that will be defined herein for purposes of clarification when used in Part 1.

(a) "Building". A combination of materials, whether portable or fixed, to form a structure affording facilities or shelter for persons, animals or property. The word "building" includes any part of a building unless the context clearly requires a different meaning.

(b) "Building component". Any part, subsystem, sub-assembly, or other system designed for use in, or as part of, a structure, including but not limited to: Structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

(c) "Closed construction". Is any structure, building, component, assembly or system manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

(d) "Code compliance certificate". Is the certificate prepared by an approved manufacturer and submitted by the manufacturer.

(e) "Component". Any part, material or appliance which is built in as an integral part of the factory-built structure during the manufacturing process, or any factory-built system, subsystem or assembly not approved as part of a unit, section, or module.

(f) "Evaluation or inspection agency". Is an approved person or organization, private or public, determined by the commissioner to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to investigate, evaluate and approve factory-built structures or buildings, building components, building systems, and compliance assurance programs.

(g) "Factory-built structure". Is any structure, building, component, assembly or system which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means "factory-built unit".

(h) "Independence of judgment". Means not being affiliated with or influenced by or controlled by building manufacturers or producers, suppliers, or vendors of products or equipment used in factory-built structures or buildings and building components in any manner which is likely to affect their capacity to tender reports and findings objectively and without bias.

(i) "Model or model groups". One or more manufacturer-designed modular homes which can constitute one model group.

(j) "Modular". A general term to describe all factory-built structures which are not mobile homes, mobile home add-on units, or temporary field construction offices, including, but not limited to, panelized units, components, sections, modules.

PLANNING AND PROGRAMMING[630] (cont'd)

(k) "Module". A unit or a section which is assembled in its final form and transported in such a manner.

(l) "Open construction". Is any structure, building, component, assembly or system manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

(m) "Seal" or "insignia". A device or insignia issued to the manufacturer by the commissioner for affixing to a factory-built structure or system evidencing compliance with the code.

(n) "Section". A division of a factory-built structure that must be combined with other sections to form a complete structure.

(o) "Structure". That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner except transmission or distribution equipment of public utilities. The word "structure" includes any part of a structure unless the context clearly requires a different meaning.

(p) "Testing agency". An organization approved by the commissioner which is:

1. Qualified and equipped for the testing, observation, evaluation, or approval of building components, construction, materials, equipment, or systems as regulated by approved standards;

2. Not under the jurisdiction, affiliation, influence, or control of any manufacturer or supplier of any industry;

3. Makes available a published report in which specific information is included certifying that the equipment and installations listed or labeled have been tested and found acceptable according to approved standards.

(q) "Third-party agency". Is an approved person or organization, private or public, determined by the state building code commissioner to be qualified to act as an evaluation, inspection, testing, or listing agency, as defined in this section.

(r) "Unit". A single factory-built structure approved by the state building code commissioner. Units may be combined to form a larger complex structure or may be a combination of sections.

5.610(4) Administration. This section covers the basic requirements for constructing modular structures and all of the administrative procedures under which the modular program functions including methods of certification approval and manufacturing requirements, inspection and installation.

5.610(5) Modular construction requirements. All factory-built structures not designated as a mobile home, mobile home add-on or a temporary field construction office shall be constructed to the requirements in Division 1, Part 4, Division 2, Division 3, Division 4, or the alternate method of construction as provided for in Division 5, Division 7 whenever applicable and Division 8, of the state building code.

5.610(6) Modular installation requirements. All factory-built structures designated as modular units shall be installed according to the manufacturer's approved installation drawings and any additional approved requirement. All approvals shall be made by the third-party certification agency for their respective manufacturers. In addition, all installations shall meet local building codes and local zoning requirements wherever applicable.

5.610(7) Procedures of approval. The method of third-party certification approval shall be used. Approvals shall be through the building code commissioner and

evidence of approval or conditional approval must be on file at each manufacturing plant. All plans and specifications and other documentation for these units must be approved by a third-party agency and certified by a registered architect or engineer where required by the Iowa Code. All plant facilities and in-plant inspections shall be made and approved by a third-party agency. The commissioner shall monitor the approved third parties and manufacturers to determine code compliance.

5.610(8) Requirements and procedures for obtaining third-party agency approval.

a. The commissioner or his designated representative shall be responsible for approving any person, state or organization who submits an application to the commissioner for approval and whose application is accompanied by written material evidencing that said agency is:

1. Capable of discharging without bias the responsibilities assigned by these regulations.

2. Not under the jurisdiction or control of any manufacturer or supplier of any industry.

3. Professionally competent with independence of judgment to perform the function for which he (or they) are commissioned.

4. Qualifies to submit all findings regarding code compliance in a detailed report to the commissioner.

5. Willing to be inspected and reviewed by the commissioner for all phases of his (or their) work.

b. The commissioner may consider the information supplied by the application such that the scope of the agency's approval may be limited to particular types of factory-built structures, buildings, building systems, components assemblies or system.

c. Other states wishing to exercise application with this state in order to act in the capacity of an approved third-party agency, may do so provided that:

1. The state laws for issuing seals or insignia for code compliance are equally effective as those specified in this code.

2. The conditions in (1) are enforced in their state.

3. Other states agree to monitoring of this reciprocal agreement by representatives of this state assigned by the commissioner.

4. Violations of any condition as part of the reciprocal agreement may be deemed just cause for revocation or suspension of this agreement by the commissioner.

5.610(9) Third-party agency responsibilities.

a. Evidence of approval by the state must be on file at each manufacturing facility.

b. Notify the commissioner when they have contracted with a manufacturer to serve as their third-party agency.

c. Manufacturer plans and specifications must be approved by the third-party agency.

d. File of all plans and documents must be maintained at each manufacturing facility and in the third-party agency office.

e. Send a report to the commissioner stating that the plans and specifications are in compliance with the Iowa state building code.

1. Plans and specifications are not necessary for submittal with this report.

2. A list of approved models for each manufacturing facility.

3. Verify that all engineering documents have been signed by a registered engineer or architect.

4. Update the report as necessary.

5. Indicate approval of installation procedures for all of these structures as well as the personnel who will be doing the installation. However, installation of factory-

PLANNING AND PROGRAMMING[630] (cont'd)

built structures shall be, in addition to provisions of this code, in accordance with any local ordinances which apply. (That is those construction processes which are not included as part of the state approval.)

f. Notify the manufacturer of plans and specifications approval including model numbers for use in preparing certificates of compliance.

g. Inspect manufacturing facilities and review or establish a quality control program and test procedure.

h. Notify the manufacturer of facilities approval for use in preparing certificates of compliance.

i. Prepare an inspection manual to be used by the third-party inspectors and the commissioner. This manual shall be on file at each manufacturing facility.

j. Report to the state outlining in-plant procedures and include a typical inspection checkoff sheet.

k. Notify the manufacturer when in-plant inspection program is in force for use in preparing certificates of compliance.

l. Report each quarter to the state for each manufacturer and submit information as follows:

1. Account for all Iowa seals used by each manufacturer during the quarter.

2. Manufacturer's serial number and model number.

3. Third-party seal number.

4. Iowa seal number.

5. The portion of the unit which was actually inspected during an in-plant inspection.

5.610(10) Third-party agency documentation and plan verification. The third-party agency will be responsible for the investigation, evaluation, review of test results, of plans and documents, and each revision thereto submitted to the agency by the manufacturer with which it has a contract for compliance with applicable requirements set forth in this code. Such a review shall include but not be limited to:

a. All documentations and plans shall indicate the manufacturer's name, office address, and manufacturing facility address.

b. Manufacturer's plans shall show all elements relating to specific systems on drawings properly identifiable.

c. Each plan which contains material requiring engineering evaluation shall bear the signature and seal of a registered architect or engineer.

d. The plans shall also indicate the method of evaluation and inspection for all required on-site testing of each system.

e. Plans shall designate all work to be performed on site, including all system connections, equipment and appliances and all work performed within the plant.

f. Space shall be provided on all sheets of plans near the title box for the approved stamp.

g. Individual system design or any structural design or method of construction and data shall be in accordance with the Iowa state building code. Plumbing, electrical, heating and mechanical systems constitute individual system designs.

h. Grade, quality, and identification of all materials shall be specified.

i. Design calculations and test reports shall be submitted when specified or required.

j. Plans shall be drawn to scale.

k. Plans shall indicate the location of the approved seal and data plate locations.

l. Copies of approved plans showing third-party agency approval shall be on file at each manufacturing facility or made readily available.

m. Review and approval of all installation procedures must conform to the following:

1. Crews performing installation which are under the jurisdiction of the unit manufacturer or his designee, are approved as competent by the authorized third-party agency.

2. Copies of the installation manual must be available during installation for use by the commissioner or his representative or by the local building official.

5.610(11) Third-party agency plant investigation for quality control. All manufacturing facilities shall be inspected to the performance objectives as stated in the Iowa state building code. These include as follows:

a. Review of the manufacturer's quality control manuals or establishing a quality control procedure to ensure code compliance.

b. Implementation of inspection and test procedures which will control the quality of fabrication and workmanship.

c. Make a complete report to the commissioner that includes certification of all manufacturing procedures.

5.610(12) Third-party agency in-plant inspections. To assure compliance with the approved specifications and plans and the Iowa state building code and in conjunction with monitoring each manufacturer's quality control program, every approved third-party agency shall:

a. Maintain a record of inspections and such records shall be reported to the commissioner every quarter and include the seal report.

b. Witness and verify all required testing in accordance with the quality control manual.

c. Certify that all seals are being attached as required and only after each unit meets the code requirements.

d. Prepare a detailed inspection manual that specifies the third-party agency procedures in making the required inspections and have this manual available for use by the commissioner or his representative when periodic monitoring is performed.

e. One hundred percent inspection is not required, however some part of every unit is required to be inspected. A complete inspection of a typical structural, plumbing, heating and electrical system shall be made each visit to the manufacturing facility.

5.610(13) Reapproval of third-party agencies. Any agency approved by the commissioner or his designated representative must file for reapproval annually. Such application for reapproval may be filed at any time from the forty-fifth day prior to the scheduled annual expiration date of the current approval. The applying third-party agency seeking reapproval shall completely and accurately furnish all pertinent information as is necessary to make current the information previously submitted to the commissioner or his representative as part of its original application for approval and all subsequent applications for reapproval. The application for reapproval shall then become a permanent record of the department administering the provisions of the code. Should there be no change in the status of the applying agency from its original application for approval, an affidavit to that effect shall suffice for consideration of approval.

5.610(14) Requirements and procedures for modular manufacturers.

a. Every manufacturer shall be responsible for all corrective actions required and the contractual agreement that each has with the approved third-party agency shall not diminish this responsibility.

b. Every manufacturer shall notify the building code commissioner that his facility desires to construct units which are to be installed in the state of Iowa.

PLANNING AND PROGRAMMING[630] (cont'd)

c. Every manufacturer shall contract with an approved third-party agency to perform all duties listed in 5.610(9), 5.610(10), 5.610(11), and 5.610(12). The commissioner will furnish a list of approved third-party agencies upon request.

d. Every manufacturer shall file certificates of compliance with the commissioner for each model or model group, after all third-party reviews are completed. Whenever additional models or changes are proposed, the manufacturer shall file additional certificates of compliance or request that additions be made to existing model lists.

e. Every manufacturer shall notify the commissioner in writing within sixty days after the effective date of this code, the current Iowa approval(s) number that the manufacturer has been assigned and the models which will be manufactured to these standards. Approvals which have not been reaffirmed within this sixty-day period shall be considered to be canceled.

f. Every manufacturer shall purchase Iowa seals from the office of the commissioner in accordance with requirements of 5.610(22).

g. All units or sections shall have seals if manufactured after February 1, 1973 and if they are to be installed in Iowa. Regardless of manufactured date, all units being installed in Iowa for the first time shall have a seal attached.

h. Every manufacturer shall complete and furnish compliance certificates and installation certificates in accordance with the requirements of 5.610(19) and 5.610(20).

5.610(15) Manufacturer's data plate for modular units. The following information shall be placed directly or by reference on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel box or in some other designated location that is readily accessible for inspection.

- a. Manufacturer's name and address.
- b. Serial number of the structure or unit.
- c. Model designation and name of each of the manufacturers of major factory installed appliances.
- d. Wherever applicable, identification of permissible type of gas for appliance and direction for water and drain connections.
- e. Name and date of the standards complied with in construction of this structure or unit.
- f. The seal serial number.
- g. Design loads and special conditions or limitations.
- h. Date of manufacture.
- i. Electrical ratings. Instructions and warnings on voltage, phase size and connections of units and grounding requirements.

5.610(16) Changes and alterations to factory-built structures.

a. Changes to approved plans, drawings or installation instructions proposed by the manufacturer or third-party agency are to be requested in writing and submitted to the building code commissioner. All work being performed in the manufacturing plant that is affected by these changes will not proceed until written approval is received from the commissioner. Where these changes do not affect code compliance, then approval is permitted when changes are authorized through the third-party agency and said changes are then incorporated into the design documents.

b. The commissioner shall notify the manufacturer and the third-party agency of all amendments, deletions or additions to the code provisions and the commissioner shall allow the manufacturer a reasonable time frame in

which to submit a request for a change in plan approval, if required, in order to conform to the code change.

c. Basic changes in manufacturing facility locations, company name or address changes, and changes resulting in companies changing ownership or dissolving their business are all to be reported promptly to the commissioner, in writing, generally within a two-week period after said change was made. The manufacturer shall also notify the third-party agency of said changes.

d. Alterations to factory-built structures pursuant to the construction, plumbing, heat producing, electrical equipment or installation or fire safety in a unit after an Iowa seal has been affixed are all considered to be subject to the same requirements that exist for any structure within the local jurisdiction.

e. The following shall not constitute an alteration to a factory-built structure.

1. Any repairs to approved component parts.
2. Conversion of listed fuel-burning appliances in accordance with the terms of their listing.
3. Adjustment and maintenance of equipment installed in the factory-built structure.
4. Replacement of equipment in kind.

5.610(17) Certificate of compliance. The manufacturer shall provide the building code commissioner with a certificate of compliance for each model or model group of the approved modular design. This certification shall be on a copy of form ISBC-3 and shall include the following:

- a. Model or model group number which will appear on the data plate and compliance certificate.
- b. The signature of an authorized representative of the manufacturer.
- c. The name of the third-party agency certifying compliance with the code, for each of the three certifications.
- d. Evidence of code compliance certified by the third-party agencies, for the specific model or model group being submitted.

e. The type of Iowa seal and prefix letters which will be attached to the modular structure.

5.610(18) Limitations. For all types of structures other than one- and two-family dwellings, there shall be, with the certificate of compliance, an attached statement which sets out the limitations of the structure based on site conditions, type of construction, area, and height limitations. A statement to the effect that the structure should not be used except where it meets these conditions will not be acceptable.

5.610(19) Compliance certificates. Each manufacturer will provide compliance certificates as issued by the building code commissioner when seals are purchased. The manufacturer shall complete this form and distribute it as follows:

- a. Copy 1A is returned to:

Building Code Commissioner
Division of Municipal Affairs
Office for Planning and Programming
523 E. 12th Street
Des Moines, Iowa 50319

b. Copy 2A is retained for plant records and to be used to make additional copies if necessary. Such an additional copy must accompany other shipping documents carried by the transporter and be available for inspection by any authorized official or department.

c. The remainder of the compliance certificate is forwarded to the dealer, distributor, or any other person who is to obtain a local building permit, or oversee installation.

PLANNING AND PROGRAMMING[630] (*cont'd*)

5.610(20) Installation certificates. The installation certification portion of the supplied compliance certificate (see 5.610(19)) shall be completed either by the local building official or the installer.

a. When a building permit is required, Forms 1B, 3A and 3B are presented to the local building official at the time application is made for a permit. The building official shall sign Forms 1B and 3B and forward Form 1B to the commissioner at the address designated in this section.

b. When a building permit is not required, Forms 1B and 3B are signed by the installer and forwarded to the commissioner at the address designated in this section.

5.610(21) Certification seals. Every module, unit, section, or component shall have a state seal securely affixed. When components and systems are included within a module, section or unit and have been approved by the third-party agency to be part of that module, section or unit, only one seal is required for the module, section, or unit.

5.610(22) Seal issuance. The state seal shall be issued by the state building code commissioner upon application and after approval of the plans and manufacturing procedures have been certified by the third-party agency evidencing compliance with this code. Applications for seals shall be made to the commissioner on the supplied form and include the following:

- a. Number of seals requested for each type of seal and the letter prefix when required.
- b. Iowa model or system approval numbers and third-party agency or agencies included.
- c. Reference to manufacturing procedures approval and third-party agency or agencies involved.
- d. A statement by the applicant that he consents to inspection and investigation by the state at all reasonable hours.
- e. The seal fees.

5.610(23) Seal types and prefixes. When ordering seals the manufacturer shall indicate the number of each type of seal requested and the letter prefixes required. MOD type seals shall be attached to all modular units which are as constructed to provisions of Division 6, subrule 5.610(5). Prefix letters (A, B, C, D, etc.) shall be required on seals for all multiple sectioned structures and the seal numbers shall be identical except for the prefix letters. Prefix letters are not required for single unit structures.

5.610(24) Seal placement on modular units. Every seal shall be assigned and securely affixed to a specific section or unit. Assigned seals are not transferable and are void when not affixed as assigned and all such seals shall be returned to or may be confiscated by the commissioner. The seal shall remain the property of the commissioner in the event of violation of the conditions of approval. Every seal shall be placed and affixed to each section or unit in a readily visible location.

5.610(25) Denial and repossession of seals. Should investigation or inspection reveal that a manufacturer is not constructing modular units in accordance with the plans approved by the third-party agency, and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture units in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued shall be confiscated. Upon satisfactory proof of compliance such manufacturer may resubmit an application for seals.

5.610(26) Seal removal. In the event that any unit bearing the seal is found to be in violation of the code, the commissioner may remove the seal (after furnishing the owner or his agent with a written statement of such violations). No new seals shall be issued until proof of corrections has been submitted to the commissioner.

5.610(27) Lost or damaged seals. When or if a seal has been lost or damaged, the commissioner shall be notified immediately in writing by the manufacturer. The manufacturer shall identify the unit serial number, and when possible, the seal number.

a. All seals that are damaged shall be promptly returned to the commissioner.

b. Lost and damaged seals shall be replaced by the commissioner with a new seal upon payment of the seal fee as provided in this section.

5.610(28) Return of seals. When a manufacturer discontinues production of a unit carrying plan approval, the manufacturer shall within ten days advise the commissioner of the date of such discontinuance and either return all seals allocated for such discontinued unit or assign said seals to other approved units.

5.610(29) Fees.

a. Form of remittance. All remittances shall be:

1. In the form of checks or money orders.
2. Payable to: Treasurer, State of Iowa.
3. Addressed to:

Building Code Commissioner
Division of Municipal Affairs
Office for Planning and Programming
523 E. 12th Street
Des Moines, Iowa 50319

b. Seal fees.

1. Modular code compliance seals

No prefix or "A" prefix	\$30.00 per seal
B, C, D, E, etc. prefixes	\$10.00 per seal
2. Modular installation seals

	\$15.00 per seal
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3. All replacement seals

	\$10.00 per seal
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c. Other fees. For all other services furnished by the commissioner which are not direct administrative duties of his office, such as, but not limited to: Obtaining consultants for review and evaluation of approval applications, or obtaining reviews from the national code writing organizations, a fee equal to the direct expense shall be charged.

5.610(30) Local issuance of building permits.

a. The issuance of building permits and occupancy permits shall be according to local ordinances.

b. Local building codes and regulations shall apply to all parts of any project which are not included in the state approval of either the manufactured structure or the installation procedure.

c. Nothing in these rules or the state building code exempts any building or structure from the requirements of local zoning or site condition (e.g. fire zones) requirements.

5.610(31) Noncompliance to code provisions. Any noncompliance or unauthorized deviation with the provisions of this code from the approved plans or production procedures shall be just cause for the revocation of the plan approval and the return of the seals.

5.611 to 5.619 Reserved.

PLANNING AND PROGRAMMING[630] (cont'd)

Part 2

630—5.620(103A) Mobile home construction.

5.620(1) Authority to promulgate rules. Pursuant to Section 604 of Public Law 93-383, the National Mobile Home Construction and Safety Act of 1974, specified in 42 U.S.C. 5403 and signed into law on August 22, 1974, the authority to promulgate rules and regulations in order to establish federal mobile home construction standards and procedures of enforcement were established by Congress and subsequent provisions for their implementation were so granted to the United States Department of Housing and Urban Development (HUD). Title VI of this Act authorizes the secretary of HUD to promulgate the federal standards and to issue the rules and regulations to ensure adequate administration and enforcement of such standards.

5.620(2) Scope and applicability.

a. All provisions contained within Part 2 shall apply to all factory-built structures defined as a "mobile home" in subrule 5.620(4) of Part 2. These regulations shall govern mobile homes that enter the first stage of production on or after June 15, 1976, and mobile homes that entered the first stage of production prior to June 15, 1976 to which HUD (Department of Housing and Urban Development) labels were affixed. These provisions supersede all local, state, or other governmental regulations for mobile home standards and are applicable for every mobile home unit newly manufactured and offered for sale in the United States and its governing territories. These provisions do not apply to the following:

(1) Factory-built structures which comply with the requirements of Division 6, Part 1.

(2) Mobile homes manufactured for installation in the state of Iowa on or after February 1, 1973 and prior to June 15, 1976.

b. Construction of multifamily mobile homes, mobile home add-on units, and temporary field construction offices will be covered by the provisions of Division 6, Part 2, however, the administration and enforcement of the rules and regulations will apply as specified in Division 6, Part 1 for modular structures. These units will not bear a seal issued by the department of housing and urban development, but will bear an Iowa seal and be governed by all seal provisions outlined accordingly in Division 6, Part 1.

5.620(3) Manufacture of units prior to June 15, 1976. Mobile home units, add-on units, multifamily homes and temporary field construction offices that were manufactured for installation in Iowa prior to June 15, 1976, which established the effective date of the HUD standard, shall have been constructed to the standards of mobile homes of the Iowa state building code which was in effect at the time of manufacture.

5.620(4) Definitions and terms. Terms and definitions for purposes of clarification when used in Part 2.

a. "Anchoring equipment." Straps, cables, turnbuckles, clamps, clips, and other fasteners including tensioning devices, which are used with ties to secure a mobile home to ground anchors.

b. "Anchoring system." A combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the mobile home from wind forces.

c. "Approved installer." Approval by the commissioner or his designated representative of a person, dealer, agency or organization, qualified to inspect, or install ground anchoring and support systems for mobile homes or other manufactured structures, who installs for others units at a site of occupancy by attaching support

and anchoring systems, and is familiar with and has agreed to comply with these installation procedures.

d. "Certificate, installation." The certificate provided by the installer to both the commissioner and the owner which warrants that the tie-down system complies with these rules. When an installer installs only the support system or anchorage system, an installation certificate shall also be completed and copies distributed accordingly for each installation and with the applicable information completed on the certificate pertinent to that type of installation (see subrule 5.623(5)).

e. "DAPIA." A design inspection agency approved by HUD to perform in-plant design reviews on all drawings and specifications in order to provide compliance to the HUD standard for mobile home construction.

f. Diagonal tie (frame tie). A tie intended to primarily resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

g. "Ground anchor." Any device at the mobile home stand designed to transfer mobile home anchoring loads to the ground.

h. "IPIA." A production inspection agency approved by HUD to perform the in-plant quality assurance inspection programs within mobile home manufacturing facilities.

i. "Label or certification label". The approved form of certification by the manufacturer that is affixed to each transportable section of each mobile home manufactured for sale to a purchaser in the United States or its governing territories.

j. "Main frame." The structural component on which is mounted the body of the mobile home.

k. "Mobile home". A structure transportable in one or more sections which when erected on site measures eight body feet or more in width and thirty-two body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

l. "Mobile home add-on". A structure which is designed and produced and to be made an integral part of a mobile home and will be considered part of the mobile home.

m. "Multifamily home". Mobile homes designed and manufactured with more than one separate living unit.

n. "Pier." That portion of the support system between the pier foundation and the mobile home exclusive of caps and shims.

o. "Pier foundation (footing)." That portion of the support system that transmits loads directly to the soil, and shall be sized to support the loads shown herein.

p. "SAA". A state administrative agency approved by the department of housing and urban development to participate in the enforcement of all provisions to which a mobile home is regulated under the HUD standard.

q. "Seal, installation." Is a device or insignia issued by the commissioner or building official upon application, supported by evidence as deemed necessary to establish that the installer has been approved by the commissioner.

r. "Stabilizing system (tie-down system)." A combination of the anchoring system and the support system when properly installed. Therefore components of the anchoring and support systems such as piers, pier foundations, ties, anchoring equipment, anchors, or any other equipment which supports or secures the mobile home to the ground, shall be defined as stabilizing devices. For the purposes of this code the definition of a stabilizing system

PLANNING AND PROGRAMMING[630] (cont'd)

and the definition of a tie-down system, shall be one and the same (see subrule 5.620(4)v).

s. "Support system." A combination of pier foundations, piers, caps, and shims that will, when properly installed, support the mobile home.

t. "Temporary field construction office". A factory-built structure used at a construction site as an office facility by the personnel engaged in the construction of another structure or project. The intent of this structure is to remain on the job site only as long as necessary during the construction and then removed before construction is completed.

u. "Tie." Strap, cable or securing device used to connect the mobile home to ground anchors.

v. "Tie-down system." Means a ground support system and a ground anchoring system used in concert to provide anchoring and support for a mobile home (see subrule 5.620(4)r).

w. "Vertical tie (over-the-top)." A tie intended to primarily resist the uplifting and overturning forces.

5.620(5) Administration. This section covers the basic requirements for constructing mobile homes and all of the administrative procedures under which the mobile home program functions including information pursuant to certification approval and manufacturing requirements. This section also applies to those structures defined in subrule 5.620(4) of Part 2 as mobile home add-on units, temporary field construction offices and multifamily homes. There are also included within Part 2, subrules 5.624(2) and 5.620(16) sections dealing with installation procedures and information pursuant to the handling of consumer complaints consistent with the duties of the state of Iowa to be performed as a State Administrative Agency (SAA) in conjunction with the mobile home program, respectively.

5.620(6) Mobile home construction requirements. All factory-built structures that are defined as a mobile home under subrule 5.620(4) of Part 2, shall be constructed to the standards as promulgated by the United States Department of Housing and Urban Development hereafter referred to as HUD. These standards were published as final rules in the December 18, 1975 issue of the Federal Register, Volume 40, No. 244. These standards are herein adopted and apply to all mobile homes manufactured after June 15, 1976. All provisions for mobile home procedural and enforcement regulations are covered within the May 13, 1976 Federal Register, Volume 41, No. 94. All factory-built structures defined as a mobile home by the federal standard shall be manufactured and so regulated by these documents.

5.620(7) Procedures of approval for mobile homes. Every mobile home unit or structure approval will follow the method of third-party certification approval with all approvals obtained through the HUD secretary. All mobile home plans, specifications, documentation, plant facilities and in-plant inspections must be submitted to and approved by a third-party certification agency so designated by the HUD secretary. Rules and regulations pursuant to these procedures are outlined in the mobile home procedural and enforcement regulations, Part 3282.351 which sets out all requirements to be met by states or private organizations which wish to qualify as primary inspection agencies (see subrule 5.620(4) of Part 2, definitions for IPIA and DAPIA).

5.620(8) Compliance certification. Every mobile home unit or structure must conform to the certification requirements within section 3282.205 of the mobile home procedural enforcement regulatory document.

5.620(9) Certification seals (labels) and other seal requirements. Every mobile home unit or structure must conform to the requirements within the mobile home procedural and enforcement regulatory document that are contained within seal procedures including provisions of section 3282.454 for monitoring inspection fees. These fees include the HUD label requirements.

5.620(10) Mobile home add-on units. Every factory-built structure manufactured as a mobile home add-on unit as defined in subrule 5.620(4) of Part 2 shall be constructed to the standards set forth in subrule 5.620(6) of Part 2 except that these units will bear an Iowa seal in accordance with the provisions of the Iowa state building code, Division 6, Part 1. Manufacturers of mobile home add-on units with the exception of constructing to the HUD standard, which has been herein adopted for these units, must comply with all other provisions of the Iowa state building code as described within Division 6, Part 1 for factory-built structures.

5.620(11) Multifamily homes. Every factory-built structure manufactured as a multifamily home within the definition contained in subrule 5.620(4) of Part 2 shall be constructed to the standards set forth in subrule 5.620(6) of Part 2 except that these units will bear an Iowa seal in accordance with the provisions of the Iowa state building code, Division 6, Part 1. Manufacturers of multifamily homes, with the exception of constructing units to the HUD standard which has herein been adopted for these units, must comply with all other provisions of the Iowa state building code as described within Division 6, Part 1, factory-built structures.

5.620(12) Temporary field construction offices. Every factory-built structure manufactured as a temporary field construction office within the definition as contained in subrule 5.620(4) of Part 2 shall be constructed to the standards set forth in subrule 5.620(6) of Part 2 except that these units will bear an Iowa seal in accordance with the provisions of the Iowa state building code, Division 6, Part 1. Manufacturers of temporary field construction offices with the exception of constructing units to the HUD standard which has herein been adopted for these units, must comply with all other provisions of the Iowa state building code as described within Division 6, Part 1, factory-built structures.

5.620(13) Seal types for mobile home add-on units, temporary field construction offices and multifamily homes. When ordering seals for mobile home add-on units, temporary field construction offices or multifamily homes, each manufacturer will indicate the number of each type of seal requested and the letter prefix required. Examples of seals issued are as follows: (A00-0000MH), (B00-0000MH), C, D and E, etc. Single units are without prefix letters (00-0000MH). For more details, see Division 6, Part 1, subrule 5.610(21).

It is noted that mobile home type seals shall be attached to all of these type units. All other procedures for seal issuance, removal, damage, repossession and return are to conform with provisions of this code as outlined in Division 6, Part 1.

5.620(14) Noncompliance. Failure to conform to the provisions of Part 2 as they apply to the federal standard for the construction of mobile homes are subject to the penalties where applicable as set forth within Division 6, Part 1. The state of Iowa having adopted the federal standard and the enforcement regulations shall participate in the federal program as an agent of HUD thereby providing assurances to ensure code compliance when these units are offered for sale for subsequent installation within the state of Iowa.

PLANNING AND PROGRAMMING[630] (cont'd)

5.620(15) Consumer complaints. The state building code department serving as an approved State Administrative Agency (SAA) for the Federal Department of Housing and Urban Development shall receive complaints and process them in accordance with the requirements of the federal regulations as outlined in subpart I, paragraph 3282.401, entitled "Consumer Complaint Handling and Remedial Actions of the Mobile Home Procedural and Enforcement document". These specific complaints are categorized as possible imminent safety hazards or possible failures to conform to the federal standard. Imminent safety hazards shall be those items that could result in an unreasonable risk of injury or death to the occupants of the mobile homes. Failures to conform to the federal standard are those items that do not result in an unreasonable risk of injury or death to the occupants of mobile homes, but nevertheless do not meet the provisions of the federal standard in some specific manner.

5.620(16) Manufacturer's installation instructions. Every mobile home manufacturer which manufactures mobile homes for installation in Iowa shall provide the commissioner with a reproducible copy of printed instructions of installation for each specific make and model of mobile home which is to be installed in Iowa. These instructions shall include copies of the materials which have been certified by a registered professional engineer for compliance with the federal mobile home construction standards and 3280.306(a)(2), 3280.306(b), and 3280.303(c) of the regulatory standards. The manufacturer's installation instructions shall also be available at the installation site.

630—5.621(103A) Installation of factory-built structures.

5.621(1) Authority. These rules and regulations are formulated and adopted to establish reasonable and minimum safeguards in the installation of factory-built structures as authorized by section 103A.7, subsection 3, section 103A.9, and sections 103A.30 to 103A.33, The Code.

a. These rules apply to the initial installation of factory-built structures manufactured on or after February 1, 1973 and to factory-built structures manufactured before February 1, 1973, which have never been installed in Iowa, and are approved by the commissioner.

b. These rules apply to all mobile homes, new or used, which are sold in Iowa or sold to be installed in Iowa after September 1, 1977, for new mobile homes and January 1, 1978, for used mobile homes. The seller shall provide an approved tie-down system and the purchaser shall install or have the system installed within one hundred fifty days (see subrule 5.620(4) for the definition of a tie-down system). This one hundred fifty day period is designated for that time when climatic conditions restrict the completion of the tie-down system.

5.621(2) Enforcement. The commissioner shall administer and enforce all the provisions as set forth. Any person, agent, organization approved and authorized by the commissioner shall inspect any installation system and equipment to ensure compliance with these regulations. After the effective date of these rules, no person, agency or organization shall install or connect a ground support or anchoring system to a mobile home, unless such system complies with these rules governing such installation. Evidence of such compliance shall be supported by the submission to the commissioner of a certificate of installation. One copy of such certificate will remain in possession of the owner of the anchored structure.

630—5.622(103A) Approval of installers of mobile homes.

5.622(1) Installer approval procedures. Anyone who installs mobile homes for others within Iowa shall apply for certification. Application for approval as an installer must be submitted to the building code commissioner accompanied by written material that the applicant meets the following:

a. Has the training and capability of discharging without bias the provisions set forth.

b. Not under the control of any manufacturer or supplier, so as to impair their judgment with regard to safety of the occupants.

c. Has the proper equipment and personnel to properly size the pier foundations (footings) and to select the necessary anchor systems for various soil conditions.

d. Is familiar with at least one manufacturer's anchoring system and equipment.

5.622(2) Recertification. An approved installer shall renew his approval annually. The building code commissioner may require such written material as he deems necessary evidencing the applicant's performance during the previous twelve months. Any changes which may have taken place during the previous twelve months such as changes in field personnel, change of address, etc., shall be submitted with recertification request and the necessary fee.

5.622(3) Approval procedures for individuals installing a tie-down system on their own mobile home.

a. An individual installing their own tie-down system, or some portion thereof, shall notify the building code commissioner and obtain the proper forms required to be submitted to this office.

b. The commissioner shall request information to determine the ability of such individual and to verify that compliance is achieved to the rules and regulations of this code regarding the particular installation.

630—5.623(103A) Installation seal and certificate procedures.

5.623(1) Application for seals. Any installer who has met the applicable requirements of 5.622(1) or 5.622(3) may apply for installation seals as needed. Such seals may be obtained from the commissioner or local building officials or building department who is a participant in the state's installation program.

5.623(2) Mobile home installation certificates. The installer of every mobile home shall supply the Iowa building code commissioner and the owner of the unit with the signed and completed installation certificate issued by the Iowa building code commissioner within thirty days of affixing the Iowa installation seal.

5.623(3) Obtaining installation certificates. When an approved installer or individual which has been granted approval applies for an installation seal, each seal will be accompanied by a certificate which when completed shall indicate that the tie-down system or some portion thereof complies with these rules.

5.623(4) Installation seals, types of. The following seal types are color coded and each is pertinent to a particular type of installation:

a. Silver — To be affixed to mobile homes for which an installer performs the complete tie-down system installation.

b. Blue — Two (2) part seal.

1. The upper half of the blue seal is to be affixed to mobile homes for which an installer performs support system installation only.

2. The lower half of the blue seal is to be affixed to mobile homes for which an installer performs the anchorage system installation only.

PLANNING AND PROGRAMMING[630] (cont'd)

These seals will be issued separated and are to be used when installers are installing support systems or anchor systems only.

5.623(5) Applicable situations for various seal types. Completed tie-down installations will require only one seal (silver) to be affixed, when only one installer performs the entire tie-down system as defined in 5.620(4)v. The installer's signature on the completed installation certificate verifies that the entire tie-down system meets the provisions of this code.

Completed tie-down installations which two installers performed (i.e. one installs the support system only and the other installs the anchorage system only and both systems are installed on the same mobile home), a blue two-part seal will be required. One half (blue upper half) for the support system installation, one half (blue lower half) for the anchorage system installation. The two installers' signatures on the two separate completed installation certificates and with the applicable information completed on the installation certificates pertaining to each type of installation, verifies that each installer's system installation meets the provisions of this code. All two-party installations shall have both sections of the two-part blue seal affixed and two installation certificates completed when each party installs their particular installation and both are performed on one and the same mobile home.

Multiwide mobile homes, even though transported in two or more sections, when installed at a site, shall be considered as one mobile home.

5.623(6) Placement of seal, installation. The installation seal (or two halves) shall be placed in a readily visible location on the rear of the unit and near the tail light, roadside. Doublewide mobile homes are treated in the same manner as singlewide mobile homes and only one seal (silver) or one complete two-part blue seal, depending upon whether the tie-down installation was performed by one party or two parties, shall be affixed to the installed unit, even though the unit consists of two transportable sections.

5.623(7) Denial and repossession of installation seals. Should investigation or inspection reveal that an approved installer has not installed an anchoring system, support system, or the complete tie-down system according to these rules and the code, the commissioner may deny such installer's application for new installation seals and any installation seals previously issued shall be confiscated. Upon satisfactory proof of modification of such installation bringing them into compliance, such dealer or installer may resubmit an application for installation seals.

5.623(8) Seal removal, installation. Should a violation of the rules and regulations regarding installation be found, the commissioner may remove the installation seal after furnishing the owner or his agent with a written statement of such violation. The commissioner shall not issue a new installation seal until corrections have been made and the owner or his agent has requested an inspection pursuant to 5.625(1) under Inspections.

5.623(9) Lost or damaged seals, installation. When an installation seal is lost or damaged, the commissioner shall be notified in writing. Damaged or lost installation seals shall be replaced by the commissioner upon payment of the replacement installation seal fee as provided in 5.625(5), Fees.

5.623(10) Return of seals, installation. When a dealer or installer discontinues the installation of mobile homes, he shall notify the commissioner within ten days of the date of such discontinuance and return all unused instal-

lation seals which have been issued to him. Installation seals may not be transferred by any dealer or installer after being issued to that dealer or installer.

5.623(11) Seals for existing mobile homes. Seals may be obtained for existing mobile homes that are tied down at the option of the owner in accordance with the requirements of subrule 5.627.

630—5.624(103A) Installations.

5.624(1) Mobile home installations. Every mobile home installed in the state of Iowa will meet the provisions outlined in 630—5.626(103A).

5.624(2) Installation of mobile home add-on units, temporary field construction offices and multifamily homes. Every mobile home add-on unit, temporary field construction office, and multifamily home shall conform to the installation provisions outlined in 630—5.626(103A).

5.624(3) Incomplete installation. When climatic or other conditions interfere with the completion of installation, the installer will notify the commissioner stating the condition prohibiting the completion. When conditions permit the completion of installation, such installations shall be promptly finished and the seal affixed in the manner as provided within. The certificate of installation shall be completed and copies dispersed as required.

630—5.625(103A) Inspections and fee structure.

5.625(1) Inspections. Any person holding title to a manufactured unit may request an inspection of the support and anchoring system, such request should be made by letter to the building code commissioner. These individual inspections may require a fee as provided in 5.625(5)f, Verification Inspection Fee.

5.625(2) Action after inspection. If the requested inspection was to determine compliance with respect to support and anchoring requirements and both systems meet the provisions of the code and all applicable fees have been remitted, the installation seal may then be affixed to that specific unit, after payment of fees as required.

5.625(3) Verification inspections. A verification inspection of a tie-down system may be required to assure compliance to this code where an individual installed their own tie-down system. These inspections may also require a fee as provided in 5.625(5)f, Verification Inspection Fee.

5.625(4) Other inspections. The commissioner or his designee shall make periodic inspections of the facilities of persons who are subject to these rules and regulations.

5.625(5) Fees. All remittances shall be in the form of checks or money orders, payable to: Treasurer, State of Iowa and delivered to:

Building Code Commissioner
Division of Municipal Affairs
Office for Planning and Programming
523 E. 12th Street
Des Moines, Iowa 50319

- | | |
|---|---------|
| a. Installation seal fees: | |
| 1. Complete tie-down installation seal (silver) | \$12.50 |
| 2. Support system installation seal (upper half-blue) | \$10.00 |
| 3. Anchorage system installation seal (lower half-blue) | \$10.00 |
| b. Installation replacement seal | \$ 7.50 |
| c. Installer certification initial fee | \$30.00 |
| d. Annual installer renewal certification fee | \$15.00 |
| e. Ground support and anchoring system approval fee | \$65.00 |

PLANNING AND PROGRAMMING[630] (cont'd)

f. Verification inspections made by the state building code staff will be charged at a rate based on time spent at the site plus travel expenses. The hourly rate shall be \$30.00 per hour and direct cost for travel.

630—5.626(103A) Support and anchorage of mobile homes. The following provisions are intended primarily as a tie-down system for existing units and for those units for which the manufacturer has not provided an approved means for the installation of an anchoring and support system for that specific make and model (see subrule 5.620(16)). The following requirements are nationally recognized standards and meet the provisions published within this code. The manufacturer's installation instructions, if supplied with the unit, shall be followed for both the support and anchorage systems installations. This is to assure that the manufacturer's warranty remains valid.

Exception: Minor adjustments may be necessary to avoid utility and service lines. Additional supports or anchors may be needed to assure the maximum distance between supports and anchors is maintained.

5.626(1) Requirements for support system installations.

a. Piers placed on foundations shall be installed and centered directly under the main frame longitudinal beams. The piers should not be further apart than ten feet on centers for mobile homes twelve feet wide or less and not more than eight feet on centers for mobile homes over twelve feet wide. The main frame, front or back, should not extend further than two feet beyond the center line of the end piers.

b. Pier foundations shall be placed below the frost line but in no case shall they be placed on anything other than level and undisturbed soil, or on controlled fill, which is free of grass and organic materials. The pier foundation shall be at least a 16" x 16" x 4" solid concrete pad, precast or poured in place, or equivalent. Two nominal 4" x 8" x 16" solid concrete blocks may be used provided the joint between the blocks is parallel to the main frame longitudinal beam. Concrete used in foundations shall have a compressive strength of not less than two thousand pounds per square inch (2000 P.S.I.).

Exception: Pier foundations may be exempt from extending below the frost line on mobile home installations, only if the owner agrees to be responsible for the loosening of the anchor system on or before November 1 to prevent frost heave damage to the unit, and to retighten the anchors each spring. A statement to this effect is on the installation certificates and a space is provided for the owner's signature.

c. Soil bearing capacity shall be a minimum of two thousand pounds per square foot. Soils with a bearing capacity of less than two thousand pounds per square foot will require proportionally increased size pier foundations to support the loadings subjected by the piers. Fill, if used, shall be compacted to a bearing capacity of the surrounding soils with the minimum capacity being 2000 P.S.F.

d. Piers may be constructed of concrete or undamaged nominal 8" x 8" x 16" concrete blocks, open celled or solid placed on the pier foundation. All open celled concrete block (any size) utilized in the construction of mobile home piers, shall be installed with the cells of the concrete block in a vertical position. Nominal 2" x 8" x 16" or nominal 4" x 8" x 16" solid concrete blocks may be utilized in the construction of mobile home piers, as needed, to achieve the necessary heights of the piers for a particular installation. A nominal 2" x 8" x 16" wood plate, or equivalent, shall be placed on top of each pier with hardwood

shims fitted and driven between the wood plate and the main frame longitudinal beam. The wood blocking should not occupy more than a nominal two inches of vertical space and shims shall not occupy more than one inch of vertical space.

1. Piers up to forty inches in height, except corner piers over three blocks high (a nominal 24"), may be single block construction and shall be installed transverse (right angle) to the main frame longitudinal beam. (See Figure 1.)

2. Piers over forty inches in height but not exceeding eighty inches in height and corner piers over three blocks high shall be double block construction with every other course either parallel or transverse (right angle) to the main frame longitudinal beam. These piers shall be capped with a nominal 16" x 16" x 4" solid concrete block or equivalent. (See Figure 2.) Wood blocking and hardwood shims shall be installed accordingly.

3. Piers over eighty inches in height may be concrete or double block construction following exactly the procedure given in paragraph number two above. Celled concrete blocks only may be used (with open cells vertical) with $\frac{3}{8}$ " diameter or larger steel reinforcing rods placed in the pier corners and all cells filled with two thousand pounds per square inch concrete. (See Figure 3.) Wood blocking and hardwood shims shall be installed accordingly.

5.626(2) Requirements for anchorage systems. When not provided by manufacturers, anchor ties shall be attached vertically and diagonally to a system of ground anchors in a manner as illustrated in Figures 4 and 5. The minimum number of anchor ties required for installations in Iowa are set by Table 6-A. Diagonal ties between ground anchors and unit shall be installed in conjunction with each vertical tie-down.

a. Ties may be either steel cable, steel strapping, or other materials which meet the requirements of 5.626(2)f. Ties are to be fastened to ground anchors and drawn tight with galvanized turnbuckles or yoke-type fasteners and tensioning devices. Turnbuckles shall be ended with jaws of forged or welded eyes (hook ends are not approved).

b. When continuous straps (over-the-top tie-downs) are provided as vertical ties, they should be positioned at rafters and studs to prevent structural damage. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.

c. Cable used for ties may be either galvanized steel or stainless steel having a breaking strength of at least four thousand seven hundred and twenty-five pounds. Cable should be either $\frac{7}{32}$ " diameter or greater (7 x 7) steel cable or $\frac{1}{4}$ " diameter or greater (7 x 19) aircraft cable. All cable ends should be secured with at least two I-bolt type cable clamps or other nationally approved fastening devices.

d. When flat steel straps are used as ties they shall be type 1, class B, grade 1, $\frac{1}{4}$ inches wide and 0.035 inch thick, conforming with federal standard QQ-S-781-F, with a breaking strength of at least four thousand seven hundred and twenty-five pounds. Zinc coating (weather protection) shall be a minimum of 0.30 ounces per square foot of surface. Steel strap ties shall terminate with D-rings, bolts, or other nationally approved fastening devices which will not cause distortion or reduce breaking strength of ties.

e. The direction of pull of the diagonal ties should be at a right angle to the main frame longitudinal beam. Connection of the diagonal tie to the main frame longitudinal beam should be in accordance with anchor system instruc-

PLANNING AND PROGRAMMING[630] (cont'd)

tions for those fastening devices. When steel strap ties are used, care should be exercised that the minimum bending radius is adhered to so the breaking strength is not reduced.

f. The anchorage materials shall be capable of resisting an allowable minimum working load of three thousand one hundred and fifty pounds (pullout in a vertical direction) with no more than two percent elongation and shall withstand a fifty percent overload. Anchorage materials shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot surface coated. Anchors to reinforced concrete slab or to rock shall be of comparable strength as provided within this paragraph.

Each ground anchor, when installed, shall be capable of resisting an allowable working load at least equal to 3,150 pounds in the direction of the ties plus a fifty percent overload (4,750 pounds total) without failure. Failure shall be considered to have occurred when the point of connection between the tie and anchor moves more than two inches at 4,750 pounds in the direction of the vertical tie when anchoring equipment is installed in accordance with the anchorage manufacturer's instructions. Those ground anchors which are designed to be installed so that the loads on the anchor are other than direct withdrawal, shall be designed and installed to resist an applied design load of 3,150 pounds at 45° from horizontal without displacing the anchor more than four inches horizontally at the point when the tie attaches to the anchor.

Anchors designed for connection of multiple ties shall be capable of resisting the combined working load and overload consistent with the intent expressed in this section.

g. Ground anchors shall be installed such that the load carrying portion of the anchor in its final working position is below the frost depth forty-two inches. Total anchor length shall be more than forty-two inches as necessary.

630—5.627(103A) Approval of existing mobile home tie-down systems. This rule is to provide a method by which mobile homes which have been installed prior to the effective date of these rules can be sold without requiring a new tie-down system to be installed and to allow existing mobile homes which are properly supported and anchored to be sold without installing new support and anchorage systems.

5.627(1) Sale of a certified unit.

a. The commissioner shall be notified in writing by the seller of the change of ownership when any mobile home sold after the effective date of these rules remains in the same location. The installation seal shall remain in place and a copy of the installation certificate shall be supplied to the new owner. Replacement seals and certificates may be obtained if necessary (see subrule 5.623(9)).

b. Any mobile home sold after the effective date of these rules which is moved to a new location must obtain a new certificate and seal. However, the existing support and anchorage system may be used if the installer verifies the conditions of use and the installation procedures of the existing systems are met at the new location.

5.627(2) Certification of installed existing units as an owner's option. Application may be made to the commissioner for approval of an existing mobile home support and anchor system on one of the following conditions:

a. If the support and anchorage system was installed by an approved installer and are approved systems.

b. If the existing support and anchorage system has been inspected by an approved installer and the installer attests by signing the installation certificate that the existing systems are equal to or better than the minimum requirements of this code.

c. If the existing support and anchorage systems are inspected and approved by a registered engineer or architect.

d. If the existing support and anchorage systems are inspected by a field inspector with the Iowa state building code (see subrule 5.625(1)) and the existing systems are equal to or better than the minimum requirements of this code.

If compliance is met by one of the above procedures and payment of the required fee has been paid, an Iowa installation seal and certificate may then be issued.

630—5.628(103A) Procedure for governmental subdivisions participating in installation program. The following provisions are intended for those jurisdictions wishing to ensure that manufactured structures (mobile homes, modular, and others manufactured to state building code requirements) are in compliance with these rules and regulations within their jurisdictional boundaries.

5.628(1) Approval for local authority. A building official may apply to the commissioner by letter, stating that he or his department wishes to participate in this installation program, such approval may be by contractual agreement with the state, or by letter from the commissioner designating such person, agency, or department as his representative.

5.628(2) Installation verification. Local building authorities or approved installers that inspect the approved support and anchoring system for proper installation shall sign and complete the installation certificate and attach the installation seal and deliver a copy of the installation certificate to the building code commissioner within thirty days of the inspection and the affixing of the Iowa installation seal. A copy of the installation certificate shall be retained by the owner and a building official or installer which verifies the tie-down system.

5.628(3) Installation certificates and seals. The commissioner will issue installation certificates and seals on request from the building official or other approved local authority.

5.628(4) Fee structure. The seal fee as scheduled in subrule 5.625(5) Fees, shall be maintained with the approved local authority retaining seventy percent and thirty percent going to the state.

630—5.629(103A) Support and anchoring systems approval procedures.

5.629(1) Approval of support and anchoring systems. All support and anchoring systems shall be approved by the commissioner. Manufacturers shall obtain approval of such systems by submitting to the building code commissioner, all system drawings and all other related data e.g., material specifications or standards, calculations of loads and stresses, soils and test data which will show compliance with the requirements of rule 5.626(103A). Support and anchoring systems designed and signed by a registered engineer competent in this field, shall submit complete systems drawings only, unless other technical data is requested by the commissioner.

Exception: Support or foundation systems for mobile homes constructed to the requirements of Division 6, Part 1 of this code, designed to meet local building regulations are exempt from approval by the commissioner. The

PLANNING AND PROGRAMMING[630] (cont'd)

installation certificate, 5.610(19), shall show that the support system has been approved by the local authority.

5.629(2) Application for support and anchoring system approval. Submissions for approval by the commissioner shall include drawings, data, and test results which show compliance with at least the minimum requirements of rule 5.626(103A).

a. Support systems shall be one or more of the following:

- (1) Engineered on grade support systems.
- (2) Foundations installed in conformance with the state building code, e.g., piers, continuous footings, posts or isolated footings extending below the frost line. (See subrule 5.626(1)b, for exception.)
- (3) Use of concrete slabs or continuous footings. If such slabs or footings are used to transfer the anchoring loads to the ground, they shall be so constructed to provide the holding strength as required by subrule 5.626(2)f.

b. Materials specified shall meet the minimum requirements of the state building code including, but not limited to:

- (1) Wood supports in contact with the ground shall be pressure impregnated in accordance with uniform building code standards 25-12.
- (2) Concrete, where used, shall have a minimum compressive strength of 2000 P.S.I. and be in conformance with uniform building code standard 26-11.
- (3) Masonry units, where used, will be in accordance with uniform building code standard 24-4 and 24-5.
- (4) Soils information shall reference the classifications of Table 29-B of the UBC and standard No. 29-1 of the UBC. Other classifications may be used to describe soil, however, it shall indicate the standard classification as well.

c. Ground anchoring systems shall include, but not be limited to:

- (1) Submission for approval and registration for components which constitute portions or parts of support and anchoring systems by the manufacturer shall clearly indicate compliance with the requirements of the Iowa state building code "structural design." The requirements of 5.626(103A) shall be considered minimum.

TABLE 6A

NUMBER OF TIEDOWNS REQUIRED FOR SINGLEWIDE MOBILE HOMES

MOBILE HOME BOX LENGTH NOT EXCEEDING	MINIMUM NUMBER OF TIEDOWNS PER SIDE	
	DIAGONAL TIES	VERTICAL TIES
30'-0"	2	2
40'-0"	3	2
56'-0"	3	2
66'-0"	5	3

NOTES:

- 1 DOUBLEWIDE MOBILE HOMES SHALL COMPLY WITH TABLE 6A EXCEPT THAT NO VERTICAL TIES ARE REQUIRED.
- 2 WHEREVER A VERTICAL TIE AND A DIAGONAL TIE LIE IN A PLANE WHICH IS VERTICAL AND TRANSVERSE TO THE MAIN LONGITUDINAL BEAM, BOTH TIES MAY BE CONNECTED TO THE SAME GROUND ANCHOR, PROVIDING THAT PARTICULAR ANCHOR WITHSTANDS BOTH LOADINGS.

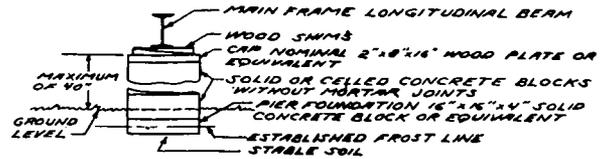


FIGURE 1 - PIERS UP TO 40" IN HEIGHT (SINGLE BLOCK CONSTRUCTION)

NOTE: CORNER PIERS MORE THAN THREE (3) BLOCKS HIGH SHALL BE DOUBLE BLOCK CONSTRUCTION AS SHOWN IN FIGURES 2 & 3

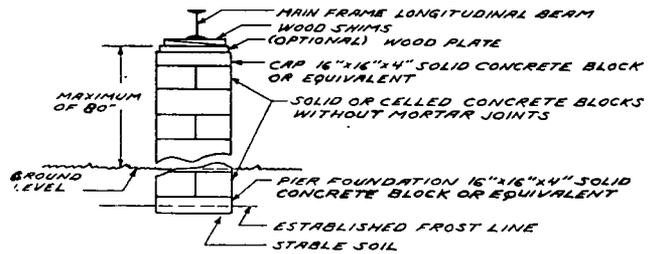


FIGURE 2 - PIERS OVER 40" IN HEIGHT AND NOT EXCEEDING 80" IN HEIGHT (DOUBLE BLOCK CONSTRUCTION)

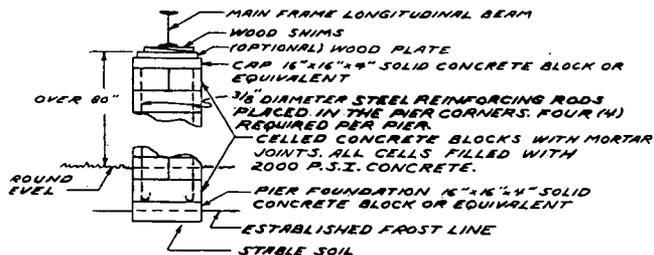
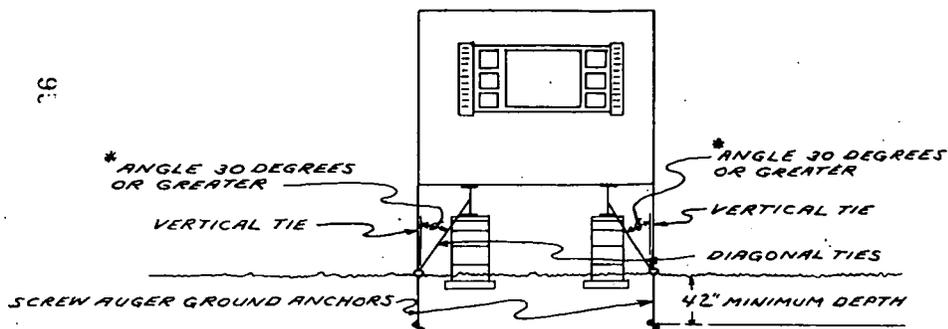


FIGURE 3 - PIERS OVER 80" IN HEIGHT (DOUBLE BLOCK CONSTRUCTION, STEEL REINFORCED)

FIGURE 4

MOBILE HOME TIEDOWN



95

* ANGLE 30 DEGREES OR GREATER

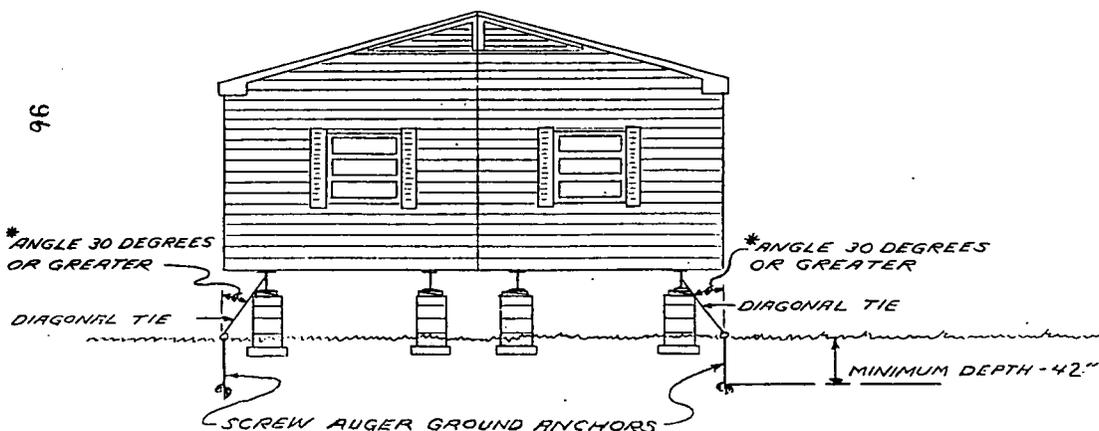
* ANGLE 30 DEGREES OR GREATER

* DIAGONAL TIE SHALL DEVIATE FROM A VERTICAL DIRECTION 30 DEGREES OR MORE.

FIGURE 5

DOUBLE WIDE MOBILE HOME TIEDOWN

* DIAGONAL TIE SHALL DEVIATE FROM A VERTICAL DIRECTION 30 DEGREES OR MORE.



96

* ANGLE 30 DEGREES OR GREATER

* ANGLE 30 DEGREES OR GREATER

PLANNING AND PROGRAMMING[630] (cont'd)

(2) Detailed procedures for field soil identification and anchor selection and test procedure for assuring proper installation.

(3) Restrictions on the use of each anchor and the specific soil types which apply.

(4) Each part identification mark and where it is located on the part.

The commissioner may require additional data or test results to determine compliance with the minimum requirements.

DIVISION 7

630—5.700(103A) Handicapped rules and regulations.

5.700(1) Scope. These rules and regulations are applicable to all buildings, temporary or permanent, and their site facilities, including streets used by the general public. These provisions shall also apply to multiple-dwelling unit buildings containing five or more individual dwelling units. Rehabilitation and renovation projects shall be made to comply with these rules whenever such projects are required by a local building code or the state building code to meet requirements of new construction.

NOTE: See 630—5.706(103A) for requirements within dwelling units of multiple-dwelling unit buildings.

5.700(2) Purpose. These rules and regulations are intended to make all buildings and facilities used by the public accessible to, and functional for, the physically handicapped, to, through, and within their doors, without loss of function, space, or facility where the general public is concerned. The rules and regulations cited herein shall constitute obligatory provisions within any governmental subdivision in Iowa, as mandated by chapter 104A, The Code.

630—5.701(103A) Definitions.

5.701(1) Accessible route. A continuous unobstructed path connecting all accessible elements and spaces in a building or facility that can be negotiated by a severely disabled person using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts.

5.701(2) Adaptability. The ability of certain building elements, such as kitchen counters, sinks, and grab bars, to be added to, raised, lowered, or otherwise altered so as to accommodate the needs of either the disabled or abled, or to accommodate the needs of persons with different types or degrees of disability.

5.701(3) Appropriate number means the number of a specific item that would be necessary, in accord with the function and purpose of a building or facility, to accommodate individuals with specific disabilities, in proportion to the anticipated number of individuals with disabilities who would be using a particular building or facility. Consideration should be given to the fact that more and more people with physical disabilities are participants in all activities of human life, particularly as the built environment becomes more accessible. In all cases, the term "appropriate number" shall be followed by the term "with a minimum of one."

5.701(4) Children. Persons below the age of twelve (i.e., elementary school age and younger).

5.701(5) Common resident space. Rooms or areas available for use by all residents in a multifamily residential structure, e.g., laundry room, recreation room, bulk storage room.

5.701(6) Curb ramp. Short ramp cutting through a curb or built up to it from a lower level.

5.701(7) Functional spaces. The rooms and spaces in a building or facility that house the major activities for which the building or facility is intended.

5.701(8) Handicapped. Those with significant limitations in using specific parts of the environment.

5.701(9) Handicapped insignia. An emblem displaying the international symbol of accessibility, indicating compliance with the requirements for accessibility and functionality for the physically handicapped.

5.701(10) Handicapped review certificate. A form, indicating by authorized signature, that a building or facility is in compliance with these rules and regulations.

5.701(11) Hearing disabilities. Deafness or partial hearing losses to the extent that an individual may have difficulty perceiving warning signals or sounds.

5.701(12) Manipulation disability. Limitations in grasping, pinching or handling.

5.701(13) Nonambulatory. Not able to walk at all.

5.701(14) Participating local authority. The local building official or for factory-built structures the approved third-party agency for the proposed building or structure, provided such official or agency has applied for and been granted permission by the building code commissioner to complete handicapped review certificates.

5.701(15) Primary entrance or entrances. Any access to a building, structure or facility used for entering and exiting giving access and egress to the principal and utilitarian areas concerned with the use and life safety aspects of said building, structure or facility.

5.701(16) Public or general public. For the purposes of enforcing the handicapped rules and regulations in this code shall mean the accommodation of a person or persons other than owners and employees given access to buildings, structures and facilities which by their nature, use or classification caters to or offers with/without fee or charge, services, facilities, goods or the conduct of business in said establishment.

5.701(17) Semiambulatory. Able to walk only with the assistance of aids such as crutches, canes or walkers.

5.701(18) Sight disability. Partial and full loss of sight to the extent that an individual may be insecure or exposed to danger when functioning independently in familiar places, or having difficulty perceiving graphic information.

5.701(19) Tactile. Can be perceived by the sense of touch; used as warning device for individuals with sight disabilities.

5.701(20) Walking aids. Canes, crutches, walkers, braces.

630—5.702(103A) Administration and enforcement.

5.702(1) Application. These standards, as set forth, shall apply to all buildings intended for use by the general public and include provisions from the Iowa state building code, the American National Standard Specifications, ANSI A117.1, 1980 Edition, chapter 104A, The Code.

NOTE: Illustrations in Division 7 of this code are to be used as pictorial examples and not to be misconstrued as the requirements for the handicapped. These illustrations include the current recommendations of ANSI A117.1-1980 and some dimensions shown exceed the requirements of this code.

5.702(2) Other standards or laws. For purposes of reference, an Act relating to curb ramps for the physically handicapped, section 601D.9, The Code. This Act requires curb cutouts and ramps in all new curbs con-

PLANNING AND PROGRAMMING[630] (*cont'd*)

structed at any point along a public street which gives access to a crosswalk. Such Act became effective after January 1, 1975, also section 601E.6, The Code, requiring special identification devices for motor vehicles used by the handicapped and provisions for on-street and off-street parking in cities or other political subdivisions.

The Architectural Barriers Act of 1968, Public Law 90-480, was passed by the ninetieth Congress on August 12, 1968. The purpose of the Act was to ensure that certain buildings financed with federal funds are designed and constructed to be accessible to the physically handicapped. Administration and enforcement of Public Law 90-480 was granted to the administrator of general services, secretary of housing and urban development and secretary of defense, each in consultation with the secretary of health, education and welfare. All adopted as their basic design criteria the American Standard Specifications for the Physically Handicapped, ANSI A117.1.

The Rehabilitation Act of 1973, Public Law 93-112, replaced the Vocational Rehabilitation Act and was passed by the Congress on September 26, 1973. The purpose of the Act was to ensure that every institution in the USA getting federal financial assistance must take steps to assure that handicapped people are not discriminated against in employment.

5.702(3) Administration. The building code commissioner is authorized by 103A.5(5), The Code, to administer and enforce chapter 104A. The conforming standards of 104A.6 also include the provisions of the Iowa state building code which apply to making facilities accessible to and functional for the physically handicapped.

5.702(4) Certifying procedures. It will be the duty of the commissioner's office, or a participating local authority, to certify that each building or facility within their jurisdiction meets the handicapped provisions in the following manner:

a. Before issuance of a permit to construct, or prior to the commencement of construction when no such permit is required, the handicapped review certificate must be completed by the participating local authority or the commissioner's office. Such certificates can be obtained from the commissioner on application by letter or other forms of communication.

b. The owner or his agent shall apply directly to the commissioner, if there is no participating local authority, requesting a review of documents (plans, specifications, etc.) for compliance with these standards. The application shall include: A written request for review, payment of the fees required by 5.702(4)"e" and one set of documents containing a minimum of the following: A dimensioned plot plan showing all pertinent site features; a floor plan showing each floor of the building; an indication of the size and direction of swing of the doors; sections for stairs and ramps with handrails indicated; the type location and mounting heights for all water fountains, toilet fixtures and accessories. The location, type and mounting heights of public telephones, information showing the location dimensions of any elevators or passenger lifts including interior cab dimensions, height of controls and the type of tactile information provided; the location and height of all controls of frequent or essential use; the method used to identify rooms or offices including the height and location. The type, height and location of all general alarm stations and warning signals; a seating plan for all areas having fixed seating; and any other information necessary to ensure compliance. On satisfactory review of the documents the handicapped review certificate will then be completed by the commissioner or

a member of his staff, and copies B and C of the review certificate and the application for the handicapped insignia will be forwarded to the owner or his agent.

c. On satisfactory review of the documents and completion of the handicapped review certificate, by a participating local authority copy A of the handicapped review certificate, the completed plan review accessibility checklist and payment of the handicapped insignia fee required by 5.702(4)"e" shall be forwarded to the commissioner.

d. The participating local authority, the owner or the owner's agent shall by the time of completion of the building or facility submit the completed application for handicapped insignia to the commissioner.

The commissioner, on receipt of the application for handicapped insignia, shall issue one or more insignias, as required, which shall be placed on all main accessible entrances to the building, by an official of the state or governmental subdivision.

e. There will be a schedule of fees (see Table 705B) for plan review and issuance of insignia of approval.

f. Local jurisdictions may set their own fees for plan review. These fees should include cost of insignias and placing of insignias.

5.702(5) Handicapped review certificate. This certificate shall be in triplicate; copies A, B, and C. Each copy shall have a legible signature as required by the procedures in 5.702(4). Copy A shall be retained by or forwarded to the commissioner; copy B shall be forwarded to or shall remain with the local authority; and copy C will be given to the owner or his agent.

5.702(6) Handicapped insignia. This insignia can only be obtained from the commissioner's office. It will be the easily recognized blue international insignia of accessibility. However, there will be a statement attesting to the fact that the building or facility meets the state building code requirements for the handicapped. Also, there will be a specific number on the insignia, co-relating with the certificate. Replacement insignias can be obtained from the commissioner's office for which there will be an additional fee (see Table 705B).

630—5.703(103A) General principal and considerations.

5.703(1) Wheelchair specifications. The collapsible model wheelchair or tubular metal construction with plastic upholstery for back and seat is most commonly used. The standard model of all manufacturers falls within the following limits which were used as the basis of consideration:

- a. Length: Forty-two inches
- b. Width: When open twenty-five inches
- c. Height of seat from floor: Nineteen and one-half inches
- d. Height of armrest from floor: Twenty-nine inches
- e. Height of pusher handles (rear) from floor: Thirty-six inches
- f. Width when collapsed: Eleven inches.

5.703(2) The functioning of a wheelchair. These standards are required for the minimum comfortable maneuverability of a wheelchair.

a. The fixed turning radius of a standard wheelchair, wheel to wheel, is eighteen inches. The fixed turning radius, front structure to rear structure, is thirty-one and one-half inches.

b. The average turning space required (one hundred eighty and three hundred sixty degrees) is sixty by sixty inches. However, a turning space longer than it is wide, e.g., sixty-three by fifty-six inches is more workable and desirable.

PLANNING AND PROGRAMMING[630] (cont'd)

c. A minimum width of sixty inches is required for two individuals in wheelchairs to pass each other. (See Figure 1 for illustrations on specific turns.)

5.703(3) The adult individual functioning in a wheelchair. Extremely large or small or other impairments could affect these specifications. However, tests have determined that a wide range of individuals are functional with these specifications.

a. The average unilateral vertical reach is sixty inches and ranges from fifty-four to seventy-two inches.

b. The average horizontal working reach is thirty inches and ranges from twenty-eight to thirty-two inches.

c. The bilateral horizontal reach, both arms extended to each side, shoulder high, ranges from fifty-four to seventy-one inches and averages sixty-four and one-half inches.

d. An individual reaching diagonally, e.g., as would be required for a wall-mounted dial telephone or towel dispenser, the average reach would be forty-eight inches from the floor.

5.703(4) The individual functioning on crutches. Most individuals ambulating on crutches or braces, or both, and other aids, are able to maneuver within the specifications prescribed for wheelchairs. However, invariably there are exceptions that must be considered by the persons designing a building or facility.

5.703(5) Average gait. A person five feet six inches tall would require an average of thirty-one inches between crutch tips. A person six feet zero inches tall would require an average of thirty-two and one-half inches between crutch tips.

5.703(6) Mobility of people with sight impairment. Generally, tactile warning signals on walking surfaces are the most effective means to warn a blind or partially sighted person of a hazard. Tactile signals for hand reception are useful only if it is made certain that the signals will be touched. Only extreme hazards, such as a stairway leading down to a walk or corridor need to be marked by a tactile warning signal. (See Figure 2.)

Where floor or room information needs to be communicated, raised characters of the standard alphabet and numerals should be used and should be the minimum of 5/8-inch high and raised or indented at least 1/32-inch. (See ANSI A117.1—1980 for more detailed provisions.) An audible signal can be used as a signal to signify the need for action by individuals with sight impairment, e.g., fire warning.

5.703(7) Emergency signals. If such signals are required by the authority having jurisdiction, they shall provide a visual as well as an audible signal for those people who have either sight or hearing impairments.

630—5.704 Site development.

5.704(1) Development. Proper attention to site development in the early stages in design is the most practical and economical way of making a site accessible and providing accessible entrances to buildings. The siting of facilities, grading, parking, and the routes of walks shall provide convenience, safety and unrestricted circulation of handicapped people and their vehicles.

5.704(2) Grading. The site shall be graded, even contrary to existing topography, so that it attains a level with all primary entrance/entrances as defined in 5.701(15), making the building or facility accessible to persons with physical disabilities.

5.704(3) Exterior circulation routes. At least one path of travel from each site access point to the principle entrances of buildings shall have no steps. This route should be the most direct route. If it is not the most direct

route, this path should be no more than one hundred feet of horizontal distance longer than the most direct route. Level routes or those with lower than the maximum allowable slope are preferable to more direct routes at maximum allowable slope or with ramps.

The most direct exterior path of travel between parking spaces planned for disabled drivers and the nearest accessible entrances to a building served by those spaces should be no longer than two hundred feet of horizontal distance when walks have a slope less than 1:30 along their entire distance and no greater than one hundred feet of horizontal distance when any part of the route has a slope greater than 1:30 or includes a ramp. Where applicable, protection against collection of snow and ice should be provided along routes. The only accessible path of travel shall not lead to a service entry of a building or facility.

NOTE: Moving walkways in the path of travel shall not be counted in calculating length of travel.

5.704(4) Walks. Walks shall be designed to allow free passage to site facilities and adjacent streets, to allow passing of individuals using the walk and to eliminate hazards.

The minimum clear width of a walk shall be forty-eight inches. If a walk has two-way flow, there shall be places wide enough for two wheelchairs to pass at appropriate intervals. The interval used should be based on the slope of the walk, overall length of the walk, visibility ahead, the nature of adjacent ground surfaces and the purpose for which the walk is used. All permanent street furniture serving walks should be located along the sides of the walk, allowing a consistent edge and clear travel area for pedestrians.

Gratings should not be located in walks. If absolutely necessary, gratings in walks shall have spaces no greater than one-half an inch wide. Surfaces shall be stable, firm and relatively slip resistant. The maximum height of surface changes shall be one-fourth inch.

Walks shall have a maximum slope of 1:50 for at least forty-eight inches in front of accessible entrances. Walks outside of street right-of-ways which are part of an accessible route shall have a slope no greater than 1:20 along their entire distance. Any portion of a walk having a slope greater than 1:20 is a ramp and such portion shall be constructed as required by 5.705(1). Where they serve accessible building entrances, walks shall not be crowned. The cross slope of walks shall be no greater than 1:50.

Wherever walks are intersected by other walks, drive-ways, parking lots or streets, at least some portion of the walk shall be at or blend to a common level. Methods used to accomplish this shall not restrict storm drainage along street edges nor interfere with snow removal.

5.704(5) Parking and passenger loading zones. Parking spaces, parking lots and passenger loading zones shall provide enough space for convenience and unobstructed entry and exit from vehicles, and shall be identified by the international symbol of the handicapped, (see Figure 3 for parking spaces). Such identification shall be located and displayed so that the identification is readily visible when the space is occupied.

Parking areas shall have access aisles or passenger loading zones that are located as close as possible to the shortest accessible path of travel to each building, adjacent street or sidewalk served by the area.

The design of access aisles shall follow the requirements for walks. Boundaries of access aisles shall be marked by visual means so that they will not be used as parking spaces for small vehicles. Access aisles, pas-

PLANNING AND PROGRAMMING[630] (cont'd)

senger loading zones and waiting areas shall have firm surfaces with slopes no greater than 1:50. When parking spaces are available to the general public an appropriate number shall be provided for the physically handicapped.

Parking spaces for disabled people shall be at least ninety-six inches wide and shall have an adjacent access aisle sixty inches wide minimum (Figure 3). Parking access aisles shall be part of the accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle. Parked vehicle overhang shall not reduce the clear width of an accessible circulation route.

Passenger loading zones shall provide an unobstructed space at least forty-eight inches wide, parallel to vehicles to allow unloading and loading of passengers from vehicles. Where separation is provided between pedestrian and vehicular areas, the requirements in walks shall apply. (See Figure 3.)

630—5.705 Building accessible to the general public.

5.705(1) Ramps with gradients. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall conform to the following specifications:

a. **Slope and rise.** The least possible slope shall be used for any ramp. A ramp when necessary or required shall have a slope not greater than one foot rise in every twelve feet or 8.33 percent or four degrees fifty minutes. The maximum rise for any run shall be thirty inches. When space limitations prohibit the use of a 1:12 slope or less curb ramps, other than those located within street right-of-ways, having a slope greater than 1:10 but not greater than 1:8 shall have a maximum rise of three inches and a maximum run of two feet. Curb ramps having a slope greater than 1:12 but not greater than 1:10 shall have a maximum rise of six inches and a maximum run of five feet.

b. **Handrails.** A ramp shall have smooth handrails on both sides that are thirty-two inches in height measured from the surface of the ramp, and extend one foot beyond the top and bottom of the ramp. The inside handrail on switchback or dogleg ramps shall always be continuous. The diameter or width of the gripping surface of the handrail shall be 1¼ inches to 1½ inches. If the handrail is mounted adjacent to a wall, the space between the wall and the handrail shall be 1½ inches. Curb ramps having a rise greater than six inches shall have handrails which meet the requirements of this subrule.

c. **Surface.** Ramp and curb ramps shall have a nonslip surface.

d. **Level platform.**

(1) A ramp shall have a level platform at the top which is at least five feet deep by five feet wide if a door swings out onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway.

(2) A ramp shall have a level platform at least three feet deep and five feet wide if the door does not swing onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway.

e. **Bottom clearance.** Each ramp shall have at least five feet of straight clearance at the bottom.

f. **Intermediate landings.** Ramps shall have level intermediate landings for purposes of rest and safety wherever they turn, and at intervals not to exceed thirty inches of rise. The intermediate landing shall have a dimension of at least five feet measured in the direction of travel.

5.705(2) Entrances. Because entrances also serve as exits, some being particularly important in case of emergency, and because the proximity of such exits to all parts of buildings and facilities in accordance with their design and function is essential, an effort should be made to make all or most entrances accessible to persons in wheelchairs or other forms of disabilities. (See Figure 4.)

The primary entrance or entrances at grade level to each facility shall be usable by persons in wheelchairs and other physically handicapped persons. Such an entrance or any entrances shall be on a level that shall make the elevators, if any, accessible from that level.

5.705(3) Accessibility within a facility. (Table 705A is at the end of this chapter.) This table is applicable to this chapter as relating to requirements for all facilities which shall be accessible to and functional for the physically handicapped. These occupancies are the same as used in the Iowa state building code. Any occupancy not mentioned specifically or about which there is any questions shall be classified by the building code commissioner and included in the group which its use most nearly resembles. Accessibility to floors other than those closest to ground level, when required by Table 705A, shall be within the building or facility.

5.705(4) Doors and doorways. These requirements shall apply to interior and exterior doors which are located in areas which are accessible to the physically handicapped. (See Figure 4)

a. **Exterior doors.** Doors at the primary entrance or entrances at grade level shall have a clear opening of no less than thirty-two inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of five feet from the door in the direction the door swings and shall extend one foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at door sills. Thresholds as much as possible shall be flush with the floor.

b. **Interior doors.** Interior doors which are located in areas which are accessible to the physically handicapped shall meet the same requirements as for exterior doors in "a" except that the floor extension need be on the operating side only.

NOTE: Figure 4 is included to indicate the current recommendations of ANSI A117.1-1980. Some dimensions shown exceed the requirements of this code.

c. **General.** All doors to accessible spaces or in accessible routes shall meet the following:

(1) Thresholds at doorways shall not exceed three-quarter inch in height for exterior sliding doors on one-half inch for other types of doors.

(2) The maximum force for pushing or pulling open a door shall be 8.5 pounds for exterior hinged doors, 5.0 pounds for sliding, folding or interior hinged doors. Fire doors shall have the minimum force allowable by the local or state building code. These forces do not apply to the force required to retract latch sets.

(3) The minimum space between two hinged or pivoted doors in series shall be forty-eight inches plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors.

(4) Handles, pulls, latches, locks and other operating devices on accessible doors should have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching or twisting of the wrist to operate.

PLANNING AND PROGRAMMING[630] (cont'd)

(5) If a door has a closer, then the sweep period of the closer should be adjusted so that from an open position of seventy degrees, the door will take at least three seconds to move to a point three inches from the latch, measured to the leading edge of the door.

(6) Minimum maneuvering clearances for doors that are not automatic should be as shown in Figure 4. The floor or ground area within the required clearances shall be level and clear. Entry doors to acute care hospital patient bedrooms shall be exempt from the requirement for space at the latch side of the door (see dimension "x" in Figure 4) if the door is at least forty-eight inches wide.

(7) Doorways shall have a minimum clear opening of thirty-two inches with the door open ninety degrees and measured between the face of the door and the stop (Figure 4). Openings more than twenty-four inches long shall comply with 5.705(4)"a" and 5.705(4)"b" (see Figure 4).

5.705(5) Stairs. (See Figure 5.) Stairs shall conform to the construction standards for stairs in the Iowa state building code or other applicable code with the following additional considerations:

a. Nosings. Steps in stairs that might require use by those with disabilities and by the aged shall not have abrupt lipped nosing.

b. Handrails. Stairs shall have handrails on both sides thirty to thirty-four inches high as measured from the tread at the face of the riser. The inside handrail on switchback or dogleg stairs shall always be continuous. At least one handrail shall extend at least twelve inches beyond the top step and at least twelve inches plus the width of one tread beyond the bottom step and shall be returned or shall terminate in newel posts or safety terminals. (See Figure 5) At the bottom the handrail shall continue to slope for a distance of the width of one tread from the bottom riser; the remainder of the extension shall be horizontal. The diameter or width of the gripping surface of the handrail shall be 1¼ inches to 1½ inches. The clear space between wall and handrail shall be 1½ inches.

c. Step height. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed seven inches.

5.705(6) Floors. Shall conform to applicable codes with the following exceptions:

a. Surface. Floors shall wherever practicable have a nonslip surface.

b. Common level. Floors on the same story shall be of a common level throughout or be connected by a ramp in accordance with 5.705(1).

EXCEPTION: Accessory floors, where seating or standing areas are furnished within a room or main floor on a story for specific facilities or functions, e.g., restaurants, lounges, or retail sales areas, such accessory floors need not be accessible provided the same services, facilities, and functions are supplied within that room or main floor level located on that story. (Note: for purposes of this subrule, accessory floors, are those small area/areas of a main floor level which are less than four feet above or below the main floor.)

5.705(7) Elevators. When provided, shall be accessible to and usable by the physically handicapped at all levels normally used by the general public. Elevators shall have control buttons with identifying features for the blind and shall allow for wheelchair traffic. (See Figure 6.)

5.705(8) Toilet facilities. At each floor level which is accessible to the physically handicapped and toilets or bathroom facilities are available, an appropriate number (at least one) of the facility, shall be accessible to and

usable by the physically handicapped. When separate facilities are provided for each sex, accessibility to the physically handicapped shall likewise be provided for each sex. An appropriate number of water closets, urinals (when provided), showers or bathtubs (when provided), lavatories, mirrors, towel and disposal fixtures, and other dispensers, shall be provided in each facility, required by the remainder of this section. (See Figures 7 and 11)

NOTE: Figures 7 and 11 are included to indicate the current recommendations of ANSI A117.1-1980. Some dimensions shown exceed the requirements of this code.

a. Access. Toilet rooms, bathrooms, and water closets shall have a clear and unobstructed access of not less than thirty-two inches in width and a clear space unobstructed by door swing, grab bars, and similar items of not less than thirty-two inches shall be provided in front of the water closets, which are accessible to the physically handicapped.

Toilet rooms and bathrooms shall have space to allow traffic for individuals in wheelchairs.

b. Grab bars. Grab bars or handrails shall be provided for water closets, bathtubs or showers, accessible to the physically handicapped. Grab bars for water closets shall be within easy reach (within approximately eighteen inches) of the water closet at the side and back, or on each side shall be at a usable height (approximately thirty-three inches above the floor). (See Figures 5, 7, 11.) Grab bars on the side of water closets shall be mounted so that there is a minimum of fifty-two inches from the front end of the grab bar and a maximum of twelve inches from the rear end of the grab bar and the wall behind the water closet. The grab bar for the back of the water closet shall have a minimum length of thirty-six inches. The diameter or width of the gripping surfaces of the grab bar shall be 1¼ inches to 1½ inches. If grab bars are mounted adjacent to a wall the space between the wall and the grab bar shall be 1½ inches.

c. Compartments. In toilet rooms, which have water closet compartments, those compartments which are accessible to the physically handicapped shall:

1. Have an unobstructed space of not less than thirty-two inches in width and depth in front of the water closet;
2. Have grab bars or handrails as described in "b" above.

d. Water closets. Water closets which are accessible to the physically handicapped should have the seat seventeen to nineteen inches from the floor.

e. Lavatories. Lavatories which are accessible to the physically handicapped shall, except for the projection of bowls and waste piping, have a clear unobstructed space at least thirty inches in width, twenty-nine inches in height above the floor, and shall provide the toe clearance having a minimum height of nine inches and a minimum depth of seventeen inches. Hot water and drain pipes under lavatories shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under lavatories. (See Figure 7)

f. Urinals which are accessible to the physically handicapped shall be stall-type or wall-hung with an elongated rim at a maximum of seventeen inches above the floor.

g. Other fixtures. Where mirrors, towel and disposal fixtures and other dispensers are provided, at least one shall be installed so that the bottom of the mirror is within forty inches of the floor, and the other fixtures are within forty inches of the floor. Tilt mirrors may be used if the mirrors are installed so that the bottom of the mirror is within forty-four inches of the floor and provides an equivalent field of view.

PLANNING AND PROGRAMMING[630] (cont'd)

5.705(9) Drinking fountain. Where drinking fountains are provided, an appropriate number or at least one shall have a spout within thirty-six inches of the floor and shall have up front hand-operated controls. When fountains are located in an alcove, the alcove shall be not less than thirty-two inches in width. (See Figure 8)

5.705(10) Public telephones. Where public telephones are provided, an appropriate number shall be installed so that the headset dial and coin receiver are within fifty-four inches of the floor for side approach and within forty-eight inches of the floor for forward approach. Unobstructed access to the phone within twelve inches of the phone and not less than thirty-two inches in width and depth, shall be provided. (See Figure 9)

a. Hearing disabilities. An appropriate number of the public telephones shall be equipped for those with hearing disabilities and so identified with instructions for use. These phones can also be used by other persons.

5.705(11) Sign identification. Consideration should be given to appropriate identification of specific facilities within buildings used by the physically handicapped and it is particularly essential to the blind.

a. Identification. The use of raised or recessed letters or other types of identification should be placed in a standard and convenient place.

b. Doors to hazardous areas. Doors not intended for normal use and which might prove dangerous if a blind person were to exit or enter should be identifiable in some manner such as knurling of the door knob or handle.

c. All sign identification that provides emergency information, general circulation directions, or identifies rooms and spaces shall comply with the following:

(1) Letters and numbers on signs shall have a width-to-height ratio of between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10.

(2) Characters and symbols shall contrast with their background either light characters on a dark background or dark characters on a light background.

(3) Letters and numbers on signs shall be raised or incised 1/32 inch minimum and shall be sans serif characters. Raised characters or symbols shall be at least 5/8 inch high but no higher than two inches. Indented characters or symbols shall have a stroke width at least 1/4 inch. Symbols or pictographs on signs shall be raised or indented 1/32 inch minimum.

(4) If accessible facilities are identified, then the international symbol of accessibility shall be used.

5.705(12) Warning signals. When required by the building code or when a general alarm system is provided, consideration should be given for persons with hearing and visual disabilities.

a. Audible. Audible warning signals shall be accompanied by simultaneous visual signals for those with hearing disabilities.

b. Visual. Visual signals shall be accompanied by simultaneous audible signals for the benefit of the blind.

5.705(13) Controls and operating mechanisms. Controls and operating mechanisms in accessible spaces, along accessible routes or part of accessible elements e.g., thermostats, light switches, dispensed controls, shall comply with this section.

a. Clear floor space that allows a forward or parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles and other operable equipment.

b. The highest operable part of all controls, dispensers, receptacles and other operable equipment shall be placed within forty-eight inches of the floor for forward reach,

between nine and fifty-four inches from the floor for side reach and between nine and forty-six inches from the floor for a side reach over an obstruction.

c. Controls and operating mechanisms should be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist. The maximum force required to activate controls shall be no greater than five pounds.

630—5.706(103A) Making apartments accessible and functional for the physically handicapped.

5.706(1) Apartments within multiple-dwelling units. The requirements of this section shall apply to the individual dwelling units which are accessible to the physically handicapped in multiple-dwelling unit buildings containing twelve or more individual dwelling units. In addition to the requirements in other sections of this chapter, ten percent or a minimum of one individual living unit on each level which is accessible to the physically handicapped shall meet the requirements of this section. Any fraction five-tenths or below shall be rounded to the next lower whole number.

a. The individual dwelling unit shall be on one level throughout unless accessible by wheelchair.

b. Kitchens shall meet or be adjustable to meet the following: (See Figure 10)

(1) A minimum of five feet clear space between opposite cabinets or cabinets and wall.

EXCEPTION: If toe space of eight and three-fourths inches in height and at least six inches in depth is provided under the cabinets the clear space may be reduced to four feet.

(2) Knee space for seated work shall be provided under the counter or in kitchens with five feet clear work space a pull-out or adjustable counter may be provided. The knee space shall be minimum of thirty inches in width, twenty-four inches in depth and twenty-nine inches high.

(3) The door opening shall be no less than thirty-two inches clear opening. The door shall not swing into the clear work space. (See Figure 4)

c. One full bathroom in each unit shall meet or be adjustable to meet the following: (See Figure 11)

(1) The clear door opening shall be no less than thirty-two inches. The door swing shall not interfere with the clear floor space inside of the bathroom.

(2) A clear floor space of five feet by five feet shall be provided.

EXCEPTIONS: The clear space may be reduced to four feet in front of the lavatory if the lavatory is wall mounted with the apron at least twenty-nine inches above the floor. The water closet may extend into the clear space if adequate toe space is provided by a deeply recessed base.

(3) Walls shall be capable of supporting grab bars which can support a two hundred fifty pound load. Grab bars shall be provided for bathtubs, showers, and water closets.

(4) Exposed drain and water lines shall be insulated unless the hot water temperature is one hundred twenty degrees or less.

(5) Water closets should be mounted such that the height of the seat is seventeen to nineteen inches from the floor. (See Figure 11)

(6) Where mirrors are provided, at least one mirror meeting the mounting height requirements of 5.705(8)“g” shall be placed above a lavatory.

d. Common resident spaces shall be accessible and functional for the handicapped, (e.g. walks, trash disposal facilities, laundry and mail boxes).

PLANNING AND PROGRAMMING[630] (cont'd)

(1) Accessible routes are to have maneuvering spaces and nonslip surfaces.

(2) At least one accessible route shall connect accessible entrances with all accessible spaces and elements within a dwelling unit.

5.707 to 5.799 Reserved.

Table 705A — Accessibility to other levels, by means of a ramp or elevator located within the building, shall be provided for the physically handicapped for the following occupancies. Accessibility shall be from the level or levels at which entrance is made.

USE	USE
1. Aircraft Hangers (no repair)	7. Dormitories ³
2. Auction Rooms	8. Dwellings ¹
3. Assembly Areas ^{5, 6} (Concentrated Use without fixed seats)	9. Garage, Parking ⁴
Auditoriums ⁸	10. Hospitals - Sanitariums - Nursing Homes
Bowling Alleys (Assembly Areas)	11. Hotels and Apartments ²
Churches and Chapels	12. Library Reading Rooms ⁵
Dance Floors	13. Locker Rooms
Lodge Rooms	14. Nurseries for Children (Day Care Centers)
Reviewing Stands	15. Offices ³
Stadiums	16. School Shops and Vocational Rooms
4. Assembly Areas ^{5, 6} (Less Concentrated Use)	17. Skating Rinks ⁵
Conference Rooms	18. Stores - Retail Sales Rooms
Dining Rooms	A. Basement
Drinking Establishments	B. Ground Floor
Exhibit Rooms	C. Upper Floors
Gymnasiums	19. Swimming Pools ^{5, 9}
Lounges	20. Warehouses ³
Stages	21. Commercial Kitchens and Mechanical Equipment Rooms ⁷
5. Children's Homes and Home-for-the-Aged	
6. Classrooms	

NOTES (for Table 705A)

1. To the extent as defined in 630—5.706 for multiple-dwelling apartment units.

2. When more than three stories in height (apartments shall also conform to the requirements of 630—5.706(103A). All hotels or motels shall have at least one level of guest rooms which is accessible for the physically handicapped, and two percent of the total number of guest rooms, with a minimum of one, shall be functional for the physically handicapped.

The functional units, in hotels and motels, may be located on the floor or floors of wheelchair exit discharge to a public way. Toilet room doors in functional units in hotels or motels shall have a minimum of twenty-nine inches of clear opening, with the door open at ninety degrees, and the door swing shall not impair the functional use of the facilities.

3. Access to floors other than that closest to grade may be by stairs only, except when the only available public toilet facilities are on other levels.

4. Access to floors other than that closest to grade and to garages used in connection with apartment houses may be made by stairs only.

5. Access to secondary areas on balconies or mezzanines may be by stairs only, except when such secondary areas contain the only available public toilet facilities.

6. When spectator space is provided, an appropriate number of spaces must be provided for the physically handicapped.

7. Accessibility is not required.

8. Seating spaces shall be an integral part of the seating plan and not segregated. The seating shall be provided at the rate of two percent of the total capacity with a minimum number of four. One-half of accessible spaces

may be designed for patrons using braces, crutches, or similar aids. Patrons using wheelchairs shall be located on level grade.

9. Swimming pools shall use either a sloping water entry with the slope not exceeding 1:10 or mechanical or other devices for accessibility. Sloping water entries shall have handrails meeting the requirements of 5.705(1)"b". The surface of the sloping water entry shall be nonslip.

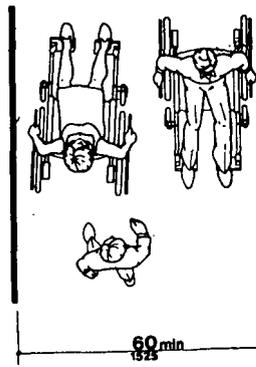
**TABLE 705B
SCHEDULE OF FEE FOR HANDICAPPED
REVIEW AND COMPLIANCE**

Handicapped Review Certificate and Insignia	\$15.00
Replacement Insignia	15.00
Plan Review Fee*	30.00
Hourly Rate (Additional for over three hours, including revised submissions of the same building)	30.00

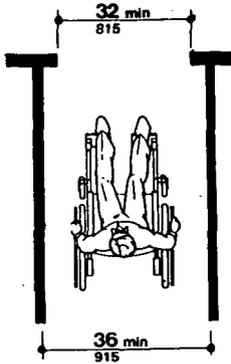
*Plan Review Fee applies only to buildings reviewed by the commissioner's office.

NOTES: Plans submitted to the state for review and certification shall include a minimum of \$45.00 payment. If more than the minimum three hours are used in handicapped review, the additional hourly fee will be billed and must be paid before the review certificate is issued. The plan review fees for state-owned buildings in 630—5.131(103A) includes the handicapped review fee.

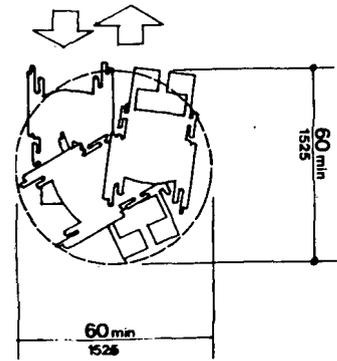
PLANNING AND PROGRAMMING[630] (cont'd)



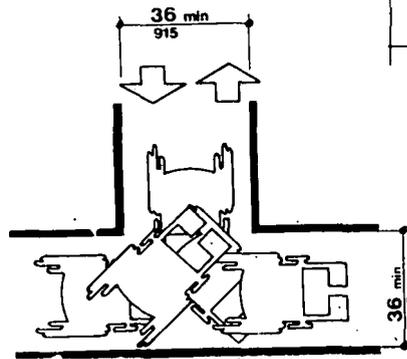
Minimum Clear Width for Two Wheelchairs



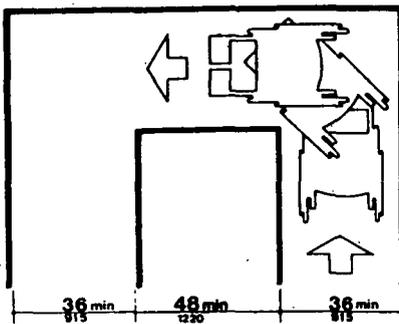
Minimum Clear Width for Single Wheelchair



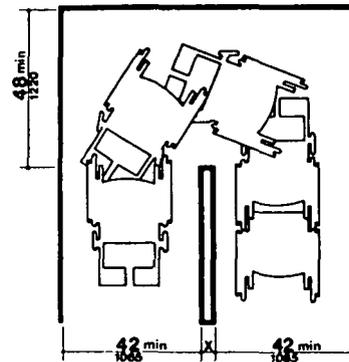
60-in Diameter Space



T-Shaped Space for 180° Turns



90° Turn



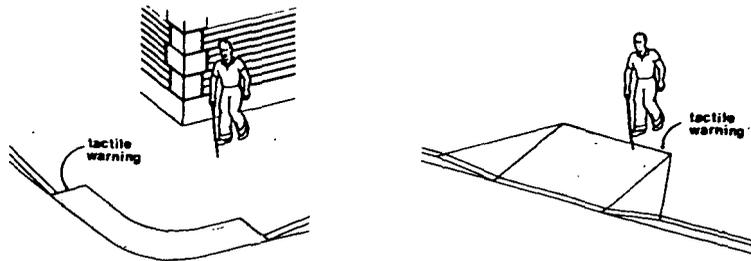
NOTE: Dimensions shown apply when x < 48 in (1220 mm).

Turns around an Obstruction

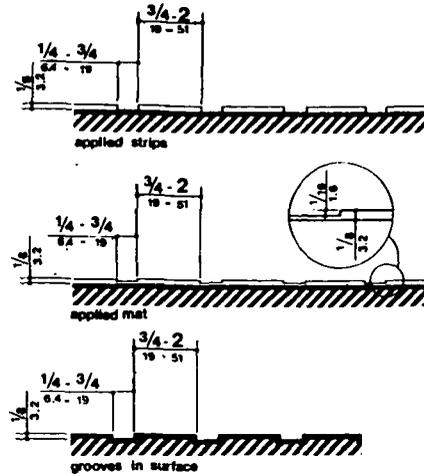
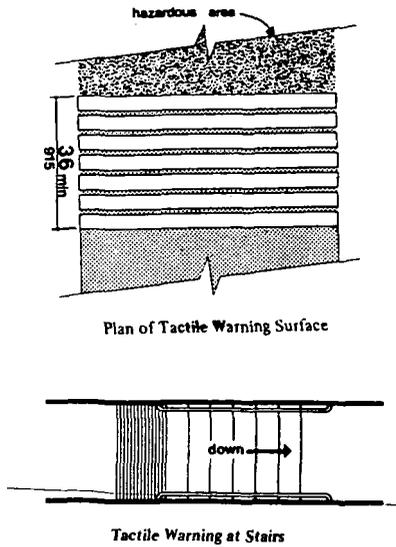
Width of Accessible Route

FIG 1
Wheelchair Turning Space

PLANNING AND PROGRAMMING[630] (cont'd)



Warning Signals at Curb Ramps

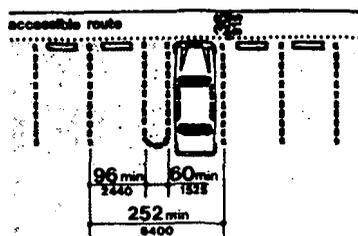


NOTE: Grooves may only be used indoors.

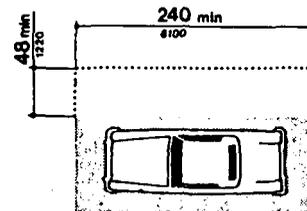
Sections of Tactile-Warning Surfaces

Strips and Grooves used as Tactile Warnings on Walking Surfaces

FIG 2
Tactile Warning of Hazardous Areas



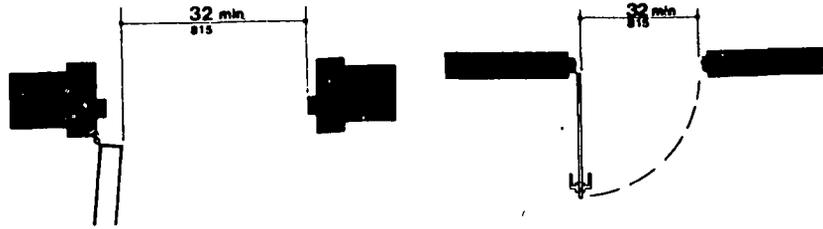
Dimensions of Parking Spaces



Access Aisle at Passenger Loading Zones

FIG 3
Handicapped Parking Spaces

PLANNING AND PROGRAMMING[630] (cont'd)

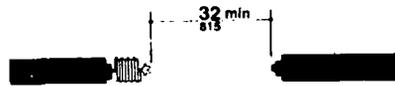


Detail

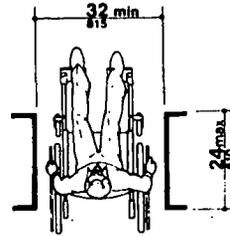
Hinged Door



(c) Sliding Door

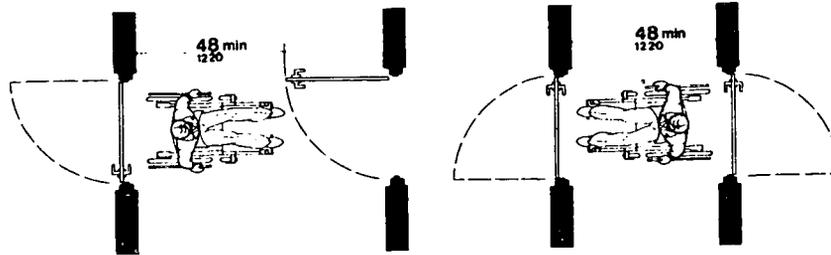


Folding Door

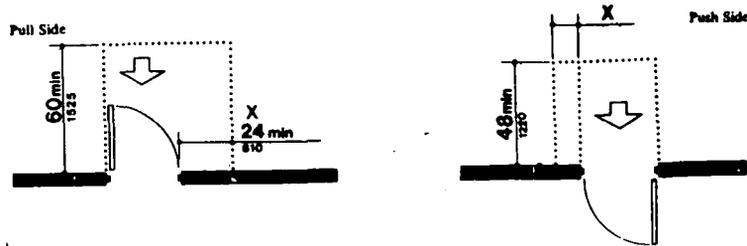


Maximum Doorway Depth

Clear Doorway Width and Depth



Two Hinged Doors in Series

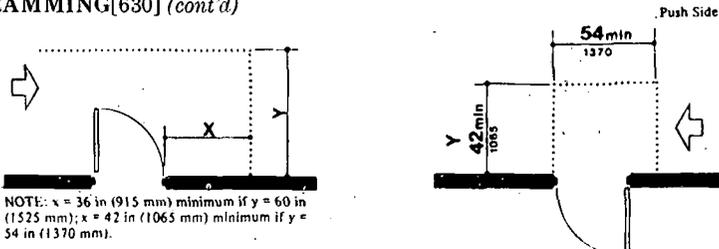


NOTE: x = 12 in (305 mm) if door has both a closer and latch.

Front Approaches - Swinging Doors

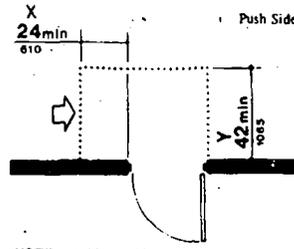
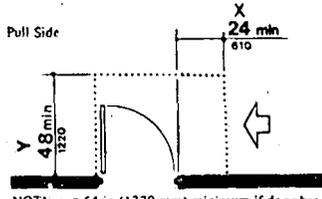
FIG 4
Doorway Widths and Maneuvering Clearances

PLANNING AND PROGRAMMING[630] (cont'd)



NOTE: $y = 48$ in (1220 mm) minimum if door has both a latch and closer.

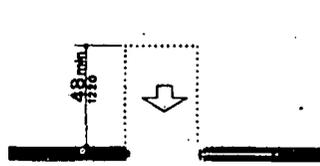
Hinge Side Approaches - Swinging Doors



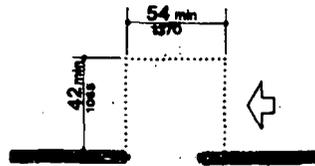
Latch Side Approaches - Swinging Doors

NOTE: All doors in alcoves shall comply with the clearances for front approaches.

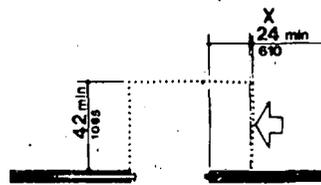
Maneuvering Clearances at Doors



Front Approach - Sliding Doors



Slide Side Approach - Sliding Doors

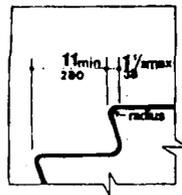


Latch Side Approach - Sliding Doors

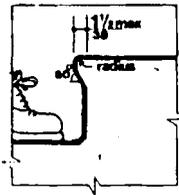
NOTE: All doors in alcoves shall comply with the clearances for front approaches.

FIG 4 (Continued) Doorway Widths and Maneuvering Clearances

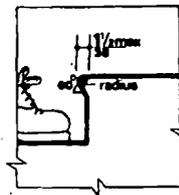
PLANNING AND PROGRAMMING[630] (cont'd)



Flush Riser

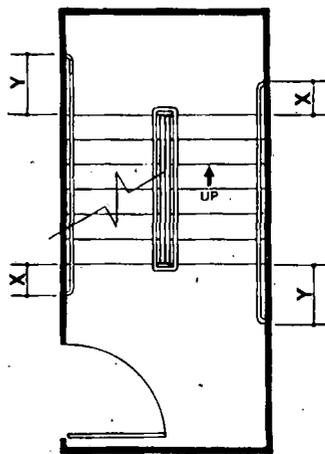


Angled Nosing

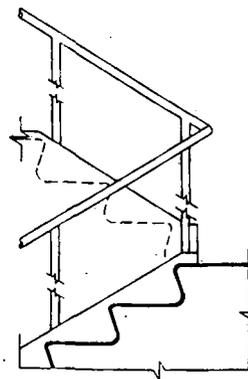


Rounded Nosing

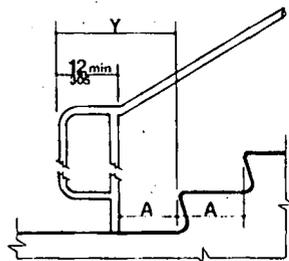
Usable Tread Width and Examples of Acceptable Nosings



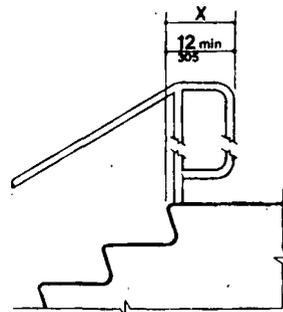
Plan



Elevation of Center Handrail

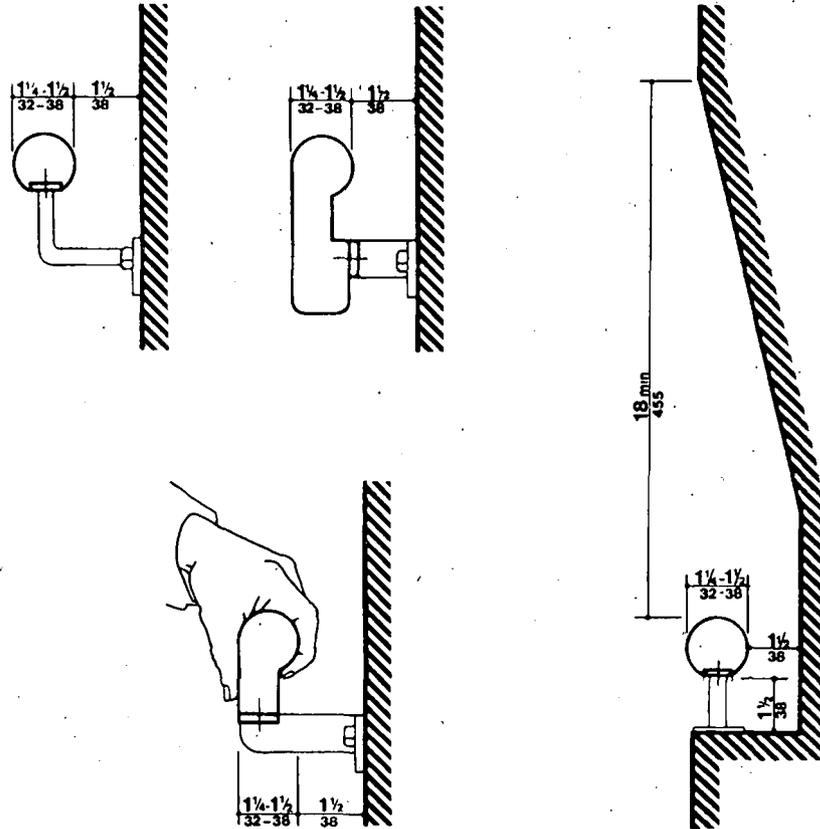


Extension at Bottom of Run



Extension at Top of Run

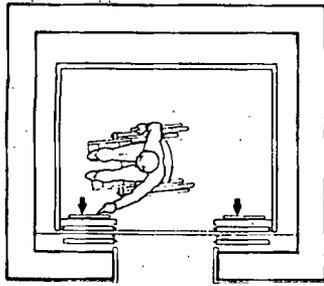
FIG 5
Stair Handrails



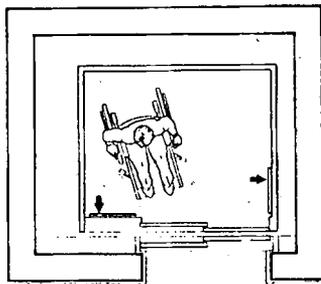
Size and Spacing of Handrails and Grab Bars

FIG 5 (Continued)
Stair Handrails

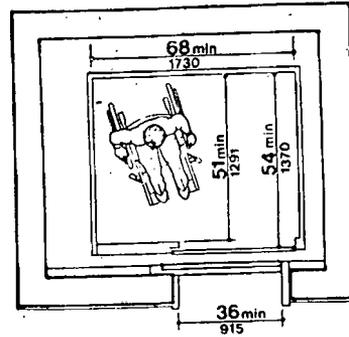
PLANNING AND PROGRAMMING[630] (cont'd)



Alternate Locations of Panel with Center Opening Door

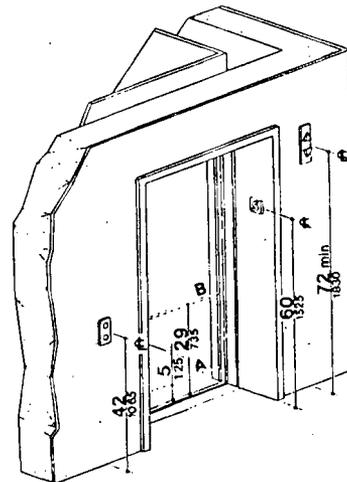


Alternate Locations of Panel with Side Opening Door

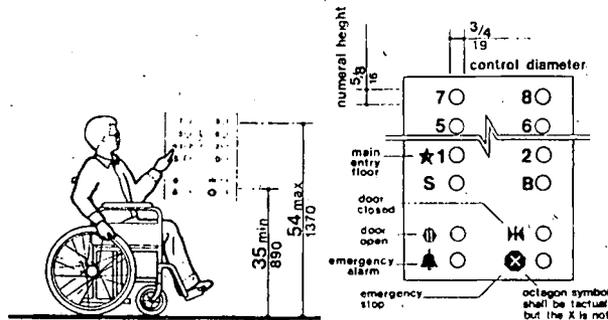


NOTE: Elevator cars with a minimum width less than that above but no less than 54 in (1370 mm) are allowed for elevators with capacities of less than 2000 lb. A center opening door application may necessitate increasing the 68-in (1730-mm) dimension.

Minimum Dimensions of Elevator Cars



NOTE: The automatic door reopening device is activated if an object passes through either line A or line B. Line A and line B represent the vertical locations of the door reopening device not requiring contact.



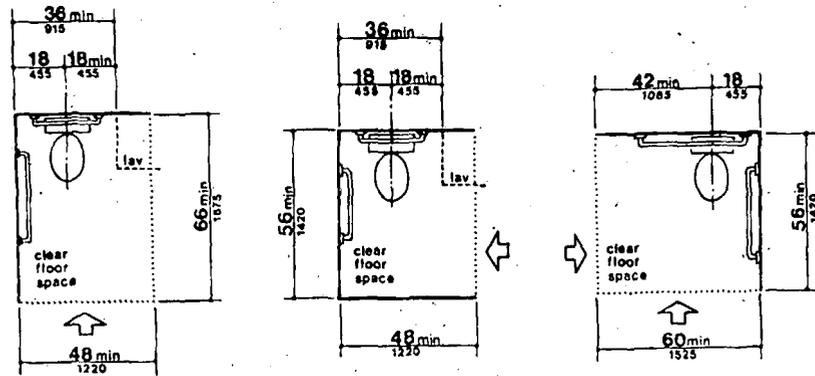
Control Height

Panel Detail

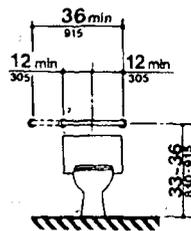
Hoistway and Elevator Entrances

FIG 6
Car Controls

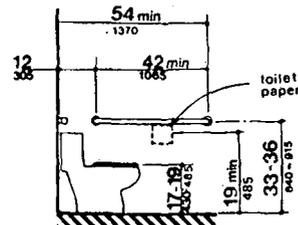
PLANNING AND PROGRAMMING[630] (cont'd)



Clear Floor Space at Water Closets

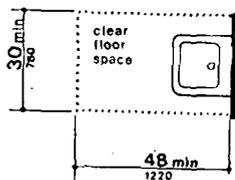


Back Wall

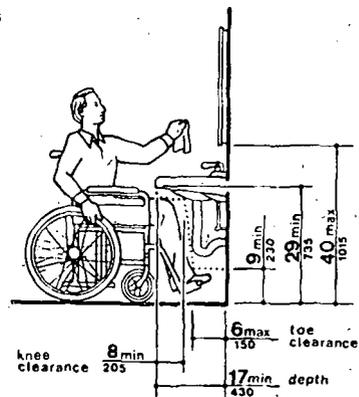


Side Wall

Grab Bars at Water Closets



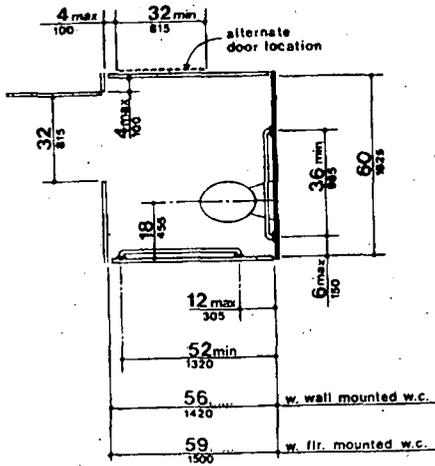
Clear Floor Space at Lavatories



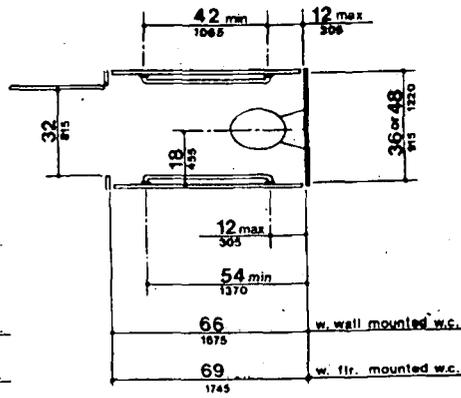
Lavatory Clearances

FIG 7
Toilet Facilities

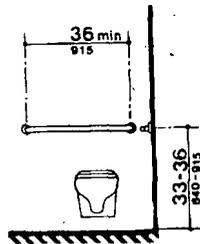
PLANNING AND PROGRAMMING[630] (cont'd)



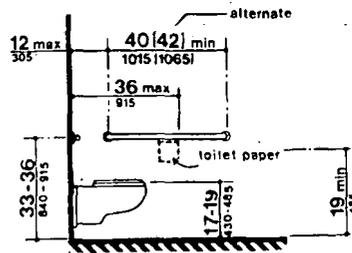
Standard Stall



Alternative Stall



Rear Wall of Standard Stall

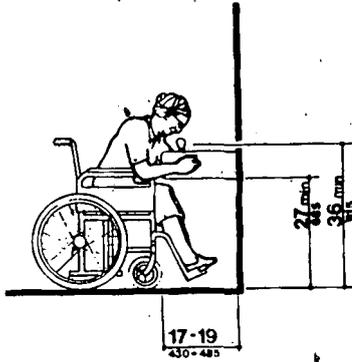


Side Walls

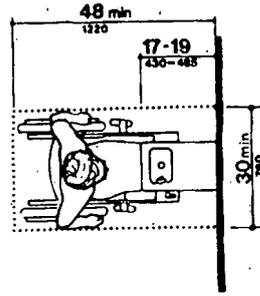
Toilet Stalls

FIG 7 (Continued)
Toilet Facilities

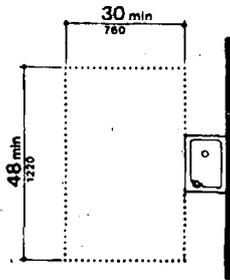
PLANNING AND PROGRAMMING[630] (cont'd)



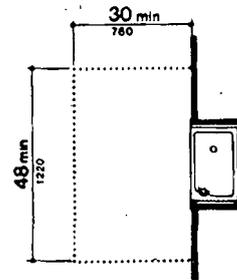
Spout Height and Knee Clearance



Clear Floor Space



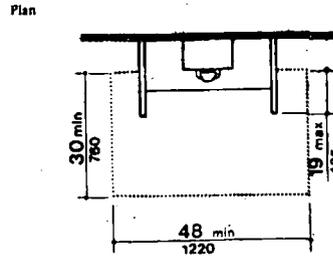
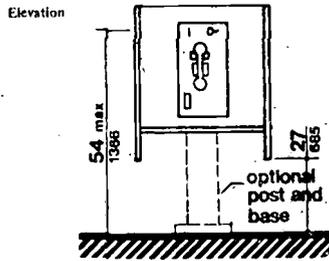
Free-Standing Fountain or Cooler



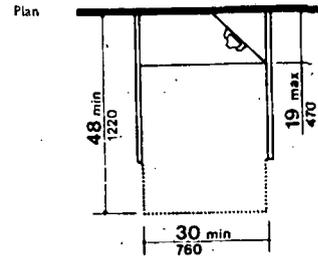
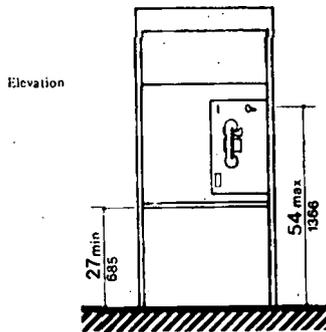
Built-In Fountain or Cooler

FIG 8
Drinking Fountains and Water Coolers

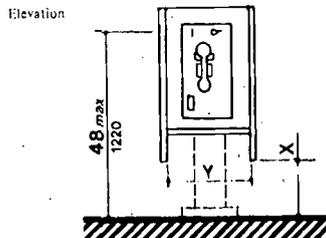
PLANNING AND PROGRAMMING[630] (cont'd)



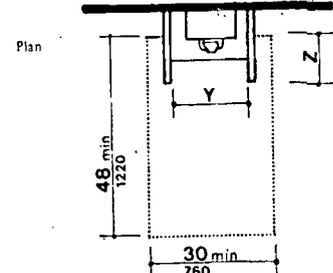
Side Reach Possible



Full Height Enclosure



NOTE: If $y < 30$ in (760 mm), then x shall be ≥ 27 in (685 mm).

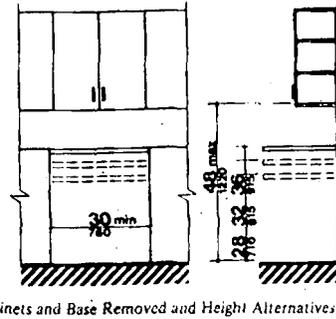
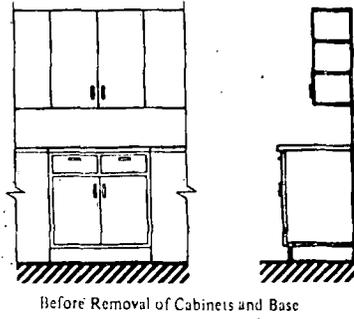


NOTE: If $z > 12$ in (305 mm), then y shall be ≥ 30 in (760 mm).

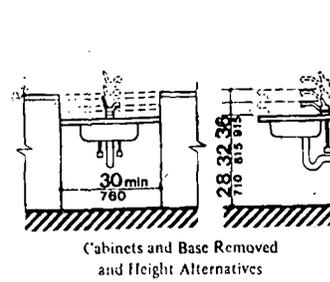
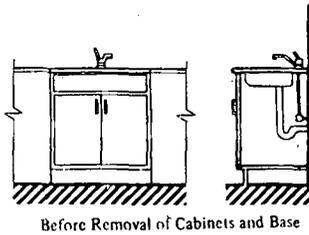
Forward Reach Required

FIG 9
Mounting Heights and Clearances for Telephones

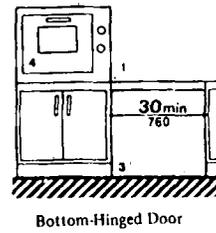
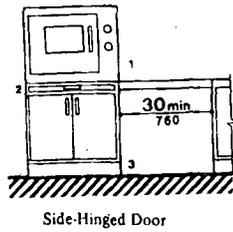
PLANNING AND PROGRAMMING[630] (cont'd)



Counter Work Surface



Kitchen Sink

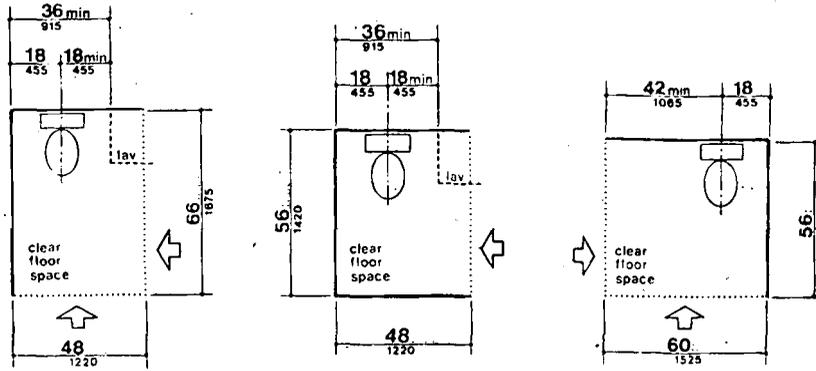


- SYMBOL KEY:
 1. Countertop or wall-mounted oven.
 2. Pull-out board preferred with side-opening door.
 3. Clear open space.
 4. Bottom-hinged door.

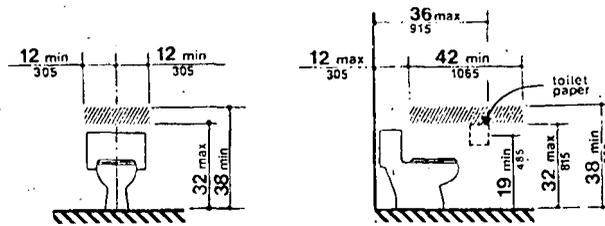
Ovens without Self-Cleaning Feature

FIG 10
 Kitchens Adjustable

PLANNING AND PROGRAMMING[630] (cont'd)

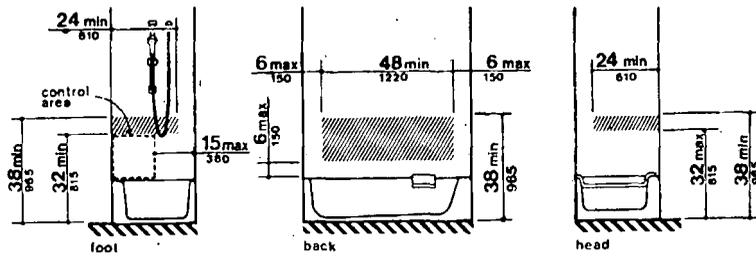


Clear Floor Space for Adaptable Bathrooms

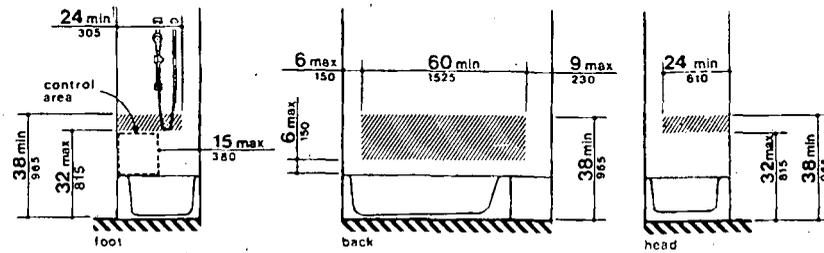


NOTE: The hatched areas are reinforced to receive grab bars.

Reinforced Areas for Installation of Grab Bars



With Seat in Tub



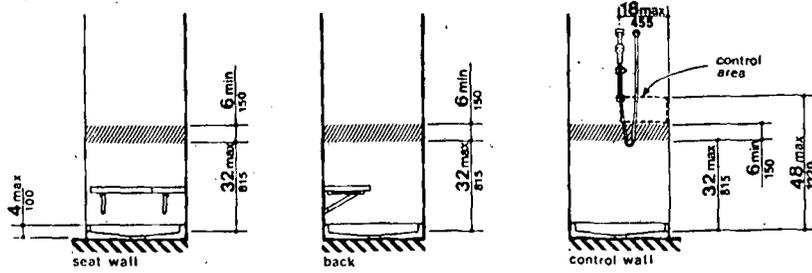
With Seat at Head of Tub

NOTE: The hatched areas are reinforced to receive grab bars.

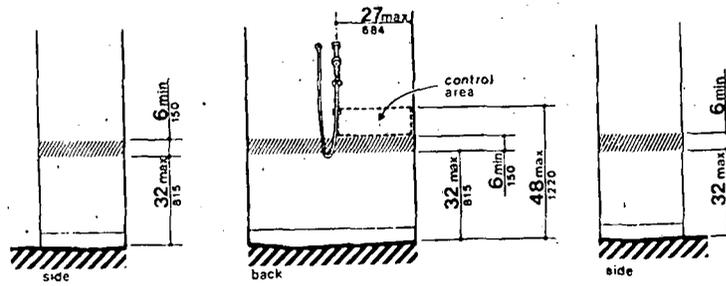
Location of Grab Bars and Controls of Adaptable Bathtubs

FIG II
Water Closets, Bathtubs and Showers in Adaptable Bathrooms

PLANNING AND PROGRAMMING[630] (cont'd)



36-in by 36-in (915-mm by 915-mm) Stall



30-in by 60-in (750-mm by 1525-mm) Stall

NOTE: The hatched areas are reinforced to receive grab bars.

Location of Grab Bars and Controls of Adaptable Showers

FIG II (Continued)
Water Closets, Bathtubs and Showers in Adaptable Bathrooms

PLANNING AND PROGRAMMING[630] (cont'd).

DIVISION 8

630—5.800(103A) Iowa state building code thermal and lighting efficiency standards.

5.800(1) Scope. This division of the state building code sets forth the minimum requirements for the design of new buildings and structures or portions thereof and additions to existing buildings that provide facilities or shelter intended primarily for human occupancy or use by regulating their exterior envelopes and selection of their heating, ventilation, and air conditioning systems, service water heating, electrical distribution and illuminating systems and equipment for effective use of energy.

5.800(2) Applicability. The provisions of this division shall after the effective date apply as follows:

a. The provisions of this division apply to all factory-built structures which are required to meet the requirements of the state building code.

b. The thermal efficiency requirements of this division shall be applicable:

(1) To all new construction owned by the state, an agency of the state, or a political subdivision of the state;

(2) To all new construction located in a governmental subdivision which has adopted either the state building code or a local building code or compilation of requirements for building construction;

(3) To all other new construction in the state which contains more than one hundred thousand cubic feet of enclosed space that is heated or cooled.

c. The lighting efficiency requirements of this division shall be applicable to all new construction owned by the state, an agency of the state, or a political subdivision of the state and to all new construction in the state of buildings which are open to the general public during normal business hours.

5.800(3) Adoption. The "Code for Energy Conservation in New Construction", sections 1 to 7 and including all charts, figures and appendices are referenced herein jointly developed by the National Conference of States on Building Codes and Standards (NCSBCS) and the three model code groups, Building Official and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International, Inc. (SBCC) dated December 1977 is adopted by reference and herein amended and is hereby declared a division of the state building code. The provisions of these rules or state statutes shall prevail when they differ from the referenced code.

Copies of the referenced code may be purchased from either the National Conference of States on Building Codes and Standards, 418 Carlisle Drive, Herndon, Virginia 22070, or from the commissioner's office.

5.800(4) Amendments and additions. The following are deletions, revisions, and amendments to the code adopted in 5.800(3).

a. Add after 101.3(a)2

3. Other exemptions — Exemptions of other buildings or classes of buildings shall be requested from the commissioner in writing. Exemptions shall be granted if the commissioner determines the requirements are unreasonable as they apply to a particular building or class of buildings based upon the data supplied with the written request or additional data if requested by the commissioner.

b. Add after 101.3b

(4) Occupancy — The occupancies and use of all buildings shall be as defined by the uniform building code as adopted by the state building code, chapter 103A, Code of Iowa.

c. Add to 102.1 the following:

(a) All materials and equipment used to comply with the requirements of this code shall meet the minimum requirements of the Iowa state building code or other applicable building codes.

(b) The use of all foam plastics shall be in accordance with the requirements of the state building code.

d. Add to 103.0 the following:

Procedures for alternate materials and methods of construction acceptance are in rule 630—5.3(103A) of the Iowa Administrative Code.

e. Delete section 104.1 and replace with the following:

104.1 **GENERAL.** Nothing in these rules shall exempt or change the requirements of chapters 114 and 118, The Code, pertaining to registered architects or engineers.

(a) The plans and specifications for all buildings to be constructed after the effective date of these rules and which exceeds a total volume of one hundred thousand cubic feet of enclosed space that is heated or cooled shall be reviewed by a registered architect or registered engineer for compliance with applicable energy efficiency standards.

(b) A statement that a review has been accomplished and that the design is in compliance with the energy efficiency standards shall be signed and sealed by the responsible registered architect or registered engineer. This statement shall be filed with the commissioner on the form furnished by the commissioner, prior to construction or the obtaining of any local permits.

(1) Included with the statement shall be a remittance of \$15.00 (checks shall be made payable to the Treasurer, State of Iowa).

(c) If the plans and specifications relating to energy efficiency for a specific structure have been approved, additional buildings may be constructed from those same plans and specifications without need of further approval if construction begins within five years of the date of approval. Alterations of a structure which has been previously approved shall not require a review because of these changes, provided the basic structure remains unchanged and no additional energy is required for heating, cooling or lighting.

(d) No changes shall be made to any approved plan or specifications which either decreases or increases the amount of energy used for heating, cooling, or lighting, unless approved by the responsible registered architect or registered engineer in writing and notice filed with the commissioner.

(e) The review of plans and specifications for buildings constructed with a volume of less than one hundred thousand cubic feet of enclosed space which is heated or cooled shall be in accordance with local or other building code requirements pertaining to plan review, as required by section 103A.19, The Code.

f. Add an additional paragraph to section 104.2:

Plans and specifications shall not be filed with the commissioner, however, the person signing the approval statement or the owner shall maintain a copy of the approved plans and specifications, for a period of five years following substantial completion of the construction.

g. Delete section 105.0 Inspections and replace with the following:

105.0 **INSPECTIONS.** Inspection and review of construction shall be performed in the same manner as the other construction, in accordance with section 103A.19, The Code.

h. Add the following exception to the definition of "Building Official" in section 2.

PLANNING AND PROGRAMMING[630] (cont'd)

EXCEPTION: For purposes of Division 8 approvals pertaining to criteria of design, systems approvals, and materials, the building official shall be the building code commissioner.

i. Add to the footnote of the outdoor design temperature table in section 302.1:

Degree days heating and the north latitude shall be the common practice for the locality in which the building is located. (RS-1, weather service data or other authorities.)

j. Delete the exception to 402.5 and replace with the following:

EXCEPTION: Except for a comparison of energy consumption between the alternative design and the standard design, single and multifamily dwellings are exempt. Commercial and industrial structures having a volume of heated or cooled space of less than one hundred thousand cubic feet and the indoor temperature is controlled from a single point are exempt from the full-year energy analysis described in paragraph 402.3(b); however, a comparison of energy consumption between the alternative design and the standard design shall be provided.

k. Add new subsections to section 503.4 as follows:

(h) System design heating/cooling capacity. The rated capacity of the heating/cooling system at design conditions shall not be greater than 130 percent for heating, 115 percent for cooling at design output load calculated in accordance with section 503.2 whenever appropriate equipment is available. Equipment designed for stand by purposes is not included in this capacity limitation requirement. The cooling capacity of heat pumps are exempt from this limitation.

(i) Combustion air. Combustion air shall be supplied as required by chapter 6 of the uniform mechanical code as adopted as part of the state building code.

l. Delete subsection 503.8(a)3 and replace with the following:

3. Where used to control both heating and cooling, it shall have a maximum heating mode temperature setting of 85°F and a minimum cooling mode temperature setting of 55°F and shall be capable of operating the system heating and cooling in sequence. It shall be adjustable to provide a temperature range of up to 10°F between full heating and full cooling, except as allowed in 503.3(c)5b.

m. Add at the end of the first paragraph of section 503.10:

Provisions of the duct requirements of the uniform mechanical code as adopted as part of the state building code shall be used if different from these standards.

n. Delete section 505.2(a) and replace as follows:

(a) Power factor: Utilization equipment, rated greater than 1,000W and lighting equipment greater than 15W, with an inductive reactance load component, shall have a power factor of at least 85 percent under rated local conditions. Power factors of less than 85 percent shall be corrected to at least 90 percent under rated load conditions. Power factor corrective devices may be either utilization equipment design or capacitors placed in banks automatically controlled, except where a device results in an unsafe condition or interferes with the intended operation of the equipment.

o. Delete section 601.1 and replace with the following:
601.1 **GENERAL.** The requirements contained in this section are applicable only to buildings containing less than one hundred thousand cubic feet of enclosed heated or cooled space and three stories or less in height. The provisions of this section are limited to residential buildings that are heated only or heated and mechanically cooled and to other buildings that are heated only. Buildings constructed in accordance with this section are deemed to comply with this code.

p. Add to RS-8 in section 701.0.

IES pamphlets EMS-1, EMS-2, and EMS-3 are included as part of this standard.

q. Add the following to subsection (c) of section 503.4.

Vent dampers. Automatic vent dampers may be added to gas fired equipment not otherwise equipped under the following conditions:

1. The unit and installation procedure must be approved by the American Gas Association.

2. The installation must be made in accordance with the approved installation procedures.

3. The installation does not effect the operation or the warranty provisions of the equipment to which it is attached.

5.801 to 5.899 Reserved.

These rules 630—5.100(103A) to 5.899 are intended to implement sections 103A.7 and 103A.9, The Code.

[Filed 12/15/80, effective 3/1/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1679

PUBLIC INSTRUCTION,
DEPARTMENT OF[670]

Pursuant to the authority of Section 321.178, The Code, and Acts of the Sixty-eighth General Assembly, 1980 Regular Session, Chapter 1094, the State Board of Public Instruction adopted at its meeting, December 11, 1980, amendments to Chapter 6, "Driver Education" Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin, October 29, 1980, as ARC 1493.

This rule is identical to that published as Notice of Intended Action. This rule is intended to implement section 321.178, The Code, and Acts of the Sixty-eighth General Assembly, 1980 Regular Session, Chapter 1094.

This rule will become effective on February 11, 1981.

ITEM 1. Rule 670—6.9(257) is amended to read as follows:

670—6.9(257) Instruction permit. Students enrolled in an approved driver education program must meet the preliminary licensing provisions of the ~~department of public safety~~ *department of transportation*.

This rule is intended to implement section 321.178, The Code.

ITEM 2. Rule 670—6.10(257) is amended by striking it in its entirety and renumbering so that rule 670—6.11(257) becomes rule 670—6.10(257).

ITEM 3. Add new rule 670—6.11(257) as follows:

670—6.11(257) Minor's school license. The local school board or superintendent of the applicant's school shall assure that the following requirements are met prior to certifying a special need exists for the issuance of the minor's school license.

6.11(1) The applicant lives one mile or more from his or her school of attendance. Distance to the school of attendance shall in all cases be measured on the public highway only, starting in the roadway opposite the private entrance to the residence of the applicant and ending in the roadway opposite the entrance to the school grounds.

6.11(2) The applicant for the minor's school license is enrolled in instructional programs or involved in extracurricular activities at the applicant's school of attendance that occur at such times that make it impossible to take advantage of the school transportation service, or that the school transportation service is not provided.

This rule is intended to implement the Acts of the Sixty-eighth General Assembly, 1980 Regular Session, Chapter 1094.

ITEM 4. Rule 670—6.12(257) is amended by striking it in its entirety and inserting in lieu thereof the following:

670—6.12(257) Motorized bicycle education.

6.12(1) Course approval. An approved course shall consist of a minimum of six clock-hours of classroom instruction or completion of a classroom course which includes the instructional components contained in 6.12(2).

a. Motorized bicycle driving experiences in addition to classroom instruction are permissible, but not required.

b. Any school district, area education agency, merged area school, other agency or individual planning to offer a motorized bicycle education course, must receive course approval prior to beginning. Application and analysis forms are provided by the department of public instruction.

6.12(2) Course content. The following instructional components shall be incorporated in every motorized bicycle education course.

a. Operator and motorized bicycle preparation.

- (1) Knowledge of Iowa driving laws.
- (2) Knowledge of vehicle registration requirements.
- (3) Vehicle inspection.
- (4) Protective clothing and devices.
- (5) Risk assessment.
- (6) Route selection.

b. Basic control skills.

- (1) Starting procedures.
- (2) Speed control.
- (3) Turning.
- (4) Stopping.

c. Safe driving practices.

- (1) Use of lights and warning devices.
- (2) Signaling.
- (3) Maintaining directional control.
- (4) Perception skills and seeing.
- (5) Use of mirrors.
- (6) Hazards recognition.
- (7) Speed control.
- (8) Lane positioning.
- (9) Intersection concerns and conflicts.
- (10) Following distances.
- (11) Lateral separation.
- (12) Overtaking and passing techniques.

d. Complex situations.

- (1) Limited visibility.
- (2) Adverse weather.
- (3) Critical situations.
- (4) Malfunctions.

e. Motorized bicycle care.

- (1) Inspection.
- (2) Maintenance.

6.12(3) Evaluation. Each student shall be evaluated to determine successful completion of the course.

6.12(4) Teacher qualifications. Teachers of an approved motorized bicycle education course shall possess a valid Iowa operator's or chauffeur's license and be able to operate a motorized bicycle.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Regular Session, Chapter 1094.

[Filed 12/12/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1718

PUBLIC INSTRUCTION,
DEPARTMENT OF[670]

Pursuant to the authority of Section 257.10(11), The Code, the Iowa Department of Public Instruction amends Chapter 16 of its rules appearing in the Iowa Administrative Code relating to approvals.

The Iowa state Board of Public Instruction adopted the amendments to chapter 16 in their final form on Thursday, December 11, 1980. An oral hearing was held on Friday, July 18, 1980, in the department's central office. Statements made at the hearing and written comments were considered by the department before it adopted the amended rules in chapter 16.

PUBLIC INSTRUCTION[670] (cont'd)

The department's Notice of Intended Action was published in the Iowa Administrative Bulletin on June 25, 1980, under Notice of Intended Action number ARC 1156.

This rule is identical to that published in the Notice of Intended Action.

These rules will become effective on February 16, 1981.

ITEM 1. Rule 670—16.4(257) is amended to read as follows:

670—16.4(257) Approval for elementary teachers. Any applicant completing an approved four-year elementary teacher education program, including supervised student teaching at the elementary level and a bachelor's degree from a recognized institution, will be approved to teach any and all subjects in a self-contained classroom in kindergarten and grades one through eight. The applicant will also have approval to teach all subjects outside of the self-contained classroom in kindergarten and grades one through eight with the exception of art, music, industrial arts, and ~~physical education~~ *physical education and special education*. In order to teach art, music, industrial arts, and ~~physical education~~ *physical education and special education*, outside of the self-contained classroom in kindergarten and grades one through eight, and any subject in grade nine, the applicant must have the specific approval area listed on the certificate.

In order to teach reading outside of the self-contained classroom in kindergarten and grades one through nine, the applicant shall have completed twenty semester hours in the area of reading.

This amendment concerning reading will become effective three years from its effective date.

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

ITEM 2. Rule 670—16.5(257) is amended to read as follows:

670—16.5(257) Approval for secondary teachers. Any applicant completing an approved four-year secondary teacher education program, including supervised student teaching at the secondary level, and a bachelor's degree from a recognized institution, will be approved to teach in grades nine through twelve only those areas for which approval is listed on the certificate. However, an applicant may teach any subject in grades seven and eight except, art, music, industrial arts, and ~~physical education~~ *physical education and special education* without specific approval listed on the certificate. In order to teach art, music, industrial arts, and ~~physical education~~ *physical education and special education* in grades seven and eight specific approval must be listed on the certificate.

In order to teach reading in grades seven and eight, the applicant shall have completed twenty semester hours in the area of reading.

This amendment concerning reading will become effective three years from its effective date.

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

[Filed 12/19/80, effective 2/16/81]

[Published 1/7/81]

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ARC 1719

PUBLIC INSTRUCTION,
DEPARTMENT OF[670]

Pursuant to the authority of Section 257.10(11), The Code, the Iowa Department of Public Instruction adopts rules regarding the approval of graduate teacher education programs leading to certification, endorsement, and approval.

The Iowa State Board of Public Instruction adopted Chapter 20 in its final form on Thursday, December 11, 1980. An oral hearing was held on Friday, October 3, 1980, in the department's central office; no one appeared at the hearing. Written comments received were considered the department before it adopted the rules in Chapter 20.

The department's notice of intention to adopt Chapter 20 was published in the Iowa Administrative Bulletin on September 3, 1980, under Notice of Intended Action number ARC 1321.

Changes from such notice are as follows:

Subrule 20.13(3) was dropped, and subrule 20.15(8) was modified by elimination of the second sentence.

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

These rules will become effective February 16, 1981.

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.

PUBLIC INSTRUCTION[670] (cont'd)

The 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 the 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 of areas of approval.

670—20.5(257) Approval of graduate teacher education programs. The superintendent shall base 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 warrant.

If approval is not granted, the applying institution will be advised concerning the areas in which improvements 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.

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

PUBLIC INSTRUCTION[670] (cont'd)

teacher education programs.

20.12(6) Student 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 those 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) 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.

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 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.

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.

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

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[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1690

**RAILWAY FINANCE
AUTHORITY[695]**

Pursuant to the authority of Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1095, section 7, the Iowa Railway Finance Authority Board, on December 17, 1980, adopted Chapter 2 entitled "Items of General Applicability".

A Notice of Intended Action for these rules was published in the October 29, 1980, Iowa Administrative Bulletin as ARC 1483.

These rules deal with public records, severability of portions of rules if they are adjudged to be invalid, depositing of moneys raised by the board, extension of loans, and provisions for rulemaking, petitions for rulemaking and declaratory rulings.

These rules are identical to the ones published under notice except for the following: Subrule 2.2(2) was revised to list additional items which are matters of public record.

These rules are intended to implement Chapters 4, 17A and 68A of The Code, and Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1095.

RAILWAY FINANCE AUTHORITY[695] (cont'd)

These rules are to be published as adopted in the January 7, 1981, Iowa Administrative Bulletin and Supplement to the Iowa Administrative Code to be effective February 11, 1981.

Pursuant to the authority of Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1095, section 7, the following rules are adopted.

CHAPTER 2

ITEMS OF GENERAL APPLICABILITY

695—2.1(68GA,ch1095) Definitions. The following terms when used in this chapter of rules shall have the following meanings:

2.1(1) Authority. Iowa railway finance authority.

2.1(2) Department. Iowa department of transportation.

2.1(3) Board. The governing board of the authority.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1095, section 4.

695—2.2(68A;68GA,ch1095) Public records.

2.2(1) Any finding, report, publication, document, bonding proposal or prospectus that is prepared with authority funds shall be a matter of public record.

2.2(2) The name and address of a donor of money, negotiable securities or instruments, railway facilities, or any other property to the board, along with all the terms and conditions of the donation, shall be a matter of public record.

This rule is intended to implement sections 68A.1 through 68A.4, The Code, and Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1095, sections 7 and 8.

695—2.3(68GA,ch1095) Severability. If any word, phrase, sentence, paragraph, section, or part of any rules adopted by the board in accordance with the provisions of chapter 17A, The Code, is adjudged by the courts to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the rules.

This rule is intended to implement section 4.12, The Code.

695—2.4(68GA,ch1095) Depositing of moneys. All moneys raised by the board from the issuance of bonds, sale or lease of railway facilities, interest on loans, receipt of gifts, or from any other source shall be deposited with the treasurer of state and may be withdrawn by the board for reasonable and proper use in accordance with the "Iowa Railway Finance Authority Act".

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1095, section 7.

695—2.5(68GA,ch1095) Extension of loans. The board shall establish interest rates on loans it extends.

This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1980 Session, Chapter 1095, section 7.

695—2.6(17A) Rulemaking, petitions for rulemaking, declaratory rulings.

2.6(1) The provisions of 820—[01,B]1.2(17A), 820—[01,B]1.3(17A), and 820—[01,B]1.4(17A), IAC, shall apply to all rulemaking, petitions for rulemaking, and declaratory ruling activities of the authority except that:

a. References to the transportation commission or to the commission shall mean the board.

b. References to the department of transportation or to the department shall mean the authority.

2.6(2) Notwithstanding 2.6(1) above:

a. The addresses provided in the following portions of 820—[01,B] chapter 1, IAC, relating to the submittal of written comments, requests, or petitions, shall remain the same:

(1) Subrule 1.2(1).

(2) Paragraph 1.2(2)"c".

(3) Paragraph 1.2(4)"a".

(4) Subrule 1.3(1).

(5) Subrule 1.4(1).

b. References to the director of transportation or to the director which are found in 820—[01,B] chapter 1, IAC, shall remain the same, as the director of transportation also serves as secretary of the board.

These rules are intended to implement sections 17A.1 through 17A.7, 17A.9, and 17A.19, The Code.

[Filed 12/18/80, effective 2/11/81]

[Published 1/7/81]

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ARC 1691

REGENTS, BOARD OF[720]

Pursuant to the authority of Section 262.7, The Code, the Board of Regents adopts amendments to Chapter 1, "Admission Rules Common to the Three State Universities," Iowa Administrative Code.

The rules will amend the present rules to: (1) Revise the wording and sequence in several sections for greater clarity; (2) delete all references to "he" or "his"; (3) clarify requirements for test scores to be submitted in support of applications; (4) add provisions for part-time university study for high school students with superior academic records and for the admittance of exceptional students before the completion of high school; (5) clarify the policies for transfer applicants with fewer than twelve semester hours of college credit; (6) add a new section on transfer practices. This section includes some of the information previously incorporated in the section on admission of transfer students, but adds informative detail and clarification. The new section adds components on students from colleges and universities with candidate status and on students from foreign colleges and universities. The rules will also (7) delete a section on application deadlines, which is not necessary with current practices.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 15, 1980, as ARC 1433. The rules being adopted are identical to those published under notice. The rules were adopted on December 17, 1980, and will become effective February 11, 1981.

These rules are intended to implement section 262.9(3), The Code.

ITEM 1. Add the following after the chapter title.

Preamble: The state board of regents has adopted the following requirements governing admission of students to the three state universities.

Each university is expected to describe in its catalog the requirements and other information necessary to make the admission process operate within the framework of these requirements.

Amendments and changes in these requirements normally are proposed by the universities to the regent committee on educational relations which examines the proposals and makes specific recommendations through the interinstitutional committee on educational coordination

REGENTS, BOARD OF[720] (cont'd)

to the state board of regents which is empowered by law to establish the admission requirements.

ITEM 2. Rescind all of rule 720—1.1(262) and insert in lieu thereof the following:

720—1.1(262) Admission of undergraduate students directly from high school. Students desiring admission must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

Applicants must submit a formal application for admission, together with a \$10.00 application fee, and have their secondary school provide a transcript of their academic record, including credits and grades, rank in class, and certification of graduation. Applicants must also submit scores from the American College Test (ACT) or the Scholastic Aptitude Test (SAT), or the equivalent, as determined by each university. The Test of English as a Foreign Language (TOEFL) is required of foreign students whose first language is not English. Applicants may be required to submit additional information or data to support their applications.

1.1(1) Graduates of approved Iowa high schools who have the subject matter background as recommended by each university and who rank in the upper one-half of their graduating class will be admitted. Applicants who are not in the upper one-half of their graduating class may, after a review of their academic and test records, and at the discretion of the admissions officers:

- a. Be admitted unconditionally,
- b. Be admitted conditionally,
- c. Be required to enroll for a tryout period during a preceding summer session, or
- d. Be denied admission.

1.1(2) Graduates of accredited high schools in other states may be held to higher academic standards, but must meet at least the same requirements as graduates of Iowa high schools. The options for conditional admission or summer tryout enrollment may not necessarily be offered to these students.

1.1(3) Applicants who are graduates of nonapproved high schools will be considered for admission in a manner similar to applicants from approved high schools, but additional emphasis will be given to scores obtained on standardized examinations.

1.1(4) Applicants who are not high school graduates, but whose classes have graduated, may be considered for admission. They will be required to submit all academic data to the extent that it exists and achieve scores on standardized examinations which will demonstrate that they are adequately prepared for academic study.

Students with superior academic records may be admitted, on an individual basis, for part-time university study while enrolled in high school or during the summers prior to high school graduation.

In rare situations, exceptional students may be admitted as full-time students to a regent university before completing high school. Early admission to a regent university is provided to serve persons whose academic achievement and personal and intellectual maturity clearly suggest readiness for collegiate level study. Each university will specify requirements and conditions for early admission.

ITEM 3. Rescind all of rule 720—1.2(262) and insert in lieu thereof the following:

720—1.2(262) Admission of undergraduate students by transfer from other colleges. Students desiring admission must meet the requirements in this rule and

also any special requirements for the curriculum, school, or college of their choice.

Applicants must submit a formal application for admission, together with a \$10.00 application fee, and request that each college they have attended send an official transcript of record to the admissions office. High school academic records and standardized test results may also be required. The Test of English as a Foreign Language (TOEFL) is required of foreign students whose first language is not English.

1.2(1) Transfer applicants with a minimum of twelve semester hours of graded credit from regionally accredited colleges or universities, who have maintained a "C" average (2.00 based on an "A" grade being 4 points) for all college work previously attempted, will be admitted. Higher academic standards may be required of students who are not residents of Iowa.

Applicants who have not maintained a "C" average or who are under academic suspension from the last college attended may, after a review of their academic and test records, and at the discretion of the admissions officers:

- a. Be admitted unconditionally,
- b. Be admitted conditionally,
- c. Be required to enroll for a tryout period during a preceding summer session, or
- d. Be denied admission.

1.2(2) Admission of students with fewer than twelve semester hours of college credit will be based on high school academic and standardized test records in addition to review of the college record.

1.2(3) Transfer applicants under disciplinary suspension will not be considered for admission until information concerning the reason for the suspension has been received from the college assigning the suspension. Applicants granted admission under these circumstances will be admitted on probation.

1.2(4) Transfer applicants from colleges and universities not regionally accredited will be considered for admission on an individual basis taking into account all available academic information.

ITEM 4. Rescind all of rule 720—1.3(262) and insert in lieu thereof the following:

720—1.3(262) Transfer credit practices. The regent universities endorse the Joint Statement on Transfer and Award of Academic Credit approved in 1978 by the American Council on Education (ACE), the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and the Council on Postsecondary Accreditation (COPA). The current issue of Transfer Credit Practices of Selected Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and publications of the Council on Postsecondary Accreditation (COPA) are examples of references used by the universities in determining transfer credit. The acceptance and use of transfer credit is subject to limitations in accordance with the educational policies operative at each university.

1.3(1) Students from regionally accredited colleges and universities. Credit earned at regionally accredited colleges and universities is acceptable for transfer except that credit in courses determined by the receiving university to be of a remedial, vocational, or technical nature, or credit in courses or programs in which the institution granting the credit is not directly involved, may not be accepted, or may be accepted to a limited extent.

Transfer credit from a two-year college will not reduce the minimum number of credit hours required for a bac-

REGENTS, BOARD OF[720] (cont'd)

calaureate degree if that credit is earned after the total number of credit hours accumulated by the student at all institutions attended exceeds one-half of the number of credit hours required for that degree.

1.3(2) Students from colleges and universities which have candidate status. Credit earned at colleges and universities which have become candidates for accreditation by a regional association is acceptable for transfer in a manner similar to that from regionally accredited colleges and universities if the credit is applicable to the bachelor's degree at the receiving university.

Credit earned at the junior and senior classification from an accredited two-year college which has received approval by a regional accrediting association for change to a four-year college may be accepted by a regent university.

1.3(3) Students from colleges and universities not regionally accredited. When students are admitted from colleges and universities not regionally accredited, they may validate portions or all of their transfer credit by satisfactory academic study in residence, or by examination. Each university will specify the amount of the transfer credit and the terms of the validation process at the time of admission.

In determining the acceptability of transfer credit from private colleges in Iowa which do not have regional accreditation, the regent committee on educational relations, upon request from the institutions, evaluates the nature and standards of the academic program, faculty, student records, library, and laboratories.

In determining the acceptability of transfer credit from colleges in states other than Iowa which are not regionally accredited, acceptance practices indicated in the current issue of Transfer Credit Practices of Selected Educational Institutions will be used as a guide. For institutions not listed in the publication, guidance is requested from the designated reporting institution of the appropriate state.

1.3(4) Students from foreign colleges and universities. Transfer credit from foreign educational institutions may be granted after a determination of the type of institution involved and after an evaluation of the content, level and comparability of the study to courses and programs at the receiving university. Credit may be granted in specific courses, but is frequently assigned to general areas of study. Extensive use is made of professional journals and references which describe the educational systems and programs of individual countries.

[Filed 12/18/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1692

REGENTS, BOARD OF[720]

Pursuant to the authority of Section 262.7, The Code, the Board of Regents adopts amendments to Chapter 1, "Admission Rules Common to the Three State Universities," Iowa Administrative Code.

The rules will amend the present rules by eliminating sexist language and statements referring to age and marital status. The revisions will more clearly indicate that resident classification may be determined prior to residing in the state for twelve consecutive months, although length of residence has probative value in support of a

claim for resident classification. The rules will also provide that a financially dependent student whose parents move from Iowa after the student is enrolled remains a resident, providing the student maintains continuous enrollment. The present rules would classify this student as a nonresident. Continuous presence in Iowa when not enrolled in school is added as an item having probative value in support of a claim for resident classification. Service in the Peace Corps, Vista, or alternate military services is added to engagement in a religious vocation in a provision that, as with military service, resident classification may be maintained.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 12, 1980, as ARC 1537. The rule being adopted is identical to that published under notice. This rule was adopted on December 17, 1980, and will become effective February 11, 1981.

This rule is intended to implement section 262.9(3), The Code.

Rescind all of rule 720—1.4(262) and insert in lieu thereof the following:

720—1.4(262) Classification of residents and non-residents for admission and fee purposes.

1.4(1) General.

a. A person enrolling at one of the three state universities shall be classified as a resident or nonresident for admission purposes by the registrar or someone designated by the registrar. The decision shall be based upon information furnished by the student and other relevant information. The registrar, or designated person, is authorized to require such written documents, affidavits, verifications, or other evidence deemed necessary to determine the domicile of a student. The burden of establishing that a student is domiciled in Iowa is upon the student.

b. In determining resident or nonresident classification, the issue is essentially one of domicile. In general, the domicile of a person is that person's true, fixed, permanent home and place of habitation. It is the place to which, whenever the person is absent, the person has the intention of returning.

c. Under these regulations, a resident student is defined as one who is domiciled in the state of Iowa. A nonresident student is defined as one whose domicile is elsewhere. A student shall not be considered domiciled in Iowa unless the student is in continuous physical residence in this state and intends to make a permanent home in Iowa.

d. A person who comes to Iowa from another state and enrolls in any institution of post secondary education for a full program or substantially a full program shall be presumed to have come to Iowa primarily for educational reasons rather than to establish domicile in Iowa. Such a person shall be classified nonresident unless and until such person can demonstrate that the previous domicile has been abandoned and an Iowa domicile established.

e. The following facts and circumstances, although not necessarily conclusive, have probative value in support of a claim for resident classification:

(1) Reside in Iowa for twelve consecutive months, and be primarily in activities other than those of a full-time student immediately prior to the beginning of the term for which resident classification is sought.

(2) Reliance upon Iowa sources for financial support.

(3) Domicile in Iowa of persons legally responsible for the student.

(4) Former domicile in the state and maintenance of significant connections therein while absent.

REGENTS, BOARD OF[720] (cont'd)

- (5) Ownership of a home in Iowa.
- (6) Admission to a licensed practicing profession in Iowa.
- (7) Acceptance of an offer of permanent employment in Iowa.
- (8) Continuous presence in Iowa during periods when not enrolled in school.

Other factors indicating an intent to make Iowa the student's domicile will be considered by the universities in classifying the student.

f. The following circumstances, standing alone, do not constitute sufficient evidence of domicile to affect classification of a student as a resident under these regulations:

- (1) Voting or registration for voting.
- (2) Employment in any position normally filled by a student.
- (3) The lease of living quarters.
- (4) Automobile registration.
- (5) Other public records, for example, birth and marriage records, Iowa driver's license.

1.4(2) Facts.

a. A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the dependent of such a person, is entitled to resident status. However, if the arrival of the person under orders is subsequent to the beginning of the term in which the dependent is first enrolled, nonresident tuition will be charged in all cases until the beginning of the next term in which the student is enrolled.

b. A person or the dependent of a person whose legal domicile is permanently established in Iowa, who has been classified as a resident for tuition purposes, may continue to be classified as a resident so long as such domicile is maintained, even though circumstances may require extended absence of said person from the state. It is required that a person who claims an Iowa domicile while living in another state or country will provide proof of the continual Iowa domicile such as (1) evidence that he or she has not acquired a domicile in another state, (2) he or she has maintained a continuous voting record in Iowa, and (3) he or she has filed regular Iowa resident income tax returns during absence from the state.

c. Ownership of property in Iowa, or the payment of Iowa taxes, does not in itself establish domicile.

d. A student who willfully gives incorrect or misleading information to evade payment of nonresident fees and tuition shall be subject to serious disciplinary action and must also pay the nonresident fee for each term attended.

e. An alien who has an immigration visa may establish Iowa domicile in the same manner as a United States citizen.

f. A person who has been certified as a refugee by the appropriate agency of the United States who enrolls as a student at a university governed by the Iowa state board of regents may be accorded immediate resident status for tuition purposes where he or she:

- (1) Comes directly to Iowa from a refugee facility or port of debarkation; or
- (2) Has resided in another state for one hundred days or less; and
- (3) Provides satisfactory documentation that he or she has an Iowa sponsor.

Any refugee not meeting these standards will be presumed to be a nonresident for tuition purposes and thus subject to the usual method of proof of establishment of an Iowa domicile.

g. Legislation effective July 1, 1977, requires that

military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns. Military personnel will be expected to have filed Iowa resident income tax returns regularly if resident status is to be maintained.

h. Change of classification from nonresident to resident will not be made retroactive beyond the term in which application for resident classification is made.

1.4(3) Guidelines. The following guidelines are used in determining the resident classification of a student for tuition purposes.

a. A student may be required to file any or all of the following:

- (1) A statement from the student describing employment and expected sources of support as a student;
- (2) A statement from the student's employer;
- (3) A statement from the student's parents verifying nonsupport and the fact that the student was not listed as a dependent on tax returns for the past year and will not be so listed in future years;
- (4) Supporting statements from persons who might be familiar with the family situation.

b. A financially dependent student whose parents move from Iowa after the student is enrolled remains a resident provided the student maintains continuous enrollment. A financially dependent student whose parents move from Iowa during the senior year of high school will be considered a resident provided the student has not established domicile in another state.

c. A student who was a former resident of Iowa may continue to be considered a resident provided absence from the state was for a period of less than twelve months and provided domicile is re-established. If the absence from the state is for a period exceeding twelve months, resident status would need to be re-established in the same manner as for an initial move to the state, unless evidence can be presented showing that Iowa residence has been maintained according to the established criteria. However, a long-term former resident who returns after an absence of more than one year but less than two years is allowed to regain residency after one year even though a full-time student.

d. A student who has been a continuous student or a member of the military service since graduating from high school and whose parents move to Iowa may become a resident at the beginning of the next term provided the student is dependent upon the parents for major financial assistance.

e. A student who moves to Iowa may be eligible for resident classification at the next registration following twelve consecutive months in the state provided the student is not enrolled for more than eight credits (four credits during the summer session) in any academic year term and provides sufficient evidence of establishment of an Iowa domicile.

f. If a person who is engaged in a religious vocation, Peace Corps, Vista, or alternate military service is a native Iowan, resident classification is maintained if he or she immediately returns to the state following the assignment. A person who enters such service from the state and who is on furlough may be considered a resident if he or she is returning to the field. If service has been terminated prior to returning to Iowa, the person would be presumed to be a nonresident if the return to the state was more than twelve months from the termination of the service.

1.4(4) Review committee. These regulations shall be administered by the registrar or someone designated by the registrar. The decision of the registrar or designated

REGENTS, BOARD OF[720] (*cont'd*)

person may be appealed to a university review committee. The finding of the university review committee may be appealed to the Iowa state board of regents.

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[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1717**REVENUE DEPARTMENT**[730]

Pursuant to the authority of Sections 421.14 and 17A.13(1), The Code, the Department of Revenue hereby adopts amendments to Chapter 7, "Practice and Procedure before the Department of Revenue", Iowa Administrative Code.

Notice of Intended Action was published in IAB, volume III, number 10, on November 12, 1980, as ARC 1561.

The rule amendments were made to allow persons who are enrolled to practice before the Internal Revenue Service to practice before the Department of Revenue in income tax matters. Currently, persons who are enrolled to practice before the Internal Revenue Service and who do not meet the other qualifications of rule 730—7.6(17A) cannot practice before our agency.

This rule is identical to that published under Notice of Intended Action and will become effective February 11, 1981 after filing with the rules coordinator and publication in the Iowa Administrative Bulletin.

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

Rule 730—7.6(17A) is amended by adding a number "9." as follows:

9. Enrolled agents, currently enrolled under 31 C.F.R. §10.6 for practice before the Internal Revenue Service, representing a taxpayer in proceedings under division II, chapter 422, The Code.

[Filed 12/19/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1694**SOCIAL SERVICES DEPARTMENT**[770]

Pursuant to the authority of Section 239.18, The Code, rules of the Department of Social Services appearing in the IAC relating to aid to dependent children (chapter 40) are hereby amended. The council on social services adopted this rule December 17, 1980.

Notice of Intended Action regarding this rule was published October 29, 1980 as ARC 1505. This rule defines medical institution.

This rule is identical to that published under notice.

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

This rule shall become effective February 11, 1981.

Rule 770—40.1(239) is amended by adding the following subrule:

40.1(4) Whenever "medical institution" is used in this title it shall mean a facility which is organized to provide

medical care, including nursing and convalescent care, in accordance with accepted standards as authorized by state law and as evidenced by the facility's license. A medical institution may be public or private. Medical institutions include the following:

- a. Hospitals
- b. Extended care facilities (skilled nursing)
- c. Intermediate care facilities
- d. Mental health institutions
- e. Hospital schools.

[Filed 12/19/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1695**SOCIAL SERVICES DEPARTMENT**[770]

Pursuant to the authority of Section 249A.4, The Code, rules of the Department of Social Services appearing in the IAC relating to medical assistance (chapter 75) are hereby amended. The council on social services adopted these rules December 17, 1980.

Notice of Intended Action regarding these rules was published in the IAB October 15, 1980 as ARC 1446. These rules limit eligibility for persons in medical institutions to no earlier than the first full calendar month of institutionalization.

These subrules are identical to those published under notice.

These subrules are intended to implement section 249A.4, The Code.

These rules shall become effective February 11, 1981.

Subrules 75.1(4) and 75.1(10) are rescinded and the following inserted in lieu thereof:

75.1(4) Persons receiving care in a medical institution who make application for medical assistance subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for income. Medical assistance will be available to all persons receiving care in a hospital, skilled nursing facility or intermediate care facility who make application subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for income and whose income is not in excess of the cost of care in the institution based on standards established by the department or three hundred percent of the maximum monthly payment to an individual who is a recipient under the federal supplemental security income program, whichever is the lesser. Eligibility for persons in this group shall be determined after the person has been institutionalized a full calendar month and shall be effective no earlier than the first day of the first full calendar month of institutionalization.

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

SOCIAL SERVICES[770] (cont'd)

program, whichever is the lesser. Eligibility for persons in this group shall be determined after the person has been institutionalized a full calendar month and shall be effective no earlier than the first day of the first full calendar month of institutionalization.

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[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1696**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of Section 249A.4, The Code, rules of the Department of Social Services appearing in the IAC relating to medical assistance (chapter 78) are hereby amended. The council on social services adopted this rule December 17, 1980.

Notice of Intended Action regarding this rule was published in the IAB October 15, 1980 as ARC 1447. This rule limits payment for emergency room use.

This rule is identical to that published under notice.

This rule is intended to implement section 249A.4, The Code.

This rule shall become effective February 11, 1981.

Rule 770 —78.3(12) is rescinded and the following inserted in lieu thereof:

78.3(12) Payment will be approved for a fee for use of an emergency room providing at least one of the following conditions is met:

a. The patient is evaluated or treated for a medical emergency, accident, or injury. Medical emergency is defined as a sudden or unforeseen occurrence or combination of circumstances presenting a substantial risk to an individual's health unless immediate medical treatment is given.

b. The patient's evaluation or treatment results in a utilization review committee approved inpatient hospital admission.

c. The patient is referred by a physician.

d. The patient is suffering from an acute allergic reaction.

e. The patient is experiencing acute, severe respiratory distress.

[Filed 12/19/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1697**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of Section 249A.4, The Code, rules of the Department of Social Services appearing in the IAC relating to medical assistance (chapter 78), intermediate care facilities, (chapter 81), and intermediate care facilities for the mentally retarded, (chapter 82) are hereby amended. The council on social services adopted these rules December 17, 1980.

Notice of Intended Action regarding these rules was published in the IAB October 29, 1980, as ARC 1496.

These rules set forth the policies and procedures for appealing decertification actions.

These rules are identical to those published under notice.

These rules are intended to implement sections 249A.2(6) and 249A.3(2)"a", The Code.

These rules shall become effective February 11, 1981.

ITEM 1. Rule 770—78.12(249A) is amended by adding the following subrule:

78.12(15) A facility may appeal a decertification action according to the department's subrule 81.13(28).

ITEM 2. Rule 770—81.13(249A) is amended by adding the following new subrule:

81.13(28) Appeals of decertification actions. A facility that has been surveyed by the health department and found to be in substantial noncompliance with these rules may be denied continued program certification.

a. When decertification is contemplated, the health department shall send timely and adequate notice to the facility in accordance with 42 CFR 431.151 through 431.154(1979).

b. Requests for a hearing shall be made to the health department within fifteen days of receipt of the notice of decertification.

(1) When a hearing is held, it shall be in accordance with rules 470—chapter 173.

(2) When a final decision is issued by the health department, that decision is binding upon the department of social services.

c. The department of social services will only hear appeals in cases where it acts independently of the health department in initiating decertification action in accordance with 81.13(2)"b" or "c".

d. At any time prior to or subsequent to an evidentiary hearing, the health department will be willing to negotiate an amicable resolution or discuss the possibility of settlement with the facility owner.

ITEM 3. Rule 770—82.3(249A) is amended by adding the following subrule:

82.3(4) Appeals of decertification. A facility may appeal a decertification action according to the department's subrule 81.13(28).

[Filed 12/19/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1698**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of Section 232.142(5), The Code, rules of the Department of Social Services appearing in the IAC relating to county and multicounty juvenile detention homes and county and multicounty juvenile shelter care homes (chapter 105) are hereby amended. The council on social services adopted this rule December 17, 1980.

Notice of Intended Action regarding this rule was published in the IAB October 15, 1980 as ARC 1437. The rule will allow four people in one bedroom for detention homes built prior to July 1, 1979.

This rule is identical to that published under notice.

SOCIAL SERVICES[770] (cont'd)

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

This rule shall become effective February 11, 1981.

Rule 770—105.11(232) is amended to read as follows:

770—105.11(232) Sleeping areas. All sleeping areas shall promote comfort and dignity, provide a minimum of eighty square feet per child for single occupancy and sixty square feet per child for multiple occupancy, and privacy consistent with the well-being of the children and the goals of the care program. In no case shall there be more than four youths per room in shelter and two youths per room in detention. Sleeping areas shall be assigned on the basis of the individual child's needs for privacy and independence or group support. *For detention facilities built prior to July 1, 1979, four youths per room in detention may be allowed providing the minimum square feet per child requirement is met. When a facility licensed prior to July 1, 1979 remodels or makes an addition after July 1, 1979, only two youths per room shall be allowed in the detention facilities.*

[Filed 12/19/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1699**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of Sections 217.6 and 234.6, The Code, rules of the Department of Social Services appearing in the IAC relating to child day care services (chapter 132) are hereby amended. The council on social services adopted this rule December 17, 1980.

Notice of Intended Action regarding this rule was published in the IAB October 29, 1980 as ARC 1506. This change will allow day care payment when the person caring for the child is under eighteen years of age and becomes ill or dies.

This rule is identical to that published under notice.

This rule is intended to implement section 234.6(7)"a", The Code.

This rule will become effective February 11, 1981.

Subrule 132.4(3), paragraph "e", is amended to read as follows:

e. The need for day care is because the ~~adult~~ *person* who normally cares for the child is absent from the home due to hospitalization, physical or mental illness, or death. Care under this paragraph is limited to a maximum of one month, unless extenuating circumstances are justified and approved after case review by the district administrator.

[Filed 12/19/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1700**SOCIAL SERVICES
DEPARTMENT[770]**

Pursuant to the authority of Section 217.6 and Chapter 249, The Code, rules of the Department of Social Services appearing in the IAC relating to in-home health related

care (chapter 148) are hereby amended. The council on social services adopted these rules December 17, 1980.

Notice of Intended Action regarding these rules was published October 29, 1980 as ARC 1507. These rules specify in more detail the current treatment of income for in-home health applicants and recipients.

These rules are identical to those published under notice.

These rules are intended to implement section 249.3(2)"a"(2), The Code.

These rules shall become effective February 11, 1981.

ITEM 1. Subrule 148.4(3) is amended to read as follows:

148.4(3) Maximum costs. The maximum cost of service and maintenance shall be the current supplemental security income standard allowance plus \$343.60.

ITEM 2. Rule 770—148.4(249) is amended by adding the following new subrules.

148.4(7) Income for adults. The gross income of the individual and spouse shall be limited to \$343.60 per month if one needs care or \$687.20 if both need care, with the following disregards:

a. The amount of the basic supplemental security income standard for an individual or a couple, as applicable.

b. When income is earned, \$65.00 plus one-half of any remaining income.

c. The amount of the supplemental security income standard for a dependent plus any established unmet medical needs, for each dependent living in the home. Any income of the dependent shall be applied to the dependent's needs before making this disregard.

d. The amount of the established medical needs of the ineligible spouse which are not otherwise met.

e. The amount of the established medical needs of the applicant or recipient which are not otherwise met and would not be met if the individual were eligible for the medical assistance program.

148.4(8) Income for children.

a. All income received by the parents in the home shall be deemed to the child with the following disregards:

(1) The amount of the basic supplemental security income standard for an individual when there is one parent in the home or for a couple when there are two parents in the home.

(2) The amount of the basic supplemental security income standard for a dependent for each ineligible child in the home.

(3) The amount of the unmet medical needs of the parents and ineligible dependents.

(4) When all income is earned, an additional basic supplemental security income standard for an individual in a one parent home or for a couple in a two parent home.

(5) When the income is both earned and unearned, \$65.00 plus one-half of the remainder of the earned income.

b. The income of the child shall be limited to \$343.60 per month with the following disregards:

(1) The amount of the basic supplemental security income standard for an individual.

(2) The amount of the established medical needs of the child which are not otherwise met and would not be met if the child were eligible for the medical assistance program.

(3) One third of the child support payments received from an absent parent.

SOCIAL SERVICES[770] (cont'd)

ITEM 3. Subrule 148.7(1) is rescinded and rule 770—148.7(249) is amended to read as follows:

770—148.7(249) Client participation.

148.7(1) ~~Any income above the current supplemental security income payment~~ *All income remaining after the disregard in 148.4(7) and 148.4(8) shall be considered income available for services and shall be used for service costs before payment for in home health care payments begin begins.*

[Filed 12/19/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1682**TRANSPORTATION,
DEPARTMENT OF[820]****01 DEPARTMENT GENERAL DIVISION**

Pursuant to the authority of Section 307.10, The Code, the Transportation Commission, on December 16, 1980, emergency adopted an amendment to 820—[01,B] Chapter 1 entitled "Administrative Rules".

This amendment rescinds a paragraph which allowed the director of transportation to approve nonsubstantive amendments to rules in lieu of transportation commission approval. The effect of this rescission is that all rulemaking, whether or not it is considered to be substantive, will require transportation commission action.

This amendment is filed in reliance upon the provisions of subsection 17A.4(2), The Code, for the reasons as follows: The department of transportation finds that it is unnecessary to delay implementation of this rule amendment by soliciting public input through the notice and public participation requirements of subsection 17A.4(1) because soliciting public input would serve no useful purpose in that the subject matter was previously placed under notice on August 20, 1980 as ARC 1274 and no public comment was received. Also, the paragraph being rescinded is of doubtful legality.

This rule amendment shall become effective thirty-five days after filing with the administrative rules coordinator and publication in the Iowa Administrative Bulletin and Code on February 11, 1981.

This rule amendment is intended to implement chapter 17A, The Code.

Rescind paragraph [01B] 1.2(5)"c".

[Filed without notice 12/17/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1684**TRANSPORTATION,
DEPARTMENT OF[820]****07 MOTOR VEHICLE DIVISION**

Pursuant to the authority of Section 307.10, The Code, the Transportation Commission, on December 16, 1980, adopted amendments to 820—[07,C] Chapter 14 entitled "Financial Responsibility".

A Notice of Intended Action for these rule amendments

was published in the October 29, 1980, Iowa Administrative Bulletin as ARC 1480.

ITEM 1. This amendment eliminates the reference to the policy limits and substitutes a reference to the financial responsibility law, subsection 321A.1(10), The Code [68GA.ch1106,§1].

ITEM 2. This amendment reflects changes in the federal bankruptcy statutes relating to the definition of debt and to claims that are dischargeable in bankruptcy.

ITEM 3. This rule is amended to comply with the Supreme Court ruling in Sullivan v. Skeie Pontiac, Inc., 270 N.W.2d 814 (Iowa 1978), which held that the seller of a motor vehicle remains the owner for purposes of liability determination if the vehicle was not presale inspected and an official certification of inspection affixed.

ITEM 4. This amendment reflects changes in 11 U.S.C. §525 which forbids a government agency to suspend the license of a debtor for failure to pay a judgment.

These rule amendments are identical to the ones published under notice.

These amendments are intended to implement chapter 321A, The Code.

These rule amendments are to be published as adopted in the January 7, 1981, Iowa Administrative Bulletin and Supplement to the Iowa Administrative Code to be effective February 11, 1981.

07 MOTOR VEHICLE DIVISION

Pursuant to the authority of section 307.10, The Code, rules 820—[07,C] chapter 14 entitled "Financial Responsibility" are hereby amended.

ITEM 1. Paragraph 14.4(3)"a" is amended to read as follows:

a. The amount of security to be required of the uninsured driver and owner as compliance is determined from reports of the drivers involved in the accident, the reports of investigating officers, and from supplemental information obtained from parties involved in the accident concerning amounts of damage and injury sustained. Form SR-117 is mailed to parties to the accident for supplemental information. The security request cannot be raised after the "Suspension Notice", Form 431010, has been received. The security request can be lowered if evidence of exact costs is furnished. A security request cannot exceed the minimum limits of liability (~~\$10,000/\$20,000/\$5,000~~) for death or injury as provided by the financial responsibility laws, *chapter 321A, The Code.*

ITEM 2. Paragraph 14.4(5)"h" is amended to read as follows:

h. Discharge in bankruptcy. Security cannot be required of any person when all possible claims against the person arising from the accident have been discharged in bankruptcy. To establish this exception, the person must furnish the ~~office of driver license department~~ with a copy of the petition for bankruptcy; ~~a copy of the final discharge and supporting documents showing that all claims resulting from the accident have been reduced to liquidated claims or provable debts. The liquidated~~ *All possible claims or provable debts resulting from the accident must be scheduled in the petition and discharged.*

ITEM 3. Subrule 14.4(6) is amended to read as follows: **14.4(6)** Owner exceptions—requirements.

a. An owner can be excepted from the security requirements if the vehicle was being used at the time of an accident without the owner's consent. The owner may

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

qualify for this exception if the police report indicates the vehicle was stolen, or if the driver was convicted of operating without the owner's consent. In the absence of such police report or conviction, the owner may furnish a sworn affidavit that the vehicle was operated without permission or the owner may furnish affidavits of witnesses that the driver had been denied use of the vehicle.

b. If the owner had sold the vehicle but the title was not transferred when the accident occurred, an "Affidavit of Buyer-Seller", Form SR-122, is furnished by the ~~office of driver license department~~ and must be completed by the buyer and seller with signatures notarized or attested to by an officer of this department and filed with this department. A sworn affidavit by the owner and witnesses to the sale that the vehicle had been sold; can be furnished in lieu of Form SR-122. The affidavit must include a description of the vehicle, the date of the sale, *the date of inspection, the inspection certificate number*, the monetary consideration, facts concerning the assignment of title; *and* delivery of possession, and the names of witnesses to the sale.

c. Ownership transferred by operation of law can be shown by furnishing certified copies of any court order by which ownership of a vehicle was awarded to another party.

ITEM 4. Paragraph 14.5(2)"c" is amended to read as follows:

c. Discharge in bankruptcy. A discharge of the judgment debt ~~will~~ *shall* serve to terminate the suspension. The debtor must furnish a copy of the petition for bankruptcy, which must include the judgment debt; ~~and a copy of the final discharge in bankruptcy.~~

[Filed 12/17/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.

ARC 1685

TRANSPORTATION,
DEPARTMENT OF[820]

08 PLANNING AND RESEARCH DIVISION

Pursuant to the authority of Section 306.06, The Code, the State Functional Classification Review Board, on December 15, 1980, adopted an amendment to 820—[08,C] chapter 3 entitled "Functional Classification of Highways".

A Notice of Intended Action for this rule amendment was published in the October 29, 1980 Iowa Administrative Bulletin as ARC 1484.

The State Functional Classification Review Board recently amended subrule 3.15(2) by emergency rulemaking procedures (ARC 1319) to eliminate specified meeting dates and times and to permit the chairman to call meetings. At the request of the administrative rules coordinator, the subrule is again being amended to extend the authority to call meetings to members of the Board. This is being accomplished by incorporating the intent of subrule 3.15(3) into subrule 3.15(2) and rescinding subrule 3.15(3). Normal rulemaking procedures are being followed to permit public review and comment.

This rule amendment is identical to the one published under notice.

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

This rule amendment is to be published as adopted in the January 7, 1981 Iowa Administrative Bulletin and Supplement to the Iowa Administrative Code to be effective February 11, 1981.

08 PLANNING AND RESEARCH DIVISION

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

ITEM 1. Rescind subrule 3.15(2) and adopt in lieu thereof the following:

3.15(2) Meetings. Meeting dates and times shall be established by the chairman or any three members of the board. Meetings shall be held at least four times each year beginning May 17, 1976.

ITEM 2. Rescind subrule 3.15(3) and reserve for future use.

[Filed 12/17/80, effective 2/11/81]

[Published 1/7/81]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/7/81.



State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER 40

- WHEREAS, On August 12, 1980, in Executive Order 38, which ordered reductions in state spending, I noted there were "uncertain prospects for immediate improvement" in the economy of our nation, and consequently in our state, which was in the throes of recession, and that additional reductions in state spending might be necessary; and
- WHEREAS, increasingly negative economic factors including rising interest rates, falling grain prices, huge losses by certain manufacturing companies and further job layoffs persist; and
- WHEREAS, latest revenue estimates by the State Comptroller for fiscal year 1980-81 anticipate revenues to be \$29.4 million below the August, 1980, estimates; and
- WHEREAS, unanticipated expenditures of \$16.7 million must be made for taxpayer refunds, to local schools for special education and for increased social service caseloads and institutional populations; and
- WHEREAS, Article VII of the Iowa Constitution prohibits state budget deficits (with few exceptions inapplicable here); and
- WHEREAS, Section 8.31, the Code, provides a procedure for uniform and prorated reductions of state appropriations by the Governor to avoid overdrafts and deficits; and
- WHEREAS, there has been an expression of willingness in the General Assembly to consider and implement certain Code revisions to permit fiscal transfers and reallocations into the general fund; and
- WHEREAS, the fiscal measures undertaken this year have achieved significant savings, but further uniform, prorated reductions in state appropriations, and certain transfers and re-allocations are necessary to prevent the state from facing a deficit in the general fund on June 30, 1981.

Page 2

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:

1. I find at this time the estimated budget resources during the fiscal year 1981 are insufficient in the amount of \$46.1 million to pay all appropriations in full as required by Section 8.30, the Code.
2. I further find that an additional one percent reduction in appropriations covered by 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 subject, however, to revision in the event subsequent projections provide good reason to alter these findings.
3. I hereby direct the uniform modification of all allotment requests filed pursuant to Section 8.31, the Code, for the remaining one-half of the fiscal year to achieve a further annual one percent fiscal year reduction in each respective appropriation.
4. I further direct that the State Comptroller prepare such modified allotments for the third quarter of fiscal year 1981, which commences January 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 continue 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 of 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 15th day of December in the year of our Lord one thousand nine hundred and eighty.

Robert D. Ray
Governor

PROCLAMATIONS

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

Fine Print Week	November 9 - 15, 1980
Key Club Week	November 9 - 15, 1980
Youth Appreciation Week	November 9 - 15, 1980
Veterans Day 1980.....	November 11, 1980
Great American Smokeout Day.....	November 20, 1980
Iowa Family Week.....	November 23, 1980
Iowa State Snowmobile Safety Week.....	November 23 - 30, 1980
Thanksgiving Day	November 27, 1980
Spina Bifida Month	November, 1980
Manufactured Housing Week.....	December 7 - 13, 1980

IOWA ADMINISTRATIVE BULLETIN

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