



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME V
May 25, 1983

NUMBER 24
Pages 1425 to 1472

IOWA STATE LAW LIBRARY
STATE HOUSE

MAY 20 1983

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PREFACE

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

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

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

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

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

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to section 17A.6, The Code. It contains replacement pages for the Iowa Administrative Code. These replacement pages incorporate amendments to existing rules, new rules or emergency or temporary rules which have been filed with the administrative rules co-ordinator and published in the Bulletin.

WAYNE A. FAUPEL, Code Editor
PHYLLIS BARRY, Deputy Code Editor
LAVERNE SWANSON, Administrative Code Assistant

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
25	Friday, May 20, 1983	June 8, 1983
26	Friday, June 3, 1983	June 22, 1983
1	Friday, June 17, 1983	July 6, 1983

SUBSCRIPTION INFORMATION

Iowa Administrative Bulletin

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

First quarter	July 1, 1982, to June 30, 1983	\$91.00 plus \$3.64 sales tax
Second quarter	October 1, 1982, to June 30, 1983	\$68.25 plus \$2.73 sales tax
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Fourth quarter	April 1, 1983, to June 30, 1983	\$22.75 plus \$0.91 sales tax

Single copies may be purchased for \$4.00 plus \$0.16 tax. Back issues may be purchased if the issues are available.

Iowa Administrative Code

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

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

Iowa Administrative Code - \$602.00 plus \$24.08 sales tax
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Grimes State Office Building
Des Moines, IA 50319
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The Administrative Rules Review Committee will hold its regular meeting June 14, 1983, 9:00 a.m. in Committee Room 24, State Capitol. The following rules will be reviewed:

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AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
BLIND, COMMISSION FOR[160] Services, 2.5(4) IAB 5/11/83 ARC 3745 and Vending facilities, 4.4 IAB 5/11/83 ARC 3760	First Floor Assembly Room 4th and Keosauqua Way Des Moines, Iowa Commission District Office 332 Higley Building Cedar Rapids, Iowa Commission District Office Suite 620 Sycamore 501 Waterloo, Iowa Commission District Office 427 Frances Bldg. Sioux City, Iowa	June 3, 1983 2:00 p.m. June 3, 1983 2:00 p.m. June 3, 1983 2:00 p.m.
COMMERCE COMMISSION[250] Intrastate toll access, 22.14 IAB 5/25/83 ARC 3778	Commission Hearing Room First Floor Lucas State Office Building Des Moines, Iowa	July 11, 1983 10:00 a.m.
CONSERVATION COMMISSION[290] State game refuges, 3.1 IAB 4/27/83 ARC 3710	Fourth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	May 25, 1983 10:00 a.m.
ENGINEERING EXAMINERS, BOARD OF[390] Requirements for examination and references, 1.2 IAB 5/25/83 ARC 3764 Property surveys, 2.1, 2.3, 2.5 IAB 5/25/83 ARC 3765	West Conference Room 1209 E. Court Ave. Des Moines, Iowa West Conference Room 1209 E. Court Ave. Des Moines, Iowa	June 16, 1983 1:30 p.m. June 16, 1983 1:00 p.m.
INSURANCE DEPARTMENT[510] Participating hospital contracts, 34.6 IAB 5/11/83 ARC 3744	Insurance Department Ground Floor Lucas State Office Bldg. Des Moines, Iowa	May 31, 1983 10:00 a.m.
MERIT EMPLOYMENT DEPARTMENT[570] Separations, disciplinary actions and reduction in force, ch 11 IAB 5/11/83 ARC 3739	Grimes Conference Room North Half, First Floor Grimes State Office Bldg. Des Moines, Iowa	June 9, 1983 9:00 a.m.
REGENTS, BOARD OF[720] Temporary suspension, 2.36(5) IAB 5/11/83 ARC 3756	Board of Regents Office Lucas State Office Bldg. Des Moines, Iowa	June 6, 1983 1:00 p.m.
SOCIAL SERVICES DEPARTMENT[770] Food stamp program, amendment to ch 65 IAB 4/27/83 ARC 3719	Department of Social Services 1111 Paine Decorah, Iowa	May 25, 1983 1:00 p.m.

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

ADC, resource income, 41.6, 41.7 IAB 5/11/83 ARC 3733 (See also ARC 3632 and ARC 3633 IAB 3/16/83)	Black Hawk County Department of Social Services Second Floor Conference Room KWWL Building 500 East Fourth Street Waterloo, Iowa	June 1, 1983 7:00 p.m.
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Bethany Lutheran Church 15 West 14th Spencer, Iowa	June 1, 1983 7:00 p.m.
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Wallace State Office Bldg. Auditorium East 9th and Grand Des Moines, Iowa	June 2, 1983 1:30 p.m.
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SOIL CONSERVATION DEPARTMENT[780]

Iowa financial incentives program for soil erosion control, amendments to ch 5 IAB 5/25/83 ARC 3772	Second Floor Conference Room Wallace State Office Bldg. E. 9th and Grand Des Moines, Iowa	July 7, 1983 1:00 p.m.
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ARC 3778**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 May 6, 1983, it issued an "Order Commencing Rulemaking" in Docket No. RMU-83-3, "In Re: Intrastate Toll Access." Pursuant to the authority of Iowa Code sections 476.1, 476.2, and 476.8, the Iowa State Commerce Commission hereby gives notice of its intent to consider the adoption of rules amending 250—Chapter 22, "Rates Charged and Service Supplied by Telephone Utilities," Iowa Administrative Code.

The proposed amendments to 250—Chapter 22, Iowa Administrative Code, concern the procedure whereby companies providing exchange service will recover the costs of providing access to the intrastate interexchange network. Action in this area is necessitated by the decision of the Federal Communications Commission in Docket No. 78-72, In the Matter Of: MTS and WATS Market Structure, Third Report and Order (Issued February 28, 1983).

Pursuant to Commission rule 250—3.4(17A, 474), Iowa Administrative Code, any interested person may file with the Commission, not later than July 1, 1983, an original and six copies of a written statement of position substantially complying with the form prescribed in 250—subrule 2.2(2), Iowa Administrative Code, containing data, views, comments or argument. Oral presentation in this docket is scheduled for 10:00 a.m. on July 11, 1983, in the Commission's Hearing Room on the first floor of the Lucas State Office Building, Des Moines, Iowa.

The Commission requests comments on these specific rules, including but not limited to the following issues:

1. How should the administrative entity be organized, staffed, and operated?
2. How should payment procedures to and from the administrative entity be handled?
3. Should one telephone company be designated as the administrative entity? If so, how should the company be selected?
4. What, if any, should be the required minimum purchase of intrastate access capability?

In addition to any comments on the specific rules proposed, the Commission also requests comment on the following issues which will be addressed in this proceeding:

5. How should companies providing local exchange service recover costs of providing intrastate toll access? Should traffic sensitive and nontraffic sensitive costs be recovered in different manners?
6. To what extent would LATA-wide EAS be feasible to allow the recovery of these costs?

7. Should an averaging procedure be retained to average intrastate access costs between exchanges?

8. If an averaging procedure is not retained, should a form of "universal service fund" be established to subsidize the costs of access to high-cost exchanges? If so, how should high-cost exchanges be defined? How should the universal service fund be administered?

9. Suggest any additional procedures or mechanisms which the commenting party believes are appropriate to provide for the recovery of intrastate access costs.

10. What specific rules should be adopted to implement the procedure recommended? The Commission strongly urges all commenting parties to submit specific language for rules advocated by the party.

All communications to the Commission shall clearly identify the author and author's address, reference Docket No. RMU-83-3 and shall be addressed to the Executive Secretary, Iowa State Commerce Commission, Lucas State Office Building, Des Moines, Iowa 50319. This rulemaking proceeding shall be conducted pursuant to 250—Chapter 3, Iowa Administrative Code.

Add the following new rule to 250—Chapter 22, Iowa Administrative Code:

250—22.14(476) Intrastate toll access.

22.14(1) Intrastate toll carrier means any entity carrying non-EAS traffic between one exchange in Iowa and another exchange in Iowa. A company providing interexchange service will be presumed to be an intrastate toll carrier unless it can demonstrate to the satisfaction of the commission that calls between exchanges in Iowa cannot be carried on its system.

22.14(2) All telephone companies providing exchange service shall participate in a settlement process, administered by [Administrative Entity], for the purpose of recovering costs of providing an intrastate toll carrier with access to an exchange. No telephone company shall provide exchange access to any intrastate toll carrier unless it participates in the settlement process.

22.14(3) All telephone companies shall compute the cost per minute of use of providing intrastate toll access from the point of demarcation to the point of interconnection with the intrastate toll carrier. The [Administrative Entity] shall calculate the statewide weighted average of all such access costs.

22.14(4) Intrastate toll carriers shall pay for access to local exchanges based on the statewide weighted average cost per minute of use. Payments by intrastate toll carriers shall be made to the [Administrative Entity], which shall reimburse telephone companies providing local exchange service on the basis of the costs of those local companies as computed in subrule 22.14(3).

22.14(5) Intrastate toll carriers shall provide to the [Administrative Entity] all billing or other records necessary to determine the amount of intrastate access used.

22.14(6) A single company may be both a telephone company providing exchange service, and an intrastate toll carrier, for the purposes of the rules.

ARC 3764

ENGINEERING EXAMINERS[390]

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 Iowa Code chapter 17A and section 114.6, the Iowa State Board of Engineering Examiners intends to amend chapter 1 of its rules relating to requirements for examination and references. The purpose of these amendments is to clarify the statutory provisions and administrative rules presently existing.

Notice is hereby given that on June 16, 1983, at 1:30 p.m. at the West Conference Room, 1209 E. Court Avenue, Des Moines, Iowa, the Iowa State Board of Engineering Examiners will hold a regular board meeting at which time persons interested in commenting on these proposed rules may present their views.

Persons desirous of making an oral presentation at the aforementioned board meeting shall request opportunity from Bonita Fagerstrom, Secretary, Iowa State Board of Engineering Examiners, Executive Hills West, 1209 E. Court Avenue, Des Moines, Iowa 50319, telephone number 515/281-5602, no later than June 15, 1983. Persons desiring to submit their views in writing should mail or deliver their submissions to Bonita Fagerstrom, with delivery no later than June 16, 1983.

This rule is intended to implement Iowa Code sections 114.2, 114.13, 114.14 and 114.15.

The following amendments to chapter 1 are proposed.

Rule 390—1.2(114) is amended as follows:

Amend paragraphs 1. and 3. and add a new 4.

1. Academic transcripts. Completion of post-high school education shall be evidenced by receipt of an applicant's transcripts directly from the office of the registrar of each institution attended.

3. Requirements for examination. The specific requirements for initial licensing in Iowa are established in Iowa Code section 114.14, and it is the board's policy to issue initial registrations only when those requirements are satisfied chronologically in the order set forth in the statute. Thus, an applicant first must satisfy the practical experience or educational requirements; secondly, the Fundamentals Examination and the professional experience; and thirdly, the Professional Examination. The Fundamentals Examination may be taken any time after satisfying the practical experience or educational requirements, but it must be taken prior to the Professional Examination. College seniors studying an accredited engineering program may take the Fundamentals Examination during the final academic year; applicants will be permitted to submit for examination during the testing period which most closely precedes anticipated graduation. However, a certified transcript showing that the applicant was graduated must be sent by the registrar to the board before an applicant's examination results will be considered. Applicants who were graduated from a satisfactory engineering program and have twenty-five years or more of work experience satisfactory to the board shall not be required to take the Fundamentals Examination. (NOTE: Notice published 4/29/81 to delete

Engineering Council for Professional Development [ECPD]).

Applicants who have earned the degree of doctor of philosophy for an institution in the United States of America with an accredited bachelor of science engineering degree program in the same discipline, or a similar doctoral degree in a discipline approved by the board, shall not be required to take the Fundamentals Examination.

An applicant shall have a minimum of one year's practical experience in the United States of America or a territory under its jurisdiction.

An applicant for a written examination shall be a student in the state of Iowa or a resident of the state unless that person is a comity applicant or is barred from the examination in the state of residence by registration law or administrative rule.

4. *References. An applicant for a Principles and Practices Examination who has had professional experience with more than one employer shall provide references from individuals with knowledge of the work performed with a minimum of two employers.*

Amend subrule 1.2(3), paragraph "d" as follows:

d. Advanced education and special work experience. Part-time and summer work experience prior to graduation from college generally is not accepted toward satisfaction of professional experience requirements. However, co-operative work programs administered by engineering colleges will be evaluated on a case-by-case basis in order to determine whether the content and supervision of the program is such as would justify experience credit for student participation. Likewise an applicant's advanced education and military experience will be reviewed in order to determine if either is applicable toward the statutory requirements for experience.

An applicant who has earned a master of science degree that includes research experience from an institution in the United States of America with an accredited bachelor of science engineering degree program in the same discipline, or a similar master's degree in a discipline approved by the board, and has fulfilled the requirements for a bachelor of science degree may be granted a maximum of one-half year's experience credit. An applicant who has earned a doctor of philosophy degree from an institution in the United States of America with an accredited bachelor of science engineering degree program in the same discipline, or a similar doctoral degree in a discipline approved by the board, may be granted a maximum of one year's experience credit in addition to the one-half year for the master's degree.

Teaching of engineering or surveying and mapping subjects at the level of assistant professor or higher in a college or university that offers an accredited engineering or surveying and mapping program may be considered as experience, provided a minimum of one year of acceptable experience has been obtained in research, product engineering or consulting.

Amend subrule 1.2(4) as follows:

1.2(4) Branch registration. A list of engineering branches in which registration currently is being granted can be obtained from the board's office. Branches conform to those branches generally included in collegiate curricula.

An applicant for registration in Iowa shall be registered first in the branch or branches indicated by the applicant's education and experience.

ENGINEERING EXAMINER'S, BOARD OF[390] (cont'd)

A minimum of fifty percent of the required practical experience in which the individual is to be examined shall have been in that same branch of engineering.

Amend subrule 1.2(5), paragraph "a" as follows:

a. Fundamentals examinations. The Fundamentals of Engineering examination is a written, eight-hour examination; it covers general engineering principles and other subjects commonly taught in ~~ECPD~~ *accredited* engineering programs. The Fundamentals of Land Surveying examination is a written, eight-hour examination and covers general land surveying principles.

ARC 3765**ENGINEERING EXAMINERS[390]****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 Iowa Code chapter 17A and section 114.6, the Iowa State Board of Engineering Examiners intends to amend chapter 2 of their rules concerning minimum standards for property surveys in order to allow increased flexibility and savings of time and expense in the services performed for clients of land surveyors.

Notice is hereby given that on June 16, 1983, at 1:00 p.m. at the West Conference Room, 1209 E. Court Avenue, Executive Hills West, State Capitol Complex, Des Moines, Iowa, the Iowa State Board of Engineering Examiners will hold a regular board meeting at which time persons interested in commenting on these proposed rules may present their views.

Persons desirous of making an oral presentation at the aforementioned board meeting shall request opportunity from Bonita Fagerstrom, Secretary, Iowa State Board of Engineering Examiners, Executive Hills West, 1209 E. Court Avenue, Des Moines, Iowa 50319, telephone number 515/281-5602, no later than June 15, 1983. Persons desiring to submit their views in writing should mail or deliver their submissions to Bonita Fagerstrom, with delivery no later than June 16, 1983.

This rule is intended to implement Iowa Code sections 114.2, 114.24, and portions of chapter 355.

The following amendments to chapter 2 are proposed.

ITEM 1. Subrule 2.1(2) is amended to read as follows:

2.1(2) The land surveyor and surveyor's client or property owner may agree to exclude any land surveying work, *not specifically called for by statute*, from the

requirements of this rule providing such agreement is set forth in writing, is signed by the client or property owner and specifically refers to this rule and is noted on the surveyor's plat, *or surveyor's certificate*, of such survey.

ITEM 2. Rule 390—2.3(114) is amended to read as follows:

390—2.3(114) Boundary location. Every property survey should be made in accordance with the legal description (record title) boundaries as nearly as is predictable. The surveyor shall acquire data necessary to retrace record title boundaries, center lines, and other boundary line locations. The surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The surveyor shall make a field survey, ~~traversing~~ *locating* and connecting monuments necessary for location of the parcel and co-ordinate the facts of such survey with the analysis. The surveyor shall set monuments marking the corners of such parcel unless monuments already exist at such corners.

ITEM 3. Rule 390—2.5(114) is amended to read as follows:

390—2.5(114) Plats. A plat shall be drawn for every property survey *performed for the purpose of correcting boundaries and descriptions of surveyed land, or for the purpose of subdividing the land*; showing information developed by the survey and including the following elements:

ARC 3761**HEALTH DEPARTMENT[470]****TERMINATION OF NOTICE**

Pursuant to the authority of Iowa Code section 135C.14, the Iowa State Department of Health hereby terminates proposed amendments to chapters 58 and 59 of the IAC relating to required hours of nursing staff.

The proposed amendments would have increased the required amount of nursing staff time which must be provided in intermediate care and skilled nursing facilities. Notices of Intended Action were published as ARC 2961 and 2962 in the June 9, 1982, Iowa Administrative Bulletin. This rulemaking is being terminated because the necessity therefor is being subjected to further study by the department.

ARC 3770**REVENUE DEPARTMENT[730]****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 421.14, 427.1(32), 525.8 and 426A.7, the Iowa Department of Revenue hereby gives Notice of Intended Action to amend Chapter 80, "Property Tax Credits and Exemptions", Iowa Administrative Code.

Subrule 80.1(1) is amended to define "occupancy" for purposes of receiving the homestead tax credit. The subrule also provides that a claimant cannot simultaneously receive two homestead tax credits.

New subrule 80.7(4) provides examples of how new computers and machinery are to be assessed and how the state's reimbursement to local taxing districts is to be determined. New subrule 80.7(5) provides how such property is to be assessed if it also qualifies for a pollution control exemption.

Any interested person may make written suggestions or comment on these proposed amendments on or before June 24, 1983. Such written comments should be directed to the Property Tax Administrator, Iowa Department of Revenue, Hoover State Office Building, Des Moines, Iowa 50319.

Persons who want to orally convey their views should contact the Property Tax Administrator at (515) 281-5731 or at Department of Revenue offices on the fourth floor of the Hoover State Office Building.

Requests for a public hearing must be received by June 17, 1983.

These rules are intended to implement Iowa Code sections 425.1 to 425.15 and sections 427B.10 to 427B.14. The following amendments are proposed.

ITEM 1. Subrule 80.1(1) is amended by adding the following new paragraph:

g. For purposes of the homestead tax credit statute, the occupancy of the homestead may constitute actual occupancy or constructive occupancy. However, more than one homestead cannot be simultaneously occupied by the claimant and multiple simultaneous homestead tax credits are not allowable. (Op. St. Bd. Tax Rev. No. 212, February 29, 1980.) Generally, a homestead is occupied by the claimant if the premises constitute the claimant's usual place of abode. Once the claimant's occupancy of the homestead is established, such occupancy is not lost merely because the claimant, for some valid reason, is temporarily absent from the homestead premises with an intention of returning thereto (1952 O.A.G. 78).

ITEM 2. Rule 730—80.7 is amended by adding the following new subrules:

80.7(4) Computation of taxpayer's value. Assume a machine is acquired in 1982 at a net acquisition cost of \$10,000 and that the acquisition qualifies for assessment under the new statute. Assume also that the actual depreciated value of the machine as of January 1, 1983 is \$9,000. The value on which taxes would be levied would be \$3,000 ($\$10,000 \times .30$). The state's reimbursement to

local taxing bodies would be equal to the actual tax rate times \$6,000 (the difference between depreciated actual value and thirty percent of net acquisition cost).

80.7(5) If all or a portion of the value of property assessed pursuant to Iowa Code sections 427B.10 to 427B.14 is eligible to receive an exemption from taxation, the amount of value to be exempt shall be subtracted from the net acquisition cost of the property before the taxpayer's value prescribed in Iowa Code section 427B.10 is determined. For any years for which the property does not qualify for exemption, the taxpayer's value shall be equal to thirty percent of the full net acquisition cost of the property. For example, if property has a net acquisition cost of \$30,000 and is eligible to receive a pollution exemption for \$15,000 of value, the taxable net acquisition cost would be \$15,000 and the taxpayer's value would be \$4,500 ($\$15,000 \times .30$). The state would reimburse local taxing districts for the tax not collected on the difference between \$4,500 and the depreciated actual value of that portion of the property subject to tax.

If after the ten-year pollution control exemption expires the property has not yet been depreciated to thirty percent of its net acquisition cost, the taxpayer's value would increase to thirty percent of the full net acquisition cost of the property. Thus, in the example above, the taxpayer's value would increase to \$9,000 ($\$30,000 \times 30\%$). The state's reimbursement would equal the tax not collected on the difference between \$9,000 and the depreciated actual value.

ARC 3774**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 will allow hospitals to use their beds interchangeably to provide acute or skilled nursing care with reimbursement based on the level of care provided. There currently is a shortage of skilled nursing care beds available in several parts of the state. This action can help to alleviate this shortage. Since April the department has been paying all hospitals at reduced rates for the lower

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

level of skilled care when acute care is not required. The swing bed program would provide an additional financial incentive to eligible hospitals under Medicare and Blue Cross/Blue Shield cost settlement procedures to fully utilize bed capacity. A swing bed program would also allow hospitals to admit long term care patients whereas our present lower level of payment process only relates to patients the hospital is unable to discharge.

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 June 15, 1983.

This rule is intended to implement Iowa Code section 249A.4(1).

Amend 770—78.3 by adding a new subrule as follows:

78.3(16) Payment will be made for medically necessary skilled nursing care when provided by a hospital participating in the swing bed program certified by the Iowa State Department of Health and approved by the U.S. Department of Health and Human Services. Payment shall be at the average rate per patient day paid during the previous calendar year for routine skilled nursing services furnished by Iowa skilled nursing facilities participating in the Medicaid program.

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

ARC 3775

**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 232.142 the Department of Social Services proposes amending rules appearing in the IAC relating to county and multi-county juvenile detention homes and county and multi-county juvenile shelter care homes (chapter 105).

These rules allow for provisional approval of facilities that do not meet all standards but deficiencies do not warrant rejection of the approval request, Department of Public Safety criminal record checks of applicants for employment in the facilities, limitations and requirements for use of mechanical restraints, prohibition of use of chemical restraints, Child Abuse Registry checks and incorporate appropriate form names and numbers and requirements of the health 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 June 15, 1983.

These rules are intended to implement Iowa Code subsection 232.142(5) and 232.142(6).

ITEM 1. Subrule 105.1(4) is amended as follows:

105.1(4) "Prime programming time" is any period of the day when special attention or supervision is necessary, for example, upon awakening in the morning, during meals, later afternoon play, transitions between activities, evenings, and bedtime, weekends and holidays, in order to maintain continuity of programs and care. *Prime programming time shall be defined by the facility and approved by the department of social services.*

ITEM 2. Add subrules 105.1(8) and 105.(9) as follows:

105.1(8) "Mechanical restraint" means restriction by the use of a mechanical device of a child's mobility or ability to use the hands, arms or legs.

105.1(9) "Chemical restraint" means the use of chemical agents including psychotropic drugs as a form of restraint. The therapeutic use of psychotropic medications as a component of a service plan for a particular child is not considered chemical restraint.

ITEM 3. Subrule **105.2(8)**, paragraph "b", subparagraph (2), is amended as follows:

(2) Machines using hot water for sanitizing must maintain the *wash water at least one hundred fifty degrees Fahrenheit and rinse water at a temperature of at least one hundred eighty degrees Fahrenheit* or a single temperature machine at one hundred sixty-five degrees Fahrenheit for both wash and rinse.

ITEM 4. Subrule **105.2(12)**, paragraph "f" is rescinded and the following adopted:

f. A facility with unsafe water can meet water safety requirements by utilizing an alternative safe water source for foster children until the facility's own water supply is tested as safe. The Unsafe Water Sample Approval Form SS-2208 must be completed and approved by the department.

ITEM 5. Subrule **105.3(3)**, paragraph "e", is amended as follows:

e. References. At least two written references or documentation of oral references shall be contained in the employee's personnel record. In case of unfavorable references, there shall be documentation of further checking to assure that the person will be a reliable employee. ~~There shall be a criminal records check with the division of criminal investigation asking whether the applicant has been convicted of a crime involving mistreatment or exploitation of a child.~~

ITEM 6. Subrule **105.3(3)** is amended by relettering paragraphs "f" to "i" as "k" to "n", respectively, and adding the following new paragraphs:

f. After July 1, 1983, a written, signed and dated statement which discloses any substantiated instances of child abuse, neglect or sexual abuse committed by the applicant is required.

g. Documentation of the submission of Form SS-1606-0, Request for Child Abuse Information, to the registry and the registry response. The request may be submitted after probationary employment but the response must be received before permanent employment is assured.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

h. A written, signed and dated statement furnished by the new applicant for employment which discloses any convictions of crimes involving the mistreatment or exploitation of a child.

i. Documentation of a check with the Iowa department of public safety on all new applicants for employment asking only whether the applicant has been convicted of a crime involving the mistreatment or exploitation of a child prior to permanently employing the individual. Department Form SS-2203, "Department of Public Safety Check", shall be used.

j. Documentation of any checks with the Iowa department of public safety for persons hired prior to July 1, 1983 for whom the agency has reason to suspect a criminal record and asking only whether the employee has been convicted of a crime involving the mistreatment or exploitation of a child. Department Form SS-2203, "Department of Public Safety Check", shall be used.

o. Information covered in paragraphs "g", "i", "j", is confidential and may not be disseminated except to that particular applicant or employee.

ITEM 7. Subrule 105.10(1) is amended as follows:

105.10(1) Written policies. When a juvenile detention facility uses a control room as part of its service, the facility shall have written policies regarding its use *and the facility director shall complete Form SS-2209-3, Evaluation and Recommendation to Operate a Control Room.* The policy shall:

ITEM 8. Rule 770—105.12(232) is amended as follows:

770—105.12(232) Staffings. The staff shall be available to participate in staffings or upon request to provide a written summary of the child's progress and behavior while in the facility program. Written recommendations regarding future planning and placement shall be provided to the referring agency or court upon request. *Staff shall be available to discuss recommendations with the child's parent or guardian.*

ITEM 9. Rule 770—105.13(232) is amended as follows:

770—105.13(232) Child abuse. ~~When~~ *Written* policies shall prohibit mistreatment, neglect or abuse of children and specify reporting and enforcement procedures for the facility. Alleged violations shall be reported immediately to the director of the facility and appropriate department of social services personnel. ~~Any employee found to be in violation of division III, part 2 of chapter 232, The Code, as substantiated by the department of social services investigation, Any employee for whom there is a substantiated instance of child abuse or failure to report child abuse shall be subject to the agency's policies concerning dismissal.~~

ITEM 10. Subrules 105.16(1) and 105.16(5) are amended as follows:

105.16(1) Generally. A facility shall have written policies regarding methods used for control and discipline of children which shall be available to all staff and to the child's family. Discipline shall not include withholding of basic necessities such as food, clothing, or sleep. *Agency staff shall be in control of and responsible for discipline at all times.*

105.16(5) Written policies. The facility shall provide to the child written policies specifying inappropriate behaviors, reasonable consequences for misconduct, and due process procedures available to the child. *Upon*

request, the above information shall be provided to the child's parent or guardian and referring worker.

ITEM 11. Rule 770—105.19(232) and subrule 105.19(1) are amended as follows:

770—105.19(232) Approval. The department will issue a certificate of approval, SS-1205-0, annually without cost to any juvenile detention homes or juvenile shelter care home which meets the standards. The department may offer consultation to assist homes in meeting the standards.

105.19(1) Applications. An application shall be submitted on forms ~~provided by the department~~ *SS-3105-0, Application for License or Certificate of Approval.* It shall be signed by the operator of the home, *chairman of the county board of supervisors, or chairman of the multicounty board of directors* and shall indicate the type of home for which the application is made.

Subrule **105.19(2)**, paragraph "c", is amended as follows:

c. Applications will be rejected when the ~~applicant~~ *director of the facility* has been convicted of a crime indicating an inability to operate a children's facility or care for children.

Subrule 105.19(4) is amended to read as follows:

105.19(4) Notification. Homes ~~will~~ *should* be notified of approval or rejection within one hundred twenty days of application *unless the applicant requests and is granted an extension by the department.* *Form SS-3307, Notification of Action, will be used to inform applicants of approval and a restricted certified letter will be used to inform applicants of rejection.*

Subrule **105.19(5)**, paragraph "d" is amended to read as follows:

d. Decisions on renewals ~~shall~~ *should* be made within sixty days from the application for renewal. *Notification of renewal decisions shall be the same as for new applications.*

ITEM 12. Chapter 105 is amended by adding new rules as follows:

770—105.20(232) Provisional approval.

105.20(1) Required conditions. A provisional approval may be issued at the time of application or reapplication for approval or as a result of a complaint investigation when all of the following conditions exist:

a. The shelter care or detention facility fails to meet the approval requirements.

b. A provisional approval has not previously been issued to the facility for the same deficiencies during the past year.

c. The deficiencies do not present an immediate danger to the child's physical or mental health.

d. The director of the facility, chairman of the county board of supervisors, or chairman of the multicounty board of directors provides the department with the following:

(1) A plan for correcting the deficiencies.

(2) The date by which the standards will be met.

If conditions "b", "c" or "d" are not met, then the application for approval shall be rejected or the approval revoked.

105.20(2) Time limited. Provisional approvals shall not be issued for longer than one year.

105.20(3) Completed corrective action. When the corrective action is completed on or before the date spec-

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

ified on the provisional approval, a full approval shall be issued for the remainder of the year.

105.20(4) Uncompleted corrective action. When the corrective action is not completed by the date specified on a provisional approval, the department shall not grant a full approval and has the option of rejecting or extending the provisional approval. An extension of a provisional approval shall not cause the effective period of a provisional approval to exceed eighteen months. If the corrective action plan is not completed within eighteen months, the approval shall be rejected.

770—105.21(232) Mechanical restraint—juvenile detention only. When a juvenile detention facility uses mechanical restraints as a part of its program, the facility shall have written policies regarding their use. These policies shall be approved by the department prior to their use. The policies shall be available to clients, parents or guardians, and referral sources at the time of admission. Policies shall also be available to staff. The executive director of the detention home shall sign the commitment contained in Form SS-2212-3, "Evaluation and Recommendation for Approval to Use Mechanical Restraint", before the facility shall be approved to use mechanical restraint.

105.21(1) Restrictions on mechanical restraints.

a. Mechanical restraints shall not inflict physical injury.

b. Each use of mechanical restraint shall be authorized by the administrator or case supervisor and recorded in the client record.

c. Each authorization of mechanical restraint shall not exceed one hour in duration.

d. No child shall be kept in mechanical restraint for more than two hours in a twelve-hour period.

e. Any time that a child is placed in mechanical restraint a staff person shall be assigned to monitor the placement with no duties other than to ensure that the child's physical needs are properly met. The staff person shall remain in continuous auditory and visual contact with the child.

f. Each child shall be released from mechanical restraint as soon as the restraints are no longer needed.

105.21(2) Continued use of mechanical restraints. When a child requires mechanical restraint on more than four occasions during any thirty-day period, the facility shall hold an immediate emergency meeting within three days of the fourth incident to discuss the appropriateness of the child's continued placement at the facility.

105.21(3) In transporting children. Notwithstanding 105.21(1)"d", mechanical restraint of a child in care of a juvenile detention facility while that child is being transported to a point outside the facility is permitted when there is a serious risk of the child exiting the vehicle while the vehicle is in motion. The facility shall place a written report on each use in the child's case record. This report shall document the necessity for the use of restraint.

Seat belts are not considered mechanical restraints. Agency policies should encourage the use of seat belts while transporting children.

770—105.22(232) Chemical restraint. Each juvenile shelter care or detention facility shall have written policies which clearly prohibit the use of chemical restraints.

ARC 3776

**SOCIAL SERVICES
DEPARTMENT[770]
NOTICE OF INTENDED ACTION
AND TERMINATION**

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 232.142(5) and 217.6, the Department of Social Services proposes amending rules appearing in the IAC relating to children in need of assistance or children found to have committed a delinquent act (chapter 141).

These rules limit reimbursement for shelter care from the juvenile justice county base fund to the predispositional care provided after the expiration of the first thirty days of foster care eligibility. Other court-ordered shelter care is paid by the department from foster care funds. These rules also outline the procedures to be followed by county or multicounty juvenile detention homes to receive reimbursement from the department.

Because of significant changes the Department of Social Services hereby terminates ARC 3599 appearing in the March 2, 1983, Iowa Administrative Bulletin.

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 June 15, 1983.

These rules are intended to implement Iowa Code sections 232.142 and 232.141.

ITEM 1. Amend the catchwords to rule 770—141.5(232) as follows:

770—141.5(232) Reimbursement to counties. Juvenile justice county base reimbursement.

Subrule 141.5(3), paragraph "a", subparagraph (8), is amended to read as follows:

(8) The expense of treatment or care ordered by the court whenever legal custody of a minor is transferred by the court; the minor is placed by the court with someone other than the parents; homemaker-home health aide service is provided under Iowa Code section 232.80; ~~The Code~~; or a minor is given a physical or mental examination or treatment under order of the court and no provision is otherwise made by the law for payment for the care, examination, or treatment of the minor. Care and treatment expenses for which no other provision for payment is made by law that shall be reimbursable include court ordered:

In-home services, family therapy, and aftercare.
Outpatient counseling.

Diagnosis and evaluation on an outpatient basis.

Physical or mental examinations ordered pursuant to Iowa Code section 232.49 or 232.98 except those set forth in subparagraph 141.5(3)"b"(3) below or those eligible for payment pursuant to Iowa Code chapter 249A; ~~The Code~~.

SOCIAL SERVICES DEPARTMENT[770] (cont'd)

Services ordered under family in need of assistance proceedings.

~~Court ordered, predispositional shelter~~ Shelter care in excess of thirty days of care provided to a child prior to disposition not covered by voluntary placement agreements, at rates set out in 770—137.11(3).

ITEM 2. 770—Chapter 141 is amended by adding a new rule:

770—141.6(232) Reimbursement of approved county and multicounty juvenile detention and shelter care homes.

141.6(1) Definitions:

a. "Allowable costs" means those expenses of the county or multicounties related to the establishment, improvements, operation, and maintenance of county or multicounty juvenile detention homes.

b. "County or multicounty" means that the governing body is a county board of supervisors or a combination of members of participating county boards of supervisors.

141.6(2) Availability of funds. Any year that the Iowa legislature makes funds available for this program, the department shall accept requests for reimbursement from eligible facilities.

141.6(3) Eligible facilities. The following county and multicounty juvenile homes approved by the department under standards of Iowa Code chapter 232 and IAC 770—chapter 105 shall be eligible for reimbursement under this program when the home submits a state Voucher 1 within the time frames of subrule 141.6(5):

a. Juvenile detention homes.

b. Juvenile shelter care homes which do not receive reimbursement from the department under 770—137.11(3).

141.6(4) Reimbursement. The reimbursement for the participating facilities shall be one-half of one percent of the allowable costs of the fiscal year.

141.6(5) Submission of voucher. Eligible facilities shall submit a state Voucher 1 for one-half of one percent of their allowable costs for the previous state fiscal year to the Department of Social Services, Division of Administration, First Floor, Hoover State Office Building, Des Moines, Iowa 50319 by November 1 of the next state fiscal year. Only facilities which submit a state Voucher 1 by November 1 shall receive reimbursement.

141.6(6) Reimbursement. Reimbursement will be made by December 1 to those participating facilities which have complied with these rules.

ARC 3772

**SOIL CONSERVATION
DEPARTMENT[780]
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 467A.4(1), the State Soil Conservation Committee gives Notice of Intended Action to amend Chapter 5, "Iowa Financial Incentives Program for Soil Erosion Control," Iowa Administrative Code.

This Notice of Intended Action makes provision in chapter 5, division 4, for 1983-84 appropriations language in House File 638, section 15, subsection 2, paragraph "c"; subsection 3; and subsection 4 of the Seventieth General Assembly, 1983 Session. This rulemaking will ensure the availability of funds appropriated by the General Assembly for summer and fall construction this year as a part of the Iowa Financial Incentives Program for Soil Erosion Control. The program remains basically the same as provided for in previous appropriations. Since the Department has only four years to expend available funds, it is also necessary to delete references to fiscal 1979-80 in chapter 5, division 4.

This rulemaking also incorporates further stipulations on the receipt of Iowa Financial Incentives Program moneys by soil conservation districts. These stipulations are, in part, implementation of the Iowa Soil 2000 program concepts. It is the intent of the Department of Soil Conservation to combine funding for the Iowa Financial Incentives Program with implementation of the Iowa Soil 2000 program on a graduated basis. Requests for additional moneys from the General Assembly for fiscal 1983-84 were made on the basis of implementing the Iowa Soil 2000 program.

The State Soil Conservation Committee also plans to seek emergency implementation of these rules after full notice and a public hearing. Emergency implementation is necessary so that funds appropriated for the 1983-84 program year are available for construction activities this summer and fall.

SOIL CONSERVATION DEPARTMENT[780] (cont'd)

Any interested person may submit written suggestions or comments on the rules proposed in this Notice of Intended Action. Any written materials should be forwarded to the Director, Iowa Department of Soil Conservation, Wallace State Office Building, Des Moines, Iowa 50319. Written comments must be received no later than 4:30 p.m., Wednesday, July 6, 1983.

A public hearing will be held on Thursday, July 7, 1983, at 1:00 p.m. in the second floor conference room of the Wallace State Office Building, East 9th and Grand Avenue, Des Moines, Iowa. The hearing is being held in conjunction with the regular monthly meeting of the State Soil Conservation Committee.

Rules set forth in this notice are intended to implement authorities extended in Iowa Code chapter 467A, and the Seventieth General Assembly, 1983 Session, House File 638, section 15.

The following amendments are proposed.

ITEM 1. Chapter 5, division 4, rule 780—5.41(467A) is amended; subrules 5.41(1), 5.41(3), and 5.41(7) are amended; and a new subrule 5.41(8) is added to read as follows:

780—5.41(467A) Appropriations. The department of soil conservation has received appropriations for conservation cost-sharing since 1973 and appropriations to fund certain incentive programs for soil erosion control were also made available in since 1979. The Sixty-seventh General Assembly provided \$4,720,000 for fiscal 1979. The Sixty-eighth General Assembly provided \$5,000,000 for fiscal 1980 and \$5,979,400 for fiscal 1981. The Sixty-ninth General Assembly provided \$5,374,348 for fiscal 1982 and \$5,634,000 for fiscal 1983. The Seventieth General Assembly provided \$8,494,000 for fiscal 1984. The amount available for distribution for fiscal 1982, 1983 and 1984 is to be qualified by subrule 5.41(7). Fiscal 1984 funds available for distribution are also qualified by subrule 5.41(8). The department has four years to encumber or obligate these funds before they revert to the state's general fund. This rule addresses the distribution of these appropriations among the incentive programs for soil erosion control established by the department in accordance with the authorities of Iowa Code chapter 467A. The rule is also consistent with the restrictions imposed by language of the appropriations bills.

5.41(1) Voluntary program.

a. Eighty percent of the appropriation is to be used for cost-sharing to provide state funding of not more than fifty percent of the approved cost of permanent soil and water conservation practices instituted under Iowa Code chapter 467A for fiscal 1979, 1980, and 1981.

b. Ninety percent of the appropriation is to be used for cost-sharing to provide state funding of not more than fifty percent of the approved cost of permanent soil and water conservation practices or for incentive payment to encourage no-till planting instituted under Iowa Code chapter 467A for fiscal 1982, and 1983, and 1984. (No-till incentive payment may not exceed ten percent of a district's original and supplemental allocation.)

5.41(3) Iowa tillage program. Ten percent of the appropriations from fiscal 1980 and 1981 is to be set aside for incentive payments for minimum or mulch tillage on a per acre basis to encourage erosion control on land that is row cropped.

5.41(7) Southeastern Iowa tillage research program. \$64,400 from the fiscal 1982 funds; and \$69,500 from the fiscal 1983 funds, and \$69,500 from the fiscal 1984 funds

are to be provided to Iowa State University and the Southeast Iowa Community College for continuation of the southeastern Iowa tillage research program initially funded by the General Assembly in 1979.

5.41(8) Pilot districts, Iowa Soil 2000 program. \$360,000 from the fiscal 1984 financial incentive program is made available on an equal basis to the Cass, Page, East Pottawattamie, Dubuque, Jones, and Winneshiek soil conservation districts for implementation of farm unit soil conservation plans developed pursuant to Iowa Soil 2000 pilot program efforts. Funds not spent within twenty-four months from the date of availability will be reallocated to the voluntary program.

ITEM 2. Chapter 5, division 5, subrule 5.5(1), paragraph "d" is amended to read as follows:

d. $f =$ an adjustment factor of 0.992 0.980 applied to each district's allocation to adjust the original allocation to compensate for establishing a minimum of four-tenths of one percent of "z". The minimum is imposed to assure that each district receives an allocation that will allow has a workable program. (i.e.: If available voluntary program funds for fiscal 1980 were eighty percent of \$5 million, the minimum original allocation to any district would be: $A = wzf = (0.4\%) (2.4 \text{ million}) (0.992) = \$9,528.20$.)

ITEM 3. Chapter 5, division 5, subrule 5.51(2) is amended to read as follows:

5.51(2) Supplemental allocation. The remaining balance of the fiscal year program funds plus the previous fiscal year funds from the Iowa Tillage and mandatory programs as distributed in subrule 5.41(4) and the public lakes fund as distributed in subrule 5.41(2) that were not obligated, less a \$50,000 reserve fund, will be provided to the districts in a supplemental allocation. The districts shall submit their request identifying valid applications and cost estimates, if any, for supplemental allocations to the department by August 15. The allocation to any district will be the lesser amount of:

- The amount of remaining available funds divided by the number of districts applying for a supplemental allocation.
- Three times the original allocation to the district.
- Two percent of the total amount distributed to the program.
- The amount requested.

ITEM 4. Chapter 5, division 5, subrule 5.51(5) is amended by adding a new paragraph "e" to read as follows:

e. For supplementals only, for fiscal 1984 funds, a soil conservation district shall have distributed folders for 20,000 acres as part of the Iowa Soil 2000 program requirements described in chapter 6 of these rules.

ITEM 5. Chapter 5, division 7, subrule 5.73(6) is amended as follows:

5.73(6) District priorities. Each application for financial incentives shall be evaluated under the priority system adopted by the district for disbursement of allocated funds. The district priority system shall give consideration to family-operated farms and public benefit derived. The priority system adopted by the district shall be made available for review at the district office. In establishing its priorities for funds made available beginning July 1, 1983, the district shall also give consideration to the landowner's effort to implement Iowa Soil 2000 program requirements.

NOTICE - USURY

In accordance with the provisions of 1979 Iowa Acts, chapter 130, the Superintendent of Banking has determined that the maximum lawful rate of interest provided for in Iowa Code section 535.2 as amended, shall be:

August 1, 1981 - August 31, 1981	15.50%
September 1, 1981 - September 30, 1981	16.25%
October 1, 1981 - October 31, 1981	17.00%
November 1, 1981 - November 30, 1981	17.25%
December 1, 1981 - December 31, 1981	17.25%
January 1, 1982 - January 31, 1982	15.50%
February 1, 1982 - February 28, 1982	15.75%
March 1, 1982 - March 31, 1982	16.50%
April 1, 1982 - April 30, 1982	16.50%

May 1, 1982 - May 31, 1982	15.75%
June 1, 1982 - June 30, 1982	15.75%
July 1, 1982 - July 31, 1982	15.50%
August 1, 1982 - August 31, 1982	16.25%
September 1, 1982 - September 30, 1982	16.00%
October 1, 1982 - October 31, 1982	15.00%
November 1, 1982 - November 30, 1982	14.25%
December 1, 1982 - December 31, 1982	13.00%
January 1, 1983 - January 31, 1983	12.50%
February 1, 1983 - February 28, 1983	12.50%
March 1, 1983 - March 31, 1983	12.50%
April 1, 1983 - April 30, 1983	12.75%*
May 1, 1983 - May 31, 1983	12.50%
June 1, 1983 - June 30, 1983	12.50%

*Corrected by department of banking April 22, 1983.

ARC 3762

HEALTH DEPARTMENT[470]

MEDICAL EXAMINERS, BOARD OF

Pursuant to the authority of Iowa Code sections 147.76 and 258A.2, Iowa Board of Medical Examiners hereby adopts amendments to Chapter 135, "Medical Examiners", Iowa Administrative Code. The rules are intended to bring the Board into compliance with Iowa Code section 147.10.

These rules facilitate biennial licensure, renewal, and reporting of continuing medical education according to month and year of birth coincidental to odd-even years and adjust certain fees accordingly. The result of the rules will be a two-year renewal period for physicians and will allow the Board to more evenly distribute office workload.

At present the licensure, renewal and reporting of continuing education are on an annual basis.

Notice of Intended Action was published in IAB 16, February 2, 1983 as ARC 3531.

Changes from the original notice, which were recommended by the Administrative Rules Review Committee and the Administrative Rules Coordinator, read as follows:

Rule 470—135.107(147) was reworded to more clearly define the expiration and due dates for a license to practice medicine and surgery, osteopathic medicine and surgery and osteopathy.

Subrule 135.107(1) was reworded to provide a period after which a license becomes invalid and to include a maximum penalty.

Subrule 135.107(2), the words "date of birth" were deleted and "month and year of birth" were inserted in lieu thereof.

Subrule 135.107(3), the words "date of birth" were deleted and "month and year of birth" were inserted in lieu thereof.

Subrule 135.108(2), a date certain was added for the implementation of this subrule.

Subrule 135.108(3), the words "date of birth" were deleted and "month and year of birth" were inserted in lieu thereof.

Subrule 135.502(1), the words "date of birth" were deleted and "month and year of birth" were inserted in lieu thereof.

Subrule 135.502(1), paragraph "a", the words "date of birth" were deleted and "month and year of birth" were inserted in lieu thereof.

Subrule 135.502(1), paragraph "b", the words "date of birth" were deleted and "month and year of birth" were inserted in lieu thereof.

The Board of Medical Examiners finds, pursuant to Iowa Code section 17A.5(2)"b"(1), that the normal effective date of these rules should be waived in order to comply with Iowa Code section 147.10.

These rules become effective on April 28, 1983.

ITEM 1. 470—Chapter 135 is amended by striking all references to *State Office Building, 300 4th Street* and inserting in lieu thereof *Executive Hills West, Capitol Complex, Des Moines, Iowa 50319*.

ITEM 2. Subrule—135.3(6), paragraph "i", is amended to read as follows:

i. Determine and administer the ~~annual~~ renewal of licenses;

ITEM 3. Subrules 135.103(1) and 135.103(6) are amended to read as follows:

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

135.103(6) No reciprocal license or license by endorsement shall be issued except on the basis of a license received by examination, and the applicant must have completed at least one year of intern or resident training approved or accepted by the medical examiners. ~~However, foreign graduates must complete two years of such training.~~

ITEM 4. Rule 470—135.107(147) is rescinded and the following inserted in lieu thereof:

470—135.107(147) **License-expiration-renewal-due date.** Beginning July 1, 1983, a license to practice medicine and surgery, osteopathic medicine and surgery, and osteopathy shall expire biennially on the first day of the month of birth of the licensee with regard to odd and even years and may be renewed as determined by the board upon application by the licensee, without examination. Application for renewal is due and shall be made in writing to the department accompanied by the required fee at least thirty days prior to the expiration of the license. Every renewal shall be displayed in connection with the original license.

135.107(1) The department shall notify each licensee by mail sixty days prior to the expiration of a license. Failure to renew the license within four months after the expiration date shall invalidate the license. A penalty of twenty-five dollars per month beginning thirty days after the due date may be assessed by the board. However, such penalty shall not exceed one hundred dollars.

135.107(2) Beginning July 1, 1983, a permanent license issued during a calendar year shall be valid for a period not to exceed two years as determined by the board in accordance with the physician's month and year of birth.

135.107(3) The renewal fee for a permanent license issued during a calendar year shall be prorated on a monthly basis according to the date of issue and the physician's month and year of birth.

ITEM 5. Rule 470—135.108(147) is amended to read as follows:

470—135.108(147) **License-examination-renewal fees.** The following fees shall be collected by the board: *and shall be nonrefundable except by board action in unusual instances such as documented illness, death prior to actual usage, inability of the individual to comply with the rules of the board, declaration of intent prior to usage, or other similar circumstances.*

Subrules 135.108(2) and 135.108(3) are amended to read as follows:

135.108(2) ~~For~~ *Beginning July 1, 1983*, a license to practice medicine and surgery or osteopathic medicine and surgery or osteopathy issued by endorsement or under a reciprocal agreement, or the issuance of a special license, ~~one two hundred fifty~~ dollars.

135.108(3) For a renewal fee of a license to practice medicine and surgery, osteopathic medicine and surgery, ~~or~~ osteopathy, or a special license, ~~forty one hundred~~ dollars: *per biennial period or a prorated portion thereof for a period of less than two years as determined by the board to facilitate biennial renewal according to month and year of birth.*

HEALTH DEPARTMENT[470] (cont'd)

ITEM 6. Rule 470—135.501(258A) is amended by adding a new subrule as follows:

135.501(10) "Biennial period" means a period of time beginning on the first day of the month in which a physician was born and extending two years hence with regard to odd and even years.

ITEM 7. Rule 470—135.502(258A) is amended as follows:

Subrule 135.502(1) is rescinded and the following inserted in lieu thereof:

135.502(1) For the biennial period beginning July 1, 1983 and ending June 30, 1985, reporting of continuing medical education shall be on a pro rata basis in accordance with the physician's month and year of birth and every two years thereafter. Except as provided in these rules, a total of forty hours of approved continuing education classified as category I hours shall be required as a condition for biennial license renewal.

a. Beginning July 1, 1983, physicians who are licensed as of that date shall be required to complete a sufficient number of approved category I continuing education hours to fill the biennial renewal requirement on a pro rata basis as determined by the board. To facilitate biennial renewal according to month and year of birth the board shall, upon request by the physician, grant an extension of time to complete this requirement of up to six months during the 1983-1985 biennial period.

b. A physician licensed after July 1, 1983 shall be required to complete approved category I continuing medical education hours which shall be determined by the board on a pro rata basis beginning one year from the date of original issuance of the license to facilitate biennial renewal according to month and year of birth.

Subrule 135.502(2) is rescinded and the following inserted in lieu thereof:

135.502(2) Beginning July 1, 1983, a licensee desiring to obtain credit for carry-over hours, not to exceed twenty category I hours earned subsequent to January 1, 1983, shall report the carry-over credit at the time of filing the biennial report. However, category I hours and carry-over credit in effect on December 31, 1982 may be applied to satisfy the biennial continuing medical education requirements set forth in these rules.

ITEM 8. Rule 470—135.506(258A) is amended to read as follows:

470—135.506(258A) Reports and records. Each licensee shall file evidence of continuing medical education satisfactory to the board ~~no later than June 1 of the year following the calendar year in which claimed continuing education hours were completed at the time of licensure renewal.~~ A report of ~~such~~ the continuing medical education on a form furnished by the board, shall be sent to the Executive Director, Iowa State Board of Medical Examiners, ~~State Office Building, 200 Fourth Street, Executive Hills West, Capitol Complex,~~ Des Moines, Iowa 50319, or to such other address as may be designated on the form.

These rules are intended to implement Iowa Code sections 147.2, 147.10, 147.80, 148.3, 148.4, 148.11, 150.2, 150A.3, 258A.2 and 258A.3.

[Filed emergency after notice 4/28/83, effective 4/28/83]
[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83.

ARC 3763**IOWA FAMILY FARM
DEVELOPMENT AUTHORITY[523]**

Pursuant to the authority of Iowa Code section 175.6(14), the Iowa Family Farm Development Authority emergency adopts rules appearing in IAC Chapter 2 to change the requirement that notifications of public hearings be printed in a newspaper published in the county where the project is located.

Notice of Intended Action was published in IAB March 16, 1983, as ARC 3608.

The amendment to the rule regarding publication of the notice of hearing before the issuance of bonds in the program allows more flexibility to the Iowa Family Farm Development Authority in making publication and notification deadlines. This in turn allows the Authority to issue bonds for the program in a more efficient manner.

The Authority also finds, pursuant to Iowa Code section 17A.5(2)"b"(2) that the normal effective date of these amendments thirty-five days after publication should be waived and the amendments made effective upon filing with the Administrative Rules Coordinator on April 28, 1983 as it confers a benefit on the public to ensure speedy and uniform compliance with the Authority's legislative mandate.

The Iowa Family Farm Development Authority adopted these amendments April 20, 1983.

This rule implements Iowa Code sections 175.2, 175.12, 175.19 and 175.33.

The following amendment is adopted.

Rule 523—2.12 (175,69GA,ch68), first paragraph, is amended to read as follows:

523—2.12 (175,69GA,ch68) Issuance of bond. The authority will not issue a bond for the purpose of financing a project for a specific beginning farmer unless, prior to the issuance, the authority has conducted a public

IOWA FAMILY FARM DEVELOPMENT AUTHORITY[523] (cont'd)

hearing conforming to the applicable requirements of the United States Internal Revenue Code of 1954 and the regulations promulgated thereunder. Upon receipt of a completed application, in a form prescribed by the authority, the secretary or executive administrator of the authority may set a date, time and place for the hearing. The hearing shall be preceded by a notice thereof published at least fourteen days prior to the date of the hearing in a newspaper published and of general circulation in the county where the project is located. The notice shall include, but not be limited to, the date, time and place of the hearing, the name of the beginning farmer, a general description of the project, and the right of individuals to request a local hearing.

[Filed emergency after notice 4/28/83, effective 4/28/83]
[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83.

ARC 3779**PLANNING AND PROGRAMMING[630]**

Pursuant to the authority of Iowa Code section 7A.3, chapter 17A, and Executive Order 47 (1982), the Office for Planning and Programming adopts and implements by emergency the following new rules, which require that each recipient of Job Training Partnership Act funds establish a complaint procedure as required by Public Law 97-300. The new rules further establish an interim complaint procedure for resolving complaints arising under the Job Training Partnership Act prior to October 1, 1983, at which time each recipient's complaint procedure will be operational.

In compliance with Iowa Code section 17A.4(2), this office finds that public notice and participation is impracticable, unnecessary and contrary to the public interest in that Public Law 97-300 requires that each recipient adopt a complaint procedure consistent with that Act and rule 630—19.10 merely recites that requirement. Rule 19.10 will ultimately be renumbered as 19.9(4) when Noticed rule 19.9(7A) [ARC 3723 IAB 4/27/83] is adopted.

This office finds that public notice and participation is impracticable and contrary to the public interest as to new rule 630—19.20 because it is in the public's interest that a complaint procedure be established for complaints relating to the Job Training Partnership Act program which arise before the program recipients have an opportunity to establish their own procedure. This rule will be terminated December 1, 1983.

The Office for Planning and Programming also finds, pursuant to Iowa Code section 17A.5(2)"b"(2) and (3), that the normal effective date of these rules thirty-five days after publication should be waived and these rules be

effective upon filing with the Administrative Rules Coordinator on May 6, 1983, as it confers a benefit upon the public by ensuring that recipients of Job Training Partnership Act funds adopt a complaint procedure as required by the Act, and by ensuring that complaints relating to the Job Training Partnership Act program are adjudicated or resolved during the interim.

The Office for Planning and Programming adopted these rules on May 5, 1983.

These rules are intended to implement Executive Order 47 and Public Law 97-300.

The following new rules are added.

Amend chapter 19 by adding new rules as follows:

630—19.10(7A, 29 USC 1501 et seq.) Job training plan—complaint procedure. Each job training plan shall contain procedures, consistent with 29 U.S.C. 1554 and 20 C.F.R. 629.51, 629.52, and 629.53 to receive, investigate and resolve complaints and grievances alleging a violation of the Job Training Partnership Act, 29 U.S.C. 1501 et seq., state or federal regulations, or grants or other agreements under the Act arising in connection with programs which utilize, in whole or part, Job Training Partnership Act funds and which are operated by a service delivery area grant recipient, administrative entity, subrecipient, or service provider.

This rule is intended to implement Executive Order 47 and 29 U.S.C. 1554.

630—19.20(7A, 29 USC 1554) Interim complaint procedure. This rule establishes the procedure for handling noncriminal complaints arising from the formation and operation of the Job Training Partnership Act in Iowa which are filed before October 1, 1983. This rule will terminate December 1, 1983.

19.20(1) Filing a complaint.

a. Who may file. Any interested person, organization or agency may file a complaint.

b. Grounds. The sole ground for filing a complaint under this rule is to adjudicate or otherwise resolve an allegation that the governor, the office for planning and programming, the state job training coordinating council, local elected officials or a service delivery area private industry council, consortium, planning grant recipients, administrative entity or subrecipient violated the Job Training Partnership Act, the federal or state regulations, grants, contracts or other agreements under the Act.

c. Time. Except for complaints alleging fraud, complaints shall be filed within one year of the alleged occurrence. Complaints alleging any activity prohibited under United States Department of Labor regulations implementing section 504 of the Rehabilitation Act of 1973 or Title VI of the Civil Rights Act of 1964 shall be filed no later than one hundred and eighty days from the date of the alleged activity.

d. Contents. Complaints shall be clearly portrayed as such by the complainant and shall satisfy the following requirements:

(1) Complaints shall be legible and signed by the complainant or the complainant's authorized representative;

(2) Complaints shall pertain to a single subject, situation or set of facts;

(3) The name, address and phone number (or TTY number) shall be clearly indicated. If the complainant is represented by an attorney or other representative of the complainant's choice, the name, address and phone

PLANNING AND PROGRAMMING[630] (cont'd)

number of the representative shall also appear in the complaint;

(4) Complaints shall state the name of the party or parties complained against and, if known to the complainant, the address and phone number of the party or parties complained against;

(5) Complaints shall contain a clear and concise statement of the facts, including pertinent dates, constituting the alleged violations;

(6) Complaints shall cite the provisions of the Job Training Partnership Act, regulations, grants or other agreements under the Act believed to have been violated;

(7) Complaints shall state the relief or remedial action(s) sought; and

(8) Copies of documents supporting or referred to in the complaint shall be attached to the complaint;

(9) Complaints shall state whether or not an oral hearing is requested.

e. Where filed. Complaints shall be filed with the Complaint Officer, Division for Human Resource Coordination, Office for Planning and Programming, 523 East 12th Street, Des Moines, Iowa 50319.

19.20(2) Notice of hearing. Upon receipt of a complaint requesting a hearing, the complaint officer shall give the

complainant and respondent written notice of the date, time and place of the hearing and of complainant's rights to present evidence at the hearing and to receive a written decision within sixty days of filing.

19.20(3) Hearings. Hearings shall be held within thirty days of filing and shall otherwise conform to the laws governing contested cases under Iowa Code chapter 17A.

19.20(4) Decision. A written decision shall be provided to the complainant within sixty days of filing the complaint.

19.20(5) Governor's review. When requested, the governor shall independently review a complaint and decision. The governor's review shall result in a decision within thirty days of the request and shall be final.

This rule is intended to implement Executive Order 47 and 29 U.S.C. 1501 et seq.

[Filed emergency 5/6/83, effective 5/6/83]

[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83.

ARC 3767**CONSERVATION COMMISSION[290]**

Pursuant to the authority of the Iowa Code section 107.24, the State Conservation Commission, at their regular meeting on May 5, 1983, adopted the following amendments to Chapter 72, "Land and Water Conservation Fund Grants-in-Aid for Local Entities", Iowa Administrative Code.

Notice of Intended Action was published in IAB 16, February 2, 1983, as ARC 3519.

This rule gives the procedures for local entities of government to obtain federal assistance through the Commission for outdoor recreation projects.

No changes were made from the Notice of Intended Action.

This rule is intended to implement the provisions of the Iowa Code, sections 107.29 to 107.35, and shall become effective June 29, 1983.

The following amendment is adopted.

Rule **290—72.4(107)** is amended by adding the following:

The assistance ceiling may be waived upon approval by the director under the following circumstances:

1. The project being proposed for L&WCF assistance is regional in nature or is expected to serve a minimum of 100,000 people.

2. The proposed project cannot be staged over a multiyear period so that a separate grant application might be submitted each year.

No grant shall be approved which exceeds the allotment for the review period.

[Filed 5/6/83, effective 6/29/83]

[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83.

ARC 3768**CONSERVATION COMMISSION[290]**

Pursuant to the authority of Iowa Code sections 107.24, 109.38, and 109.39, the State Conservation Commission on May 5, 1983, adopted the following amendments to Chapter 112, "Wild Turkey Fall Hunting Regulations", Iowa Administrative Code.

Notice of Intended Action was published in IAB 20, March 30, 1983, as ARC 3650.

The rules establish season dates, bag limits, possession limits, season limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements for the 1983 fall wild turkey hunting season.

Changes from the notice are editorial only, except for subrule 112.4(3) which was inadvertently omitted, and the addition of a new sentence in rule 112.4(109) for clarification.

These rules implement the Iowa Code sections 109.38, 109.39, and 109.48, and shall become effective July 1, 1983.

The following amendments are adopted:

ITEM 1. Rule 290—112.1(109) is amended to read as follows:

290—112.1(109) General. Wild turkey may be taken during the ~~1982~~ 1983 fall season subject to the following regulations:

112.1(1) License. All hunters must have in possession a valid ~~1982~~ 1983 fall wild turkey hunting license when hunting wild turkey. Licenses will be issued by zone and period and will be valid in the designated zone and for the designated period only. No person shall obtain more than one fall wild turkey gun hunting license and one fall wild turkey bow hunting license each year.

112.1(2) Seasons. Wild turkey of any age or sex may be taken only by the use of shotguns, muzzleloading shotguns, and bow and arrow during specified periods as follows:

a. Shotgun and muzzleloading shotgun. The open fall season for hunting wild turkey with shotguns and muzzleloading shotguns shall be October ~~19~~ 18 through October ~~31~~ 30, ~~1982~~ 1983.

b. Bow and arrow. The open fall season for hunting wild turkey with bow and arrow shall be October 9 8 through December 3 2, ~~1982~~ 1983.

112.1(3) Daily, possession and season limits. The daily bag limit is one wild turkey; the possession limit is one wild turkey; the season limit is one wild turkey.

112.1(4) Shooting hours. Shooting hours shall be from one-half hour before sunrise to sunset each day.

ITEM 2. Rule 290—112.2(109) is amended to read as follows:

290—112.2(109) Areas open to hunting. Wild turkey, according to the type of license issued, may be taken in specific areas only.

112.2(1) Shotgun and muzzleloading shotgun. Wild turkey, in accordance with the zone designated on the license issued, may be taken with gun in one of two zones described as follows:

a. Zone 1. Zone 1 is an area bounded as follows: Beginning at the point where U.S. Highway 169 crosses the Iowa-Missouri state line; thence north ~~along~~ on U.S. Highway 169 to U.S. Highway 34; thence east ~~along~~ on U.S. Highway 34 to U.S. Highway 69; thence north ~~along~~ on U.S. Highway 69 to Warren County Road G76; thence east ~~along~~ on Warren County Road G76 and State Highway 206 to Lacona, Iowa; thence east ~~along~~ on Warren and Marion County roads G76 to State Highway 5; thence south ~~along~~ on State Highway 5 to the Iowa-Missouri state line; thence west ~~along~~ on the state line to the point of beginning.

b. Zone 2. Zone 2 is an area bounded as follows: Beginning at the point where State Highway 5 crosses the Iowa-Missouri state line; thence north ~~along~~ on State Highway 5 to U.S. Highway 34; thence east ~~along~~ on U.S. Highway 34 to the Iowa-Illinois state line; thence south ~~along~~ on the state line to the Iowa-Missouri state line; thence west ~~along~~ on the state line to the point of beginning.

CONSERVATION COMMISSION[290] (cont'd)

112.2(2) Bow and arrow. Wild turkey may be taken with bow and arrow in the areas described as follows:

a. Beginning at the point where U.S. Highway 169 crosses the Iowa-Missouri state line, thence north ~~along~~ on U.S. Highway 169 to State Highway 92; thence east ~~along~~ on State Highway 92 to State Highway 5; thence south ~~along~~ on State Highway 5 to U.S. Highway 34; thence east ~~along~~ on U.S. Highway 34 to U.S. Highway 218; thence north ~~along~~ on U.S. Highway 218 to State Highway 78; thence west ~~along~~ on State Highway 78 to Keokuk County Road W15; thence north ~~along~~ on Keokuk County Road W15 to State Highway 92; thence east ~~along~~ on State Highway 92 to State Highway 70; thence north ~~along~~ on State Highway 70 to State Highway 22; thence east ~~along~~ on State Highway 22 to U.S. Highway 61; thence south ~~along~~ on U.S. Highway 61 to Louisa County Road H22; thence east ~~along~~ on Louisa County Road H22 to State Highway 99; thence south ~~along~~ on State Highway 99 to Burlington, Iowa; thence south ~~along~~ on the Iowa-Illinois state line to the Iowa-Missouri state line; thence west ~~along~~ on the state line to the point of beginning.

Rescind all of paragraph "b".

b. Also beginning at the point where U.S. Highway 59 crosses the Iowa-Missouri state line; thence north on U.S. Highway 59 to State Highway 37; thence west and north on State Highway 37 to State Highway 183; thence north on State Highway 183 to State Highway 141; thence east on State Highway 141 to U.S. Highway 59; thence north on U.S. Highway 59 to U.S. Highway 20; thence west on U.S. Highway 20 to Woodbury County Road L37; thence south on Woodbury County Road L37 to Woodbury County Road D38; thence west on Woodbury County Road D38 to Woodbury County Road K64; thence north on Woodbury County Road K64 to U.S. Highway 20; thence west on U.S. Highway 20 to the Iowa-Nebraska state line; thence south on the state line to the Iowa-Missouri state line; thence east on the state line to the point of beginning.

c. Also beginning at the point where U.S. Highway 20 and U.S. Highway 169 intersect; then east ~~along~~ on U.S. Highway 20 to State Highway 17; thence south ~~along~~ on State Highway 17 to State Highway 141; thence westerly ~~along~~ on State Highway 141 to Dallas County Road F31; thence west ~~along~~ on Dallas County Road F31 to U.S. Highway 169; thence north ~~along~~ on U.S. Highway 169 to the point of beginning.

d. Also beginning at the point where State Highways 25 and 44 intersect; thence south ~~along~~ on State Highway 25 to U.S. Highway 6; thence east and north ~~along~~ on U.S. Highway 6 to Redfield, Iowa; thence north ~~along~~ on Dallas County Road P46 to State Highway 44; thence west ~~along~~ on State Highway 44 to the point of beginning.

e. Also beginning at the intersection of Interstate Highways 80 and 380; thence west ~~along~~ on Interstate Highway 80 to Poweshiek County Road V18; thence north on Poweshiek and Tama County Roads V18 to U.S. Highway 30; thence east on U.S. Highway 30 to U.S. Highway 218; thence north on U.S. Highway 218 to Black Hawk County Road D48; thence east on Black Hawk and Buchanan County Roads D48 to Brandon, Iowa; thence east on State Highway 283 to State Highway 150; thence south on State Highway 150 to Cedar Rapids, Iowa; thence south on Interstate Highway 380 to the point of beginning.

f. Also beginning at the point where U.S. State Highway 52 139 crosses the Iowa-Minnesota state line;

thence south on State Highway 139 to State Highway 9; thence east on State Highway 9 to U.S. Highway 52; thence south ~~along~~ on U.S. Highway 52 to State Highway 150; thence south ~~along~~ on State Highway 150 to State Highway 154 187; thence east and south ~~along~~ on State Highways 154 and 187 to U.S. Highway 20; thence east ~~along~~ on U.S. Highway 20 to State Highway 13; thence south ~~along~~ on State Highway 13 to U.S. Highway 30; thence east ~~along~~ on U.S. Highway 30 to State Highway 38; thence south ~~along~~ on State Highway 38 to Interstate Highway 80; thence east ~~along~~ on Interstate Highway 80 to U.S. Highway 61; thence north ~~along~~ U.S. Highway 61 to State Highway 136; thence west and north ~~along~~ State Highway 136 to U.S. Highway 151; thence east ~~along~~ U.S. Highway 151 the Iowa-Illinois state line; thence north on the state line to State Highway 136; thence west and north on State Highway 136 to Clinton and Jackson County Roads Z34; thence north on Clinton and Jackson County Roads Z34 to State Highway 64; thence east on State Highway 64 to the Iowa-Illinois state line; thence north ~~along~~ on the state line to the Iowa-Wisconsin state line; thence north ~~along~~ on the state line to the Iowa-Minnesota state line; thence west ~~along~~ on the state line to the point of beginning.

ITEM 3. Rule 290—112.4(109) is amended to read as follows:

290—112.4(109) Application procedure. All applications for wild turkey hunting licenses for the ~~1982~~ 1983 fall wild turkey hunting season must be made on forms provided by the state conservation commission and returned to the State Conservation Commission, Des Moines, Iowa 50319, with a remittance of fifteen dollars. Any applicant born after January 1, 1967, must be twelve years of age prior to the opening day of the season for which he or she applies and must include a photocopy of his or her Hunter Safety Certificate with the application. Individual applications only will be accepted. Application periods for the two types of licenses will differ.

112.4(1) Applications for shotgun and muzzleloading shotgun licenses. Applications for ~~1982~~ 1983 fall wild turkey gun hunting licenses shall be received and accepted from July ~~12~~ 11 through August ~~10~~ 9, ~~1982~~ 1983, or if the application form bears a valid and legible U.S. Postal Service postmark during the same period. No person shall submit more than one application. At the end of the period, if applications have been received in excess of the license quota for any hunting zone the commission shall conduct a drawing to determine which applicants shall receive licenses. Incomplete or improperly completed applications, applications not meeting the above conditions, or applications received prior to or after the application period shall not be considered valid applications for the drawing. If the quota for any hunting zone has not been filled by applications received during the application period, licenses shall then be issued in the order in which applications are received thereafter and shall continue to be issued until the quota has been met or until October 3 2, ~~1982~~ 1983, whichever first occurs. No more than 1,000 gun licenses will be issued for each of the two zones.

112.4(2) Applications for bow and arrow licenses. Applications for ~~1982~~ 1983 fall wild turkey bow hunting licenses will be accepted at any time after July ~~12~~ 11, ~~1982~~ 1983. The number of bow licenses will not be restricted.

112.4(3) Applications for special turkey hunting licenses, as provided for in the Iowa Code section 109.38.

CONSERVATION COMMISSION[290] (cont'd)

subsection 3, ~~The Code, as amended by the sixty-ninth General Assembly, Second Session,~~ shall be on forms furnished by the commission, and shall be received at the commission offices no later than September 19 18, 1982 1983.

[Filed 5/6/83, effective 7/1/83]
[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83]

ARC 3777**ENERGY POLICY COUNCIL[380]**

Pursuant to the authority of Iowa Code sections 93.7(10) and 17A.3, and 10 C.F.R. 455, (5/21/81) which establishes federal regulations under Parts 1 and 2 of Title III of the National Energy Conservation Policy Act (NECPA), P.L. 95-619, 92 Stat. 3238 (42 U.S.C. 6371), the Iowa Energy Policy Council hereby adopts on May 6, 1983 amendments to Chapter 7, "Energy Measures and Energy Audits Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions," and Chapter 8, "Technical Assistance and Energy Conservation: Grant Programs for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions," Iowa Administrative Code.

U.S. Department of Energy has reviewed and approved on February 18, 1983, revisions in the Iowa State Plan for Institutional Conservation Program which require code amendments that specify a standard time period for energy use data collection and limits to the size of the grant.

These rules are identical to those published under Notice of Intended Action in IAB, Vol. V, No. 20, March 30, 1983, as ARC 3657.

These rules are intended to implement Iowa Code section 93.7.

These rules will become effective on June 29, 1983.

ITEM 1. Subrule 7.3(1), paragraph "f", is amended to read as follows:

f. Fuel use in physical units and cost data by type for a ~~preceding twelve-month period, the most current twelve-month period ending June 30,~~ by month if practicable, using actual data or an estimate if actual figures are unavailable.

ITEM 2. Subrule 8.2(2), paragraph "b", subparagraph (6), is amended to read as follows:

(6) A listing of energy use and cost data for each fuel type used for the ~~prior twelve-month period~~ *most current twelve-month period ending June 30;* and

ITEM 3. Subrule 8.4(2), paragraph "a", is amended by adding a new subparagraph:

(9) *Grant awards will be limited as set forth in 8.7(1).*

ITEM 4. Subrule 8.4(2), paragraph "b", subparagraph (7), is amended to read as follows:

(7) In the case of a school, a certification that financial assistance will not be used for a ~~technical assistance program~~ *energy conservation measures* in any building of such agency which is used principally for administration.

ITEM 5. Subrule 8.5(5) is amended to read as follows:

8.5(5) Grantees shall submit annual reports to the council covering each year of the three-year period following installation of an energy conservation measure or measures, or for the life of the program, whichever is shorter. Such annual reports shall identify each building and shall provide data on the actual energy use of that building for the ~~preceding twelve-month period; most current twelve-month period ending June 30.~~ Energy use shall be presented on a monthly or quarterly, as well as an annual basis, consistent with the energy billing cycle for the building. Annual reports shall be submitted within sixty days of the close of each twelve-month period.

ITEM 6. Subrule 8.6(4), paragraph "a", subparagraph (2), is amended to read as follows:

(2) The amount expended by the applicant institution for energy in the ~~last twelve months;~~ *most current twelve-month period ending June 30;*

ITEM 7. Rule 380—8.7(93) is amended by adding:

8.7(1) *Funding limits.*

a. *ECM applications will have a funding limit if the grant requested is in excess of \$50,000. This limit is seven percent of the total allocation to the state for the application cycle.*

b. *Hardship grants may not exceed eighty percent of the amount of basic grant. Example: A school or hospital receiving a \$50,000 basic grant would be limited to a \$40,000 hardship grant (\$50,000 x 80% = \$40,000).*

8.7(2) *Reserved.*

[Filed 5/6/83, effective 6/29/83]

[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83.

ARC 3773**INSURANCE DEPARTMENT[510]**

Pursuant to the authority of Iowa Code sections 505.8 and 514.8, the Iowa Insurance Department adopts a new Chapter 34, "Nonprofit Health Service Corporations."

Notice of Intended Action was published in the March 30, 1983 issue of the IAB as ARC 3659.

INSURANCE DEPARTMENT[510] (cont'd)

The purpose of the noticed rules is to specify areas of departmental authority and set standards for the Department's statutory functions. A short definition section is included. An annual report is statutorily required of health service corporations. The noticed rules specify the form of this annual report. The commissioner has the authority to resolve disputes between providers and health service corporations. The rules delineate a procedure for submitting these disputes to the commissioner. Finally, the rules require that all matters subject to the commissioner's approval be submitted at least sixty days prior to their intended effective date.

The bulk of public comment received by the department concerned the standards delineated for review of provider contracts. In view of this comment, extensive redrafting was warranted. Thus, this item, "Approval of provider contracts", has been deleted and will be re-noticed in the May 11, 1983 issue of the IAB. The remaining items have been renumbered.

Other changes from the Notice of Intended Action are as follows:

Rule 34.4(514), first paragraph. In response to public comment, this paragraph was amended to make it clear that arbitration is not mandatory. However, the procedures described are mandatory if arbitration is sought by the parties.

Subrules 34.4(1) and 34.4(2). Procedures for notice were added to these subrules.

Subrule 34.4(3). This subrule was amended to make it clear that a decision rendered by a hearing officer other than the commissioner will be a proposed decision reviewable by the commissioner.

Rule 34.5(514), second paragraph. The second paragraph was deleted, since compliance is impossible until a full set of rules dealing with nonprofit health service corporations are implemented.

These rules are intended to implement Iowa Code chapter 514 and will become effective June 29, 1983.

The following rules are adopted:

Amend Insurance[510] by adding a new chapter 34.

CHAPTER 34

NONPROFIT HEALTH SERVICE CORPORATIONS

510—34.1(514) Purpose. The purpose of this chapter is to specify those requirements imposed upon health service corporations under Iowa Code chapter 514 and delineate standards for the commissioner's implementation of these requirements.

510—34.2(514) Definitions.

34.2(1) "Commissioner" means the commissioner of insurance of the state of Iowa.

34.2(2) "Department" means the insurance department of Iowa.

510—34.3(514) Annual report requirements. Each corporation subject to Iowa Code chapter 514 shall file an annual statement on the most recently available National Association of Insurance Commissioners' blank in use.

510—34.4(514) Arbitration. Parties defined in Iowa Code section 514.13 may submit covered disputes to the commissioner. The following procedures shall be followed when covered disputes are submitted to the commissioner.

34.4(1) The party seeking arbitration shall file a petition for arbitration requesting arbitration by the commissioner and setting forth the facts which are the basis for the dispute, together with a statement of the factual or legal issue(s), and the party's position on the

issue(s), and serve a copy of the petition by certified mail upon the other party(ies) to the dispute. Proof of service shall be promptly filed with the commissioner.

34.4(2) The other party(ies) shall file within twenty days an answer to the petition for arbitration, admitting or denying the facts alleged in the petition and indicating whether there is agreement with the statement of the issue(s) in the petition and setting forth the other party's position on the issue(s). All papers other than the petition shall be served in accordance with Iowa Rule of Civil Procedure 82 with proof of service to be made in conformance therewith.

34.4(3) The commissioner shall conduct a prehearing conference in accordance with rule 510—3.5(17A, 502, 505) at which he or she may set a schedule for the submission of briefs by the parties, and, if necessary, shall provide for the holding of an evidentiary hearing. The parties are encouraged to stipulate to the facts and agree as to the legal issue(s).

34.4(4) The commissioner may submit the dispute to a person selected by him or her, who may or may not be employed by the department, who shall make proposed findings and recommendations to the commissioner for a decision by him or her.

510—34.5(514) Filing requirements. All matters subject to the department's approval under Iowa Code chapter 514 shall be submitted at least sixty days prior to the intended effective date.

[Filed 5/6/83, effective 6/29/83]

[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83.

ARC 3771**LABOR, BUREAU OF[530]**

Pursuant to Iowa Code sections 17A.4(1)"a" and 89.5, the Commissioner of Labor hereby rescinds chapter 42 appearing in the IAC and adopts chapters 41 to 49 relating to boiler safety rules and inspection procedures.

Notice of Intended Action was published in the IAB March 30, 1983, as ARC 3658. A public hearing was held on April 21, 1983. Chapter 41 relates to administration and definitions; Chapter 42 is reserved; Chapter 43 relates to new installations of power boilers; Chapter 44 relates to existing installations of power boilers; Chapter 45 relates to installations of miniature boilers; Chapter 46 relates to installation of steam heating boilers, hot water heating boilers and hot water supply boilers; Chapter 47 relates to water heater supply boilers; Chapter 48 relates to pressure vessels; Chapter 49 relates to other general requirements for boilers and pressure vessels.

LABOR, BUREAU OF[530] (cont'd)

The rules update the present rules which were last revised in 1959. Many changes are based on new technology for boilers and pressure vessels. The rules prescribe the types of construction, safety appliances and operation of boilers and pressure vessels.

All comments have been reviewed and the following actions taken:

43.2 and 46.2—Compliance as required with CSD—1 shall not be interrupted to require listing or labeling by UL or other testing agencies.

44.4(2)—Change in boiler size from five hundred square feet to eleven hundred square feet.

47.2(2)—Change the requirement to be not less than twenty-five percent silicon and not more than thirty-five percent calcium oxide.

48.2(4)—Rewritten to correct mistake of duplicatory language with 48.2(3).

49.3—Change the requirement that relief valves shall be such that the pressure rating of the low pressure piping shall not be excluded.

49.7(1)—Change “acceptable quality assurance program” to “acceptable quality control system”.

These rules are intended to implement Iowa Code chapter 89 and shall become effective on July 1, 1983.

CHAPTER 41 ADMINISTRATION

530—41.1(89) Purpose. The boiler inspection division of the bureau of labor is responsible for assuring that all boilers and pressure vessels covered under Iowa Code chapter 89 are inspected, comply with applicable rules, and are certified for operation.

530—41.2(89) Inspections. All boilers and pressure vessels covered by Iowa Code chapter 89 shall be inspected by a bureau of labor inspector or special inspector within a sixty-day period prior to the expiration date of an operating certificate. Modification of this period will be permitted only upon written application showing just cause for the waiver.

Inspections may be conducted by a special inspector employed by an insurance company. Special inspectors shall submit reports to the bureau of labor within thirty days of the inspection. If the special inspector has not notified the bureau of labor of the inspection results within sixty days of the expiration of an operating certificate, the bureau of labor may conduct the inspection.

530—41.3(89) Certificate. A certificate to operate will not be issued until the boiler or pressure vessel complies with applicable rules and all fees have been paid. An operating certificate will not be issued until the boiler or pressure vessel passes inspection and all inspection and certificate fees are paid.

530—41.4(89) Certificate inspection. This certificate inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

530—41.5(89) Special inspections. Special inspections at the request of any boiler owner may be conducted by the bureau of labor. A charge of twenty dollars plus travel expenses will be charged for a special inspection. Travel expenses will be at a rate not to exceed mileage and per diem expenses authorized by the comptroller's office for state employees.

530—41.6(89) Quality control review. At the request of a manufacturer of boilers, pressure vessels or component parts, the bureau of labor shall conduct an inspection to

assure the manufacturer is qualified for ASME certification code symbol stamp or National Board “R” stamp certification. A charge of one hundred thirty-five dollars per day plus travel expenses not to exceed the mileage and per diem expenses authorized by the comptroller's office for state employees shall be charged to the entity requesting a quality control review.

530—41.7(89) Preinspection owner/user preparation.

41.7(1) “Internal inspection” means as complete an examination as can be reasonably made of the internal and external surfaces of a boiler or pressure vessel while it is shut down and while manhole plates, handhole plates or other inspection opening closures are removed as required by the inspector.

“External inspection” means an inspection made when a boiler or pressure vessel is in operation, if possible.

41.7(2) Inspection of boilers and pressure vessels. All boilers and pressure vessels not exempted which are subject to inspection shall be prepared for the inspection as required in 41.7(3).

41.7(3) Preparation for inspection. The owner or user shall prepare each boiler or pressure vessel for internal inspection, and shall prepare for and apply a hydrostatic test, whenever necessary, on the date specified by the inspector, which date shall be not less than seven days after the date of notification.

a. Boilers. A boiler shall be prepared for internal inspection in the following manner:

(1) Water shall be drawn off and the boiler washed thoroughly.

(2) Manhole and handhole plates, washout plugs and inspection plugs in water column as required by the inspector shall be removed. The furnace and combustion chambers shall be thoroughly cooled and cleaned.

(3) All grates of internally fired boilers shall be removed.

(4) At each annual inspection, brickwork shall be removed as required by the inspector in order to determine the condition of the boiler, header, furnace, supports or other parts.

(5) If it is found that steam or hot water is leaking into a boiler or unfired pressure vessel when opened for inspection, the source of the leakage shall be disconnected, if necessary, to eliminate the steam or hot water from the boiler or pressure vessel to be inspected.

(6) Before opening the manhole or handhole covers and entering any parts of the steam generating unit connected to the common header with other boilers, the non-return and steam stop valves must be closed, tagged, and preferably padlocked. Drain valves between the two valves must be opened. Blowoff lines, where practicable, shall be disconnected between pressure parts and valves. All drains and vent lines shall be opened.

(7) Low water fuel cutoff controls shall be opened or removed to allow for visual inspection.

b. Pressure vessels. The extent of inspection preparation for a pressure vessel will vary. If the inspection is to be external only, advance preparation is not required other than to afford reasonable access to the vessel for combined internal and external inspection of small vessels of simple construction handling air, steam, nontoxic or nonexplosive gases or vapors, minor preparation is required including isolating the vessel from its source of pressure, affording reasonable means of access and removing manhole plates and inspection opening closures. In other cases, preparation shall include draining, vent-

LABOR, BUREAU OF[530] (cont'd)

ing and purging the vessel to free toxic, explosive or other harmful gases or vapors, providing suitable safeguards to prevent leakage or accidental inflow of harmful substances into the vessel, removing manhole plates and inspection opening closures, cooling and cleaning the interior of the vessel and removing such internal fittings and appurtenances to permit satisfactory inspection of the interior of the vessel.

41.7(4) Boiler and pressure vessels improperly prepared for inspection. If a boiler or a pressure vessel has not been properly prepared for internal inspection, or if the owner or user fails to comply with the requirements for hydrostatic test as set forth in this chapter, the inspector may decline to make the inspection or test, and the inspection certificate shall be withheld until the owner or user complies with the requirements.

41.7(5) Removal of covering to permit inspection. If the boiler or pressure vessel is jacketed so that the longitudinal seams of shells, drums, or domes cannot be seen, sufficient jacketing, setting wall, or other form of casing or housing shall be removed to permit reasonable inspection of the seams and so that the size of rivets, pitch of the rivets, and other data necessary to determine the safety of the boiler or pressure vessel may be obtained, providing the information cannot be determined by other means.

530—41.8(89) **Special inspector.** A special inspector shall obtain a commission from the commissioner of labor. A commission will be granted only to those individuals holding a commission from the National Board of Boiler and Pressure Vessel Inspectors or from a state having an inspection program equivalent to that of this state. The commission is for one year and ceases when the individual leaves employment with the insurance company. Each commission shall be for the period from July 1 to June 30. A ten-dollar annual fee is charged for each commission.

530—41.9(89) **Notification of explosion.** Each owner or user of a boiler shall report all explosions to the bureau of labor within forty-eight hours of an explosion involving structural damage to the boiler or its equipment that results in injury requiring hospitalization.

530—41.10(89) **Lap seam crack.** The shell or drum of the boiler or pressure vessel, in which a lap seam crack is discovered along a longitudinal riveted joint, shall be immediately discontinued from use. If the boiler is not more than fifteen years of age, a complete new course of the original thickness may be installed at the discretion of the inspector. Patching is prohibited. "Lap seam crack" is a crack found in lap seams, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

530—41.11(89) **Publication available for review.** The ASME Boiler and Pressure Vessel Code, American National Standards ANSI/BPV and the National Board Inspection Code to Repair Boilers and Pressure Vessels adopted and referenced in the rules is available for review in the office of the Bureau of Labor, 307 East Seventh Street, Des Moines, Iowa.

530—41.12(89) **Definitions.** The definitions in this chapter, to the extent they do not conflict with the definitions contained in Iowa Code chapter 89, shall be applicable to the rules contained in chapters 41 to 49 IAC.

41.12(1) "Alteration". A change in a boiler or pressure vessel that substantially alters the original design requiring consideration of the effect of the change on the original design. It is not intended that the addition of nozzles smaller than an unreinforced opening size will be considered an alteration.

41.12(2) "APIRP 510". The Recommended Practice for Inspection, Repair, and Rating of Pressure Vessels in Petroleum Refining Service as published by the American Petroleum Institute, Inspection Code, ANSI API510 (1982).

41.12(3) "Electric boilers". A power boiler, heating boiler, high or low temperature water boiler in which the source of heat is electricity.

41.12(4) "High temperature water boiler". A water boiler intended for operations at pressures in excess of one hundred sixty psig or temperatures in excess of 250° F.

41.12(5) "Hot water heating boiler". A boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding one hundred sixty psig or a temperature of 250° F. at the boiler outlet.

41.12(6) "Hot water supply boiler". A boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding one hundred sixty psig or at temperatures not exceeding 250° F.

41.12(7) "Major repair". A repair upon which the strength of a boiler or pressure vessel will depend.

41.12(8) "National board". The National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 53229, whose membership is composed of the chief inspectors of jurisdictions who are charged with the enforcement of the provisions of local boiler codes.

41.12(9) "National Board Inspection Code". The Manual for Boiler and Pressure Vessel Inspectors published by the national board. Copies of the code may be obtained from the national board. (ANSI/NB 22 (1982))

41.12(10) "New boiler installations". All boilers constructed, installed and placed in operation after July 1, 1959, and all hot water supply boilers installed and placed in operation after July 1, 1983.

41.12(11) "Nonstandard boiler and pressure vessel". A boiler or pressure vessel that does not bear the ASME stamp or the API-ASME stamp.

41.12(12) "Nuclear power plant components". Items constructed in accordance with the rules of Section III, ASME Boiler and Pressure Vessel Code, for use in, or containment of, portions of a nuclear power system. A nuclear power system is that system which serves the purpose of producing and controlling the output of thermal energy from nuclear fuel and those associated systems essential to the functions and overall safety of the nuclear power system.

41.12(13) "Pressure vessel". A vessel in which pressure is obtained from an external source, or by the application of heat from the indirect source or from a direct source.

41.12(14) "Process steam generator". A vessel or system of vessels comprised of one or more drums and one or more heat exchange surfaces as used in waste heat or heat recovery type steam boilers.

41.12(15) "PSIG". Pounds per square inch gage.

41.12(16) "Reinstalled boiler or pressure vessel". A boiler or pressure vessel removed from its original setting

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and reinstalled at the same location or at a new location without change of ownership.

41.12(17) "Relief valve". An automatic pressure relieving device actuated by a static pressure upstream of the valve which opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

41.12(18) "Repair". Work necessary to return a boiler or pressure vessel to a safe operating condition.

41.12(19) "Rupture disk device". A nonreclosing pressure relief device actuated by inlet static pressure and designed to function by the bursting of a pressure containing disk.

41.12(20) "Safety relief valve". An automatic pressure actuated relieving device suitable for use as a safety or relief valve, depending on application.

41.12(21) "Safety valve". An automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is used for gas or vapor service.

41.12(22) "Secondhand boilers and pressure vessels". A boiler or pressure vessel where both the ownership and location are changed.

41.12(23) "Special inspector". A special inspector is an individual employed by an insurance company authorized to insure boilers in this state and commissioned by the labor commissioner.

41.12(24) "Standard boiler or pressure vessel". A boiler or pressure vessel which bears the ASME Code Symbol Stamp or API-ASME stamp.

41.12(25) "Temperature/pressure relief valve". A valve set to relieve at a designated temperature or pressure.

41.12(26) "Unfired steam boiler". A vessel or system of vessels intended for operation at a pressure in excess of fifteen psig for the purpose of producing and controlling an output of thermal energy.

41.12(27) "Water heater supply boiler". A closed vessel in which water is heated by combustion of fuels, electricity or any other source and withdrawn for use external to the system at pressure not exceeding one hundred sixty psig and shall include all controls and devices necessary to prevent water temperatures from exceeding 210° F.

CHAPTER 42
RESERVED

CHAPTER 43

NEW INSTALLATIONS OF POWER BOILERS

530—43.1(89) Installations after July 1, 1959. No power boiler shall, after July 1, 1959, be installed unless it has been constructed, inspected and stamped in accordance with the requirements of the ASME Code for Boilers and Pressure Vessels and have a national board stamp. A boiler having a standard stamping of a state that has adopted a standard of construction equivalent to the standard of the Iowa Code may be accepted by the commissioner provided the person desiring to install same shall make application for the installation which shall include a manufacturer's data report covering the construction of the boiler.

530—43.2(89) New installations. All new installations of boilers, including reinstalled and secondhand boilers shall be installed in accordance with the requirements of the ASME Code (1983) and the requirements of this chapter. Boiler installations shall also comply with

ANSI/ASME CSD-1 (1982), excluding the provisions for listing or labeling by a nationally recognized testing agency.

CHAPTER 44

EXISTING INSTALLATIONS OF POWER BOILERS

530—44.1(89) Maximum allowable working pressure.

44.1(1) Working pressure — shell. The maximum allowable working pressure on the shell of a boiler shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course, and the factor of safety allowed by these rules. The formula for determining the maximum allowable working pressure is:

$$\frac{TStE}{RFS} = \text{Maximum allowable working pressure, psig.}$$

Where

TS = Ultimate tensile strength of shell plates.

t = Minimum thickness of shell plates of the weakest course in inches.

E = Efficiency of longitudinal joint, method of determining which is given in (ANSI/ASME BPV-1-PG-27) (1980).

R = Inside radius of the weakest course of the shell or drum, in inches.

FS = Factor of safety specified in subrule 44.1(2).

44.1(2) Factor of safety.

a. The lowest factor of safety on boilers shall be four, except for horizontal tubular boilers having continuous lap seams more than twelve feet in length where the factor of safety shall be eight.

b. Boilers which are reinstalled of lap riveted construction or seams of butt and double strap riveted construction shall use ASME Code, Section I (1971).

c. A boiler constructed with fusion-welded seams and not X-rayed and stress relieved during construction, shall not be operated at a pressure in excess of fifteen pounds per square inch. Boilers with fusion-welded seams which are X-rayed and stress relieved and constructed to ASME Code requirements in effect when the boiler was constructed may be operated at a pressure as established in subrule 41.1(1).

d. The factor of safety shall be increased by the inspector if the conditions and safety of the boiler demand it.

530—44.2(89) Cast iron headers and mud drums.

44.2(1) Tube boiler. The maximum allowable working pressure on a watertube boiler, the tubes of which are secured in cast iron or malleable iron headers or which have cast iron mud drums, shall not exceed one hundred sixty psig or a temperature of 250° F.

44.2(2) Maximum steam pressure. The maximum steam pressure on any boiler in which steam is generated, if constructed of cast iron, shall be fifteen psig.

530—44.3(89) Rivets. When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross-sectional area of rivets, after driving, shall be selected from ASME Code, Section I (1971).

530—44.4(89) Safety valves.

44.4(1) The use of weighted-lever safety valves or safety valves having either the seat or disk of cast iron is

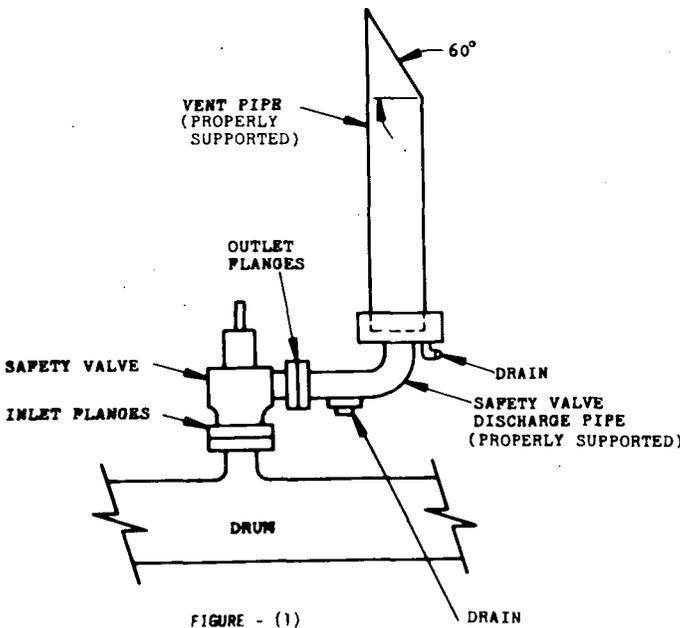
LABOR, BUREAU OF[530] (cont'd)

prohibited. All power boilers shall have direct, spring-loaded, pop-type safety valves that conform to the requirements of the ASME Code, Section I (1983).

44.4(2) Each boiler shall have at least one safety valve. All boilers with more than eleven hundred square feet of water heating surface or an electric power input of more than five hundred kilowatts shall have two or more safety valves.

44.4(3) The safety valve or valves shall be connected to the boiler independent of any other steam connection and attached as close as possible to the boiler without unnecessary intervening pipe or fittings.

44.4(4) No valves of any type shall be placed between the safety valve and the boiler. If an escape pipe is used no valve shall be placed between the safety valve and the atmosphere. When an escape pipe is used, it shall be at least full size of the safety-valve discharge and fitted with an open drain to prevent water lodging in the upper part of the safety valve or escape pipe. Any elbow on an escape pipe shall be located close to the safety-valve outlet or the escape pipe and shall be anchored and supported securely. All safety valve discharges shall be so located or piped as to be carried away from walkways or platforms. When the safety valve is vented to the outside atmosphere the second escape pipe shall be arranged as shown in Figure 1.



44.4(5) The safety-valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than five percent above the highest pressure to which any valve is set and in no case to more than six percent above maximum allowable working pressure.

44.4(6) One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of three percent above the maximum allowable working pressure but the range setting of all the safety valves on a boiler shall not exceed ten percent of the highest pressure at which any valve is set.

44.4(7) When two or more boilers operating at different pressures and safety-valve settings are interconnected, the lowest pressure boilers or interconnected piping shall be equipped with safety valves of sufficient capacity to prevent overpressure, considering the maximum generating capacity of all boilers.

44.4(8) In those cases where the boiler is supplied with feedwater directly from water mains without the use of feeding apparatus (not including return traps), safety valves shall not be set at a pressure greater than ninety-four percent of the lowest pressure maintained in the supply main feeding the boiler.

44.4(9) The minimum safety valve or safety-relief valve relieving capacity shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface and waterwall heating surface as given in the following table. This method shall not be used on electric boilers, waste heat boilers and forced-flow steam generators without a fixed steam and water line.

Minimum Pounds of Steam Per Hour Per Square Foot of Heating Surface

Boiler Heating Surface:	Firetube Boilers	Watertube Boilers
Hand Fired	5	6
Stoker Fired	7	8
Oil, Gas, or Pulverized Fuel Fires	8	10
Waterwall Heating Surface:		
Handfired	8	8
Stoker Fired	10	12
Oil, Gas, or Pulverized Fuel Fires	14	16

44.4(10)

a. When a boiler is fired only by a gas having a heat value not in excess of two hundred BTU per cubic feet the minimum safety valve or safety-relief valve relieving capacity may be based on the value given for hand-fired boilers above.

b. The minimum safety valve or safety-relief valve relieving capacity for electric boilers shall be three and one-half pounds per hour per kilowatt input.

c. For heating surface determination, see ASME Code, Section I, Par. PG 70.

530-44.5(89) Boiler feeding.

44.5(1) Each boiler shall have a feed supply which will permit it to be fed at any time while under pressure. A boiler having more than five hundred square feet of water-heating surface shall have at least two means of feeding, one of which shall be an approved feed pump, injector, or inspirator. One source of feed is directly from water mains at a pressure six percent greater than the set pressure of the safety valve with the highest pressure setting. Boilers fired by gaseous, liquid, or solid fuel in suspension may be equipped with a single means of feeding water provided means are furnished for the immediate shutoff of heat input prior to the water level reaching the lowest permissible level. The feedwater shall be introduced into the boiler in such a manner that it will not be discharged close to riveted joints of shell or furnace sheets, directly against surfaces exposed to products of combustion, or directed to surfaces subject to radiation

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from the fire. The feed piping to the boiler shall be provided with a check valve near the boiler and a stop valve between the check valve and the boiler.

44.5(2) When two or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disk of the valve. In all cases where returns are fed back to the boiler by gravity, there shall be a check valve and stop valve in each return line, the stop valve to be placed between the boiler and the check valve, and both shall be located as close to the boiler as is practicable.

44.5(3) Where deaerating heaters are not employed, it is recommended that the temperature of the feedwater be not less than 120° F. to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, it is recommended that the minimum feedwater temperature be not less than 215° F. so that dissolved gases may be thoroughly released.

530—44.6(89) Water level indicators. Except for damper regulator, feedwater regulator, low-water fuel cutout, drains, steam gages, or such apparatus that does not permit the escape of an appreciable amount of steam or water therefrom, outlet connections shall not be placed on the piping that connects the water column to the boiler. The water column shall be provided with a valved drain of at least three-fourths-inch piping size, the drain to be piped to a safe location. Each boiler shall have three or more gage cocks located within the visible length of the water glass, except when the boiler has two water glasses located at the same horizontal lines. Only two gage cocks are required on boilers not over thirty-six inches in diameter with a heating surface not exceeding one hundred square feet. Gage cocks are not required on electric boilers.

530—44.7(89) Pressure gages. Each boiler shall have a pressure gage so located that it is readable. The pressure gage shall be installed so that it shall at all times indicate the pressure in the boiler. Each steam boiler shall have the pressure gage connected to the steam space or to the water column or its steam connection. A valve or cock shall be placed in the gage connection adjacent to the gage. An additional valve or cock may be located near the boiler providing it is locked or sealed in the open position. No other shutoff valves shall be located between the gage and the boiler. The pipe connection shall be of ample size and arranged so that it may be cleared by blowing out. For a steam boiler the gage or connection shall contain a siphon or equivalent device which will develop and maintain a water seal that will prevent steam from entering the gage tube. Pressure gage connections shall be suitable for the maximum allowable working pressure and temperature, but if the temperature exceeds 406° F., brass or copper pipe or tubing shall not be used. The connections to the boiler, except the siphon, if used shall not be less than one-fourth-inch standard pipe size but where steel or wrought iron pipe or tubing is used, they shall not be less than one-half-inch inside diameter. The minimum size of a siphon, if used, shall be one-fourth-inch inside diameter. The dial of the pressure gage shall be graduated to approximately double the pressure at which the safety valve is set, but in no case to less than one and one-half times this pressure.

530—44.8(89) Steam stop valves. Each steam outlet from a boiler, except safety valve and water-column con-

nections, shall be fitted with a stop valve located as close as practicable to the boiler. When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its setting. When boilers provided with manholes are connected to a common steam main, the steam connection from each boiler shall be fitted with two stop valves having an ample freeblowing drain between them. The discharge of the drain shall be piped clear of the boiler setting. The stop valves shall consist of one automatic nonreturn valve next to the boiler and a second valve of the outside screw and yoke type.

530—44.9(89) Blowoff connection. Each boiler shall have a blowoff pipe fitted with valve or cock, in direct connection with the lowest water space practicable.

When the maximum allowable working pressure exceeds one hundred twenty-five psig, the blowoff pipe shall be at least extra heavy from the boiler to the valve or valves and shall run full size without reducers or bushings and galvanized shall not be used.

All fittings between the boiler and valve shall be steel or at least extra-heavy fittings of bronze, brass, malleable iron, or cast iron, all of which shall be suitable for the pressure and temperature. In case of replacement of pipe or fittings in the blowoff lines, as specified in this paragraph, they shall be installed in accordance with the rules of new installations.

When the maximum allowable working pressure exceeds one hundred twenty-five psig, each bottom blowoff pipe shall be fitted with at least a two hundred fifty-pound standard valve or cock. Preferably two valves, or a valve and a cock, should be used on each blowoff, in which case such valves, or valve and cock, shall be extra heavy.

A bottom blowoff pipe when exposed to direct furnace heat shall be protected by firebrick or other heat resisting material so arranged that the pipe may be inspected.

An opening in the boiler setting for a blowoff pipe shall be arranged to provide for free expansion and contraction.

530—44.10(89) Conditions not covered. Any condition not specifically covered by these rules shall be governed by the ASME Code for New Installation (1983).

CHAPTER 45 MINIATURE BOILERS

530—45.1(89) Scope. This chapter applies to boilers which do not exceed the following limits: Sixteen-inch inside diameter of shell, twenty square feet of heating surface, five cubic feet gross volume, exclusive of casing and insulation, and one hundred psig maximum allowable working pressure. Where any of the above limits are exceeded, the rules for power boilers apply. If the boiler meets the "miniature" classification, the rules in this chapter shall supplement the rules for power boilers and take precedence over them when there is a conflict.

530—45.2(89) New installations.

45.2(1) No miniature boiler shall be installed after March 31, 1967, unless it has been constructed, inspected, and stamped in accordance with the requirements of the ASME Code for miniature boilers and is inspected and stamped in accordance with the requirements of the National Board of Boiler and Pressure Vessel Inspectors. A boiler having a standard stamping of a state that has adopted a standard of construction equivalent to the standard of Iowa may be accepted by the commissioner provided that the person desiring to install same shall

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make application for the installation which shall include a manufacturer's data report covering the construction of the boiler.

45.2(2) All miniature boilers shall be inspected by the commissioner or a special inspector upon completion of installation and at least annually thereafter shall be subjected to a regular internal and external inspection.

45.2(3) At the time of first inspection after installation, all miniature boilers must be stamped with an Iowa identification number followed by the letters IA, said letters and figures to be not less than five-sixteenths inch in height.

530—45.3(89) Existing installations.

45.3(1) Maximum allowed working pressure. The maximum allowed working pressure is to be determined by 530—chapter 44 IAC.

45.3(2) Safety valves. Each miniature boiler shall be equipped with a sealed spring-loaded pop safety valve of not less than one-half-inch pipe size. The minimum relieving capacity of the safety valve shall be determined in accordance with 530—44.4(89). In addition to these requirements, the safety valve shall have sufficient capacity to discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than six percent above maximum allowable working pressure.

45.3(3) Steam stop valves. Each steam line from a miniature boiler shall be provided with a stop valve located as close to the boiler shell or drum as is practicable except when the boiler and steam receiver are operated as a closed system.

45.3(4) Water gages.

a. Miniature boilers for operation with a definite water level shall be equipped with a glass water gage for determining the water level. The lowest permissible water level for vertical boilers shall be at a point one-third of the height of the shell above the bottom head or tube sheet. Where the boiler is equipped with an internal furnace, the water level shall not be less than one-third of the length of the tubes above the top of the furnace tube sheet. In the case of small boilers operated in a closed system where there is insufficient space for the usual glass water gage, water level indicators of the glass bull's eye type may be used.

b. Miniature boilers shall have the lowest visible part of the water gage glass located at least one inch above the lowest permissible water level specified by the manufacturer.

45.3(5) Feed water supply.

a. Miniature boilers shall be provided with at least one feed pump or other feeding device, except where it is connected to a water main carrying sufficient pressure to feed the boiler or where it is operated with no extraction of steam (closed system). In the latter case, in lieu of a feeding device, a suitable connection or opening shall be provided to fill the boiler when cold. Such connection shall be no less than one-half-inch pipe size for iron or steel pipe and one-quarter inch for brass or copper pipe.

b. The feed pipe shall be provided with a check valve and a stop valve of a size not less than that of the pipe. The feedwater may be delivered through the blowoff opening if desired.

45.3(6) Blowoff. Miniature boilers shall be equipped with a blowoff connection, not less than one-half-inch pipe size, located to drain from the lowest water space practica-

ble. The blowoff shall be equipped with a valve or cock not less than one-half-inch pipe size.

45.3(7) Washout openings. Miniature boilers exceeding twelve inches internal diameter or having more than ten square feet of heating surface shall be fitted with not less than three brass washout plugs of one-inch pipe size which shall be screwed into openings in the shell near the bottom. In miniature boilers of the closed type system heated by removable internal electric heating elements, the openings for these elements when suitable for cleaning purposes may be substituted for washout openings. Boilers not exceeding twelve inches internal diameter and having less than ten square feet of heating surface need have not more than two one-inch openings for cleanouts, one of which may be used for the attachment of the blowoff valve; these openings shall be opposite to each other where possible. All threaded openings shall be opposite to each other where possible. All threaded openings in the boiler shall be provided with a riveted or welded reinforcement to give four full threads therein.

Electric boilers of a design employing a removable top cover flange for inspection and cleaning need not be fitted with washout openings.

45.3(8) Fixtures and fittings. All valves, pipe fittings, and appliances connected to a miniature boiler shall be equal to at least the requirements of the American National Standards for one hundred twenty-five pounds rating and conform to the general requirements as listed in ASME Code, Section I, Part PMB.

CHAPTER 46

INSTALLATION OF STEAM HEATING BOILERS,
HOT WATER HEATING
BOILERS AND HOT WATER SUPPLY BOILERS

530—46.1(89) Scope. This chapter shall apply to:

1. Steam boilers for operation at pressures not exceeding fifteen psig;
2. Hot water heating boilers for operation at pressures not exceeding one hundred sixty psig or temperatures not exceeding 250°F. at or near the boiler outlet;
3. Hot water supply boilers for operation at pressures not exceeding one hundred sixty psig or temperatures not exceeding 250°F. at or near the boiler outlet.

530—46.2(89) New installations. All boiler installations and reinstalled boilers covered by this chapter installed in this state from July 1, 1960, to June 30, 1983, shall be constructed and installed in accordance with the ASME Boiler Code, Section IV (1960). All boiler installations and reinstalled boilers covered by this chapter installed in this state after July 1, 1983, shall be constructed and installed in accordance with ASME Boiler Code, Section IV (1983) and ASME Safety Code, CSD-1, Boiler Installations (1982), excluding the provisions for listing or labeling by a nationally recognized testing agency.

530—46.3(89) Existing installations; steam heating boilers. All boilers installed before July 1, 1960, shall be constructed and installed in accordance with this rule.

46.3(1) Safety valves.

a. Each steam boiler shall have one or more officially rated safety valves of the spring-pop type adjusted and sealed to discharge at a pressure not to exceed fifteen psig. Seals shall be attached in a manner to prevent the valve from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be set to relieve at a higher pressure than the maximum

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allowable working pressure of the boiler. For iron and steel bodied valves exceeding two-inch pipe size, the drain hole or holes shall be tapped not less than three-eighths-inch pipe size.

b. The safety valves shall be located in the top or side of the boiler. They shall be connected directly to a tapped or flanged opening in the boiler, to a fitting connected to the boiler by a short nipple, to a Y-base, or to a valveless header connecting steam or water outlets on the same boiler. Coil or header type boilers shall have the safety valve located on the steam outlet end. Safety valves shall be installed with their spindles vertical. The opening or connection between the boiler and any safety valve shall have at least the area of the valve inlet.

c. Safety valves one-half-inch diameter or over used on a steam boiler shall have a hand lifted device which will positively lift the disk from its seat at least one-sixteenth inch when there is no pressure in the boiler. The seats and disks shall be of noncorrosive materials.

d. Safety valves for a steam boiler shall be at least one-half inch unless the boiler and radiating surfaces consist of a self-contained unit. Safety valves shall not be larger than four and one-half inches. The inlet opening shall have an inside diameter equal to or greater than the seat diameter.

e. The minimum relieving capacity of valve or valves shall be governed by the capacity marking on the boiler.

f. The minimum valve capacity in pounds per hour shall be equal to the steam generation as specified in subrules 44.4(9) and 44.4(10).

g. The safety valve capacity for each steam boiler shall be such that with the fuel burning equipment operated at maximum capacity the pressure will not rise more than five percent above the maximum allowable working pressure.

h. When operating conditions are changed or additional boiler heating surface is installed, the valve capacity shall meet the new conditions.

46.3(2) Steam gages.

a. Each steam boiler shall have a steam gage or a compound steam gage connected to its steam space, its water column, or to its steam connection. The gage or connection shall contain a siphon or equivalent device which will develop and maintain a water seal that will prevent steam from entering the gage tube. The connection shall be so arranged that the gage cannot be shut off from the boiler except by a cock placed in the pipe at the gage and provided with a tee or lever-handle arranged to be parallel to the pipe in which it is located when the cock is open. The connections to the boiler shall be not less than one-fourth-inch standard pipe size, but where steel or wrought-iron pipe or tubing is used, it shall be not less than one-half-inch standard pipe size. The minimum size of a siphon, if used, shall be one-fourth-inch inside diameter. Ferrous and nonferrous tubing having inside diameters at least equal to that of standard pipe size listed above may be substituted for pipe.

b. The scale on the dial of a steam boiler gage shall be graduated to not less than thirty psig nor more than sixty psig. The travel of the pointer from zero to thirty psig pressure shall be at least three inches on a compound gage and effective stops shall be set at the limits of the gage readings on both the pressure and vacuum sides of the gage.

46.3(3) Water gage glasses.

a. Each steam boiler shall have one or more water gage glasses attached to the water column or boiler by means of valved fittings not less than one-half-inch pipe size with the lower fittings provided with a drain valve having an unrestricted drain opening not less than one-fourth-inch diameter to facilitate cleaning. Gage glass replacement shall be possible under pressure. Water glass fittings may be attached directly to a boiler.

b. The lowest visible part of the water gage glass shall be at least one inch above the lowest permissible water level recommended by the boiler manufacturer. With the boiler operating at this lowest permissible water level, there shall be no danger of overheating any part of the boiler.

c. Transparent material other than glass may be used for the water gage provided that the material will remain transparent and has proved suitable for the pressure, temperature and corrosive conditions expected in service.

46.3(4) Water column and water level control pipes.

a. The minimum size of ferrous or nonferrous pipes connecting a water column to a steam boiler shall be one inch. No outlet connections, except for damper regulator, feedwater regulator, steam gages or apparatus which does not permit the escape of any steam or water, except for manually operated blow-downs, shall be attached to a water column or the piping connecting a water column to a boiler. If the water column, gage glass, low water fuel cutoff or other water level control device is connected to the boiler by pipe and fittings, no shutoff valves of any type shall be placed in such pipe, and a cross or equivalent fitting to which a drain valve and piping may be attached shall be placed in the water piping connection at every right angle to facilitate cleaning. The water column drain pipe and valve shall be not less than three-fourths-inch pipe size.

b. The steam connections to the water column of a horizontal firetube wrought boiler shall be taken from the top of the shell or the upper part of the head, and the water connection shall be taken from a point not above the center line of the shell. For a cast iron boiler, the steam connection to the water column shall be taken from the top of an end section or the top of the steam header, and the water connections shall be made on an end section not less than six inches below the bottom connection to the water gage glass.

46.3(5) Pressure control.

a. Each individual automatically fired steam boiler, in addition to the operating control for normal boiler operation, shall have a high-limit-pressure-actuated combustion control that will cut off the fuel supply to prevent the pressure from rising over fifteen psig. The separate controls may have a common connection to the boiler. Upon replacement of the high-limit-pressure-actuated combustion control, manual reset types shall be installed.

b. In a multiple boiler installation where the operating pressure control may be installed in a header or other point common to all boilers and could be isolated from any or all of the boilers, there shall be at least one high-limit-pressure-actuated combustion control mounted on each boiler.

c. No shutoff valve of any type shall be placed in the connection to the high-limit-pressure-actuated control. The control or connections shall contain a siphon or equiv-

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alent device which will develop and maintain a water seal that will prevent steam from entering the control. The connections to the boiler shall not be less than one-fourth-inch standard pipe size, but where steel or wrought-iron pipe or tubing is used, they shall be not less than one-half-inch standard pipe size. The minimum size of a siphon, if used, shall be one-fourth-inch inside diameter. Ferrous and nonferrous tubing having inside diameters at least equal to that of standard pipe size listed above may be substituted for pipe where a manifold is used for a multiple control. The connection to the boiler shall not be less than one-fourth-inch standard pipe size.

46.3(6) Automatic low-water fuel cutoff or water-feeding device.

a. Each automatically fired steam or vapor system boiler shall have an automatic low-water fuel cutoff so located as to automatically cut off the fuel supply when the surface of the water falls to the lowest visible part of the water gage glass. If a water-feeding device is installed, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber and so located as to supply requisite feedwater.

b. A fuel cutoff or water-feeding device may be attached directly to a boiler. A fuel cutoff or water-feeding device may also be installed in the tapped openings available for attaching a water glass direct to a boiler, provided the connections are made to the boiler with nonferrous tees or "Y's" not less than one-half-inch pipe size between the boiler and the water glass so that the water glass is attached directly and as closely as possible to the boiler; the run of the tee or "Y" shall take the water glass fittings, and the side outlet or branch of the tee or "Y" shall take the fuel cutoff or water-feeding device. The ends of all nipples shall be reamed to full size diameter.

c. Fuel cutoffs and water-feeding devices embodying a separate chamber shall have a vertical straightway drain pipe and a blowoff valve not less than three-fourths-inch pipe size located at the lowest point in the water equalizing pipe connections so that the chamber and the equalizing pipe can be flushed and the device tested.

46.3(7) Stop valves for single steam heating boilers. When a stop valve is used in the supply pipe connection of a single steam boiler, there shall be one used in the return pipe connection.

46.3(8) Stop valves for multiple steam heating boilers. A stop valve shall be used in each supply and return pipe connection of two or more boilers connected to a common system.

530—46.4(89) Existing installations; hot water heating boilers. All boilers installed before July 1, 1960, shall be constructed and installed in accordance with this chapter.

46.4(1) Safety relief valves .

a. Each hot water heating boiler shall have at least one officially rated safety relief valve of the automatic-resetting type set to relieve at or below the maximum allowable working pressure of the boiler. The safety relief valve shall have pop-action when tested by steam. When more than one safety relief valve is used on a hot water heating boiler, the additional valve or valves shall be officially rated and may be set within a range not to exceed six psig above the maximum allowable working pressure of the boiler up to and including sixty psig and five percent for those having a maximum allowable working pressure exceeding sixty psig. Safety relief valves

shall be so arranged that they cannot be reset to relieve at a higher pressure.

b. No safety relief valve shall be smaller than three-fourths inch nor larger than four and one-half-inch standard pipe size, except those boilers having a heat input not greater than fifteen thousand BTU per hour may be equipped with an officially rated safety relief valve of one-half-inch standard pipe size. The inlet opening shall have an inside diameter equal to or greater than the seat diameter. In no case shall the minimum opening through any part of the valve be less than one-half-inch diameter.

46.4(2) Pressure/altitude/temperature gage.

a. Each hot water boiler shall have a pressure/altitude/temperature gage connected to it or to its flow connection in such a manner that it cannot be shut off from the boiler except by a cock with tee or lever-handle placed on the pipe near the gage. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

b. The scale on the dial of the pressure/altitude gage shall be graduated approximately to not less than one and one-half nor more than three times the pressure at which the safety relief valve is set. The gage shall be provided with effective stops for the indicating pointer at the zero point and at the maximum pressure point.

c. The temperature gage shall be so located and connected that it shall be easily readable when observing the water pressure or altitude. The thermometer shall be so located that it shall at all times indicate the temperature in degrees Fahrenheit of the water in the boiler at or near the outlet.

d. Piping or tubing for pressure/altitude gage connection shall be of nonferrous metal when smaller than one-inch pipe size.

46.4(3) Temperature control.

a. Each individual automatically fired hot water boiler, in addition to the operating control used for normal boiler operation, shall have a separate high-limit-temperature-actuated combustion control that will cut off the fuel supply to prevent the temperature of the water from rising over 250° F. Separate controls may have a common connection to the boiler.

b. In a multiple boiler installation where the operating temperature actuated control may be installed in a header or other point common to all boilers and can be isolated from any or all of the boilers, there shall be at least one high-limit-temperature-actuated combustion control mounted on each boiler.

46.4(4) Low-water fuel cutoff.

a. Each automatically fired hot water heating boiler, installed after July 1, 1977, shall have an automatic low-water fuel cutoff which has been designed for hot water service, and it shall be so located as to automatically cut off the fuel supply when the surface of the water falls to the level established.

b. As there is no normal waterline to be maintained in a hot water heating boiler, any location of the low-water fuel cutoff above the lowest safe permissible water level established by the boiler manufacturer is satisfactory.

c. A coil-type boiler or a watertube boiler, installed after July 1, 1977, requiring forced circulation to prevent overheating of the coils or tubes shall have a flow-sensing device installed in the outlet piping in lieu of the low-water fuel cutoff to automatically cut off the fuel supply when the circulating flow is interrupted.

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46.4(5) Stop valves.

a. On single hot water heating boilers stop valves shall be located at an accessible point in the supply and return pipe connections as near the boiler nozzle as is convenient and practicable to permit draining the boiler without emptying the system.

b. On multiple hot water heating boilers a stop valve shall be used in each supply and return pipe connection of two or more boilers connected to a common system.

46.4(6) Provisions for thermal expansion in hot water heating system.

a. All hot water heating systems incorporating hot water tanks or fluid relief columns shall be so installed as to prevent freezing under normal operating conditions.

b. Systems with open expansion tank require an indoor overflow from the upper portion of the expansion tank in addition to an open vent. The indoor overflow is to be carried within the building to a suitable plumbing fixture or to the basement.

c. Closed type systems require an airtight tank or other suitable air cushion to be installed that will be consistent with the volume and capacity of the system and shall be suitably designed for a hydrostatic test pressure of two and one-half times the allowable working pressure of the system. Expansion tanks designed to operate at or above thirty psig shall be constructed in accordance with ASME Code, Section VIII in effect when installed. Provisions shall be made for draining the tank without emptying the system, except for prepressurized tanks.

d. The expansion tank capacities for gravity hot water heating systems shall be as follows:

Sq. Ft. of Installed Equivalent Direct Radiation	Tank Capacity Gallons
Up to 350	18
Up to 450	21
Up to 650	24
Up to 900	30
Up to 1100	35
Up to 1400	40
Up to 1600	2-30
Up to 1800	2-30
Up to 2000	2-35
Up to 2400	2-40
2400 and up	1 additional gallon per 33 square feet of additional equivalent direct radiation.

e. The expansion tank capacities for forced hot water heating systems shall be based on average operating water temperature 195° F., a fill pressure twelve psig, and maximum operating pressure thirty psig as follows:

System Volume, Gallons	Tank Capacity, Gallons
100	15
200	30
300	45
400	60
500	75
1,000	150
2,000	300

In calculating, include the volume water in boiler, radiation and piping but not the expansion tank.

530—46.5(89) Existing hot water supply boilers.

46.5(1) Scope. This rule establishes minimum requirements for installation, operation, and inspection of hot water supply boilers which are directly fired with gas, oil, electricity, or solid fuel when any of the following limitations are exceeded:

a. Heat input two hundred thousand BTU per hour.

b. Water temperature of 210° F.

c. A water containing capacity of one hundred twenty gallons.

46.5(2) Safety relief valves. Each hot water supply boiler must have at least one officially rated pressure and temperature relief valve installed on the hot water outlet line of the boiler and conform to the requirements of rules 47.3(89) and 47.4(89).

46.5(3) Safety valves and safety relief valves for tanks and heat exchangers.

a. When a hot water supply vessel is heated indirectly by steam in a coil or pipe, the pressure of the steam used shall not exceed the safe working pressure of the tank. A safety relief valve applied on the tank at least one inch in diameter shall be set to relieve at or below the maximum allowable working pressure of the tank.

b. When water over 160° F. is circulated through the coils or tubes of a heat exchanger to warm water for space heating or hot water supply, the heat exchanger shall be equipped with one or more officially rated safety relief valves, set to relieve at or below the maximum allowable working pressure of the heat exchanger, and of sufficient rated capacity to prevent the heat exchanger pressure from rising more than ten percent above the maximum allowable working pressure of the vessel.

c. When water over 160° F. is circulated through the coils or tubes of a heat exchanger to generate low-pressure steam, the heat exchanger shall be equipped with one or more officially rated safety valves set to relieve at a pressure not to exceed fifteen psig and of sufficient rated capacity to prevent the heat exchanger pressure from rising more than five psig above the maximum allowable working pressure of the vessel.

46.5(4) Pressure/altitude/temperature gages shall be installed in accordance with 46.4(2).

46.5(5) Temperature controls shall be installed in accordance with 46.4(3).

46.5(6) Stop valves.

a. Stop valves shall be placed in the supply and return pipe connections of a single hot water supply boiler installation to permit draining the boiler without emptying the system.

b. For multiple boiler installations, a stop valve shall be used in each supply and return pipe connection of two or more boilers connected to a common system.

46.5(7) Thermal expansion. If a system is equipped with a check valve or pressure-reducing valve in the cold water inlet line, an airtight expansion tank or other suitable air cushion shall be installed. When an expansion tank is provided, it shall be constructed in accordance with the ASME Code, Section VIII, Division 1 in effect when installed, for a maximum allowable working pressure equal to or greater than the water heater. Except for prepressurized tanks, provisions shall be made for draining the tank without emptying the system.

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530—46.6(89) General requirements for all heating boilers and hot water supply boilers.

46.6(1) Instruments, fittings and controls mounted inside boiler jackets. Any or all instruments, fittings and controls required by this chapter may be installed inside of boiler jackets provided the water gage and pressure gage on a steam boiler or the thermometer and pressure gage on a water boiler are visible through an opening or openings at all times.

46.6(2) Electrical code compliance.

a. Wiring. All wiring for controls, heat generating apparatus and other appurtenances necessary for the operation of the boiler or boilers shall be in accordance with the National Electric Code (1981). All boilers supplied with factory mounted and wired controls, heat generating apparatus and other appurtenances necessary for the operation of the boilers shall be installed in accordance with the provisions of nationally recognized standards.

b. Circuitry. The control circuitry shall be grounded and shall operate at one hundred fifty volts or less. One of the two following systems may be employed to provide the control circuit:

(1) Two wire nominal one hundred twenty volt system with separate equipment ground conductor as follows:

This system shall consist of the line, neutral and equipment ground conductors. The control panel frame and associated control circuitry metallic enclosures shall be electrically continuous and be bonded to the equipment ground conductor.

The equipment ground conductor and the neutral conductor shall be bonded together at their origin in the electrical system as required by the National Electric Code (1981).

The line side of the control circuit shall be provided with a time delay fuse sized as small as practicable.

(2) Two wire nominal one hundred twenty volt system obtained by using an isolation transformer as follows:

The two wire control circuit shall be obtained from the secondary side of an isolation transformer, shall be electrically continuous and shall be bonded to a convenient cold water pipe. All metallic enclosures of control components shall be securely bonded to this ground control circuit wire. The primary side of the isolation transformer will normally be a two wire source with a potential two hundred thirty, two hundred eight or four hundred forty volts.

Both sides of the two wire primary circuit shall be fused. The hot leg on the load side of the isolation transformer shall be fused as small as practicable, and shall not be fused above the rating of the isolation transformer.

c. Shutdown switches and circuit breakers. A manually operated remote heating plant shutdown switch or circuit breaker should be located just outside the boiler room door and shall be marked for easy identification. If the boiler room door is on the building exterior, the switch should be located just inside the door. If there is more than one door to the boiler room, there should be a switch located at each door.

46.6(3) Safety and safety relief valve discharge piping. When a discharge pipe is used its internal cross-sectional areas shall not be less than the full area of the valve outlet or of the total of the valve outlets discharging therein and shall be as short and straight as possible and so arranged as to avoid undue stress on the valve or valves. When an

elbow is placed on a safety valve or safety relief valve discharge pipe it shall be located close to the valve outlet.

46.6(4) Expansion and contractions. Provisions shall be made for the expansion and contraction of steam and hot water mains connected to boilers by providing substantial anchorage. Swing points shall be provided when boilers are installed in batteries so undue strain will not be transmitted to the boilers.

46.6(5) Return pipe connections. The return pipe connections of each boiler supplying a gravity-return steam heating system shall be so arranged as to form a loop so that the water in each boiler cannot be forced out below the safe water level.

46.6(6) Feedwater connections.

a. Feedwater, makeup water or water treatment shall be introduced into a boiler through the return piping system. Alternatively, makeup water or water treatment may be introduced through an independent connection. The water flow from the independent feedwater connection shall not discharge against parts of the boiler exposed to direct radiant heat from the fire. Makeup water or water treatment shall not be introduced through openings or connections provided for inspection or cleaning, safety valve, safety-relief valve, blowoff, water column, water gage glass, pressure gage or temperature gage.

b. The makeup water pipe shall be provided with a check valve near the boiler and a stop valve or cock between the check valve and the boiler or between the check valve and the return pipe system.

46.6(7) Oil heaters.

a. A heater for oil or other liquid harmful to boiler operation shall not be installed directly in the steam or water space within a boiler.

b. Where an external type heater for such service is used, means shall be provided to prevent the introduction into the boiler of oil or other liquid harmful to boiler operation.

46.6(8) Bottom blowoff or drain valve.

a. Each boiler shall have a bottom blowoff or drain pipe connection fitted with a valve or cock connected with the lowest water space practicable, with the minimum size of blowoff piping and valves as specified below:

Minimum Required Safety or Safety-Relief Valve Capacity Pounds of Steam Per Hour	Blowoff Valves Size (Inches)
Up to 500	3/4
501 to 1250	1
1251 to 2500	1 1/4
2501 to 6000	1 1/2
6001 and larger	2

Note: To determine the discharge capacity of the safety relief valve in terms of BTU, the relieving capacity in pounds of steam per hour is multiplied by one thousand.

Blowoff valve means all blowoff valves, drain valves, and pipe connections.

b. Any discharge piping connected to bottom blowoff or bottom drain connections shall be full size to the point of discharge.

CHAPTER 47
WATER HEATER SUPPLY BOILERS

530—47.1(89) Scope. This chapter establishes minimum requirements for installation, operation, and inspection of water heaters which are fired with gas, oil, electricity,

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solid fuel, or other fuel when any of the following limitations are exceeded:

1. Heat input fifty thousand BTU's per hour.
2. Water temperature of 210° F.
3. A water containing capacity of fifty gallons.
4. Pressure not exceeding one hundred sixty psig.

Coverage is for those water heater supply boilers supplying potable hot water for other than for space heating. Linings are limited to porcelain enameled, copper, glass lined, galvanized, fluorocarbon polymer, amine or polyamine epoxy or cement lined.

530—47.2(89) Lining.

47.2(1) Glass or galvanized lined water heater supply boilers shall be provided with cathodic protection with a cored magnesium anode having a weight of magnesium of not less than twenty-five grams for each square foot of inner vessel area, and the anode shall be electrically grounded to the vessel.

47.2(2) Cement lining in water heater supply boilers shall be lined with a low soluble hydraulic cement lining material containing not less than twenty-five percent silicon and not more than thirty-five percent calcium oxide.

530—47.3(89) Temperature/pressure relief valves.

47.3(1) Water heater shall have at least one officially rated pressure temperature relief valve of the automatic resetting type set to relieve at or below the maximum allowable working pressure of the heater. Temperature/pressure relief valves shall have pop-action when tested by steam. When more than one temperature/pressure relief valve is used on water heater supply boilers, the additional valve or valves shall be officially rated and may be set within a range not to exceed ten percent of the set pressure of the first valve. Temperature/pressure relief valves shall be spring-loaded. Temperature/pressure relief valves shall be so arranged that they cannot be reset at a higher pressure.

47.3(2) No materials subject to fail due to deterioration or vulcanization when subjected to saturated steam temperature corresponding to capacity test pressure shall be used for any part of a temperature/pressure relief valve.

47.3(3) No temperature/pressure relief valve shall be smaller than three-fourths inch nor larger than four and one-half-inch standard pipe size. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. The minimum opening through any part of the valve shall not be less than one-half-inch diameter or its equivalent area.

47.3(4) The required relieving capacity, in BTU per hour, of the pressure relieving device or devices on a water heater supply boiler shall be equal to or greater than the maximum input BTU rate. The relieving capacity for electric water heater supply boilers shall be thirty-five hundred BTU's per hour per kilowatt input.

47.3(5) When operating conditions are changed or additional heater heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and shall be in accordance with subrule 47.5(1). Additional valves required may be installed on the outlet piping provided there is no intervening valve.

47.3(6) Temperature/pressure relief valve capacity for each water heater supply boiler shall be such that, with the fuel burning equipment installed and operated at maximum capacity, the pressure cannot rise more than ten percent above the maximum allowable working pressure.

530—47.4(89) Mounting temperature/pressure relief valves. Temperature/pressure relief valves shall be connected to the top of heaters or directly to a tapped or flanged opening in the heater by a short nipple, to a Y-base, to a valveless steam pipe between adjacent heaters, or to a valveless header connecting steam or water outlets on the same heater. Temperature/pressure relief valves shall be installed with their spindles vertical or horizontal. The centerline of the temperature/pressure relief valve connection shall be no lower than four inches from the top of the shell. The temperature sensing element shall be in the hottest portion of water heater supply boiler.

530—47.5(89) Requirements for common connection of two or more valves.

47.5(1) When a heater is fitted with two or more temperature/pressure relief valves on one connection, this connection shall have a cross-sectional area not less than the combined areas of inlet connections of all the safety relief with which it connects.

47.5(2) When a Y-base is used, the inlet area shall not be less than the combined outlet areas. When the size of the heater requires a temperature/pressure relief valve larger than four and one-half-inch diameter, two or more valves having the required combined capacity shall be used. When two or more valves are used on a heater, they may be single, directly attached, or mounted on a Y-base.

530—47.6(89) Prohibited mountings. Temperature/pressure relief valves shall not be connected to an internal pipe in the heater or a cold water feed line connected to the heater.

530—47.7(89) Shutoff valves prohibited. Shutoff valves shall not be placed between the temperature/pressure relief valve and the boiler or on discharge pipes between such valves and the atmosphere.

530—47.8(89) Thermal expansion. When water supply to water heater supply boilers exceeds seventy-five percent of the design pressure of the heater, a pressure reducing valve is required. If a system is equipped with a check valve or pressure reducing valve in the cold water inlet line an airtight expansion tank or other suitable air cushion shall be installed. If an expansion tank is provided, it shall be constructed in accordance with ASME Code, Section VIII, Division 1 for a maximum allowable working pressure equal to or greater than the water heater supply boiler. Except for prepressurized tanks, provisions shall be made for draining the tank without emptying the system.

530—47.9(89) Stop valves. Stop valves shall be used in each supply and return pipe connections of multiple water heater supply boiler installations to permit draining the heater without emptying the system.

CHAPTER 48 PRESSURE VESSELS

530—48.1(89) New installations. Pressure vessel, except those exempted by Iowa Code section 89.4(2), shall not be installed after July 1, 1983, unless constructed, inspected, stamped in conformity with the applicable section of the ASME Boiler and Pressure Vessel Code and national board requirements.

530—48.2(89) Existing installations.

48.2(1) Maximum allowable working pressure (code stamped). The maximum allowable working pressure for

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pressure vessels shall be determined in accordance with the applicable provisions of the ASME Code or API-ASME Code under which they were constructed and stamped.

48.2(2) Maximum allowable working pressure (non-code stamped).

a. The maximum allowable working pressure on the shell of pressure vessels not covered by subrule 48.2(1) shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course and the factor of safety set by this subrule.

TStE / RFS = Maximum allowable working pressure, psig

WHERE:

TS = Ultimate tensile strength of shell plate, psig. When the tensile strength of steel plate is not known, it shall be taken as fifty-five thousand psig for temperatures not exceeding 650° F.

t = Minimum thickness of shell plate of weakest course, in inches.

E = Efficiency of longitudinal joint. For riveted joints, use ASME Code, sec. 1(1971). For fusion-welded and brazed joints, use the following table:

Table with 2 columns: Joint type and Efficiency value. Rows include Single lap welded (40), Double lap welded (60), Single butt welded (60), Double butt welded (75), Forge welded (70), and Brazed steel (80).

R = Inside radius for weakest course of shell in inches provided the thickness does not exceed ten percent of the radius. If the thickness is over ten percent of the radius the outer radius shall be used.

FS = Factor of safety shall be four.

b. External pressure. The maximum allowable working pressure for cylindrical noncode pressure vessels subjected to external or collapsing pressure shall be determined by the ASME Code, Section VIII, Par. UG-27 and UG-28.

48.2(3) Factor of safety. The factor of safety shall be increased by the inspector if the conditions and safety of the pressure vessel demand it.

48.2(4) End closures. The maximum allowable working pressure permitted for formed heads under pressure shall be determined by using the appropriate formulas in ASME Code, Section VIII, Par. UG-32, UG-33 or UG-35.

48.2(5) Inspection of inaccessible parts. Where in the opinion of the inspector, as a result of conditions disclosed at the time of inspection, it is advisable to remove the interior or exterior lining, covering, or brickwork to expose certain parts of the vessel not normally visible, the owner or user shall remove such material to permit proper inspection and thickness measurement of any part of the vessel. Nondestructive examination is acceptable.

48.2(6) Safety appliances. Each pressure vessel shall be protected by such safety and relief valves and indicating and controlling devices as will ensure its safe operation. Valves shall not readily be rendered inoperative. The relieving capacity of safety valves shall be such as to prevent a rise of pressure in the vessel of more than ten percent above maximum allowable working pressure, taking into account the effect of static head. Safety valve discharges shall be carried to a safe place.

48.2(7) Repairs and renewals. Whenever replacement or repairs are made to fittings and appliances the work must comply with the requirements for new installations.

CHAPTER 49
GENERAL REQUIREMENTS FOR ALL BOILERS AND PRESSURE VESSELS

530-49.1(89) Hydrostatic pressure tests. A hydrostatic pressure test, when applied to boiler or pressure vessels, shall not exceed one and one-half times the maximum allowable working pressure. The pressure shall be under proper control so that in no case shall the required test pressure be exceeded by more than two percent. During a hydrostatic test involving pressures in excess of the lowest safety valve setting, the safety valve or valves shall be removed or each valve disk shall be held to its seat by means of a testing clamp and not by screwing down the compression screw upon the spring. Other safety devices that may be damaged shall be removed prior to applying a hydrostatic test. When a hydrostatic test is to be applied to existing installations, the pressure shall be as follows:

1. For tightness tests, the pressure shall be equal to the release pressure of the safety valves having the lowest release setting.

2. For safety tests, the pressure shall be equal to one and one-half times the maximum allowable working pressure.

530-49.2(89) Safety appliance. Any safety appliance required shall not be removed or tampered with except for the purpose of repair or inspection.

530-49.3(89) Pressure-reducing valves. Where pressure reducing valves are used, one or more relief or safety valves shall be provided on the low pressure side of the reducing valve when the piping equipment on the low pressure side does not meet the requirements for the full initial pressure. The relief or safety valves shall be located adjoining or as close as possible to the reducing valve. Proper protection shall be provided to prevent injury or damage to be caused by the escaping fluid from the discharge of relief or safety valves if vented to the atmosphere. The combined discharge capacity of the relief valves or safety valves shall be such that the pressure rating of the lower pressure piping or equipment shall not be exceeded in case the reducing valve sticks open. If a bypass is used around the reducing valves, safety valve is required on the low pressure side and shall be of sufficient capacity to relieve all the fluid that can pass through the bypass without overpressuring the low pressure side. A pressure gage shall be installed on the low pressure side of a reducing valve.

530-49.4(89) Blowoff equipment. The blowdown from a boiler that enters a sanitary sewer system or blowdown which is considered a hazard to life or property shall pass through some form of blowoff equipment that will reduce pressure and temperature. The temperature of the water leaving the blowoff equipment shall not exceed 150°F. and the pressure shall not exceed five psig. The blowoff piping and fittings between the boiler and the blowoff tank shall comply with the ASME Code, Section I, Par. PG-59. All materials used in the fabrication of boiler blowoff equipment shall comply with the ASME Code, Section II. All blowoff equipment shall be equipped with openings to facilitate cleaning and inspection.

530-49.5(89) Location of discharge piping outlets. The discharge from safety valves, safety relief valves, blowoff pipes and other outlets shall be so arranged that there will be no danger of scalding personnel. When the

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safety valve or temperature/pressure relief valve discharge is piped away from the boiler to the point of discharge, there shall be provisions made for properly draining the piping. The size and arrangement of discharge piping shall be such that any pressure that may exist or develop will not reduce the relieving capacity of the relieving devices below that capacity required to protect the boiler.

530—49.6(89) Electric steam generator.

49.6(1) A cable at least as large as one of the incoming power lines to the generator shall be permanently fastened to and provide grounding of the generator shell.

49.6(2) A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage. This screen or guard shall be so located that it will be impossible for anyone working around the generator to accidentally come in contact with the high tension circuits. When adjusting safety valves, the power circuit to the generator shall be open. The generator may be under steam pressure but the power line shall be open while the operator is making necessary adjustments.

49.6(3) All electrically heated boilers shall meet the applicable standards of and be approved by Underwriters' Laboratories, Inc.

530—49.7(89) Major repairs to boilers and pressure vessels. Repairs or alterations shall be made so that the boiler or pressure vessel will be as safe as the original construction. Any repairs or alterations not covered by these rules shall be done as though new construction.

49.7(1) Welding. Repairs or alterations by fusion welding shall be approved beforehand by an authorized inspector and all welding repairs or alterations must be in accordance with the "Repairs and Alterations to Boilers and Pressure Vessels by Welding", Chapter III, National Board Inspection Code. All welding shall be done by an organization holding the applicable ASME Certificate of Authorization or a National Board "R" stamp or by an organization which has demonstrated to the satisfaction of the commissioner its maintenance of an acceptable quality control system which demonstrates that work is done in compliance with ASME standards for welding, qualify all welders prior to welding to be in compliance with ASME standards, and notify the insurance company prior to doing all welding. The organization performing the repair is responsible for filing the National Board of Repair or Alteration Form with the commissioner.

The material used for patches shall be of the same general quality and have at least the minimum physical properties of the plate to be patched. The thickness of any patch shall be at least equal to, but not more than, one-eighth inch greater than the plate being patched. Flush or butt-welded patches in unstayed shells, drums, or headers shall be radiographed and stress-relieved to conform to the requirements of the National Board Inspection Code, Chapter III.

49.7(2) Stress-relieving and repairs. Subject to the approval of the authorized inspector, peening or other methods of stress-relieving may be substituted for thermal stress-relieving. When the longest dimension of a patch does not exceed sixteen times the plate thickness or maximum of eight inches in length, radiographing and

stress-relieving shall not be required. Flush or butt-welded patches or new sections may be applied to stayed plates without limitations of size or plate thickness. Lapped and fillet-welded patches may be applied to stayed plates not exposed to radiant heat. Lapped and fillet-welded patches may be applied on the pressure side of the sheet in unstayed areas provided the maximum diameter of the opening so repaired does not exceed sixteen times the thickness of the plate, but in no case larger than eight inches in diameter.

Threaded stays may be replaced by welded stays provided that in the judgment of the authorized inspector the plate adjacent to the staybolt has not been materially weakened by deterioration or wasting away. All material requirements of the applicable section of the ASME Code governing welded stays shall be met except that stress-relieving other than thermal may be used.

530—49.8(89) Boiler door latches. A watertube boiler shall have the firing doors of the inward opening type, unless such doors are provided with substantial and effective latching or fastening devices or otherwise so constructed as to prevent them when closed from being blown open by pressure on the furnace side. These latches or fastenings shall be of the positive self-locking type. Friction contacts, latches, and bolts actuated by springs shall not be used. The foregoing requirements for latches or fastenings shall not apply to coal openings on down-draft or similar furnaces.

All other doors, except explosion doors, not used in the firing of the boiler may be provided with bolts or fastenings in lieu of self-locking latching devices. Explosion doors, if used and located in the setting walls within seven feet of the firing floor or operating platform, shall be provided with substantial deflectors to divert the blast.

530—49.9(89) Clearance. All boilers shall be so located that adequate space is provided for the proper operation of the boiler and its appurtenances, inspection, and necessary maintenance and repair.

530—49.10(89) Ladders and runways. When necessary for safety a steel runway platform of standard construction shall be installed across the tops of boilers or pressure vessels or at some other convenient level for the purpose of affording safe access. All runways shall have at least two means of exit remotely located from each other.

530—49.11(89) Exit from boiler rooms. All boiler rooms exceeding five hundred square feet floor area and containing one or more boilers having a fuel burning capacity of one million BTU's shall have two means of exit. Each elevation in the boiler room shall have two means of exit. Exits shall be remotely located from each other.

530—49.12(89) Air and ventilation. A permanent source of outside air shall be provided for each boiler room to permit satisfactory combustion of fuel and ventilation of the boiler room under normal operations.

The minimum ventilation for coal, gas, or oil burners in boiler rooms is based on the BTU's per hour, required air, and louvered area. The minimum net louvered area shall not be less than one square foot. The following table shall be used to determine the net louvered area in square feet:

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INPUT BTU PER HOUR	REQUIRED AIR CUBIC FEET MINIMUM	MINIMUM NET LOUVERED AREA SQ. FT.
500,000	125	1.0
1,000,000	250	1.0
2,000,000	500	1.6
3,000,000	750	2.5
4,000,000	1,000	3.3
5,000,000	1,200	4.1
6,000,000	1,500	5.0
7,000,000	1,750	5.8
8,000,000	2,000	6.6
9,000,000	2,250	7.5
10,000,000	2,500	8.3

When mechanical ventilation is used the supply of combustion and ventilation air to the boiler room and the firing device shall be interlocked with the fan so the firing device will not operate with the fan off. The velocity of the air through the ventilating fan shall not exceed 500 feet per minute and the total air delivered shall be equal to or greater than shown above.

530—49.13(89) Condensate return tank. Condensate return tanks shall be equipped with at least two vents or a vent and overflow pipe to protect against a loose float plugging a single connection.

530—49.14(89) Nuclear power plant components. Nuclear power systems shall be constructed, installed, stamped, inspected, repaired and maintained in accordance with the ASME Code, Section III, "Nuclear Power Components" and Section XI, "Rules for In-Service Inspection for Nuclear Reactor Coolant Systems".

530—49.15(89) Conditions not covered. In any condition not covered by these rules, the ASME Code for New Installations shall apply.

[Filed 5/6/83, effective 7/1/83]

[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83.

Chapters 1 and 2 have been rewritten primarily to delete unneeded material repetitious of the Iowa Code. In addition, corrections in chapter 1 include the phone number, the change from semimonthly meetings, and a new date for the board's election of officers.

Chapter 3 is a completely new chapter which describes the types of financial assistance available for projects through the Iowa Railway Finance Authority and the conditions established by the board for each type of assistance. The board may grant a low-interest, repayment, or interest-free loan, acquire an equity interest, enter into a limited partnership, grant an interest subsidy, or approve a combination of these types of assistance.

Chapter 4 is a thorough revision of the former chapter 3. It establishes detailed procedures for project applications, benefit and cost analyses, financial analyses, board action and contract approval by the board. It also specifies that each application received shall be announced to the public.

These rules are identical to the ones published under notice except for the following:

1.4(3) The sentence concerning secret ballots has been deleted because the matter is covered in Iowa Code chapter 28A.

3.1(1) The division sign which was omitted has been reinserted into the formula in paragraph "e"; there is a vocabulary correction in paragraph "f".

4.1(1) A subrule has been added requiring the applicant to notify the affected railroad or railroad trustee of the application.

4.2(3) A subrule has been added allowing acceptance of written public comments for thirty days following the public announcement of the application.

4.3(3) A paragraph specifying the applicant's financial responsibility has been added as a third condition for a favorable recommendation to the board.

4.5(2) A new subrule has been inserted setting a time limit of six months on contract negotiations.

4.5(4) The subrule has been clarified by specifying a "proposed" contract.

These rules are intended to implement Iowa Code chapter 307B.

These rules are to be published as adopted in the May 25, 1983 Iowa Administrative Bulletin and Supplement to the Iowa Administrative Code to be effective June 29, 1983.

Pursuant to the authority of Iowa Code subsection 307B.7(2) all the rules of 695—Railway Finance Authority are hereby rescinded and the following rules adopted in lieu thereof.

ARC 3766

**RAILWAY FINANCE
AUTHORITY[695]**

Pursuant to the authority of Iowa Code subsection 307B.7(2) the Iowa Railway Finance Authority Board, on May 4, 1983, adopted rules 695—chapters 1 to 4.

A Notice of Intended Action for these rules was published in the March 30, 1983 Iowa Administrative Bulletin as ARC 3656.

The three chapters of rules for the Iowa Railway Finance Authority have been rewritten to comply with the amendments to Iowa Code chapter 307B, provided by the Acts of the Sixty-ninth General Assembly, Second Extraordinary Session 1981, chapter 3.

CHAPTER 1

ORGANIZATION AND OPERATION

695—1.1(307B) Definitions. The definitions in Iowa Code chapter 307B are hereby adopted. In addition, the following terms when used in these chapters of rules shall have the following meanings:

1.1(1) Applicants. Direct users or providers of railway facilities for freight transportation services, and cities, counties, or other financially responsible persons.

1.1(2) Discount rate. The rate at which cash flows are time adjusted; the required rate of return on an investment.

1.1(3) Present value. The current worth of the future cash flows of an asset.

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1.1(4) Project. A specific plan or design for rehabilitation, acquisition, construction, reconstruction, repair, alteration, improvement, or extension of railway facilities.

1.1(5) Project life. The ten-year period over which benefits and costs are measured and discounted. It is not necessarily the same as the actual life of assets acquired or improved by the project.

1.1(6) Secretary. Director of transportation.

1.1(7) Staff. The staff of the department.

This rule is intended to implement Iowa Code sections 307B.4 and 307B.6.

695—1.2(17A) Location. The authority is located at 800 Lincoln Way, Ames, Iowa 50010; phone (515) 239-1367. Business hours are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

This rule is intended to implement Iowa Code section 17A.3.

695—1.3(307B) The board. The board consists of five members appointed by the governor to serve staggered six-year terms. The board functions under the leadership of a chairperson with the director of transportation serving as secretary of the board.

1.3(1) Officers. At the first meeting after May 1 of each year, the board shall elect from among its members a chairperson and vice chairperson. At any time the board may elect other officers as it determines.

1.3(2) Vacancies.

a. If the position of chairperson becomes vacant, the vice chairperson shall immediately assume the position. If the vice chairperson is unable to succeed the chairperson, the board shall elect from among its members a new chairperson.

b. If the chairperson is absent from a meeting, the vice chairperson shall preside.

c. If the position of vice chairperson becomes vacant, the board shall elect from among its members a new vice chairperson.

d. If the chairperson is unavailable or unable to act on behalf of the board, the board may assign a specific authority or responsibility to the vice chairperson or to another member.

1.3(3) Chairperson's powers and duties.

a. The chairperson shall preside at all meetings, call members to order, preserve order and decorum, announce results of all votes, and follow established procedures.

b. If the chairperson desires to make or second a motion, the chair shall be relinquished until the question is resolved.

This rule is intended to implement Iowa Code section 307B.6.

695—1.4(28A, 307B) Board meetings.

1.4(1) Board meetings shall be held at the call of the chairperson or when two board members so request.

1.4(2) Board meetings shall be conducted in accordance with Iowa Code chapter 28A.

1.4(3) Any member may request a roll call vote on any question.

1.4(4) A quorum shall consist of three board members. The affirmative vote of not less than three board members is necessary for any action taken by the board.

1.4(5) Official acts of the board shall be by written order or resolution and may be introduced and adopted upon the request of any board member during a meeting.

1.4(6) The secretary shall record all acts of the board at all meetings, shall distribute copies of the minutes to the members, and shall present the minutes to the board for approval at the next meeting.

1.4(7) Cases not covered by these rules shall be governed by Roberts Rules of Order (1970 revised edition), except that all motions shall require a second.

This rule is intended to implement Iowa Code chapter 28A and section 307B.6.

695—1.5(28A,307B) Public participation at open meetings. It is board policy to allow the public an opportunity to present their views at board meetings.

1.5(1) Request. Persons who wish to present their views at a board meeting shall send a written request to the secretary at the address given in rule 1.2(17A). The request shall outline the subject to be addressed at the meeting, the requested amount of time for presentation, and the name, address, and telephone number of the person to contact.

1.5(2) Response. The secretary shall grant, defer, or deny the request and shall advise the contact person.

a. If the request is granted, the secretary shall prepare the agenda and notify the contact person of the time and place for the presentation to the board.

b. If the request is deferred or denied, the secretary shall notify the contact person of the reason for the deferral or denial. The requester may appeal the deferral or denial to the board in writing. The board may overrule the secretary and schedule the presentation.

c. In all cases, notification shall be by telephone, followed by a confirming letter.

1.5(3) Registration. On the date of the board presentation, each person scheduled to make a presentation, or each member of a delegation, shall sign a registration sheet.

1.5(4) Public forum. A thirty-minute public forum shall be scheduled at each regular meeting to allow the public an opportunity to address the board on any issue concerning the financing of railway facilities. Time for individual presentations during the public forum may be allocated by the chairperson to give all persons wishing to speak an opportunity to do so.

This rule is intended to implement Iowa Code chapter 28A and section 307B.6.

CHAPTER 2 ITEMS OF GENERAL APPLICABILITY

695—2.1(68A) Public records. All records of the authority are public records subject to the provisions of Iowa Code chapter 68A.

This rule is intended to implement Iowa Code chapter 68A.

695—2.2(4) Severability. If any word, phrase, sentence, paragraph, section, or part of any rules adopted by the board in accordance with the provisions of Iowa Code chapter 17A is adjudged by the courts to be invalid, the judgment shall not affect, impair, or invalidate the remainder of the rules.

This rule is intended to implement Iowa Code section 4.12.

695—2.3(17A) Rulemaking, petitions for rulemaking, declaratory rulings.

2.3(1) The provisions of 820—[01,B]1.2(17A), 820—[01,B] 1.3(17A), and 820—[01,B]1.4(17A), IAC, shall

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apply to all rulemaking, petitions for rulemaking, and declaratory ruling activities of the authority except that:

a. References to the transportation commission or to the commission shall mean the board.

b. References to the department of transportation or to the department shall mean the authority.

2.3(2) References to the director of transportation or to the director which are found in 820—[01,B] chapter 1, IAC, shall mean the secretary of the board.

This rule is intended to implement Iowa Code sections 17A.1 to 17A.7, 17A.9 and 17A.19.

CHAPTER 3 FINANCIAL ASSISTANCE

695—3.1(307B) Types of financial assistance. A number of financial assistance programs are available for projects.

3.1(1) Low-interest loan.

a. The authority may fund acquisition projects to a maximum of eighty percent with the loan maturity not exceeding fifteen years.

b. The authority may fund rehabilitation projects to a maximum of ninety percent with the loan maturity not exceeding seven years.

c. The base interest rate shall be the equivalent rate on treasury obligations similar in loan maturity, as listed in *The Wall Street Journal* on the day the board approves the loan. Low coupon treasury bonds, known as "flower bonds", shall not be included in the rate determination.

d. The base interest rate shall be used to develop the loan interest rate.

e. The base interest rate may be reduced or eliminated using the formula: The loan rate = base rate x [1 - (present value of public benefits ÷ total project costs)].

f. The loan interest rates for money loaned from the sale of tax exempt bonds shall not be set in excess of the yield permitted by section 103(c), Internal Revenue Code of 1954, as defined in Iowa Code subsection 422.32(4) and the treasury regulations promulgated thereunder.

3.1(2) Repayment loan. The board may approve a request by an applicant for additional funds for a rehabilitation project on an interest-free basis up to the amount repaid on an original loan. Loan maturity shall not exceed seven years.

3.1(3) Other financial assistance.

a. If the present value of public benefits is equal to or greater than total project costs, the board may approve a grant or an interest-free loan for the project.

b. The board may acquire an equity interest or enter into a limited partnership with an applicant as a type of financial assistance.

c. The board may approve an interest subsidy as a type of financial assistance. An interest subsidy shall be in the form of a grant to the applicant whereby the authority pays all or a portion of the interest due on a commercial loan extended to the applicant.

d. The board may approve for a project any combination of types of financial assistance specified in this chapter of rules or in Iowa Code chapter 307B.

3.1(4) Equity participation by the applicant. Applicants for financial assistance for all acquisition projects shall contribute a minimum of twenty percent of the total project cost in the form of equity.

This rule is intended to implement Iowa Code subsections 307B.7(14), 307B.7(15), 307B.7(18), 307B.7(21), 307B.7(22), and 307B.7(23).

CHAPTER 4 PROJECTS

695—4.1(17A,307B) Project application. Applicants desiring authority consideration for financial assistance of a project shall obtain an application form No. 890003 from: Iowa Railway Finance Authority, 800 Lincoln Way, Ames, Iowa 50010. The application shall be submitted by registered mail to the secretary of the authority at the same address.

4.1(1) The applicant shall notify a railroad or railroad's trustee presently owning, operating, or leasing any portion of an affected rail facility of the submission of an application for funding to the authority.

4.1(2) The authority shall notify the applicant of the completeness of the application by registered mail within thirty days of receipt.

4.1(3) For an incomplete application, the notice shall outline the additional information needed.

a. The applicant shall have forty-five days from the date of the notice to respond.

b. The secretary may grant a thirty-day extension when deemed necessary and requested by the applicant.

c. If all the requested information is not received by the deadline, the incomplete application shall be returned to the applicant and may be resubmitted as a new application.

d. If all the requested information is received by the deadline, the authority shall notify the applicant by registered mail within ten working days that the application shall be processed as complete.

4.1(4) An applicant may appeal to the board a staff decision to return an incomplete application.

a. The appeal to the board shall be in accordance with rule 695—1.5(28A, 307B).

b. The board shall rule on the appeal on the day of the applicant's appearance.

c. If the board rules the application is complete, the staff shall process the application.

d. If the board rules the application is incomplete, the applicant may submit a new application.

4.1(5) An applicant may withdraw an application at any time.

This rule is intended to implement Iowa Code sections 17A.3 and 307B.7.

695—4.2(307B) Public announcement. An announcement of each application shall be published within fourteen days of receipt.

4.2(1) The announcement shall include a description of the project and the date on which the application was received.

4.2(2) The announcement shall be published in one newspaper of statewide circulation and in one newspaper circulated in the area of the project.

4.2(3) Written public comments shall be accepted by the authority for thirty days following the date of publication.

This rule is intended to implement Iowa Code section 307B.7.

695—4.3(307B) Project analyses. The staff shall prepare a benefit and cost analysis and a financial analysis of each complete application and submit a recommendation based on these analyses to the authority.

4.3(1) Benefit and cost analysis. The benefit and cost analysis shall determine the net present value of the proposed project. The net present value shall be deter-

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mined by subtracting the present value of project costs from the present value of benefits to the public, shipper(s), and carrier(s).

a. Public benefits shall include the savings in road construction and maintenance costs resulting from diverting freight traffic from public roads to a railroad.

b. Shipper benefits shall include the change in net income the shipper(s) could accrue if rail service is maintained or improved versus if rail service is terminated or unimproved.

c. Carrier benefits shall include the change in net income a carrier(s) could earn operating a facility if rail service is maintained or improved versus if rail service is terminated or unimproved.

d. Project costs for the purpose of this analysis shall include the cost of labor, land, materials, and equipment usage directly attributable to the project. These costs shall be reduced by the value of salvageable materials to be replaced during the project.

e. The factors entered into the benefit and cost analysis shall be computed from the point of view of the entire state.

f. All calculations shall assume a project life of ten years.

g. All benefits and costs shall be discounted to present value using the constant discount rate used by the department in preparation of the Iowa Rail Plan.

4.3(2) Financial analysis. The financial analysis shall determine if there are any significant deviations of financial performance compared to industry standards that could affect the applicant's ability to remain solvent during the life of the project. The financial analysis shall be based on the appropriate ratios as follows:

$$\text{Current Ratio} = \frac{\text{Current Assets}}{\text{Current Liabilities}}$$

$$\text{Debt Ratio} = \frac{\text{Total Debt}}{\text{Total Assets}}$$

$$\text{Return on Total Assets} = \frac{\text{Net Profit After Taxes}}{\text{Total Assets}}$$

$$\text{Fixed Charge Coverage} = \frac{\text{Profit Before Taxes + Interest}}{\text{Charges + Lease Obligations}} \\ \text{Interest Charges + Lease Obligations}$$

$$\text{Operating Ratio} = \frac{\text{Operating Expenses}}{\text{Operating Revenues}}$$

4.3(3) Recommendation. The staff shall not recommend funding for a project unless all of the following conditions are satisfied:

a. The net present value of the proposed project is positive or the nonquantifiable benefits to the public, shipper(s), and carrier(s) are judged by staff to outweigh a negative calculation.

b. The staff finds the application is consistent with the policies and plans of the state transportation commission, as submitted to the general assembly.

c. The financial analysis indicates applicant is financially responsible and able to undertake the project.

This rule is intended to implement Iowa Code sections 307B.7(6), 307B.7(7), 307B.7(8), and 307B.8(2).

695—4.4(307B) Board action.

4.4(1) The staff shall present the complete application and the recommendation to the board at a public meeting within sixty days after the application is considered complete under rule 4.1(17A,307B). The board shall

receive copies of the application and the recommendation at least seven days before the presentation date.

4.4(2) The board shall approve or deny the complete application within thirty days after the presentation.

4.4(3) If the application is approved, the board shall direct the secretary to prepare the necessary contracts to be submitted to the board for approval.

4.4(4) If the board denies the application, it may be submitted as a new application. The board shall provide the applicant with written reasons for denial of an application.

This rule is intended to implement Iowa Code sections 307B.7(6), 307B.7(7), and 307B.7(8).

695—4.5(307B) Contract approval.

4.5(1) After the board has approved the application for financial assistance, the staff shall negotiate a contract with the applicant.

4.5(2) The contract negotiations shall be completed within six months after board approval of the application or the application shall be considered rejected.

4.5(3) Prior to execution of the contract, the authority may perform a preaudit evaluation of the loan applicant. The preaudit evaluation may include, but shall not be limited to, the following:

a. An examination of the applicant's accounting methods and procedures to determine the applicant's ability to segregate and accumulate costs to be charged against the project and to be charged for subsequent maintenance of the rail line.

b. An examination of the applicant's cost factors to assure their propriety and allowability.

c. An examination of any other general information which might be pertinent or necessary in determining the applicant's auditability.

4.5(4) If the preaudit evaluation shows that revisions are necessary to assure the applicant's auditability, the revisions shall become an obligation of the applicant in the contract.

4.5(5) The staff shall present the proposed contract to the board for final approval.

This rule is intended to implement Iowa Code sections 307B.7(6), 307B.7(7), and 307B.7(8).

695—4.6(307B) Project monitoring. Each project shall be monitored as outlined in the contract.

This rule is intended to implement Iowa Code sections 307B.7(6), 307B.7(7), and 307B.7(8).

[Filed 5/5/83, effective 6/29/83]

[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83.

ARC 3769

REAL ESTATE COMMISSION[700]

Pursuant to the authority of Iowa Code section 117.9, the Iowa Real Estate Commission adopts the following

REAL ESTATE COMMISSION[700] (cont'd)

rules of Chapter 4 entitled "Discipline and Hearing Procedure", Iowa Administrative Code, on May 5, 1983.

Notice of Intended Action was published in IAB, Volume V, Number 18, March 2, 1983, as ARC 3594.

This chapter outlines procedures to be followed by the Iowa Real Estate Commission so that licensees and their representatives as well as the general public may be aware of procedures relative to disciplinary matters and hearing procedures.

These rules differ from the noticed rules due to several technical changes resulting from public input.

These rules will become effective July 1, 1983.

These rules are intended to implement Iowa Code sections 117.9, 117.19, 117.29, 117.34, 117.35, 117.36, 117.40, 117.41, 117.52, 258A.2(2)"c", 258A.3, 258A.4, 258A.6, 258A.8 and 258A.9.

Chapter 4 is adopted as follows:

CHAPTER 4**DISCIPLINE AND HEARING PROCEDURE****700—4.1(117) Discipline and hearing procedure.**

The Iowa real estate commission has authority derived from Iowa Code chapter 117, entitled "Real Estate Brokers and Salespersons", and Iowa Code chapter 258A, entitled "Continuing Professional and Occupational Education" to impose discipline for any violation of these two chapters, or the rules promulgated thereunder.

700—4.2(117) Method of discipline. The Iowa real estate commission has authority to impose, after proper procedures have been initiated and followed, the following disciplinary penalties:

1. Revocation of license.
2. Suspension of license until further order of the commission or for a specified period.
3. Nonrenewal of license.
4. Prohibit permanently, until further order of commission or for a specified period, the engaging in specified procedures, methods or acts.
5. Probation.
6. Require additional education or training.
7. Require or order a physical or mental examination.
8. Issue citation, warning or reprimand.
9. Impose civil penalties not to exceed one thousand dollars.

10. Such other sanctions allowed by law as may be appropriate, or any combination of the above penalties as the commission may choose.

700—4.3(117) Discretion of commission. The following factors are among those which may be considered by the commission in determining the nature and severity of the disciplinary sanction to be imposed against a particular licensee or groups of licensees.

1. The relative seriousness of the violation as it relates to assuring the citizens of this state professional competency.
2. The facts of the particular violation.
3. Number of prior violations.
4. Seriousness of prior violations.
5. Whether remedial action has been taken.
6. Such other factors as may reflect upon the competency, ethical standards and professional conduct of the licensee.
7. The impact of a particular activity upon the public.

700—4.4(117) Confidentiality of investigative files. Complaint files, and investigation files, and all other investigation reports and other investigating information

in the possession of the commission or its employees or agents which relates to licensee discipline shall be privileged and confidential, and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person other than the licensee and the commission, its employees and agents involved in licensee discipline, or be admissible in evidence in any judicial or administrative proceeding other than the proceeding involving licensee discipline. However, a final written decision and finding of fact of the commission in a disciplinary proceeding shall be public record, including orders, assurance of voluntary compliance and dismissed complaints.

Nothing in this rule shall prohibit access to information pursuant to Iowa Code chapter 601G.

This rule is intended to implement Iowa Code section 258A.6(4).

700—4.5(117) Proceedings. The proceeding for revocation or suspension of a license to engage in real estate practices or to discipline a person licensed to practice the real estate profession or the denial of a license, shall be substantially in accord with the following procedures which are an elaboration of or in addition to the procedures stated in Iowa Code sections 117.35 and 117.36.

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

700—4.6(117) Investigation. The commission shall, upon receipt of a complaint in writing, or may upon its own motion, pursuant to other evidence received by the commission, review and investigate alleged acts or omissions which the commission reasonably believes constitutes cause under applicable law or administrative rule for licensee discipline.

700—4.7(117) Form and content of the written complaint. A complaint shall be made in writing and shall be signed by complainant or an authorized representative of the complainant. The complaint may be in the form of a letter or affidavit or it may be made using an official complaint form which may be obtained from the commission office upon request. A written complaint shall contain the following information:

1. The full name, address and telephone number of the complainant.
2. The full name, address and telephone number, if known, of the respondent.
3. A concise statement of the facts which clearly and accurately apprise the commission of the allegations against the respondent.

700—4.8(117) Place and time of filing. The complaint may be delivered personally or by mail to the executive director of the commission at the office of the commission. Timely filing is encouraged to ensure the availability of witnesses and to avoid initiation of an investigation under conditions which may have been substantially altered during the period of delay.

700—4.9(117) Investigation of allegations. In order to determine if probable cause exists for a hearing on the complaint, the executive director, or someone designated by the executive director, shall cause an investigation to be made into the allegations of the complaint. The respondent may be furnished with information upon request concerning the complaint and given the opportunity to informally present information to the director respecting the allegations of the complaint prior to the commencement of a contested case. This position or

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information may be submitted in writing; however, a personal conference with the executive director or investigator may be held as a matter of right upon request.

700—4.10(117) Depositions and subpoenas. The commission, and its executive director, shall have the authority to hold and take depositions, subpoena books, papers, records and any other evidence necessary for the commission to determine whether it should institute a hearing proceeding.

700—4.11(117) Investigation report. Upon completion of the investigation, the executive director or designee shall prepare a report for the commission's consideration. This report shall contain the position or defense of the respondent, discuss jurisdiction and may set forth any legal arguments and authorities applicable to the case.

700—4.12(117) Informal settlement. The executive director or the respondent may request that an informal conference be held to determine whether licensee discipline can be resolved in a just manner and in furtherance of the public interest. Neither the executive director nor respondent is required to use this informal procedure. If the executive director and respondent agree to negotiate a settlement, the various points of a proposed settlement, including a stipulated statement of facts, shall be set forth in writing. The proposed settlement shall be binding if approved by the commission and signed by both the commission chairperson (or a member designated by the chairperson) and the respondent and respondent's counsel, if respondent has counsel.

700—4.13(117) Refusal to set hearing. Reasons for refusal to set hearing by the commission may include but are not necessarily limited to the following:

1. Triviality of the allegation.
2. Insufficiency of evidence.
3. Effort to resolve problem on the local level.
4. Lack of clarity of the issue.
5. Lack of jurisdiction.

700—4.14(117) Ruling on the initial inquiry.

4.14(1) Rejection. If a determination is made by the commission to reject the case, the complaint shall be returned to the complainant along with a statement specifying the reasons for rejection. A letter of explanation concerning the decision of the commission shall be sent to the respondent.

4.14(2) Requirement of further inquiry. If determination is made by the commission to order further inquiry, the complaint and recommendations by the investigator(s) shall be returned to the investigator(s) along with an oral statement specifying the information deemed necessary.

4.14(3) Acceptance of the case. If a determination is made by the commission that probable cause to hold hearing exists, the commission may initiate contested case proceedings. The commission may enter into informal settlement negotiations prior to holding a contested case hearing. As a result of informal settlement, the commission may impose any of the penalties available to it. If informal negotiation is not taken or successful, the commission may proceed with formal disciplinary proceedings through contested case proceedings.

700—4.15(117) Withdrawal or amendment. A complaint may be amended or withdrawn at any time prior to official notification of the parties and thereafter at the sole discretion of the commission. The commission may

choose to pursue a matter even after a complainant has withdrawn.

700—4.16(117) Order for hearing or complaint. The commission may, upon its own motion or upon receipt of a complaint in writing, issue an order fixing the time and place for hearing. A written notice of hearing together with a statement of the charges, shall be mailed to the licensee at least twenty days before the hearing by certified mail return receipt requested to the last known business address of the licensee or may be served as in the manner of original notices. Delivery of personal notice to the licensee or refusal by the licensee to accept certified mailing may constitute commencement of the contested case proceeding.

700—4.17(117) Statement of charges. The statement of charges shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, and shall be in sufficient detail to enable the efficient preparation of the respondent's defense. The statement of charges shall specify the statute(s) and any rule(s) alleged to have been violated, and may also include any additional information which the commission deems appropriate to the proceedings.

700—4.18(117) Notice of hearing. The notice of hearing shall state:

1. The date, time and place of hearing.
2. A statement that the party may be represented by legal counsel at all stages.
3. A statement of the legal authority and jurisdiction under which the hearing is to be held.
4. A reference to the statutes and rules involved.
5. A short and plain statement of the matter asserted.
6. A statement that the respondent has the right to appear at a hearing and be heard.
7. A statement requiring the respondent to submit an answer, as outlined in rule 4.19(117).
8. A statement requiring the respondent within the period of ten days after receipt of the notice of hearing to: Acknowledge receipt of the notice of hearing on the form provided with the notice.

State whether the respondent will require an adjustment of the date and time of the hearing; and

Furnish the commission with a list of potential witnesses, and their current addresses which the respondent intends to have called.

700—4.19(117) Form of answer. The answer shall be captioned "Before the Iowa Real Estate Commission", and shall be titled: "ANSWER." The answer shall contain the following information:

1. The name, address and telephone number of the respondent.
2. Specific statements regarding any or all allegations in the complaint which shall be in the form of admissions, denials, explanations, remarks or statements of mitigating circumstances.
3. Any additional facts or information the respondent deems relevant to the complaint and which may be of assistance in the ultimate determination of the case.

700—4.20(117) Continuances. A party has no automatic right to a continuance or delay of the commission's hearing procedure or schedule. However, a party may request a continuance of the executive director no later than ten days prior to the date set for hearing. Within ten days of the date set for hearing, no continuances shall be granted except for extraordinary, extenuating or emer-

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gency circumstances. The executive director shall have power to grant continuances after consultation, if needed, with the chairperson of the commission. A commissioner shall not be contacted in person, by mail or telephone by a party seeking a continuance.

700—4.21(117) Prehearing conference. The presiding officer, hearing officer or the executive director either on their own motion or at the request of the respondent may hold a prehearing conference. The prehearing conference shall be for the purpose of identifying and premarking exhibits and other documents as well as determining stipulations or other means of limiting the issues of the hearing. Neither the commission nor respondent shall be required to stipulate to any issues but stipulation is encouraged. The prehearing conference, if held, may be done through a telephone conference call, with all parties being involved.

700—4.22(117) Appearance. The licensee shall have the right to appear in person, and have legal counsel, before the commission at the licensee's expense.

700—4.23(117) Subpoena powers. In accordance with Iowa Code section 117.36, the commission has authority to subpoena persons, books, papers, records and any other real evidence, whether or not privileged or confidential under law, to help it determine whether it should institute a contested case proceeding (hearing). After service of the notice of hearing the following procedures are available to the parties:

1. Commission subpoenas for persons, books, papers, records and other real evidence will be issued to a party or for a party upon request. Application should be made to the executive director and the executive director shall issue all subpoenas for both parties upon request.
2. Discovery procedures applicable to civil actions are available to the parties in proceedings under these rules.
3. Evidence obtained by subpoena or through discovery shall be admissible at the hearing under 4.29(117) or by statute.
4. The evidence outlined in Iowa Code section 17A.13(2) where applicable and relevant may be available to a party upon request.

700—4.24(117) Refusal to obey subpoena. In the event of a refusal to obey a subpoena, the commission may petition the district court for its enforcement.

The presiding officer of a hearing or the hearing officer may also administer oaths and affirmations, take or order that depositions be taken, and grant immunity to a witness from disciplinary proceedings initiated by the commission which might otherwise result from the testimony to be given by the witness.

700—4.25(117) Failure of respondent to appear. If a respondent, upon whom a proper notice of hearing has been served, fails to appear in person at the hearing, the commission or hearing officer may proceed to conduct the hearing and the respondent shall be bound by the results of such hearing to the same extent as if the licensee were present.

700—4.26(117) Record of proceedings. Oral proceedings shall be recorded either by mechanical or electrical means, or by certified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party at the expense of the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed and

maintained in accordance with the provisions of Iowa Code section 17A.12(7). Any party to a proceeding may record, at the party's own expense, stenographically or electronically, any portion or all of the proceedings.

700—4.27(117) Hearings. A hearing may be conducted before the full commission, or one or more members of the commission, or before an administrative hearing officer in accordance with Iowa Code section 17A.11.

4.27(1) When a hearing is held before the commission, or a small number of commissioners, the commission chairperson or someone designated by the chairperson shall act as the presiding officer. The presiding officer or hearing officer shall be in control of the proceedings and shall have the authority to administer oaths, to admit or exclude testimony or other evidence and to rule on all motions and objections.

4.27(2) The presiding officer and commission members have the right to conduct a direct examination of the testimony of a witness at the time the testimony is given or at a later stage during the proceeding. Direct examination and cross-examination by commission members is subject to objections properly raised in accordance with the rules of evidence noted in subrules 4.29(1) and 4.29(2).

700—4.28(117) Order of proceedings. Before testimony is presented, the record shall show the identity of any commission members present, the identity of the hearing panel or hearing officer, the identity of the primary parties and their representatives, and of the fact that all testimony is being recorded. Hearings before the commission or a panel of the commission or before a hearing officer shall generally be conducted in the following order, subject to modification at the discretion of the commission or of the panel of the commission conducting the proceedings.

1. The presiding officer or designee may read a summary of the charges and answers thereto, and other responsive pleadings filed by the respondent prior to the hearing.
2. The assistant attorney general or other person representing the state or commission interest before the commission shall make a brief opening statement which will include a summary of the charges and the witnesses and documents to support such charges.
3. The respondent or respondents shall each be offered the opportunity to make an opening statement, including the names of any witnesses the respondent(s) desire to call in defense. A respondent may elect to make the opening statement just prior to the presentation of evidence by the respondent.
4. The presentation of evidence on behalf of the public.
5. A summary, at the close of the evidence on behalf of the state or commission of the case and what was sought to be proven.
6. The presentation of evidence on behalf of the respondent(s).
7. Rebuttal evidence on behalf of the state or commission, if any.
8. Rebuttal evidence on behalf of the respondent(s), if any.
9. Closing arguments first on behalf of the state or commission, then on behalf of the respondent, and then on behalf of the state or commission, if any.

700—4.29(117) Rules of evidence—documentary evidence—official notice.

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4.29(1) Irrelevant, immaterial and unduly repetitious evidence should be excluded. A finding will be based upon the kind of evidence upon which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury trial. The commission will ordinarily base its findings upon a preponderance of the evidence, but it shall not be required to do so.

4.29(2) Objections to evidentiary offers may be made and shall be noted in the record. Motions and offers to amend the pleadings may also be made at the hearing and shall be noted in the record together with the rulings thereon.

4.29(3) Subject to the above requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be submitted in writing in certified form, e.g. affidavit, sworn statements or certified documents.

4.29(4) Documentary evidence may be received in the form of copies if the original is not readily available. Documentary evidence may be received in the form of excerpts if the entire document is not relevant. Accurate copies of any document should be made in advance of the hearing, in as far as possible, in sufficient numbers for all members of the commission and shall be furnished to those members of the commission sitting at the hearing and to opposing parties. Upon request, parties shall be given the opportunity to compare the copy with the original, if available.

4.29(5) Witnesses at the hearing, or persons whose testimony has been submitted in written form, if available, shall be subject to cross-examination by any party as necessary for a full and true disclosure of the facts.

4.29(6) Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the commission. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the commission determines as part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.

700—4.30(117) Final decision.

4.30(1) When three or more members of the commission preside over the reception of the evidence at the hearing, the commission's decision is a final decision.

4.30(2) If the hearing is conducted by fewer than three members of the commission as specified in rule 4.27(117) or by an administrative hearing officer, the decision is a proposed decision and subject to the review provisions of rule 4.32(117).

a. A proposed or final decision shall be in writing and shall consist of the following parts:

(1) A concise statement of the facts which support the findings of fact.

(2) Findings of fact. A party may submit proposed findings of fact and where this is done, the decision shall include a ruling on each proposed finding.

b. Conclusions of law which shall be supported by cited authority or reasoned opinion.

c. The decision or order which sets forth the action to be taken or the disposition of the case.

d. The decision may include any of the following conclusions:

(1) That the respondent be exonerated.

(2) Revocation of license.

(3) Suspension of license until further order of the commission or for a specified period.

(4) Nonrenewal of license.

(5) Prohibit permanently, until further order of the commission or for a specific period, the engaging in specified procedures, methods or acts.

(6) Probation.

(7) Require additional education or training.

(8) Require re-examination.

(9) Order a physical or mental examination with periodic reports to the commission, if deemed necessary.

(10) Issue citation and warning.

(11) Impose civil penalties not to exceed one thousand dollars.

(12) Such other sanctions allowed by law as may be appropriate.

700—4.31(117) Notification of decision. As a courtesy the parties will be telephoned, if possible, to advise them of the decision of the commission. All parties to a proceeding hereunder shall be promptly furnished with a copy of any final or proposed decision or order either in person or by certified mail return receipt requested.

700—4.32(117) Proposed decision—appeal to commission—procedures and requirements. A proposed decision as defined in rule 4.30(117) becomes a final decision unless appealed in accordance with the following procedure:

1. A proposed decision may be appealed to the commission by a party to the decision who is adversely affected thereby. An appeal is begun by serving on the executive director, either in person or by certified mail, a notice of appeal within twenty days after service of the proposed decision or order on the appealing party. The appealing party shall be designated "appellant" and all other parties in the contested case proceedings shall be designated "appellee(s)".

2. Within twenty days after servicing a notice of appeal, the appellant shall serve five copies of the exceptions, if any, together with the brief and argument desired by appellant. The appellant shall also furnish copies to each appellee by first-class mail. Any appellee to the appeal shall have fourteen days after service of exceptions and brief on the executive director to file a responsive brief and argument. Except for the notice of appeal, the above time requirements will be extended by stipulation of the parties and may be extended upon application approved by a member of the commission or executive director.

3. Oral argument of the appeal is discretionary but may be required by the commission upon its own motion. At the times designated for filing briefs and arguments either party may request oral argument. If a request for oral argument is granted or required, the executive director shall notify all parties of the date, time and place. The commission chairperson or a designated commissioner shall preside at the oral argument and determine the procedural order of the proceedings.

4. The record on appeal shall be the entire record made before the hearing panel or administrative hearing officer. The commission is not bound by any proposed findings of fact, conclusions of law or order but is free to accept, affirm, modify or reject such proposed findings, conclusions or order. The commission may consider other evidence or information, with notice to all parties, which

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was not originally presented at the hearing. The commission may give such new evidence or information whatever value or weight the commission desires.

700—4.33(117) Motion for rehearing. Within twenty days after issuance of a final decision, any party may file an application for a rehearing. The application shall state the specific grounds for rehearing and the relief sought. Within twenty days after issuance of a final decision, any party may file an application for a rehearing upon the commission and all other parties who are not joining in the application. The application shall state the specific grounds for rehearing and the relief sought.

4.33(1) Upon a rehearing, the commission shall consider facts not presented in the original proceeding if:

a. Such facts arose after the original proceeding; or
b. The party offering such evidence could not reasonably have provided such evidence at the original proceedings; or

c. The party offering the additional evidence was misled by any party as to the necessity for offering such evidence at the original proceeding, except that this subrule shall not relieve any party of its obligation to control its own evidence and defense.

4.33(2) The decision made upon rehearing may incorporate by reference any and all parts of the decision made upon the conclusion of the original proceeding.

4.33(3) Notwithstanding the provisions of section 17A.16(2), if the regularly scheduled commission meeting comes beyond the twenty days stated in section 17A.16(2), the commission may, for purposes of rehearing, act through its chairperson to grant or deny applications for rehearing.

700—4.34(117) Final decision—filed with executive director. The final decision of the commission, presiding officer or hearing officer shall be filed with the executive director. A copy of the decision and order shall immediately be sent by certified mail return receipt requested to the licensee's last known post office address or may be served as in the manner of original notices upon the licensee.

700—4.35(117) Judicial review and appeal. Judicial review of the commission's action may be sought in accordance with the Iowa administrative procedure Act, from and after the date of the commission's order.

700—4.36(117) Ex parte communications-bias. Ex parte communications and other matters tending to prejudice a contested hearing proceeding are prohibited by Iowa Code section 17A.17. In keeping with this provision the following minimal requirements are applicable.

4.36(1) Individuals assigned to render a proposed or final decision, to make findings of fact or conclusions of law, shall not communicate, directly or indirectly, in connection with any issue of fact or law, with any person or party, except upon notice and opportunity for all parties to participate. Such individuals may, however, communicate with members of the commission and its director and may have the aid and advice of persons other

than those with a personal interest in, or those engaged in prosecuting or advocating in, either the case under consideration or a pending factually related case involving the same parties. In any case, where it becomes necessary to communicate with a party on matters noted above, notice shall be given to all parties and a date, time and place set for a discussion of the matter.

4.36(2) Parties or their representatives in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact or law in that contested case, with individuals assigned to render a proposed or final decision or to make findings of fact and conclusions of law in that contested case, except upon notice and opportunity for all parties to participate. Any such prohibited communication shall be brought to the attention of the commission chairperson so it can be included in the record of the case.

4.36(3) Any party to a contested hearing proceeding may file an affidavit alleging personal bias or other disqualification of any individual participating in the making of a proposed or final decision. The assertion as to disqualification will be ruled upon as a part of the record of the case.

4.36(4) For a violation of this rule, the commission may hand down a decision adverse to the violating party; may suspend, censure or reprimand; and may reprimand or dismiss commission staff members.

700—4.37(117) Publication of decisions. Final decisions of the commission relating to disciplinary procedures may be transmitted to the appropriate professional association(s), other states, and news media.

700—4.38(117) License denial. Any request to have a hearing before the commission concerning the denial of a license shall be submitted by the applicant in writing to the executive director by certified mail, return receipt requested, within thirty days of the mailing of a notice of denial of a license.

This rule is intended to implement Iowa Code sections 117.19, 117.35 and 117.41.

700—4.39(117) Hearing on license denial. At a hearing held by the commission after an applicant has been denied a license, the burden of presenting evidence and information or documents to support the applicant's position shall be the responsibility of the applicant. The applicant shall have the burden of going forward and the commission, after a hearing on the license denial, shall use its experience, expertise, specialized knowledge and past history of the applicant when considering the application. The commission shall not be required to grant a license to an applicant whose license has been previously revoked but the commission shall be required to state, in writing, reasons for denial of a license.

[Filed 5/6/83, effective 7/1/83]

[Published 5/25/83]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/25/83.



State of Iowa
Executive Department
IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER ONE

WHEREAS, corrections is a significant component of Iowa's criminal justice system which is designed to ensure the public's safety; and

WHEREAS, a review of the present plans for our correction's system, including work opportunities for inmates and utilization of present prison facilities, is needed to ensure the proper operation of our prison system; and

WHEREAS, the legislature has passed legislation to create a separate Department of Corrections; and

WHEREAS, a transition to a separate Department will require detailed planning and careful policy analysis.

NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, by virtue of the authority vested in me by the laws and Constitution of the State of Iowa do hereby order that:

- I. An Advisory Commission on Corrections in Iowa consisting of seven (7) members shall be appointed by the Governor to serve at his pleasure. The chairperson of the Commission shall be designated by the Governor.
- II. The Advisory Commission on Corrections in Iowa shall assume the following responsibilities:
 - A. Provide policy guidance to the Governor during the transition to a separate Department of Corrections;
 - B. Review plans developed by the Department of Correction's transition team and make recommendations to the Governor regarding the transition plans;
 - C. Conduct a review of all corrections system plans for both community and institutional services and make recommendations to the Governor on alternatives to these plans including the present utilization of prison facilities; and
 - D. Review the current Prison Industries Program and make recommendations to the Governor on changes or additions that are both cost effective and would provide meaningful work for inmates at the state's institutions. This review should begin with an analysis of the Mount Pleasant prison work situation.

IN TESTIMONY WHEREOF, I have here unto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 5th day of May in the year of our Lord one thousand nine hundred eighty-three.



Terry E. Branstad
GOVERNOR

Attest:

Mary Ann O'Neil
SECRETARY OF STATE

IOWA ADMINISTRATIVE BULLETIN

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

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