



# IOWA ADMINISTRATIVE BULLETIN

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## PREFACE

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

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

The Bulletin may also contain economic impact statements to proposed rules and filed emergency rules, 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

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### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
22	Friday, April 8, 1983	April 27, 1983
23	Friday, April 22, 1983	May 11, 1983
24	Friday, May 6, 1983	May 25, 1983

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## SUBSCRIPTION INFORMATION

### Iowa Administrative Bulletin

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

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AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
<b>BEER AND LIQUOR CONTROL DEPARTMENT[150]</b>		
Verification of eligibility to purchase alcoholic beverages, 4.32 IAB 3/30/83 ARC 3641	Central Office 1918 S.E. Hulsizer Ave. Ankeny, Iowa	April 26, 1983 1:00 p.m.
<b>COMMERCE COMMISSION[250]</b>		
Rates and service by telephone utilities, 22.1(3), 22.2(5) and 22.3(14) IAB 3/16/83 ARC 3636	Hearing Room First Floor Lucas State Office Bldg. Des Moines, Iowa	April 25, 1983 10:00 a.m.
Continuous review of rate-regulated utilities, 1.5, 18.3, 23.2 IAB 4/13/83 ARC 3694	Hearing Room First Floor Lucas State Office Bldg. Des Moines, Iowa	May 4, 1983 10:00 a.m.
<b>CONSERVATION COMMISSION[290]</b>		
Relocation assistance; 65.1, 65.2, 65.3 IAB 3/30/83 ARC 3644	Fourth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	April 20, 1983 10:00 a.m.
Rabbit and squirrel hunting seasons, ch 102 IAB 3/30/83 ARC 3645	Auditorium Wallace State Office Bldg. Des Moines, Iowa	April 23, 1983 10:00 a.m.
Pheasant, quail and partridge hunting, ch 103 IAB 3/30/83 ARC 3646	Auditorium Wallace State Office Bldg. Des Moines, Iowa	April 23, 1983 10:00 p.m.
Fur bearers (except ground hog) hunting seasons, ch 104 IAB 3/30/83 ARC 3647	Auditorium Wallace State Office Bldg. Des Moines, Iowa	April 23, 1983 10:00 a.m.
Deer hunting regulations, ch 106 IAB 3/30/83 ARC 3648	Auditorium Wallace State Office Bldg. Des Moines, Iowa	April 23, 1983 10:00 a.m.
Waterfowl and coot hunting seasons, ch 107 IAB 3/30/83 ARC 3653	Auditorium Wallace State Office Bldg. Des Moines, Iowa	April 23, 1983 10:00 a.m.
Common snipe, Virginia rail, Sora, Woodcock, Ruffed Grouse hunting ch 109 IAB 3/30/83 ARC 3649	Auditorium Wallace State Office Bldg. Des Moines, Iowa	April 23, 1983 10:00 a.m.
Wild turkey fall hunting, ch 112 IAB 3/30/83 ARC 3650	Auditorium Wallace State Office Bldg. Des Moines, Iowa	April 23, 1983 10:00 a.m.
<b>EMPLOYMENT SECURITY[370]</b>		
Contribution rates, 8.6(9) IAB 3/30/83 ARC 3643	Job Services Office 1000 East Grand Ave. Des Moines, Iowa	April 20, 1983 9:30 a.m.
<b>ENERGY POLICY COUNCIL[380]</b>		
Energy measures and audits for public institutions, ch 7 amendments; technical assistance and energy conservation, ch 8 amendments IAB 3/30/83 ARC 3657	Sixth Floor Conference Room Lucas State Office Bldg. Des Moines, Iowa	April 19, 1983 2:00 p.m.
<b>HEALTH DEPARTMENT[470]</b>		
Vital records, 96.1(5) IAB 4/13/83 ARC 3685	Auditorium Wallace Bldg. Des Moines, Iowa	April 20, 1983 1:00 p.m.
<b>INSURANCE DEPARTMENT[510]</b>		
Nonprofit health service corporations, ch 34 IAB 3/30/83 ARC 3659	Insurance Department Office Ground Floor Lucas State Office Bldg. Des Moines, Iowa	April 19, 1983 10:00 a.m.

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IAB 3/30/83 ARC 3658

Respirator fit testing for  
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IAB 4/13/83 ARC 3678

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State Building Code, ch 16  
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IAB 3/30/83 ARC 3652

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April 21, 1983  
9:00 a.m.

May 11, 1983  
9:00 a.m.

May 5, 1983  
9:00 a.m.

May 10, 1983  
10:00 a.m.

May 19, 1983  
10:00 a.m.

May 4, 1983

April 14, 1983  
9:00 a.m.

April 25, 1983  
1:00 p.m.

May 10, 1983

May 10, 1983

## ARC 3694

**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 March 25, 1983, 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 Proposing Rules". The commission intends to adopt rules to establish continuous review of rate-regulated utility operations pursuant to the Legislature's directive in Iowa Code section 476.31.

Any interested person may file with the Commission, not later than May 3, 1983, an original and six copies of a written statement of position substantially complying with the form prescribed in Iowa Administrative Code 250—2.2. The Commission hereby waives subrule 3.4(2) for this proceeding only. An oral presentation, scheduled for 10:00 a.m., May 4, 1983, will be held at the Commission's Hearing Room, First Floor, Lucas State Office Building, Des Moines, Iowa.

All communications shall clearly indicate the author's name and address as well as specific reference to this docket and the rule upon which comment is submitted. All communications 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 Iowa Administrative Code 250—Chapter 3.

The proposed rules establish guidelines and powers of the operations review division to provide for the efficient functioning of that division. The proposal also includes a redefinition of the utilities division to eliminate any overlapping in responsibilities of these two divisions.

ITEM 1. Amend subrule 1.5(3) as follows:

**1.5(3)** The public utilities division. This division is responsible for the administrative and technical work with respect to the regulation of public utilities, pipelines and underground gas storage within the jurisdiction of the commission. The utilities division advises the commission on matters of ~~accounting, engineering, construction, safety, rates, and services rates, tariffs, licensing, and safety of regulated public utilities.~~

ITEM 2. Amend 250—1.5(17A,474) by adding a new subrule 1.5(6) as follows:

**1.5(6)** The operations review division. This division is responsible for the administrative and technical work with respect to the continuous review of utility operations for efficiency and service quality. The operations review division advises the commission on matters of accounting, management performance, least cost alternatives for utility operations and system development, service quality and performance incentives.

ITEM 3. Amend 250—18.3(476) by adding the following paragraph at the end of the existing rule:

Upon receipt by a utility of a formal request in writing from the commission or its authorized representatives for records or information pertaining to records required by

any rule of the commission or necessary for the administration thereof, the utility shall either comply with the request or file with the commission a written objection within ten days from the receipt of the written request.

ITEM 4. Amend subrule 23.2(8) to read as follows:

**23.2(8)** In addition to the above-mentioned reports, the respondent shall ~~also~~ file with the commission, immediately upon publication, two copies of any financial, statistical, *technical* or operational reviews or reports that a company may prepare for distribution to stockholders, bondholders, *utility organizations or associations* or any other interested parties. *The respondent shall also file with the commission:*

- a. *A list (by form number and title) of all financial, statistical, technical and operational review-related documents filed with an agency of the federal government,*
- b. *A list or index identifying the aggregate measures of service quality and cost efficiency utilized by the president and vice president(s) of the utility, and*
- c. *A list identifying the report(s) utilized by the president and vice president(s) of the utility containing the most recent value for each measure identified in 23.2(8)"b".*

## ARC 3666

**COMPTROLLER, STATE[270]  
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 8.6, the State Comptroller hereby gives Notice of Intended Action to amend chapter 4, Iowa Administrative Code. Chapter 509A provides for the deferred compensation program for state employees.

This amendment changes the rules so agreement is reached with Chapter 457 of the Internal Revenue Service Code. These amendments delete the Secretary of State from membership on the Financial Hardship and Disability Committee, establishes normal retirement dates for the state's participating employees, provides for new open enrollment periods, changes the section number of the Internal Revenue Code that is applicable to this program, changes the section on the maximum amount that can be deferred, changes the date of the annual report from the insurance companies, changes the section on options available to retiring or terminating employees, deletes "disability" as a reason for making early withdrawal for a participating employee, revises the definition of what constitutes a financial hardship, limits transfer of ownership of a terminating employee's contract, requires the insurance carrier to make benefit payments direct to the terminated employee and act as the state's agent for withholding tax purposes, and limits the date the state accepts applications for new participating employees during the open enrollment period.

## COMPTROLLER, STATE[270] (cont'd)

Any interested person may make written suggestions or comments on this proposed amendment prior to May 3, 1983. Such written materials should be directed to the Deferred Compensation Administrator, State Comptroller's Office, Hoover State Office Building, Des Moines, Iowa 50319. If oral comments are desirable, you may contact James Dysart at the above address or call (515) 281-3941.

This rule is intended to implement Iowa Code section 509A.12.

ITEM 1. Subrule 4.2(2) is amended to read as follows:  
**4.2(2)** "Financial hardship and disability committee" as used in these rules shall mean the committee made up of the ~~secretary of state~~, insurance commissioner, state comptroller, and the industrial commissioner that rules on the "disability" and "financial hardship" claims of participating employees.

ITEM 2. Rule 4.2(8) is amended by adding the following subrule:

**4.2(10)** "Normal retirement age" for a participating employee shall be that age where he/she can retire from state of Iowa service without reduction of retirement income because of age. The range shall be from fifty-five years of age for police officers, sixty-five years of age for those people in IPERS, to seventy-five years of age for judges.

ITEM 3. Subrule 4.4(1) is amended to read as follows:

**4.4(1)** Open enrollment. ~~An open~~ Open enrollment periods will be held each year for those employees who desire to participate in the plan and did not enroll at the time the plan was implemented. ~~This~~ The open enrollment periods will be from ~~November 1 until November 30 of each year~~ August 1 until August 31 and February 1 until February 28 of each year. All completed forms, including but not limited to signed agreement and authorization to deduct from earnings, must be received by the employer on or before ~~December 1~~ the fifteenth of the month, following the open enrollment period. Any forms not received by that date will not be processed and must be resubmitted during the next open enrollment period if the employee desires to participate in the plan. The policies will become effective ~~February 1 of the following year~~ on the first day of the third month following open enrollment and the premiums will be deducted from the paychecks received by the participating employees ~~during the month of January beginning with the second month following open enrollment~~. Enrollment is permitted for elective officials-elect and members-elect of the general assembly, during the enrollment period, to the same extent as if they were otherwise eligible to enroll as employees.

ITEM 4. Subrule 4.5(2) is amended to read as follows:

**4.5(2)** Federal and state income taxes. The amount of earned compensation deferred under the agreement is exempt from federal and state income taxes as provided in section ~~451~~ 457 Internal Revenue Code of 1954 as amended. The six states adjoining Iowa have agreed to allow their residents who are employees of the state of Iowa to defer compensation for state income tax purposes.

ITEM 5. Subrules 4.6(2) and 4.6(3) are amended to read as follows:

**4.6(2)** Change in amounts. ~~A p~~Participating employees may increase or decrease ~~this~~ their participation in the plan as of the first day of the ~~next succeeding calendar year~~ second month following open enrollment by giving not

less than thirty days prior written notice thereof to the employer.

**4.6(3)** Amount allowed to be deferred. ~~After making provisions for the amounts to be deducted from FICA, IPERS, voluntary deductions and the withholding tax on FICA, IPERS, and voluntary deductions, the balance of earned compensation~~ Compensation may be deferred up to a maximum of twenty-five percent of the employee's base salary not to exceed \$7,500 per year. A participating employee may elect to catch up during the employee's last three tax years before reaching normal retirement age. This catchup, which could be in addition to the maximum amount that is allowed by the twenty-five percent — \$7,500 rule above could amount to the lesser of the following: (a) \$7,500, (b) twenty-five percent of the employee's previous year's base salary less the amount actually deferred during that employee's previous taxable year. During this catchup period, the participating employee must have participated for twelve months during the employee's previous tax year. If the participating employee does not utilize this catchup provision during the first of the three catchup years the "lost" catchup amount cannot be added to either the second or third year of this catchup period. If the participating employee does not utilize this catchup provision during the first two years of the catchup period, this "lost" catchup amount cannot be added to the third year of the catchup period. The amount to be deferred must remain constant for one calendar year from one open enrollment period to the next and may not in any case exceed the amount of net pay to be received by the participating employee. This cannot be changed to permit additional deferral from people who are terminating and are collecting vacation or sick leave payouts.

ITEM 6. Subrule 4.7(3) is amended to read as follows:

**4.7(3)** Annual status report. An annual status report of each participating employee's policy must be provided by each company to both the participating employee and the employer as of June 30 of each year. This must be continued to be done after a participating employee terminates employment or cancels participation and there are no current payments being made. ~~These annual reports are required as long as a balance exists in the contract or activity occurred during the year.~~

ITEM 7. Subrule 4.8(3) is amended to read as follows:

**4.8(3)** Retirement or termination. When a participating employee desires to retire, ~~he~~ the employee will notify the employer in writing no less than thirty days prior to anticipated retirement date of ~~his~~ the intention to retire on a form provided by the employer. ~~The retiring employee, upon reaching normal retirement age, will state on the form when and what option in the contract that the employee wishes these funds paid to him/her. This is an irrevocable decision, but payments to the retiring employee must begin by the time the employee has reached seventy and one-half years of age. If there is any question as to whether the participating employee is actually retiring, final determination will be made by the employer as provided in the agreement. Upon determination the participating employee is actually retiring, the employer will take the necessary steps to see that the proceeds of the policy will be disbursed by the company according to the agreement.~~

~~A terminated employee can draw these funds under any option available in the contract. The employee will indicate his/her desire on the form that is provided by the employer. If these funds are not drawn or payments commenced by the~~

## COMPTROLLER, STATE[270] (cont'd)

time this former employee reaches normal retirement age, as determined by the pension plan he/she was in while a state employee, the terminated employee must indicate on a form provided by the employer of when and under what option within his/her contract he/she wishes these funds paid. This must be done within sixty days of the employee reaching normal retirement date or these funds will be totally drawn by the plan administrator and paid to the former employee. If an employee works beyond normal retirement date he/she must notify the plan administrator of the selected retirement option within sixty days beyond the termination date or the funds will be fully drawn and paid to the terminating employee. Payments must begin by the time this employee reaches seventy and one-half years of age. This decision of the former employee is irrevocable once made and sent to the employer. The amount drawn each year must exceed fifty percent of the maximum amount that would have been available as defined by the mortality tables of the life insurance carrier.

ITEM 8. Subrule 4.8(4) and paragraphs "b" and "c" are amended to read as follows:

**4.8(4) Disability and financial hardship.** A committee, as defined in these rules, will have final determination as to whether a participating employee meets the definition of "total disabled" or "suffers a serious financial hardship" under the terms of the agreement.

b. Duties of the committee. The committee shall rule, within thirty days of receipt, in writing, by the recording secretary, requests from a participating employee to cause the employer to surrender to the company the policy of the participating employee for a cash refund in the case the participating employee becomes total disabled or suffers has a serious financial hardship, according to the terms of the agreement.

c. Definitions:

(1-) "Serious financial hardship" as used in this rule will include the following: ~~Bankruptcy or impending bankruptcy, unexpected or unreimbursed major expenses resulting from illness to person or accident to person or property and other types of unexpected and unreimbursed expenses of a major nature that would not normally be budgetable. Serious financial hardship shall not include the need for foreseeable expenditures normally budgetable such as down payments on a home, purchase of vehicle or college expenses. must result from a sudden and unexpected illness or accident of the participant or of a dependent of the participant, loss of the participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon the facts of each case, but, in any case, payment may not be made to the extent that such hardship is or may be relieved through reimbursement or compensation by insurance or otherwise, by liquidation of the participant's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship, or by cessation of deferrals under the plan.~~

(2-) "Total disabled" as used in this rule means the complete inability of the employee, due to accidental bodily injury or sickness, or both, to perform any and every duty pertaining to his/her occupation and to engage in any work or occupation for which he is reasonably fitted by education, training, or experience.

ITEM 9. Subrules 4.8(5) and 4.8(6) are amended to read as follows:

**4.8(5) Transfer to new employer.** *The transfer of ownership of a policy in this program for a terminating employee can only be done to an entity within the state of Iowa who is eligible to conduct a deferred compensation program.* A request by a participating employee to transfer a policy to a new employer must be in writing. It is the responsibility of the participating employee and the new employer to provide the Internal Revenue Service with the necessary details of transfer and copies of all pertinent documents as provided in the agreement for determination as to the continued exemption from taxes: ~~employer with a letter from the new employer of acceptance of this contract and an assurance that the payout of these funds to the employee will not commence until he/she separates from service with the new employer.~~ Upon receipt in writing of approval by the Internal Revenue Service the acceptance and assurance from the new employer of the proposed transfer, the employer will transfer the policy to the new employer: ~~and notify the insurance company of change of ownership.~~

**4.8(6) Method of payment.** For convenience in making payments under the agreement, the employer may shall require the insurance company to make payments directly to the employee or his/her beneficiary, *as an agent for the state of Iowa, for withholding tax purposes,* in satisfaction of the employer's continuing obligation but any such request shall not give the employee any right to demand payment from the insurance company.

ITEM 10. Subrule 4.10(3) is amended to read as follows:

**4.10(3) Number of companies.** All life insurance companies licensed to do business in Iowa may sell policies under the plan. Each participating employee will be limited to participation with only one company at any given time. If a participating employee desires to change companies, the only way that this can be accomplished is to terminate their participation with the original company, effective after the payroll reductions have been made totally for any calendar month. The employee must also submit the proper forms so that participation with the new company will be effective with the payroll reductions to be effective with the next succeeding calendar month. The new policy shall be effective the first of the month following the initial month of payroll reduction. The total funds accumulated under the old policy may be transferred in total to the new policy upon approval by the employer. Company changes can be made by any employee only once in the time between the open enrollment periods. The amount of payroll reduction for the new company must be the same as for the old when this is done at a time other than during open enrollment. There can be no break in the reduction of compensation, and both sets of forms must be submitted at the same time and properly filled out. The employer will hold the original policy until such time as the proceeds may be disbursed under the terms of the agreement, that is death, retirement or approval of a claim for ~~disability or~~ financial hardship.

ITEM 11. Subrule 4.11(7) is amended to read as follows:

**4.11(7) Unnumbered form, application for policy for new participating employees.** This form will be supplied by the insurance company with whom the participating employee desires to defer compensation. The completed form must be approved by the state comptroller, or his designee, prior to completion of any other form described

## COMPTROLLER, STATE[270] (cont'd)

in these rules. The completed form will show that the owner and beneficiary of the policy is the state of Iowa and that the relationship of the state of Iowa to the participating employee is employer. The completed form will be forwarded to the State Comptroller, Deferred Compensation Program, State Capitol Hoover State Office Building, Des Moines, Iowa 50319 with a self-addressed, stamped envelope to be used in returning the approved completed form. All forms postmarked after ~~November 30th~~ the last day of the open enrollment month will not be approved.

**ARC 3685****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 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 sections 135.11(15) and 144.43, the Iowa State Department of Health gives Notice of Intended Action to amend Chapter 96 "Vital Records", Iowa Administrative Code.

The proposed amendment adds the definition of "out-of-wedlock" birth, to definitions in the chapter. This definition is for purposes of access and confidentiality.

A public hearing will be held on May 3, 1983 at the Wallace Building Auditorium, Des Moines, Iowa, at 1:00 p.m.

Written comments may be submitted prior to May 3, 1983, addressed to Mark W. Wheeler, Hearings Officer, 3rd Floor Lucas State Office Building, Health Department, Des Moines, Iowa 50319.

This amendment implements Iowa Code section 144.43.

Amend rule 96.1(144) by adding the following subrule:

**96.1(5)** Out-of-wedlock birth records. For purposes of confidentiality out-of-wedlock birth records shall be defined as follows:

a. Any certificate, entry or indicia which directly specifies "no" regarding "legitimate" or "born in wedlock" or,

b. Any certificate, entry or indicia which reflects that either parent is "unknown, anonymous, or there has been an indication of refusal to give the parent's name" or,

c. Any certificate, entry or indicia which reflects that the full name of either parent(s) or that of the child is not listed or indicated, shall be utilized as criteria to evaluate the status of the particular certificate, entry or indicia on a case by case basis.

**ARC 3686****HEALTH DEPARTMENT[470]****BOARD OF SPEECH PATHOLOGY AND  
AUDIOLOGY EXAMINERS****NOTICE OF INTENDED ACTION**

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in 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 the Iowa Code section 147.76, the Board of Speech Pathology and Audiology Examiners gives Notice of Intended Action to amend the rules in the IAC relating to the licensure of speech pathologists and audiologists (chapter 155). The proposed rules remove the requirement to submit a copy of the certificate of clinical competence with the application, remove the reference to three times a year that the licensure examination is administered, and remove the requirement that the certificate of clinical competence be dated within five years of application for licensure.

Consideration will be given to written comments concerning the proposed rules received by Peter J. Fox, Hearing Officer, State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319 not later than 4:30 p.m., May 5, 1983.

The proposed rules are intended to implement Iowa Code sections 147.153 and 147.154.

ITEM 1. Paragraph "d" of subrule 155.3(3) is rescinded.

ITEM 2. Subrule 155.4(1) is amended to read as follows:  
**155.4(1)** The examination which demonstrates the applicant's professional competence to the board shall be the national teacher examination in speech pathology or audiology. This examination is administered by the educational testing service. ~~three times a year on a national basis.~~ The applicant should contact the nearest accredited college or university for the time and place of the examination or may contact the department for further information.

ITEM 3. Subrule 155.4(4), paragraph "b", is amended to read as follows:

b. For holders of certificates of clinical competence as of January 1, 1977. ~~provided that the certificate is dated within five years of application for licensure.~~



**ARC 3678**  
**LABOR, BUREAU OF[530]**  
**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 Labor Commissioner, pursuant to the authority of Iowa Code sections 88.5 and 17A.3(1), hereby gives Notice of Intended Action to amend rules relating to occupational safety and health rules for general industry. The amendments relate to respirator fit testing for lead exposure (correction) and occupational noise exposure (hearing conservation amendment).

In compliance with Iowa Code section 88.5(1)"b", a public hearing will be held on May 11, 1983, at 9:00 a.m. in the offices of the Iowa Bureau of Labor, 307 East 7th Street, Des Moines, Iowa. Any interested person will be given the opportunity to make oral or written submissions concerning the proposed rules. Written data or arguments to be considered in adoption may be submitted by interested persons no later than May 11, 1983, to the deputy labor commissioner, 307 East 7th Street, Des Moines, Iowa 50319.

Pursuant to the authority of Iowa Code sections 88.5 and 17A.3(1), rules of the Bureau of Labor appearing at 530—10.20(88) are amended by adding at the end thereof the words:

"48 Fed. Reg. 9642 (March 8, 1983)

48 Fed. Reg. 9776 (March 8, 1983)"

This rule is intended to implement Iowa Code section 88.5.

**ARC 3670**  
**LIVESTOCK HEALTH ADVISORY**  
**COUNCIL[565]**  
**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 267.5(3), the Livestock Health Advisory Council proposes to amend Chapter 1, "Recommendations", by striking the chapter and replacing it with the Council's recommendations for fiscal year 1983-1984.

The Livestock Health Advisory Council recommendations contained in the Iowa Administrative Code set forth the recommendations of the Council for expenditure of an annual state appropriation to be used by the Iowa State University College of Veterinary Medicine for research into livestock diseases. The statute provides for a standing appropriation of \$300,000.00. At the time of this

writing, however, it is possible that the 1983-1984 appropriation may be changed in the 1983 Session of the Legislature.

The Council will meet at 10:00 a.m. on June 10, 1983 in the Dean's Conference Room at the College of Veterinary Medicine of Iowa State University, Ames, Iowa to make its recommendation for expenditure of the 1983-1984 appropriation. Interested persons may submit opinions or arguments in writing on or before June 10, 1983 to the Livestock Health Advisory Council in care of Mr. Jim Meyer, R.R., Odebolt, Iowa 51458.

This recommendation is intended to implement Iowa Code section 267.5(3).

**ARC 3684**  
**NURSING, BOARD OF[590]**  
**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 sections 17A.3, 147.76, and 152.1, the Iowa Board of Nursing hereby gives Notice of Intended Action to adopt a fee section in Chapter 7, "Advanced Registered Nurse Practitioners".

This rule relates to the fees to be charged for registration as an advanced registered nurse practitioner.

Any interested person may make written suggestions or comments prior to May 3, 1983. Such written materials should be directed to the Executive Director, Iowa Board of Nursing, 1223 East Court Avenue, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the Executive Director at 515/281-3256 or in the office at 1223 East Court Avenue.

This rule implements Iowa Code sections 17A.3, 147.76, and 152.1.

The following rule is proposed:

7.1(8) Fees. Fees mean those fees collected which are based upon the cost of sustaining the board. The fees set by the board are as follows:

a. For a license or renewal to practice as an advanced registered nurse practitioner, \$12.00 per year or any period thereof.

b. For a certified statement that an advanced registered nurse practitioner is licensed in this state, \$30.00.

c. For a duplicate license/original certificate to practice as an advanced registered nurse practitioner, \$15.00.

d. For advanced registered nurse practitioner late renewal fee, \$10.00.

e. For advanced registered nurse practitioner delinquent license fee, \$50.00 plus all renewal fees to date due.

f. For a check returned for any reason, \$20.00.

This rule implements Iowa Code sections 17A.3, 147.76 and 152.1.

## ARC 3676

**PUBLIC SAFETY  
DEPARTMENT[680]  
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 chapters 80 and 321B, the Iowa Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 7, "Devices and Methods to Test Blood for Alcohol or Drug Content", Iowa Administrative Code.

The present rules of the department, regarding preliminary breath screening devices do not state the name used by manufacturer for the device adopted for use. These rules are to bring the department's rules into compliance with the terminology of the equipment used by the manufacturer.

Any interested person may make written suggestions or comments on these proposed rules prior to May 5, 1983. Such written materials should be directed to the Laboratory Administrator, Division of Criminal Investigation, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the Laboratory Administrator, Division of Criminal Investigation at 515/281-3666 or in the Division of Criminal Investigation offices on the second floor of the Wallace State Office Building. Also, there will be a public hearing on Thursday, May 5, 1983 at 9:00 a.m. in the third floor conference room, west half, of the Wallace State Office Building. Persons may present their views at the public hearing either orally or in writing.

Persons who wish to make oral presentations at the public hearing should contact the Laboratory Administrator in the Division of Criminal Investigation at least one day prior to the date of the public hearing.

This rule is intended to implement Iowa Code chapter 321B.

The following amendments are proposed:

ITEM 1. Subrule 7.6(1) is amended to read as follows:

**7.6(1)** A peace officer desiring to perform preliminary screening tests of a person's breath shall use ~~one of the following devices: Alco Sensor, manufactured by Intoximeters, Inc., St. Louis, Missouri.~~

a. Alco Sensor II - Intoximeters, Inc., St. Louis, Missouri.

b. Alco Sensor III - Intoximeters, Inc., St. Louis, Missouri.

ITEM 2. Subrule 7.6(2) is amended as follows:

**7.6(2)** Any peace officer using ~~the an~~ approved devices which are Alco Sensor II or Alco Sensor III shall follow the instructions furnished by the manufacturer for use of such a device. Each unit shall be calibrated at least once per month using either a wet alcohol standard or a Nalco standard (minimum five cubic foot volume). The officer or officer's department shall keep a record of each calibration. This record shall include:

- a. The name of the officer performing the calibration.
- b. Date.
- c. The value and type of standard used.
- d. Unit type and identification number.

## ARC 3677

**PUBLIC SAFETY  
DEPARTMENT[680]**

**NOTICE OF INTENDED ACTION**

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b", 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 sections 103A.7 and 103A.11, the Iowa Department of Public Safety hereby gives Notice of Intended Action to transfer rules in [630] Chapter 5 to [680] creating a new Chapter 16 entitled, "State of Iowa Building Code", transferring the State Building Code from the Office for Planning and Programming to the Department of Public Safety pursuant to 1982 Iowa Acts, chapter 1210, section 6. The 1982 Iowa Acts, chapter 1210, section 6, transferred the responsibility of the State Building Code from the Office for Planning and Programming to the Department of Public Safety. Additionally, the present rules required updating referencing current editions of nationally recognized codes.

Any interested persons may make written suggestions or comments on these proposed rules prior to May 19, 1983. Such written materials should be directed to the Deputy Building Code Commissioner, Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319. Persons who want to convey their views orally should contact the Deputy Building Code Commissioner at 515/281-3807 or in the Building Code Offices on the second floor of the Wallace State Office Building. Also there will be two public hearings, the first of which will be held on Tuesday, May 10, 1983 at 10:00 a.m. at City Hall, Iowa City, Iowa, the second hearing will be held on Thursday, May 19, 1983 at 10:00 a.m. in the second floor conference room of the Wallace State Office Building, Des Moines, Iowa. Persons may present their views at this public hearing either orally or in writing.

Persons who wish to make oral presentations at the public hearing should contact the Deputy Building Code Commissioner at least one day prior to the date of the public hearing. The rules are intended to implement Iowa Code chapter 103A.

The following amendments are proposed.

ITEM 1. 630—Chapter 5 rules of Office for Planning and Programming is transferred to Public Safety and renumbered as 680—Chapter 16. Make corrections in all Code citations to comply with Iowa Code sections 14.17 and 14.18.

ITEM 2. Renumbered rule 680—16.3 (103A) shall be revised to read as follows:

**680—16.3 (103A) Building code commissioner.**

~~The director of the division of municipal affairs, in the office for planning and programming commissioner of public safety~~ shall, in addition to other duties, serve as the state building code commissioner, or may designate the building code commissioner.

ITEM 3. Delete renumbered subrule 16.5(1) and replace in lieu thereof with the following:

**16.5(1)** Rules and modifications to existing rules which have been formulated in accordance with Iowa Code sections 103A.7, 103A.11 and 103A.14(3) shall be submitted for approval as required by Iowa Code chapter 17A.

## PUBLIC SAFETY DEPARTMENT[680] (cont'd)

ITEM 4. Delete renumbered subrule 16.5(2) and replace in lieu thereof with the following:

**16.5(2)** The Iowa state building code administration section, which begins at 680—16.100 (103A) of the Iowa Administrative Code constitutes the rules formulated under Iowa Code section 103A.7 and shall be known as the Iowa State Building Code.

ITEM 5. Delete all of renumbered rule 680—16.7 (103A) and replace in lieu thereof with the following:

**680—16.7(103A) Forms and publications.** A description of the necessary information and data to complete forms for filing with the commissioner or for approvals appears in the administration section.

**16.7(1)** Forms which are required to be used to file information with or obtain approval from the commissioner shall be furnished at no cost upon request.

**16.7(2)** Copies of the State Building Code Administration Section may be obtained from commissioner upon payment of the appropriate fee.

**16.7(3)** Copies of the codes and standards which have been adopted by reference shall be obtained from authors as spelled out in the adopting sections.

**16.7(4)** Those parties wishing to be placed on the building code mailing list shall complete the mailing form obtained from the commissioner.

**16.8 to 16.99.** Reserved.

ITEM 6. Renumbered subrule 16.110(1) is amended by striking the entire subrule and inserting in lieu thereof the following:

**16.110(1)** Legislative history. The 1972 General Assembly of the state of Iowa passed House File 6, an Act to institute an Iowa state building code for the purpose of insuring the health, safety and welfare of its citizens. House File 6 later became known as Iowa Code chapter 103A.

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

The Iowa state building code, ISBC 100.0 was adopted by the advisory council and became effective on February 1, 1973. ISBC 100.0 contained the 1970 editions of the national model codes. Upon adoption of the 1973 editions of the model codes the number was changed to ISBC 200.0. ISBC 300.0 designates the adoption of the 1976 editions of the model codes and ISBC 400.0 is the adoption of the 1979 editions.

These revisions will adopt the 1982 editions of the model codes and will become designated as ISBC 500.0. Future minor revisions or additions will be indicated by changes in the designation as ISBC 500.1, 500.2 and etc.

ITEM 7. Renumbered subrule 16.110(2) is amended to read as follows:

**16.110(2)** Legislative authority. Statutory provisions governing the administration, enforcement, and the promulgation of rules and regulations set forth in the *Iowa Code chapter 103A, "state building code Act"* ~~Chapter 103A, The Code,~~ defines the authority powers and duties of the advisory council and the building code commissioner. Other statutes concerning enforcement of this code, and promulgating of rules ~~shall include~~ *are included in Iowa Code chapter 104A, The Code,* known as ~~the Handicapped Requirements Building Entrance for Handicapped Persons.~~

ITEM 8. Renumbered subrule 16.110(3) is amended to read as follows:

**16.110(3)** Title. These administrative and construction rules and regulations (ISBC ~~400.0~~ *500.0*) promulgated by the commissioner and approved by the advisory council shall be known as the state building code, may be cited as such and will be referred to herein as this code.

ITEM 9. Renumbered subrule **16.110(9)"a"** is amended to read as follows:

a. Requests for consideration of alternate provisions or application thereof shall be submitted to the commissioner by the building owner or his agent in writing with substantiating data. See IAC subrule ~~5-3(4)~~ *16.3(1)*.

ITEM 10. Renumbered subrule 16.120(2) is amended to read as follows:

**16.120(2).** The Uniform Building Code and appendices ~~1979 1982~~ edition and the Uniform Building Code Standards ~~1979 1982~~ edition ~~including the 1980 supplement~~ as published by the International Conference of Building Officials.

ITEM 11. Renumbered subrule 16.120(3) is amended to read as follows:

**16.120(3)** The National Electrical Code, ~~1978 1981~~ edition, NFPA No. 70 ~~1978 1981~~, as published by the National Fire Protection Association.

ITEM 12. Renumbered subrule 16.120(4) is amended to read as follows:

**16.120(4)** The Uniform Mechanical Code, ~~1979 1982~~ edition as published by the International Conference of Building Officials—*and the International Association of Plumbing and Mechanical Officials.*

ITEM 13. Renumbered subrule 16.120(5) is amended to read as follows:

**16.120(5)** The Uniform Plumbing Code, ~~1979 1982~~ edition as published by the International Association of Plumbing and Mechanical Officials.

ITEM 14. Renumbered subrule 16.120(6) is amended to read as follows:

**16.120(6)** ~~Code for Energy Conservation in New Building Construction 1977 The Model Energy Code 1983~~ edition, as published by the ~~National Conference of States on Building Codes and Standards~~ *Council of American Building Officials.*

ITEM 15. Renumbered rule 680—16.121(103A) is amended to read as follows:

**680—16.121(103A) Optional alternates to adopted codes.** Specifications and regulations which are enumerated by title and date below (*16.121(1)*) may be used as an optional alternate to the "Uniform Building Code," "Uniform Mechanical Code," "Uniform Plumbing Code," and "The National Electrical Code," only in those buildings classified as one- and two-family dwellings.

ITEM 16. Renumbered subrule 16.121(2) is amended to read as follows:

**16.121(2)** Any governmental subdivision which has by ordinance or resolution adopted the state building code as their building code, may include the one- and two-family dwelling code: *as included herein as Division 5 rule number 680—16.500(103A).* The acceptance of ~~the one-two family dwelling code~~ *Division 5* voids all provisions of the codes adopted in ~~5-120 16.120(2) to 5-120 16.120(5)~~ which apply to one- and two-family dwellings.

## PUBLIC SAFETY DEPARTMENT[680] (cont'd)

ITEM 17. Renumbered subrule 16.121(3) is amended to read as follows:

**16.121(3)** Any governmental subdivision which has by ordinance or resolution adopted the state building code as their building code, may delete chapter 44 or chapter 45 of the Uniform Building Code, ~~1979~~ 1982 and substitute ~~transfer such regulations deemed necessary by those in authority to their own SPECIFIC~~ specific requirements: as deemed necessary by those in authority.

ITEM 18. Renumbered rule 680—16.123(103A) is amended to read as follows:

**680—16.123(103A) Other rules.** Adherence to the requirements of this code is not intended to supersede any specific authority of other state agencies, federal agencies, or governmental subdivisions within the state of Iowa, except as prescribed by statute. Special attention is herewith directed to the following state agencies: , which may have additional requirements for specific conditions or occupancies.

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

ITEM 19. Renumbered subrule 16.123(3) is amended to read as follows:

**16.123(3)** Permits only. Any governmental subdivision that has not established a building department as per ~~5-123~~ 16.123(1) but requires a permit to construct or occupancy permit or both such person or agency shall be known as the "issuing authority."

ITEM 20. Renumbered subrule 16.130(4) is amended to read as follows:

**16.130(4)** Existing occupancies. Buildings in existence at the time of adoption of this code may have their existing use or occupancy continued, if such occupancy was legal at the time of the adoption of this code and provided such continued use is not dangerous to life. Any change in use or occupancy of any existing buildings or structures shall comply with the provisions of ~~5-130(12)~~ 16.130(3) of this code and section 502 of the U.B.C.

ITEM 21. Renumbered subsection 16.130(7)"a" is revised to read as follows:

a. The building or structure has been designated by official action of the state historic preservation officer, Iowa state historical department or by an official legislative body as having special historical or architectural significance.

*NOTE: Additional instructions may be obtained from the state historical department of the U.S. Department of Interior.*

ITEM 22. Renumbered subrule 16.130(12) is amended to read as follows:

**16.130(12)** Permits and inspections. In those governmental subdivisions that have by ordinance or resolution adopted procedures for issuance of permits and specific or special inspections as per Iowa Code sections 103A.19 and 103A.20; ~~The Code.~~ No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the governmental subdivision, or cause

the same to be done, without first obtaining a permit for each building or structure from the building official. (See Division 6 for additional permit requirements for factory built structures: , Division 7 for Handicapped Accessibility and Division 8 for Energy Conservation)

ITEM 23. Renumbered subrule 16.130(14) is amended to read as follows:

**16.130(14)** Use or occupancy. No building or structure of A, E, I, H, B or R, occupancy classifications as defined by the uniform building code ~~1979~~ 1982, shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy: , if so required by local laws or ordinances.

ITEM 24. Add three new paragraphs to renumbered subrule 16.131(1) as follows and renumber the remaining paragraphs:

f. Handicapped accessibility. Details and information showing compliance with Division 7 of this code.

g. Energy conservation. Details and information showing compliance with Division 8 of this code and a copy of the statement of review filed with the building code commissioner when required.

h. Fire stopping. Plans for buildings more than two stories in height of other than Group R, Division 3 and M Occupancies shall indicate how a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

ITEM 25. Renumbered subrule 16.131(4) is amended to read as follows:

**16.131(4)** Fees for copies of documents.

Charges for copies of the state building code administration section shall be as follows:

Administration Section (Including all divisions) ~~\$2.00~~ \$5.00.

Individual Divisions \$1.00.

Charges for other documents obtained by from the building code section will be the actual cost plus postage and handling charges. ~~or delivery charges.~~

ITEM 26. Renumbered rule 680—16.140(103A) is amended by striking the entire rule and inserting in lieu thereof the following:

**680—16.140 (103A) General construction rules and regulations.**

**16.140(1)** Adoption. Chapters 4 to 54 and chapter 60 on standards with all appendices of the uniform building code, 1982 edition, as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 are hereby adopted by reference as the construction rules and regulations, Division 1, Part 4 of the Iowa state building code, administration section with the following revisions and amendments:

a. Chapters 1, 2 and 3 of the uniform building code, 1982 edition, are replaced by the administration rules and regulations, Division 1, Parts 1, 2 and 3 of this code.

b. Delete appendix chapters 1, 12, 23, 32, 53 and 70 of the uniform building code, 1982 edition.

c. The last paragraph in section 502 shall read as follows:

No change in the character of occupancy of a building shall be made without a Certificate of Occupancy, as required in subrule 16.130(13) of these rules. The building official may issue a Certificate of Occupancy pursuant to the intent of the above exception without certifying that the building complies with all provisions of this code.

## PUBLIC SAFETY DEPARTMENT[680] (cont'd)

d. Delete section 511 and insert in lieu thereof the following:

Sec. 511(a) Access to Water Closets. Each water closet shall be located in a clear space not less than thirty inches in width and have a clear space in front of the water closet stool of not less than twenty-four inches.

(b) Where toilet facilities are accessible to the physically handicapped they shall meet the requirements of subrule 16.705(8) of Division 7 of this code.

NOTE: The requirements of the American National Standard ANSI A117.1-1980 may also be used for toilet facilities which are accessible to the physically handicapped.

(c) Access to lavatories, mirrors, towel fixtures, water fountains and telephones. See subrules 16.705(8), 16.705(9) and 16.705(10) in Division 7 of this code, for requirements for handicapped accessibility to lavatories, mirrors, towel fixtures, water fountains and telephones.

e. Delete Section 1213 and insert in lieu thereof the following:

Sec. 1213 Buildings containing five or more individual dwelling units and all hotels shall comply with the applicable provisions of Division 7 of the Iowa state building code.

NOTE: See subrule 16.706(1) of Division 7 of this code for additional requirements in buildings which contain twelve or more individual dwelling units.

f. Delete subparagraph (a) of Section 1807 and insert in lieu thereof the following:

Section 1807(a) Scope. This section shall apply to all Group B, Division 2 office buildings and Group R, Division 1 occupancies, located in buildings which are more than four stories or sixty-five feet in height above the lowest level of fire department vehicle access, or of greater height than the ladder capability of the local fire department from the lowest level of fire department vehicle access. Such buildings shall be provided with an approved automatic sprinkler system in accordance with Section 1807(c).

g. Amend the first paragraph of subsection 1807(h) to read as follows:

(h) Elevators. Elevators and elevator lobbies shall comply with the provisions promulgated by the Iowa State Labor Commissioner and of Chapter 51 and the following:

h. Delete subsection 1807(l).

i. Delete the second paragraph of section 2305(d) and insert in lieu thereof the following:

Potential accumulation of snow at valleys, parapets, roof structures and offsets of uneven configuration shall be considered. Roofs shall sustain a minimum snow load of 30 pounds per square foot except as permitted by (e) below. The local building official may determine that conditions warrant the need of a greater minimum snow load.

j. Add a new subsection (d) to Section 2308 to read as follows:

(d) Special construction requirements.

A. Foundation walls. Notwithstanding other design requirements of chapters 24, 26 and 29, foundation walls for Group R, Division 3, occupancies of Type V construction may be constructed in accordance with the following provisions, provided the application, or building site conditions affecting such walls are within the limitation specified herein.

1. The maximum height of the foundation wall shall be no more than seven feet eight inches measured between the foundation plate and a concrete floor slab

having a minimum thickness of three and one-half inches. If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required.

2. The foundation plate shall be attached to the wall as prescribed in Section 2907(e).

3. Material used for back filling shall be carefully placed granular soil of average or high permeability except the top two feet may be an impervious type material and shall be drained with an approved drainage system. The wood and earth separation requirements of Section 2516 Subsection (c)7 shall be observed at all times.

4. Where soils containing a high percentage of clay, fine silt or similar material of low permeability or expansive soils are encountered or where back fill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.

B. Hollow concrete masonry foundation walls.

1. Hollow concrete masonry units shall be set in Type M or Type S mortar.

2. All footings shall be of cast-in-place concrete having a minimum compressive strength of 2,500 pounds per square inch at twenty-eight days, and shall be reinforced longitudinally with not less than a half-inch steel bar for one story construction, or two half inch steel bars for two story construction. Footing reinforcement shall be symmetrically placed and so located as to ensure no less than three inches of concrete cover on all sides.

3. Masonry foundation walls having a nominal thickness of not less than twelve inches may be unreinforced. Other masonry foundation walls shall comply with the following requirements:

(i) The nominal thickness of concrete masonry units shall not be less than eight inches.

(ii) When a foundation wall has a horizontal clear-span of more than twelve feet between supporting cross walls or corners, fully grouted vertical reinforcing shall be provided in the center of said wall in the amount of 0.075 square inches of ASTM A615 grade 40 or better steel, per lineal foot of wall. All reinforcing steel shall be deformed bars spaced no more than eight feet (8'-0") on center. All grout shall comply with section 2403(r).

C. Cast-in-place plain concrete foundation walls. Cast-in-place walls constructed under the provisions of this subsection shall be concrete having a minimum compressive strength of twenty-eight days of not less than 3,000 pounds per square inch. All materials proportioning, and placing shall conform to the requirements of chapter 26. In addition, the following shall apply:

(i) The minimum thickness of wall shall be seven and one-half inches.

(ii) Walls shall be reinforced with no less than three half-inch diameter deformed ASTM A615 grade 40 steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near the bottom, and one bar located near midheight of the wall. Reinforcing bars and methods of placement shall be in accordance with chapter 26.

k. Revise section 2310 to read as follows:

Sec. 2310. Concrete or masonry walls shall be anchored to all floors and roofs which provide lateral support for the wall. Such anchorage shall provide a positive direct connection capable of resisting the horizontal forces specified in this chapter. Walls shall be designed to resist bending between anchors where the anchor spacing exceeds four feet. Required anchors in masonry walls of hollow units or cavity walls shall be embedded in a

**PUBLIC SAFETY DEPARTMENT**[680] (*cont'd*)

reinforced grouted structural element of the wall. See Sections 2312 (j) 2 C and 2312 (j) 3 A.

l. Delete the first paragraph of subsection 2312(a) and insert in lieu thereof the following:

Sec. 2312(a) General. Every building housing Group A, E, H divisions 1 or 2 and I occupancy, every tower structure (such as water and transmission towers) exceeding 50 feet in height, every essential facility and any other structure in which the fundamental period of vibration "T" is in excess of 1/2 second, shall be designed and constructed to resist stresses produced by lateral forces as provided in this section. Stresses shall be calculated as the effect of a force applied horizontally at each floor level above the base. The force shall be assumed to come from any horizontal direction.

m. Delete Table No. 29-A and insert in lieu thereof the following:

Number of Floors Supported by the Foundation <sup>1</sup>	Thickness of Foundation Walls (Inches)		Minimum Width of Footing (Inches)	Thickness of Footing (Inches)	Minimum Depth of Foundation below Natural Surface of Ground or Finish Grade (Whichever is Lower) (Inches)
	Concrete	Masonry Unit			
1	8	8	16	8	42
2	8	8	16	8	42
3	10	12	18	12	42

<sup>1</sup> Foundations may support a roof in addition to the stipulated number of floors. Foundations supporting roofs only shall be as required for supporting one floor.

n. Delete the right hand column of Table 33A "Access by means of a ramp or an elevator must be provided for the physically handicapped as indicated." (See Division 7, rules and regulations for the handicapped, Table 705A for accessibility requirements.)

o. Add an unnumbered paragraph to subsection 3704(c) to read as follows:

Notwithstanding the limitations above these anchorage requirements shall apply to masonry and concrete chimneys in Iowa.

p. Add an unnumbered paragraph to subsection 3802(a) to read as follows:

Rules promulgated by the state fire marshal to implement Iowa Code section 100.39 which are in the Iowa Administrative Code at 680—5.230 (100) which apply to new buildings and to additions to buildings which exceed four stories in height or sixty-five feet above grade shall apply in addition to the requirements of this chapter.

q. Add a note to exception 1. to subsection 3802(g) to read as follows:

NOTE: This exception shall not apply in any Group I occupancy which is required by either state or federal regulation to be equipped with a complete automatic sprinkler system.

r. Add a new section 3808 to chapter 38 of the UBC to read as follows:

**FIRE EXTINGUISHERS**

Sec. 3808 The rules of the state fire marshal which have been promulgated under the authority of Iowa Code section 100.35 which require the installation of approved type fire extinguishers shall apply to buildings which are covered by this Code.

NOTE: See Iowa Administrative Code 680—chapter 5 for the specific occupancies and requirements.

s. Delete subsection 4305(e) and insert in lieu thereof the following:

(c) Wiring in Plenums—wiring in plenums shall comply with the Electrical Code.

t. Add two unnumbered paragraphs to section 5101 to read as follows:

Notwithstanding the requirements of this chapter the rules promulgated by the Iowa Bureau of Labor to

implement Iowa Code chapter 104 which are in the Iowa Administrative Code as chapters 71 through 76 of Labor (530) shall also apply.

In addition to these provisions, see section 1807 of the UBC for elevator requirements in high rise buildings, and Division 7 of this code for elevator requirements for handicapped persons.

ITEM 27. Renumbered subrule 16.300(1) is revised to read as follows:

**16.300(1)** Adoption. Chapters 4 to 20, and appendices A, B and C of the Uniform Mechanical Code 1979 1982 Edition published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, are hereby adopted as the Mechanical Rules and Regulations, Division 3, of the state building code with amendments as follows:

a. Delete the definition Building Code from section 404, Building Code. Delete definition and insert in place lieu thereof:

Building Code is the current 1980 Edition of the Construction Rules and Regulations, Division 1 of the Iowa state building code.

b. Add a new unnumbered paragraph to subsection 807(c) to read as follows:

Except for being prohibited in Group I occupancies, portable heating appliances as defined in section 418 are not regulated by this code. Unregulated appliances with self-contained fuel tanks shall have a capacity of no more than two gallons.

ITEM 28. Renumbered rule 680—16.400 (103A) is amended by striking the entire rule and inserting in lieu thereof the following:

**DIVISION 4**

**680—16.400 (103A) Plumbing rules and regulations.**

**16.400(1)** Adoption. Chapters 1 to 13 and Appendix D, of the Uniform Plumbing Code, 1982 Edition as published by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032, are hereby adopted by reference as the Plumbing Rules and Regulations, Division 4, of the Iowa state building code, with amendments as follows:

a. Section 201. Delete the subsections e, f, g, h, i and j. (See 16.110(9) for alternate materials and methods of construction.)

b. Section 203. Delete subsections (a), (b) and (d) and replace as follows:

(a) Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper drainage tube type L.

(b) Copper tubing for above ground drainage and vent piping shall have a weight of not less than that of copper drainage tubing type M.

EXCEPTION: Type DWV weight may be used in one and two family dwellings.

(d) Copper tube for water piping shall have a weight of not less than Type M. Exception: Underground water piping shall be a weight of not less than Type K copper tubing.

c. Section 209. Add the following:  
When backwater valves are required by section 409(a), they shall consist of manually operated valves. In addition, approved valves which are automatic in operation as described in section 209 may also be used but are not required.

d. Table A. Delete reference to "homogenous bituminized fiber drain and sewer pipe."

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e. Subsection 401(a). Delete exception 2 and insert the following:

2. ABS and PVC pipes and fittings shall be marked to show conformance with the standards in the code. ABS and PVC installations are limited to construction not exceeding the following conditions:

(a) No vertical stack shall exceed thirty-five feet in height. No horizontal branch shall exceed fifteen feet in length.

(b) All installations shall be made in accordance with the manufacturer's recommendations.

(c) Installations shall not be made in any space where the surrounding temperature will exceed 140°F., or in any construction or space where combustible materials are prohibited by any applicable building code or regulation, or in any licensed institutional occupancy except where special conditions require other than metal pipe, i.e., in acid waste or de-ionized water systems, plastic pipe and other materials may be approved by the administrative authority.

NOTE: Installation of ABS and PVC piping beyond the limits of (a) may be approved by the Administrative Authority for a particular case when certified by a professional engineer or architect.

f. Section 407. Delete section 407 and insert in lieu thereof the following:

Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than one-fourth ( $\frac{1}{4}$ ) of an inch per foot (20.9 mm/m) or two (2) percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of one-fourth ( $\frac{1}{4}$ ) of an inch per foot (20.9 mm/m) or two (2) percent, any such pipe or piping four (4) inches (101.6 mm) or larger in diameter may have a slope of not less than one-eighth ( $\frac{1}{8}$ ) of an inch per foot (10.4 mm/m) or one (1) percent. Slopes of less than one-eighth of an inch per foot in piping four inches or larger in diameter may be approved by the Administrative Authority.

g. Section 409(a). Add the following:

Additional backwater valves may be required by the Administrative Authority or the engineers of the governing body, based upon local conditions.

h. Section 409(j). Add the following exception:

Exception: In single family dwellings, sumps to which no fixtures except on floor drain is connected and which receive only laundry wastes or basement drainage need not be airtight or be vented.

i. Table 4-3. Delete reference to footnote 3 for vent piping maximum units under 1½-inch pipe size.

j. Section 502. Delete subsection (a) and add new subsections (a) and (c) as follows:

(a) No vents will be required on a downspout or rain leader trap, a backwater valve, a subsoil catch basin trap, a three inch basement floor drain, or a water closet provided its drain branches into the house drain on the sewer side at a distance of five feet or more from the base of the stack and the branch line to such a floor drain or water closet is not more than twelve feet in length.

(c) In single and two family dwellings no vent will be required on a two inch basement P trap, provided the drain branches into a properly vented house drain or branch, three inches or larger, on the sewer side at a distance of five feet or more from the base of the stack and the branch to such P trap is not more than eight feet in length. In buildings of one interval, where only a lavatory, sink, or a urinal empties into the stack, the five foot distance from the base of the stack does not apply.

k. Section 503(a). Delete exception 2 and insert the following:

2. ABS and PVC pipes and fittings shall be marked to show conformance with the standards in the code. ABS and PVC installations are limited to construction not exceeding the following conditions:

(a) No vertical stack shall exceed thirty-five feet in height. No horizontal branch shall exceed fifteen feet in length.

(b) All installations shall be made in accordance with the manufacturer's recommendations.

(c) Installations shall not be made in any space where the surrounding temperature will exceed 140°F., or in construction or any space where combustible materials are prohibited by any applicable building code or fire regulation, or in any licensed institutional occupancy except where special conditions require other than metal pipe, i.e., in acid waste or de-ionized water systems, plastic pipe or other materials may be approved by the administrative authority.

NOTE: Installation of ABS and PVC piping beyond the limits of (a) may be approved by the Administrative Authority for a particular case when certified by a professional engineer or architect.

l. Section 507. Add a new subsection (c) to read as follows:

(c) A vent stack or a main vent shall be installed with a soil or waste stack whenever back vents, relief vents or other branch vents are required in two or more branch intervals or stories.

m. Section 604. Add a new subsection (c) to read as follows:

(c) In basements of residential construction a stand-pipe receptor for any clothes washer may discharge directly over a floor drain. A proper air gap shall be provided.

n. Section 608. Delete subsection (c) and insert in lieu thereof the following:

(c) No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher air-gap fitting on the discharge side of the dishwashing machine, or by looping the discharge line of the dishwasher as high as possible near the flood level of the kitchen sink where the waste disposer is connected.

o. Section 613. Add a new subsection (d) to read as follows:

(d) The following wet venting conditions are given as examples of common conditions used in residential construction which are allowed under this code, provided the piping sizes are maintained as required by other sections of this code and the wet vented section is vertical.

1. Single bathroom groups. A group of fixtures located on the same floor level may be group vented but such installations shall be subject to the following limitations:

(a) Two fixtures with a combined total of four fixture units may drain into the vent of a three inch closet branch.

(b) One fixture of two or less units may drain into the vent of a one and one-half inch bathtub waste pipe.

(c) Two fixtures of two or less units each may drain into the vent of a two-inch bathtub waste serving two or less tubs providing that they drain into the vent at the same location.

2. A single bathroom group of fixtures on the top floor may be installed with the drain from a back-vented lavatory serving as a wet vent for a bathtub or shower stall and for the water closet, provided that:

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(a) Not more than one fixture unit is drained into a one and one-half inch diameter wet vent or not more than four fixture units drain into a two-inch diameter wet vent.

(b) The horizontal branch shall be a minimum of two inches and connect to the stack at the same level as the water closet drain or below the water closet drain when installed on the top floor. It may also connect to the water closet arm.

3. Common vent. A common vent may be used for two fixtures set on the same floor level but connecting at different levels in the stack providing the vertical drain is one pipe size larger than the upper fixture drain but in no case smaller than the lower fixture drain.

4. Double bathroom group. Where bathrooms or water closets or other fixtures are located on opposite sides of a wall or partition or are adjacent to each other within the prescribed distance such fixtures may have a common soil or waste pipe and common vent. Water closets having a common soil and vent stack shall drain into the stack at the same level.

5. Basement closets. Basement closets or floor drains may be vented by the waste line from a first floor sink or lavatory having a one and one-half inch waste and vent pipe.

p. Table 7-1. Change tabulation to read as follows:

Trap Arm	Distance Trap to vent	
	Feet	Inches
1/4	5	0
1/2	6	0
2	8	0
3	12	0
4 and larger	12	0

q. Section 909(e). Delete all references to nonmetallic shower subpans.

r. Section 1003. Delete the exception to subsection 1003(k).

s. Section 1004. Delete subsection (a) and insert in place thereof:

(a) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, approved plastic or other approved materials. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the Administrative Authority.

Plastic pipe and fittings manufactured and tested to recognized standards specifying a tolerance to temperatures of 210°F. at a pressure of 150 pounds per square inch, and so marked by an approved testing agency, may be used for hot water distribution piping. Plastic pipe and fittings meeting lower qualifications of temperature and pressure used for cold water distribution piping shall be separated from any source of hot water by a thermal break. The thermal break shall consist of a minimum of two feet of metal pipe or the method recommended by the plastic pipe manufacturer, which will assure that the plastic pipe will not be subjected to a temperature or a pressure greater than its rated capacity. Exception: Plastic piping shall not be used within the building of licensed institutional occupancies for water distribution.

t. Section 1105. Delete entire section and insert in place thereof:

Section 1105. Size of building sewers.

The size of any building sewer shall be determined on the basis of the total number of fixture units drained by the sewer, in accordance with Table 4-3, except that the

minimum diameter for any building sewer regardless of the number of fixtures shall be four inches.

u. Section 1106. Delete subsection (a) and insert in lieu thereof the following:

(a) Building sewers shall be run in practical alignment and at a uniform slope of not less than one-fourth (1/4) of an inch per foot (20.9 mm per m) toward the point of disposal; provided that where it is impractical, due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure, to obtain a slope of one-fourth (1/4) of an inch per foot (20.9 mm p m), any such pipe or piping four (4) inches (101.6 mm) or larger may have a slope of not less than one-eighth (1/8) of an inch per foot (10.5 mm p m). Slopes of less than one-eighth (1/8) of an inch per foot in pipes or piping four inches or more in diameter may be approved by the Administrative Authority.

v. Section 1107. Add a new subsection (g) to read as follows:

(g) In addition to the requirements of subsections (a) to (f) a cleanout shall be provided in each vertical waste or soil stack at a point at least forty-two (42) inches above the base of the stack.

w. Section 1305. Add a new subsection (d) to read as follows:

(d) Every water heater shall be equipped with an approved over pressure-temperature safety protection device, listed and installed in accordance with applicable nationally recognized standards.

x. Section 1306. Add a new subsection (b) to read as follows:

(b) Every water heater shall be equipped with an approved over pressure-temperature safety protection device, listed and installed in accordance with applicable nationally recognized standards.

y. Appendices. The Appendices except Appendix D, in the code are not approved as rules, however, those other than E (mobile home parks), G (swimming pools), and I (private sewage disposal) may be used as a point of reference when circumstances warrant. The Iowa Administrative Code [Health Department] 470, Chapters 12, 15, 45 and 71 are the criteria to follow for private sewage disposal, swimming pools, water well systems, and mobile home parks.

z. Appendix D1(a). Delete the second paragraph and insert the following:

ABS and PVC DWV piping installation shall not be used in any space where the surrounding temperature will exceed 140°F. or in construction or any space where combustible materials are prohibited by any applicable building code or fire regulation, or in any licensed institutional occupancy.

16.401 to 16.499 Reserved.

ITEM 29. Delete paragraph "f" of renumbered subrule 16.610(2) and insert in lieu thereof the following:

f. Modular factory-built structures moved or relocated after the first installation in Iowa shall comply with the applicable codes and zoning restrictions of the jurisdiction into which it is being moved or relocated.

ITEM 30. Renumbered subrule 16.610(3) is revised to read as follows:

16.610(3) Definitions. Definitions found in Division 1 of this code also apply to this division 6. These definitions also apply to all parts of this division 6. This section subrule covers terms and definitions that will be defined herein for purposes of clarification when used in Part 1, Division 6.



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ITEM 31. Add a new definition "c" to renumbered subrule 16.610(3) and renumber the remaining definitions:

c. "Certificate of compliance". A certification which is filed with the commissioner which indicates that the third-party agency has approved specific models or model groups of factory-built structures as meeting the state building code. (See 16.610(14)"d" and 16.610(17).)

ITEM 32. Renumbered subrule 16.610(3)"e" is revised to read as follows:

e. "Code compliance certificate". Is the certificate prepared by an approved manufacturer and submitted by the manufacturer for each unit which is to be installed in Iowa and includes an Installation Certificate. (See subrules 16.610(19) and 16.610(20).)

ITEM 33. Delete renumbered subrule 16.610(3)"k" and insert in lieu thereof the following:

k. "Modular". A general term to describe all factory-built structures which are not manufactured homes, manufactured home add-on units, or temporary field construction offices, as defined in Part 2, at 680—16.620 (103A). Modular includes, but is not limited to, panelized units, components, sections and modules.

ITEM 34. Renumbered subrule 16.610(5) is revised to read as follows:

**16.610(5)** Modular construction requirements. All factory-built structures not designated as a *manufactured mobile home, manufactured mobile home add-on* or a temporary field construction office shall be constructed to the requirements in Division 1, Part 4, Division 2, Division 3, Division 4, or the alternate method of construction as provided for in Division 5, Division 7 whenever applicable, and Division 8, of the state building code.

ITEM 35. Renumbered subrule 16.610(6) is revised to read as follows:

**16.610(6)** Modular installation requirements. All factory-built structures designated as modular units shall be installed according to the manufacturer's approved installation drawings and any additional state approved requirements. All approvals shall be made by part of the third-party certification agency approval for their respective manufacturer. In addition, all installations shall meet comply with local building codes for items not included as part of the state approval and local zoning requirements whenever applicable.

*Modular installers shall obtain approval as required by rule 680—16.622 (103A).*

*Modular installation seals shall be obtained and attached upon completion and the installation certificate shall be completed and filed as per subrule 16.610(20).*

ITEM 36. Renumbered subrule 16.610(29) is revised to read as follows:

**16.610(29) Fees.**

- a. Forms of remittance. All remittances shall be:
  1. In the form of checks or money orders.
  2. Payable to: Treasurer, State of Iowa.
  3. Addressed to:

State Building Code Bureau Commissioner  
Division of Municipal Affairs  
Office for Planning and Programming  
Department of Public Safety  
523 E. 12th Street  
Wallace State Office Building  
Des Moines, Iowa 50319

b. Seal fees.

1. Modular code compliance seals
 

No prefix or "A" prefix	\$30.00 per seal
B, C, D, E, etc. prefixes	\$10.00 per seal
Replacement seals	\$10.00 per seal
2. Modular installation seals \$15.00 per seal
3. AH Replacement seals \$10.00 \$7.50 per seal

c. Other fees. For all other services furnished by the commissioner which are not direct administrative duties of his office, such as, but not limited to: Obtaining consultants for review and evaluation of approval applications, or obtaining reviews from the national code writing organizations, a fee equal to the direct expense shall be charged.

ITEM 37. Renumbered subrule 16.610(30) paragraphs "a" and "c" are revised to read as follows:

a. The issuance of building permits and occupancy permits shall be in accordance according to with local ordinances; and Iowa Code sections 103A.19 and 103A.20.

c. Nothing in these rules or the state building code exempts any building or factory-built structure from the requirements of local zoning or site condition (e.g. fire zones) requirements.

ITEM 38. Delete renumbered rules and subrules 680—16.620 (103A) to subrule 16.629(2) and insert in lieu thereof:

Part 2

**680—16.620 (103A) Manufactured home construction** (previously called mobile home).

**16.620(1)** Authority to promulgate rules. Pursuant to Public Law 93-383, Section 604 of the National Manufactured Home Construction and Safety Act of 1974, specified in 42 U.S.C. 5403 and signed into law on August 22, 1974, the authority to promulgate rules and regulations in order to establish federal manufactured home construction standards and procedures of enforcement were established by Congress and subsequent provisions for their implementation were so granted to the United States Department of Housing and Urban Development (HUD). Title VI of this Act authorizes the secretary of HUD to promulgate the federal standards and to issue the rules and regulations to ensure adequate administration and enforcement of such standards.

**16.620(2)** Scope and applicability.

a. Provisions contained within Part 2 shall apply to all factory-built structures defined as a "manufactured home" in subrule 16.620(4) of Part 2. These regulations shall govern manufactured homes that enter the first stage of production on or after June 15, 1976, and manufactured homes that entered the first stage of production prior to June 15, 1976 to which HUD (Department of Housing and Urban Development) labels were affixed. These provisions supersede all local, state, or other governmental regulations for manufactured home standards and are applicable for every manufactured home unit newly manufactured and offered for sale in the United States and its governing territories. These provisions do not apply to the following:

(1) Factory-built structures which comply with the requirements of Division 6, Part 1 of the state building code.

(2) Manufactured homes manufactured for installation in the state of Iowa on or after February 1, 1973 and prior to June 15, 1976.

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b. Construction of multifamily manufactured homes, manufactured home add-on units, and temporary field construction offices will be covered by the provisions of Division 6, Part 2, however, the administration and the enforcement of the rules and regulations will apply as specified in Division 6, Part 1 for modular structures. These units will not bear a seal issued by the department of housing and urban development, but will bear an Iowa seal and be governed by all seal provisions outlined accordingly in Division 6, Part 1.

**16.620(3)** Manufacture of units prior to June 15, 1976. Manufactured home units, add-on units, multifamily manufactured homes and temporary field construction offices that were manufactured for installation in Iowa prior to June 15, 1976, which established the effective date of the HUD standard, shall have been constructed to the standards of manufactured homes of the Iowa state building code which was in effect at the time of manufacture.

**16.620(4)** Definitions and terms. Terms and definitions for purposes of clarification when used in Part 2. (See also subrule 16.610(3).)

a. "Anchoring equipment". Straps, cables, turn-buckles, clamps, clips, and other fasteners including tensioning devices, which are used with ties to secure a manufactured home to ground anchors.

b. "Anchoring system". A combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the manufactured home from wind forces.

c. "Approved installer". Approval by the commissioner or his designated representative of a person, dealer, agency or organization, qualified to inspect, or install ground anchoring and support systems for manufactured homes or other manufactured structures, who install units, for others, at a site of occupancy by attaching support and anchoring systems, and is familiar with and has agreed to comply with these installation procedures.

d. "Certificate, installation". The certificate provided by the installer to both the commissioner and the owner which warrants that the installation system complies with these rules. When an installer installs only the support system or anchorage system, an installation certificate shall also be completed and copies distributed accordingly for each installation and with the applicable information completed on the certificate pertinent to that type of installation (see subrule 16.623(5)).

e. "DAPIA". A design inspection agency approved by HUD to perform in-plant design reviews on all drawings and specifications in order to provide compliance to the HUD standard for manufactured home construction.

f. "Diagonal tie (frame tie)". A tie intended to primarily resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

g. "Ground anchor". Any device at the manufactured home site designed to transfer manufactured home anchoring loads to the ground.

h. "IPIA". A production inspection agency approved by HUD to perform the in-plant quality assurance inspection programs within manufactured home manufacturing facilities.

i. "Label or certification label". The approved form of certification by the manufacturer that is affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States or its governing territories.

j. "Main frame" (Chassis). The structural component on which is mounted the body of the manufactured home.

k. "Manufactured home". (Previously called mobile home.) A structure transportable in one or more sections which when erected on site measures eight body feet or more in width and forty body feet or more in length or when erected on site is three hundred twenty or more square feet in area, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

l. "Manufactured home add on". A structure which is designed and produced and to be made an integral part of a manufactured home and will be considered part of the manufactured home, when attached thereto.

m. "Multifamily manufactured home". Manufactured homes designed and manufactured with more than one living unit.

n. "Pier". That portion of the support system between the pier foundation and the manufactured home exclusive of caps and shims.

o. "Pier foundation (footing)". That portion of the support system that transmits loads directly to the soil, and shall be sized to support the loads shown herein.

p. "SAA". A state administrative agency approved by the department of housing and urban development to participate in the enforcement of all provisions to which a manufactured home is regulated under the HUD standard.

q. "Seal, installation". Is an insignia issued by the commissioner which is attached to a manufactured home by the installer to certify that the installation is in compliance with the requirements of the state building code.

r. "Stabilizing system (tie-down system)". A combination of the anchoring system and the support system when properly installed. Therefore components of the anchoring and support systems such as piers, pier foundations, ties, anchoring equipment, anchors, or any other equipment which supports or secures the manufactured home to the ground, shall be defined as stabilizing devices. For the purposes of this code the definition of a stabilizing system and the definition of a tie-down system, shall be one and the same (see subrule 16.620(4)"v").

s. "Support system". A combination of pier foundations, piers, caps, and shims that will, when properly installed, support the manufactured home.

t. "Temporary field construction office". A factory-built structure used at a construction site as an office facility by the personnel engaged in the construction of another structure or project. The intent of this structure is to remain on the job site only as long as necessary during the construction and then removed before construction is completed.

u. "Tie". Strap, cable or securing device used to connect the manufactured home to ground anchors.

v. "Tie-down system (stabilizing system)". Means a ground support system and a ground anchoring system used in concert to provide anchoring and support for a manufactured home (see subrule 16.620(4)"r").

w. "Vertical tie (over-the-top)". A tie intended to resist the uplifting and overturning forces. This tie may continue over-the-top but if properly attached may only extend part way up each side.

**16.620(5)** Administration. This section covers the basic requirements for constructing manufactured homes and all of the administrative procedures under which the manufactured home program functions including information pursuant to certification, approval and manufacturing requirements. This section also applies to those structures defined in subrule 16.620(4) of Part 2 as

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manufactured home add-on units, temporary field construction offices and multifamily homes. There are also included within Part 2, (680—16.621(103A)) sections dealing with installation procedures and information pursuant to the handling of consumer complaints (16.620(15)) consistent with the duties of the state of Iowa to be performed as a State Administrative Agency (SAA) in conjunction with the manufactured home program.

**16.620(6)** Manufactured home construction requirements. All factory-built structures that are defined as a manufactured home under subrule 16.620(4)“k” of Part 2, shall be constructed to the standards as promulgated by the United States Department of Housing and Urban Development hereafter referred to as HUD. These standards were published as final rules in the December 18, 1975 issue of the Federal Register, Volume 40, No. 244, and will be amended from time to time. These standards are herein adopted and apply to all manufactured homes manufactured after June 15, 1976. All provisions for manufactured home procedural and enforcement regulations are covered within the May 13, 1976 Federal Register, Volume 41, No. 94. All factory-built structures defined as a manufactured home by the federal standard shall be manufactured and so regulated by these documents.

**16.620(7)** Procedures of approval for manufactured homes. Every manufactured home unit or structure approval will follow the method of third-party certification approval with all approvals obtained through the HUD secretary. All manufactured home plans, specifications, documentation, plant facilities and in-plant inspections must be submitted to and approved by a third-party certification agency so designated by the HUD secretary. Rules and regulations pursuant to these procedures are outlined in the manufactured home procedural and enforcement regulations, Part 3282.201 through 3282.204 which sets out requirements to be met by states or private organizations which wish to qualify as primary inspection agencies (see subrule 16.620(4) of Part 2 definitions for IPIA and DAPIA).

**16.620(8)** Compliance certification. Every manufactured home unit or structure must conform to the certification requirements within section 3282.205 of the manufactured home procedural enforcement regulatory document.

**16.620(9)** Certification seals (labels) and other seal requirements. Every manufactured home unit or structure must conform to the requirements within the manufactured home procedural and enforcement regulatory document section 3282.362(c)(2) in lieu of Iowa insignias. Other types of units manufactured under the requirements of Division 6, Part 2 will be labeled as prescribed in subrules 16.620(10), 16.620(11) and 16.620(12).

**16.620(10)** Manufactured home add-on units. Every factory-built structure manufactured as a manufactured home add-on unit as defined in subrule 16.620(4) of Part 2 shall be constructed to the standards set forth in subrule 16.620(6) of Part 2 except that these units will bear an Iowa seal in accordance with the provisions of the Iowa state building code, Division 6, Part 1. Manufacturers of manufactured home add-on units with the exception of constructing to the HUD standard, which has been herein adopted for these units, must comply with all other provisions of the Iowa state building code as described within Division 6, Part 1 for factory-built structures.

**16.620(11)** Multifamily homes. Every factory-built structure manufactured as a multifamily home within the definition contained in subrule 16.620(4) of Part 2

shall be constructed to the standards set forth in subrule 16.620(6) of Part 2 except that these units will bear an Iowa seal in accordance with the provisions of the Iowa state building code, Division 6, Part 1. Manufacturers of multifamily homes, with the exception of constructing units to the HUD standard which has herein been adopted for these units, must comply with all other provisions of the Iowa state building code as described within Division 6, Part 1 factory-built structures.

**16.620(12)** Temporary field construction offices. Every factory-built structure manufactured as a temporary field construction office within the definition as contained in subrule 16.620(4) of Part 2 shall be constructed to the standards set forth in subrule 16.620(6) of Part 2 except that these units will bear an Iowa seal in accordance with the provisions of the Iowa state building code, Division 6, Part 1. Manufacturers of temporary field construction offices with the exception of constructing units to the HUD standard which has herein been adopted for these units, must comply with all other provisions of the Iowa state building code as described within Division 6, Part 1, factory-built structures.

**16.620(13)** Seal types for manufactured home add-on units, temporary field construction offices and multifamily homes. When ordering seals for manufactured home add-on units, temporary field construction offices or multifamily manufactured homes, each manufacturer will indicate the number of each type of seal requested and the letter prefix required. Examples of seals issued are as follows: (A00-0000MH), (B00-0000MH), C, D, and E, etc. Single units are without prefix letters (00-0000MH). For more details, see Division 6, Part 1, subrule 16.610(21).

It is noted that manufactured home type seals shall be attached to all of these type units. All other procedures for seal issuance, removal, damage, repossession and return are to conform with provisions of this code as outlined in Division 6, Part 1.

**16.620(14)** Noncompliance. Failure to conform to the provisions of Part 2 as they apply to the federal standard for the construction of manufactured homes are subject to the penalties where applicable as set forth within Division 6, Part 1. The state of Iowa having adopted the federal standard and the enforcement regulations shall participate in the federal program as an agent of HUD thereby providing assurances to ensure code compliance when these units are offered for sale for subsequent installation within the state of Iowa.

**16.620(15)** Consumer complaints. The state building code bureau serving as an approved State Administrative Agency (SAA) for the Federal Department of Housing and Urban Development shall receive complaints and process them in accordance with the requirements of the federal regulations as outlined in subpart I, paragraph 3282.401, entitled, “Consumer Complaint Handling and Remedial Actions of the Manufactured Home Procedural and Enforcement document”. These specific complaints are categorized as possible imminent safety hazards or possible failures to conform to the federal standard. Imminent safety hazards shall be those items that could result in an unreasonable risk of injury or death to the occupants of the manufactured homes. Failures to conform to the federal standard are those items that do not result in an unreasonable risk of injury or death to the occupants of manufactured homes, but nevertheless do not meet the provisions of the federal standard in some specific manner.

**PUBLIC SAFETY DEPARTMENT[680] (cont'd)****680—16.621 (103A) Installation of manufactured homes.**

**16.621(1)** Authority. These rules and regulations are to establish minimum requirements for the installation of manufactured homes as authorized by Iowa Code section 103A.7, subsection 3, section 103A.9, and sections 103A.30 to 103A.33.

**16.621(2) Application.**

a. These rules apply to the initial installation of manufactured homes manufactured on or after February 1, 1973 and to factory-built structures manufactured before February 1, 1973, which have never been installed in Iowa, and are approved by the commissioner.

b. These rules apply to all manufactured homes, new or used, which are sold in Iowa or sold to be installed in Iowa after September 1, 1977, for new manufactured homes and January 1, 1978, for used manufactured homes. The seller shall provide an approved tie-down system and the purchaser shall install or have the system installed within one hundred fifty days (see subrule 16.620(4) for the definition of a tie-down system). The one hundred fifty-day period is designated for time to complete the installation when climatic conditions may restrict the completion of the tie-down system.

c. These rules apply to the installation of manufactured home add-on units, temporary field construction offices and manufactured multifamily homes.

**16.621(3) Enforcement.** The commissioner shall administer and enforce these provisions. Any person, agent, organization approved and authorized by the commissioner may inspect any installation system and equipment to ensure compliance with these regulations. Evidence of compliance shall be supported by the submission to the commissioner of a certificate of installation. One copy of such certificate will remain in possession of the owner of the installed structure.

**16.621(4)** Manufactured home installation instructions. Every manufactured home manufacturer which manufactures manufactured homes for installation in Iowa shall provide the commissioner with a reproducible copy of printed instructions of installation for each specific make and model of manufactured home which is to be installed in Iowa. These instructions shall include copies of the materials which have been certified by a registered professional engineer for compliance with the federal manufactured home construction standards and 3280.306(a)(2), 3280.306(b), and 3280.303(c) of the regulatory standards. The manufacturer's installation instructions shall also be available at the installation site.

**16.621(5)** Approvals and procedures. Requirements for approval of installers, support and anchorage systems, seals and certificates are described in the remaining sections of this part.

**680—16.622 (103A) Approval of installers.**

**16.622(1)** Installer approval procedures. Any person, agent or organization who installs manufactured homes or factory-built structures for others within Iowa shall apply for approval. Application for approval as an installer must be submitted to the building code commissioner accompanied by written material that the applicant meets the following:

- a. Has the training and capability of discharging without bias the provisions set forth.
- b. Not under the control of any manufacturer or supplier, so as to impair their judgment with regard to safety of the occupants.
- c. Has the proper equipment, personnel and ability to properly size the piers, foundations (footings) and to

select the necessary anchor systems for various soil conditions.

d. Is familiar with at least one manufacturer's anchoring system and equipment.

**EXCEPTION:** Persons or organizations which have been designated as installers as part of the third-party approval for a manufacturer of modular factory-built structures under Division 6, Part 1 are not required to obtain individual approval. The manufacturer will be responsible for obtaining certificates and insignias as required by Division 6, Part 1.

**16.622(2)** Reapproval. An approved installer shall renew his approval annually. The building code commissioner may require such written material as he deems necessary evidencing the applicant's performance during the previous twelve months. Any changes which may have taken place during the previous twelve months such as changes in field personnel, change of address, etc., shall be submitted with recertification request and the necessary fee.

**16.622(3)** Approval procedures for individuals installing a tie-down system on their own manufactured home.

a. Individuals installing their own tie-down system, or some portion thereof, shall notify the building code commissioner and obtain the proper forms required to be submitted to this office.

b. The commissioner shall request information to determine the ability of the individual and to verify that compliance is achieved to the rules and regulations of this code regarding the particular installation.

**680—16.623 (103A) Installation seal and certificate procedures for manufactured homes.**

**16.623(1)** Application for seals. Any installer who has met the applicable requirements of 16.622(1) or 16.622(3) may apply for installation seals as needed. Such seals may be obtained from the commissioner or local building officials or building department who is a participant in the state's installation program.

**16.623(2)** Manufactured home installation certificates. The installer of manufactured homes shall supply the building code commissioner and the owner of the unit with the signed and completed installation certificate which has been issued by the Iowa building code commissioner, within thirty days of affixing the Iowa installation seal.

**16.623(3)** Obtaining installation certificates. When an approved installer or individual applies for an installation seal, each seal will be accompanied by a certificate which when completed shall indicate that the tie-down system or applicable portion thereof complies with these rules.

**16.623(4)** Installation seals, types of. The following seal types are color coded and each is pertinent to a particular type of installation:

a. Silver—To be affixed to manufactured homes for which an installer performs the complete tie-down system installation.

b. Blue—Two part seal.

1. The upper half of the blue seal is to be affixed to manufactured homes for which an installer performs the support system installation only.

2. The lower half of the blue seal is to be affixed to manufactured homes for which an installer performs the anchorage system installation only.

These seals will be issued separated and are to be used when installers are installing support systems or anchor systems only.

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**16.623(5)** Applicable situations for various seal types. Completed tie-down installations will require one seal (silver) to be affixed, when one installer performs the entire tie-down system as defined in 16.620(4)"v". The installer's signature on the completed installation certificate verifies that the entire tie-down system meets the provisions of this code.

Completed tie-down installations on which two installers each performed part of the installation (i.e. one installs the support system only and the other installs the anchorage system only and both systems are installed on the same manufactured home), a blue two-part seal will be required. One half (blue upper half) for the support system installation, one half (blue lower half) for the anchorage system installation. The two installers' signatures on the two separate completed installation certificates and with the applicable information completed on the installation certificates pertaining to each type of installation, verifies that each installer's installation meets the provisions of this code.

**16.623(6)** Placement of seal, installation. The installation seal (or two halves) shall be placed in a readily visible location on the rear of the unit and near the tail light, roadside. Doublewide manufactured homes are treated in the same manner as singlewide manufactured homes and only one seal (silver) or one complete two-part blue seal, depending upon whether the tie-down installation was performed by one party or two parties, shall be affixed to the installed unit, even though the unit consists of two transportable sections.

**16.623(7)** Denial and repossession of installation seals. Should investigation or inspection reveal that an approved installer has not installed an anchoring system, support system, or the complete tie-down system according to these rules and the code, the commissioner may deny such installer's application for new installation seals and any installation seals previously issued shall be confiscated. Upon satisfactory proof of modification of such installation bringing them into compliance, such dealer or installer may re-submit an application for installation seals.

**16.623(8)** Seal removal, installation. Should a violation of the rules and regulations regarding installation be found, the commissioner may remove the installation seal after furnishing the owner or his agent with a written statement of such violation. The commissioner shall not issue a new installation seal until corrections have been made and the owner or his agent has requested an inspection pursuant to 16.625(1) under Inspections.

**16.623(9)** Lost or damaged seals, installation. When an installation seal is lost or damaged, the commissioner shall be notified in writing. Damaged or lost installation seals shall be replaced by the commissioner upon payment of the replacement installation seal fee as provided in 16.625(5), Fees.

**16.623(10)** Return of seals, installation. When a dealer or installer discontinues the installation of manufactured homes, he shall notify the commissioner within ten days of the date of such discontinuance and return all unused installation seals which have been issued to him. Installation seals may not be transferred by any dealer or installer after being issued to that dealer or installer.

**16.623(11)** Seals for existing manufactured homes. Seals may be obtained for existing manufactured homes that are tied down in accordance with the requirements of rule 680—16.627 (103A).

**680—16.624** Reserved.

**680—16.625 (103A) Inspections and fee structure.**

**16.625(1)** Inspections. An owner of a manufactured home may request an inspection of the support and anchoring system, such request should be made by letter to the building code commissioner. These individual inspections may require a fee to be paid as provided in 16.625(5)"f", Verification Inspection Fee.

**16.625(2)** Action after inspection. If the requested inspection was to determine compliance with respect to support and anchoring requirements and both systems meet the provisions of the code, the installation seal may then be affixed to that specific unit, after payment of fees as required.

**16.625(3)** Verification inspections. A verification inspection of a tie-down system may be made to assure compliance to this code where an individual has installed his/her own tie-down system. These inspections may require a fee as provided in 16.625(5)"f", Verification Inspection Fee.

**16.625(4)** Other inspections. The commissioner or his designee shall make periodic inspections of the facilities of persons who are subject to these rules and regulations, when it appears that a person is in noncompliance with this code.

**16.625(5)** Fees. All remittances shall be in the form of checks or money orders, payable to: Treasurer, State of Iowa and delivered to:

Building Code Commissioner  
State Building Code  
Department of Public Safety  
Wallace State Office Building  
Des Moines, Iowa 50319

- a. Installation seal fees
  - 1. Complete tie-down installation seal (silver)..... \$12.50
  - 2. Support system installation seal (upper half-blue) ..... \$10.00
  - 3. Anchorage system installation seal (lower half-blue) ..... \$10.00
- b. Installation replacement seal ..... \$ 7.50
- c. Installer certification initial fee ..... \$30.00
- d. Annual installer renewal certification fee ..... \$15.00
- e. Ground support and anchoring system approval fee ..... \$65.00

f. Verification inspections made by the state building code staff will be charged at a rate based on time spent at the site plus travel expenses. The hourly rate shall be \$30.00 per hour and direct cost for travel.

**680—16.626 (103A) Support and anchorage of manufactured homes.**

The following provisions are intended primarily as a tie-down system for existing units and for those units for which the manufacturer has not provided an approved means for the installation of an anchoring and support system for that specific make and model (see subrule 16.621(4)). The manufacturer's installation instructions, if supplied with the unit, shall be followed for both the support and anchorage systems installations. This is to assure that the manufacturer's warranty remains valid.

**EXCEPTION:** Minor adjustments may be necessary to avoid utility and service lines. Additional supports or anchors may be needed to assure the maximum distance between supports and anchors is maintained.

**16.626(1)** Requirements for support system installations.

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a. Piers placed on foundations shall be installed and centered directly under the main frame longitudinal beams. The piers should not be further apart than ten feet on centers for manufactured homes twelve feet wide or less and not more than eight feet on centers for manufactured homes over twelve feet wide or more. The main frame, front or back, should not extend further than two feet beyond the center line of the end piers.

b. Pier foundations shall be placed below the frost line on level and undisturbed soil, or on controlled fill, which is free of grass and organic materials. (A small amount of sand may be of use to provide a level surface.) The pier foundation shall be at least a 16" x 16" x 4" solid concrete pad, precast or poured in place, or other approved material. Two nominal 4" x 8" x 16" solid concrete blocks may be used provided the joint between the blocks is parallel to the main frame longitudinal beam. Concrete used in foundations shall have a twenty-eight day compressive strength of not less than two thousand pounds per square inch (2000 P.S.I.).

EXCEPTION: Pier foundations may be exempt from extending below the frost line on manufactured home installations, only if the owner agrees to be responsible for the loosening of the anchor system on or about November 1 to prevent frost heave damage to the unit, and to retighten the anchors each spring. A statement to this effect is on the installation certificates and a space is provided for the owner's signature.

c. Unless otherwise directed by the owner of the site the soil bearing capacity of the site may be assumed to be two thousand pounds per square foot. The acceptable construction under this subrule is based upon a soil bearing capacity of two thousand pounds per square foot. Soils with less capacity will require increased size footings.

EXPLANATION: The permissible footing sizes and pier spacing given in this code are based upon a combined live and dead load of sixty-five pounds per square foot of unit. This assumes that the full snow and internal live load will not be present at the same time.

d. Piers may be constructed of concrete or undamaged nominal 8" x 8" x 16" concrete blocks, open celled or solid placed on the pier foundation. All open celled concrete block shall be installed with the cells of the block in a vertical position. Nominal 2" x 8" x 16" or nominal 4" x 8" x 16" solid concrete blocks may be utilized as needed, to achieve the necessary heights of the piers for a particular installation. A nominal 2" x 8" x 16" wood plate, or equivalent, shall be placed on top of each pier, unless there is at least 4" of solid block, with hardwood shims fitted and driven between the wood plate or solid block and the main frame longitudinal beam. The wood blocking should not occupy more than a nominal two inches of vertical space and shims shall not occupy more than one inch of vertical space.

1. Piers up to forty inches in height, except corner piers over three blocks high (a nominal 24"), may be single block construction and shall be installed transverse (right angle) to the main frame longitudinal beam. (see Figure 1).

2. Piers over forty inches in height but not exceeding eighty inches in height and corner piers over three blocks high shall be double block construction with every other course either parallel or transverse (right angle) to the main frame longitudinal beam. These piers shall be capped with a nominal 16" x 16" x 4" solid concrete block or equivalent. (see Figure 2). Wood blocking and hardwood shims shall be installed accordingly.

3. Piers over eighty inches in height may be reinforced concrete or double block construction following

exactly the procedure given in paragraph number two above. Celled concrete blocks only may be used (with open cells vertical) with  $\frac{3}{8}$ " diameter or larger steel reinforcing rods placed in the pier corners and all cells filled with two thousand pounds per square inch concrete. (see Figure 3). Wood blocking and hardwood shims shall be installed accordingly.

**16.626(2)** Requirements for anchorage systems. When instructions are not provided by manufacturer, ties shall be attached vertically and diagonally to a system of ground anchors in a manner as illustrated in Figures 4 and 5. The minimum number of ties required are listed in Table 6-A. There shall be a diagonal tie between the ground anchors and the unit at each vertical tie. Additional diagonal ties may be required between vertical tie. The ties shall be as evenly spaced as practicable along the length of the unit with not over eight feet open on each end.

a. Ties may be either steel cable, steel strapping, or other materials which meet the requirements of 16.626(2) "f". Ties are to be fastened to ground anchors and drawn tight with galvanized turnbuckles or yoke-type fasteners and tensioning devices. Turnbuckles shall be ended with jaws of forged or welded eyes (hook ends are not approved).

b. When continuous straps (over-the-top tie-downs) are provided as vertical ties, they should be positioned at rafters and studs to prevent structural damage. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.

c. Cable used for ties may be either galvanized steel or stainless steel having a breaking strength of at least four thousand seven hundred and twenty-five pounds. Cable should be either 7/32" diameter or greater (7 x 7) steel cable or 1/4" diameter or greater (7 x 19) aircraft cable. All cable ends should be secured with at least two 1-bolt type cable clamps or other nationally approved fastening devices.

d. When flat steel straps are used as ties they shall be type 1, class B, grade 1, 1 1/4 inches wide and 0.035 inch thick, conforming with federal standard QQ-S-781-F, with a breaking strength of at least four thousand seven hundred and twenty-five pounds. Zinc coating (weather protection) shall be a minimum of 0.30 ounces per square foot of surface. Steel strap ties shall terminate with D-rings, bolts, or other nationally approved fastening devices which will not cause distortion or reduce breaking strength of ties.

e. The direction of pull of the diagonal ties should be at a right angle to the main frame longitudinal beam. Connection of the diagonal tie to the main frame longitudinal beam should be in accordance with anchor system instructions for those fastening devices. When steel strap ties are used, care should be exercised that the minimum bending radius is adhered to so the breaking strength is not reduced.

f. The anchorage materials shall be capable of resisting an allowable minimum working load of three thousand one hundred and fifty pounds (pullout in a vertical direction) with no more than two percent elongation and shall withstand a fifty percent overload. All anchorage materials shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot surface coated. Anchors to reinforced concrete slab or to rock shall be of comparable strength as provided within this paragraph.

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Each ground anchor, when installed, shall be capable of resisting an allowable working load at least equal to 3,150 pounds in the direction of the ties plus a fifty percent overload (4,750 pounds total) without failure. Failure shall be considered to have occurred when the point of connection between the tie and anchor moves more than two inches at 4,750 pounds in the direction of the vertical tie when anchoring equipment is installed in accordance with the anchorage manufacturer's instructions. Those ground anchors which are designed to be installed so that the loads on the anchor are other than direct withdrawal, shall be designed and installed to resist an applied design load of 3,150 pounds at 45° from horizontal without displacing the anchor more than four inches horizontally at the point when the tie attaches to the anchor.

Anchors designed for connection of multiple ties shall be capable of resisting the combined working load and overload consistent with the intent expressed in this section.

g. Ground anchors shall be installed such that the load carrying portion of the anchor in its final working position is below the frost depth forty-two inches. Total anchor length shall be more than forty-two inches as necessary.

**680—16.627 (103A) Approval of existing manufactured home tie-down systems.** This rule is to provide a method by which manufactured homes which have been installed prior to the effective date of these rules can be sold without requiring a new tie-down system to be installed and to allow existing manufactured homes which are properly supported and anchored to be sold without installing new support and anchorage systems.

**16.627(1) Sale of a certified unit.**

a. The commissioner shall be notified in writing by the seller of the change of ownership when any manufactured home sold after the effective date of these rules remains in the same location. The installation seal shall remain in place and a copy of the installation certificate shall be supplied to the new owner. Replacement seals and certificates may be obtained if necessary (see subrule 16.623(9)).

b. A certified manufactured home sold after the effective date of these rules which is moved to a new location must obtain a new certificate and seal. However, the existing support and anchorage system may be used if the installer verifies the conditions of use and the installation procedures of the existing systems are met at the new location.

**16.627(2) Sale or acceptance of installed existing units as an owner's option.** Application may be made to the commissioner for approval of an existing manufactured home support and anchor system on one of the following conditions:

a. If the support and anchorage system was installed by an approved installer and are approved systems.

b. If the existing support and anchorage system has been inspected by an approved installer and the installer attests by signing the installation certificate that to the best of his knowledge, the existing systems are equal to or better than the minimum requirements of this code.

c. If the existing support and anchorage systems are inspected and approved by a registered engineer or architect, and attested to in writing.

d. If the existing support and anchorage systems are inspected by a field inspector with the Iowa state building code (see subrule 16.625(1)) and the existing systems are found to be equal to or better than the minimum requirements of this code.

If compliance is met by one of the above procedures and payment of the required fee has been paid, an Iowa installation seal and certificate may then be issued.

**680—16.628 (103A) Procedure for governmental subdivisions participating in installation program.** The following provisions are intended for those jurisdictions wishing to ensure that manufactured structures (manufactured homes, modulars, and other factory-built structures manufactured to state building code requirements) are in compliance with these rules and regulations within their jurisdictional boundaries.

**16.628(1) Approval for local authority.** A building official may apply to the commissioner by letter, stating that he or his department wishes to participate in this installation program, such approval may be by contractual agreement with the state, or by letter from the commissioner designating such person, agency, or department as his representative.

**16.628(2) Installation verification.** Local building authorities or approved installers that inspect the approved support and anchoring system for proper installation shall sign and complete the installation certificate and attach the installation seal and deliver a copy of the installation certificate to the building code commissioner within thirty days of the inspection and the affixing of the Iowa installation seal. A copy of the installation certificate shall be retained by the owner and the building official or installer which verifies the installation.

**16.628(3) Installation certificates and seals.** The commissioner will issue installation certificates and seals on request from the building official or other approved local authority.

**16.628(4) Fee structure.** The seal fee as scheduled in subrule 16.625(5) Fees, shall be maintained with the approved local authority retaining seventy percent and thirty percent going to the state.

**680—16.629 (103A) Support and anchoring systems approval procedures.**

**16.629(1) Approval of support and anchoring systems.** All support and anchoring systems shall be approved by the commissioner. Manufacturers shall obtain approval of such systems by submitting to the building code commissioner, all system drawings and all other related data, e.g., material specifications or standards, calculations of loads and stresses, soils and test data which will show compliance with the requirements of rule 16.626 (103A). Support and anchoring systems designed and signed by a registered engineer competent in this field, shall submit complete systems drawings only, unless other technical data is requested by the commissioner.

**EXCEPTION:** Support or foundation systems for manufactured homes constructed to the requirements of Division 6, Part 1 of this code, or designed to meet local building regulations are exempt from approval by the commissioner. The installation certificate, 16.610(19), shall show that the support system has been approved by the local authority.

**16.629(2) Application for support and anchoring system approval.** Submissions for approval by the commissioner shall include drawings, data, and test results which show compliance with at least the minimum requirements of rule 16.626 (103A).

a. Support systems shall be one or more of the following:

(1) Engineered on grade support systems.

(2) Foundations installed in conformance with the state building code, e.g., piers, continuous footings, posts or

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isolated footings extending below the frost line. (see subrule 16.626(1)"b", for exception)

(3) Use of concrete slabs or continuous footings. If such slabs or footings are used to transfer the anchoring loads to the ground, they shall be so constructed to provide the holding strength as required by subrule 16.626(2)"f".

b. Materials specified shall meet the minimum requirements of the state building code including, but not limited to:

(1) Wood supports in contact with the ground shall be pressure-impregnated in accordance with uniform building code standards 25-12.

(2) Concrete, where used, shall have a minimum compressive strength of 2000 P.S.I. and be in conformance with uniform building code standard 26-11.

(3) Masonry units, where used, will be in accordance with uniform building code standard 24-4 and 24-5.

(4) Soils information shall reference the classifications of Table 29-B of the UBC and standard No. 29-1 of the UBC. Other classifications may be used to describe soil, however, it shall indicate the standard classification as well.

c. Ground anchoring systems shall include, but not be limited to:

(1) Submission for approval and registration for components which constitute portions or parts of support and anchoring systems by the manufacturer shall clearly indicate compliance with the requirements of the Iowa state building code "structural design." The requirements of 16.626 (103A) shall be considered minimum.

(2) Detailed procedures for field soil identification and anchor selection and test procedure for assuring proper installation.

(3) Restrictions on the use of each anchor and the specific soil types which apply.

(4) Each part identification mark and where it is located on the part.

The commissioner may require additional data or test results to determine compliance with the minimum requirements.

ITEM 39. Delete renumbered subrule 16.702(1) and insert in lieu thereof the following:

**16.702(1)** Application. These standards and specifications shall apply to all new construction of buildings and facilities, and additions thereto, intended for use by the general public as required by Iowa Code chapter 104A, and to existing construction as such construction is required to meet new construction requirements.

NOTE: Illustrations which are herein included are pictorial examples of acceptable means of providing accessibility for the handicapped, and some dimensions shown exceed the code requirements. Other acceptable illustration may be found in the "American National Standards Institute Standard Specifications" ANSI 117.1—1980 and in federal regulations 36 CFR part 1190 "Minimum Guidelines and Regulations for Accessible Design" of the federal Architectural Transportation Barriers Compliance Board.

ITEM 40. Delete renumbered subrule 16.702(2) and insert in lieu thereof the following:

**16.702(2)** Other standards or laws. Other state and federal laws and regulations also address handicapped accessibility and may also apply to the construction stated above.

Iowa Code section 601D.9 requires curb cutouts and ramps in all new curbs constructed at any point along a public street which gives access to a crosswalk.

Iowa Code chapter 601E has requirements for hand-capped identification devices which must be displayed by vehicles using handicapped parking spaces and provisions for on and off street parking in cities.

The Iowa Bureau of Labor has authority for enforcement of occupational safety and health standards which may have requirements for handicapped employees.

The Architectural Barriers Act of 1968 (public law 90-480), the Rehabilitation Act of 1973 (public law 93-112) and amendments to these Acts require all buildings used by federal agencies to provide accessibility for the handicapped. The Architectural and Transportation Barriers Compliance Board's minimum guidelines 36 CFR part 1190 have been established as the minimum requirements for these buildings.

ITEM 41. Renumbered subrule **16.702(4)"c"** is amended to read as follows:

c. On satisfactory review of the documents and completion of the handicapped review certificate by a participating local authority, copy A of the handicapped review certificate, the completed plan review accessibility checklist, *the application for handicapped insignia*, and payment of the handicapped insignia fee required by 16.702(4)"e" shall be forwarded to the commissioner.

ITEM 42. Delete renumbered subrule **16.702(4)"d"** and insert in lieu thereof the following:

d. On receipt of the application for handicapped insignia, the commissioner shall issue one or more insignias, as required, which shall be placed on all primary entrances to the building or facility when construction has been completed. The insignias will be issued to the local permit issuing authority or other responsible person to be held until completion of the building or facility.

ITEM 43. Amend renumbered subrule **16.704(5)** the last sentence of the first unnumbered paragraph to read as follows:

Handicapped parking identification signs shall meet the requirements of *Iowa Code* section 601E.7. ~~of the Code.~~

ITEM 44. Amend renumbered subrule **16.704(5)** the fourth unnumbered paragraph to read as follows:

Parking spaces for the physically handicapped shall be at least one hundred ~~and~~ forty-four inches wide, or, if two or more spaces *are* adjacent to each other, each space shall be at least one hundred ~~and~~ twenty inches *wide* with at least a forty-eight inch access aisle between each space.

ITEM 45. Add a new paragraph "e" to renumbered subrule **16.706(1)** which reads as follows:

e. Controls and operating mechanisms in accessible spaces shall comply with 16.705(13) or the construction shall be such or equipped in such a manner that it can be adapted to the specific needs of the occupants of the facility.

(1) Those portions of heating, ventilating, and air-conditioning equipment requiring regular periodic maintenance and adjustment by the resident of a dwelling unit shall be accessible to people in wheelchairs.

(2) If specialized mechanical electrical or process equipment has inherent functional requirements which dictate location or force requirements other than those specified, locate the equipment as dictated by its functional requirements.

ITEM 46. Add the following note to the first page of figures:

NOTE: Figures 1 through 11 are included herein to illustrate acceptable methods of compliance with this



## PUBLIC SAFETY DEPARTMENT[680] (cont'd)

code. Some dimensions exceed code requirements but are the preferred dimensions. Other acceptable illustration can be found in ANSI 117.1—1980 and the minimum guidelines of the federal Architectural and Transportation Barriers Compliance Board rules 36 CFR part 1190. (Federal Register Wed., Aug. 4, 1982.)

ITEM 47. Delete renumbered rule 680—16.800 (103A) and all subrules and insert in lieu thereof the following:

## DIVISION 8

**680—16.800 (103A) Iowa state building code thermal and lighting efficiency standards.**

**16.800(1) Scope.** This division of the state building code sets forth the minimum requirements for the design of new buildings and structures or portions thereof and additions to existing buildings that provide facilities or shelter intended primarily for human occupancy or use by regulating their exterior envelopes and selection of their heating, ventilation, and air-conditioning systems, service water heating, electrical distribution and illuminating systems and equipment for effective use of energy.

**16.800(2) Applicability.** The provisions of this division shall after the effective date apply as follows:

a. The provisions of this division apply to all factory-built structures which are required to meet the requirements of the state building code.

b. The thermal efficiency requirements of this division shall be applicable:

(1) To all new construction owned by the state, an agency of the state, or a political subdivision of the state;

(2) To all new construction located in a governmental subdivision which has adopted either the state building code or a local building code or compilation of requirements for building construction;

(3) To all other new construction in the state which contains more than one hundred thousand cubic feet of enclosed space that is heated or cooled.

c. The lighting efficiency requirements of this division shall be applicable to all new construction owned by the state, an agency of the state, or a political subdivision of the state and to all new construction in the state of buildings which are open to the general public during normal business hours.

**16.800(3) Adoption.** The "Model Energy Code" 1983 edition chapters 1 to 7 and including all charts, figures and appendices, as published by the Council of American Building Officials 1201, One Skyline Place, 5205 Leesburg Pike, Falls Church, Virginia 22041 is adopted by reference and herein amended as division 8 of the Iowa state building code. The provisions of these rules or state statutes shall prevail when they differ from the referenced code.

**16.800(4) Amendments and additions.** The following are deletions, revisions, and amendments to the code adopted in 16.800(3).

a. Add a new subsection 101.3.1.3 as follows:

101.3.1.3 Other exemptions. Exemptions of other buildings or classes of buildings shall be requested from the commissioner in writing. Exemptions shall be granted if the commissioner determines the requirements are unreasonable as they apply to a particular building or class of buildings based upon the data supplied with the written request or additional data if requested by the commissioner.

b. Add a new subsection 101.3.2.4 as follows:

101.3.2.4 Occupancy. The occupancies and use of all buildings shall be as defined by the uniform building code

as adopted by the state building code, Iowa Code chapter 103A.

c. Add a new subsection 102.3 as follows:

102.3 Code compliance. All materials and equipment used to comply with the requirements of this code shall meet the minimum requirements of the Iowa state building code or other applicable building codes.

d. Add to section 103 the following:

Procedures for alternate materials and methods of construction acceptance are in rule 680—16.3 (103A) of the Iowa Administrative Code.

e. Delete section 104.1 and replace with the following:

104.1 General requirements. Nothing in these rules shall exempt or change the requirements of Iowa Code chapters 114 and 118, pertaining to registered architects or engineers.

104.1.1 Review by architect or engineer. The plans and specifications for all buildings to be constructed after January 1, 1978 and which exceed a total volume of one hundred thousand cubic feet of enclosed space that is heated or cooled shall be reviewed by a registered architect or registered engineer for compliance with applicable energy efficiency standards.

104.1.2 State of review. A statement that a review has been accomplished and that the design is in compliance with the energy efficiency standards shall be signed and sealed by the responsible registered architect or registered engineer. This statement shall be filed with the commissioner on the form furnished by the commissioner, prior to construction or the obtaining of any local permits.

104.1.2.1 Submission fee. Included with the statement shall be a remittance of \$15.00 (checks shall be made payable to the Treasurer, State of Iowa).

104.1.3 Additional buildings. If the plans and specifications relating to energy efficiency for a specific structure have been approved, additional buildings may be constructed from those same plans and specifications without need of further approval if construction begins within five years of the date of approval. Alterations of a structure which has been previously approved shall not require a review because of these changes, provided the basic structure remains unchanged and no additional energy is required for heating, cooling or lighting.

104.1.4 Changes to approved plans. No changes shall be made to any approved plan or specifications which either decrease or increase the amount of energy used for heating, cooling, or lighting, unless approved by the responsible registered architect or registered engineer in writing and notice filed with the commissioner.

104.1.5 Local plan review. The review of plans and specifications for buildings constructed with a volume of less than one hundred thousand cubic feet of enclosed space which is heated or cooled shall be in accordance with local or other building code requirements pertaining to plan review, as required by Iowa Code section 103A.19.

f. Add an additional subsection to 104 as follows:

104.3 Retention of plans and specifications. Plans and specifications shall not be filed with the commissioner, however, the person signing the approval statement or the owner shall maintain a copy of the approved plans and specifications, for a period of five years following substantial completion of the construction.

g. Delete subsections under section 105 and insert in lieu thereof the following:

105.1 Inspections. Inspection and review of construction shall be performed in the same manner as the other

**PUBLIC SAFETY DEPARTMENT**[680] (cont'd)

construction, in accordance with Iowa Code section 103A.19.

h. Delete the exception to section 402.5 and replace with the following:

EXCEPTION: Except for a comparison of energy consumption between the alternative design and the standard design, single and multifamily dwellings are exempt. Commercial and industrial structures having a volume of heated or cooled space of less than one hundred thousand cubic feet and the indoor temperature is controlled from a single point are exempt from the full-year energy analysis described in paragraph 402.3; however, a comparison of energy consumption between the alternative design and the standard design shall be provided.

i. Add the following subsection to section 503.4.

503.4.3.1 Vent dampers. Automatic vent dampers may be added to gas fired equipment not otherwise equipped under the following conditions:

1. The unit and installation procedure must be approved by the American Gas Association.

2. The installation must be made in accordance with the approved installation procedures.

3. The installation does not effect the operation or the warranty provisions of the equipment to which it is attached.

j. Add new subsections to section 503.4 as follows:

503.4.8 Oversizing of equipment. System design heating/cooling capacity. The rated capacity of the heating/cooling system at design conditions shall not be greater than 130 percent for heating, 115 percent for cooling at design output load calculated in accordance with section 503.2 whenever appropriate equipment is available. Equipment designed for standby purposes is not included in this capacity limitation requirement. The cooling capacity of heat pumps is exempt from this limitation.

503.4.9 Combustion air. Combustion air shall be supplied as required by chapter 6 of the uniform mechanical code as adopted as part of the state building code.

k. Add at the end of the first paragraph of section 503.10:

Provisions of the duct requirements of the uniform mechanical code as adopted as part of the state building code shall be used if different from these standards.

l. Delete section 601.1 and replace with the following:

601.1 General. The requirements contained in this section are applicable only to buildings containing less than one hundred thousand cubic feet of enclosed heated or cooled space and three stories or less in height. The provisions of this section are limited to residential buildings that are heated only or heated and mechanically cooled and to other buildings that are heated only. Buildings constructed in accordance with this section are deemed to comply with this code.

m. Add a new subsection to section 602 as follows:

602.4 Alternate criteria. Notwithstanding the requirements of subsections 602.2.1, 602.2.2 and 602.2.3 one or two family dwellings, which have a maximum area of at least double glazed glass not exceeding fifteen percent (15%) of the gross area of all exposed exterior walls enclosing heated or cooled space, shall have met the requirements of subsections 602.2.1, 602.2.2 and 602.2.3 if the rate "R" value of the insulation is as follows in the respective elements:

Exterior Walls	R-20
Roof/Ceiling Assembly	R-35
Floors Over Heated Space	R-20

n. Add to RS-8 in section 701.1

IES pamphlets EMS-1, EMS-2, and EMS-3 are included as part of this standard.

16.801 to 16.899 Reserved.

These rules 680—16.100 (103A) to 16.899 are intended to implement Iowa Code sections 103A.7 and 103A.9.

**ARC 3671****SOCIAL SERVICES  
DEPARTMENT**[770]**TERMINATION OF NOTICE**

Notice is hereby given that the Department of Social Services is terminating further rulemaking proceedings under the provisions of Iowa Code section 17A.4(1)"b" for proposed rules on aid to dependent children (chapter 40). The proposed change specified the time when an applicant must report changes that occur during the application process. Notice of Intended Action was published in the IAB January 5, 1983 as ARC 3496. The department has determined that further changes need to be made in this rule. It plans to place this rule along with related rules under another Notice of Intended Action in the near future.

**ARC 3672****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.3 the Department of Social Services proposes amending rules appearing in the IAC relating to amount, duration and scope of medical and remedial services (chapter 78).

The current subparagraph states that payment will not be approved for drugs classified as ineffective or possibly effective by the Food and Drug Administration. This amendment defines the criteria of drugs not approved for payment as ineffective or less than effective as defined by the Secretary of Health and Human Services.

This brings the departments rules into conformance with the change in federal law which was part of the Omnibus Reconciliation Act of 1981, implemented in October 1982.

The Iowa Pharmacists Association has approved the amendment.

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 May 4, 1983.

This rule is intended to implement Iowa Code section 249A.4.

Subrule 78.1(2), paragraph "a", subparagraph (3) is rescinded and the following inserted in lieu thereof:

(3) Payment will not be made for drugs determined to be ineffective or less than effective by the Secretary of Health and Human Services.

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

Unless the Secretary has determined there is a compelling justification for medical need, payment will not be made for those drugs and any other drugs which are identical, related, or similar and placed under notice by the Secretary pursuant to section 505(e) of the Federal Food, Drug and Cosmetic Act.

This rule is intended to implement Iowa Code section 249A.4.

**ARC 3673****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 amount, duration and scope of medical and remedial services (chapter 78).

This amendment adds acid etch anterior bridgework procedure as an acceptable, less expensive alternative for fixed bridgework in some situations. This procedure requires prior approval. This amendment also specifies that fixed prosthetics for missing posterior teeth are not a covered benefit.

This rule is proposed based upon the recommendations of the Dental Advisory Committee and the department's fiscal agent's dental consultant.

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 May 4, 1983.

This rule is intended to implement Iowa Code chapter 249A.

Subrule 78.4(1), paragraph "g", subparagraph (2) is revised as follows:

(2) Fixed ~~prosthetics~~ *bridgework* for missing anterior teeth ~~may~~ shall be utilized on a limited basis *with prior approval by the fiscal agent's dental consultant. Acid etch anterior bridgework requires prior approval. Fixed prosthetics for missing posterior teeth are not a covered benefit.*

**ARC 3674****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 proposed subrules will bring the department's rules into compliance with the Iowa Code and departmental practices. The rules allow the new rates of payment for ICF and ICF MR facilities to become effective as of the first day of the month in which the financial and statistical report is postmarked or, if personally delivered, in which the report is received by the department.

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 May 4, 1983.

These rules are intended to implement Iowa Code section 249A.16.

Item 1. Subrule 81.6(4) is amended as follows:

**81.6(4)** Payment at the new rate. When a new rate is established, payment at the new rate shall be effective with services rendered as of the first day of the month in which the report *is postmarked, or if the report was personally delivered, the first day of the month in which the report was received by the department of social services.* Adjustments shall be included in the payment the third month after the receipt of the report.

Item 2. Subrule 82.5(4) is amended as follows:

**82.5(4)** Payment at new rate. When a new rate is established, payment at the new rate shall be effective with services rendered as of the first day of the month in which the report *is postmarked, or if the report was personally delivered, the first day of the month in which the report was received by the department of social services.* Adjustments shall be included in the payment the third month after the receipt of the report.

**ARC 3679**

**SUBSTANCE ABUSE,  
DEPARTMENT OF[805]**

**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 125.7, the Iowa Department of Substance Abuse hereby gives Notice of Intended Action to amend the rules appearing in chapter 3 of the Iowa Administrative Code entitled "Licensure Standards for Substance Abuse Treatment Programs".

Rule 3.2(125) is an editorial change to eliminate the term provisional. The commission no longer issues provisional licenses.

Rule 3.5(125) and subrule 3.8(1) is revised in order to make the term licensure manager consistent throughout the standards.

Subrule 3.8(1) is also revised to provide for the notification of the board chairperson as one of the people being notified in reference to the commission meeting and a change to clarify the fact that the commission will act upon the application as well as the results of the inspection.

Subrule 3.8(2) is changed in order to clarify the commission's decision in regards to finally approving or initially denying a license.

Rule 3.9(125) is changed to eliminate the term provisional. The department no longer issues a provisional license.

Rule 3.10(125) is rescinded with a new rule substituted in lieu thereof. The new rule clearly defines the denial process in regards to the notice of denial, the settlement of issues, the notice of decision and opportunity for contested case hearing. In addition, specific time frames have been established for each of these rules in order to further define this process.

Rule 3.11(125) is rescinded because it is redundant with 3.10(125). Information pertaining to the suspension and revocation of license was substituted in lieu thereof. This area defines four specific areas in which the commission may suspend or revoke a license. In addition, it clearly defines the process of the commission giving notice to the program, the settlement of issues, the decision of the commission, the notice of decision, opportunity for contested case hearing and the summary suspension. Time frames for all of these steps have been clearly outlined.

Rule 3.13(125) is rescinded because it is redundant with 3.11(125).

Rule 3.15(125) is renumbered to 3.12(125) and changed in order to insert the term denial as a status that the programs may contest.

Subrule 3.12(1) is changed to more clearly state when the notice of contest shall be received by the department.

Subrule 3.12(2) is changed to more clearly define the contested case hearing process. In addition, the time frame for the notice of contested case hearing is changed from ten to thirty days in order to give the programs adequate time to prepare.

Subrule 3.12(9) is changed so the contested case hearing decision becomes final within twenty days unless there is

an appeal. In addition, it more clearly defines the process on how the parties will be notified of the proposed or final decision.

Rule 3.17(125) is renumbered as 3.13(125) and changed as follows:

3.13(125) Decisions and orders - rehearing is eliminated because of redundancy.

3.13(1) Findings of fact is eliminated due to redundancy.

3.13(2) The rehearing application section is changed in order to make it clear that the final decision is by the commission and not the agency.

Rule 3.18(125) is renumbered as 3.14(125) and rescinded. The former rule 3.18(125) dealt with the agency action reviewable and instituting judicial review. These sections were eliminated and one paragraph dealing with the judicial review inserted in lieu thereof.

Rule 3.19(125) is rescinded because it is redundant with 3.14(125).

In order to clarify the standards, rule 3.16(125) is renumbered as 3.15(125) and rule 3.12(125) is renumbered as 3.16(125). Rule 3.14(125) is renumbered to 3.17(125) and amended to change the numbers for the rules that were cited in this section. Rules 3.18(125) and 3.19(125) are reserved.

Interested persons may submit written data, views, suggestions or arguments, or make oral presentation on the intended action by contacting the Iowa Department of Substance Abuse Office, Suite 202, Insurance Exchange Building, 505 Fifth Avenue, Des Moines, Iowa 50319, or by telephone (515) 281-3641 no later than 4:30 p.m., May 3, 1983.

These rules are intended to implement the Iowa Code chapter 125.

ITEM 1. Rule 3.2(125) is amended to read as follows: **805-3.2(125) Licensing.** A single license will be issued to each qualifying substance abuse treatment program. The license will delineate one or more categories of services the program is authorized to provide. Although a program may have more than one facility, only one license will be issued to the program. When an aspect of a program is unable to meet the licensing standards, a ~~provisional~~ license may be issued to that program for a specified period citing all areas of noncompliance that have not been reconciled to the commission.

ITEM 2. Rule 3.5(125) is amended to read as follows: **805-3.5(125) Application procedures.** Applying for a license constitutes the first phase of the licensure process and the applicant may continue to operate until final determination of its licensure status is made by the commission. The ~~licensing and accreditation~~ licensure manager will mail an application form to all applicants for licensure.

ITEM 3. Amend subrules 3.8(1) and 3.8(2) to read as follows:

**3.8(1) Commission hearing preparation.** The ~~and accreditation~~ licensure manager will prepare all documents with a final recommendation for licensing determination to be presented at a commission meeting within one hundred and twenty days from the site visit. The chairperson of the commission shall send public notice of the date, time, place and name of applicants to be reviewed and processed.

a. The ~~licensing and accreditation~~ licensure manager shall send notice to the program by certified mail (*return receipt requested*), thirty days prior to the commission meeting notifying the program director *and board chair-*

**SUBSTANCE ABUSE, DEPARTMENT OF[805] (cont'd)**

person of the time, place, and date the commission will review and act upon the application for the program along with the results of the inspection.

b. The licensure and accreditation manager shall mail to all commission members the following information on each application to be processed at the next commission meeting: (1) Reports of the onsite program licensure inspections and (2) a final recommendation for licensing.

**3.8(2) Commission meeting format.**

a. The chairperson or his/her designee shall call the meeting to order at the designated time.

b. The presiding officer will read each application and protocols.

c. Opportunity shall be given all concerned parties to respond, present evidence, and arguments on each application.

d. After all concerned parties are heard, the commission will make a final decision as to whether the applicant should be finally approved or initially denied a license to operate a substance abuse treatment program.

This rule is intended to implement Iowa Code section 125.14; The Code.

**ITEM 4.** Rule 3.9(125) is amended to read as follows: **805—3.9(125) Corrective action plan.** Programs approved for a provisional license for 180 or 270 days by the commission will submit a corrective action plan to the director no later than thirty days following the licensure hearing. The corrective action plan shall include, but not be limited to:

1. Specific problem areas.
2. A delineation of corrective measures to be taken by the program.
3. A delineation of target dates for completion of corrective measures for each problem area.

**ITEM 5.** Rule 3.10(125) is rescinded and the following substituted in lieu thereof:

**805—3.10(125) Denial of application.**

**3.10(1) Notice of denial.** When the commission determines that an applicant's request for a license should be denied, the director shall notify the applicant, by certified mail (return receipt requested), of the commission's initial decision to deny licensure and the reasons for the denial. The notice shall further state that the initial decision of the commission shall become the proposed final decision of the commission thirty days after the receipt of notice unless objections to the denial or notice of correction action are submitted to the department by the applicant.

**3.10(2) Settlement of issues.** If objections to the denial of a license or notice of correction of each deficiency are submitted to the department, a full opportunity for settlement of all issues shall be provided by the department to the applicant within ninety days of the department's receipt of objections or notice of corrections. After settlement efforts have ceased, the commission shall again meet to determine whether the application for license should be granted or denied. The applicant shall receive notice of this meeting in the same manner as provided by subrule 3.8(1) paragraph "a".

**3.10(3) Notice of decision and opportunity for contested case hearing.** In the event that the commission's proposed final decision is to deny licensure, the applicant shall be given written, timely notice by restricted certified mail of the facts and conduct and the provisions of law relied upon by the commission in proposing denial of licensure. The notice shall further inform the applicant of an opportunity for a contested case hearing conducted in accordance with the provisions of rule 3.12(125) and the

full manner in which a contested case hearing must be requested. The applicant shall be informed that the proposed decision of the commission becomes final unless a request for a contested case hearing is submitted to the department within thirty days after receipt of the notice.

**ITEM 6.** Rule 3.11(125) is rescinded and the following substituted in lieu thereof.

**805—3.11(125) Suspension and revocation of license.** The commission may suspend or revoke a license for any of the following reasons:

1. Violation by the program, its director or staff, of any rule promulgated by the department pertaining to substance abuse treatment programs.

2. Permitting, aiding or abetting the commitment of an unlawful act within the facilities maintained by the program, or permitting, aiding or abetting the commitment of an unlawful act involving chemical substances within the program.

3. Conduct or practices found by the department to be detrimental to the general health or welfare of a participant in the program or the general community.

4. Deviation by the program from the plan of operation originally licensed which, in the judgment of the department, adversely affects the character, quality or scope of services intended to be provided to substance abusers within the scope of the program.

**3.11(1) Notice from commission.** When the commission determines that a licensed program may have committed an act, or may have engaged in conduct or practices, justifying suspension or revocation of license, the commission shall notify the licensee by certified mail, (return receipt requested), of the commission's intent to suspend or revoke the license and the changes that must be made in the licensee's operation to avoid such action. The notice shall further provide the licensee the opportunity to submit objections or notice of corrections to the department within thirty days from the receipt of notice from the commission.

**3.11(2) Settlement of issues.** Where a licensee submits objections or notice of corrections to the department, a full opportunity for settlement of all issues shall be provided by the department within ninety days of the department's receipt of objections or notice of corrections.

**3.11(3) Decision of commission.** After settlement efforts have ceased or where objections or notice of corrections had not been received by the department, the commission shall again meet to determine whether the license in question should be suspended or revoked. The licensee shall receive notice of this meeting in the same manner as provided by subrule 3.8(1), paragraph "a".

**3.11(4) Notice of decision and opportunity for contested case hearing.** A decision of the commission to suspend or revoke a license shall be a proposed decision which shall become final if the licensee fails to request a contested case hearing within the specified time frame. Where the commission proposes to suspend or revoke a license, the licensee shall be given written, timely notice by restricted certified mail of the facts and conduct and the provisions of law relied upon by the commission in reaching its decision. The licensee shall be further notified of the opportunity for a contested case hearing conducted in accordance with the provisions of rule 3.12(125) and the full manner in which a contested case hearing shall be requested. The licensee shall be informed that the proposed decision of the commission becomes final unless a request for a contested case hearing is submitted to the department within thirty days after receipt of the notice.

## SUBSTANCE ABUSE, DEPARTMENT OF[805] (cont'd)

**3.11(5) Summary suspension.** If the commission finds that the health, safety or welfare of the public are endangered by continued operation of a substance abuse treatment program, summary suspension of a license may be ordered pending proceedings for revocation or other actions. These proceedings shall be promptly instituted and determined.

ITEM 7. Rule **3.13(125)** is rescinded.

ITEM 8. Renumber rule 3.15(125) as 3.12(125) and amend as follows:

~~805—3.16(125)~~ **805—3.12(125) Contested case hearing.** Programs who wish to contest the *denial*, suspension or revocation of their license shall be afforded an opportunity for a hearing before the commission.

~~3.15(1)\*~~ **3.12(1) Notice of contest.** The notice of contest to the actions of the commission shall be filed in writing at the Iowa Department of Substance Abuse, Suite 202, Insurance Exchange Building, 505 Fifth Avenue, Des Moines, Iowa 50319. No particular form shall be required; however, the notice shall state the decision which is being contested and the basis for the contest. This notice shall be received by the department within thirty days after the decision was made *notice of the proposed decision of the commission was received.*

~~3.15(2)~~ **3.12(2) Contested case hearings — notice of hearings.** The chairperson of the commission shall send a written notice of the hearing to all interested parties by certified mail (return receipt requested), or by personal service as in civil actions, at least ~~ten~~ *thirty* days prior to the date of the hearing unless a shorter period of time is agreed upon by all parties. Delivery of this notice shall constitute commencement of the contested case proceeding. The notice shall include the time, place and nature of the hearing, plus a statement of the legal authority and jurisdiction under which the hearing is to be held, a reference to the particular sections of the statutes and rules involved and a short and plain statement of the matters asserted. ~~If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application a more definite and detailed statement shall be furnished.~~

~~3.15(9)~~ **3.12(9) Decision.** Findings of fact shall be based solely on the evidence in the record and upon matters officially noticed in the record.

a. The decision of the presiding officer shall be the final decision unless there is an appeal to the commission *within twenty days of the receipt of the decision.*

b. A proposed or final decision or order in a contested case hearing shall be in writing or stated in the record. A proposed or final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of underlying facts supporting the findings. Each conclusion of law shall be supported by cited authority or by a reasoned opinion. Parties will be promptly notified of each proposed or final decision or order by the delivery to them of a copy of such decision or order *by certified mail (return receipt requested).* *In the case of a proposed decision, parties shall be notified of the right to appeal the decision to the commission.*

ITEM 9. Renumber rule 3.17(125) as rule 3.13(125) and amend as follows:

~~805—3.17(125)~~ **805—3.13(125) Decisions and orders — rehearing.** A proposed or final decision or order in a contested case shall be in writing or stated in the record. A proposed or final decision shall include findings of the fact and conclusions of law, separately stated.

~~3.17(1)~~ **Findings of fact.** Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Each conclusion of law shall be supported by cited authority or by a reasoned opinion. Parties shall be promptly notified of each proposed or final decision or order by the delivery to them of a copy of such decision or order in the manner provided by chapter 17A of the Code of Iowa.

~~3.17(2)~~ **Rehearing application.** Any party may file an application for rehearing, stating the specific grounds therefor and the relief sought, within twenty days after the issuance of any final decision by the *agency commission* in a contested case. A copy of such application shall be timely mailed by the applicant to all parties of record not joining therein. Such an application for rehearing shall be deemed to have been denied unless the commission grants the application within twenty days after its filing.

ITEM 10. Renumber rule 3.18(125) as 3.14(125) and rescind former rule 3.18(125) and substitute in lieu thereof the following:

~~805—3.18(125)~~ **805—3.14(125) Judicial review.** *An applicant for a license or a licensee who is aggrieved or adversely affected by the commission's final decision and who has exhausted all adequate administrative remedies may seek judicial review of the commission's decision pursuant to and in accordance with section 17A.19 of Iowa's Administrative Procedure Act.*

ITEM 11. Rule **3.19(125)** is rescinded.

ITEM 12. Renumber rule **3.16(125)** as **3.15(125)**.

ITEM 13. Renumber rule **3.12(125)** as **3.16(125)**.

ITEM 14. Renumber rule 3.14(125) to 3.17(125) and amend as follows:

~~3.14(2)~~ **3.17(2) Reports.** A written report shall be submitted by certified mail; (return receipt requested); to the executive director of the facility, the chairperson of the board of directors, and to the commission, within twenty working days after the inspection. This report shall indicate if the complaint was substantiated, the basis for substantiation or nonsubstantiation, the specific statutes or rules violated, and a recommendation for corrective action with specific time lines. If a recommendation is made to revoke or suspend the program's license, the commission shall proceed as required by rule ~~3.14(125)~~ *3.11(125).*

~~3.14(5)~~ **3.17(5) Contested cases.** The commission shall hear all cases of programs who notify the department within twenty working days after receipt of the inspection report of their desire to contest the results of the inspection. The notice of contest shall be filed in writing at the Iowa Department of Substance Abuse, Suite 202, Insurance Exchange Building, 505 Fifth Avenue, Des Moines, Iowa 50319. All contested cases shall be conducted pursuant to rule ~~805—3.15(125)~~ *3.12(125).*

ITEM 15. Reserve rules **3.18(125)** and **3.19(125)**.

**ARC 3680****SUBSTANCE ABUSE,  
DEPARTMENT OF[805]  
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 125.7, the Iowa Department of Substance Abuse hereby gives Notice of Intended Action to amend the rules appearing in chapter 3 of the Iowa Administrative Code entitled Licensure Standards for Substance Abuse Treatment Programs.

Subrule 3.23(5) is amended to delete "explosion" for purposes of consistency within the rules.

Subrule 3.24(14) is being revised to include editorial changes in subparagraph "4" of paragraph "a" for clarification purposes, subparagraphs "4," "7" and "8" of paragraph "c," and paragraphs "h" and "i" are deleted. In addition, renumber subparagraph "1" to "10" of paragraph "c" to "1" to "7"; and, reletter paragraphs "a" to "j" to "a" to "h."

Interested persons may submit written data, views, suggestions or arguments, or make oral presentation on the intended action by contacting the Iowa Department of Substance Abuse Office, Suite 202, Insurance Exchange Building, 505 Fifth Avenue, Des Moines, Iowa 50319, or by telephoning (515) 281-3641 no later than 4:30 p.m., May 3, 1983.

These rules are intended to implement the Iowa Code chapter 125.

ITEM 1. Amend subrule 3.23(5) paragraph "d" to read as follows:

d. There shall be a written plan outlining procedures to be followed in the event of fire, or tornado, or explosion. The plan shall be conspicuously displayed at the facility and included as a part of the new staff orientation.

ITEM 2. Amend subrule 3.24(14) to read as follows:

3.24(14) Residential/intermediate care facility. A residential/intermediate care facility shall be safe, clean, well-ventilated, properly heated, in good repair, and free from vermin and rodents to ensure the well-being of residents.

- a. Client bedrooms shall include:
  1. A sturdily constructed bed;
  2. A clean mattress protected with a clean mattress pad;
  3. A designated space for personal possessions and for hanging clothing in proximity to the sleeping area; and,

4. Windows in bedrooms shall be openable with have curtains or window blinds.

b. Clean linen, towels and washcloths shall be available minimally on a weekly basis and more often if needed.

c. Bathrooms shall provide residents with facilities necessary for personal hygiene and personal privacy, including:

1. A safe supply of hot and cold running water which is potable;

2. Clean towels, electric hand driers or paper towel dispensers, and an available supply of toilet paper and soap;

3. Natural or mechanical ventilation capable of removing odors;

~~4. Separate toilet facilities in co-educational residential facilities;~~

~~5. 4. Tubs or showers shall have slip-proof surfaces;~~

~~6. 5. Partitions with doors which provide privacy if a bathroom has multiple toilet stools;~~

~~7. At least one covered waste receptacle in bathrooms used by females;~~

~~8. The toilet facility shall be separated from the food preparation areas and be enclosed by a door;~~

~~9. 6. Toilets, wash basins, and other plumbing or sanitary facilities shall, at all times, be maintained in good operating conditions; and~~

~~10. 7. The ratio of bathroom facilities to residents shall be one tub or shower head per twelve residents, one wash basin per twelve residents and one toilet per eight residents.~~

d. There shall be a written plan outlining procedures to be followed in the event of fire or tornado. These plans shall be conspicuously displayed at the facility and explained to all residential clients as a part of their orientation to the program. Fire drills shall be rehearsed at least monthly and tornado drills seasonally.

e. Written reports of annual inspections by state or local fire safety officials shall be maintained with records of corrective action taken by the program on recommendations articulated in such reports.

f. Smoking shall not be permitted in bedrooms. Smoking will be allowed only where proper facilities are provided.

g. Every facility shall have an adequate water supply from an approved source. A municipal water system shall be considered as meeting this requirement. Private water sources shall be tested annually.

~~h. Garbage shall be stored in containers for refuse which are water tight, rodent proof and have tight fitting covers.~~

~~i. The washing and sanitization of dishes and utensils shall meet approved sanitation procedures and practices in order to protect the health and welfare of the residents and employees.~~

~~j. h. Furniture shall be clean and in good repair.~~

This rule is intended to implement Iowa Code sections 125.13 and 125.38.

**ARC 3696****MERIT EMPLOYMENT  
DEPARTMENT[570]**

Pursuant to the authority of Iowa Code section 19A.9, the Iowa Merit Employment Department emergency adopts and implements an amendment to Chapter 12 "Appeals", Iowa Administrative Code.

This amendment provides for a longer period of time for the commission to issue a written decision at the final closing of an appeal hearing from ten working days to thirty calendar days.

In compliance with Iowa Code section 17A.4(2), the agency finds that notice and public participation would be unnecessary as final appeal hearing decisions are voted on and made public at the close of the meeting at which the appeal is heard by the commission. Therefore, this change in no way affects the parties to the hearing as to timeliness of knowing the outcome.

The department also finds, pursuant to section 17A.5(2)"b"(2) that the normal effective date of this rule thirty-five days after publication should be waived and the rule be made effective upon filing with the Administrative Rules Coordinator on March 28, 1983, to provide for immediate relief to the word processing workload in the department and to provide adequate time for commissioners to review written decisions prior to their publication.

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

Subrule 12.10(3), paragraph "b", is amended to read as follows:

b. The decision of the commission shall be ~~reduced to~~ *in* written form and shall be final. The decision shall be mailed to the parties to the appeal within ~~ten working~~ *thirty* days of the final closing of the appeal hearing. ~~The commission's decision shall not be disclosed prior to the mailing of the written decision to the parties to the appeal hearing.~~

[Filed emergency 3/28/83, effective 3/28/83]  
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

**ARC 3683****NURSING, BOARD OF[590]**

Pursuant to the authority of Iowa Code sections 17A.3, 147.53, and 152.1, the Iowa Board of Nursing emergency adopts amendments to new Chapter 7, "Advanced Registered Nurse Practitioners" to delete an inference to "guidelines" and "other specialties" and to limit licensure to within the lawful period of three years as advised by the Administrative Rules Review Committee.

In compliance with Iowa Code section 17A.4(2), the department finds that public notice and participation are impracticable and unnecessary. The deleted areas refer only to areas to be defined in the future, which is allowable without specification in these rules. Conforming to the three-year-license period is mandatory by statute; therefore, the rules must be amended.

The department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2) that the normal effective date of these rules thirty-five days after publication should be waived and rules be made effective on April 6, 1983, as it confers a benefit upon the public to ensure full implementation of the remainder of new chapter 7 on effective date April 6, 1983.

The Iowa Board of Nursing adopted these amendments via telephone conference call on March 25, 1983.

These rules implement Iowa Code sections 17A.3, 147.53, and 152.1.

ITEM 1. Delete the last sentence appearing in subrule 7.1(1).

ITEM 2. Delete paragraph "e" appearing in subrule 7.2(1).

ITEM 3. Amend subrule 7.2(5), paragraph "b", subparagraph (2) to read as follows:

(2) A license and a certificate to practice as an advanced registered nurse practitioner which clearly denotes the name, title, specialty area(s) of nursing practice and expiration date of registration. The expiration date shall be based on the period of certification granted by the relevant national certification board, agency, etc. If the certification period by the relevant national certification board, agency, etc. is ~~unlimited~~ *greater than three years*, or if there is no certification board, the expiration date shall be based on the same period of license to practice as a registered nurse.

ITEM 4. Amend subrule 7.2(7) to read as follows:

7.2(7) Application process for renewal of registration. Renewal of registration for the advanced registered nurse practitioner shall be for either the same period of license to practice as a registered nurse or the period of recertification granted by the relevant national certification board, agency, etc. *if less than three years*. The executive director or a designee shall have the authority to determine if all requirements have been met for re-registration as an advanced registered nurse practitioner. A registered nurse who wishes to continue practice as an advanced registered nurse practitioner shall submit the following at least thirty days prior to the license expiration to the office of the Iowa Board of Nursing:

ITEM 5. Delete subrule 7.2(11).

The rules implement Iowa Code sections 17A.3, 147.53, and 152.1.

[Filed emergency 3/25/83, effective 4/6/83]  
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

**ARC 3687****SOCIAL SERVICES  
DEPARTMENT[770]**

Pursuant to the authority of Iowa Code section 239.18, rules of the Department of Social Services appearing in the IAC relating to granting aid to dependent children



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

assistance (Chapter 41) are hereby amended. This rule change provides that an ADC recipient who returns a monthly report form listing earned income by the thirteenth of the month will not be sanctioned by loss of earned income deductions. Current rules require the report to be returned by the twelfth of the month. However, since the Department will be mailing notices to clients one day later starting May 1, 1983, we wish to extend the earned income sanction by one day.

The Department of Social Services finds that notice and public participation is impractical and contrary to the public interest. The Department will be mailing notices one day later starting May 1, 1983, and persons required to use the report form listing earned income would be penalized without this extension, therefore this rule is filed pursuant to Iowa Code section 17A.4(2).

The Department of Social Services finds this rule confers a benefit on the public by allowing the same time period to continue between the Department's mailing of notices and the time the earned income report is due, therefore, this rule is filed pursuant to Iowa Code section 17A.5(2)"b"(2).

The Council of Social Services adopted this rule March 24, 1983. This rule is intended to implement Iowa Code section 239.5. The effective date of this rule is May 1, 1983.

Rule 770—41.7(2)"d"(2) is amended as follows:

(2) A recipient is not eligible for the standard work expense, care expense, or the \$30.00 plus one-third disregard for any month in which the individual failed, without good cause, to timely report a change in earned income or to timely report earned income on the Public Assistance Eligibility Report. Good cause for not timely returning a Public Assistance Eligibility Report or timely reporting a change in the earned income shall be limited to circumstances beyond the control of the individual such as, but not limited to, a failure by the local office to provide needed assistance when requested, to give needed information, or to follow procedure resulting in a delay in the return of the Public Assistance Eligibility Report; or when the individual was prevented from reporting by a physical or mental disability, death or serious illness of an immediate family member; or other unanticipated emergencies; or mail was not delivered due to a disruption of regular mail delivery. The recipient who returns the Public Assistance Eligibility Report, listing earned income, by the ~~twelfth~~ *thirteenth* day of the report month shall be considered to have good cause for not timely returning the Public Assistance Eligibility Report.

[Filed emergency 3/25/83, effective 5/1/83]  
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

## ARC 3667

SOCIAL SERVICES  
DEPARTMENT [770]

Pursuant to the authority of Iowa Code section 249A.4, rules of the Department of Social Services appearing in the IAC relating to conditions of eligibility for medical services (Chapter 75) are hereby amended. These rule changes extend the termination from March 31, 1983 to June 30, 1983, for the Child Medical Assistance Program and for the nonqualifying parent in the ADC-UP Cash Assistance Program.

The Department of Social Services finds that notice and public participation is impractical and contrary to the public interest. Senate File 220 extends medical services for the persons covered by these programs and the persons eligible for the services would be denied services without this extension. Therefore this rule is filed pursuant to Iowa Code section 17A.4(2).

The Department of Social Services finds this rule confers a benefit on the public by allowing individuals eligible for medical assistance under these two programs to continue their eligibility until June 30, 1983. Therefore, this rule is filed pursuant to Iowa Code section 17A.5(2)"b"(2).

The Council on Social Services adopted this rule March 16, 1983. This rule is intended to implement Iowa Code sections 249A.3, 249A.4 and 249A.6 and 1983 Iowa Acts, Senate File 220, sections 2 and 3. The effective date of this rule is April 1, 1983.

Subparagraph (3) of 75.1(15)"e" and subrule 75.1(16) are amended as follows:

(3) ~~March 31, 1983~~ *June 30, 1983.*

75.1(16) Nonqualifying parent in an aid to dependent children-unemployed parent family. Medical assistance shall be available to the nonqualifying parent in an aid to dependent children-unemployed parent family when the nonqualifying parent is the natural or adoptive parent of the dependent child or children in the eligible group and is living with the child(ren). Medical assistance provided under this rule shall terminate when the aid to dependent children-unemployed parent eligible group ceases to be recipients of aid to dependent children, or ~~March 31, 1983~~ *June 30, 1983*, whichever comes first.

This rule is intended to implement Iowa Code sections 249A.3, 249A.4 and 249A.6 and 1983 Iowa Acts, Senate File 220, sections 2 and 3.

[Filed emergency 3/18/83, effective 4/1/83]  
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

**ARC 3688**  
**SOCIAL SERVICES**  
**DEPARTMENT[770]**

Pursuant to the authority of Iowa Code section 234.6 rules of the Department of Social Services appearing in the IAC relating to general provisions for social services (chapter 131) are hereby amended. The rule eliminates a thirty-day delay when funds become available to add or extend the time period for a block grant funded service in a county.

The Department of Social Services finds that notice and public participation would be impracticable and contrary to the public interest. The current thirty-day posting requirement may restrict the full use of local purchase funds during the last quarter of the fiscal year. Therefore this rule is filed pursuant to Iowa Code section 17A.4(2).

The Department of Social Services finds this rule confers a benefit on the public by allowing the continuation of services or by the addition of new services. Therefore this rule is filed pursuant to Iowa Code section 17A.5(2)“b”(2).

The Council on Social Services adopted this rule March 24, 1983. This rule is intended to implement Iowa Code section 234.6(6). This rule shall become effective April 1, 1983.

Subrule 131.3(2) is amended as follows:

**131.3(2)** *An amendment in the pre-expenditure report will be posted in the district and local offices affected by the amendment at least thirty days prior to the effective date of the change. However, in the event funding for the service has been exhausted, an amendment shall be posted immediately notifying the public that the service will no longer be available. The district administrator will, whenever possible, give advance notice of a service termination made necessary because funds have been exhausted. When a service is added or extended, an amendment may be posted immediately and a thirty-day posting period is not required.*

This rule is intended to implement Iowa Code section 234.6(6).

[Filed emergency 3/25/83, effective 4/1/83]

[Published 4/13/83]

**EDITOR'S NOTE:** For replacement pages for IAC, see IAC Supplement, 4/13/83.

**ARC 3697**  
**EMPLOYMENT SECURITY[370]**  
**(JOB SERVICE)**

Pursuant to Iowa Code section 96.11(1), the Iowa Department of Job Service hereby adopts amendments to Chapter 4, "Claims and Benefits", Iowa Administrative Code.

The department emergency adopted and implemented this rule effective October 25, 1982 (ARC 3369, IAB 11, November 24, 1982). The rule was resubmitted to solicit public comment under Notice of Intended Action (ARC 3556, IAB 17, February 16, 1983).

The rule provides that the long-term unemployed claimant who has exhausted all rights to regular job insurance payments may under certain economic conditions, qualify for partial or total federally funded job insurance payments. The Secretary of Labor by regulation and publications requires a more stringent systematic and sustained effort by the claimant in search for work because of the federal funding of both the payments and the administrative costs.

This rule is identical to that published as Notice of Intended Action, was adopted March 25, 1983 and will become effective May 18, 1983.

This rule is intended to implement Public Law 96-499, Unemployment Insurance Program Letter 14-81 and General Administration Letter 22-81.

Amend subrule 4.22(1), paragraph "c", subparagraph (2), by striking lines 8 and 9 as follows:

~~Registering with the claimant's union hiring or placement facility.~~

~~Registering with a placement facility of the claimant's professional organization.~~

Further, amend subrule 4.22(1), paragraph "c", subparagraph (3), as follows:

(3) No claimant, however, shall be denied benefits solely on the ground that he/she has failed or refused to register with a private employment agency or at any other placement facility which charges the job-seeker a fee for its services. *However, a claimant may count as one of the work contacts required for the week an in-person contact with a private employment agency.*

Further, amend subrule 4.22(1), paragraph "g" to read as follows:

g. Union and professional employees. Members of unions or professional organizations who normally obtain their employment through the union or professional organizations are considered as diligently and actively seeking work, if they maintain active contact with the union's business agent or with the placement officer in the professional organization. A paid-up membership must be maintained if this is a requirement for placement service. The claimant must meet all of these requirements to be considered as available for work. The trade, profession or union to which the claimant belongs must have an active hiring hall or placement facility, and such trade, profession or union must be the source customarily used by employers in filling their job openings. *Registering with the claimant's union hiring or placement facility will be sufficient except that whenever all benefit rights to regular benefits are exhausted and Iowa is in an extended benefit period or similar program such as the federal supplemental compensation program, members must also actively search for work and mere registration at a union*

*or reporting to union hiring hall or registration with a placement facility of the claimant's professional organization will not satisfy the extended benefit systematic and sustained effort to find work and additional work contacts must be made.*

Further, amend subrule 4.22(1) by adding new paragraphs "z" and "aa" to read as follows:

z. Reverse referral. A reverse referral is defined as an employer hiring only through job service of Iowa and all applicants for employment with the employer are referred to job service of Iowa. A claimant may use job service of Iowa as one work contact during a week if the claimant has inquired at the employer's place of business and the employer has stated that all applications for work are handled by job service. The job service office must be contacted in person by the claimant to utilize this reverse referral registration job contact.

aa. Job search assistance. Job search assistance classes which are sponsored by job service of Iowa and attended by the claimant during a week will be counted as one of the claimant's work search contacts for that week.

This rule is intended to implement Public Law 96-499, Unemployment Insurance Program Letter 14-81 and General Administration Letter 22-81.

[Filed 3/28/83, effective 5/18/83]

[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

**ARC 3695**  
**ENVIRONMENTAL QUALITY**  
**DEPARTMENT [400]**  
**ENVIRONMENTAL QUALITY COMMISSION**

Pursuant to the authority of Iowa Code section 455B.32(2), the Environmental Quality Commission amends Chapter 16, "Water Quality Standards", Iowa Administrative Code. The amendment reclassifies the lower reach of Miners Creek in Clayton County from "B"(c)(coldwater fishery) to "B"(w)(warmwater fishery). Notice of Intended Action was published on January 5, 1983, in the Iowa Administrative Bulletin (ARC 3492).

The change affects approximately 2,500 feet of Miners Creek, from its mouth at the Mississippi River to the U.S. Highway 52 bridge crossing. While the upper reaches of Miners Creek support coldwater species, the portion considered for change lies within the alluvial floodplain of the Mississippi River and the influence of backwater flooding from the Mississippi River, and lack of coldwater habitat, make reclassification appropriate. Reclassification is necessary because a new wastewater treatment facility for the City of Guttenberg will be discharging to this reach and might inappropriately be subjected to more stringent discharge standards for coldwater streams. This adopted rule is identical to that published under notice.

ENVIRONMENTAL QUALITY DEPARTMENT[400] (cont'd)

This rule is intended to implement Iowa Code chapter 455B, division III, part I.

This rule will become effective on May 18, 1983.

Amend the current reference to Miners Creek in 16.3(5)"e", on ch 16, page 49, as follows:

Water Use Designations

Water Uses  
A B(w) B(c) C

NORTHEASTERN IOWA  
RIVER BASINS

YELLOW RIVER SUBBASIN

(Mississippi R. Tributaries)  
Miners Cr.

Mouth (S21, T92N, R2W.  
Clayton Co.) to Hwy. 52 (SE  
quarter of S20, T92N, R2W.  
Clayton Co. x

Hwy. 52 (SE quarter of S20,  
T92N, R2W. Clayton Co.) to W  
line of Section 1, T92N, R3W.  
Clayton Co. x

[Filed 3/25/83, effective 5/18/83]  
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

ARC 3675

PUBLIC SAFETY PEACE  
OFFICERS' RETIREMENT,  
ACCIDENT AND DISABILITY  
SYSTEM TRUSTEES[690]

Pursuant to the authority of Iowa Code chapter 97A, the Iowa Department of Public Safety adopts amendments to Chapter 1, "Organization and Procedure," Iowa Administrative Code.

Notice of Intended Action was published in IAB 17, February 16, 1983, as ARC 3538.

These rules are identical to those published as Notice of Intended Action.

These rules will become effective on May 18, 1983.

These rules are intended to implement Iowa Code chapter 97A.

The following amendments are adopted.

ITEM 1. Rule 690—1.1(17A,97A) is amended as follows:

690—1.1(17A,97A) Meeting of board of trustees. The board of trustees meets regularly on a quarterly monthly basis, or upon the call of the chairman.

ITEM 2. Amend rule 690—1.3(17A) to read as follows:

690—1.3(17A) Forms and information. Persons wishing to obtain forms or information about the Peace Officers' Retirement, Accident and Disability System or its trustees should address their requests to:

Secretary, Peace Officers' Retirement System  
Iowa State Patrol Iowa Department of Public Safety  
Lucas Wallace State Office Building  
Des Moines, Iowa 50319

ITEM 3. Rule 690—1.100(97A) is amended to read as follows:

690—1.100(97A) Computation of average final compensation. Computation of the average final compensation shall be made using the salary stated for the rank held by the member for the five years immediately preceding retirement or death earnable compensation of the member during the member's three highest years of service as a member of the state department of public safety, or if the member has had less than three years of such service, then the earnable compensation of the member's entire period of service. Overtime compensation, if any, and authorized periods without pay shall not be considered in this computation.

ITEM 4. Amend rule 690—1.101(97A) as follows:

690—1.101(97A) Age at retirement and of qualification. Age at retirement for computation of annuity shall mean age at the nearest birthday, however, the age of qualification for benefits under Iowa Code chapter 97A shall mean the age on last birthday.

ITEM 5. 690—1.102(97A) shall be rescinded.

ITEM 6. 690—1.103(97A) shall be rescinded.

ITEM 7. 690—1.104(97A) shall be renumbered as 690—1.102(97A) and amended as follows:

690—1.1042(97A) Spouse's benefit upon remarriage. If an active a deceased member's spouse should remarry, the spouse's benefit will continue to be paid to the guardian of any child for his the child's benefit so long as said child remains under age eighteen. If the amount to be received for the child or children will exceed one thousand dollars, a conservator must be named by the court. This is in addition to the child's regular benefit.

ITEM 8. 690—1.105(97A) shall be rescinded.

ITEM 9. 690—1.106(97A) shall be renumbered as 690—1.103(97A).

ITEM 10. 690—1.107(97A) shall be renumbered as 690—1.104(97A) and amended as follows:

690—1.1074(97A) Workmen's Workers' compensation effect on benefit payment. In the event of payment of workmen's workers' compensation benefits on account of disability or death for which benefits are payable under chapter 97A, the retirement or other benefit shall be adjusted by the actuarial equivalent of the total workmen's workers' compensation. This is in lieu of causing the beneficiary to repay the workmen's workers' compensation directly.

ITEM 11. 690—1.108(97A) shall be renumbered as 690—1.105(97A) and amended as follows:

690—1.1085(97A) Errors in payments. Errors in payments to beneficiaries when discovered shall be adjusted in accordance with section 97A.13. This shall be construed to mean that the total under or over payments

## PUBLIC SAFETY PEACE OFFICERS[690] (cont'd)

shall be commuted to monthly income using the current annuity table and at the beneficiary's age at the nearest birthday at the time of correction. In the event that the error involves a child or children, the monthly benefit shall be adjusted over the balance of the child or children's eligibility, however, if the child or children are no longer on the rolls due to having attained age eighteen, a lump sum settlement shall be made. Errors referred to in this rule shall be adjusted only after presentation to and approval by the board.

ITEM 12. 690—1.109(97A) shall be renumbered as 690—1.106(97A) and amended as follows:

**690—1.1096(97A) Annual statement of account.** As soon as possible after the close of each calendar fiscal year, a statement of account shall be furnished to each active member which must include the following information:

Balance in the annuity savings fund at the beginning of the year.

Contribution for the year.

Interest additions for the year.

Balance in the annuity savings fund at the year end.

At the same time as above close of the fiscal year, a form 1099, *W-2-P or equivalent*, shall be prepared for each person who received benefits and any other person who has ceased to be a member during the year. The forms ~~1099~~ must detail the following information:

Total pension paid during the year.

Total refund of contribution during the year.

Total interest paid during the year.

The current pamphlets dealing with retirement and sick pay benefits should be obtained from internal revenue service and mailed with all forms 1099, *W-2-P or equivalent*.

ITEM 13. 690—1.110(97A) shall be renumbered as 690—1.107(97A).

ITEM 14. 690—1.111(97A) shall be renumbered as 690—1.108(97A) and amended as follows:

**690—1.11108(97A) Initial benefit for child.** Initial benefit for a child specified in section 97A.6(8)"f", (9)"c", (132)"a", "b" is ruled by this board to be six percent of the monthly salary of a senior patrolman: *earnable compensation payable to an active member having the rank of senior patrolman of the Iowa highway safety patrol. A senior patrolman for the purposes of chapter 97A, is a patrolman having ten years of active service with the department of public safety.*

ITEM 15. 690—1.112(97A) shall be rescinded.

ITEM 16. 690—1.113(97A) shall be renumbered as 690—1.109(97A) and amended as follows:

**690—1.11309(97A) Recomputation under 97A.6 (154) "a".** The minimum payment of fifty dollars per month authorized in section 97A.6(8)"b" is a minimum only and the recomputation authorized in section 97A.6(154)"a" shall be made using correct original benefit and not the fifty dollar minimum. The benefit payable shall be the fifty dollar minimum until the recomputed benefit exceeds fifty dollars at which time the recomputed benefit shall be paid.

ITEM 17. 690—1.114(97A) shall be renumbered as 690—1.110(97A) and amended as follows:

**690—1.1140(97A) Applications for retirement and election of refund.** Applications for retirement shall be made not more than ninety nor less than thirty days in advance of the date of retirement; with election for one hundred percent refund, fifty percent refund or no refund of member's contribution. Such election when received by the board shall be final and irrevocable.

ITEM 18. 690—1.115(97A) shall be renumbered as 690—1.111(97A) and amended as follows:

**690—1.1151(97A) Books of account.** The following books of account shall be maintained by the secretary.

1.1151(1) Self-balancing combination journal recording all receipts, disbursements and necessary adjustments.

1.1151(2) Self-balancing ledger of control accounts.

1.1151(3) Subsidiary ledger of the annuity savings fund.

1.1151(43) Schedules at the close of the year which shall detail all control accounts except:

a. Pension reserve account.

b. Pension accumulation account.

c. Annuity reserve account.

ITEM 19. 690—1.116(97A) shall be renumbered as 690—1.112(97A).

ITEM 20. 690—1.117(97A) shall be renumbered as 690—1.113(97A) and amended as follows:

**690—1.1173(97A) Application of 97A.6(132).** Section 97A.6(132) applies to the spouse and children only if the spouse was married to the deceased pensioner at or before the time of his retirement and the children are the natural children of the deceased pensioner or were legally adopted at or before the time of his retirement. *If there is no surviving spouse of a marriage solemnized prior to retirement of a deceased member, surviving spouse includes a surviving spouse of a marriage of two years or more duration solemnized subsequent to retirement of the member.*

ITEM 21. 690—1.118(97A) shall be renumbered as 690—1.114(97A).

ITEM 22. 690—1.119(97A) shall be rescinded.

ITEM 23. 690—1.120(97A) shall be renumbered as 690—1.115(97A).

ITEM 24. 690—1.121(97A) shall be renumbered as 690—1.116(97A).

ITEM 25. 690—1.122(97A) shall be renumbered as 690—1.117(97A).

ITEM 26. 690—1.123(97A) shall be renumbered as 690—1.118(97A) and amended as follows:

**690—1.12318(97A) Application for benefits.** Application for benefits under chapter 97A shall be made on forms R15 and R16 the appropriate forms provided by the secretary as the circumstances require. No benefit will be granted if this requirement is not met except for the return of contribution in the case of resignation; the request may be submitted in letter form which must include written approval of the proper division chief showing the date of termination.

ITEM 27. 690—1.124(97A) shall be renumbered as 690—1.119(97A) and amended as follows:

PUBLIC SAFETY PEACE OFFICERS[690] (cont'd)

690—1.12419(97A) Receipt of application for benefits. Upon a receipt by the secretary of an application for benefits, other than resignation of member form R11 through R14 as needed will be delivered to the accounting section of the department of public safety. The accounting section will complete the certification of salary stated on the department payroll. Upon receipt of the certification, the secretary will proceed to compute the retirement allowance.

ITEM 28. 690—1.125(97A) shall be renumbered as 690—1.120(97A).

ITEM 29. 690—1.126(97A) shall be renumbered as 690—1.121(97A).

ITEM 30. 690—1.127(97A) shall be rescinded.

These rules are intended to implement Iowa Code chapter 97A.

[Filed 3/24/83, effective 5/18/83]
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

Fee for change of status, type\*, name, employment conversion, or other transaction (multiple changes at the same time may be made to a license for one fee)

\*Change of type of firm requires a new license and new license fee \$5.00

Fee for change of address (applies only to sole proprietors and firms) \$5.00

Examination fees are paid directly to the testing company at the prevailing rate as determined by the contract between the Iowa real estate commission and the testing company.

[Filed 3/23/83, effective 7/1/83]
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

ARC 3668

REAL ESTATE COMMISSION[700]

Pursuant to the authority of Iowa Code section 117.9, the Iowa Real Estate Commission adopts the amendments to Chapter 1 "Broker and Salespersons" on the 17th day of March, 1983, Iowa Administrative Code.

Notice of Intended Action was published in IAB, Volume V, Number 14, January 5, 1983, as ARC 3487.

To raise fees to cover all expenses of operating the office of the Iowa Real Estate Commission as required by Iowa Code section 117.27.

This rule is identical to the Notice of Intended Action. This rule will become effective July 1, 1983.

This rule is intended to implement Iowa Code section 117.27.

Amend rule 700—1.13(117) as follows:

700—1.13(117) Fees.

Table with 3 columns: Description, Old Fee, New Fee. Rows include Annual Fee for salespersons license, Annual Fee for broker or firm or trade name license, Annual Fee for branch office or trade name license for remaining term of main license, Fee for duplicate license, and Replacement or copy of original license.

ARC 3669

REAL ESTATE COMMISSION[700]

Pursuant to the authority of Iowa Code section 117.9, the Iowa Real Estate Commission adopts the amendments to Chapter 2, "Administrative Procedure", on the 17th day of March, 1983, Iowa Administrative Code.

Notice of Intended Action was published in IAB, Volume V Number 14, January 5, 1983, as ARC 3489.

To better qualify licensees of other jurisdictions to practice in Iowa and to assure equality with Iowa licensees.

This rule is identical to the Notice of Intended Action.

This rule will become effective July 1, 1983.

This rule is intended to implement Iowa Code section 11.21.

Rule 2.3(117), first unnumbered paragraph, is amended as follows:

700—2.3(117) Licensees of other jurisdictions. A person who is actively licensed in another state as a real estate salesperson or broker and has qualified for that license by passing an examination in that state, may be issued a comparable Iowa license without further by successfully passing only the Iowa portion of the examination under the following circumstances:

[Filed 3/23/83, effective 7/1/83]
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

**ARC 3681****REVENUE DEPARTMENT[730]**

Pursuant to the authority of Iowa Code section 17A.22, the Iowa Department of Revenue hereby adopts an amendment to Chapter 2, "Conduct of Appeals, Rules of Practice and Procedure", Iowa Administrative Code.

Notice of Intended Action was published in IAB, Volume V, Number 17, on February 16, 1983, as ARC 3563.

Rule 2.2(421,17A) pertains to appeals from decisions of the director. The rule has been amended to specify the ten-day period for appealing final equalization orders pursuant to Iowa Code section 441.49. The amendment was made at the request of the State Board of Tax Review.

This rule is identical to that published under Notice of Intended Action. The amendment will become effective May 18, 1983, after filing with the rules coordinator and publication in the Iowa Administrative Bulletin.

This rule is intended to implement Iowa Code section 441.49.

The following amendment is adopted.

**730—2.2(421,17A) Notice of appeal.** Jurisdiction is conferred upon the state board by giving written notice to the department within thirty days of the rendering of the decision, order or directive from which such appeal is taken. *However, the state board does not have jurisdiction with regard to a final equalization notice issued pursuant to Iowa Code section 441.49, unless written notice is given within ten days of the date of the order in accordance with rule 730—71.15(441).*

[Filed 3/25/83, effective 5/18/83]  
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

**ARC 3682****REVENUE DEPARTMENT[730]**

Pursuant to the authority of Iowa Code sections 421.14 and 441.5; the Iowa Department of Revenue hereby adopts amendments to Chapter 71, "Assessment Practices and Equalization", Iowa Administrative Code.

Notice of Intended Action was published in IAB, Volume V, Number 17 on February 16, 1983, as ARC 3564.

Subrules 71.1(5) and 71.1(6) are amended to clarify that computers used in the manufacturing process are to be assessed as real property.

Subrule 71.1(7) is amended to reflect the provisions of 1982 Iowa Acts, chapter 1247.

Rule 71.3(421, 428, 441) is amended to provide that in assessing agricultural realty, assessors are to use guidelines issued by the department as well as the prescribed appraisal manual.

In rule 71.7(421, 427A, 428, 441), the reference to the Manufacturers' Classification Guide has been changed to the Industrial and Machinery Valuation Guide.

Rule 71.8(428, 441) is amended to allow assessors to submit computer-prepared abstracts of assessment as some are already doing.

Subrules 71.12(2) and 71.12(3) are rewritten to require that in equalizing residential and commercial assessments the director will use prior years' sales and appraisal data only if it is determined there does not exist adequate sales and appraisal data for the most recent year. The State Board of Tax Review has expressed concern that the present rule may be construed as requiring prior years' sales to be considered ahead of appraisals for the most recent year.

The amendment to rule 71.15(441) specifies that an assessing jurisdiction's appeal of an equalization order must be made within ten days of the date of the order. The State Board of Tax Review requested this amendment since Iowa Code section 441.49 provides an exception to the thirty-day period for appealing an order of the director.

These rules are identical to those published under Notice of Intended Action. The amendments will become effective May 18, 1983, after filing with the administrative rules coordinator and publication in the Iowa Administrative Bulletin.

These rules are intended to implement Iowa Code chapter 161 and sections 421.17, 427A.1, 428.4, 441.21, 441.45, and 441.47.

The following amendments are adopted.

ITEM 1. Rule 730—71.1(428, 441) is amended to read as follows:

**730—71.1(428,441) Classification of real estate.**

**71.1(1) Responsibility of assessors.** All real estate subject to assessment by city and county assessors shall be classified as provided *in this rule herein*. It shall be the responsibility of city and county assessors to determine the proper classification of real estate. ~~Said~~ The determination shall be based upon the best judgment of the assessor following the guidelines set forth ~~herein in this rule~~ and the status of the real estate as of January 1 of the year in which the assessment is made. ~~Said~~ The classification shall be utilized on the abstract of assessment submitted to the department of revenue pursuant to Iowa Code section 441.45 of the Code. See rule 71.8(428, 441).

**71.1(2) Responsibility of boards of review, county auditors, and county treasurers.** Whenever local boards of review, county auditors, and county treasurers exercise assessment functions allowed or required by law, they shall classify property as provided *in this rule herein* and adhere to the requirements of this rule.

**71.1(3) Agricultural real estate.** Agricultural real estate shall include all tracts of land and the improvements and structures located on them which are in good faith used primarily for agricultural purposes except buildings which are primarily used or intended for human habitation as defined in subrule 71.1(4). Land and the *nonresidential* improvements and structures located on it ~~except buildings which are used primarily or intended for human habitation as defined in subrule 71.1(4)~~, shall be considered to be used primarily for agricultural purposes if ~~their~~ *its* principal use is devoted to the raising and harvesting of crops or the rearing,

## REVENUE DEPARTMENT[730] (cont'd)

feeding, and management of livestock, both for intended profit.

Agricultural real estate shall also include woodland, wasteland, pastureland, but only if that land is held or operated in conjunction with agricultural real estate as defined in this subrule.

If the owner of a tract of land is able to demonstrate to the satisfaction of the assessor and local board of review that the tract of land and the *nonresidential* improvements and structures located on it ~~except buildings which are primarily used or intended for human habitation as defined in subrule 71.1(4)~~ are in good faith used primarily for agricultural purposes as defined in this subrule, the tract of land and the improvements and structures located on it except buildings which are used primarily or intended for human habitation as defined in subrule 71.1(4) shall be classified and assessed as agricultural real estate.

**71.1(4)** Residential real estate. Residential real estate shall include all lands and buildings which are primarily used or intended for human habitation, including those buildings located on agricultural land. Buildings used primarily or intended for human habitation shall be defined as include the dwelling, as well as structures and improvements used primarily as a part of, or in conjunction with, the dwelling. This includes but is not limited to garages, whether attached or detached, tennis courts, swimming pools, guest cottages, and storage sheds for household goods. Residential real estate located on agricultural land shall include only buildings as defined in this subrule defined. Buildings for human habitation that are used as commercial ventures, including but not limited to hotels, motels, rest homes, and structures containing three or more separate living quarters shall not be considered residential real estate.

**71.1(5)** Commercial real estate. Commercial real estate shall include all lands and improvements and structures located thereon which are primarily used or intended as a place of business where goods, wares, services or merchandise is stored or offered for sale at wholesale or retail. Commercial realty shall also include hotels, motels, rest homes, structures consisting of three or more separate living quarters and any other buildings for human habitation that are used as a commercial venture; except, however, that one- and two-family dwellings shall be classified as residential real estate. Commercial real estate shall also include data processing equipment as defined in *Iowa Code* section 427A.1, ~~The Code~~, except data processing equipment used in the manufacturing process.

**71.1(6)** Industrial real estate. Industrial real estate shall include all lands and improvements and structures located thereon primarily used or intended to be used for any form of manufacturing as defined in *Iowa Code* section 428.20; ~~The Code~~. Industrial real estate shall also include machinery and equipment as defined in *Iowa Code* section 427A.1(1)"e"; ~~The Code~~.

**71.1(7)** Forest and fruit-tree reservations.

a. Forest and fruit-tree reservations shall include properties as defined in *Iowa Code* chapter 161; ~~The Code~~.

b. To secure the assessment of such property pursuant to *Iowa Code* section 441.22; ~~The Code~~, the taxpayer shall file an annual application with the assessor on or before April 15 (1978 O.A.G. 636). The application shall be made on forms prescribed by the director of revenue.

c. The selection of a forest or fruit-tree reservation is the prerogative of the taxpayer and may not be denied by the assessor unless the criteria set forth in *Iowa Code* chapter 161; ~~The Code~~; and these rules have not been satisfied.

d. Fruit-tree reservations must contain at least one acre, but not more than ten acres. Forest reservations must contain at least two contiguous acres, although there is no limit as to the number of acres which may be selected for a forest reservation.

e. Although livestock cannot be permitted upon a forest or fruit-tree reservation, it is not necessary for the reservation to be fenced. It is, however, the responsibility of the owner of the reservation to see to it that livestock are not permitted on the reservation (1938 O.A.G. 198).

*As used in Iowa Code section 441.22, the term "public use" shall mean use by the general populace in a reasonable and prudent manner that does not create an undue hardship for the property owner nor severely restrict the beneficial rights of the owner.*

This rule is intended to implement *Iowa Code* sections 441.21 and, 428.4 and 441.22; ~~The Code~~, as amended by 1982 *Iowa Acts*, chapter 1247.

ITEM 2. Rule 730—71.2(421,428,441) is amended to read as follows:

**730—71.2(421,428,441) Assessment and valuation of real estate.**

**71.2(1)** Responsibility of assessor. The valuation of real estate as established by city and county assessors shall be the actual value of said the real estate as of January 1 of the year in which the assessment is made. New parcels of real estate created by the division of existing parcels of real estate shall be assessed separately as of January 1 of the year following the division of the existing parcel of real estate.

**71.2(2)** Responsibility of other assessing officials. Whenever local boards of review, county auditors, and county treasurers exercise assessment functions allowed or required by law, they shall follow the provisions of subrule 71.2(1) and rules 71.3(421,428,441) through to 71.7(421,427A,428,441).

This rule is intended to implement *Iowa Code* sections 421.17, 428.4 and 441.21; ~~The Code~~.

ITEM 3. Rule 730—71.3(421,428,441) is amended to read as follows:

**730—71.3(421,428,441) Valuation of agricultural real estate.** Agricultural real estate shall be assessed at its actual value as defined in *Iowa Code* section 441.21; ~~The Code~~, by giving exclusive consideration to its productivity and net earning capacity. In determining the actual value of agricultural real estate, city and county assessors shall use the *Iowa Real Property Appraisal Manual and any other guidelines* issued by the department of revenue pursuant to *Iowa Code* section 421.17(18); ~~The Code~~.

In determining the productivity and net earning capacity of agricultural real estate, the assessor shall also use available data from Iowa State University, the Iowa Crop and Livestock Reporting Service, the Department of Revenue, or other reliable sources. The assessor shall also consider the results of a modern soil survey, if completed.

The assessor shall determine the actual valuation of agricultural real estate within assessing jurisdiction and spread such valuation throughout the jurisdiction so that



## REVENUE DEPARTMENT[730] (cont'd)

each parcel of real estate is assessed at its actual value as defined in *Iowa Code* section 441.21 of the Code.

This rule is intended to implement *Iowa Code* sections 421.17, 428.4 and 441.21; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 4. Rule 730—71.4(421,428,441) is amended to read as follows:

**730—71.4(421,428,441) Valuation of residential real estate.** Residential real estate shall be assessed at its actual value as defined in *Iowa Code* section 441.21 of the Code.

In determining the actual value of residential real estate, city and county assessors shall use the appraisal manual issued by the department of revenue pursuant to *Iowa Code* section 421.17(18) of the Code as well as a locally conducted assessment/sales ratio study, an analysis of sales of comparable properties, and any other relevant data available.

This rule is intended to implement *Iowa Code* sections 421.17, 428.4 and 441.21; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 5. Rule 730—71.5(421, 428, 441) is amended at the implementation clause as follows:

This rule is intended to implement *Iowa Code* sections 421.17, 428.4 and 441.21; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 6. Rule 730—71.6(421, 428, 441) is amended at the implementation clause as follows:

This rule is intended to implement *Iowa Code* sections 421.17, 428.4 and 441.21; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 7. Rule 730—71.7(421, 427A, 428, 441) is amended to read as follows:

**730—71.7(421,427A,428,441) Valuation of industrial machinery.** Industrial machinery as referred to in *Iowa Code* section 427A.1(1)"e" of the Code shall include all machinery used in manufacturing establishments and shall be assessed as real estate even though such machinery might be assessed as personal property if not used in a manufacturing establishment.

In determining the actual value of industrial machinery assessed as real estate, the assessor shall give consideration to the ~~Manufacturers' Classification Industrial Machinery and Equipment Valuation~~ Guide issued by the department of revenue and any other relevant data available.

This rule is intended to implement *Iowa Code* sections 421.17, 427A.1, 428.4 and 441.21; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 8. Rule 730—71.8(428, 441) is amended to read as follows:

**730—71.8(428,441) Abstract of assessment.** Each city and county assessor shall submit annually to the director of revenue at the times specified in *Iowa Code* section 441.45 of the Code an abstract of assessment for the current year. The assessor shall use the form of abstract prescribed and furnished by the department of revenue, and shall enter on ~~said the~~ abstract all infor-

mation required by the department. *However, the department may approve the use of a computer-prepared abstract if the data is in essentially the same format as on the form prescribed by the department.* The information entered on the abstract of assessment shall be reviewed and considered by the director of revenue in equalizing the valuations of classes of properties.

This rule is intended to implement *Iowa Code* sections 428.4 and 441.45; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 9. Rule 730—71.9(428, 441) is amended to read as follows:

**730—71.9(428,441) Reconciliation report.** The assessor's report of any revaluation required by *Iowa Code* section 428.4 of the Code shall be made on the reconciliation report prescribed and furnished by the department of revenue. The assessor shall enter on ~~said the~~ report all information required ~~thereon~~ by the department. The reconciliation report shall be a part of the abstract of assessment, required by *Iowa Code* section 441.45 of the Code and shall be reviewed and considered by the director in equalizing valuations of classes of property.

This rule is intended to implement *Iowa Code* sections 428.4 and 441.45; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 10. Subrule 71.12(1) is amended at the implementation clause as follows:

~~This rule is intended to implement Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 11. Subrule 71.12(2) is amended to read as follows:

**71.12(2)** Residential real estate outside and within incorporated cities.

a. Use of assessment/sales ratio study. Basic data shall be that set forth in rule 71.10(421) refined by eliminating any sales determined to be abnormal or by adjusting ~~same the sales~~ to eliminate the effects of factors which resulted in the sales having been determined to be abnormal. The basic data used shall be the assessment/sales ratio study conducted for sales taking place during the calendar year immediately preceding the year in which the equalization order is issued. *The director may also supplement the assessment/sales ratio study with appraisals made by department of revenue appraisal personnel for the year immediately preceding the year in which the equalization order is issued. The assessment/sales ratio study including relevant appraisals, if any, shall be used to determine the aggregate actual valuation of residential real estate in each assessing jurisdiction. However, the director of revenue will may consider sales and appraisal data for prior years if it is determined the use of the sales and appraisal data for the year immediately preceding the year in which the equalization order is issued is insufficient to determine market value. and If such sales and appraisal data for prior years is used, consideration shall be given adjusted for any subsequent changes in either assessed value or market value.*

~~The director may also supplement the assessment/sales ratio study with appraisals made by department of revenue appraisal personnel. The assessment/sales ratio study~~

## REVENUE DEPARTMENT[730] (cont'd)

including relevant appraisals, if any, shall be used to determine the aggregate actual valuation of residential real estate in each assessing jurisdiction.

Assessors shall provide any known facts or circumstances regarding reported sales transactions and department appraisals which would indicate abnormal or unusual conditions or reporting discrepancies which would necessitate exclusion or adjustment of sales or appraisals from the determination of aggregate actual values. Assessors shall provide those facts within forty-five days of receipt from the department of information concerning sales and appraisal data proposed for assessment/sales ratio and equalization purposes.

b. Use of other relevant data. The director may also consider other relevant data, including field investigations conducted by representatives of the department of revenue to determine the level of assessment of residential real estate.

ITEM 12. Subrule 71.12(3) is amended to read as follows:

**71.12(3)** Commercial real estate.

a. Use of assessment/sales ratio study. Basic data shall be that set forth in rule 71.10(421), refined by eliminating any sales determined to be abnormal or by adjusting same to eliminate the effects of factors which resulted in the sales having been determined to be abnormal. The basic data used shall be the assessment/sales ratio study conducted for sales taking place during the calendar year immediately preceding the year in which the equalization order is issued. *The director may also supplement the assessment/sales ratio study with appraisals made by department of revenue appraisal personnel for the year immediately preceding the year in which the equalization order is issued. The assessment/sales ratio study including relevant appraisals, if any, shall be used to determine the aggregate actual valuation of commercial real estate in each assessing jurisdiction. However, the director of revenue will may consider sales and appraisal data for prior years if it is determined the use of sales and appraisal data for the year immediately preceding the year in which the equalization order is issued is insufficient to determine market value. and if such sales and appraisal data for prior years is used, consideration shall be given adjusted for any subsequent changes in either assessed value or market value.*

~~The director may also supplement the assessment/sales ratio study with appraisals made by department of revenue appraisal personnel. The assessment/sales ratio study including relevant appraisals, if any, shall be used to determine the aggregate actual valuation of commercial real estate in each assessing jurisdiction.~~

b. Use of other relevant data. The director may also consider other relevant data, including field investigations conducted by representatives of the department of revenue to determine the level of assessment of commercial real estate. The diverse nature of commercial real estate precludes the use of a countywide or citywide income capitalization study.

Assessors shall provide any known facts or circumstances regarding reported sales transactions and department appraisals which would indicate abnormal or unusual conditions or reporting discrepancies which would necessitate exclusion or adjustment of sales or appraisals from the determination of aggregate actual values. Assessors shall provide those facts within forty-five days

of receipt from the department of information concerning sales and appraisal data proposed for assessment/sales ratio and equalization purposes.

ITEM 13. Subrule 71.12(4) is amended to read as follows:

**71.12(4)** Industrial real estate. It is not possible to determine the level of assessment of industrial real estate by using accepted equalization methods. The lack of sales data precludes the use of an assessment/sales ratio study, the diverse nature of industrial real estate precludes the use of a countywide or citywide income capitalization study, and the limited number of industrial properties precludes the use of sample appraisals. The level of assessment of industrial real estate can only be determined by the valuation of individual parcels of industrial real estate. Any attempt to equalize industrial valuations by using accepted equalization methods would create an arbitrary result. However, under the circumstances set forth in *Iowa Code* section 421.17(10) of the Code the director may correct any errors in such assessments, which errors are brought to the director's attention.

ITEM 14. Subrule 71.12(6) is amended to read as follows:

**71.12(6)** Centrally assessed property. Property assessed by the director of revenue pursuant to *Iowa Code* chapters 428 and 433 to 438, inclusive, of the Code is equalized internally by the director in the making of said the assessments. Further said the assessments are equalized with the aggregate valuations of other classes of property as a result of actions taken by the director of revenue pursuant to rule 71.11(441).

ITEM 15. Subrule 71.12(7) is amended to read as follows:

**71.12(7)** Miscellaneous real estate. Forest and fruit-tree reservations as defined in *Iowa Code* chapter 161 of the Code shall not be subject to equalization by the director of revenue since they are assessed pursuant to *Iowa Code* section 441.22 of the Code. Since it is not possible to use accepted equalization methods to determine the level of assessment of mineral rights and interstate railroad and toll bridges, said these classes of property shall not be subject to equalization by the director of revenue. provided However, that under the circumstances set forth in *Iowa Code* section 421.17(10) of the Code the director may correct any errors in assessments which errors are brought to the director's attention.

This rule is intended to implement *Iowa Code* sections 441.21, 441.47, 441.48 and 441.49; The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.

ITEM 16. Rule 730—71.13(441) is amended to read as follows:

**730—71.13(441)** Tentative equalization notices. Prior to the issuance of the final equalization order to each county auditor, a tentative equalization notice on forms prescribed by the director of revenue and providing for proposed percentage adjustments to the aggregate valuations of classes of property as set forth in rule 71.12(441) shall be served by mailed on to the county auditor whose valuations are proposed to be adjusted. Said The tentative equalization notice shall constitute the ten days' notice provided for in *Iowa Code* section 441.48 of the Code.

## REVENUE DEPARTMENT[730] (cont'd)

This rule is intended to implement *Iowa Code* sections 441.47 and 441.48; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 17. Rule 730—71.14(441) is amended to read as follows:

**730—71.14(441) Hearings before the director.**

**71.14(1) Protests.** Written or oral protests against the proposed percentage adjustments as set forth in the tentative equalization notice issued by the director of revenue shall be made only on behalf of the affected assessing jurisdiction. Such protests shall be made only by officials of the assessing jurisdiction, including, but not limited to, an assessing jurisdiction's city council or board of supervisors, assessor, or city or county attorney. An assessing jurisdiction may submit a written protest in lieu of making an oral presentation before the director, or may submit an oral protest supported by written documentation. ~~Said p~~Protests against the adjustments in valuation contained in the tentative equalization notices shall be limited to a statement of the error or errors complained of and shall include such facts as might lead to their correction. No other factors shall be considered by the director in reviewing such protests. ~~Such p~~Protests and hearings thereon before the director are excluded from the provisions of the Iowa Administrative Procedure Act governing contested case proceedings.

ITEM 18. Subrule 71.14(2) is amended at the implementation clause as follows:

This rule is intended to implement *Iowa Code* section 441.48; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 19. Rule 730—71.15(441) is amended to read as follows:

**730—71.15(441) Final equalization order.** After the tentative equalization notice has been issued and an opportunity for a hearing described in rule 71.14(441) has been afforded, the director shall issue a final equalization order, on forms prescribed by the director, by mail to the county auditor. ~~Said The~~ order shall specify any percentage adjustments in the aggregate valuations of any class of property to be made effective for the county as of January 1 of the year in which the order is issued. The final equalization order shall be issued on or before October 1 unless for good cause it must be issued after such date. The final equalization order shall be implemented by the county auditor of the affected ~~assessing jurisdiction~~ county.

*An assessing jurisdiction may appeal a final equalization order to the state board of tax review. The protest must be filed or postmarked not later than ten days after the date the final equalization order is issued.*

This rule is intended to implement *Iowa Code* sections 441.48 and 441.49; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 20. Rule 730—71.16(441) is amended at the implementation clause as follows:

This rule is intended to implement *Iowa Code* section 441.49; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

ITEM 21. Rule 730—71.17(441) is amended at the implementation clause as follows:

This rule is intended to implement *Iowa Code* sections 421.17(10) and 441.49; ~~The Code, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 25.~~

[Filed 3/25/83, effective 5/18/83]  
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

**ARC 3689****SOCIAL SERVICES  
DEPARTMENT[770]**

Pursuant to the authority of Iowa Code section 249A.4 rules of the Department of Social Services appearing in the IAC relating to intermediate care facilities (Chapter 81) and intermediate care facilities for the mentally retarded (Chapter 82) are hereby amended. The Council on Social Services adopted these rules March 24, 1983.

Notice of Intended Action regarding this rule was published in the IAB January 19, 1983 as ARC 3511. These rules establish a better and more flexible method for 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.

81.6(11)"m"(1), (2) and 82.5(11)"j"(1), (2) were reworded. These rules are intended to implement Iowa Code sections 249A.2, 249A.3, and 249A.12. These rules will be effective June 1, 1983.

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 assessing authority as defined in Iowa Code chapter 441. Interest cost shall not exceed the legal rate as defined in Iowa Code section 535.2(3) in effect on the lease effective date. 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 is the cost of the facility amortized over its expected useful life plus the landlord's other 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

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

rent or lease expense allowable on the cost report shall be no more than the amortized cost of the facility plus the landlord's other expenses.

Whenever the landlord's costs are used as the basis for allowable rental costs, the landlord 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 assessing authority as defined in Iowa Code chapter 441. Interest cost shall not exceed the legal rate as defined in Iowa Code section 535.2(3) in effect on the lease effective date. 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 ineffect for the term of the lease.

(2) Rent or lease expense is the cost of the facility amortized over its expected useful life plus the landlord's other 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 landlord's other expenses.

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

[Filed 3/25/83, effective 6/1/83]
[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

ARC 3690

SOCIAL SERVICES DEPARTMENT[770]

Pursuant to the authority of Iowa Code sections 217.6 and 234.6, rules of the Department of Social Services appearing in the IAC relating to foster care services (chapter 136) are hereby amended. The Council on Social Services adopted these rules March 24, 1983.

Notice of Intended Action regarding these rules was published in the IAB September 29, 1982 as ARC 3237 and November 24, 1982 as ARC 3395. These changes move rules relating to assessment of the need for foster care services to the rule on eligibility and establish review committees to evaluate both the initial need for foster care and the ongoing case plan. These changes will bring

the department's case review policies more clearly in line with federal mandates, provide a uniform minimum standard for district review procedures, and provide formal safeguards to the rights of parents to participate in case planning for their child.

136.2(2) was reworded and moved to 136.2(4). 136.2(3) was expanded to include provisions for emergency care. 136.2(4) was moved to 136.2(2). 136.2(5) was reworded to clarify responsibilities and to expand the review committee. A new paragraph was also added. 136.4(1) was reworded. 136.4(3)"a" and "d" were reworded. 136.6(4) was expanded to include the foster care provider in the review and to provide for different procedures in the event of a court hearing. 136.6(4)"e" was reworded.

These rules are intended to implement Iowa Code section 234.6. These rules shall become effective July 1, 1983.

ITEM 1. Rule 770—136.2(234) is amended to read as follows:

770—136.2(234) Eligibility.

136.2(1) Only an eligible child as defined in these rules shall be considered for foster care services supervised by the department. When it is determined that the unique needs of a child are such that education or training other than as defined in subrule 136.1(4) is necessary to prepare the child for gainful employment or to function in daily living situations, the district administrator may approve such education or training as meeting eligibility requirements.

136.2(2) The need for foster care placement and service shall be determined by an assessment of the child and family to determine their needs and appropriateness of services. Assessments include the educational, physical, psychological, social, family living, and recreational needs of the child and the family's ability to meet these needs. The assessment is a continual process to identify needed changes in service or placement for the child.

136.2(3) With the exception of emergency care, a social history shall be completed on each child prior to a department recommendation for foster care placement. For voluntary emergency placements a social history shall be completed before a decision is made to extend the placement beyond thirty days. For court-ordered emergency placements a social history shall be completed before the disposition hearing.

136.2(4) Foster care placement shall be recommended by the department only after efforts have been made to prevent or eliminate the need for removal of the child from the family unless the child is in immediate danger at home.

136.2(5) The need for foster care and the efforts to prevent placement shall be evaluated by a review committee prior to placement, or, for emergency placements only, within thirty days after the date of placement. The review shall meet the following requirements:

a. Department staff on the review committee shall be the child's service worker, a supervisor knowledgeable in child welfare, and one or more additional persons appointed by the district administrator. At least one of these persons shall not be responsible for the case management or the delivery of services to either the child or the parents or guardian who are the subject of the review.

b. The review shall be open to the participation of the parents or guardian of the child, local and area education staff and juvenile court staff, present or previous foster care providers, and the guardian ad litem.

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

c. Written notice of the review shall be sent to the child's parents or guardian at least five working days prior to the date of the review.

d. Other persons may be invited to the review with the consent of the parents or guardian.

e. A written summary of the review recommendations shall be sent to the child's parents or guardian following the review.

f. Review committee recommendations shall be advisory to the service worker and supervisor, who are responsible for development of the department case plan and for reports and recommendations to the juvenile court.

This rule is intended to implement Iowa Code section 234.6(6)"b"; The Code.

ITEM 2. Subrules 136.4(1), 136.4(4), and 136.4(5) are rescinded and subrules 136.4(2), 136.4(3), 136.4(6), and 136.4(7) are amended to read as follows:

~~136.4(2)~~ **136.4(1)** Placement consistent with the best interests and special needs of the child shall be made in the least restrictive facility available in which the child's particular needs can be met and as in close proximity to the natural child's home as possible.

~~136.4(3)~~ **136.4(2)** Foster family care shall be used for a child unless the child has problems requiring specialized service which cannot be provided in a family living arrangement. Reasons for using a more restrictive placement shall be documented in the case record.

~~136.4(6)~~ **136.4(3)** A foster family shall be selected on the basis of compatibility with the child, taking into consideration:

a. The extent to which interests, strengths, abilities and needs of the foster family enable them the foster family members to understand, accept and provide for the individual needs for the child.

b. The child's individual problems and plans for future care.

c. The capacity of the foster family to understand the needs and attitudes of the child's parents and the relationship of the child to the parents.

d. The characteristics of the foster family that offer a positive experience for the child who has specific problems as a consequence of past relationships with other adults.

e. An environment that will cause minimum disruption of the child including a minor number of few changes in foster family home placements placement for the child.

~~136.4(7)~~ **136.4(4)** The appropriate public or private agency A foster group care facility shall be selected on the basis of its ability to meet the needs of the child, and promote the child's growth and development, and ensure physical, intellectual and emotional progress during the stay in the facility. Payment shall only be made to a The department shall place a child only in a licensed agency or approved facility which has a current purchase of service agreement with the department.

ITEM 3. Rule 770—136.6(234) is amended by adding a new subrule:

**136.6(4)** In conjunction with the case plan review, the case shall be presented every six months to a review committee which conforms to the requirements in subrule 136.2(5), with the addition that the foster care provider shall also have notice of the review and opportunity to participate. When the court holds a hearing to review the placement, the district administrator may

waive or modify the department review committee procedure. The review committee shall:

a. Evaluate the continuing necessity for foster care placement.

b. Evaluate the continuing appropriateness of the foster care placement.

c. Evaluate the extent of compliance with the case plan.

d. Evaluate the extent of progress made toward lessening the causes for foster care placement.

e. Project a likely date by which the child will leave foster care.

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[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

## ARC 3691

SOCIAL SERVICES  
DEPARTMENT [770]

Pursuant to the authority of Iowa Code section 600.22, rules of the Department of Social Services appearing in the IAC relating to subsidized adoptions (chapter 138) are hereby amended. The Council on Social Services adopted these rules March 24, 1983.

Notice of Intended Action regarding these rules was published in the IAB January 19, 1983, as ARC 3512. 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.

138.2(2), 138.3(1)"c", 138.3(3), 138.4, 138.6(1)"b", 138.6(2) and 138.6(3) were reworded. Corrections of Iowa Administrative Code references were made in 138.2(4) and 138.2(5). The appropriate form number and title were added to 138.5(1).

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

These rules shall become effective June 1, 1983.

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. The child will also be eligible for medical assistance pursuant to 770—chapter 75.

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

**138.2(3)** "Special services subsidy" means reimburse- ment 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 470—64.1(21).

**138.2(5)** "Mental health professional" means the same as defined in the department's subrule 33.1(11).

**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. 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 characterized 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. An adverse determination may be appealed according to rules in 770—chapter 7.

**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 finalization of the adoption.

**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 agree- ments 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 sub- sidy.**

**138.5(1)** The amount of subsidy shall be determined through an agreement between the department and the adoptive parents, form SS-6602-6 (Adoption Subsidy Agreement), 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 as- sistance 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 depart- ment based on the 1981 United States Labor Depart- ment'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 con- sidered 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 cur- rent 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 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, educa- tional or other service required by the child's handi- capping 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 special- ists providing the services.

b. Attorney fees for adoptive services may be con- sidered a special service, if needed and if the adopting family cannot secure legal assistance without paying a fee.

**138.6(2)** Maintenance only. A monthly allotment for room, board, clothing and spending money may be provided, as determined under 770—138.5(600). The child will also be eligible for medical assistance pursuant to 770—chapter 75.

**138.6(3)** Maintenance and special services. For handicapped children defined in 138.3(1)"a" to "e", a special services subsidy will be included when a main- tenance subsidy is provided.

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

**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.

**138.7(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 sections 600.17 to 600.21.

[Filed 3/25/83, effective 6/1/83]

[Published 4/13/83]

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## ARC 3692

### SOCIAL SERVICES DEPARTMENT[770]

Pursuant to the authority of Iowa Code section 234.6, rules of the Department of Social Services appearing in the IAC relating to purchase of service (chapter 145) are hereby amended. The council on social services adopted these rules March 24, 1983.

Notice of Intended Action regarding these rules was published in the IAB September 1, 1982, as ARC 3168. These rules update the rules on the purchase of service system and make them more specific. Current rules were published five years ago and are too general.

The paragraph on civil rights was reworded in 145.3(3), 145.5(3), 145.6(3), and 145.7(3), a new paragraph on Title VI compliance added, and the other paragraphs relettered accordingly. A sentence was added to 145.3(1)"d"(4) and 145.3(1)"f" was reworded. 145.3(3) was reworded, 145.3(3)"a" rewritten and a sentence added, the second paragraph in 145.3(3)"j"(2) was reworded, and 145.3(3)"n" was added. 145.3(5)"a"(8) was rewritten, 145.3(5)"1" was reworded, and the word "and" added to 145.3(5)"m"(3). 145.5(1)"f" was reworded. 145.5(3) was reworded. 145.6(3) was reworded.

These rules are intended to implement Iowa Code section 234.6(6).

These rules shall become effective July 1, 1983.

770—Chapter 145 is rescinded and the following inserted in lieu thereof:

#### CHAPTER 145 PURCHASE OF SERVICE

**770—145.1(234) Definitions.**

**145.1(1)** "Accounting year" means a twelve-consecutive-month period for which accounting records are maintained, either a calendar year or other designated fiscal year.

**145.1(2)** "Accrual basis accounting" means the accounting basis which shows all expenses incurred and income earned for a given time even though the expenses and income may not have been paid or received in cash during the period.

**145.1(3)** "Administrative support" means technical assistance, studies, surveys, or securing volunteers to assist the department in fulfilling its administrative responsibilities.

**145.1(4)** "Agency" means an organization or organizational unit that provides social services.

a. Public agency means a general or special purpose unit of government and organization(s) administered by that unit to deliver social services, for example, county boards of supervisors, community colleges, and state agencies.

b. Private/nonprofit agency means a voluntary agency operated under the authority of a board of directors for purposes other than generating profit and is incorporated under Iowa Code Chapter 504A or, for an out-of-state agency, meets requirements of similar laws governing nonprofit organizations in its state.

c. Private/proprietary agency means a for-profit agency operated by an owner or board for the operator's financial benefit.

**145.1(5)** "Cash basis accounting" means the accounting basis which records expenses when bills are paid and income when money is received.

**145.1(6)** "Ceiling" means the maximum limit for payment for a service which has been established by an administrative rule or by Iowa Code specifically for that service.

**145.1(7)** "Client" means an individual or family group who has applied for and been found to be eligible for social services from the Iowa department of social services.

**145.1(8)** "Components of service" means the elements /activities that make up a specific service.

**145.1(9)** "Contract" means formal written agreement between the Iowa department of social services and another legal entity, except for those government agencies whose services are covered under provision of Iowa Code chapter 28E.

**145.1(10)** "Contractor" means an institution, organization, facility or individual who is a legal entity and has entered into a contract with the department of social services.

**145.1(11)** "Department" means the Iowa department of social services.

**145.1(12)** "Direct cost" means those expenses which can be identified specifically and solely to a particular program.

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

**145.1(13)** "Donor" means local sources (public or private) of funding who enter into an Iowa donation of funds contract.

**145.1(14)** Effective date.

a. Contract effective date for agency contracts means the first day of a month on which the contract shall become in force.

b. Effective date of rate means the date specified in a purchase of service contract on which the specified rate of payment for services provided begins.

**145.1(15)** "Field staff" means department employees outside of central office reporting to the division of field operations.

**145.1(16)** "Grant" means an award of funds to develop specific programs or achieve specific outcomes.

**145.1(17)** "Indirect cost" means those expenses which cannot be related directly to a specific program and are, therefore, allocated to more than one program.

**145.1(18)** "Local purchase services" means services purchased by the department with twenty-five percent of the funding provided by a county or donor.

**145.1(19)** "Project manager" means a department employee who is assigned to assist in developing, monitoring and evaluating a contract and to provide related technical assistance.

**145.1(20)** "Provider" means an institution, organization, facility, or individual who is a legal entity and has entered into a contract with the department to provide social services to clients of the department.

**145.1(21)** "Purchase of service section" means a unit of the bureau of finance, division of administration which is responsible for administering the purchase of service system.

**145.1(22)** "Purchase of service system" means the system within the department for contracting and payment for services, including contracts for funding and contracts for technical assistance.

**145.1(23)** "Social services" means a set of actions purposefully directed toward human needs which are socially identified as requiring assistance from others for their resolution.

**145.1(24)** "Unit of service" means a specified quantity of service or a specific outcome as a result of the service provided.

#### **770—145.2(234) Categories of contracts.**

**145.2(1)** Iowa purchase of social services. An Iowa purchase of social services contract is between the department and a provider for a specified service or services to clients referred by the department. This contract establishes the service components to be provided, the rate per unit of service, a maximum number of units to be available, and other negotiated conditions.

a. Agency contract is a contract written with an agency.

b. Individual child day care provider contract is a contract written with an individual provider of family day care, group day care, or in-home day care services. Specific instructions may be found in 770—chapter 132.

c. Individual in-home health-related provider contract is a contract written with an individual provider of in-home health services. Specific instructions may be found in 770—chapter 148.

**145.2(2)** Iowa purchase of administrative support. An Iowa purchase of administrative support contract is between the department and a contractor for the provi-

sion of administrative support. This contract establishes the support services to be provided, the rate and the method of payment, and other negotiated conditions. A contractor or the division of a contractor who is a multiservice organization holding an administrative support contract may not provide direct client services during the period of the contract.

a. Volunteer services contract is the administrative support contract for volunteer services between an individual or agency and the department to secure volunteers to assist the department in service delivery.

b. General use Iowa purchase of administrative support contract is between the department and a contractor for the provision of administrative support.

**145.2(3)** County board of supervisors' participation contract. The county board of supervisors' participation contract is between a county board of supervisors and the department for the purchase of local purchase services. This contract establishes the conditions under which the county and the department will jointly participate in the provision and payment for services delivered by selected providers or contractors.

**145.2(4)** Iowa donation of funds contract. The Iowa donation of funds contract establishes the conditions under which a donor makes funds available to the department. This is generally for the purpose of matching state or federal funds for services or administrative support. A formal Iowa Donation of Funds Contract, form SS-1502-0, shall be completed prior to the department's acceptance of the funds.

a. Area, service, and provider. The donor may specify the geographic area to be served and the specific service to be provided. When the donor is a public agency, the provider of the service may also be specified.

b. Contract content. The agreement shall contain specifications, concerning termination, transmittal of funds, accounting, and reversion of unspent funds. If the initial agreement is amended, it shall be done formally.

#### **770—145.3(234) Iowa purchase of social services contract — agency providers.**

**145.3(1)** Initiation of contract proposal.

a. Right to request a contract. All potential provider agencies have a right to request a contract.

b. Initial contact. The initial contact should be between the potential provider and the district administrator for the district in which the provider's headquarters is located. In the case of out-of-state providers this contact can be with the district administrator for either the closest district or the district initiating the contact.

c. Contract proposal development. When the district administrator determines that a contract is to be developed, a project manager will be assigned who will assist in contract development and processing. The project manager will assist the contractor in completing the contract proposal and fiscal information appropriate to the contract which will include documentation that the conditions of participation required below are met.

d. Contract proposal approval/rejection. Before a contract can be effective, it shall be signed by the following individuals within the time frames provided:

(1) Authorized representative of the provider agency.

(2) County director of the department's local office within one week from receipt.

(3) District administrator within one week from receipt.



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

(4) Manager, purchase of service section within thirty days from receipt.

The provider shall be notified of delays in the process or of rejection of the proposal. This notification, along with an explanation, shall be in writing. Payment cannot be made until the contract is signed by the provider's authorized representative and the manager of the purchase of services section.

e. Criteria for rejection. The following criteria may cause a proposed contract to be rejected:

- (1) The service is not needed by department clients.
- (2) The service is not in the state plan for the district(s) or county(ies) to be served by the program.
- (3) No funds are available for the service being proposed.

(4) The proposed contract does not meet applicable rules, regulations, or guidelines, including service definition.

f. Contract effective date. When the agreed upon contract conditions have been met, the effective date of the contract is the first day of an agreed upon month following signature by the manager, purchase of service section.

#### 145.3(2) Contract administration.

a. Contract management. During the contract period the assigned project manager will be the contract liaison between the department and the provider and shall be contacted on all interpretations and problems relating to the contract. The project manager will follow the issues through to their resolution. The project manager will also monitor performance under the contract and will provide or arrange for technical assistance to improve the provider's performance, if needed.

b. Contract amendments. The contract shall only be amended upon agreement of both parties. Amendments which affect the cost of services shall include reestablishment of applicable rates.

c. Contract renewal. A joint decision to pursue renewal of the contract must be made at least sixty days prior to the expiration date. Each contract shall be evaluated and the results of the evaluation taken into consideration in the decision on renewal. This evaluation may involve use of the Monitoring and Evaluation Review Guide, form SS-1637-0, or other evaluation tools specified in the contract.

d. Contract termination. Causes for termination during the period of the contract are:

- (1) Mutual agreement of the parties involved.
- (2) Upon demonstration that sufficient funds are unavailable to continue the service(s) involved.
- (3) If required reporting is not made.
- (4) Failure to make financial and statistical records available for review.
- (5) Failure to abide by the provisions of the contract.

145.3(3) Conditions of participation. The provider shall meet the following standards:

a. Licensure/approval/accreditation. The provider shall obtain any license, approval, and accreditation required by law, regulation or administrative rules, or standards of operation required by the state or meet federal regulations before the contract can be effective. Out-of-state providers shall meet Iowa licensing standards related to treatment, professional staff to client ratio, and staff qualifications.

b. Signed contract. A contract can only be effective when signed by all parties required in 145.3(1), paragraph "d".

c. Civil rights laws. The providers shall be in compliance with all federal, state and local civil rights laws and regulations with respect to equal employment opportunity, or have a written work plan approved by the department to come into compliance.

d. Title VI compliance. The contractors shall be in compliance with Title VI of the 1964 Civil Rights Act, as amended, and all other federal, state, and local laws and regulations regarding the provision of services or have a written plan approved by the department to come into compliance.

e. Section 504 compliance. The providers shall be in compliance with all federal (Rehabilitation Act of 1973, as amended), state, and local section 504 laws and regulations or have a written work plan approved by the department to come into compliance.

f. Affirmative action. The providers shall be in compliance with all federal, state, and local laws and regulations regarding affirmative action, or have a written work plan approved by the department to come into compliance.

g. Abuse reporting. The provider shall have an approved policy and procedure for reporting abuse or neglect of children and dependent adult abuse.

h. Confidentiality. The provider shall comply with all applicable federal and state laws and regulations on confidentiality including rules on confidentiality contained in 770—chapter 9.

i. Client appeal/grievances. Clients receiving service through a purchase of service contract have the right to appeal adverse decisions made by the department or the provider. The provider shall have an approved policy and procedure for handling client appeals and grievances and shall provide information to clients about their rights to appeal.

j. Client reports. The provider shall maintain the following client records:

(1) Provider service plan/individual program plan. Providers shall have a written service plan/individual program plan for each client within thirty days of service initiation. This shall include a concise description of the situation or area which will be the focus of the service; statement of the goal(s) to be achieved through the delivery of services; time limited and measurable objectives which will lead to the attainment of the goal to be achieved; specific service components, frequency, and the assignment of responsibility for the provision of the components; and the month and year when it is estimated the client will be able to achieve the current goal(s) and objectives.

(2) Quarterly progress reports. Quarterly progress reports shall be sent to the department caseworker responsible for the client. The first report shall be submitted to the department three months after service is initiated and quarterly thereafter. The progress report shall include a description of the specific service components provided, their frequency, and who provided them; the client's progress with respect to the goals and service objectives; any recommended changes in the service plan/individual program plan and for all placement cases; interpretation of client's reaction to placement; a

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summary of medical or dental services that were provided; a summary of educational/vocational progress and participation; and a summary of the involvement of the family with the client and the services.

Reports for mental health services, purchased foster family home services, and independent living service shall also include supporting documentation including dates of client and collateral contacts, type of contact, person(s) contacted, and a brief explanation of the focus of each contact. Each unit of service for which payment is sought should be the subject of a written progress note.

(3) Termination of service summary. A termination of service summary shall be sent to the department caseworker responsible for the client within two weeks of terminating the service. The termination of service summary shall include the rationale for service termination and the impact of the service components on the client in relationship to the established goals and objectives.

k. Financial and statistical records. Each provider of service shall maintain sufficient financial and statistical records, including program and census data, to document the validity of the reports submitted to the department.

(1) The records shall be available for review at any time during normal business hours by department personnel, the purchase of service fiscal consultant, state or federal audit personnel.

(2) These records shall be retained for a period of five years after final payment.

l. Reports on financial and statistical records. Reports on financial and statistical records shall be submitted as required. Failure to do so within the required time limits will be grounds for termination of the contract.

m. Maintenance of client records. Client records must be retained by the provider for a period of three years after service to the client terminates.

n. Provider charges. Provider shall not charge department clients more than it receives for services to nondepartment client.

**145.3(4)** Establishment of rates. Rates to be paid shall be based on the following rules:

a. Day care centers enrolling six or fewer department clients. The rate will be the same as paid by nondepartment clients when the center agrees to accept no more than six department clients at a time, as openings are available.

b. All other in-state providers. The Financial and Statistical Report for Purchase of Service Agreements, form SS-1703-0, will be the basis for establishing the rates to be paid.

c. Out-of-state providers.

(1) Rates for providers of residential services for children are established by subrule 137.9(2).

(2) Rates for providers with services not covered in the preceding paragraph shall have rates established using the applicable portions of the Financial and Statistical Report for Purchase of Service Agreements, form SS-1703-0.

**145.3(5)** Financial and statistical report. The Financial and Statistical Report for Purchase of Service Agreements, form SS-1703-0, shall be completed by those providers as required in 145.3(4). The reports shall be based on the following rules.

a. Accounting procedures. Financial information shall be based on the agency's financial records. When the records are not kept on an accrual basis of accounting, the

provider shall make the adjustments necessary to convert the information to an accrual basis for reporting. Providers who are multiple program agencies shall submit a cost allocation schedule prepared in accordance with recognized methods and procedures.

(1) Direct program expense shall include all direct client contact personnel involved in a program including the time of a supervisor of a program, or the apportioned share of the supervisor's time when the supervisor supervises more than one program.

(2) Expenses other than salary and fringe benefits shall be charged as direct program expense when the expenses are identifiable to a program or when a method of distribution acceptable to the department is maintained on a consistent basis.

(3) Occupancy expenses shall be allocated to programs on a space utilization formula. The space utilization formula may be used for salaries and fringes of building maintenance and janitorial type personnel.

(4) All expenses which relate jointly to two or more programs shall be allocated to program service costs by utilizing a cost allocation method which fairly distributes costs to the related programs. Any expenses which relate directly to a particular program shall be reflected as such. All maintenance costs shall be charged directly or allocated proportionately to the related programs affected.

(5) Indirect program service costs shall be distributed over all applicable services.

(6) Expenses such as supplies, conferences, and similar expenses that cannot be directly related to a program shall be charged to indirect program service costs.

(7) A multiservice agency shall establish a method acceptable to the department of distributing indirect program service costs.

(8) Income received from fund raising efforts or donations shall be reported as revenue on the financial and statistical report and used to offset fund raising costs.

Fund raising costs remaining after the offset shall be an unallowable cost. Fund raising income shall be reported as follows:

1. All contributions shall be accompanied by a schedule showing the contribution and designated usage by the agency.

2. Income may be placed in restricted or appropriated accounts for purposes such as reasonable reserve accounts (ninety day operating expense reserve) and purchasing capital assets (present or future periods). Restricted accounts are those in which the donor has restricted the use of funds and appropriated accounts are those in which the agency has designated the use of funds. At the end of any reporting period, income from fund raising or donations may be designated to supplement sliding fees for private clients, to cover deficits (total costs over income), to cover costs not allowed by purchase of service rules, and to cover costs not reimbursed by purchase of service because of ceilings or limitations.

3. Income remaining undesignated shall then be applied proportionately to all service programs, including excluded programs, according to the direct service program costs. This income shall be used to reduce all program costs before determining the unit rate.

(9) When an agency has a certified public accounting firm perform an audit of its financial statements, the resulting audit report shall follow one of the uniform

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audit report formats recommended by the American Institute of Certified Public Accountants as specified in the Industry Audit Guide "Audits of Voluntary Health and Welfare Organizations" issued September 1973. A copy of the certified audit report shall be submitted to the department within sixty days of receipt.

(10) All expenses reported on form SS-1703-0 shall be supported by an agency's general ledger and documentation on file in the agency's office.

b. Failure to maintain records. Failure to maintain records adequate to support the Financial and Statistical Report, form SS-1703-0, may result in termination of the contract. These records include but are not limited to:

- (1) Reviewable, legible census reports.
- (2) Payroll information.
- (3) Capital asset schedules.
- (4) All cancelled checks, deposit slips, invoices (paid and unpaid).
- (5) Audit reports (if any).
- (6) Board of directors' minutes.

c. Submission of reports. The report shall be submitted to the department no later than three months after the close of the provider's established fiscal year. Failure to submit the report in time without written approval from the manager, purchase of service section, may reduce payment to seventy-five percent of the current rate. Failure to submit the report within six months of the end of the fiscal year shall be cause for terminating the contract.

d. Rate modification. Modification of rates shall be made when changes are due to changes in licensing requirements, changes in the law, or amendments to the contract. Requests for modification of a pay rate may be made when changes are due to program expansion or modification and have the approval of the district administering the contract.

e. Payment of new rate. New rates shall be effective for services provided beginning the first day of the second calendar month after receipt by the purchase of service section of a report sufficient to establish rates or, by mutual agreement, the first day of the month following completion of the fiscal review. Failure to submit a report sufficient to establish a rate will result in the effective date being delayed. At least one week prior to the deadline in paragraph "c" above must be allowed for the project manager to review and transmit to central office.

f. Exceptions to costs. Exceptions to costs identified by the purchase of service section or its fiscal consultant will be communicated to the provider in writing.

g. Accrual basis. Providers not using the accrual basis of accounting shall adjust amounts to the accrual basis when the financial and statistical report is completed. Records of cash receipts and disbursements shall be adjusted to reflect accruals of income and expenses.

h. Census data. Documentation of units of service provided which identifies the individual client shall be available on a daily basis and summarized on a monthly report. The documentation and reports shall be retained by the provider for review at the time the expenditure report is prepared and reviewed by the department's fiscal consultant.

i. Opinion of accountant. The department may require that an opinion of a certified public accountant or public accountant accompany the report when adjustments

made to prior reports indicate noncompliance with reporting instructions.

j. Revenues. When the Financial and Statistical Report is completed, revenues shall be reported as recorded in the general books and records adjusted for accruals. Expense recoveries shall be reflected as revenues.

k. Capitol asset use allowance (depreciation) schedule. The Capitol Asset Use Allowance Schedule shall be prepared using the guidelines for provider reimbursement in the Medicare and Medicaid Guide, December 1981.

l. The following expenses shall not be allowed:

- (1) Fees paid directors and nonworking officers' salaries.
- (2) Bad debts.
- (3) Entertainment expenses.
- (4) Memberships in recreational clubs, paid for by an agency (country clubs, dinner clubs, health clubs, or similar places) which are primarily for the benefit of the employees of the agency.
- (5) Legal assistance on behalf of clients.
- (6) Costs eligible for reimbursement through the medical assistance program.

(7) Food and lodging expenses for personnel incurred in the city or immediate area surrounding the personnel's residence or office of employment, except when the specific expense is required by the agency and documentation is maintained for audit purposes. Food and lodging expenses incurred as part of programmed activities on behalf of clients, their parents, guardians, or consultants are allowable expenses when documentation is available for audit purposes.

(8) Business conferences and conventions. Meeting costs of an agency which are not required in licensure.

(9) Awards and grants to recognize board members and community citizens for achievement. Awards and grants to clients as part of treatment program are reimbursable.

(10) Survey costs when required certification is not attained.

(11) Federal and state income taxes.

m. The following expenses are limited for service without a ceiling established by administrative rule or law for that service.

(1) Moving and recruitment are allowed as a reimbursable cost only to the extent allowed for state employees. Expenses incurred for placing advertising for purposes of locating qualified individuals for staff positions are allowed for reimbursement purposes.

(2) Interest on short-term loans, when the need for borrowing is caused by delayed payments from the department, is allowable when a loan is necessary to pay critical operating costs; no-cost sources of funds are not available; payments to the provider from the department have not been received within thirty days from the time the correct invoice was submitted to the local department office and the clients for whom payment has not been received are identified; the loan does not exceed the amount owed to the provider by the department; the interest to be incurred is not in excess of what a prudent borrower would have to pay in the money market existing at the time the loan was made, and to be paid to a lender not related through control or ownership or personal relationship to the borrowing organization; the loan is repayed

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as overdue payment totals are received by the provider; prior written approval is received from the project manager.

(3) Interest on loans for purchase of capital assets is allowable when the capital asset is required to operate a program, the provider has to borrow money to purchase the item, purchase with borrowed funds is shown to be the most cost-efficient method of obtaining the required asset, and prior written approval is received from the manager, purchase of service section.

(4) Costs for participation in educational conferences are limited to three percent of the agency's actual salary costs, less excluded or limited salary costs as recorded on the financial and statistical report.

(5) Costs of reference publications and subscriptions for program-related materials are limited to \$500 per year.

(6) Memberships in professional service organizations are allowed to the extent they do not exceed one-half of one percent of the total salary costs less excluded salary costs.

(7) In-state travel costs for mileage and per diem expenses are allowable to the extent they do not exceed the maximum mileage and per diem rates for state employees for travel in the state.

(8) Reimbursement for air travel shall not exceed the lesser of the minimum commercial rate or the rate allowed for mileage in subparagraph (7) above.

(9) The maximum reimbursable salary for the agency administrator or executive director charged to purchase of service is \$40,000 annually.

(10) Annual meeting costs of an agency which are required in licensure are allowed to the extent required by licensure.

n. The following expenses are limited for services with a ceiling established by administrative rule or law for that service.

(1) The maximum reimbursable compensation for the agency administrator or executive director charged to purchase of service annually is \$40,000.

(2) Annual meeting costs of an agency which are required in licensure are allowed to the extent required by licensure.

o. Establishment of ceiling and reimbursement rate.

(1) The maximum allowable rate ceiling applicable to each service may be found in the rules for that particular service.

(2) When a ceiling exists, the reimbursement rate shall be established by determining on a per unit basis the allowable cost plus the current cost adjustment subject to the maximum allowable cost ceiling.

**145.3(6) Client eligibility and referral.**

a. Program eligibility. Clients in this category of eligibility, in order to receive services through the purchase of service system, shall have been determined eligible and formally referred by the department. The department shall not make payment for services provided prior to the client's application, eligibility determination, and referral.

The following forms shall be used by the department to authorize services:

Form SS-1701-0, County Authorized Local Administrator Referral of Client for Purchase of Social Services

Form SS-2611-0, Placement Agreement: Child Placing or Child Caring Agency (Provider)

b. When a court orders foster care and the department has no responsibility for supervision or placement of

the client, the department will pay the rate established by these rules for maintenance and service provided by the facility.

**145.3(7) Client fees.** Rules governing client fees may be found in 770—130.4(234).

**145.3(8) Billing procedures.** At the end of each month the provider agency will prepare an AA-2241-0, Purchase of Service Provider Invoice, for services provided by the agency during the month. Separate invoices shall be prepared for each county from which clients were referred, each service, and each funding source involved in payment. Complete invoices are then sent to the department local office responsible for the client for approval and forwarding for payment. More frequent billings may be permitted on an exception basis with the written approval of the district and manager, purchase of service section.

a. Time limit for submitting vouchers, invoices, or claims. The time limit for submission of original vouchers, invoices, or claims shall be the same as specified in Iowa Code section 8.13(1).

b. Resubmittals of rejected claims. Valid claims which were originally submitted within the time limit specified in paragraph "a" but were rejected because of an error shall be resubmitted without regard to time frames.

**145.3(9) Reviews of department actions.** A provider who is adversely affected by a department decision may request a review. A review request may cause the action to be stopped pending the outcome of the review, except in cases where it can be documented that to do so would be detrimental to the health and welfare of clients. The procedure for review is:

a. A written request for review shall be sent by the provider within ten days of receipt of the decision in question to the project manager responsible for the contract. This request shall document the specific area in question and the remedy desired. A written response from the project manager shall be provided within ten days.

b. When dissatisfied with the response, the provider shall, within ten days, submit the original request, the response received, and any additional information desired to the district administrator. The district administrator will study the concerns and the action taken, and render a decision in writing within fourteen days. A meeting with the provider may be held to clarify the situation.

c. If still dissatisfied, the provider may request a review within ten days by the manager, purchase of service section. The request for review should include copies of material from paragraphs "a" and "b" above. The purchase of service manager will review the issues and positions of the parties involved and provide a written decision within fourteen days. A meeting with the provider, project manager, and district administrator or designee may be held.

d. The provider may appeal this decision within ten days to the commissioner of the department who will issue the final department decision within fourteen days.

**145.3(10) Reviews of financial and statistical reports.** Authorized representatives of the department or state or federal audit personnel shall have the right, upon proper identification, to review, using generally accepted auditing procedures, the general financial records of a provider to determine if expenses reported to the department have been handled as required by 145.3(5). The reviews may be on the basis of an on-site visit to the

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provider, the provider's central accounting office, the office(s) of the provider's agent(s), a combination of these, or by mutual decision, other locations.

**770—145.4(234) Iowa purchase of social services contract — individual providers.**

**145.4(1)** Individual child day care provider contract. Rules governing individual child day care provider contracts may be found in 770—chapter 132.

**145.4(2)** Individual in-home health-related provider contract. Rules governing individual in-home health-related provider contracts may be found in 770—chapter 148.

**770—145.5(234) Iowa purchase of administrative support.**

**145.5(1)** Initiation of contract proposal.

a. Right to request a contract. All potential contractors have a right to request a contract.

b. Initial contact.

(1) Volunteer contract. The initial contact may be between the potential contractor and the district administrator of the district in which the individual or the contractor agency's headquarters is located or between the potential contractor and the director, state volunteer program in the central office of the department, who will communicate with the district.

(2) Other administrative support contract. The initial contact may be between the potential contractor and the district administrator of the district in which the individual or contractor organization's headquarters is located or between the potential contractor and the manager, purchase of service section, who will communicate with the district.

c. Contract proposal development. When the district administrator determines that a contract is to be developed, a project manager will be assigned who will assist in contract development and processing. The project manager will assist the contractor in completing the contract proposal and fiscal information appropriate to the contract which will include documentation that the conditions of participation required below are met.

d. Contract proposal approval/rejection. Before a contract can be effective it shall be signed by the following individuals within the time frames provided:

(1) Volunteer contract.

Individual contractor or authorized representative of the contractor agency.

District administrator within one week from receipt.

Director, state volunteer program within thirty days from receipt.

(2) Other administrative support contract.

Individual contractor or authorized representative of the contractor agency.

District administrator within one week from receipt.

Manager, purchase of service section within two weeks from receipt.

Director, division of administration within two weeks from receipt.

The contractor shall be notified of delays in the process or of rejection of the proposal. This notification along with an explanation shall be in writing. The applicant has a right to have the decision reviewed by the director, state volunteer program, or manager, purchase of service section.

e. Criteria for rejection. The following criteria may cause a proposed contract to be rejected.

(1) The proposed activity is not needed by the department.

(2) No funds are available for the activity being proposed.

(3) The proposed contract does not meet applicable rules, regulations, or guidelines.

f. Contract effective date. When the agreed upon contract conditions have been met, the effective date of the contract is the first day of an agreed upon month following signature by the director, state volunteer program, or manager, purchase of service section.

**145.5(2) Contract administration.**

a. Contract management. During the contract period the assigned project manager will be the contact liaison between the department and the contractor and shall be contacted on all interpretations and problems related to the contract. The project manager will follow issues through to their resolution. The project manager will also monitor performance under the contract and will provide or arrange for technical assistance to improve the contractor's performance, if needed.

b. Contract amendments. The contract shall only be amended upon agreement of both parties. Amendments which affect the cost of providing the volunteer services must include re-establishment of amounts to be paid.

c. Contract renewal. A joint decision to pursue renewal of the contract must be made at least sixty days prior to the expiration date. Each contract shall be evaluated and the results of the evaluation taken into consideration in the decision on renewal. This evaluation may involve use of applicable administrative portions of the Monitoring and Evaluation Review Guide, form SS-1637-0, or other evaluation tools specified in the contract.

d. Contract termination. Causes for termination during the period of the contract are:

(1) Mutual agreement of the parties involved.

(2) Demonstration that sufficient funds are unavailable to continue the service(s) involved.

(3) Reporting required by the contract is not made.

(4) Failure to make financial, statistical, and program records available.

(5) Failure to abide by the provisions of the contract.

**145.5(3) Conditions of participation.** The contractor shall meet the following standards:

a. Licensure/approval/accreditation. The contractor shall have any license, approval, and third-party accreditation required by law, regulation, or administrative rules, or meet standards of operation required by state or federal regulation before the contract can be effective.

b. Signed contract. A contract can only be effective when signed by all parties required in 145.5(1)"d".

c. Civil rights laws. The contractors shall be in compliance with all federal, state, and local civil rights laws and regulations with respect to equal employment opportunity or have a written work plan approved by the department to come into compliance.

d. Title VI compliance. The contractors shall be in compliance with Title VI of the 1964 Civil Rights Act, as amended, and all other federal, state, and local laws and regulations regarding the provision of services, or have a written plan approved by the department to come into compliance.

e. Section 504 compliance. The contractors shall be in compliance with all federal (Rehabilitation Act of 1973, as amended), state, and local Section 504 laws and

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regulations, or have a written work plan approved by the department to come into compliance.

f. Affirmative action. The contractors shall be in compliance with all federal, state, and local laws and regulations regarding affirmative action, or have a written work plan approved by the department to come into compliance.

g. Abuse reporting. The contractor shall have an approved policy and procedure for reporting abuse or neglect of children and dependent adult abuse.

h. Confidentiality. The contractor shall comply with all applicable federal and state laws and regulations on confidentiality including rules on confidentiality contained in 770—chapter 9.

i. Financial and statistical records. Each contractor of service shall maintain sufficient financial and statistical records, including program and census data, to document the validity of the reports submitted to the department.

(1) The records shall be available for review at any time during normal business hours by department personnel, the purchase of service fiscal consultant, state or federal audit personnel.

(2) These records shall be retained for a period of five years after final payment.

**145.5(4)** Establishing amounts to be paid. The amounts to be paid under purchase of administrative support contracts are actual approved expenses as negotiated in the contract. Approved items of cost are based on submission of a proposed budget listing those items necessary for provision of the volunteer co-ordination or technical assistance to be delivered. At the termination of the contract a statement of actual expenses incurred shall be submitted by the contractor.

**145.5(5)** Billing procedures. At the end of each month or as otherwise provided in the contract, the contractor will prepare a billing on a Voucher 1 form of expenses for which reimbursement is permitted in the contract. The claim is to be sent to the district office of the department administering the contract for approval and forwarding for payment.

a. Time limit for submitting claims. The time limit for submission of original claims shall be the same as specified in Iowa Code section 8.13(1).

b. Resubmittals of rejected claims. Valid claims which were originally submitted within the time limit specified in paragraph "a" but were rejected because of an error must be resubmitted but without regard to time frames.

**145.5(6)** Reviews of department actions. A contractor who is adversely affected by a department decision may request a review. A review request may cause the action to be stopped pending the outcome of the review process except in cases where it can be documented that to do so would be detrimental to the health and welfare of clients. The procedure for review is:

a. A written request for review shall be sent by the provider within ten days of receipt of the decision in question to the project manager responsible for the contract. This request shall document the specific area in question and the remedy desired. A written response from the project manager shall be provided within ten days.

b. When dissatisfied with the response, the contractor shall, within ten days, submit the original request, the response received, and any additional information desired to the district administrator. The district administrator will study the concerns, the action taken and render a

decision in writing within fourteen days. A meeting with the contractor may be held to clarify the situation.

c. If still dissatisfied, the contractor may request a review within ten days by the manager, purchase of service section. The request for review should include copies of material from 145.5(6), paragraphs "a" and "b". The manager, purchase of service section will review the issues and positions of the parties involved and provide a written decision within fourteen days. A meeting with the contractor, project manager, and district administrator or designee may be held.

d. The contractor may appeal this decision within ten days to the commissioner of the department who will issue the final department decision within fourteen days.

**145.5(7)** Reviews. Authorized representatives of the department or state or federal audit personnel have the right upon proper identification to review, using generally accepted auditing procedures, the general financial records of a contractor to determine if expenses reported to the department have been handled as required by 145.5(4). The reviews may be on the basis of an on-site visit to the contractor, the contractor's central accounting office, the office(s) of the contractor's agent(s), a combination of these, or by mutual decision, other locations.

**770—145.6(234) County board of supervisors participation contract.**

**145.6(1)** Contract development. The district administrator or designee will assist the county board of supervisors in completion of the contract documents.

a. Contract approval/rejection. Before a contract can be effective it shall be signed by the following individuals within the time frames provided:

(1) Chairman, county board of supervisors

(2) County director of the department's local office within one week from receipt

(3) District administrator within one week from receipt

(4) Manager, purchase of service section within two weeks from receipt.

b. Contract effective date. The effective date of the contract is the first day of an agreed upon month following signature by the manager, purchase of service section.

c. Contract ending date. The contract ending date shall be specified in the contract but shall not be later than June 30 following the effective date of the contract.

**145.6(2)** Contract administration and renewal.

a. Contract management. During the contract period the district administrator or designee will be the contract liaison between the department and the county board and shall be contacted on all interpretations and problems relating to the contract. When a problem involves a particular service or administrative support contract, the project manager for that contract shall be notified by the contract liaison.

b. Contract amendment. The contract shall be amended when:

(1) The county or department is unable to comply with the existing terms of the contract and contract termination is not being sought.

(2) The county or department agree to make additional resources available under the contract.

c. Contract termination. The contract may be terminated early if any of the following conditions exist:

(1) County and department agree to terminate the contract early.

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(2) County or department fails to comply with contract terms.

d. Contract renewal. A joint decision to pursue renewal of the contract shall be made at least forty-five days prior to expiration of the current contract.

**145.6(3) Conditions of participation.** The contractor shall meet the following standards:

a. Signed contract. A contract can only be effective when signed by all parties required in subrule 145.6(1), paragraph "a".

b. Civil rights laws. The county shall be in compliance with all federal, state, and local civil rights laws and regulations with respect to equal employment opportunity or have a written work plan approved by the department to come into compliance.

c. Title VI compliance. The contractors shall be in compliance with Title VI of the 1964 Civil Rights Act, as amended, and all other federal, state, and local laws and regulations regarding provision of services, or have a written plan approved by the department to come into compliance.

d. Section 504 compliance. The county shall be in compliance with all federal (Rehabilitation Act of 1973, as amended), state, and local Section 504 laws and regulations, or have a written work plan approved by the department to come into compliance.

e. Affirmative action. The county shall be in compliance with all federal, state, and local laws and regulations regarding affirmative action, or have a written work plan approved by the department to come into compliance.

f. Confidentiality. The county shall comply with all applicable federal and state laws and regulations on confidentiality including rules on confidentiality contained in 770—chapter 9.

g. Eligible clients. The department shall determine eligibility for all clients applying for services funded under this contract. This eligibility determination shall be made according to eligibility criteria specified in 770—130.3(234).

h. Purchase of service system. The county shall comply with the rules of the purchase of service system, including 770—chapters 130 and 131.

**145.6(4) Payment for services and reimbursement.** Unless the county chooses to use the donated funds procedures found in 770—145.7(234), the county will assume responsibility for full payment of services or administrative support provided under this contract. If the county provides documentation of this payment, the department shall provide reimbursement of seventy-five percent for all payments made when all of the following conditions are met:

a. A county board of supervisors participation contract was in effect during the period in which the service or administrative support was provided.

b. The payment was made for services or administrative support provided under a valid purchase of social services or purchase of administrative support contract.

c. The county certified that funds were available for the provider or contractor and these funds have not been exhausted.

d. The county has provided documentation that payment has been made to the provider or contractor in accordance with Iowa Code section 8.13, subsection (1).

**770—145.7(234) Iowa donation of funds contract.**

**145.7(1) Contract development.** The district adminis-

trator or designee will assist the donor in completion of the contract document.

a. Contract approval/rejection. Before a contract can be effective it shall be signed by the following individuals within the time frames provided:

(1) Donor or authorized representative.

(2) County director of the departments local office within one week from receipt.

(3) District administrator within one week from receipt.

(4) Manager, purchase of service section within two weeks from receipt.

b. Contract effective date. The contract is effective upon signature of the manager, purchase of service section.

c. Contract ending date. The contract ending date shall be specified in the contract but shall not be later than June 30 following the effective date of the contract.

**145.7(2) Contract administration.**

a. Contract management. During the contract period the district administrator or designee will be the contract liaison between the department and the donor and shall be contacted on all interpretations and problems relating to the contract. When a problem involves a particular service or administrative support contract, the project manager for that contract shall be notified by the liaison.

b. Contract amendment. The contract shall be amended if:

(1) The donor or department is unable to comply with the existing terms of the contract and contract termination is not being sought.

(2) The donor decides to provide additional funds and the department agrees to accept them.

c. Contract termination. The contract may be terminated early if any of the following conditions exist:

(1) Donor and department agree to terminate the contract early.

(2) Donor or department fails to comply with contract terms.

d. Contract renewal. A donation of funds contract cannot be renewed. A new contract shall be negotiated when the donor wishes to provide funds in subsequent periods.

**145.7(3) Conditions of participation.**

a. Signed contract. A contract shall only be effective when signed by all parties required in 145.7(1)"a".

b. Civil rights laws. The donors shall be in compliance with all federal, state, and local civil rights laws and regulations with respect to equal employment opportunity, or have a written work plan approved by the department to come into compliance.

c. Title VI compliance. The contractors shall be in compliance with Title VI of the 1964 Civil Rights Act, as amended, and all other federal, state, and local laws and regulations regarding the provision of services, or have a written plan approved by the department to come into compliance.

d. Section 504 compliance. The donors shall be in compliance with all federal (Rehabilitation Act of 1973, as amended), state, and local Section 504 laws and regulations or have a written work plan approved by the department to come into compliance.

e. Affirmative action. The donors shall be in compliance with all federal, state, and local laws and regulations regarding affirmative action, or have a written

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

work plan approved by the department to come into compliance.

f. Confidentiality. The donor shall comply with all applicable federal and state laws and regulations on confidentiality including rules on confidentiality contained in 770—chapter 9.

g. Eligible clients/programs. Clients for whom services are purchased using funds donated through this contract must be determined eligible by the department using 770—chapters 130 and 131.

h. Purchase of service system. The donor shall follow the purchase of service system established by the department.

i. Restrictions on donated funds. The donor may specify the geographical area to be served and the service to be provided. When the donor is a public agency the provider/contractor may also be specified.

j. Transmittal of funds. Any funds made available under this contract are to be transmitted at least quarterly. When funds are for match purposes, they shall be transmitted in amounts sufficient to cover the anticipated quarterly expenditures.

k. Accounting. The department will supply a monthly report to the donor which provides an accounting of the use of the funds.

**145.7(4)** Administrative control of funds. Except for restrictions permitted by subrule 145.7(3), paragraph "h", all donated funds shall be donated on an unrestricted basis for use as if they were appropriated funds and shall be under the administrative control of the department.

**145.7(5)** Reversion of unspent funds. No funds donated and transmitted to the department will be returned to the donor unless the donor is a public agency. Unspent funds will be returned to the public agency donor after the contract period upon submittal of a written request to the manager, purchase of service section.

**770—145.8(234)** Provider advisory committee. The provider advisory committee serves in an advisory capacity to the department, specifically the purchase of service section. The provider advisory committee will be composed of representatives from member provider associations as appointed by the respective associations; individual representatives from provider agencies having a purchase of service contract but not belonging to an association may become members of the provider advisory committee upon simple majority vote of the committee members at a meeting; a representative of the purchase of service fiscal consultant who will be a nonvoting member; department representatives from the purchase of service section, field operations, community programs, and operational planning who will be nonvoting members.

**770—145.9(234)** Public access to contracts. Subject to applicable federal and state laws and regulations on confidentiality including 770—chapter 9, all material submitted to the department of social services pursuant to this chapter shall be considered public information.

[Filed 3/25/83, effective 7/1/83]

[Published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

## ARC 3693

SOCIAL SERVICES  
DEPARTMENT[770]

Pursuant to the authority of Iowa Code section 234.6 rules of the Department of Social Services appearing in the IAC relating to the accreditation of sheltered work and work activity centers (chapter 155) are hereby amended. The Council on Social Services adopted these rules March 24, 1983.

Notice of Intended Action regarding this rule was published in the IAB February 2, 1983 as ARC 3523. These rules established reasonable methods for dealing with those agencies not accredited by July 1, 1983 as required by 770—155.2(4). These rules minimize the possibility of clients having their service disrupted, since the extensions will allow additional planning time for the department to find alternative placements for affected clients.

These are identical to those published as Notice of Intended Action. These rules are intended to implement Iowa Code section 234.6. These rules will be effective June 1, 1983.

ITEM 1. Subrule 155.1(17) is amended to read as follows:

**155.1(17)** Accreditation. "Accreditation means the official ~~approval~~ award of accreditation by the commission on accreditation of rehabilitation facilities (CARF) or the accreditation council for services for mentally retarded and other developmentally disabled persons (AC/MR DD) (AC MRDD) that the facility substantially fulfills the standards established by the ~~commission~~ respective accrediting body.

ITEM 2. Subrule 155.2(3) and 155.2(4) are amended to read as follows:

**155.2(3)** Accreditation approval. The department may enter into a purchase of service agreement only with a provider that has been accredited by the ~~commission on accreditation of rehabilitation facilities (CARF) or the accreditation council for services for mentally retarded and other developmentally disabled persons (AC/MR DD) (AC MRDD)~~, and has furnished proof of ~~such the~~ accreditation to the department in order to obtain a purchase of service agreement after July 1, 1983.

**155.2(4)** Nonaccreditation interim approval. The department may approve a purchase of service agreement after July 1, 1983, even though the provider is not accredited by the ~~commission on accreditation of rehabilitation facilities (CARF) or the accreditation council for services for mentally retarded and other developmentally disabled persons (AC/MR DD) (AC MRDD)~~. Such approval shall only be given as specified: ~~after the provider's plan for progressively bringing the facility into compliance has been accepted by the department. The provider's plan shall include assurances for protecting the life and safety of the clients served. All facilities must be accredited by July 1, 1983.~~

a. ~~Those facilities which have contracted with the department prior to July 1, 1983, shall be granted a one-time eighteen-month extension if they have submitted a formal plan for progressively bringing the facility into full accreditation by January 1, 1985, and the plan has been accepted~~



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by the department. This plan shall include assurances for protecting the life and safety of the clients served, and shall also include a target date for making application for accreditation, a target date for scheduling an accreditation survey, and may also include appropriate presurvey or on-site survey workshop consultations by persons competent in applying standards of the chosen accrediting body.

b. Those facilities which have not contracted with the department prior to July 1, 1983, shall be granted a one-time three-year extension, from the starting date of their first contract, if they provide a formal plan for progressively bringing the facility into full accreditation during this period and the plan is accepted by the department. This plan shall include assurances for protecting the life and safety of the clients served, and shall also include a target date for making application for accreditation, a target date for scheduling an accreditation survey, and

may also include appropriate presurvey, or on-site workshop consultations by persons competent in applying standards of the chosen accrediting body.

c. Those facilities which go through their chosen accreditation process and are rejected or receive an abeyance from their accreditation body will be allowed a one-time one-year extension from the date of the rejection or abeyance when they have submitted a plan for progressively bringing the facility into compliance during this period, and the plan has been approved by the department. This plan shall include assurances for protecting the life and safety of the clients served and the schedule for achieving accreditation by the end of the extension.

[Filed 3/25/83, effective 6/1/83]  
[published 4/13/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 4/13/83.

**NURSING, BOARD OF[590]**

At its March 21, 1983 meeting, the administrative rules review committee voted the following objection:

The committee objects to the adoption of subrule 590 IAC 7.1(8), relating to fees, on the grounds that its adoption without notice or public participation violates the provisions of section 17A.4, the Code. The original notice of intended action, published September 1, 1982, did not contain this provision.

It is the opinion of the committee that the scope of any particular rule-making procedure is limited by the items appearing in the published notice. In this case the notice contained only a twenty-five dollar fee, while the adopted rule contained six separate fees. To determine whether the adopted rule is within the scope of the notice of intended action, Professor Arthur Bonfield offered the following test:

- 1) The extent to which an individual concerned with the adopted rule should have understood that the notice of intended action could have affected their interests;
- 2) The extent to which the subject matter or issues involved in the adopted rule differ from those involved in the notice of intended action;
- 3) The extent to which the effects of the adopted rule differ from the effects that would have occurred if the Notice of Intended Action had been adopted.

In this case, the adoption of multiple fees is so far removed from the original proposal of a twenty-five dollar fee that there is only a remote connection between the two; they both relate to fees. This is insufficient to meet the test cited above. This objection may be overcome by repromulgating subrule 7.1(8) through the rule-making process.

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