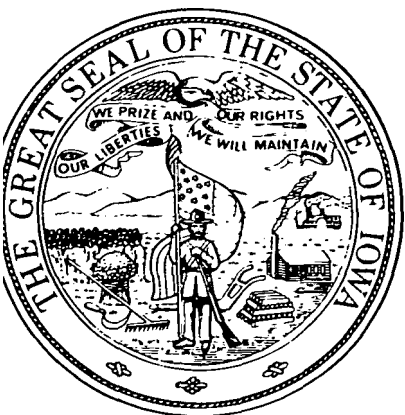


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IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME V
January 19, 1983

NUMBER 15
Pages 921 to 956

STATE OF IOWA
LAW LIBRARY

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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 Co-ordinator for identification purposes and should always be used when referring to this item in correspondence and other communications.

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to section 17A.6, 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>
16	Friday, January 14, 1983	February 2, 1983
17	Friday, January 28, 1983	February 16, 1983
18	Friday, February 11, 1983	March 2, 1983

SUBSCRIPTION INFORMATION

Iowa Administrative Bulletin

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

First quarter	July 1, 1982, to June 30, 1983	\$91.00 plus \$2.73 sales tax
Second quarter	October 1, 1982, to June 30, 1983	\$68.25 plus \$2.05 sales tax
Third quarter	January 1, 1983, to June 30, 1983	\$45.50 plus \$1.37 sales tax
Fourth quarter	April 1, 1983, to June 30, 1983	\$22.75 plus \$0.68 sales tax

Single copies may be purchased for \$4.00 plus \$0.12 tax. Back issues may be purchased if the issues are available.

Iowa Administrative Code

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

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

Iowa Administrative Code - \$602.00 plus \$18.06 sales tax
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(Subscription expires June 30, 1983)

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

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

The Administrative Rules Review Committee will hold its regular meeting Tuesday February 8, 1983, 7:30 a.m. tentatively in Senate Committee Room 24, State Capitol. The following rules will be reviewed:

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AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
AGRICULTURE DEPARTMENT[30] Meat and poultry inspection, ch 43 IAB 1/5/83 ARC 3469	Second Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	January 26, 1983 11:00 a.m.
ARTS COUNCIL[100] Policies and procedures, 2.3; Forms, ch 3 amendments IAB 1/5/83 ARC 3466	Conference Room Arts Council Office 1223 E. Court Ave. Des Moines, Iowa	January 25, 1983 10:00 a.m.
AUDITOR OF STATE[130] Leasing of personal property, ch 13 IAB 1/5/83 ARC 3491	Auditor of State Second Floor Lucas State Office Bldg. Des Moines, Iowa	January 26, 1983 1:30 p.m.
COMMERCE COMMISSION[250] Services by gas, electric, water and telephone utilities, amendments to chs 19, 20, 21 and 22 IAB 12/22/82 ARC 3457 Annual meeting of electric utilities, 23.4 IAB 1/19/83 ARC 3505	Hearing Room First Floor Lucas State Office Bldg. Des Moines, Iowa Hearing Room First Floor Lucas State Office Bldg. Des Moines, Iowa	January 26, 1983 10:00 a.m. March 3, 1983 10:00 a.m.
CONSERVATION COMMISSION[290] Land management agricultural lease program, ch 74 IAB 12/22/82 ARC 3446	Fourth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	January 19, 1983 10:00 a.m.
ENVIRONMENTAL QUALITY DEPARTMENT[400] Water quality standards, 16.3(5)"e" IAB 1/5/83 ARC 3492	City Hall 502 South 1st Guttenberg, Iowa	January 26, 1983 7:00 p.m.
HEALTH DEPARTMENT[470] Licensing of mobile home parks, ch 71 IAB 1/19/83 ARC 3517	Third Floor Conference Room Lucas State Office Bldg. Des Moines, Iowa	February 8, 1983 1:00 p.m.
PUBLIC SAFETY, DEPARTMENT OF[680] Fire marshal, oil burning equipment, 5.350 IAB 1/19/83 ARC 3516	West Half, Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	February 9, 1983 10:00 a.m.
REAL ESTATE COMMISSION[700] Fees, 1.13 IAB 1/5/83 ARC 3487	Commission Office 1223 East Court Ave. Suite 205 Des Moines, Iowa	February 18, 1983 9:00 a.m.
Earnest money, 1.27(2); broker as principal, 1.27(6) IAB 1/5/83 ARC 3488	Commission Office 1223 E. Court Ave. Suite 205 Des Moines, Iowa	February 18, 1983 9:00 a.m.
Licensees of other jurisdictions, 2.3 IAB 1/5/83 ARC 3489	Commission Office 1223 E. Court Ave. Suite 205 Des Moines, Iowa	February 18, 1983 9:00 a.m.
SOCIAL SERVICES DEPARTMENT[770] Medical assistance, amendments to chs 77, 78 and 79 IAB 1/19/83 ARC 3510 (See also IAB 1/5/83 ARC 3501)	District Office Conference Room 3619½ Douglas Des Moines, Iowa	February 11, 1983 1:30 p.m.

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Subsidized adoptions, amendments to ch 138 IAB 1/19/83 ARC 3512	Knights of Columbus Hall 232 Columbus Drive Burlington, Iowa	February 14, 1983 10:00 a.m.
	Department of Social Services Carroll District Office 611 North West Street Carroll, Iowa	February 10, 1983 9:00 a.m.
	Department of Social Services Cedar Rapids District Office Sixth Floor Conference Room 221-4th Avenue, S.E. Cedar Rapids, Iowa	February 10, 1983 1:30 p.m.
	Department of Social Services Conference Room A 12 Scott Street Council Bluffs, Iowa	February 10, 1983 9:30 a.m.
	First Federal Savings and Loan Civic Room 301 North Pine Creston, Iowa	February 10, 1983 2:00 p.m.
	Scott County Department of Social Services Fifth Floor - Bicentennial Building 428 Western Davenport, Iowa	February 14, 1983 10:00 a.m.
	Interstate Power Company Meeting Room 219 West Water Street Decorah, Iowa	February 14, 1983 1:30 p.m.
	Department of Social Services Des Moines District Office 3619½ Douglas Des Moines, Iowa	February 10, 1983 1:30 p.m.
	Department of Social Services Third Floor - Conlin Building 1473 Central Avenue Dubuque, Iowa	February 11, 1983 1:30 p.m.
	Webster County Department of Social Services 23 North Seventh Fort Dodge, Iowa	February 10, 1983 2:30 p.m.
	Marshalltown Sub-District Office Department of Social Services 206 West State Street Marshalltown, Iowa	February 16, 1983 2:00 p.m.
	Department of Social Services 1531 South Monroe Mason City, Iowa	February 9, 1983 2:30 p.m.
	Ottumwa Public Library 129 N. Court Ottumwa, Iowa	February 9, 1983 10:00 a.m.
	Department of Social Services 808 Fifth Street Sioux City, Iowa	February 10, 1983 3:00 p.m.
	Department of Social Services 4 East 21st Street Spencer, Iowa	February 9, 1983 3:00 p.m.
	Black Hawk County Department of Social Services Second Floor Conference Room KWWL Building 500 East Fourth Street Waterloo, Iowa	February 15, 1983 1:30 p.m.

TRANSPORTATION, DEPARTMENT OF[820]

Motor vehicle lighting and safety equipment, [07,E] 1.6 IAB 12/22/82 ARC 3452	Department of Transportation Complex Ames, Iowa	February 1, 1983
Interstate registration and operation of vehicles, amendments to [07,F] ch 1 IAB 12/22/82 ARC 3453	Department of Transportation Complex Ames, Iowa	February 1, 1983
Truck operators and contract carriers, [07,F] 3.3(1)"c" IAB 12/22/82 ARC 3454	Department of Transportation Complex Ames, Iowa	February 1, 1983
Interstate fuel permits and transport carrier registration, amendments to [07,F] ch 7 IAB 12/22/82 ARC 3455	Department of Transportation Complex Ames, Iowa	February 1, 1983

ARC 3508**COMMERCE COMMISSION[250]
NOTICE OF INTENDED ACTION**

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

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

The Iowa State Commerce Commission hereby gives notice, pursuant to Iowa Code section 17A.4(1), that on December 29, 1982, the Commission issued an order in Docket No. RMU-82-20, In Re: Adoption of Rules to Implement a Program for the Continuous Review of Operations of Rate-regulated Public Utilities, "Order Commencing Rulemaking."

Pursuant to the authority of Iowa Code section 476.2, the Commission intends to consider the adoption of any rules which may be necessary to implement 1981 Iowa Acts, chapter 156, section 1, which requires the Commission to adopt rules and policies to implement a program for the continuous review of operations of rate-regulated public utilities with respect to all matters that affect rates and charges for utility service.

Any interested person may file a written statement of position containing either general comments or specific proposals pertaining to the implementation of a program for the continuous review of operations of rate-regulated public utilities with respect to all matters affecting rates or charges for a utility service no later than February 18, 1983, by filing an original and six copies of the written statement of position or proposals, substantially complying with the form prescribed in Iowa Administrative Code, subrule 2.2(2).

Opportunity for oral presentation will be afforded if duly requested pursuant to Iowa Code section 17A.4(1)"b".

All communications shall clearly indicate the author's name and address as well as a specific reference to this docket and the rule upon which the comment is submitted. All communications shall be directed to the Executive Secretary, Iowa State Commerce Commission, Lucas State Office Building, Des Moines, Iowa 50319.

ARC 3509**COMMERCE COMMISSION[250]
NOTICE OF INTENDED ACTION**

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

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

The Iowa State Commerce Commission hereby gives notice that on December 22, 1982, the Commission issued

an order in Docket No. RMR-82-21, In Re: Participation In Pilot Projects, "Order Commencing Rulemaking."

Pursuant to the authority of Iowa Code chapter 476, specifically sections 476.1 and 476.8, the Commission intends to consider the adoption of rules regarding participation in pilot projects conducted by utilities pursuant to Iowa Code section 476.1, and 250 IAC subrules 19.9(4) and 20.10(9). The rules would set forth the basis for participation in the studies, including mandatory participation where necessary.

Any person interested may file written comments not later than February 18, 1983, by filing an original and six copies of such comments, substantially complying with the form prescribed in subrule 2.2(2), IAC. Such comments shall clearly indicate the author's name and address and shall contain a specific reference to this docket and the rule upon which comment is submitted. All comments shall be directed to the Executive Secretary, Iowa State Commerce Commission, Lucas State Office Building, Des Moines, Iowa 50319. This rulemaking proceeding shall be conducted pursuant to 250—chapter 3, IAC. Oral presentation in this matter may be requested as set forth in Iowa Code section 17A.4(1)"b," and rule 250—3.6(17A,474) IAC.

ITEM 1. Amend subrule **19.9(4)** by adding the following new paragraphs:

Pilot projects approved by the commission may include as participants only a part of any existing customer class or classes. Individuals may volunteer to participate in pilot projects, and may participate if the commission determines that voluntary participation is not inconsistent with the purposes of the project.

If necessary to ensure the validity or success of a pilot project, and approved by the commission, the pilot project may be made mandatory for all or part of any existing customer class or classes. In these cases, the participants shall be selected on a reasonable and nondiscriminatory basis, from all or part of those customers to whom the results of the pilot project may be applicable. If the commission determines that the validity or success of the pilot project requires a group of participants representative of a larger group, random selection may be used to determine participants. Where participation in a pilot project is mandatory, participants shall be given notice as required in Iowa Code section 476.6, shall be provided with an opportunity to contest the reasonableness of the proposed energy conservation strategy or load management technique, or the propriety of the selection process, and shall be allowed to request an exemption from participation based on individual hardship.

ITEM 2. Amend subrule **20.10(9)** by adding the following new paragraphs:

Pilot projects approved by the commission may include as participants only a part of any existing customer class or classes. Individuals may volunteer to participate in pilot projects, and may participate if the commission determines that voluntary participation is not inconsistent with the purposes of the project.

If necessary to ensure the validity or success of a pilot project, and if approved by the commission, the pilot project may be made mandatory for all or part of any existing customer class or classes. In these cases, the participants shall be selected, on a reasonable and nondiscriminatory basis, from all or part of those customers to whom the results of the pilot project may be applicable. If the commission determines that the validity or success

COMMERCE COMMISSION[250] (cont'd)

of the pilot project requires a group of participants representative of a larger group, random selection may be used to determine participants. Where participation in a pilot project is mandatory, participants shall be given prior notice and shall be provided with an opportunity to contest the reasonableness of the proposed energy conservation strategy, rate, or load management technique, or the propriety of the selection process, and shall be allowed to request an exemption from participation based on individual hardship.

ARC 3505**COMMERCE COMMISSION[250]****NOTICE OF INTENDED ACTION**

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

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

The Iowa State Commerce Commission hereby gives notice that on December 20, 1982, the commission issued an order in Docket No. RMU-82-4, In Re: Ratemaking Treatment Of Excess Electric Utility Generating Capacity, "Order Proposing Rules." This order provides further background concerning the proposed rules hereinafter set forth and should be read in full. Pursuant to the authority of Iowa Code sections 476.1, 476.2, 476.8, 476.9 and 476.16, the commission publishes notice of proposed rules to amend 250—Chapter 23, "Annual Report" of the Iowa Administrative Code, to add a requirement that each electric public utility report its anticipated demand for electricity, in Iowa and in each public utility's respective service area, and the utility's plans to meet that demand with available and projected electric power generating plants.

This proceeding was commenced by commission order on April 5, 1982, and Notice of Intended Action was published in the April 28, 1982 Iowa Administrative Bulletin as ARC 2836. This notice set forth proposed rules on ratemaking treatment of excess electric utility generating capacity fashioned in a manner consistent with recent commission precedent on the subject matter. The commission desired commenting persons to address several issues including how best to define "excess" capacity, whether excess capacity should receive different ratemaking treatment than capacity which is not excessive and, if so, how it should be treated. Written comments were filed on or about June 11, 1982, and oral presentation was held June 21, 1982. Requests to file additional written comments were granted by order of June 24, 1982, and additional written comments were filed by interested persons on or before July 21, 1982. On September 29, 1982, the commission entered its "Order Requiring Additional Information" in this docket. Interested persons, including affected public utilities, filed initial and reply written comments, and oral statements were received by the commission on November 5, 1982.

The commission has carefully reviewed and evaluated the entire administrative record, including all written comments filed and oral presentations and statements submitted in this proceeding, and finds that the proposed rules set forth in this Notice of Intended Action should be published in the Iowa Administrative Bulletin. Interested persons, including all electric public utilities, will be afforded the opportunity to submit to the commission written comments and oral presentations concerning whether the proposed rules should be adopted by the commission as final rules and, if so, what modifications to the proposed rules should be made before such adoption. The proposed rules require annual filings and an annual meeting for the purpose of considering and evaluating anticipated demand for electricity in Iowa and in each electric utility's entire service area and each utility's plans to meet that demand with available and projected electric power generating plants over selected time periods. The proposed rules provide interested persons including commission staff the opportunity to respond to these annual filings, and allow affected public utilities to answer such responses. An annual meeting is contemplated in the proposed rules for the purpose of addressing inquiries concerning these annual filings, responses and answers. Finally, the proposed rules prohibit the annual filings, responses, answers and oral presentations from being construed as satisfying or carrying any electric public utility's burden of proof in any pending or future rate, siting, or other proceeding before the commission.

The commission shall afford the opportunity for public participation in this proceeding in accordance with Iowa Code section 17A.4 and 250—Chapter 3, "Rulemaking," Iowa Administrative Code.

Written comments on the proposed rules set forth in this notice may be filed no later than February 19, 1983, and should be addressed to the Executive Secretary, Iowa State Commerce Commission, Lucas State Office Building, Fifth Floor, Des Moines, Iowa 50319. Oral presentation on the proposed rules is hereby scheduled to commence at 10:00 a.m. on March 3, 1983, in the Commission Hearing Room, Lucas State Office Building, First Floor, Des Moines, Iowa 50319.

Add new rule to Chapter 23, Annual Report.

250—23.4(476) Annual meeting of electric utilities. The commission shall convene an annual meeting of public utilities furnishing electricity and persons who have constructed or intend to construct within the next ten years an electric power generating plant, for the purpose of evaluating anticipated growth or decline in the demand for electricity in Iowa and the participants' plans to meet that demand with available and projected electric power generating plants.

23.4(1) On or before May 15 of each year, each public utility shall prepare and file with the commission a summary of information relating to anticipated public demand for electricity in Iowa and on each public utility's entire system and generating capacity available to serve the respective demands. Twenty-five copies of this summary shall be filed with the commission. When an electric utility relies on planning and forecasting by another entity, the required information may be supplied in a joint filing by the utility and the planning entity. The summary shall be compiled from reports and documents including, but not limited to, those filed with the commission, those filed with regional reliability councils comprising the National Electric Reliability Council, or

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COMMERCE COMMISSION[250] (cont'd)

those filed with other public entities. The summary shall, at a minimum, include:

a. A compilation of each public utility's projected demand for electricity in Iowa and on its entire system, separately stated, on a monthly system peak-hour basis for a two-year period and on a seasonal basis for a ten-year period, as reported to regional reliability councils.

b. A compilation of estimated system generating capability available on a monthly basis for a two-year period and on a seasonal basis for a ten-year period, as reported to regional reliability councils.

c. A description of existing generating capability available, including information concerning the type of unit, kind of fuel used by each unit, ratings and capacity of each unit, undepreciated original cost associated with plant construction, most recent calendar year costs of operation and maintenance of, and volume and quality of fuel used by, each electric generating plant.

d. A description of any known retirements and de-ratings of, and modifications or additions to, each public utility's electric generating plant or plants.

e. A compilation of all known firm and participation sales and purchases of electric power by, for or between each public utility, other Iowa utilities, and other utilities in the region.

f. A summary of all unscheduled outages reported by each public utility pursuant to commission subrule 20.2(5), paragraph "c".

g. An explanation of any methodology used to plan for necessary capacity expansion on both a short-term and long-term basis, a description of its most recent available capacity expansion plan, and an explanation of the relationship between the plan and the methodology used in development of the plan.

h. An explanation of the methodology used to project growth in demand for electric power and energy, an explanation of its most recent growth forecast, and an explanation of the relationship between historical growth rates and currently projected growth rates.

i. A statement of any major assumptions implicit in the methodology chosen for planning capacity expansion and for projecting growth and the justification for the particular value assigned to each such assumption.

j. An explanation of the extent and nature of joint planning undertaken by the public utility and other public utilities operating in Iowa, and by the public utility and other public utilities operating in the region.

k. A list of authoritative papers, books and treatises describing and discussing the reliability of the planning and forecasting methodologies used by the utility.

23.4(2) On or before June 30 of each year, each public utility and other interested persons including commission staff may file written responses to one or more of the summaries. Five copies of these written responses shall be filed with the commission and one copy shall be served by the commenting entity upon the affected public utility. Each public utility shall file five copies of a written answer to each response and shall serve one copy upon the responding persons on or before July 20.

23.4(3) The summaries, written responses and answers thereto are public records and shall be available for examination and copying pursuant to Iowa Code chapter 68A.

23.4(4) The commission will schedule the annual meeting referenced in rule 23.4(476) no earlier than thirty days after the filing of the answers to written

responses provided for in subrule 23.4(2), and shall provide at least ten days' notice thereof. Each public utility shall provide a qualified representative to appear at the meeting to answer inquiries of the commission or its staff. The annual meeting will be open to the public.

23.4(5) Nothing filed or orally presented pursuant to this rule by any public utility or interested person, and no action taken by the commission as a result thereof, shall in any manner or to any degree be construed as having satisfied or carried any public utility's burden of proof in any pending or future rate, siting or other proceeding before the commission.

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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)"6", Iowa 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 Iowa Code section 135D.16, the Iowa State Department of Health hereby gives Notice of Intended Action to rescind Chapter 71, "Rules Governing Licensing of Mobile Home Parks", IAC and adopts a new Chapter 71 in lieu thereof.

The rule changes are for purposes of clarification and updating. There are numerous definitional additions, clarification of construction and reconstruction, changes in dates for licensing application submission, and expands reporting requirements. Further rules allow nonresidential parks located in wilderness areas to be located in flood plain areas. Also, addresses changes in roadways, water supply, sewage systems, gas and fuel systems, refuse disposal, electrical systems and variances.

Any interested person may make written comments on these proposed rules prior to February 8, 1983. Comments should be addressed to Mark Wheeler, Hearing Officer, Iowa State Department of Health, 3rd floor, Lucas State Office Building, Des Moines, Iowa 50319.

A public hearing on the proposed rules will be held on February 8, 1983, 3rd floor conference room, Lucas State Office Building, at 1:00 p.m.

These rules are intended to implement Iowa Code section 135D.16.

The following new rules are proposed:

CHAPTER 71

LICENSING OF MOBILE HOME PARKS

470—71.1(135D) Applicability. Except as otherwise specifically provided, these rules apply to any person, firm or corporation, who establishes, maintains, conducts or operates a mobile home park within the state.

470—71.2(135D) Scope. These rules stipulate procedures and requirements relating to health and safety conditions within mobile home parks, including the following areas:

HEALTH DEPARTMENT[470] (cont'd)

1. Construction and expansion, plan review, and issuance of construction permits;
2. Operation, inspection, and annual licensing.

470—71.3(135D) Definitions.

71.3(1) "Abandoned or junked vehicle" means any vehicle that lacks current registration plates and is inoperable.

71.3(2) "Accessory building" means any structure which is appurtenant to a mobile home such as a utility shed, carport, garage, community building, elevated deck, roofed patio or roofed porch.

71.3(3) "Community building" means a structure housing toilet, bathing, laundry or other facilities for a mobile home park.

71.3(4) "Delegated authority" means local health officer, other city officer or board of health, designated by the department to inspect and regulate mobile home parks in accordance with Iowa Code section 135D.20.

71.3(5) "Department" means the state department of health.

71.3(6) "Dependent mobile home space" means a mobile home space which does not have both individual sewer connection and water connections, but may have either an individual sewer connection or water connection.

71.3(7) "Engineering plans" means plans certified by an engineer registered in accordance with the requirements of Iowa Code chapter 114, Professional Engineers and Land Surveyors.

71.3(8) "Flood plain" means any area of a community or locality which the federal insurance administration has delineated as falling, wholly, or partly within flood hazard boundaries and zones, or any other areas determined by responsible state or federal agencies to be subject to periodic flooding.

71.3(9) "Independent mobile home space" means a mobile home space which has both individual water and sewer connections.

71.3(10) "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.

71.3(11) "Mobile home park" means any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such a mobile home park.

The term "mobile home park" shall not be construed to include mobile homes, buildings, or tents, or other structures temporarily maintained by an individual educational institution, or company on their own premises and used exclusively to house their own labor or students.

71.3(12) "Mobile home space" is a plot of ground within a mobile home park designated for the accommodation of one mobile home.

71.3(13) "New installations" means mobile home parks or additions thereto, which are proposed for construction after the effective date of these rules.

71.3(14) "Nonpublic water supply" means a system for the provision of water for human consumption which has less than fifteen service connections and serves less than twenty-five people or has less than fifteen service

connections and serves more than twenty-five people for less than sixty days a year.

71.3(15) "Public water supply" means a system for the provision of piped water for human consumption, which has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year. Such a system would include the collection (including wells), treatment, storage, or distribution facilities.

71.3(16) "Recreational mobile home park" either means a seasonal mobile home park or other mobile home park in which the length of stay is limited to not more than fourteen consecutive days.

71.3(17) "Refuse" means any solid waste including garbage, rubbish, trash, debris or nonfunctioning equipment such as junked vehicles.

71.3(18) "Residential mobile home park" means a mobile home park designed, established and maintained for year-round residency by mobile homes.

71.3(19) "Seasonal mobile home park" means a mobile home park designed, established and maintained for residency by mobile homes only during the time period from May 1 to October 1.

71.3(20) "Sewage disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of sewage from a mobile home park.

a. Public systems service 1,500 or more gallons per day or serve eight or more mobile home spaces, and

b. Nonpublic systems serve less than 1,500 gallons/day or serve less than eight mobile home spaces.

71.3(21) "Wilderness area" means a tract of land which features a primitive setting and is not located within a city or industrial area.

470—71.4(135D) Construction permit.

71.4(1) A permit issued by the Iowa state department of health is required prior to constructing all new installations or reconstructing existing facilities and shall be obtained by submission of the form "Application for a Permit to Construct, Reconstruct, or Remodel and First Annual License for a Mobile Home or Recreational Park", and other information required under 71.4(2), 71.4(3) and 71.4(4).

71.4(2) Engineering plans and specifications for proposed new construction of, or alterations to, the water supply system, sewage system, community building, drainage and swimming pools are required, and are to be attached to the application for a permit. In addition a complete description of the park layout, roadways and refuse disposal must be included with the application.

71.4(3) Engineering plans and specifications for public sewage treatment systems and public water supplies must be submitted to the department of environmental quality for review and approval.

71.4(4) Plans and specifications for "nonpublic" sewer systems and "nonpublic" water supplies and for any waste water collection systems and the water distribution systems within a mobile home park must be submitted to the department for review and approval.

71.4(5) An approved construction permit will become invalid if construction is not initiated within two years and completed within six years after construction is initiated.

a. Notification of completion of construction must be made to the department or delegated authority within thirty days after completion.

HEALTH DEPARTMENT[470] (cont'd)

b. Any proposed changes to the engineering plans and specifications after a permit has been issued must be approved by the department before the work is initiated.

71.4(6) In cases where the department or a delegated authority notifies the prospective licensee that construction inspections will be conducted, no new or reconstructed water or sewage disposal system may be so constructed or obscured so as to prevent or inhibit a thorough inspection.

470—71.5(135D) Annual license.

71.5(1) Each mobile home park within the state is required to have a current annual license to operate.

71.5(2) The first annual license application is to be made on the form "Application for a Permit to Construct, Reconstruct, or Remodel and First Annual License for a Mobile Home Park". Each subsequent annual license application is to be made on the form "Application for a Renewal of License to Operate a Mobile Home Park".

71.5(3) Each application for an annual license must be accompanied by an appropriate fee as prescribed under Iowa Code sections 135D.5 and 135D.15.

71.5(4) Each annual license renewal application for a residential mobile home park must be submitted to the department on or before the first of October prior to the licensing year. Each annual license renewal application for a seasonal mobile home park must be submitted to the department on or before April 1 of the licensing year.

71.5(5) Each application for a construction permit or an annual license renewal for a park located within a municipality must be submitted to the local board of health who will then forward it to the department.

a. A member of the local board of health or delegated authority and city clerk will sign the forwarded application in those cases where they can confirm that applicable local codes are being complied with. A member of the county board of health or delegated authority will sign the application if the park is located in any area outside a city.

b. It is the applicant's responsibility to obtain all required signatures.

71.5(6) The issuance of a license or permit by the department does not relieve the applicant from securing all applicable permits in municipalities having such codes or from responsibility for complying with all local, state, or federal codes applicable thereto.

470—71.6(135D) Supervision/management.

71.6(1) Each mobile home park is required to have personnel who are responsible for managing the park. These individuals must be identified to the department by the park owner in writing and authorized to arrange for emergency repairs and services and for taking other actions as may be necessary to comply with state and local requirements.

71.6(2) Any person, firm, or corporation licensed to establish, maintain, conduct or operate a mobile home park is required to notify the department in writing within seven days after selling, transferring, or otherwise disposing of their interest in or control of the mobile home park. This notice must include the name and address of the person, firm, or corporation obtaining ownership or control of the park.

71.6(3) A permanent register of all tenants of the mobile home park must be maintained.

a. This register is to be made available on the premises on request and open to the inspection of a representa-

tive of the department, delegated authority or local board of health, at any reasonable time.

b. This register will contain a record of the number of mobile home units harbored, the owners' names and year and make of units.

c. Monthly reports listing arrivals and departures must be made to the county treasurer.

71.6(4) The mobile home park license is to be posted in the park office or in an otherwise conspicuous location.

71.6(5) The licensee is responsible for supervision of the park and to implement the provisions of Iowa Code chapter 562B, Landlord Tenants Act, for the removal of any person from the park who willfully or maliciously creates an unsanitary condition or does not adhere strictly to these rules.

The mobile home park is to provide sanitation, health and safety rules and instructions to all campers as needed to protect the residents of the park.

470—71.7(135D) Park site.

71.7(1) Mobile home park sites must be well drained and not located in a flood plain. Nonresidential mobile home parks located in wilderness areas are not prohibited from being located in a flood plain.

71.7(2) All sites must be free from topographical or geological hazards.

71.7(3) Sites may not be located in or adjacent to swamps, marshes, or other breeding places of insects, rats, and mice.

71.7(4) Whenever practicable, storm drainage should be provided in such a manner so as not to endanger any water supply or surface water course.

470—71.8(135D) Roadways.

71.8(1) Roadways must be maintained in a safe, unobstructed condition at all times.

a. Roadways in new installations must be at least twenty-four feet wide if no parking is permitted and so posted.

b. Twenty-six feet wide if parking is only permitted on one side and so posted.

c. Thirty-one feet wide with parking on both sides.

71.8(2) Mobile home parks constructed prior to June 17, 1980, and those located in wilderness areas are required to have roads of sufficient width to permit passage of emergency vehicles in lieu of the stipulations of "a", "b" and "c".

470—71.9(135D) Spacing.

71.9(1) The number of mobile homes permitted in the park must not exceed the number of spaces which can be serviced by the sanitary facilities in the park, and for which a license was issued.

71.9(2) Each mobile home space is to be clearly numbered. Each mobile home must:

a. Abut to a roadway; and

b. Have clear, unobstructed access to a public roadway.

71.9(3) Existing mobile home spaces which are located in parks that have been in continuous operation since prior to September 1, 1956, must be at least eight feet larger than the mobile home in both the lateral and longitudinal directions. New mobile home spaces added to these parks must meet the mobile home spacing criteria of 71.9(4).

71.9(4) Mobile home parks constructed and operated after September 1, 1956, including new installations, must conform to the following mobile home spacing criteria:

HEALTH DEPARTMENT [470] (cont'd)

A mobile home is not to be located closer than:

- a. 15 feet from the side of another mobile home.
- b. 10 feet from the end of another mobile home.
- c. 10 feet from an accessory shed or building (except that an accessory shed or building may abut the owner's mobile home) and must be located or constructed in such a manner as to not preclude egress from any doorway of the mobile home.
- d. 10 feet from a public roadway.
- e. 5 feet from boundary of the mobile home park.

470—71.10(135D) Water supply.

71.10(1) A continuous supply of safe potable water under at least twenty pounds pressure, P.S.I. (pounds per square inch), must be provided for each mobile home park.

a. Where a municipal water supply having adequate capacity is available abutting the property, such water supply is to be used.

b. In mobile home parks where a municipal supply is not available, a private system must be designed, constructed, and maintained in accordance with 470—chapter 45 for nonpublic systems (after February 28, 1981) and with 400—chapter 22 for public systems.

c. Engineering plans and specifications for new construction or reconstruction or alterations must be submitted as specified in 71.4(2).

d. Design and operation of public water supply systems are to be consistent with the water supply standards of the Iowa department of environmental quality. All other water systems are to conform with standards of the department.

71.10(2) All sources of potential contamination must be situated at a reasonable safe distance from drinking water wells.

a. Minimum distances between all wells and named sources of pollutions will be as outlined in Table I for wells constructed after June 1, 1980, and in Table VI (71.22(1)) for wells constructed before June 1, 1980.

b. Separation distances from other sources of contamination not identified on Table I or VI will be determined by the department or delegated authority.

TABLE I**MINIMUM LATERAL DISTANCES FROM DRINKING WATER WELLS***

Sources of Contamination	Minimum Lateral Distance
Solid waste disposal site	200 feet
Lagoons or waste treatment facilities	400 feet
Cesspools (receiving raw sewage) (not approvable)	150 feet
Preparation or storage area for spray materials, commercial fertilizers or chemicals	150 feet
Drainage or improperly abandoned wells	100 feet
Soil absorption field, pit privy or similar disposal unit	100 feet
Confined feeding operations	200 feet
Septic tank, concrete vault privy, sewer of tightly joined tile or equivalent material, sewer-connected foundation drain, or sewer, under pressure	50 feet
Ditches, streams or lakes	25 feet
Sewer of cast iron with leaded or mechanical joints, independent clear water drains, or cisterns	10 feet
Well pump house floor drain draining to ground surface	5 feet

* NOTE: For public water supplies, Iowa department of environmental quality requirements shall be complied with.

71.10(3) The water system distribution mains and laterals must meet the following criteria:

a. Pipes and fittings will be composed of brass, copper, cast iron, open hearth iron, wrought iron, steel, or plastic.

b. The plastic pipe fittings for the park water main and laterals will conform to the following minimum requirements:

- (1) Polyethylene (PE) ASTM D2239—74;
- (2) Polyvinyl Chloride (PVC) ASTM D2241—76;
- (3) Acrylonitrile-Butadiene-Styrene (ABS) ASTM D2282—73a;
- (4) Have a pressure rating of at least one hundred twenty-five pounds per square inch;
- (5) Be marked to indicate the approval by the National Sanitation Foundation Testing Laboratory (NSF); and
- (6) Be installed in accordance with the manufacturer's instructions.

71.10(4) In new installations, the water distribution lines shall be separated horizontally from sanitary sewers by at least ten feet of undisturbed or compacted earth, except as specified below.

a. When water and sewer lines cross, the water line must be at least twelve inches above the top of the sewer line throughout a distance of ten feet horizontally, and no joints are to be made in the water line within this distance of ten feet.

b. Water and sewer lines may be laid in the same trench providing:

(1) The bottom of the water line is laid at all points at least twelve inches above the top of the sewer line at its highest point;

(2) The water line is laid on a solid shelf excavated at one side of the common trench or on a solidly tamped backfill;

(3) The joints in the water line are kept at a minimum;

(4) The sewer is constructed of cast iron with leaded or mechanical joints or approved plastic, and shown to be watertight by test. In cases where cast iron or plastic is not suitable sewer material, other durable and corrosion-resistant material may be used provided it meets state plumbing code requirements.

71.10(5) The size of water distribution mains will be as specified in Table II in new installations and as specified in Table VII (71.22(2)) for those constructed prior to the effective date of these rules.

TABLE II

MINIMUM PIPE SIZE (INCHES)	MINIMUM SIZE OF WATER PIPE	
	RESIDENTIAL MOBILE HOME SPACES SERVED	RECREATIONAL MOBILE HOME SPACES SERVED
1	2 — 5	2 — 10
1¼	6 — 11	11 — 20
1½	11 — 14	21 — 28
2	15 — 50	29 — 100
2½	51 — 100	101 — 200
3	101 — 150	201 — 300
4	151 — 300	301 — 600

71.10(6) In installations constructed after June 1, 1980, the minimum size water pipe from the park mains to each mobile home space will be three-fourths inch, (one-half inch for installations prior to June 1, 1980) and the space water risers will be separated from the sewer risers by more than five feet.

71.10(7) Fire protection requirements for water supply will be as required by the state or local authority having specific jurisdiction for the protection.

HEALTH DEPARTMENT[470] (cont'd)

71.10(8) It is required that each mobile home space water riser and connection:

- a. Terminate at least four inches above established grade,
- b. Be provided with a control valve,
- c. Be capped or otherwise protected when not in use,
- d. Be provided with a watertight connection for attachment to the mobile home water line,
- e. Be protected against freezing if the park is operated throughout the year, and
- f. A curb stop valve must be installed preceding each individual space water riser outlet in all residential mobile home parks.

71.10(9) The water supply system must be so installed as to eliminate all potential sources of contamination.

a. Prior to installation water pipes should not be stored where they will come in contact with sewage or other contamination.

b. During installation disturbed soil is to be compacted, and the grade is to be sloped away from water risers.

c. Means must be provided to prevent backflow of contaminated water from appliances, fixtures, drains, and sewers.

d. No water system may be connected to a nonpotable or questionable water supply.

e. Backflow preventers must be placed on all freezeless hydrants or faucets supplying potable water to mobile home spaces. Control valves on the "stop and waste" type are prohibited for installation after June 1, 1980. Requirements for "stop and waste" valves installed before June 1, 1980, are described in 71.22(3).

f. All hydrants serving sanitary dump stations must be equipped with a backflow prevention device and posted as nonpotable water.

g. Suction water lines are to be protected from all sources of contamination.

h. All water systems must be disinfected after installation and prior to use.

71.10(10) Water sample analysis.

a. The water supplied to mobile home sites is to be demonstrated to be of satisfactory quality by means of sampling and laboratory analysis prior to initial use or after any repairs are made to the system.

b. The potability of water from each system is to be periodically shown to be of satisfactory quality by means of an annual inspection and laboratory analysis of water samples.

c. All residents must be notified of a water supply found to be unsafe due to bacterial, chemical or other contamination. In cases where the water supply has been determined to contain more than 45 mg/l of nitrate the residents must be advised that the water may not be used for infant feeding. This is to be accomplished by the park owner or operator in writing to all tenants and through conspicuous placarding and posting throughout the park.

71.10(11) Disinfection and treatment equipment, if employed, must be approved by the department or the Iowa department of environmental quality.

470—71.11(135D) Sewage system.

71.11(1) An adequate facility is to be provided and maintained for the collection and treatment of sewage from all mobile homes, community buildings, and other facilities. Cesspools are prohibited for all mobile home park sewage systems constructed, reconstructed or altered after September 1, 1956.

a. Disposal of sewage and other water-carried wastes shall be into a public sewer system where a public sewer system is available and abutting the property.

b. Where a public sewer is not available, a sewage disposal system designed, constructed and maintained according to the Iowa department of environmental quality requirements for public sewage systems or according to the requirements of the department for nonpublic systems (470—Chapter 12) must be provided.

c. The connection between the mobile home drain and park sewer is to be made with a leak-proof connector of durable, corrosion-resistant material attached at the inlet and outlet end with a water and gas-tight joint.

d. Each sewer outlet must be tightly capped when not in use.

e. No discharge of sewage or any other type of waste water from any mobile home or building will be permitted onto the ground surface.

f. Means must be provided to prevent sewage odors from escaping out of any sewer connection or outlet.

g. Cleanouts shall be provided at each second change in direction or at intervals of one hundred feet. Manholes may be substituted in lieu of cleanouts.

71.11(2) In new installations, each space sewer lateral is to be connected to the park sewer main in the following manner:

a. Through the use of an approved "Y" fitting,

b. It must connect below the frost line, and

c. It must extend vertically to not less than three nor more than six inches above established grade.

d. Individual risers can not be less than three inches in diameter.

71.11(3) In new installations the materials used in constructing sewer mains, laterals, sewer risers, long-sweep quarter bends, and the connecting lengths of lateral to each space are limited to the following:

a. Cast iron with leaded, threaded, or screwed joints;

b. Galvanized steel with screwed or threaded fittings;

c. Plastic pipe and fittings marked to show conformance with ASTM designation D2661—74a (ABS), or ASTM D2665—74 (PVC), and installed according to the manufacturer's specifications.

d. Plastic pipe marked to show conformance with ASTM 3033—75, 3034—74, and SDR 35 or heavier when installed in accordance with ASTM D2321—74, entitled *Underground Installation of Flexible Thermoplastic Sewer Pipe*.

e. Vitrified clay pipe in conformance with ASTM C700—78.

71.11(4) The minimum size and slope of sewer installations constructed after September 1, 1956, exclusive of laterals serving individual mobile home spaces, will be determined in accordance with Table III. For sewer installations constructed before September 1, 1956, these criteria are stipulated in Table VIII (71.22(4)).

TABLE III.

MINIMUM SIZE AND SLOPE OF SEWER

Sewer Diameter (Inches)	Mobile Homes Connected (Number)		Slope per 100 feet (Inches)
	Residential	Recreational	
4	2 — 15	2 — 30	15
6	16 — 60	31 — 120	8
8	61 — 100	121 — 200	5

HEALTH DEPARTMENT[470] (cont'd)

71.11(5) Minimum sanitary facilities for dependent recreational vehicle spaces must be provided as outlined in Table IV in all cases where no community building is to be constructed.

TABLE IV

MINIMUM FACILITIES FOR DEPENDENT SPACES

No. of Dependent Parking Spaces	Toilets	
	Men	Women
1 — 15	1	1
16 — 30	1	2
31 — 45	2	2
46 — 60	2	3
61 — 100	4	4

For parking areas having more than one hundred recreational vehicle spaces one additional toilet will be provided for each sex per each additional fifty recreational vehicles.

a. Urinals may be substituted for not more than one-third of the water closet fixtures for men.

b. In the case of mobile home parks located in wilderness areas one toilet per one hundred persons may be permitted if the park use is restricted to self-contained mobile homes with sanitary facilities.

470—71.12(135D) Gas and fuel systems. The gas and fuel systems shall be installed and operated so as not to create a hazard.

71.12(1) All gas and fuel distribution systems to the mobile homes must comply with local codes or with the provisions of the National Fire Protection Association outlined in NFPA 501A—1977 of the National Electrical Code.

71.12(2) Obvious hazards, such as unsecured gas bottles, unprotected gas connections, are to be eliminated and upgraded to meet the local codes and NFPA 501A.

470—71.13(135D) Electrical system. The electrical system shall be installed and operated so as not to create a hazard.

71.13(1) Obvious hazards, such as poor connections, exposed or unprotected wiring, are to be eliminated.

71.13(2) Except for mobile home parks located in wilderness areas, lighting shall be provided for all streets, walkways, buildings, and other facilities subject to nighttime use.

a. Illumination is to be provided in accordance with local requirements; or

b. Where no local requirements exist, an average illumination level of 0.1 foot-candle will be maintained on all streets; and

c. Potentially hazardous locations such as street intersections and steps or ramps are to be individually illuminated with a minimum level of 0.3 foot-candle.

470—71.14(135D) Community buildings.

71.14(1) Community buildings are not required, but if one is provided and there are dependent spaces in a mobile home park, a minimum number of water closets and lavatories as outlined in Table V is required.

TABLE V

SANITARY FACILITY REQUIREMENTS
FOR COMMUNITY BUILDINGS

Number of Dependent Spaces	MEN Water		WOMEN Water	
	Closet	Lavatory	Closet	Lavatory
1 — 15	1	1	1	1
16 — 30	2	2	2	2
31 — 45	3	3	3	3
46 — 60	4	4	4	4
61 — 75	5	5	5	5
76 — 90	6	6	6	6
91 — 105	7	7	7	7
106 — 120	8	8	8	8
121 — 135	9	9	9	9
136 — 150	10	10	10	10
151 — 165	11	11	11	11
166 — 180	12	12	12	12
181 — 195	13	13	13	13
196 — 210	14	14	14	14
211 — 225	15	15	15	15

Parks having more than two hundred twenty-five dependent spaces will be required to provide one additional water closet and lavatory or shower for each sex for each additional fifteen dependent spaces. Urinals may be substituted for not more than one-third of the water closet fixtures for men.

71.14(2) Each community building shall be located, constructed and operated in a safe and sanitary manner.

71.14(3) Community buildings must meet the requirements of the state plumbing code, 470 Title III of the Iowa Administrative Code (implementing Iowa Code chapter 135) and criteria established in Iowa Code chapters 103A and 104A, which include accessibility to physically handicapped and new energy requirements.

71.14(4) The interior of each community building, including all fixtures and equipment therein, must be properly installed and maintained in good repair in a sanitary condition at all times.

a. All plumbing fixtures are to be clean and maintained in a sanitary manner.

b. Suitable covered receptacles are to be provided for the disposal of all waste paper and similar material. This material must not be permitted to accumulate outside the containers.

c. All floors are to be swept and scrubbed at intervals sufficient to maintain a clean and sanitary condition.

d. Insect and rodent harborages within the community building are prohibited.

e. All combustion fired appliances must be properly vented to the outside.

f. Provision of common drinking cups, soaps, and towels in the community building is prohibited.

g. A general illumination level of at least five foot-candles is to be maintained.

h. A continuous supply of hot and cold running water under at least twenty pounds pressure P.S.I. (pounds per square inch) must be available in the community building.

71.14(5) All openings to community buildings must be effectively protected against the entrance of insects

HEALTH DEPARTMENT[470] (cont'd)

and rodents. All doors, windows, and other openings are to be protected with tight-fitting screens, not less than sixteen-mesh to the inch, which is free of breaks.

71.14(6) Each room housing a toilet or laundry facility must be provided with at least one window or vent to the outside atmosphere.

a. If a window is provided, it must have a total area of ten percent of the room's floor area and be openable to at least forty-five percent of its area.

b. If mechanical ventilation is provided, it must be capable of making at least two air changes per hour.

c. Each water closet must be in a separate compartment, with all partitions constructed of washable materials, and all partition supports extending to the floor constructed of impervious materials.

71.14(7) Laundry facilities provided must be separated by full partitions or walls from the toilet rooms.

71.14(8) Shower facilities are to be provided with separate compartments for showering and dressing areas.

a. The floor of the shower must be waterproof and slope towards the drain.

b. A curbing must be provided, separating the shower and dressing compartments.

c. Mats, grids, and walkways made of wood, cloth, or other absorbent materials are prohibited for use in bath sections of community buildings.

470—71.15(135D) Swimming pools.

71.15(1) Any swimming pools, wading pools or bath houses used in connection with pools must be constructed and operated in a safe and sanitary manner.

71.15(2) The design and operation of swimming pools is to be according to the department's criteria entitled "The Policies Governing Design, Construction, Maintenance and Operation of Swimming Pools", 470—Chapter 15.

71.15(3) In new installations engineering plans and specifications must be submitted to the department as specified in rule 71.4(135D).

470—71.16(135D) Refuse disposal.

71.16(1) The proper storage, collection and disposal of refuse is the responsibility of the park owner or operator. Refuse disposal and the control of the growth of grass, bushes and noxious plants shall be accomplished in a manner to avoid creation of health hazards such as a rodent harborage, insect breeding areas or public health nuisance conditions.

71.16(2) The park owner is responsible to assure that sufficient containers are available to provide storage space for all garbage produced between collections. All garbage and refuse must be stored in fly-tight, water-tight and rodent-proof containers having tight-fitting lids. Each container must be maintained in good condition at all times. A plastic bag is not acceptable as a container and may only be used as a liner in a durable and otherwise satisfactory container.

a. Garbage must be collected from the containers at least once a week.

b. It is to be transported to an approved disposal site in a covered vehicle.

c. Incineration may be utilized for disposal of refuse providing the method complies with the rules relating to air pollution control promulgated by the department of environmental quality.

71.16(3) The park premises shall be kept free of any refuse, plant overgrowth, or noxious weeds at all times.

71.16(4) Abandoned or junked vehicles may not be stored or accumulated within a park.

470—71.17(135D) Safety requirements.

71.17(1) Application of pesticides must comply with current rules and guidelines of the Iowa department of agriculture.

a. Pesticides must be stored in a safe location, not accessible to children.

b. Storage of pesticides in well houses or frost pits is prohibited.

71.17(2) Recreational fires must be supervised and only be permitted in designated safe areas. Open burning is otherwise prohibited within the boundary of a park unless it is conducted in an approved incinerator.

71.17(3) Storage of flammable material and fuel or fuel containers is not allowed beneath the mobile homes. Flammable material such as hay or straw may not be used for skirting or insulation of mobile homes.

71.17(4) Any garbage dumpsters utilized are required to be of the "child-safe" type and must be so designated by the manufacturer.

470—71.18(135D) Miscellaneous rules.

71.18(1) The parks rules must prohibit residents from permitting their pet animals to run at large and to create any health or safety hazard within a mobile home park.

71.18(2) In new installations when skirting is provided around a mobile home, an access panel is to be provided for inspection and maintenance of service connection. In existing installations, the park owner must assure accessibility through any skirting as requested by the inspecting officer.

470—71.19(135D) Variances.

71.19(1) Variances to these rules may be granted by the department provided sufficient information is afforded to substantiate the need and propriety for the action.

71.19(2) Requests for variances are to be in writing and filed with the delegated authority or local health department prior to being forwarded to the department.

71.19(3) The granting or denial of a variance will take into consideration, but not be limited to the following criteria:

a. Substantially equal protection of health and safety will be afforded by a means other than that prescribed in the particular rule, or

b. The degree of violation of the rule is sufficiently small so as not to pose a significant risk of injury to any individual and the remedies necessary to alleviate this minor violation would incur substantial and unreasonable expense on the part of the person seeking a variance.

71.19(4) All variances will be issued in writing by the department including the reasoning for denial or granting of the requested variance.

71.19(5) All variances will be forwarded to the delegated authority for delivery to the requester.

71.19(6) Copies of all the decisions will be filed in the department.

470—71.20(135D) Enforcement. Upon determination by the agency or delegated authority that Iowa Code chapter 135D, or the rules adopted pursuant to the Iowa Code have been violated, the agency or delegated authority will take the following steps:

HEALTH DEPARTMENT[470] (cont'd)

71.20(1) Send a letter of notification to the noncomplaint facility as soon as possible after violations are noted which include the following information:

- a. Cites each section of the Iowa Code or rules violated.
- b. Specifies the manner in which the owner or operator failed to comply.
- c. Specifies the steps required for correcting the violation.
- d. Requests a timely and comprehensive corrective action plan, including a time schedule for completion of the plan.

71.20(2) Stipulate a firm time schedule of thirty to sixty days within which a corrective action plan needs to be submitted and approve the time schedule for its completion if the plan is adequate.

71.20(3) In cases where the mobile home park fails to comply with the conditions of the notice letter send a second regulatory letter advising appropriate persons that unless action is taken within five days the case will be turned over to the county attorney for court action.

71.20(4) In cases where voluntary action by the mobile home park is not forthcoming and court action is the only available avenue, such action will be taken in accordance with 135D.17 including civil action to remove or abate the violation in addition to penalty under 135D.18.

470—71.21(135D) Penalties.

71.21(1) It is unlawful for any person, firm or corporation to establish, maintain, conduct or operate a mobile home park in this state without first obtaining an annual license for that purpose from the department in accordance with Iowa Code chapter 135D.

71.21(2) Any license granted under the authority of Iowa Code chapter 135D, is subject to revocation or suspension by a court of proper authority and jurisdiction in any case where Iowa Code chapter 135D, or these rules continue to be violated after due and proper notice has been given in accordance with 71.20(135D).

71.21(3) Any person violating any provision of Iowa Code chapter 135D, or these rules shall be guilty of a simple misdemeanor.

470—71.22(135D) Existing parks. The following provisions apply to parks (and additions thereto) which were constructed prior to the effective date of these rules.

71.22(1) Minimum distance between wells and sources of pollution. For parks or additions to parks established between September 1, 1956, and June 1, 1980, the minimum distances are as follows:

TABLE VI

MINIMUM DISTANCE BETWEEN WELLS AND SOURCES OF POLLUTION

Source of Pollution	Distance In Feet
Cesspool	100
Filter bed, soil absorption field, seepage (leaching) pit, earth pit privy, or similar disposal unit	75
Sewer or tightly jointed tile or its equivalent, septic tank, sewer connected foundation drain, impervious concrete vault privy, or barnyard	50
Cast iron sewer with leaded or mechanical joints, independent clear water drain or cistern	10
Cast iron sewer with leaded joints and encased in 6 inches of concrete	5
Pump house floor drain of cast iron pipe with leaded joints and draining to ground surface	2

71.22(2) Size of water pipe. For parks or spaces constructed on or after September 1, 1956, and before June 1, 1980, the minimum water line sizes are specified in Table VII.

TABLE VII

SIZE OF WATER PIPE

Pipe Size (Inches)	Mobile Homes Served
1	2 - 10
1 - 1/2	11 - 20
1 - 1/2	21 - 35
2	36 - 50
2 - 1/2	51 - 100
3	101 - 150
4	151 - 300

71.22(3) Stop and waste control valves.

a. For mobile home spaces constructed before September 1, 1956, stop and waste control valves are permitted without restriction.

b. For mobile home spaces constructed on or after September 1, 1956, and before June 1, 1980, stop and waste control valves are permitted, provided that a horizontal distance of ten feet from any part of the sewer system is maintained or if an approved system of watertight piping from the weep holes of the valve is installed to drain to a lower, protected level.

71.22(4) Minimum size and slope of sewer.

a. There are no minimum specifications for sewer mains installed in mobile home parks before September 1, 1956.

b. Sewer mains installed in mobile home parks on or after September 1, 1956, and before June 1, 1980, will meet the requirements of Table VIII.

TABLE VIII

MINIMUM SIZE AND SLOPE OF SEWER

Sewer Diameter (Inches)	Mobile Homes Connected (Number)	Slope Per 100 Feet (Inches)
4	2 - 50	15
6	51 - 100	8
8	101 - 400	5

ARC 3513

INSURANCE DEPARTMENT[510]

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 Iowa Code §17A.4(1)*6.

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 Iowa Code sections 258A.4(1)*1, 512A.2, and 521A.8, the Iowa Department of Insurance hereby gives Notice of Intended Action to amend Chapter 8, "Benevolent Associations," Chapter 9, "Reporting Requirements on Licensees," Chapter 45, "Insurance Holding Company Systems."

These rules would remove the limitation upon the total assessments of a member of a benevolent association by

INSURANCE DEPARTMENT[510] (cont'd)

the association. Presently, the total assessments may not exceed the maximum benefits payable to the member by the association. This change is needed because benevolent associations do not create reserves to meet payment of benefits to their members and therefore cannot be subject to an artificial limit on the total assessments of a member and yet remain financially sound.

These rules also remove the reference to shareholders in the department's rules relating to insurance holding company systems, inasmuch as after 1982 Iowa Acts, chapter 1051, sections 4 and 5, Iowa Code section 521A.3(4) no longer makes the impact on the shareholders of a domestic insurance company a criterion for departmental review of an acquisition of such a company. Federal Court decisions have held state insurance holding company laws to be pre-empted by federal securities statutes to the extent that the state laws regulated the fairness of tender offers made to shareholders of insurance companies; review must now be confined to protection of the policyholders of such companies.

Editorial changes in the rules relating to reporting requirements on licensees are made.

Any interested party may make written suggestions or comments on the proposed rules no later than February 9, 1983. Such written materials should be directed to the Commissioner of Insurance, Lucas State Office Building, Des Moines, Iowa 50319. Persons who wish to make oral comments should contact the Insurance Department (515) 281-5705.

This rule is intended to implement Iowa Code sections 258A.4(1)"i", 512A.2, and 521A.8.

The following amendments proposed are:

ITEM 1. Subrule 8.4(2) is deleted.

ITEM 2. In chapter 9 (67GA, ch 95), whenever reference is made to 1977 Iowa Acts, chapter 95, substitute Iowa Code chapter 258A.

ITEM 3. Rule 510—45.1(521A) is amended to read as follows:

510—45.1(521A) Purpose. The purpose of these rules is to set forth rules and procedural requirements which the commissioner deems necessary to carry out the provisions of Iowa Code chapter 521A, of the Code. The information called for by these rules is hereby declared to be necessary and appropriate in the public interest and for the protection of policyholders and shareholders in this state.

This rule is intended to implement Iowa Code sections 258A.4(1)"j", 512A.2, and 521A.8.

gives Notice of Intended Action to add Chapter 19, "Prearranged Funeral Plans."

1982 Iowa Acts, chapter 1249 requires sellers of funeral services or funeral merchandise depositing funds with financial institutions pursuant to funeral trust agreements to give certain notices relating to the funds to the appropriate county officials. The Department is obligated to specify by rule the forms for these notices and this rule does so.

Any interested party may file a written statement of position on the proposed rule no later than February 9, 1983. Such written statement should be directed to the Commissioner of Insurance, Lucas State Office Building, Des Moines, Iowa 50319.

This rule is intended to implement 1982 Iowa Acts, chapter 1249, section 1.

The following new chapter is proposed:

CHAPTER 19
PREARRANGED FUNERAL PLANS

510—19.1(69GA, ch 1249) Forms. The following forms may be utilized by sellers of funeral services or funeral merchandise and by financial institutions in complying with 1982 Iowa Acts, chapter 1249, relating to sales of prearranged funeral plans:

FORM 1E-1

REPORT BY SELLER OF FUNERAL SERVICES OR
FUNERAL MERCHANDISE TO COUNTY RECORDER

To the County Recorder of _____ County:

Pursuant to 1982 Iowa Acts, Chapter 1249, you are hereby notified of the following information relative to funeral trust agreements entered into by the seller of funeral services or funeral merchandise set forth below in the previous calendar year:

Financial Institution holding Trust Funds	Name on Trust Agreement	Date Trust Funds Received	Amount of Trust Funds Received
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ARC 3514

**INSURANCE DEPARTMENT[510]
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 Iowa Code §17A.4(1)"b".

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 1982 Iowa Acts, chapter 1249, section 1, the Iowa Insurance Department hereby

Officer or Employee

Seller of Funeral Services or
Funeral Merchandise

Address

Date

INSURANCE DEPARTMENT[510] (cont'd)

FORM 1E-2

REPORT BY FINANCIAL INSTITUTION TO COUNTY RECORDER

ARC 3516

PUBLIC SAFETY DEPARTMENT[680]

NOTICE OF INTENDED ACTION

To the County Recorder of _____ County:

Pursuant to 1982 Iowa Acts, Chapter 1249, you are hereby notified of the following information relative to funeral trust fund deposits with the financial institution set forth below in the previous calendar year:

Table with 4 columns: Name of Seller of Funeral Services or Funeral Merchandise, Name on Trust Agreement, Date Trust Funds Deposited, Amount of Trust Funds Deposited. Includes fields for Officer or Employee, Financial Institution, Address, and Date.

FORM 1E-3

REPORT BY SELLER OF FUNERAL SERVICES OR FUNERAL MERCHANDISE TO COUNTY ATTORNEY

To the County Attorney of _____ County:

Pursuant to 1982 Iowa Acts, Chapter 1249, as County Attorney, you or your designee is hereby authorized by the undersigned to investigate, audit, and verify all funds, accounts, safety deposit boxes, and other evidence of trust funds held by or in the financial institutions pursuant to the following funeral trust agreements:

Table with 3 columns: Financial Institution holding Trust Funds, Name on Trust Agreement, Date Trust Agreement filed with County Recorder. Includes fields for Officer, Seller of Funeral Services or Funeral Merchandise, Address, and Date.

Subscribed and sworn to before me this _____ day of _____, 19__.

Notary Public

County and State

This rule is intended to implement 1982 Iowa Acts, chapter 1249.

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 Iowa Code §17A.4(1)"b".

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 Iowa Code chapter 101, the Iowa Department of Public Safety, State Fire Marshal Division, hereby gives Notice of Intended Action to amend Chapter 5 "Fire Marshal", Iowa Administrative Code.

Iowa Code section 101.2, stipulates that rules shall be in keeping with the latest generally recognized safety criteria for the materials covered of which the applicable criteria recommended and published from time to time by the National Fire Protection Association shall be prima-facie evidence.

The present rules of the department regarding oil burning equipment are in conflict with National Fire Protection Association Committee action which created new standards in the fall of 1982. These amendments to the current rules are to bring the department's rules into compliance with new National Fire Protection Association Standards.

Any interested person may make written suggestions or comments on these proposed rules prior to February 9, 1983. Such written material should be directed to the State Fire Marshal, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the State Fire Marshal at 515-281-5822 or in the State Fire Marshal's Office on the 2nd floor of the Wallace State Office Building. There will be a public hearing on Wednesday, February 9, 1983, at 10:00 a.m. in the west half of the 3rd floor conference room of the Wallace State Office Building. Persons may present their views at this public hearing either orally or in writing.

Persons who wish to make oral presentation at this public hearing should contact the State Fire Marshal at least one day prior to the date of the public hearing.

This rule is intended to implement Iowa Code chapter 101.

The following amendments are proposed:

ITEM 1. Rule 680-5.350(101) shall be amended as follows:

680-5.350(101) Rules generally. "The Standard for the Installation of Oil Burning Equipment" No. 31, 1978 edition of the National Fire Protection Association with the exception of section 1-10.1, together with its reference to other specific standards referred to and contained within the volumes of the National Fire Code 1982 edition of the National Fire Protection Association published in 1982 shall be the rules governing oil burners burning equipment in the state of Iowa.

ITEM 2. The following new subrules shall be added: 5.350(1) Grade of fuel oil. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the manufacturer. For use of oil fuels

PUBLIC SAFETY DEPARTMENT[680] (cont'd)

other than those approved and stipulated by the manufacturer see section 1-2.3 of "The Standard for the Installation of Oil Burning Equipment", No. 31, 1978 edition of the National Fire Protection Association.

Exception: When acceptable to the authority having jurisdiction, burners designed to burn crankcase oil may be used in commercial or industrial occupancies. Such burners shall be listed for use with crankcase oils and shall be installed in accordance with the manufacturer's instructions and the terms of their listing.

5.350(2) Crankcase oil. When storing, handling, or burning crankcase oils which may have flash points below 100°F (Class I liquids as defined in NFPA 321 Basis Classification of Flammable and Combustible Liquids) or which may be heated above their flash points, attention must be given to electrical installations in areas where flammable vapors or gases may be present in the atmosphere. Typical locations are burner fuel handling equipment areas, fuel storage areas, pits, sumps, and low spots where fuel leakage or vapors may accumulate. Article 500 of the National Electrical Code (NFPA 70) provides for classifying such areas and define requirements for electrical installations in the areas so classified.

5.350(3) Crankcase oil properties may vary considerably, and light volatile materials may be released during storage, handling, or upon heating. Because of this characteristic appropriate and adequate provisions shall be made to safely handle, store and burn crankcase oil. It is desirable that flexibility be built into the facility to accommodate the expected range of properties. Failure to observe the necessary design, installation and operating and maintenance procedures can result in fire, explosion, or personal injury.

5.350(4) When a supply tank is used, provisions shall be made to prevent stratification of fuel in the tank.

5.350(5) Adequate ventilation is essential in areas where oil leakage may occur, as at pumps, heaters, strainers and burners, or where maintenance may be performed. Confined fuel handling areas and burner sites shall be adequately ventilated, and forced air ventilation used where necessary. Provisions to safely dispose of spills in these areas are necessary.

5.350(6) Installation shall conform to National Fire Protection Association 70, 1981 edition, National Electrical Code and National Fire Protection Association 30, 1981 edition, Flammable and Combustible Liquids Code.

ARC 3510**SOCIAL SERVICES
DEPARTMENT[770]****AMENDED NOTICE OF INTENDED ACTION**

The Notice of Intended Action published in the January 5, 1983 IAB as ARC 3501 under the authority of Iowa Code section 249A.4 proposing amendments to rules relating to medical assistance (chapters 77, 78, and 79) is amended by adding notice of oral presentations. The proposed rules change the method by which recipients will receive eyeglasses from an optometrist or optician. Eyeglasses will be ordered by an optometrist or optician

from one laboratory which will provide the glasses at a set price.

Oral presentations may be made by appearing at the following meeting. Written testimony will also be accepted at that time.

Des Moines - February 11, 1983 at 1:30 p.m.
Department of Social Services
Des Moines District Office Conference Room
3619 Douglas
Des Moines, Iowa 50306

ARC 3511**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 Iowa Code §17A.4(1)"b".

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 Iowa Code section 249A.4 the Department of Social Services proposes amending rules appearing in the IAC relating to intermediate care facilities (chapter 81) and intermediate care facilities for the mentally retarded (chapter 82). These rules establish a better and more flexible method of computing allowable rental costs for long term care facilities and long term care facilities for the mentally retarded.

Current rules with a limitation of \$800 per bed per year, in many cases, is not realistic when compared with actual costs and does not have the flexibility required to meet swings in property value.

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 February 11, 1983.

These rules are intended to implement Iowa Code sections 249A.2, 249A.3, and 249A.12.

ITEM 1. Subrule 81.6(11), paragraph "m", is rescinded and the following inserted in lieu thereof:

m. When the operator of a participating facility rents from a nonrelated party, the amount of rent or lease expense allowable on the cost report shall be based on either of the following methods at the discretion of the operator:

(1) Rent or lease expense shall not exceed the appraisal value determined by the department approved appraiser. Interest cost will be determined from appraisal value at the current prime rate. Real property depreciation shall be based on a thirty-year life. Personal property depreciation shall be based on a ten-year life. Once rent or lease expense is determined, this determination will remain in effect for the term of the lease.

(2) Rent or lease expense will be the cost of the facility amortized over its expected useful life plus the other

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

owner's expenses and a reasonable rate of return but not to exceed actual rent payments.

When the operator of a participating facility rents or leases the building from a related party, the amount of rent or lease expense allowable on the cost report shall be no more than the amortized cost of the facility plus the other owner's expenses.

Whenever the owner's costs are used as the basis for allowable rental costs, the owner must be willing to provide documentation of these costs.

ITEM 2. Subrule 82.5(11), paragraph "j", is rescinded and the following inserted in lieu thereof:

j. When the operator of a participating facility rents from a nonrelated party, the amount of rent or lease expense allowable on the cost report shall be based on either of the following methods at the discretion of the operator:

(1) Rent or lease expense shall not exceed the appraisal value determined by the department approved appraiser. Interest cost will be determined from appraisal value at the current prime rate. Real property depreciation shall be based on a thirty-year life. Personal property depreciation shall be based on a ten-year life. Once rent or lease expense is determined, this determination will remain in effect for the term of the lease.

(2) Rent or lease expense will be the cost of the facility amortized over its expected useful life plus the other owner's expenses and a reasonable rate of return but not to exceed actual rent payments.

When the operator of a participating facility rents or leases the building from a related party, the amount of rent or lease expense allowable on the cost report shall be no more than the amortized cost of the facility plus the other owner's expenses.

Whenever the owner's costs are used as the basis for allowable rental costs, the owner must be willing to provide documentation of these costs.

ARC 3512

**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 Iowa Code §17A.4(1)"b".

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 Iowa Code section 600.22 the Department of Social Services proposes amending rules appearing in the IAC relating to subsidized adoptions (Chapter 138).

These rules update the rules of the subsidized adoption program to meet the Federal Law PL 96-272 and to clarify the eligibility criteria and method of determining subsidies. Current rules were published five years ago and are too general.

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 February 11, 1983.

Oral presentations may be made by appearing at one of the following meetings. Written comments will also be accepted at that time.

Burlington - February 14, 1983 10:00 a.m.
Knights of Columbus Hall
232 Columbus Drive
Burlington, Iowa 52601

Carroll - February 10, 1983 9:00 a.m.
Department of Social Services
Carroll District Office
611 North West Street
Carroll, Iowa 51401

Cedar Rapids - February 10, 1983 1:30 p.m.
Department of Social Services
Cedar Rapids District Office
6th Floor Conference Room
221-4th Avenue, S.E.
Cedar Rapids, Iowa 52401

Council Bluffs - February 10, 1983 9:30 a.m.
Department of Social Services
Conference Room A
12 Scott Street
Council Bluffs, Iowa 51501

Creston - February 10, 1983 2:00 p.m.
First Federal Savings and Loan - Civic Room
301 North Pine
Creston, Iowa 50801

Davenport - February 14, 1983 10:00 a.m.
Scott County Department of Social Services
5th Floor - Bicentennial Building
428 Western
Davenport, Iowa 52801

Decorah - February 14, 1983 1:30 p.m.
Interstate Power Company Meeting Room
219 West Water Street
Decorah, Iowa 52101

Des Moines - February 10, 1983 1:30 p.m.
Department of Social Services
Des Moines District Office
3619½ Douglas
Des Moines, Iowa 50306

Dubuque - February 11, 1983 1:30 p.m.
Department of Social Services
3rd Floor - Conlin Building
1473 Central Avenue
Dubuque, Iowa 52001

Fort Dodge - February 10, 1983 2:30 p.m.
Webster County Department of Social Services
23 North Seventh
Fort Dodge, Iowa 50501

Marshalltown - February 16, 1983 2:00 p.m.
Marshalltown Sub-District Office
Department of Social Services
206 West State Street
Marshalltown, Iowa 50158

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

Mason City - February 9, 1983 2:30 p.m.
Department of Social Services
1531 South Monroe
Mason City, Iowa 50401

Ottumwa - February 9, 1983 10:00 a.m.
Ottumwa Public Library
129 N. Court
Ottumwa, Iowa 52501

Sioux City - February 10, 1983 3:00 p.m.
Department of Social Services
808 Fifth Street
Sioux City, Iowa 51101

Spencer - February 9, 1983 3:00 p.m.
Department of Social Services
4 East 21st Street
Spencer, Iowa 51301

Waterloo - February 15, 1983 1:30 p.m.
Second Floor Conference Room
Black Hawk County Department of Social Services
KWWL Building
500 East Fourth Street
Waterloo, Iowa 50703

These rules are intended to implement Iowa Code sections 600.17 to 600.21.

Rules 770—138.2(600) to 770—138.5(600) are rescinded and the following inserted in lieu thereof and rule 770—138.6(600) renumbered as 770—138.9(600).

770—138.2(600) Definitions.

138.2(1) "Child" means the same as defined in Iowa Code section 234.1.

138.2(2) "Maintenance subsidy" means a monthly payment to cover the cost of room, board, clothing, and spending money for a child.

138.2(3) "Special services subsidy" means reimbursement for medical, dental, therapeutic, educational, or other similar service or appliance required by a child due to a handicapping condition.

138.2(4) "Mental retardation professional" means the same as defined in rules of the health department 64.1(2).

138.2(5) "Mental health professional" means the same as defined in the department's subrule 33.1(4).

770—138.3(600) Conditions of eligibility.

138.3(1) The child is eligible for subsidy if he or she is hard to place for adoption for one of the following reasons:

a. The child has a medically diagnosed disability which substantially limits one or more major life activities, requires frequent professional treatment, assistance in self-care, or the purchase of special equipment.

b. The child has been determined to be mentally retarded by a qualified mental retardation professional.

c. The child has been determined to be at high risk of being mentally retarded by a qualified mental health or mental retardation professional or physically disabled by a physician. However, until a determination has been made that the child is mentally retarded or physically disabled, only a special services subsidy can be provided.

d. The child has been diagnosed by a qualified mental health professional to have a psychiatric condition which impairs the child's mental, intellectual, or social functioning, and for which the child receives professional services.

e. The child has been diagnosed by a qualified mental health professional to have a behavioral disorder char-

acterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the child's age or significantly interferes with the child's intellectual, social and personal adjustment.

f. The child is age eight or over.

g. The child is a member of a minority race or ethnic group, not Caucasian, or whose biological parents are of different races.

h. The child is a member of a sibling group of three or more who are placed in the same adoptive home, or a sibling group of two if one of the children is hard to place due to one of the above reasons.

138.3(2) Subsidies for children who were determined to be eligible prior to the effective date of this rule shall continue unless one of the conditions for termination defined in 770—138.7(600) is present.

138.3(3) The determination of whether a child meets eligibility requirements is made by the Iowa department of social services.

770—138.4(600) Application. Application for the subsidy may be made on form SS-6102-6 (Application for Adoption Subsidy) at any time in the adoptive process prior to the filing of the petition to adopt.

138.4(1) The prospective adoptive family who has been studied and approved for adoptive placement by the department, a child-placing agency licensed by the department, a certified adoption investigator, or, for a family residing outside of the state of Iowa, a governmental child-placing agency or a licensed child-placing agency in that state, may apply for subsidy for an eligible Iowa child.

138.4(2) Withdrawal of the application for the subsidy shall be reported to the department as soon as this information is available.

138.4(3) The effective date for new subsidy agreements will be the date the final adoption or interlocutory decree was granted. The agreement shall state the amount of subsidy, frequency and duration of payments.

770—138.5(600) Determination of amount of subsidy.

138.5(1) The amount of subsidy shall be determined through an agreement between the department and the adoptive parents, based upon the needs of the child and the financial circumstances of the family.

138.5(2) Other services available to the family free of charge to meet the needs of the child, such as other federal, state, and local governmental and private assistance programs, and the family's insurance, shall be explored and used prior to the expenditure of state funds for subsidy.

138.5(3) Income scales to determine the amount of a maintenance subsidy shall be compiled by the department based on the 1981 United States Labor Department's cost of living standards, with adjustment made according to the change in the consumer price index.

138.5(4) All earned and unearned income of the prospective adoptive parents shall be verified and considered in determining the amount of subsidy. Earned income shall be verified by inspecting the latest federal income tax return. When the income tax return differs substantially from current income, verification of current income shall be required.

138.5(5) If a child is a full- or part-time student, the child's earned income shall not be considered. If the child is not in school, the child's earnings shall be considered in determining the amount of subsidy. The child's unearned

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

income shall be used to reduce the amount of subsidy.

138.5(6) A maintenance subsidy may be no less than ten dollars per month.

138.5(7) A review of eligibility for and amount of subsidy shall be completed annually.

138.5(8) Subsidy shall continue under the same rules if the adoptive family moves outside of the state of Iowa.

770—138.6(600) Types of subsidy.

138.6(1) Special services only. Reimbursement is provided to the adoptive family, or direct payment made to a provider, for medical, dental, therapeutic, educational or other service required by the child's handicapping condition for children defined in 138.3(1)"a", "b", "c", "d", or "e".

a. The need for special services shall be established through a report from the agency having guardianship of the child, plus substantiating information from specialists providing the services.

b. Attorney fees for adoptive services may be considered a special service.

138.6(2) Maintenance only. A monthly allotment for room, board, clothing, spending money, may be provided, as determined under 770—138.5(600).

138.6(3) Maintenance and special services. Along with a maintenance subsidy, payment of ordinary medical and dental care may be provided for children defined in 138.3(1)"f", "g", or "h", as agreed upon by the family and the department. For handicapped children defined in 138.3(1)"a" to "e", a special services subsidy will be included when a maintenance subsidy is provided.

770—138.7(600) Termination of subsidy. Subsidy will terminate when any of the following occur:

138.7(1) The adoptive child becomes an adult.

138.7(2) The child is married.

138.7(3) The child no longer resides in the home, unless special services for which the adoptive parents are responsible and for which no other resource is available, continue to be needed while the child is receiving inpatient treatment or is institutionalized.

138.7(4) Death of the child.

138.7(5) Changes in the circumstances of the family so that financial assistance in caring for the child is no longer needed.

138.7(6) The child no longer needs special services, when subsidy was for special services only.

137.7(7) Adoptive parents refuse to co-operate in verifying income.

770—138.8(600) Reinstatement of subsidy. Reinstatement of subsidy will be made when the subsidy was terminated for reasons in 138.7(3), 138.7(5), or 138.7(6), and a subsequent change in the family's circumstances results in the need for financial assistance.

These rules are intended to implement Iowa Code section 600.22.

ARC 3506

PUBLIC SAFETY
DEPARTMENT[680]

Pursuant to the authority of 1982 Iowa Acts, chapter 1258, sections 5 to 16, the Iowa Department of Public Safety emergency adopts rules creating a new Chapter 17 "Crime Victim Reparation" to establish the administration of the crime victim reparation program and the procedure for filing of claims pursuant to the program.

Notice of Intended Action was published in IAB, November 24, 1982 as ARC 3390. A public hearing was scheduled on December 15, 1982, however there were no appearances at this hearing and no written comments were received.

The department finds, pursuant to Iowa Code section 17A.5(2)"b"(2) that the normal effective date of this rule thirty-five days after publication should be waived and the rule be made effective upon filing with the Administrative Rules Coordinator on December 30, 1982, as it confers a benefit upon the public to ensure speedy and uniform compliance with the department's legislative mandate.

Changes from the rules published under Notice of Intended Action, pursuant to recommendations from the Administrative Rules Review Committee and the Administrative Rules Coordinator are as follows:

680—17.10(69GA, ch 1258) was rescinded and "eligible claimant" is now defined in 17.3(1).

17.3(12) was amended to add the language "or miscarriage resulting from the crime".

680—17.11(69GA, ch 1258) was renumbered as 17.10 (69GA, ch 1258) and 17.10(1)"e" was added which reads,

e. Conduct as arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat or aircraft except when the intention is to cause personal injury or death.

680—17.5(69GA, ch 1258) the last paragraph was deleted from the rule, and moved to 17.10(5) as a disqualification.

680—17.12(69GA, ch 1258) was renumbered as 17.11 (69GA, ch 1258).

680—17.13(69GA, ch 1258) was renumbered as 17.12 (69GA, ch 1258).

680—17.14(69GA, ch 1258) was rescinded.

680—17.15(69GA, ch 1258) was renumbered as 17.13 (69GA, ch 1258) and amended to read as follows, "Reparation shall be awarded when the commissioner is satisfied that all requirements for reparation have been met."

17.5(1) was incorporated into 17.15(69GA, ch 1258).

680—17.16(69GA, ch 1258) was renumbered as 17.14 (69GA, ch 1258).

680—17.17(69GA, ch 1258) was renumbered as 17.15 (69GA, ch 1258) and the second paragraph was amended to read as follows:

"The recipient of an erroneous payment or overpayment not induced by fraud shall be liable for repayment of such payment only if notified within one year of the date reparation is made.

These rules are intended to implement 1982 Iowa Acts, chapter 1258, sections 5 to 16.

The following new chapter is adopted:

CHAPTER 17
CRIME VICTIM REPARATION

680—17.1 (69GA, ch1258) Victim reparation intent. The intent of the Iowa general assembly in passing the crime victim reparation statute was to provide a program for compensating and assisting innocent victims of violent criminal acts who suffered bodily injury or death as a consequence, and encouraging greater public co-operation and successful apprehension and prosecution of criminal offenders.

680—17.2 (69GA, ch1258) Administration of victim reparation program. The administrative services division administers the crime victim reparations statute and all questions, comments, requests for information, or applications for reparation shall be directed to the administrative services division. Requests should be addressed to: Crime Victim Reparation Unit, Administrative Services Division, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319, phone (515) 281-5044.

680—17.3 (69GA, ch1258) Definitions.

17.3(1) "Eligible claimant" includes the following individuals who are eligible to file a claim against the crime victim reparation program:

- a. A victim of a crime.
- b. A person responsible for the maintenance of a victim.
- c. A dependent of a victim who has died because of criminally injurious conduct.
- d. The guardian(s) of the dependent(s) of the victim.
- e. A legal representative authorized to act on behalf of any of the persons listed above.

17.3(2) "Crime" means conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony, an aggravated misdemeanor, or a serious misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. "Crime" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except when the intention is to cause personal injury or death.

17.3(3) "Dependent" means a person wholly or partially dependent upon a victim for care or support and includes a child of the victim born after the victim's death.

17.3(4) "Good faith effort" means an action taken not recklessly or with undue disregard for personal safety.

17.3(5) "Income" means net income which is your income less normal deductions for federal withholding tax, state withholding tax, FICA taxes, and contributions to retirement systems.

17.3(6) "Reasonable charges" means charges ordinarily charged by the provider of the service to the general public for services of a similar nature.

17.3(7) "Reparation" means reimbursement for economic losses incurred as a direct result of injury to or death of the victim, not to exceed \$2,000.00 per victim.

17.3(8) "Victim" means a person who suffers personal injury or death as a result of any of the following:

- a. Crime.

PUBLIC SAFETY DEPARTMENT[680] (cont'd)

b. Good faith effort of a person attempting to prevent the crime.

c. The good faith effort of a person to apprehend a person suspected of committing a crime.

17.3(9) "Family member" means the spouse, child, step-child, parent, stepparent, brother, stepbrother, sister or stepsister of the victim, or the parent or stepparent of the victim's spouse or a brother, stepbrother, sister or stepsister of the victim's spouse.

17.3(10) "Guardian" shall mean a person who is entitled by law or legal appointment to care for and manage the person or property, or both, of a child or incompetent.

17.3(11) "Incompetent" shall mean a person who is incapable of managing his own affairs, as determined by the department or by a court of competent jurisdiction.

17.3(12) "Personal injury" shall mean bodily harm or extreme mental suffering, and shall include pregnancy of the victim or miscarriage resulting from the crime.

17.3(13) "Pecuniary loss" shall mean the amount of medical or medical related expense, which may include psychological or psychiatric expenses, and shall include, but not be limited to, eyeglasses, hearing aids, dentures, or any prosthetic devices which were taken, lost, or destroyed during the crime. Pecuniary loss shall also include the amount of medical or medical related expense which may include psychological or psychiatric expenses incurred by any person whose treatment or presence during treatment of the victim is medically required for the successful treatment of the victim. Pecuniary loss shall also include the loss of income that the victim has incurred as a direct result of the injury to the extent that the victim has not been or will not be indemnified from any other source. Pecuniary loss also includes nonmedical remedial care and treatment rendered in accordance with a religious method of healing.

680—17.4 (69GA, ch 1258) Claimant information. One who wishes to file a claim for reparations may contact the administrative services division at the above address and request applicant information. The information that will be provided will contain a copy of the relevant Iowa Code sections, the Iowa Administrative Code, the forms necessary for filing a claim, and the instructions for completing said forms.

680—17.5 (69GA, ch 1258) Application for reparation. The department will consider an application for reparation upon receipt by the department of completed and notarized application form signed by the claimant. An application will consist of form #CVR-1 (Application for reparation by a victim of a crime, dependent, or legal representative of a victim of a crime).

680—17.6 (69GA, ch 1258) Qualifications for reparations. In order to qualify for reparations:

17.6(1) The victim must have sustained a personal injury as a result of a crime committed on or after January 1, 1983.

17.6(2) The crime must have been reported to the local police department or county sheriff's office within twenty-four hours of the occurrence of the crime, or within twenty-four hours of the time the report can be reasonably made.

17.6(3) The victim must co-operate with the appropriate law enforcement agencies in the investigation or prosecution of the crime.

17.6(4) The victim or claimant must co-operate with the department of public safety in the administration of the crime victim reparation program.

17.6(5) The claimant must file a completed application form within the time limit spelled out in subrule 17.10(5).

680—17.7 (69GA, ch 1258) Burden of proof. The burden of proof shall be upon the claimant to prove that the victim was an innocent victim of a violent crime and that the victim co-operated in the apprehension and prosecution or attempts to apprehend and prosecute the perpetrator of the crime.

17.7(1) The final burden of proof of the authenticity and eligibility of a claim, or any part of a claim, rests with the claimant. When an award cannot be made based upon insufficient verification of the law enforcement agency, medical providers, or employer, the claimant shall be given written notice of the particular deficiencies of verification.

17.7(2) Information relating to wages, income and all other sources of revenue as well as questions of dependency must be corroborated by supporting documents such as W-2 forms, income tax returns and any other evidence considered relevant by the department.

17.7(3) The claimant may provide as evidence any statement, document, information or matter that the claimant feels is relevant and of a nature as to afford a fair review of the claim.

17.7(4) Information requested by the department shall be supplied by the claimant. If the claimant does not comply within a reasonable period of time, the claim shall be denied in whole or in part as appropriate.

680—17.8 (69GA, ch 1258) Forms. These rules require the use of the following forms which are available from the department of public safety.

17.8(1) Form CVR-1. Application for reparation.

17.8(2) Form CVR-2. Law enforcement incident report. This form is to be used by a law enforcement agency to report information concerning the crime incident to the crime victim reparation unit of the department.

17.8(3) Form CVR-3. Employment verification form. This form is to be used by the victim's employer to verify information concerning the victim's income.

17.8(4) Form CVR-4. Verification of services. This form is to be used by the service providers of various services to the victim to notify the department of the total cost of the services provided and any reimbursements or payments from other sources.

17.8(5) Form CVR-5. Insurance carriers verification form. This form is to be used by insurance carriers to verify information on the application concerning coverages and reimbursements for expenses incurred in connection with the crime incident.

680—17.9 (69GA, ch 1258) Reduction of reparations. Reparations payable under these rules will be reduced by the following items:

Any payment received, or to be received, as a result of the injury or death:

From or on behalf of the person who committed the crime.

From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.

From public funds.

As an emergency payment as a result of undue hardship.

By any amounts paid directly to a medical provider for medical examination ordered by the commissioner.

PUBLIC SAFETY DEPARTMENT[680] (cont'd)

680—17.10 (69GA, ch 1258) Disqualifications. Reparations are subject to disqualification as follows:

17.10(1) When the bodily injury or death for which a benefit is sought was caused by any of the following:

- a. Consent, provocation, or incitement by the victim.
- b. An act committed by a person living in the same household with the victim, unless a criminal conviction for the act is obtained.
- c. An act committed by a person who is at the time of the criminal act, a family member, unless a criminal conviction for the act is obtained.
- d. The victim assisting, attempting or committing a criminal act.
- e. Conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat or aircraft except when the intention is to cause personal injury or death.

17.10(2) If the victim has not co-operated with the appropriate law enforcement agency in the investigation or prosecution of the crime.

17.10(3) If the victim or claimant, or both, have not co-operated with the department in the administration of the crime victim reparation program.

17.10(4) To a dependent, when a victim has already received the maximum reparation allowable through the provisions of these rules.

17.10(5) A claim for reparations shall not be considered valid unless received by the victim reparations unit of the department within 180 days of the date of the crime or within 120 days of the date of the death of the victim.

680—17.11 (69GA, ch 1258) Medical examination. The commissioner may require that the victim undergo a medical examination by a physician selected by the department. If reparations are made, the victim shall be responsible for the cost of the medical examination. The department shall be responsible for the cost of the medical examination if the reparation is not made to the victim unless the cost of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization. The results of any medical examination ordered by the commissioner shall be made available to the department.

680—17.12 (69GA, ch 1258) Emergency award of reparation. The commissioner may order an emergency award of reparation to the claimant prior to taking action on an application and pending a final decision when it appears the claim is one for which reparation is probable and undue hardship will result to the claimant if immediate payment is not made. The claimant may request in the application that consideration be given for an advance award and provide justification for the award. A decision denying an emergency award shall not be appealable.

17.12(1) The amount of an emergency award shall not exceed five hundred dollars. Any emergency award shall be deducted from the final reparation made to the claimant. If the final award amount is less than the amount of the emergency award, the claimant must repay the excess to the department.

17.12(2) No emergency awards will be made in any situation where the crime was committed by someone who is living in the same household with the victim or was a family member of the victim, unless a conviction for the crime has been obtained.

680—17.13 (69GA, ch 1258) Award of reparation. Reparations shall be awarded when the commissioner is satisfied that all requirements for reparations have been met. Losses compensated under these rules include:

1. In case of personal injury:
Pecuniary loss.
Reasonable replacement value of clothing that is held for evidentiary purposes not to exceed \$100.00.
2. In case of death:
Pecuniary loss incurred prior to death.
Reasonable funeral and burial expenses not to exceed \$1,000.00.
3. Compensable losses do not include:
Pain and suffering.
Property loss or damage.
Aggregate damages to the victim and to the dependents of the victim exceeding \$2,000.00.

680—17.14 (69GA, ch 1258) Release of information. Information filed with the department on form CVR-1 is a public record.

All other information received by the department for the administration of these rules, shall be public record unless deemed confidential pursuant to Iowa Code chapter 68A, or some other provision of law.

680—17.15 (69GA, ch 1258) Erroneous or fraudulent payments. The recipient shall be liable for repayment of any payment or overpayment induced by fraud by, or on behalf of the recipient.

The recipient of an erroneous payment or overpayment not induced by fraud shall be liable for repayment of such payment only if notified within one year of the date reparation is made.

[Filed emergency after notice 12/30/82, effective 12/30/82]
[Published 1/19/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/19/83.

ARC 3515**AGRICULTURE DEPARTMENT[30]**

Pursuant to the authority of Iowa Code sections 159.5(11), 189.2(2) and 199.11(1)"b", the Iowa Department of Agriculture adopts amendments to Chapter 5, "Agricultural Seeds", Iowa Administrative Code.

The Sixty-ninth General Assembly substantially revised the Iowa Agricultural Seeds law, Iowa Code chapter 199. These rules are adopted to fulfill the mandate and accomplish the legislative intent of 1982 Iowa Acts, chapter 1191. These rules were formulated in conjunction with the Seed Advisory Council. This group includes members of the industry and representatives of Iowa State University, Iowa Seed Dealers Association, Iowa Farm Bureau and Iowa Crop Improvement Association.

Notice of Intended Action was published in the IAB November 24, 1982, as ARC 3392. A public hearing was held on December 17, 1982, on the proposed rules. No adverse comments were received. However, in a meeting with the Administrative Rules Review Committee on November 30, 1982, it was recommended that one paragraph pertaining to definitions (Breeder seed), i.e., 5.6(1) paragraph "a" be deleted. This was done and the remaining paragraphs were relettered.

These rules are intended to implement Iowa Code chapter 199, as amended by 1982 Iowa Acts, chapter 1191 (Senate File 2221).

These rules will become effective on February 23, 1983.

Chapter 5, "Agricultural Seeds", is amended by striking it in its entirety and inserting in lieu thereof the following:

CHAPTER 5**AGRICULTURAL SEEDS**

30—5.1(199) Agricultural seeds. The term "agricultural seeds" shall mean, in addition to those defined as such in Iowa Code subsection 199.1(2), all such seeds listed in 7 C.F.R., section 201.2(h), revised as of January 1, 1982, with the following exceptions:

- Alfilaria-Erodium cicutarium (L)
- Bluegrass, annual-Poa annua L.
- Chess, soft-Bromus mollis L.
- Hemp-Cannabis sativa L.
- Johnson grass-Sorghum halepense (L)
- Mustard-Brassica juncea (L)
- Mustard-black-Brassica nigra
- Rape, bird-Brassica campestris L.
- Rape, turnip-Brassica campestris vars.
- Sorghum alnum-Sorghum alnum

30—5.2(199) Seed testing. The terms used in seed testing and the methods of sampling, inspecting, analyzing, testing and examining agricultural and vegetable seeds and the tolerances to be followed in the administration of this Act shall be those adopted by the Association of Official Seed Analysts, **RULES FOR TESTING SEEDS**, Vol. 6, Number 2 (1981).

30—5.3(199) Labeling. Agricultural and vegetable seeds in package or wrapped form shall be labeled in accordance with Iowa Code section 189.9(1). In addition,

labeling requirements appearing in Title 7, C.F.R., Subchapter K, Part 201, sections 201.8 through and including 201.36(c), revised as of January 1, 1982, are hereby adopted by this reference and shall be the labeling requirements for agricultural and vegetable seeds in Iowa.

30—5.4 and 5.5 Reserved.

30—5.6(199) Classes and sources of certified seed.

5.6(1) Terms defined.

a. Foundation seed is a class of certified seed which is the progeny of breeder or foundation seed handled to maintain specific genetic purity and identity. Production must be acceptable to the certifying agency.

b. Registered seed is a class of certified seed which is the progeny of breeder or foundation seed handled under procedures acceptable to the certifying agency to maintain satisfactory genetic purity and identity.

c. Certified seed is a class of certified seed which is the progeny of breeder, foundation or registered seed so handled as to maintain satisfactory genetic purity and identity and which has been acceptable to the certifying agency.

d. "Inbred line" means a relatively true-breeding strain resulting from at least five successive generations of controlled self-fertilization or of backcrossing to a recurrent parent with selection, or its equivalent, for specific characteristics.

5.6(2) Reserved.

30—5.7(199) Labeling of seeds with secondary noxious weeds. In addition to the labeling requirements for all agricultural seeds, such seeds containing secondary noxious weeds shall contain on their labels, the following information:

The name and approximate number of each kind of secondary noxious weed seed per pound in groups 1, 2, 3 and 4 below, when present singly or collectively in excess of:

1. Eighty seeds or bulblets per pound of *Agrostis* species, *Poa* species, Bermuda grass, timothy, orchard grass, fescues (except meadow fescue), alsike and white clover, reed canary grass and other agricultural seeds of similar size and weight or mixtures with this group.

2. Forty-eight seeds or bulblets per pound of rye grass, meadow fescue, foxtail millet, alfalfa, red clover, sweet clover, lespedeza, smooth brome, crimson clover, *Brassica* species, flax, *Agropyron* species and other agricultural seeds of similar size and weight or mixtures within this group or of this group with 1.

3. Sixteen seeds or bulblets per pound of proso, Sudan grass and other agricultural seeds of similar size and weight or mixtures not specified in 1, 2 or 4.

4. Five seeds or bulblets per pound of wheat, oats, rye, barley, buckwheat, sorghum (except Sudan grass), vetches, soybeans and other agricultural seeds of a size and weight similar to or greater than those within this group.

All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations under this chapter.

AGRICULTURE DEPARTMENT[30] (cont'd)

30—5.8(199) Germination standards for vegetable seeds. The following standards for the germination of vegetable seeds are hereby adopted:

	Percent		Percent
Artichoke	60	Beet	65
Asparagus	70	Broadbean	75
Asparagus bean	75	Broccoli	75
Bean, garden	70	Brussels sprouts	70
Bean, lima	70	Cabbage	75
Bean, runner	75	Leek	60
Cantaloupe (See muskmelon)		Lettuce	80
Cardoon	60	Muskmelon	75
Carrot	55	Mustard, India	75
Cauliflower	75	Mustard, spinach	75
Celery	55	Okra	50
Celery	55	Onion	70
Chard, Swiss	65	Onion, Welsh	70
Chicory	65	Pak-choi	75
Chinese cabbage	75	Parsley	60
Chives	50	Parsnip	60
Collards	80	Pea	80
Corn, sweet	75	Pepper	55
Cornsalad	70	Pumpkin	75
Cowpea	75	Radish	75
Cress, garden	75	Rhubarb	60
Cress, upland	60	Rutabaga	75
Cress, water	40	Salsify	75
Cucumber	80	Soybean	75
Eggplant	60	Spinach New Zealand	40
Endive	70	Spinach	60
Kale	75	Squash	75
Kohlrabi	75	Tomato	50
Tomato, husk	50	Turnip	80
Watermelon	70		

30—5.9(199) White sweet clover. Sweet clover seed containing more than five percent of yellow sweet clover seed (more than 1.25 percent mottled seeds) must not be labeled white sweet clover. Such seed must be labeled sweet clover or as a mixture.

30—5.10(199) Labeling of conditioned seed distributed to wholesalers. Labeling of seed supplied to a wholesaler whose predominant business is to supply seed to other distributors rather than to consumers of seed, may be by invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that does not carry a stenciled lot number must carry complete labeling.

30—5.11(199) Seeds for sprouting. The following information shall be indicated on all labels of seeds sold for sprouting in health food stores or other outlets:

1. Commonly accepted name of kind,
2. Lot number,
3. Percentage by weight of the pure seed, crop seeds, inert matter and weed seeds if required,
4. Percentage of germination, and
5. The calendar month and year the test was completed to determine such percentage.

30—5.12(199) Relabeling. The following information shall appear on a label for seeds relabeled in their original containers:

5.12(1) The calendar month and year the test was completed to determine such percentage of germination, and

5.12(2) The identity of the labeling person, if different from original labeler.

30—5.13(199) Hermetically-sealed seed. The following standards, requirements and conditions must be met before seed is considered to be hermetically sealed:

5.13(1) The seed was packaged within nine months after harvest.

5.13(2) The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100°F., with a relative humidity on one side of 90 percent and on the other side 0 percent. Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as:

gm. H₂O/24 hr./100sq. in./100°F./90% RH V. 0% RH

5.13(3) The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below:

Agricultural seeds	Percent	Vegetable seeds	Percent
Beet, field	75	Corn, sweet	80
Beet, sugar	75	Cucumber	60
Bluegrass, Kentucky	60	Eggplant	60
Clover, crimson	80	Kale	50
Fescue, red	80	Kohlrabi	50
Ryegrass, annual	80	Leek	65
Ryegrass, perennial	80	Lettuce	55
All others	60	Muskmelon	60
Vegetable seeds	Percent	Mustard, India	50
Bean, garden	70	Onion	65
Bean, lima	70	Onion, Welsh	65
Beet	75	Parsley	65
Broccoli	50	Parsnip	60
Brussels sprouts	50	Pea	70
Cabbage	50	Pepper	45
Carrot	70	Pumpkin	60
Cauliflower	50	Radish	50
Celery	70	Rutabaga	50
Celery	70	Spinach	80
Chard, Swiss	75	Squash	60
Chinese cabbage	50	Tomato	50
Chives	65	Turnip	50
Collards	50	Watermelon	65
		All others	60

5.13(4) The container is conspicuously labeled in not less than 8-point type to indicate

- a. That the container is hermetically sealed,
- b. That the seed has been preconditioned as to moisture content, and
- c. The calendar month and year in which the germination test was completed.

5.13(5) The percentage of germination of vegetable seed at the time of packaging was equal to or above the standards in Title 7 C.F.R., section 201.31, revised as of January 1, 1982

30—5.14(199) Certification of seed and potatoes. The Iowa Crop Improvement Association is the duly constituted state authority and state association recognized by the secretary to certify agricultural seed, including seed potatoes, in Iowa.

30—5.15(199) Federal regulations adopted. Title 7, C.F.R., Subchapter K—Federal Seed Act—Parts 201, 202 revised as of January 1, 1982 and the Federal Seed Act, 7 U.S.C., Section 1551 et seq., amended as of

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December 22, 1981, are hereby adopted by this reference in their entirety.

These rules are intended to implement Iowa Code chapter 199, as amended by 1982 Iowa Acts, chapter 1191 (Senate File 2221).

[Filed 1/3/83, effective 2/23/83]
[Published 1/19/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/19/83.

ARC 3507**INSURANCE DEPARTMENT[510]**

Pursuant to the authority of the Iowa Code section 502.607(1), the Iowa Department of Insurance hereby adopts rule 510—50.80 (502), "Standards of Review for Registration of Commodity Pool Programs," Iowa Administrative Code.

This provides, in part, that the Administrator may exercise authority granted in the above-cited statute section to make rules as are necessary to carry out the provisions of this chapter, including rules governing registration statements, applications, reports and defining any terms. For purposes of the rules, the Administrator may classify securities, persons, and other relevant matters, and prescribe different requirements for different classes.

Notice of Intended Action was published on October 27, 1982, in the Iowa Administrative Bulletin.

Changes from such notice are as follows:

50.80(4)"e" added the following: "Subsequent transfer of such interests shall be limited to no less than a minimum unit equivalent to an initial minimum purchase, except for transfers by gifts, inheritances, intra-family transfer, family dissolutions and transfers to affiliates.

50.80(5)"b" added the following: (4)(b) A Sponsor shall not take any action with respect to the assets or property of the Program which does not benefit the Program. Such prohibited action, among others, would be the utilization of Program funds as compensating balances for the Sponsor's benefit.

50.80(2) All defined terms set forth in this rule section have been capitalized throughout this rule.

This rule is intended to implement Iowa Code section 502.607(1).

This rule will become effective on February 24, 1983.

The following new rule is adopted:

510—50.80(502) Commodity pool Programs.

50.80(1) Scope. This rule applies to the registration and qualifications of commodity pool Programs in the form of limited partnerships (also referred to as "Pro-

grams" or "partnerships"), and will be applied by analogy to commodity pool Programs in other business organization forms. While applications not conforming to the standards contained in this rule shall be looked upon with disfavor, where good cause is shown or where the guidelines may conflict with applicable federal law, certain portions of this rule may be modified or waived by the Administrator. Where the individual characteristics of specific Programs warrant modification from these standards, they will be accommodated, insofar as possible, while still being consistent with the spirit of this rule.

50.80(2) Definitions. As used in this rule:

a. "Administrator" means the official or agency administering the securities laws of this State.

b. "Advisor" means any Person who, for any consideration, engages in the business of advising others, either directly or indirectly, as to the value, purchase, or sale of commodity futures contracts or commodity options.

c. "Affiliate" means:

(1) Any Person directly or indirectly owning, controlling or holding with power to vote ten percent or more of the outstanding voting securities of such other Person;

(2) Any Person ten percent or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with power to vote, by such other Person;

(3) Any Person, directly or indirectly, controlling, controlled by, or under common control of such other Person;

(4) Any officer, director or partner of such other Person;

(5) If such other Person is an officer, director or partner, any person for which such Person acts in any such capacity.

d. "Audited Financial" means financial statements, (balance sheet, statement of operations, statement of changes in net assets) prepared in accordance with generally accepted accounting principles and accompanied by an auditor's report containing an opinion, acceptable to the Administrator, of an independent certified public accountant or independent accountant.

e. "Capital Contributions" means the total investment in a Program by a Participant or by all Participants, as the case may be.

f. "Clearing Broker" means any Person who engages in the business of effecting transaction in Commodities Futures Contracts for the account of others or for his own account.

g. "Commodity Futures Contract" means a contract providing for the delivery or receipt at a future date of a specified amount and grade of a traded commodity at a specified price and delivery point.

h. "Net Assets" means the total assets, less total liabilities, of the Programs determined on the basis of generally accepted accounting principles. Net assets shall include any unrealized profits or losses on open positions, and any other credit or debit accruing to the Program but unpaid or not received by the Program.

i. "Net Asset Value Per Unit" means the net assets divided by the number of units outstanding.

j. "Net Trading profits" means the sum of:

(1) The net of any profits and losses realized by all trades closed out during the period;

(2) The net of any unrealized profits and losses on open positions as of the end of the period; minus,

(3) The net of any unrealized profits or losses on open

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positions as of the end of the preceding period;

(4) All expenses incurred or accrued during the period; and

(5) Cumulative net realized losses, if any, carried forward from preceding periods.

k. "Organizational and Offering Expenses" means all expenses incurred by the Program in connection with and in preparing a Program for registration and subsequently offering and distributing it to the public. These expenses include, but are not limited to, total underwriting and brokerage discounts and commissions (including fees of the underwriter's attorneys), expenses for printing, engraving, mailing, salaries of employees while engaged in sales activity, charges of transfer agents, registrars, trustees, escrow holders, depositories, experts, expenses of qualification of the sale of its securities under federal and state law, including taxes and fees, accountants' and attorneys' fees.

l. "Participant" means the holder of a Program Interest.

m. "Person" means any natural Person, partnership, corporation, association or other legal entity.

n. "Program" means the limited partnership, joint venture or incorporated organization formed and operated for the purpose of investing in Commodity Futures Contract.

o. "Program Interest" means a limited partnership or other unit representing ownership in a Program.

p. "Pyramiding" means a method of using all or a part of an unrealized profit in a commodity futures contract position to provide margin for additional Commodity Futures Contract of the same or related commodities.

q. "Sponsor" means any Person directly or indirectly instrumental in organizing a Program or any Person who will manage or participate in the management of a Program, including a clearing broker who pays any portion of the Organizational Expenses of the Program, and the general partner(s) and any other Person who regularly performs or selects the Persons who perform services for the Program. Sponsor does not include wholly independent third parties such as attorneys, accountants, and underwriters whose only compensation is for professional services rendered in connection with the offering of the units. The term "Sponsor" shall be deemed to include its Affiliate.

r. "Valuation Date" means the date as of which the Net Assets of the fund are determined.

s. "Valuation Period" means a regular period of time between Valuation Dates.

50.80(3) Suitability of the Sponsor.

a. Experience. Both the Sponsor and the Advisor (or Sponsor's and Advisor's chief operating officers) shall have at least three years' relevant experience in the area of trading Commodity Futures Contracts. Such experience must include the trading of Commodity Futures Contracts for others and demonstrate sufficient knowledge and experience to carry out the Program policies and objectives and to manage Program operations.

b. Financial condition. The financial condition of the Sponsor must be commensurate with any financial obligations assumed in the offering and in the operation of the Program. At a minimum, the net worth of the general partner shall be the greater of:

(1) An amount equal to five percent of Participant's capital in all existing Programs in which the general partner or an Affiliate has potential liability as a general

partner plus five percent of the total subscriptions in the Program being offered; or

(2) Fifteen percent of the gross amount of the current offering in offerings of less than \$2,500,000. If the offering exceeds \$2,500,000, the net worth must be at least ten percent of the gross amount of the offering, up to \$1,000,000 of net worth, but in no case less than \$50,000. Net worth of individual general partners shall be determined exclusive of home furnishings and automobiles. Audited balance sheets of general partners shall be furnished except that in the event that an individual is a general partner, an unaudited balance sheet prepared by a certified public accountant and signed and sworn to by such individual general partner may be accepted for the purpose of determining required net worth, in the discretion of the Administrator. Also, evaluation will be made of contingent liabilities to determine the appropriateness of their inclusion in the computation of net worth.

c. Investment in the Program. The Sponsor must make a permanent investment in the Program equal to the lesser of three percent of the public investors interest or \$50,000. In appropriate cases, the Administrator may require the Sponsor to purchase for cash additional interests in the Program.

d. Reports. The Sponsor shall submit to the Administrator any information required to be filed with the Administrator, including, but not limited to, reports and statements required to be distributed to limited partners.

e. Tax ruling or opinion. The Sponsor must obtain a favorable tax ruling from the Internal Revenue Service or an opinion of qualified tax counsel in a form acceptable to the Administrator concerning the tax status of a limited partnership.

f. Liability and indemnification. The Sponsors shall not attempt to pass on to participants the unlimited liability imposed upon them by law except that the Program agreement may provide for indemnification of the Sponsor(s) under the following circumstances and in the manner and to the extent indicated:

(1) In any threatened, pending or completed action, suit, or proceeding to which the Sponsor was or is a party or is threatened to be made a party by reason of the fact that the Sponsor is or was the Sponsor of the Program (other than an action by or in the right of the Program), the Program may indemnify such Sponsor against expenses, including attorneys' fees, judgments and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if the Sponsor acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Program, and provided that his conduct does not constitute gross negligence, willful or wanton misconduct, or a breach of his fiduciary obligations to the Participants. The termination of any action, suit or proceeding by judgment, order or settlement shall not, of itself, create a presumption that the Sponsor did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the Program.

(2) In any threatened, pending or completed action or suit by or in the right of the Program, to which the Sponsor was or is a party or is threatened to be made a party, involving an alleged cause of action by a participant or participants for damages arising from the activities of the Sponsor in the performance of management of the internal affairs of the Program as prescribed by the Program agreement or by the law of the state or organiza-

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tion, or both, the Program may indemnify such Sponsor against expenses, including attorneys' fees, actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Program as specified in this subparagraph (2) except that no indemnification shall be made in respect of any claim, issue or matter as to which Sponsor shall have been adjudged to be liable for negligence, misconduct, or breach of fiduciary obligation in the performance of his duty to the Program as specified in this subparagraph (2), unless and only to the extent that the court in which such action or suit was brought shall determine upon application, that, despite the adjudication of liability but in view of all circumstances of the case, such Person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(3) To the extent that a Sponsor has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subparagraph (1) or (2) above, or in defense of any claim, issue or matter therein, the Program shall indemnify him against the expenses, including attorneys' fees, actually and reasonably incurred by him in connection therewith.

(4) Any indemnification under subparagraph (1) or (2) above, unless ordered by a court, shall be made by the Program only as authorized in the specific case and only upon a determination by independent legal counsel in a written opinion that indemnification of the Sponsor is proper in the circumstances because he has met the applicable standard of conduct set forth in subparagraph (1) or (2) above.

g. Additional requirements. A Sponsor and Advisor must present evidence that such Sponsor or Advisor is or will be in compliance with applicable registration requirements under the Commodity Exchange Act as amended.

50.80(4) Suitability of the Participant.

a. Standards to be imposed. In view of the limited transferability, the relative lack of liquidity, and the high risk of loss of many commodity pool Programs, suitability standards related to the risks to be undertaken will be required for the Participants, and must be set forth in both the prospectus and a written instrument to be executed by each Participant. Sponsors will be required to set forth in the prospectus the investment objectives of the Program, a description of the type of investor who could benefit from the Program and the suitability standards to be applied in marketing the Program.

b. Sales to appropriate Person. The Sponsor and each Person selling limited partnership interests on behalf of the Sponsor shall make every reasonable effort to assure that interests are offered or sold only to appropriate Persons in light of the Program suitability standards set forth as required and investors' investment objectives and financial situation.

c. The Sponsor and the Sponsor's representatives shall ascertain that the Participant can reasonably benefit from the Program. The following shall be evidence thereof:

(1) The Participant has the capacity of understanding the fundamental aspects of the Program, which capacity may be evidenced by the following:

- (a) The nature of employment experience;
- (b) Educational level achieved;
- (c) Access to advice from qualified legal, accounting and tax advisory sources; and

(d) Prior experience with investments of a similar nature.

(2) The Investor apparently understands the following aspects of the Program being sold:

(a) The fundamental risks and possible financial hazards of the investment;

(b) The lack of liquidity of the investment;

(c) Management and control by the Sponsor; and

(d) The tax consequences of the investment.

(3) The investor can bear the financial risks involved.

d. Maintenance of suitability records. The Sponsor, or the Sponsor's representatives, shall retain for at least six years all records necessary to substantiate that Program interests were sold only to purchasers for whom such securities were suitable. The Administrator may require the Sponsor, or the Sponsor's representative, to obtain from the purchaser a letter justifying the suitability of such investment.

e. Minimum investment. The minimum subscription shall not be less than \$2,500 and shall be paid in cash at the time of purchase. Subsequent transfer of such interests shall be limited to no less than a minimum unit equivalent to an initial minimum purchase, except for transfers by gifts, inheritances, intrafamily transfer, family dissolutions and transfers to Affiliates. Assessments of any kind shall be prohibited.

50.80(5) Fees, compensation and expenses.

a. Organizational and Offering Expenses. All Organizational and Offering Expenses, including commissions and any other compensation for sales of Program Interests, shall be reasonable. In no event shall these expenses exceed fifteen percent of the gross proceeds of the offering, regardless of the source of payment.

b. Compensation. Only those items of compensation permitted in this paragraph will be allowed. Any variance must be adequately justified to and approved by the Administrator.

(1) Management fee. The aggregate annual expenses of every character paid or incurred by a Program, including management and advisory fees based on the Net Assets of the Program but excluding commodity brokerage commissions, incentive fees, legal, audit and extraordinary expenses, calculated at least quarterly on a basis consistently applied, shall be reasonable but in no event shall exceed one-half of one percent of Net Assets per month (not to exceed six percent annually); provided, the Sponsor shall not receive a management fee if it receives any portion of the brokerage commissions under subparagraph (3) below.

The Sponsor(s) shall reimburse the Program quarterly for the amount by which such aggregate monthly expenses exceed the amounts herein provided, up to an amount not exceeding its management and advisory fees for the period for which reimbursement is made, prior to publication of the company's quarterly report and shall promptly notify the Administrator if the aggregate expense limitation is exceeded by reason of any extraordinary expenses.

(2) Incentive fees. The Sponsor or Advisor will be entitled to an incentive fee not to exceed twenty percent of the Net Trading Profits of the Program, calculated not more often than annually on the Valuation Date, over the highest previous Valuation Date. For purposes of this calculation, Program losses shall be carried forward but shall not be carried back.

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(3) Brokerage commissions. The Program shall seek the best price and services available in its commodity futures brokerage transactions. A Sponsor shall not effect any transactions in Commodities Futures Contracts with any Clearing Broker Affiliated directly or indirectly with the Sponsor or with any Advisor providing the Sponsor with research information, recommendations or other services which might be of value to the Sponsor, unless such transactions are effected at competitive brokerage rates. In no event will the Program be allowed to enter into any exclusive brokerage contract. If the Sponsor receives any portion of the brokerage commissions from Program operations, the Advisor may not be Affiliated with the Sponsor. The Administrator may require the Program to file periodic reports concerning all brokerage transactions.

(4) Other income.

(a) Any Interest or other income earned by any portion of the Program assets shall accrue solely to the benefit of the Program or the management fee shall be reduced by any amount which does not so accrue.

(b) A Sponsor shall not take any action with respect to the assets or property of the Program which does not benefit the Program. Such a prohibited action, among others, would be the utilization of Program funds as compensating balances for the Sponsor's own benefit.

(5) Expenses of the Program. All expenses of the Program shall be billed directly to and paid by the Program. Reimbursements (other than for Organization and Offering Expenses) to any Sponsor or Affiliate shall not be allowed, except for reimbursement of the actual cost to the Sponsor or Affiliate of legal and audit services used for or by the Program. Expenses incurred by the Sponsor or any Affiliate in connection with administration of the Program, including but not limited to salaries, rent, travel expenses and such other items generally falling under the category of Sponsor's overhead, shall not be charged to the Program.

50.80(6) Rights and obligations of Participants.

a. Meetings. Meetings of the Participants may be called by the general partner or by Participants holding more than ten percent of the then outstanding units for any matters for which the Participants may vote as set forth in a limited partnership agreement or charter document. Such call for a meeting shall be deemed to have been made upon receipt by the general partner of a written request from holders of the requisite percentage of units stating the purpose of the meeting. The general partner shall deposit in the United States mails within fifteen days after receipt of said request, written notice to all Participants of the meeting and the purpose of such meeting, which shall be held on a date not less than thirty nor more than sixty days after the date of mailing of said notice at a reasonable time and place.

b. Voting rights of limited partners. The limited partnership agreement must provide that holders of a majority of the then outstanding units may, without the necessity for concurrence by the general partner, vote to:

- (1) Amend the limited partnership agreement or charter document;
- (2) Dissolve the Program;
- (3) Remove the general partner and elect a new general partner;
- (4) Elect a new general partner if the general partner elects to withdraw from the Program; and
- (5) Cancel any contract for services with the Sponsor

or an Affiliate without penalty upon sixty days' written notice.

The general partner shall not withdraw from the partnership without ninety days' prior notice thereof to the Participants.

c. Access to Program records.

(1) The Sponsor shall maintain, at the principal office of the Program, a list of the names and addresses of and interests owned by all Participants. Such list shall be made available for review by any Participant or the Participant's representative at reasonable times, and upon request, either in Person or by mail the Sponsor shall furnish a copy of such list to any Participant or the Participant's representative upon payment of reproduction and mailing costs.

(2) The Participants and their representatives shall be permitted access to all records of the Program, after adequate notice, at any reasonable time. The Sponsor shall maintain and preserve such records for a period of not less than six years.

d. Annual and periodic reports. Compliance with the provisions of CFTC regulations for Reporting to Pool Participants, 17 C.F.R. §4.22, will be considered sufficient to comply with this paragraph "d".

(1) The partnership agreement shall provide for the transmittal to each participant of an annual report within one hundred and twenty days after the close of the fiscal year containing at least the following information.

(a) A balance sheet as of the end of the Program's fiscal year and statements of income, partners' equity, and changes in financial position for the year then ended, all of which shall be prepared in accordance with generally accepted accounting principles and accompanied by an auditor's report containing an opinion (without material qualification) of an independent certified public accountant or independent public accountant.

(b) A statement showing the total fees, compensation, brokerage commissions and expenses paid by the Program, segregated as to type, and stated both in aggregate dollar terms and as a percentage of Net assets.

(2) A Sponsor shall be required to furnish Participants with quarterly reports, which may be unaudited, containing the same information as in subparagraphs (a) and (b) above within sixty days after the end of the quarter.

(3) A Sponsor shall provide to all Participants, not later than March 15 of each year, all information necessary for the preparation of Participants' income tax returns.

(4) The Sponsor shall calculate the Net Assets of the fund on a daily basis and shall make available, upon the request of a partner, the Net Asset Value Per Unit.

e. Transferability of Program Interests.

(1) Assignment of Program Interests is permitted, provided that in the opinion of the partnership's counsel:

(a) Such assignment is not a violation of the limited partnership laws in effect in the jurisdiction of the Program's organization;

(b) Such assignment will not cause the Program to lose its status as a partnership under the policies of the Internal Revenue Service. Wherever free transferability of Program Interests (including beneficial interests therein) is allowed, a favorable tax ruling from the Internal Revenue Service shall be required. Treatment under the Investment Company Act of 1940 must be disclosed where beneficial interests of a Program's Interests are to be sold.

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(2) The assignment of Program interests may not be prohibited, but may be restricted only to the minimum extent required to preserve the Program's tax status.

f. Participant liability. A Program shall be structured so that a public investor cannot be exposed to liability in excess of the amount of the remaining balance of his capital account excluding partial redemptions, distributions consisting of a return of capital and accumulated profits.

50.80(7) Disclosure and marketing requirements.

a. Minimum Program capital. The minimum amount of funds to activate a Program shall be sufficient to accomplish the objectives of the Program, including "spreading the risk". Any minimum less than \$250,000, after deduction of all frontend charges, will be presumed to be inadequate to spread the risk of the public investors. Provision must be made for the return to public investors of one hundred percent of paid subscriptions in the event that the established minimum to activate the Program is not reached. All funds received prior to activation of the Program must be deposited with an independent custodian, trustee or escrow agent whose name and address shall be disclosed in the prospectus.

b. Sales literature. Sales literature, sales presentation (including prepared presentations to prospective investors at group meetings) and advertising used in the offer or sale of interests shall conform in all applicable respects to requirements of filing, disclosure and adequacy currently imposed on sales literature, sales presentations and advertising used in the sale of corporate securities.

50.80(8) Contents of the prospectus.

a. Information on the cover page. There should be set forth briefly on the cover page of the prospectus a summary which should include the following: The title and general nature of the units being offered; the minimum and maximum aggregate amount of the offering; the minimum and maximum amount of net proceeds; the minimum subscription price, the period of the offering; the maximum amount of any sales or underwriting commissions to be paid (or if none, if such commissions are to be paid by the Sponsor).

b. Sales to appropriate Persons. There shall be set forth a description of the type of Person who could benefit from the Program and suitability standards to be applied.

c. Definitions. Technical terms used in the prospectus should be defined in a glossary.

d. Risk factors. The investor should be advised in a carefully organized series of short, concise paragraphs, under subcaptions where appropriate, of the risks to be considered before making an investment in a Program. The paragraphs should include a cross-reference to further information in the prospectus.

e. Business experience. The business experience of the principal officers of all Sponsors shall be prominently disclosed in the prospectus, such disclosure indicating their business experience for the past five years. Disclosure shall also be made regarding the experience of any commodity trading advisor and any clearing broker. The terms of any material contracts entered in by the fund shall be summarized in the prospectus.

f. Compensation. All direct and indirect fees and compensation of every type and from every source which may be paid by the Program to the Sponsor or an Affiliate shall be summarized in tabular form in one location in the

forepart of the prospectus. The Sponsor shall not receive any compensation, direct or indirect, other than that disclosed in the compensation section.

g. Use of proceeds. The prospectus shall state the purposes for which the proceeds to the Program are intended to be used and the approximate amount intended to be used for each such purpose.

h. Investment objectives and policies. The prospectus shall:

(1) Describe the investment objectives and policies of the Program (indicating which policies may be changed by the Sponsor without a vote of the Participants).

(2) Describe the plan for distribution of income of the Program.

(3) Disclose a computation showing the income necessary for the Program to break even after the deduction of fixed and variable expenses and fees. The assumptions used in the computation should be fully disclosed.

i. Prior performance.

(1) The previous relevant Program experience of the Sponsor and Affiliates shall be disclosed in the prospectus for all Programs during the past three years which:

(a) Involved a public offering registered under state or federal securities laws;

(b) Involved a private or limited offering, the results of which are material to an informed decision by the investor.

(2) Information on previous Programs shall include, but not be limited to, the following:

(a) Identification of the Program, including the name and location;

(b) The effective date of the offering, the date operations commenced and the date of dissolution or termination of the Program or, if the Program is continuing, that fact;

(c) The total amount of units, the gross amount of capital raised by the Program, the number of Participants, and the amount of investment of the Sponsor, if applicable;

(d) Income credited and cash distributed to Participants and the Sponsor;

(e) Compensation and fees to the Sponsor and its Affiliates, segregated as to type;

(f) Compensation and fees paid to other relevant parties such as Advisors and brokers;

(g) The Net Asset Value Per Unit as of the end of each Valuation Period previously used;

(h) Such additional or different disclosures of the success or failure of the Programs as may be permitted or required by the Administrator. A prospectus which meets the requirements of the U.S. Securities and Exchange Commission for filings on Form S-1 will satisfy the requirements of subrule 50.80(8), paragraph "i", subparagraph (1), subparagraph (h).

(3) All of the foregoing information shall be set forth on a cumulative basis for each Program in tabular form wherever possible and include a brief description of any principle differences between a prior Program and the Program to be offered.

(4) The following caveat should be prominently featured in the presentation of the foregoing information: "It should not be assumed that Participants in the offering covered by this prospectus will experience returns, if any, comparable to those experienced by investors in prior Programs."

(5) The foregoing information shall be supported in

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the application by an affidavit of the Sponsor that the performance summary is a fair presentation of the information contained in the audited financial statement or the federal income tax returns of the Program or in other reports or data of the Program or Sponsor.

j. Conflicts of interest and transactions with Affiliates.

(1) Any conflicts of interest between the Program and any Sponsor, Advisor, Clearing Broker or any Affiliate thereof, must be fully disclosed. This would include, at a minimum, the following:

(a) Any conflicts arising out of involvement with previous Programs;

(b) Any conflicts arising out of involvement in the area of activities not related to the performance of managerial, advisory or other services performed for commodity pools;

(c) Any other agreements, arrangements or transactions, proposed or contemplated, that may be a potential conflict of interest;

(2) The Sponsor shall also be required to disclose the steps that will be taken to alleviate any real or potential conflict of interest.

(3) If the Program pays higher than the minimum commission rates for commodity brokerage transactions, such fact shall be set forth along with a justification.

(4) Prohibitions. Certain conflicts of interest are presumed to be materially sufficient to render the proposed Program incapable of accomplishing its stated objectives in the best interest of the Participants and shall be controlled as follows:

(a) No loans may be made by the Program to the Sponsor or any other Person.

(b) The funds of a Program shall not be commingled with the funds of any other Person. Funds used to satisfy margin requirements will not be considered commingled.

(c) No rebates or give-ups may be received by the Sponsor or any Affiliate nor may the Sponsor participate in any reciprocal business arrangements which could circumvent this rule. Furthermore, the prospectus and Program charter documents shall contain language prohibiting the above as well as language prohibiting reciprocal business arrangements which would circumvent the restrictions against dealing with Affiliates or other interested parties.

(d) A Program's charter document shall prohibit the commodity trading advisor or any other Person acting in such capacity from receiving an advisory fee if the Commodity Trading Advisor shares or participates, directly or indirectly, in any commodity brokerage commissions generated by the Program.

(e) The maximum period covered by any contract of the partnership with the Advisor, Sponsor or Affiliate shall not exceed one year. The agreement must be terminable without penalty upon sixty days' written notice by the Program.

(f) Any other agreement, arrangement or transactions, proposed or contemplated, may be restricted in the discretion of the Administrator if it would be considered unfair to the Participants in the Program.

(g) A Program shall not engage in pyramiding.

(h) All of the foregoing restrictions shall be disclosed in the prospectus and contained in the partnership agreement or charter document.

k. Federal tax consequences. The prospectus shall disclose the following tax aspects:

(1) A summary of an acceptable opinion from tax

counsel or a ruling from the IRS covering federal tax questions relative to the Program, which may be based on reasonable assumptions described in the opinion letter. To the extent the opinion of counsel or IRS ruling is based on the maintenance of or compliance with certain requirements or conditions by the Sponsor(s), the prospectus shall, to the extent practicable, contain representations that such requirements or conditions have been met and that the Sponsor(s) shall use their best efforts to continue to meet such requirements or conditions.

(2) Tax treatment of the Program.

(3) Tax treatment of the Participants.

(4) Method of allocation of losses or profits and cash distributions.

(5) Any other pertinent information applicable to the tax aspects of the investment.

(6) The possibility of the requirement for filing state tax returns with states in which interests are held.

l. Commodities futures markets. At a minimum, the prospectus should disclose the following characteristics of the commodities markets.

(1) That the commodities markets are extremely volatile and the risk of loss is great;

(2) The procedures used in trading Commodities Futures contracts including, but not limited to, the margin requirements on the commodities to be invested in by the Program, the exchanges or board of trade on which the Program anticipates trading, and a description of the applicable exchange requirements.

m. Licensing and regulation. The prospectus shall disclose any licensing or registration requirements of the Program and the impact of regulation by the Commodity Futures Trading Commission.

n. Notification. Each Participant shall be notified within seven business days from the date of any decline in the Net Asset Value Per Unit to less than fifty percent of the Net Asset Value on the last valuation date. Included in the notification shall be a description of the Participants' voting rights pursuant to 50.80(6)"b".

o. Material changes. Any material changes in the Program's basic investment policies or structure shall require prior written approval by Participants holding a majority of units held by Participants. A material change shall include, specifically, any transfer or withdrawal of the Sponsor's interest in the Program.

p. Summary of agreement of limited partnership or other charter documents.

q. Legal proceedings. Briefly describe any legal proceedings to which the Program or the Sponsor is or was a party which is material to the program and any material legal proceedings between the Sponsor and Participants in any prior Program of the Sponsor.

r. Financial information required on application. The Sponsor or the Program shall provide as an exhibit to the application or where indicated below shall provide as part of the prospectus, the following financial information and financial statements:

(1) Balance sheet of the Program. As part of the prospectus, a balance sheet of the Program as of the end of its most recent fiscal year, prepared in accordance with generally accepted accounting principles and accompanied by an auditor's report without material qualification by an independent certified public accountant or an independent public accountant, and an unaudited balance sheet as of a date not more than ninety days prior to the date of filing.

INSURANCE DEPARTMENT[510] (cont'd)

(2) Balance sheet of the Sponsor.

(a) A balance sheet of the corporate Sponsor. A balance sheet of any corporate Sponsor as of the end of its most recent fiscal year, prepared in accordance with generally accepted accounting principles and accompanied by an auditor's report without material qualification by an independent certified public accountant or an independent public accountant and an unaudited balance sheet as of a date not more than ninety days prior to the date of filing. Such statements shall be included in a prospectus.

(b) Balance sheet of the individual Sponsor. A balance sheet for each individual Sponsor as of a time not more than ninety days prior to the date of filing an application; such balance sheet may be unaudited and should conform to generally accepted accounting principles and shall be signed and sworn to by such Sponsor. A representation of the amount of such net worth must be included in the prospectus.

(3) Statement of income for corporate Sponsor. A statement of income for the last fiscal year of any corporate sponsor (or for the life of the corporate Sponsor, if less) prepared in accordance with generally accepted accounting principles and accompanied by an auditor's report without material qualification by an independent certified public accountant or independent public accountant, and an unaudited statement for any interim period ending not more than ninety days prior to the date of filing any application.

(4) Filing of other statements. The Administrator may, where consistent with the protection of investors, request additional financial statements of the Sponsor, Advisor, Clearing Broker or any Affiliate thereof, or permit the omission of one or more of the statements required under this subrule 50.80(8), paragraph "r" and

the filing, and substitution thereof, of appropriate statements verifying financial information having comparable relevance to an investor in determining whether the investors should invest in the Program.

50.80(9) Miscellaneous provisions.

a. Fiduciary duty. The Program agreement shall provide that the Sponsor shall have fiduciary responsibility for the safekeeping and use of all funds and assets of the Program, whether or not in his immediate possession or control, and that he shall not employ, or permit another to employ such funds or assets in any manner except for the exclusive benefit of the Program.

b. Redemptions. The Program shall provide an opportunity at least quarterly for the redemption of Program interests at the Net Asset value as of the Valuation Date upon the written request of any Participant. The Participant must notify the Sponsor of the Participant's intent to redeem at least thirty days prior to the redemption date. The Sponsor must indicate the Valuation Dates for redemption in the prospectus and must honor those requests within thirty days following the Valuation Date, unless the quantity of redemptions would be detrimental to the tax status of the Program. In that case, redemptions will be selected by lot, and Participants notified within thirty days whether or not their interests were redeemed. The Sponsor may provide to suspend redemptions if the effect of substantial redemptions would impair the ability of the Program to operate in pursuit of its objectives.

This rule is intended to implement Iowa Code section 502.607(1).

[Filed 12/30/82, effective 2/24/83]

[Published 1/19/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/19/83.

IOWA ADMINISTRATIVE BULLETIN

Iowa State Printing Division
Grimes State Office Building
Des Moines, Iowa 50319

Bulk Rate
U.S. Postage
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Des Moines, Iowa
Permit No. 1195

956

DELAYS

IAB 1/19/83

EFFECTIVE DATE DELAY

[Pursuant to §17A.4(5)]

AGENCY	RULE	EFFECTIVE DATE DELAYED
Aging, Commission on[20]	Subrules 4.2(1) to 4.2(7) [IAB 11/24/82, ARC 3393]	Seventy-day delay of effective date lifted at the January 4, 1983, meeting of the administrative rules review committee