



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XVII

NUMBER 7

September 28, 1994

Pages 465 to 528

CONTENTS IN THIS ISSUE

Pages 478 to 519 include ARC 5099A to ARC 5130A

AGENDA

Administrative rules review committee 470

AGRICULTURE AND LAND

STEWARDSHIP DEPARTMENT[21]

Notice, Renewable fuels and coproducts; motor vehicle fuels decals, ch 12, 85.48(10) ARC 5112A 478

Filed Emergency, Renewable fuels and coproducts; motor vehicle fuels decals, ch 12, 85.48(10) ARC 5109A 501

ALL AGENCIES

Agency identification numbers 475
Publication procedures 469
Schedule for rule making 468

ATTORNEY GENERAL

Opinions summarized 520

CITATION OF ADMINISTRATIVE RULES 467

COMMUNITY ACTION AGENCIES DIVISION[427]

HUMAN RIGHTS DEPARTMENT[421]"umbrella"

Notice Terminated, Community services block grant, 22.3(2), 22.3(4), 22.4(3) ARC 5103A 478

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Filed Emergency, CEBA program, 22.6(1)"j" ARC 5104A 502

EDUCATION DEPARTMENT[281]

Notice, Accreditation, 12.2, 12.5 ARC 5119A ... 478
Notice, Open enrollment, 17.3(2), 17.4, 17.8, 17.10 ARC 5120A 479

Notice, Extracurricular interscholastic competition, 36.15(4) ARC 5122A 481

Filed, Extracurricular interscholastic competition — wrestling coaches, 36.15(6)"a" ARC 5123A 508

Filed, Gifted and talented programs, 59.3 ARC 5124A 508

Filed, School-based youth services programs, ch 66 ARC 5125A 508

HUMAN SERVICES DEPARTMENT[441]

Notice, Social services block grant and funding for local services, 153.35, 153.38 ARC 5100A 482

Notice, Foster home insurance fund, 158.1 to 158.3 ARC 5099A 482

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Filed, Mental health services for Medicaid recipients, 27.3(4) ARC 5110A 512

LABOR SERVICES DIVISION[347]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

Notice, General industry — hazardous waste and emergency response, 10.20 ARC 5128A 483

Notice, Construction — hazardous waste and emergency response, 26.1 ARC 5129A 484

Filed Emergency After Notice, General industry — electrical, 10.20 ARC 5130A 503

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Notice, Discipline, 12.50 ARC 5113A 484

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Notice, Wild turkey spring hunting, 98.2(5), 98.3, 98.10(2), 98.12, 98.14 ARC 5117A 485

Filed, State parks and recreation areas — George Wyth, 61.2, 61.6(5) ARC 5116A 513

Filed Emergency After Notice, Waterfowl and coot hunting, 91.1 to 91.4 ARC 5115A 503

Filed Emergency After Notice, Pheasant, quail and gray partridge hunting, 96.1 to 96.3 ARC 5114A 504

Filed Emergency After Notice, Deer population management, 105.2 to 105.4

ARC 5118A 505

PUBLIC FUNDS AVAILABILITY

Public Health Department[641] Bureau of health promotion 477

Continued on page 467

PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Economic Impact Statements to proposed rules and filed emergency rules; Objections filed by Administrative Rules Review Committee, Governor or the Attorney General; and Delay by the Committee of the effective date of filed rules; Regulatory Flexibility Analyses and Agenda for monthly Administrative Rules Review Committee meetings. Other "materials deemed fitting and proper by the Administrative Rules Review Committee" include summaries of Attorney General Opinions and Supreme Court Decisions.

The Bulletin may also contain Public Funds Interest Rates [12C.6]; Workers' Compensation Rate Filings [515A.6(7)]; Usury [535.2(3)"a"]; Agricultural Credit Corporation Maximum Loan Rates [535.12]; and Regional Banking—Notice of Application and Hearing [524.1905(2)].

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

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

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to Iowa Code section 17A.6. 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 Coordinator and published in the Iowa Administrative Bulletin.

PHYLLIS BARRY, Administrative Code Editor
KATHLEEN BATES, Deputy Editor

Telephone: (515)281-3355
(515)281-8157

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, 1994, to June 30, 1995 | \$221.00 plus \$11.05 sales tax |
| Second quarter | October 1, 1994, to June 30, 1995 | \$165.75 plus \$8.29 sales tax |
| Third quarter | January 1, 1995, to June 30, 1995 | \$110.50 plus \$5.53 sales tax |
| Fourth quarter | April 1, 1995, to June 30, 1995 | \$ 55.25 plus \$2.76 sales tax |

Single copies may be purchased for \$15.00 plus \$0.75 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 - \$1,002.75 plus \$50.14 sales tax

(Price includes 18 volumes of rules and index, plus a one-year subscription to the Code Supplement and the Iowa Administrative Bulletin. Additional or replacement binders can be purchased for \$9.00 plus \$0.45 tax.)

Iowa Administrative Code Supplement - \$350.00 plus \$17.50 sales tax
(Subscription expires June 30, 1995)

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

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

PUBLIC HEALTH DEPARTMENT[641]
 Notice of Public Funds Availability 477

PUBLIC HEARINGS
 Summarized list 473

SECRETARY OF STATE[721]
 Notice, Voter registration in state agencies,
 ch 23 **ARC 5121A** 486

SOIL CONSERVATION DIVISION[27]
AGRICULTURE AND LAND STEWARDSHIP
DEPARTMENT[21]"umbrella"
 Notice Terminated, Soil practices loan program,
 ch 15 **ARC 5126A** 488
 Filed Emergency After Notice, Organic nutrient
 management program, 13.10, 13.20, 13.40,
 13.63(2), 13.74 **ARC 5127A** 506

TRANSPORTATION DEPARTMENT[761]
 Notice, Traffic control devices on state highways,
 130.1 **ARC 5101A** 488
 Filed, Oversized vehicles, 511.3(7)
ARC 5107A 513

Filed, Regulations applicable to carriers,
 520.1(1) **ARC 5106A** 514
 Filed, Disadvantaged business enterprises, state
 transit assistance, capital match revolving loan
 fund, 920.5(2)"a," 923.4(1), 923.5,
 rescind ch 900 **ARC 5108A** 515
 Filed, Insurance for publicly funded passenger
 transportation services, 910.1, 910.4, 910.5(1),
 appendix to 910.4 **ARC 5105A** 516

UTILITIES DIVISION[199]
COMMERCE DEPARTMENT[181]"umbrella"
 Notice, Pipeline permits and safety, 10.1 to 10.4,
 10.12, 10.16, 10.17, 19.5(2), 19.8(3)
ARC 5102A 490

VOTER REGISTRATION COMMISSION[821]
 Notice, General operation, chs 1 to 3, 4.3, chs 6
 to 11, **ARC 5111A** 493

CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

- | | |
|-----------------------|----------------|
| 441 IAC 79 | (Chapter) |
| 441 IAC 79.1(249A) | (Rule) |
| 441 IAC 79.1(1) | (Subrule) |
| 441 IAC 79.1(1)"a" | (Paragraph) |
| 441 IAC 79.1(1)"a"(1) | (Subparagraph) |

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Schedule for Rule Making 1994

| NOTICE SUBMISSION DEADLINE | NOTICE PUB. DATE | HEARING OR COMMENTS 20 DAYS | FIRST POSSIBLE ADOPTION DATE 35 DAYS | ADOPTED FILING DEADLINE | ADOPTED PUB. DATE | FIRST POSSIBLE EFFECTIVE DATE | POSSIBLE EXPIRATION OF NOTICE 180 DAYS |
|----------------------------------|------------------------|--------------------------------------|--------------------------------------------------|-------------------------------|-------------------------|----------------------------------------|-------------------------------------------------|
| Dec. 3 '93 | Dec. 22 '93 | Jan. 11 | Jan. 26 | Jan. 28 | Feb. 16 | Mar. 23 | June 20 |
| Dec. 17 '93 | Jan. 5 | Jan. 25 | Feb. 9 | Feb. 11 | Mar. 2 | Apr. 6 | July 4 |
| Dec. 31 '93 | Jan. 19 | Feb. 8 | Feb. 23 | Feb. 25 | Mar. 16 | Apr. 20 | July 18 |
| Jan. 14 | Feb. 2 | Feb. 22 | Mar. 9 | Mar. 11 | Mar. 30 | May 4 | Aug. 1 |
| Jan. 28 | Feb. 16 | Mar. 8 | Mar. 23 | Mar. 25 | Apr. 13 | May 18 | Aug. 15 |
| Feb. 11 | Mar. 2 | Mar. 22 | Apr. 6 | Apr. 8 | Apr. 27 | June 1 | Aug. 29 |
| Feb. 25 | Mar. 16 | Apr. 5 | Apr. 20 | Apr. 22 | May 11 | June 15 | Sept. 12 |
| Mar. 11 | Mar. 30 | Apr. 19 | May 4 | May 6 | May 25 | June 29 | Sept. 26 |
| Mar. 25 | Apr. 13 | May 3 | May 18 | May 20 | June 8 | July 13 | Oct. 10 |
| Apr. 8 | Apr. 27 | May 17 | June 1 | June 3 | June 22 | July 27 | Oct. 24 |
| Apr. 22 | May 11 | May 31 | June 15 | June 17 | July 6 | Aug. 10 | Nov. 7 |
| May 6 | May 25 | June 14 | June 29 | July 1 | July 20 | Aug. 24 | Nov. 21 |
| May 20 | June 8 | June 28 | July 13 | July 15 | Aug. 3 | Sept. 7 | Dec. 5 |
| June 3 | June 22 | July 12 | July 27 | July 29 | Aug. 17 | Sept. 21 | Dec. 19 |
| June 17 | July 6 | July 26 | Aug. 10 | Aug. 12 | Aug. 31 | Oct. 5 | Jan. 2 '95 |
| July 1 | July 20 | Aug. 9 | Aug. 24 | Aug. 26 | Sept. 14 | Oct. 19 | Jan. 16 '95 |
| July 15 | Aug. 3 | Aug. 23 | Sept. 7 | Sept. 9 | Sept. 28 | Nov. 2 | Jan. 30 '95 |
| July 29 | Aug. 17 | Sept. 6 | Sept. 21 | Sept. 23 | Oct. 12 | Nov. 16 | Feb. 13 '95 |
| Aug. 12 | Aug. 31 | Sept. 20 | Oct. 5 | Oct. 7 | Oct. 26 | Nov. 30 | Feb. 27 '95 |
| Aug. 26 | Sept. 14 | Oct. 4 | Oct. 19 | Oct. 21 | Nov. 9 | Dec. 14 | Mar. 13 '95 |
| Sept. 9 | Sept. 28 | Oct. 18 | Nov. 2 | Nov. 4 | Nov. 23 | Dec. 28 | Mar. 27 '95 |
| Sept. 23 | Oct. 12 | Nov. 1 | Nov. 16 | Nov. 18 | Dec. 7 | Jan. 11 '95 | Apr. 10 '95 |
| Oct. 7 | Oct. 26 | Nov. 15 | Nov. 30 | Dec. 2 | Dec. 21 | Jan. 25 '95 | Apr. 24 '95 |
| Oct. 21 | Nov. 9 | Nov. 29 | Dec. 14 | Dec. 16 | Jan. 4 '95 | Feb. 8 '95 | May 8 '95 |
| Nov. 4 | Nov. 23 | Dec. 13 | Dec. 28 | Dec. 30 | Jan. 18 '95 | Feb. 22 '95 | May 22 '95 |
| Nov. 18 | Dec. 7 | Dec. 27 | Jan. 11 '95 | Jan. 13 '95 | Feb. 1 '95 | Mar. 8 '95 | June 5 '95 |
| Dec. 2 | Dec. 21 | Jan. 10 '95 | Jan. 25 '95 | Jan. 27 '95 | Feb. 15 '95 | Mar. 22 '95 | June 19 '95 |
| Dec. 16 | Jan. 4 '95 | Jan. 24 '95 | Feb. 8 '95 | Feb. 10 '95 | Mar. 1 '95 | Apr. 5 '95 | July 3 '95 |
| Dec. 30 | Jan. 18 '95 | Feb. 7 '95 | Feb. 22 '95 | Feb. 24 '95 | Mar. 15 '95 | Apr. 19 '95 | July 17 '95 |

20 days from the publication date is the **minimum** date for a public hearing or cutting off public comment.

35 days from the publication date is the **earliest** possible date for the agency to consider a noticed rule for adoption. It is the regular effective date for an adopted rule.

180 days See 17A.4(1)"b." If the agency does not adopt rules within this time frame, the Notice should be terminated.

PRINTING SCHEDULE FOR IAB

| ISSUE NUMBER | SUBMISSION DEADLINE | ISSUE DATE |
|--------------|--------------------------|-------------------|
| 9 | Friday, October 7, 1994 | October 26, 1994 |
| 10 | Friday, October 21, 1994 | November 9, 1994 |
| 11 | Friday, November 4, 1994 | November 23, 1994 |

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
 FROM: Phyllis Barry, Iowa Administrative Code Editor
 SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Iowa Administrative Code Division is using a PC system to assist in the printing of the Iowa Administrative Bulletin. In order to most effectively transfer rules from the various agencies sending their rules on a diskette, please note the following:

1. We use a Windows environment with Lotus Ami Professional 3.1 as our word processing system and can import directly from any of the following:

| | | |
|----------------------|----------------------------|--------------------------------|
| Ami Pro | Microsoft Word | SmartWare |
| Ami Pro Macro | Microsoft Word for Windows | SuperCalc |
| dBase | 1.x, 2.0, 6.0 | Symphony Document |
| DCA/FFT | MultiMate | Wang (IWP) |
| DCA/RFT | Navy DIF | Windows Write |
| DIF | Office Writer | Word for Windows 1.x, 2.0, 6.0 |
| Display Write 4 | Paradox | WordPerfect 4.2, 5.x, 6.0 |
| Enable 1.x, 2.x, 4.x | Peach Text | WordStar |
| Excel 3.0, 4.0, 5.0 | Professional Write | WordStar 2000 ver 1.0, 3.0 |
| Exec MemoMaker | Rich Text Format | XyWrite III, Plus |
| Manuscript | Samna Word | XyWrite IV |

2. If you do not have any of the above, a file in an ASCII format is helpful.

3. Submit only 3 1/2" or 5 1/4" high density MSDOS or compatible format diskettes. Please indicate on each diskette the agency name, file name, the format used for exporting, chapter or chapters of rules being amended.

4. **Deliver this diskette to the Administrative Code Division, 4th Floor, Lucas Building, when documents are submitted to the Governor's Administrative Rules Coordinator.**

Diskettes from agencies will be returned **unchanged** by the Administrative Code Division. Please refer to the hard-copy document which is returned to your agency by the Governor's office. This document reflects any changes in the rules—update your diskettes accordingly.

Your cooperation helps us to print the Bulletin more quickly and cost-effectively than was previously possible and is greatly appreciated.

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday October 11, 1994, at 10 a.m. and Wednesday, October 12, 1994, at 9 a.m. in Senate Committee Room 22, State Capitol. The following rules will be reviewed:

Bulletin

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Renewable fuels and coproducts, ch 12, 85.48(10), <u>Notice</u> ARC 5112A, also <u>Filed Emergency</u> ARC 5109A | 9/28/94 |
| Dairy trade practices, 23.4(2)"b"(9) and (10), 23.4(2)"c"(2) to (5), 23.5(2), <u>Filed</u> ARC 5082A | 9/14/94 |
| Infectious and contagious diseases — cattle and swine importation, 64.34(2), 64.43(1), 65.5, 65.6(1), 65.6(4), <u>Filed</u> ARC 5083A | 9/14/94 |
| Acceptable forms of euthanasia, 67.9, <u>Filed</u> ARC 5089A | 9/14/94 |
| Dairy — milk tests, 68.5, 68.11(1), 68.12, <u>Filed Emergency After Notice</u> ARC 5097A | 9/14/94 |
| Dairy — antibiotic testing, 68.36, <u>Filed</u> ARC 5098A | 9/14/94 |

ARTS DIVISION[222]

CULTURAL AFFAIRS DEPARTMENT[221]"umbrella"

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Organization, 1.1 to 1.4, 2.1 to 2.3, 4.4 to 4.16, 5.1, 5.4 to 5.7, 5.11 to 5.13, 6.1 to 6.5, 6.7, 6.8, 6.11, 6.14, 7.6(3), 7.7, 8.3, 8.4(2), 8.6(1), 8.6(2), 8.8, 8.11 to 8.13, 11.1, 11.2, 11.4(3), 11.4(4), 11.4(12), 11.5 to 11.11, 12.2 to 12.4, 12.6 to 12.9, 12.11, 12.12, 13.1, 13.2, 13.6, 13.8 to 13.10, 14.2, 14.5 to 14.7, 14.9, 14.10, 14.12, new ch 18, 20.2, 20.7, 20.11, 20.12, 20.14, 20.16, 21.1, 21.3, 21.5 to 21.15, 22.1, 22.3, 22.5 to 22.19, 23.2 to 23.5, 25.1, 25.3, 25.4, 25.6 to 25.8, 25.12, 30.4, 30.6, 30.7, 30.11, 30.12; rescind chs 9, 10, 15 to 19, 24, 26 to 29, <u>Filed</u> ARC 5085A | 9/14/94 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

COMMUNITY ACTION AGENCIES DIVISION[427]

HUMAN RIGHTS DEPARTMENT[421]"umbrella"

| | |
|----------------------------------------------------------------------------------------------------------------------|---------|
| Community services block grant, 22.3(2), 22.3(4), 22.4(3), <u>Notice</u> ARC 4135A <u>Terminated</u> ARC 5103A | 9/28/94 |
|----------------------------------------------------------------------------------------------------------------------|---------|

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Community economic betterment program — quality jobs enterprise zone, 22.6(1)"j,"

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <u>Filed Emergency</u> ARC 5104A | 9/28/94 |
| CDBG program guidelines, 23.2, 23.6(1) to 23.6(6), 23.6(9)"b" and "c," 23.7(1)"a," 23.7(2), 23.8(1)"d" and "e," 23.11(1)"c" and "e," 23.11(5), 23.13(1), 23.13(3)"c" to "g," 23.13(4), <u>Filed</u> ARC 5074A | 9/14/94 |
| Value-added agricultural products and processes financial assistance program, ch 29, <u>Filed Emergency After Notice</u> ARC 5073A | 9/14/94 |

EDUCATION DEPARTMENT[281]

| | |
|------------------------------------------------------------------------------------------------------------------------|---------|
| General accreditation standards, ch 12 preamble, 12.2(1), 12.2(3), 12.5(5)"b," 12.5(10), <u>Notice</u> ARC 5119A | 9/28/94 |
| Open enrollment, 17.3(2), 17.4, 17.8(1) to 17.8(4), 17.8(10)"b," 17.10(1), 17.10(5), <u>Notice</u> ARC 5120A | 9/28/94 |
| Extracurricular interscholastic competition — open enrollment transfers, 36.15(4), <u>Notice</u> ARC 5122A | 9/28/94 |
| Extracurricular interscholastic competition — wrestling coaches, 36.15(6)"a," <u>Filed</u> ARC 5123A | 9/28/94 |
| Gifted and talented programs, 59.3, <u>Filed</u> ARC 5124A | 9/28/94 |
| School-based youth services programs, ch 66, <u>Filed</u> ARC 5125A | 9/28/94 |

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Effluent and pretreatment standards, updating and corrective amendments, 60.2, 62.4, 62.5, 65.5(9), <u>Filed Without Notice</u> ARC 5086A | 9/14/94 |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------|

HUMAN SERVICES DEPARTMENT[441]

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Effective date for RCF eligibility, 50.3(2), <u>Notice</u> ARC 5087A | 9/14/94 |
| Elderly waiver service program, 77.33(1), 77.33(1)"a," 77.33(3), 77.33(4), 77.33(6)"a" and "e," 78.37(11), 79.1(2), 83.22(1)"b," 83.27, <u>Notice</u> ARC 5090A | 9/14/94 |
| EPSDT screening for examinations billed to Medicaid, 78.1(1)"b"(3), (4), (7), and (8), <u>Notice</u> ARC 5088A | 9/14/94 |
| Social services block grant and funding for local services — deletion of family-centered services; allocation formula, 153.35, 153.38, <u>Notice</u> ARC 5100A | 9/28/94 |
| Foster home insurance fund, 158.1(1), 158.1(1)"c," 158.1(2), 158.2, 158.3, <u>Notice</u> ARC 5099A | 9/28/94 |

INDUSTRIAL SERVICES DIVISION[343]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

General amendments, 1.2, 2.2, 2.4, 2.5, 3.1(1) to 3.1(3), 3.1(7) to 3.1(14), 4.1, 4.4, 4.6, 4.8(1), 4.9(7), 4.9(8), 4.10, 4.15, 4.17, 4.18, 4.20, 4.23 to 4.25, 4.27, 4.40(5), 4.41, 4.42(5), 4.42(6), 4.43, 4.48(9), 4.48(12), 6.2, 6.2(1), 6.2(6), 10.1, 10.1(4), 10.2(7), Filed ARC 5095A 9/14/94

INSPECTIONS AND APPEALS DEPARTMENT[481]

Nutrition sites for the elderly, labeling of food, reduced oxygen packaging of food, 30.3(4), 30.14, 31.11,

Notice ARC 5081A 9/14/94

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Insurance producer license renewals, appointments, continuing education, 10.2, 10.15(2), 10.18, 10.22(3), 11.2, 11.3(1), 11.3(2), 11.3(5), 11.6(1), 11.6(2), 11.6(8), Notice ARC 5079A 9/14/94
Mental health services — contracts with department of human services, 27.3(4), Filed ARC 5110A 9/28/94

JOB SERVICE DIVISION[345]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

Employer records and reports, claims and benefits, benefit payment control, 2.1(1), 2.17, 3.40, 4.2(2)"a," 4.6, 4.13(2)"e," 4.23(23), 4.39, 4.40, 5.10, Notice ARC 5094A 9/14/94

LABOR SERVICES DIVISION[347]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

General industry — permit-required confined spaces, 10.20, Filed Emergency After Notice ARC 5091A 9/14/94
General industry — fall protection in construction, exposure to asbestos, 10.20, Notice ARC 5092A 9/14/94
General industry — electric power generation, transmission, and distribution; electrical and personal protective equipment, 10.20, Filed Emergency After Notice ARC 5130A 9/28/94
General industry — hazardous waste operations, emergency response, 10.20, Notice ARC 5128A 9/28/94
Construction — fall protection, exposure to asbestos, 26.1, Notice ARC 5093A 9/14/94
Construction — hazardous waste operations, emergency response, 26.1, Notice ARC 5129A 9/28/94

LIVESTOCK HEALTH ADVISORY COUNCIL[521]

Recommendations for fiscal year 1994-1995, ch 1, Filed ARC 5080A 9/14/94

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Discipline — updating amendments, 12.50(12), 12.50(26), 12.50(31), 12.50(33), 12.50(36)"d," Notice ARC 5113A 9/28/94

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

George Wyth recreation area, 61.2, 61.6(5), Filed ARC 5116A 9/28/94
Waterfowl and coot hunting seasons, 91.1, 91.1(1), 91.2, 91.3, 91.4(2)"n" and "o," Filed Emergency After Notice ARC 5115A 9/28/94
Pheasant, quail and gray (Hungarian) partridge hunting seasons, 96.1(1), 96.2, 96.3, Filed Emergency After Notice ARC 5114A 9/28/94
Wild turkey spring hunting, 98.2(5), 98.3(1), 98.3(3), 98.10(2), 98.12, 98.14, Notice ARC 5117A 9/28/94
Deer population management areas, 105.2, 105.3(2), 105.3(3), 105.4(2), 105.4(3), Filed Emergency After Notice ARC 5118A 9/28/94

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]

Prioritization of remedial account claims, 11.7(1)"c," 11.7(1)"f," Filed ARC 5077A 9/14/94
Definition of small business for purposes of prioritization, 11.7(1)"g," Notice ARC 5078A, also Filed Without Notice ARC 5076A 9/14/94
Installers and inspectors, ch 15, Filed ARC 5084A 9/14/94

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Behavioral science — marital and family therapists and mental health counselors, 30.3(1)"c," 30.4(1)"b"(12), 30.4(1)"c," 30.6 to 30.9, 30.10(3) to 30.10(5), 31.1 to 31.6, Notice ARC 5096A 9/14/94

PUBLIC BROADCASTING DIVISION[288]

EDUCATION DEPARTMENT[281]"umbrella"

Transfer 225—chs 1 to 10 to 288—chs 1 to 10, amend 1.1, 1.2, 2.1, 2.1(3)"a," "b," and "e," 3.1,

Filed **ARC 5075A** 9/14/94

PUBLIC SAFETY DEPARTMENT[661]

Ignition interlock devices, 7.8(1)"d," 7.8(2), 7.8(5), 7.8(8), Notice **ARC 5072A** 9/14/94

SECRETARY OF STATE[721]

Voter registration in state agencies, ch 23, Notice **ARC 5121A** 9/28/94

SOIL CONSERVATION DIVISION[27]

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella"

Organic nutrient management program, 13.10, 13.20, 13.40, 13.63(2), 13.74,

Filed **Emergency After Notice** **ARC 5127A** 9/28/94

Soil practices loan program, ch 15, Notice **ARC 4994A** Terminated **ARC 5126A** 9/28/94

TRANSPORTATION DEPARTMENT[761]

Signing manual — uniform traffic control devices, 130.1, Notice **ARC 5101A** 9/28/94

Safety lighting for continuous movement of overdimensional vehicles and loads between sunset and sunrise,
roadway widths, 511.3(7), Filed **ARC 5107A** 9/28/94

Motor carrier safety and hazardous materials regulations, 520.1(1)"a" and "b," Filed **ARC 5106A** 9/28/94

Carriers — tariff rate changes, 523.8(1), 523.8(3), 523.8(6), 523.8(10), 523.8(12), 525.14(1), 525.14(3),
525.14(6)"a" to "e," 525.14(9), 525.14(11), 528.11(1), 528.11(3), 528.11(8), 528.11(10), Notice **ARC 5071A** 9/14/94

Disadvantaged business enterprise; state transit funding; capital match revolving loan fund,
rescind ch 900; amend 920.5(2)"a," 923.4(1)"d" and "e," 923.5(1), 923.5(2)"b," 923.5(3), 923.5(4),
Filed **ARC 5108A** 9/28/94

Public transit liability insurance, 910.1, 910.4(1), 910.4(3), 910.4(3)"a," 910.5(1), 910.4 Appendix,
Filed **ARC 5105A** 9/28/94

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

Pipeline permits and safety, ch 10 title, 10.1(6), 10.1(7), 10.1(10), 10.2(1), 10.2(1)"b" and "h" to "j,"
10.3, 10.4, 10.12, 10.16, 10.17, 19.5(2), 19.8(3), Notice **ARC 5102A** 9/28/94

VOTER REGISTRATION COMMISSION[821]

Operation of commission, definitions, registered voter lists, NCOA records, procedures for DOT employees,
chs 1 to 3, 4.3(1)"a"(4) and (6), chs 6 to 11, Notice **ARC 5111A** 9/28/94

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regulatory statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

EDITOR'S NOTE: Terms ending April 30, 1995.

Senator Berl E. Priebe, Co-chair
2106 100th Avenue
Algona, Iowa 50511

Representative Janet Metcalf, Co-chair
1808 79th Street
Des Moines, Iowa 50322

Joseph A. Royce
Legal Counsel
Capitol, Room 116A
Des Moines, Iowa 50319
Telephone (515)281-3084

Senator H. Kay Hedge
R.R. 1, Box 39
Fremont, Iowa 52561

Representative Horace Daggett
400 N. Bureau
Creston, Iowa 50801

Paula Dierenfeld
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 15
Des Moines, Iowa 50319
Telephone (515)281-6331

Senator John P. Kibbie
R.R. 1, Box 139A
Emmetsburg, Iowa 50536

Representative Minnette Doderer
2008 Dunlap Court
Iowa City, Iowa 52245

Senator William Palmer
1340 E. 33rd Street
Des Moines, Iowa 50317

Representative Roger Halvorson
609 S. Main
Monona, Iowa 52159

Senator Sheldon Rittmer
3539 230th Street
DeWitt, Iowa 52742

Representative David Schrader
R.R. 2
Monroe, Iowa 50170

To All Agencies:

The Administrative Rules Review Committee voted to request that Agencies comply with Iowa Code section 17A.4(1)"b" by allowing the opportunity for oral presentation (hearing) to be held at least twenty days after publication of Notice in the Iowa Administrative Bulletin.

| AGENCY | HEARING LOCATION | DATE AND TIME OF HEARING |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------|
| EDUCATION DEPARTMENT[281] | | |
| Accreditation — school calendar, social studies, technology, 12.2, 12.5 IAB 9/28/94 ARC 5119A | State Board Room Second Floor Grimes State Office Bldg. Des Moines, Iowa | October 18, 1994 2 p.m. |
| Open enrollment, 17.3(2), 17.4, 17.8, 17.10 IAB 9/28/94 ARC 5120A | State Board Room Second Floor Grimes State Office Bldg. Des Moines, Iowa | October 18, 1994 1 p.m. |
| Extracurricular interscholastic competition — open enrollment, 36.15(4) IAB 9/28/94 ARC 5122A | State Board Room Second Floor Grimes State Office Bldg. Des Moines, Iowa | October 18, 1994 1:30 p.m. |
| INSURANCE DIVISION[191] | | |
| Insurance producer licenses, 10.2, 10.15(2), 10.18, 10.22(3), 11.2, 11.3, 11.6 IAB 9/14/94 ARC 5079A | Conference Room — 6th Floor Lucas State Office Bldg. Des Moines, Iowa | October 4, 1994 10 a.m. |
| JOB SERVICE DIVISION[345] | | |
| Employer records and reports, claims and benefits, benefit payment control, 2.1(1), 2.17, 3.40, 4.2(2), 4.6, 4.13(2), 4.23(23), 4.39, 4.40, 5.10 IAB 9/14/94 ARC 5094A | Job Service Division 1000 E. Grand Ave. Des Moines, Iowa | October 4, 1994 9:30 a.m. |
| LABOR SERVICES DIVISION[347] | | |
| General industry — fall protection and exposure to asbestos, 10.20 IAB 9/14/94 ARC 5092A | Labor Services Division 1000 E. Grand Ave. Des Moines, Iowa | October 6, 1994 9 a.m. (If requested) |
| General industry — hazardous waste operations and emergency response, 10.20 IAB 9/28/94 ARC 5128A | Labor Services Division 1000 E. Grand Ave. Des Moines, Iowa | October 20, 1994 9 a.m. (If requested) |
| Construction safety — fall protection and exposure to asbestos, 26.1 IAB 9/14/94 ARC 5093A | Labor Services Division 1000 E. Grand Ave. Des Moines, Iowa | October 6, 1994 9 a.m. (If requested) |
| Construction safety — hazardous waste operations and emergency response, 26.1 IAB 9/28/94 ARC 5129A | Labor Services Division 1000 E. Grand Ave. Des Moines, Iowa | October 20, 1994 9 a.m. (If requested) |
| NATURAL RESOURCE COMMISSION[571] | | |
| Wild turkey spring hunting, 98.2(5), 98.3, 98.10(2), 98.12, 98.14 IAB 9/28/94 ARC 5117A | Conference Room — 4th Floor Wallace State Office Bldg. Des Moines, Iowa | October 26, 1994 10 a.m. |

PETROLEUM UST FUND BOARD, IOWA COMPREHENSIVE[591]

Remediation — small business,
11.7(1)"g"
IAB 9/14/94 ARC 5078A
(See also ARC 5076A)

Conference Room
Williams and Company
1000 Illinois St.
Des Moines, Iowa

October 4, 1994
10 a.m.

PUBLIC SAFETY DEPARTMENT[661]

Ignition interlock devices, 7.8(1),
7.8(2), 7.8(5), 7.8(8)
IAB 9/14/94 ARC 5072A

Conference Room — East Half
Third Floor
Wallace State Office Bldg.
900 E. Grand Ave.
Des Moines, Iowa

October 10, 1994
9:30 a.m.

SECRETARY OF STATE[721]

Voter registration in state agencies,
ch 23
IAB 9/28/94 ARC 5121A

Office of Secretary of State
Second Floor
Hoover State Office Bldg.
Des Moines, Iowa

October 18, 1994
1:30 p.m.

TRANSPORTATION DEPARTMENT[761]

Traffic control devices on state
highways, 130.1
IAB 9/28/94 ARC 5101A

Commission Room
800 Lincoln Way
Ames, Iowa

October 20, 1994
10 a.m.
(If requested)

Tariff rate changes for carriers,
523.8, 525.14, 528.11
IAB 9/14/94 ARC 5071A

Conference Room
Motor Vehicle Division
Park Fair Mall
100 Euclid Ave.
Des Moines, Iowa

October 6, 1994
10 a.m.
(If requested)

UTILITIES DIVISION[199]

Pipeline permits and safety,
10.1 to 10.4, 10.12, 10.16,
10.17, 19.5(2), 19.8(3)

Hearing Room — 1st Floor
Lucas State Office Bldg.
Des Moines, Iowa

November 8, 1994
10 a.m.

VOTER REGISTRATION COMMISSION[821]

General operation, chs 1 to 3 and 6 to 11,
amend ch 4
IAB 9/28/94 ARC 5111A

Conference Rooms 1 and 2
Level B
Hoover State Office Bldg.
Des Moines, Iowa

October 18, 1994
10 a.m.

AGENCY IDENTIFICATION NUMBERS

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

"Umbrella" agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory "umbrellas".

Other autonomous agencies which were not included in the original reorganization legislation as "umbrella" agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA [101].

Implementation of reorganization is continuing and the following list will be updated as changes occur:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Agricultural Development Authority[25]

Soil Conservation Division[27]

ATTORNEY GENERAL[61]

AUDITOR OF STATE[81]

BEEF INDUSTRY COUNCIL, IOWA[101]

BLIND, DEPARTMENT FOR THE[111]

CITIZENS' AIDE[141]

CIVIL RIGHTS COMMISSION[161]

COMMERCE DEPARTMENT[181]

Alcoholic Beverages Division[185]

Banking Division[187]

Credit Union Division[189]

Insurance Division[191]

Professional Licensing and Regulation Division[193]

Accountancy Examining Board[193A]

Architectural Examining Board[193B]

Engineering and Land Surveying Examining Board[193C]

Landscape Architectural Examining Board[193D]

Real Estate Commission[193E]

Real Estate Appraiser Examining Board[193F]

Savings and Loan Division[197]

Utilities Division[199]

CORRECTIONS DEPARTMENT[201]

Parole Board[205]

CULTURAL AFFAIRS DEPARTMENT[221]

Arts Division[222]

Historical Division[223]

Public Broadcasting Division[225]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

City Development Board[263]

Iowa Finance Authority[265]

High Technology Council[267]

Product Development Corporation[271]

EDUCATION DEPARTMENT[281]

Educational Examiners Board[282]

College Student Aid Commission[283]

Higher Education Loan Authority[284]

Iowa Advance Funding Authority[285]

Libraries and Information Services Division[286]

Public Broadcasting Division[288]

School Budget Review Committee[289]

EGG COUNCIL[301]

ELDER AFFAIRS DEPARTMENT[321]

EMPLOYMENT SERVICES DEPARTMENT[341]

Industrial Services Division[343]

Job Service Division[345]

Labor Services Division[347]

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

EXECUTIVE COUNCIL[361]
 FAIR BOARD[371]
 GENERAL SERVICES DEPARTMENT[401]
 HEALTH DATA COMMISSION[411]
 HUMAN RIGHTS DEPARTMENT[421]
 Community Action Agencies Division[427]
 Criminal and Juvenile Justice Planning Division[428]
 Deaf Services, Division of [429]
 Persons With Disabilities Division[431]
 Spanish-Speaking People Division[433]
 Status of Blacks Division[434]
 Status of Women Division[435]
 HUMAN SERVICES DEPARTMENT[441]
 INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
 INTERNATIONAL NETWORK ON TRADE(INTERNET)[497]
 LAW ENFORCEMENT ACADEMY[501]
 LIVESTOCK HEALTH ADVISORY COUNCIL[521]
 MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
 NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]
 NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board[575]
 PERSONNEL DEPARTMENT[581]
 PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
 PREVENTION OF DISABILITIES POLICY COUNCIL[597]
 PUBLIC DEFENSE DEPARTMENT[601]
 Emergency Management Division[605]
 Disaster Services Division[607]
 Military Division[611]
 PUBLIC EMPLOYMENT RELATIONS BOARD[621]
 PUBLIC HEALTH DEPARTMENT[641]
 Substance Abuse Commission[643]
 Professional Licensure Division[645]
 Dental Examiners Board[650]
 Medical Examiners Board[653]
 Nursing Board[655]
 Pharmacy Examiners Board[657]
 PUBLIC SAFETY DEPARTMENT[661]
 RECORDS COMMISSION[671]
 REGENTS BOARD[681]
 Archaeologist[685]
 REVENUE AND FINANCE DEPARTMENT[701]
 Lottery Division[705]
 SECRETARY OF STATE[721]
 SESQUICENTENNIAL COMMISSION, IOWA STATEHOOD[731]
 SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
 TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority, Iowa[765]
 TREASURER OF STATE[781]
 UNIFORM STATE LAWS COMMISSION[791]
 VETERANS AFFAIRS COMMISSION[801]
 VETERINARY MEDICINE BOARD[811]
 VOTER REGISTRATION COMMISSION[821]
 WALLACE TECHNOLOGY TRANSFER FOUNDATION[851]

REORGANIZATION—NOT IMPLEMENTED

Agencies listed below are identified in the Iowa Administrative Code with WHITE TABS*. These agencies have not yet implemented government reorganization.

Iowa Advance Funding Authority[515]

Records Commission[710]

* It is recommended that all white tabs be moved to a separate binder rather than interspersed with the colored tabs, which implemented state government reorganization.

NOTICE --- AVAILABILITY OF PUBLIC FUNDS

| <u>Agency</u> | <u>Program</u> | <u>Service Delivery Area</u> | <u>Eligible Applicants</u> | <u>Services</u> | <u>Application Due Date</u> | <u>Contract Period</u> |
|---------------|----------------------------|------------------------------|--------------------------------------------|---------------------------------------------------------------------------|-----------------------------|------------------------|
| Public Health | Bureau of Health Promotion | Statewide to seven regions* | Nonprofit, private or public organizations | Provide community-based nutrition, physical activity promotional campaign | 11/18//94 | 1/1/95 to 12/31/95 |

Application forms may be obtained by contacting:

Sandra J. Ryan, M.S., R.D.
 Health Promotion Nutritionist
 Bureau of Health Promotion
 Iowa Department of Public Health
 Lucas State Office Building
 Des Moines, IA 50319-0075
 515/281-5462

NOTE: These grants of up to \$5000 are subject to availability of Centers for Disease Control and Prevention Funds for a Nutrition Intervention Program that has been applied for and will be announced on September 30, 1994.

*One application per region will be funded. An application may provide service for a single county or multiple counties within a region.

ARC 5112A

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

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 159.5 and 159A.8, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to rescind Chapter 12, "Renewable Fuels," and adopt a new Chapter 12, "Renewable Fuels and Coproducts," and amend Chapter 85, "Weights and Measures," Iowa Administrative Code.

These amendments rescind the old renewable fuels programs and adopt procedures required for applicants to receive funds for technical assistance. In addition, the amendments modify requirements for the labeling of motor vehicle fuel pumps dispensing fuel containing renewable fuels.

Any interested persons may make written suggestions or comments on these proposed amendments on or before October 18, 1994. Written comments should be addressed to Pat Paustian, Coordinator, Office of Renewable Fuels and Coproducts, Iowa Department of Agriculture and Land Stewardship, Henry A. Wallace State Office Building, Des Moines, Iowa 50319.

These amendments are intended to implement Iowa Code section 159A.8.

These amendments have been Adopted and Filed Emergency and are published herein as **ARC 5109A**. The content of that submission is incorporated by reference.

ARC 5103A

COMMUNITY ACTION AGENCIES DIVISION[427]

Notice of Termination

Pursuant to the authority of Iowa Code section 216A.92B, the Division of Community Action Agencies terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on August 4, 1993, as **ARC 4135A**, concerning Chapter 22, "Community Services Block Grant," Iowa Administrative Code. The termination has been initiated due to the expiration of 180 days without the Division of Community Action Agencies taking further action on the rules.

ARC 5119A

EDUCATION DEPARTMENT[281]

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 256.7(5), the Iowa State Board of Education hereby gives Notice of Intended Action to amend Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

Item 1 removes outdated language, "handicapping condition," and replaces it with "disabled."

Item 2 amends language to show that seniors who are excused after 175 days of instruction are not required to make up extra days when a school's calendar is extended because of weather-related closings.

Item 3 amends language to show that a day of school may be counted even if one day is shorter than five and one-half hours if the school has had at least twenty-seven and one-half hours of instruction in any five consecutive school days and parent-teacher conferences have been scheduled beyond the regular school day.

Item 4 amends language to show that all students must complete a minimum of one-half unit of United States government and one unit of United States history.

Item 5 clarifies language to show that this requirement for a technology plan applies to nonpublic schools as well as to public schools.

Any interested persons may make written suggestions or comments on these proposed amendments on or before October 18, 1994. Written or oral comments should be addressed to Don Helvick, Consultant, Bureau of School Administration and Accreditation, Department of Education, Grimes State Office Building, Des Moines, Iowa 50319-0146, telephone (515)281-5001.

A public hearing on the proposed amendments will be held on October 18, 1994, at 2 p.m. in the State Board Room, second floor, Grimes State Office Building, Des Moines, Iowa.

These amendments are intended to implement Iowa Code section 256.11 as amended by 1994 Iowa Acts, Senate File 2237, section 1, Senate File 2277, section 1, and House File 2033, section 1.

The following amendments are proposed.

ITEM 1. Amend the preamble to **281—Chapter 12** as follows:

The following standards are the minimum requirements that must be met by an Iowa public school district to be accredited. A public school district that does not maintain accreditation shall be merged by the state board of education with one or more contiguous school districts as required by Iowa Code subsection 256.11(12). A nonpublic school must meet the standards if it wishes to be designated as accredited for operation in Iowa. The standards are intended to fulfill the state's responsibility for making available an appropriate educational opportunity for each child of school age in Iowa. They are designed to ensure that each child has access to educational programs essential to the needs and abilities of the child regardless of

EDUCATION DEPARTMENT[281](cont'd)

race, sex, ~~handicapping condition~~ disability, language, socioeconomic background, or geographic location. No public school district, or a nonpublic school desiring to be accredited, is required to meet the provisions of this chapter prior to July 1, 1989.

ITEM 2. Amend subrule 12.2(1) as follows:

12.2(1) Minimum school calendar and day of instruction. Each board shall adopt a school calendar that identifies specific days for student instruction, staff development and in-service time, and time for parent-teacher conferences. The length of the school calendar does not dictate the length of contract or employment days for individual instructional and noninstructional staff. The school calendar may be operated any time during the school year of July 1 to June 30 as defined by Iowa Code section 279.10. A minimum of 180 days of the school calendar, for school districts beginning no sooner than a day during the calendar week in which the first day of September falls, shall be used for student instruction. These days shall meet the definitions of "day of school" in subrule 12.2(2), "minimum school day" in subrule 12.2(3), and "day of attendance" in subrule 12.2(4). (Exception: A school or school district may, by board policy, excuse graduating seniors up to five days of instruction after school or district requirements for graduation have been met. *If additional days are added to the regular school calendar because of inclement weather, a graduating senior who has met the school's requirements for graduation may be excused from attendance during the extended school calendar.*) Of the remaining days in the school calendar, a minimum of 20 days, excluding vacation and holidays, shall be used as determined by the board for other educational purposes involving instructional and noninstructional staff.

ITEM 3. Amend subrule 12.2(3) as follows:

12.2(3) Minimum school day. A school day shall consist of a minimum of five and one-half hours of instructional time for all grades one through twelve. The minimum hours shall be exclusive of the lunch period. Passing time between classes as well as time spent on parent-teacher conferences may be counted as part of the five and one-half hour requirement. The school or school district may record a day of school with less than the minimum instructional hours if emergency health or safety factors require the late arrival or early dismissal of pupils on a specific day; or if the total hours of instructional time for all grades one through twelve in any five consecutive school days equals a minimum of twenty-seven and one-half hours, even though any one day of school is less than the minimum instructional hours because of a staff development opportunity provided for the instructional professional staff or because parent-teacher conferences have been scheduled beyond the regular school day.

ITEM 4. Amend subrule 12.5(5), paragraph "b," as follows:

b. Social studies (five units). Social studies instruction shall include citizenship education, history, and the social sciences. Instruction shall encompass the history of the United States and the history and cultures of other peoples and nations including the analysis of persons, events, issues, and historical evidence reflecting time, change, and cause and effect. *Instruction in United States government shall include an overview of American government through the study of the United States*

Constitution, *the bill of rights*, the federal system of government, and the structure and relationship between the national, state, county, and local governments; and voter education including instruction in statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot. *Students' knowledge of the Constitution and the bill of rights shall be assessed.* Economics shall include comparative and consumer studies in relation to the market and command economic systems. Geography shall include the earth's physical and cultural features, their spatial arrangement and interrelationships, and the forces that affect them. Sociology, psychology, and anthropology shall include the scientific study of the individual and group behavior(s) reflecting the impact of these behaviors on persons, groups, society, and the major institutions in a society. Democratic beliefs and values, problem-solving skills, and social and political skills shall be incorporated. All students in grades nine through twelve must, as a condition of graduation, complete *a minimum of one-half unit of United States government and one unit of United States history and receive instruction in American history and the governments government of Iowa and the United States.*

ITEM 5. Amend subrule 12.5(10) as follows:

12.5(10) Technology in the curriculum. The board shall adopt a plan for the efficient and effective use of technology in the instructional program. The plan shall provide for the understanding and use of current technology by staff and students and shall include a procedure to review the district's utilization of technology as a teaching and learning tool.

ARC 5120A

EDUCATION DEPARTMENT[281]

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 256.7(5), the Iowa State Board of Education hereby gives Notice of Intended Action to amend Chapter 17, "Open Enrollment," Iowa Administrative Code.

Item 1 allows parents to withdraw an approved application anytime before the first day of school. This will reduce paperwork and reduce the amount of time a school board must spend on such a request.

Item 2 eliminates some outdated language.

Item 3 indicates that a student must be in good standing at the receiving district in order to return to the resident district.

Item 4 eliminates some outdated language and clarifies athletic eligibility restrictions when a pupil returns to the district of residence.

EDUCATION DEPARTMENT[281](cont'd)

Item 5 reduces the four-year requirement for open enrollment to one year. This amendment will reduce paperwork and reduce the amount of time a school board must spend on open enrollment.

Item 6 clarifies timelines for requests for alternative receiving districts and defines the process to follow when a parent/guardian desires to have the parent/guardian's pupil return to the pupil's resident district from a receiving district. This amendment will reduce paperwork and reduce the amount of time a school board must spend on open enrollment.

Item 7 provides needed reference to the new provisions of subrule 17.8(4).

Item 8 deletes some outdated language.

Item 9 clarifies that the billing procedure for regular pupils is different from the billing procedure for special education students.

Any interested person may make written suggestions or comments on these proposed amendments on or before October 18, 1994. Written or oral comments should be addressed to Don Helvick, Consultant, Bureau of School Administration and Accreditation, Department of Education, Grimes State Office Building, Des Moines, Iowa 50319-0146, telephone (515)281-5001.

A public hearing on the proposed amendments will be held on October 18, 1994, at 1 p.m. in the State Board Room, second floor, Grimes State Office Building, Des Moines, Iowa.

These amendments are intended to implement Iowa Code section 282.18 as amended by 1994 Iowa Acts, Senate File 2234, section 10.

The following amendments are proposed.

ITEM 1. Amend subrule 17.3(2), second and fourth unnumbered paragraphs, as follows:

The parent/guardian may withdraw an open enrollment request anytime ~~during the month of November of the year preceding the year for which the application is made unless the board of the receiving district has acted on the request.~~ *prior to the first day of school in the resident district. Following approval by the receiving district, After the first day of school,* an open enrollment request can only be changed during the term of the approval by the procedures of subrules 17.8(3) and 17.8(4).

By September 30 of each school year, the district shall notify parents of open enrollment deadlines, and transportation assistance, *and possible loss of athletic eligibility* for open enrollment pupils. This notification may be published in a school newsletter, a newspaper of general circulation, or a parent handbook provided to all patrons of the district. *This information shall also be provided to any parent/guardian of a pupil who transfers into the district during the school year.*

ITEM 2. Amend rule 17.4(282), first unnumbered paragraph, as follows:

Consideration of an open enrollment request filed under the provision of good cause, with the exception of the options provided in rule 17.5(282), does not preclude the authority, as appropriate, for the resident or receiving district to administer board policy related to ~~enrollment loss caps, insufficient classroom space, and or the requirements of a desegregation plan or order in acting to approve or deny the request.~~ (See subrules ~~17.6(1), 17.6(2), and 17.6(3).~~)

ITEM 3. Amend subrule 17.8(1) as follows:

17.8(1) Eligibility for transfer. A pupil that has been suspended or expelled by action of the administration or board of the resident district shall not be permitted to transfer if an open enrollment request is filed until the pupil is reinstated for school attendance in the resident district. Once reinstated, the application for transfer shall be considered in the same manner as any other open enrollment request. If a pupil for which an open enrollment request has been filed is subsequently expelled by action of the resident district board, the pupil may be denied transfer by the receiving district board until the pupil is reinstated for school attendance by the resident district. The parent/guardian may appeal the decision to deny transfer by the receiving district to the director of the department of education. If the decision of the director is to allow the transfer, this action shall be conditioned upon the expiration of the expulsion imposed by the resident district. The provisions of this subrule shall also apply to a pupil that has been suspended or expelled in a receiving district and is requesting open enrollment transfer to an alternative receiving district *or is seeking to return to the resident district as outlined in subrule 17.8(4).*

ITEM 4. Amend subrule 17.8(2), introductory paragraph, as follows:

17.8(2) Restrictions on participation in interscholastic athletic contests and competitions. A pupil who transfers school districts under open enrollment in any of the grades 10 through 12 shall not be eligible to participate in interscholastic contests and competitions during the first 90 school days of transfer. ~~(See exception in rule 17.5(282).)~~ This restriction also shall apply to transfers resulting from an approved petition filed by a parent or guardian to transfer to an alternative receiving district *and when the pupil returns to the district of residence using the process outlined in subrule 17.8(4).* This 90-school-day restriction does not prohibit the pupil from practicing with an athletic team during the 90 school days of ineligibility. This 90-school-day restriction is not applicable to a pupil who:

ITEM 5. Amend subrule 17.8(3) as follows:

17.8(3) Term of enrollment. Parents/guardians who have requested open enrollment, once this request has been approved by the receiving district, are committed to have their pupil attend the receiving district for a minimum of ~~four years~~ *one year* unless one of the exceptions below applies. The ~~four-year~~ *one-year* commitment is the minimum number of years for which an open enrollment request may be made. The term may exceed the ~~four-year~~ *one-year* minimum if requested by the parent/guardian and approved by the receiving district. This attendance commitment need not be maintained if:

- a. The pupil graduates.
- b. The parent/guardian moves to another public school district.
- c. The parent/guardian petitions the receiving district for permission to enroll the pupil in an alternative receiving district, ~~which may include return to the resident district.~~
- d. *The pupil returns to the district of residence through the process outlined in subrule 17.8(4).*

ITEM 6. Amend subrule 17.8(4) as follows:

EDUCATION DEPARTMENT[281](cont'd)

17.8(4) Petition for attendance in an alternative receiving district. Once the pupil of a parent/guardian has been accepted for open enrollment, attendance in an alternative receiving district under open enrollment, ~~which may include return to the resident district,~~ can be initiated by filing a petition for change with the receiving district. The petition shall be filed by the parent/guardian with the receiving district by October 30 of the year preceding the school year for which the change is requested. ~~The board of the receiving district may act on the request for transfer within five days of its receipt. If the request is approved, the receiving district has five days from board action to transmit it to the alternative receiving district. Notification of this transmittal, or of action to deny the request, shall be sent to the parent/guardian within this same five day period. The alternative receiving district shall enroll the pupil unless it has insufficient classroom space or unless the enrollment of the pupil would adversely affect a desegregation plan or order for the district. The alternative receiving district shall have 15 days within which to act on the request for enrollment transfer. If the request is denied, notice of this action shall be sent to the parent/guardian and the district filing the transfer. The timelines and notification requirements for such a request shall be the same as outlined in subrule 17.3(2). If the request is approved, the alternative district shall send notice of this action to the parent/guardian, to the district filing the transfer, and to the resident district of the pupil. Petitions for transfer shall be effectuated at the start of the next school year.~~

As an alternative procedure, the receiving and alternative receiving district boards by mutual agreement may effectuate the transfer of an open enrollment pupil at any time following receipt of a ~~petition~~ *written request* for transfer which is approved by the two boards. The parent/guardian and the resident district board shall be notified of the approval and the date for transfer within 15 days of the mutual agreement action of the receiving and alternative receiving boards.

The record of approval action on any petition for transfer shall be filed with the department of education by the alternative receiving district.

A pupil in good standing may return to the district of residence at any time following written notice from the parent/guardian to both the resident district and the receiving district.

ITEM 7. Amend paragraph 17.8(10)"b" as follows:

b. The pupil drops out of school. In this instance, if the pupil desires to return to the resident district during the term of the original open enrollment, ~~approval notice~~ *must be gained given through as outlined in the provisions of subrule 17.8(4).*

ITEM 8. Amend subrule 17.10(1) as follows:

17.10(1) Full-time pupils. For full-time pupils, the resident district shall pay each year to the receiving district an amount equal to the lower district cost per pupil of the two districts plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4 and phase III money allocated to the district for the full-time equivalent attendance of the pupil as provided by Iowa Code chapter 294A. ~~(See rule 17.5(282) for an exception to this provision.)~~

ITEM 9. Amend subrule 17.10(5) as follows:

17.10(5) Method of payment. These moneys shall be paid to the receiving district on a quarterly basis. The

district cost per pupil *for non-special education students* shall be the cost calculated each year for the school year preceding the school year for which the open enrollment takes place. *Costs for special education students shall be as outlined in rule 17.11(282).*

ARC 5122A

EDUCATION DEPARTMENT[281]

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 256.7(5), the Iowa State Board of Education hereby gives Notice of Intended Action to amend Chapter 36, "Extracurricular Interscholastic Competition," Iowa Administrative Code.

This amendment is being proposed to define eligibility rules when a parent rescinds an open enrollment request before the student actually attends the receiving district.

Any interested person may submit oral or written suggestions or comments on or before October 18, 1994. Written or oral comments should be addressed to Don Helvick, Consultant, Bureau of School Administration and Accreditation, Department of Education, Grimes State Office Building, Des Moines, Iowa 50319-0146, telephone (515)281-5001.

A public hearing on the proposed amendment will be held on October 18, 1994, at 1:30 p.m. in the State Board Room, second floor, Grimes State Office building, Des Moines, Iowa.

This amendment is intended to implement Iowa Code section 282.18 as amended by 1994 Iowa Acts, Senate File 2234, section 10.

The following amendment is proposed.

Amend subrule 36.15(4), introductory paragraph, as follows:

36.15(4) Open enrollment transfer rule. A student in grades 10 through 12 whose transfer of schools had occurred due to a request for open enrollment by the student's parent or guardian is ineligible to compete in interscholastic athletics, but may practice with the team, during the first 90 school days of transfer. *However, if an open enrollment student participates in the name of a member school during the summer, the student is ineligible to participate in the name of another member school for the first 90 school days of the following school year.* This period of ineligibility does not apply if the student:

ARC 5100A**HUMAN SERVICES
DEPARTMENT[441]****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 225C.6, the Department of Human Services proposes to amend Chapter 153, "Social Services Block Grant and Funding for Local Services," appearing in the Iowa Administrative Code.

These amendments delete family-centered services from the list of services for which the counties can receive reimbursement from local services funding, insert an allocation formula to replace a reference to a previously deleted rule, and correct an implementation clause. The General Assembly deleted family-centered services from the list of services eligible for funding in 1994 Iowa Acts, Senate File 2313, section 19, subsection 6, paragraph "b." The allocation formula was specified in 1994 Iowa Acts, Senate File 2313, section 19, subsection 6, paragraph "f," and has not changed from the previous formula.

Consideration will be given to all written data, views, and arguments thereto received by the Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319-0114, on or before October 19, 1994.

These amendments are intended to implement Iowa Code section 225C.4 and 1994 Iowa Acts, Senate File 2313, section 19, subsection 6.

The following amendments are proposed.

ITEM 1. Amend rule 441—153.35(225C), introductory paragraph, as follows:

441—153.35(225C) Services eligible for funding. Services eligible for funding are: administrative support for volunteers, adult day care, adult support, community-supervised apartment living arrangements, ~~family-centered services~~, adult residential services, sheltered work, supported employment, supported work training, transportation, and work activity.

ITEM 2. Amend rule 441—153.38(225C) as follows:

441—153.38(225C) Allocation formula. Funds administered pursuant to this division shall be allocated to each county ~~as outlined in rule 441—153.18(234)~~ using the following formula: *50 percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget and 50 percent based upon the amount provided to the county for local purchase services in the preceding fiscal year.*

ITEM 3. Amend the implementation clause following **441—Chapter 153, Division III**, as follows:

These rules are intended to implement Iowa Code section 225C.4 and ~~1993 Iowa Acts, House File 518, section 20, subsections 2 and 5~~ 1994 Iowa Acts, Senate File 2313, section 19, subsection 6.

ARC 5099A**HUMAN SERVICES
DEPARTMENT[441]****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 237.13, subsection 9, the Department of Human Services proposes to amend Chapter 158, "Foster Home Insurance Fund," appearing in the Iowa Administrative Code.

These amendments revise policies governing the foster home insurance fund as follows. These amendments update the income and resource guidelines for the ward of an eligible guardian or conservator, lower the foster parent's deductible from \$150 to \$75, allow claims to be filed on forms established by the Department's contractor, and update rule references.

Iowa Code section 237.13 provides that a guardian or conservator is eligible to file a claim only if the ward has income that does not exceed 150 percent of the federal poverty guidelines and resources that do not exceed the criteria for resources under the Supplemental Security Income program.

Consideration will be given to all written data, views, and arguments thereto received by the Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319-0114, on or before October 19, 1994.

These amendments are intended to implement Iowa Code section 237.13.

The following amendments are proposed.

ITEM 1. Amend **441—Chapter 158**, parenthetical implementation citation for each rule, by striking "72GA,SF2107" and inserting "237".

ITEM 2. Amend rule 441—158.1(237) as follows:

Amend subrule 158.1(1), introductory paragraph, as follows:

158.1(1) Eligible foster family claims. The foster home insurance fund shall pay the following within the limits defined in ~~1988 Iowa Acts, Senate File 2107, section 4~~ Iowa Code section 237.13, subsections 3 and 4.

Further amend subrule **158.1(1)**, paragraph "c," as follows:

HUMAN SERVICES DEPARTMENT[441](cont'd)

c. Reasonable and necessary legal fees incurred by licensed foster families in defense of civil claims filed pursuant to ~~1988 Iowa Acts, Senate File 2107, section 4 Iowa Code section 237.13, subsection 7, paragraph "d,"~~ and any judgments awarded as a result of these claims. The reasonableness and necessity of legal fees shall be determined by the department or its contract agent.

Amend subrule 158.1(2) as follows:

158.1(2) Eligible guardian and conservator claims. The foster home insurance fund shall pay the reasonable and necessary legal costs incurred by a guardian or conservator in defending against a suit filed by an eligible ward or the ward's representative and the damages awarded as a result of the suit within the limits defined in ~~1988 Iowa Acts, Senate File 2107, section 4 Iowa Code section 237.13, subsection 5.~~ The reasonableness and necessity of legal fees shall be determined by the department or its contract agent. To be eligible a ward must meet the following conditions:

a. The ward's income determined in accordance with subrule 130.3(3) must not exceed the following:

| Family Size | Monthly Gross Income | |
|-------------|----------------------|--------|
| 1 member | \$ 721 | \$ 920 |
| 2 members | 966 | 1,230 |
| 3 members | 1,211 | 1,540 |
| 4 members | 1,456 | 1,850 |
| 5 members | 1,701 | 2,160 |
| 6 members | 1,946 | 2,470 |
| 7 members | 2,191 | 2,780 |
| 8 members | 2,436 | 3,090 |

For each family unit with more than eight members, add \$245 \$310 for each additional member.

b. The ward's resources shall be treated in accordance with Supplemental Security Income policies except that one residence which shall be the homestead if exempt under SSI and one vehicle shall be excluded. Resources shall not exceed ~~\$1,900~~ \$2,000 for a single individual and ~~\$2,850~~ \$3,000 for two or more persons.

ITEM 3. Amend rule 441—158.2(237) as follows:

441—158.2(237) Payment limits. The fund is not liable if there is another source of compensation, including the child's own funds. The fund is not liable for the first ~~\$150~~ \$75 of any claim based on a single occurrence. Claims may not be aggregated or accumulated to avoid payment of the deductible. The fund is not liable for claims in excess of \$300,000 for a single foster home or ward for all claims based on one or more occurrences during a calendar year.

ITEM 4. Amend rule 441—158.3(237) as follows:

441—158.3(237) Claim procedures. Claims against the fund shall be filed with the department's contractor. *If the department does not have a contractor, claims shall be filed on Form 470-2470, Foster Home Insurance Fund Claim.* The decision to approve or deny the claim shall be made by the department or its contractor and the notice mailed or given to the claimant within 180 days of the date the claim is received.

ITEM 5. Amend the implementation clause following **441—Chapter 158** as follows:

These rules are intended to implement ~~1988 Iowa Acts, House File 2447, sections 27 and 37, and Senate File 2107, section 4 Iowa Code section 237.13.~~

ARC 5128A

LABOR SERVICES DIVISION[347]

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 88.5 and 17A.3(1), the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 10, "General Industry Safety and Health Rules," Iowa Administrative Code.

The amendment relates to hazardous waste operations and emergency response.

If requested by October 18, 1994, a public hearing will be held on October 20, 1994, at 9 a.m. in the office of the Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa. Any interested person will be given the opportunity to make oral or written submissions concerning the proposed amendment. Written data or arguments to be considered in adoption may be submitted by interested persons no later than October 20, 1994, to the Deputy Labor Commissioner, Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209.

The Division has determined that this Notice of Intended Action may have an impact on small business. This amendment will not necessitate additional annual expenditures exceeding \$100,000 by any one political subdivision or agency or any contractor providing services to political subdivisions or agencies.

The Division will issue a regulatory flexibility analysis as provided by Iowa Code section 17A.31 if a written request is filed by delivery or by mailing postmarked no later than October 19, 1994, to the Deputy Labor Commissioner, Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. The request may be made by the Administrative Rules Review Committee, the Governor, a political subdivision, at least 25 persons who qualify as a small business under the Act, or an organization of small businesses representing at least 25 persons which is registered with the Division of Labor Services under the Act.

This amendment is intended to implement Iowa Code section 88.5.

The following amendment is proposed.

Amend rule **347—10.20(88)** by inserting at the end thereof:

59 Fed. Reg. 43270 (August 22, 1994)

ARC 5129A

LABOR SERVICES DIVISION[347]

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 88.5 and 17A.3(1), the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 26, "Construction Safety and Health Rules," Iowa Administrative Code.

The amendment relates to hazardous waste operations and emergency response.

If requested by October 18, 1994, a public hearing will be held on October 20, 1994, at 9 a.m. in the office of the Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa. Any interested person will be given the opportunity to make oral or written submissions concerning the proposed amendment. Written data or arguments to be considered in adoption may be submitted by interested persons no later than October 20, 1994, to the Deputy Labor Commissioner, Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209.

The Division has determined that this Notice of Intended Action may have an impact on small business. This amendment will not necessitate additional annual expenditures exceeding \$100,000 by any one political subdivision or agency or any contractor providing services to political subdivisions or agencies.

The Division will issue a regulatory flexibility analysis as provided by Iowa Code section 17A.31 if a written request is filed by delivery or by mailing postmarked no later than October 19, 1994, to the Deputy Labor Commissioner, Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. The request may be made by the Administrative Rules Review Committee, the Governor, a political subdivision, at least 25 persons who qualify as a small business under the Act, or an organization of small businesses representing at least 25 persons which is registered with the Division of Labor Services under the Act.

This amendment is intended to implement Iowa Code section 88.5.

The following amendment is proposed.

Amend rule 347—26.1(88) by inserting at the end thereof:

59 Fed. Reg. 43275 (August 22, 1994)

ARC 5113A

MEDICAL EXAMINERS
BOARD[653]

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 147.76, the Iowa Board of Medical Examiners gives Notice of Intended Action to amend Chapter 12, "Discipline," appearing in the Iowa Administrative Code.

The Iowa Board of Medical Examiners proposes to amend Chapter 12 by rescinding two subrules and inserting new ones to remove references to the director of public health and make minor word changes. Other subrules are amended to change the number of board members from five to six for a majority and make minor word changes.

Any interested person may submit comments in written form on the proposed amendments on or before October 18, 1994. Such written materials should be directed to Ann M. Martino, Ph.D., Executive Director, Iowa Board of Medical Examiners, 1209 East Court Avenue, Des Moines, Iowa 50319-0180, telephone (515)281-5171.

These amendments are intended to implement Iowa Code chapters 147, 148, 17A and 272C.

The following amendments are proposed.

Amend 653—12.50(147,148,17A,272C) as follows:

Amend subrule 12.50(12) as follows:

12.50(12) Legal representation. Every statement of charges and notice of hearing prepared by the board shall be reviewed and approved by the office of the attorney general, which shall be responsible for the legal representation of the public interest in all proceedings before the board.

Amend subrule 12.50(26), introductory paragraph, as follows:

12.50(26) Final decision. When ~~five~~ six or more members of the board preside over the reception of the evidence at the hearing, its decision is a final decision.

Rescind subrules 12.50(31) and 12.50(33) and insert in lieu thereof the following new subrules:

12.50(31) Final order. The final decision of the board shall be summarized in a final order which shall be signed for the board by its chairperson, vice chairperson or secretary. The final order shall clearly state the discipline imposed upon the licensee. A copy of the final order, findings of fact and final decision shall be served upon the licensee in the manner of service of an original notice or by restricted certified mail, return receipt requested.

12.50(33) Board decision. The board's decision and final order imposing discipline upon a licensee shall remain in force and effect until the appeal is finally determined and disposed of upon its merit.

Amend subrule 12.50(36), paragraph "d," as follows:

d. An order of reinstatement shall be based upon a decision which incorporates findings of fact and conclusions

MEDICAL EXAMINERS BOARD[653](cont'd)

of law, and must be based upon the affirmative vote of not fewer than five six members of the board. ~~This~~ *The order of reinstatement will shall* be published as provided for in subrule 12.50(35).

ARC 5117A

NATURAL RESOURCE
COMMISSION[571]

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 455A.5(6)"a," 481A.38 and 481A.39, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 98, "Wild Turkey Spring Hunting," Iowa Administrative Code.

These amendments regulate hunting wild turkeys and include season dates, licensing procedures, and transportation tag requirements.

Any interested person may make written suggestions or comments on these proposed amendments prior to October 26, 1994. Such written materials should be directed to the Wildlife Bureau, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the wildlife offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on October 26, 1994, at 10 a.m. in the Fourth Floor Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1 and 483A.7.

The following amendments are proposed.

ITEM 1. Amend subrule 98.2(5) to read as follows:

98.2(5) Hunting periods. Hunting periods will be established in accordance with the type of license issued.

a. Combination shotgun-or-archery licenses. The hunting periods are April 18 17 through April 21 20, 1994 1995; April 22 21 through April 26 25, 1994 1995; April 27 26 through May 3 2, 1994 1995; and May 4 3 through May 15 14, 1994 1995.

b. Archery-only licenses. The hunting period shall be April 18 17 through May 15 14, 1994 1995.

ITEM 2. Amend subrules 98.3(1) and 98.3(3) to read as follows:

98.3(1) Application periods. Applications for 1994 1995 spring wild turkey hunting licenses shall be received and accepted as follows:

a. Combination shotgun-or-archery licenses. Applications for combination shotgun-or-archery licenses will be received and accepted from January 10 9 through February 4 3, 1994 1995, or if the application bears a valid and legible U.S. Postal Service postmark applied during the same period. Incomplete or improperly completed applications, applications not meeting the above conditions, or applications received after the application period shall not be considered valid. Applications that are complete except for a zone designation shall be assigned to Zone 4. A person may submit up to two applications during the application period, provided that at least one application is for hunting period four in Zone 4 and that \$22 is submitted with each application. If applications have been received in excess of the license quota for any hunting zone or period, a drawing shall be conducted to determine which applicants shall receive licenses. If the quota for any hunting zone or period has not been filled, licenses shall be issued in the order in which applications are received beginning March 7 6, 1994 1995, and shall continue until the quota has been met or through March 11 10, 1994 1995, whichever first occurs.

Persons who have not previously applied for a license or were unsuccessful in the first drawing may apply for one or two licenses in any of the hunting periods for which licenses are still available. Persons who have already received one combination shotgun-or-archery license may apply for one additional license for any of the hunting periods in which licenses are still available.

b. Archery-only license. Applications for archery-only licenses shall be received and accepted from January 10 9 through March 11 10, 1994 1995.

98.3(3) Application forms. Applications for special turkey hunting licenses, as provided for in Iowa Code section 481A.38, shall be on forms furnished by the department, and shall be received at the department of natural resources office no later than March 11 10, 1994 1995.

ITEM 3. Amend subrule 98.10(2) to read as follows:

98.10(2) Seasons. Bearded (or male) wild turkey may be taken only by the use of shotguns, muzzleloading shotguns, and bow and arrow during one of the following seasons: April 18 17 through April 21 20, 1994 1995; April 27 26 through May 3 2, 1994 1995; and May 4 3 through May 15 14, 1994 1995.

ITEM 4. Amend rule 571—98.12(483A) to read as follows:

571—98.12(483A) License quotas. A limited number of wild turkey hunting licenses will be issued in each zone in each season as follows:

1. Zone 1. Closed.
2. Zone 2. Closed.
3. Zone 3. Closed.
4. Zone 4. ~~Eighty~~ 140.
5. Zone 5. ~~Twenty~~ 40.
6. Zone 6. ~~Eighty~~ 120.
7. Zone 7. ~~Twenty~~ 30.

ITEM 5. Amend rule 571—98.14(483A) to read as follows:

NATURAL RESOURCE COMMISSION[571](cont'd)

571—98.14(483A) Application procedure. All applications for 1994 1995 nonresident spring wild turkey hunting licenses must be made on forms provided by the department of natural resources and returned to the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034.

Applications for any of the ~~four~~ ~~three~~ 1994 1995 spring wild turkey hunting periods shall be received and accepted from January ~~10~~ 9 through January ~~28~~ 27, 1994 1995. If applications are received in excess of the license quota for any hunting zone or period, a drawing shall be conducted to determine which applicants shall receive licenses. If licenses are still available for any hunting zone or period, licenses will be issued as applications are received until quotas are filled or March ~~11~~ 10, 1994 1995, whichever occurs first. Party applications with no more than four individuals will be accepted. No person shall submit more than one application. 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. The nonresident license fee shall be \$55.

ARC 5121A

SECRETARY OF STATE[721]

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 47.1 and 1994 Iowa Acts, Senate File 2223, section 20, subsection 3, the Secretary of State gives Notice of Intended Action to rescind Chapter 23, "Voter Registration in State Offices," Iowa Administrative Code, and to adopt a new Chapter 23, "Voter Registration in State Agencies."

These rules contain procedures for voter registration to be used by state agencies in carrying out the provisions of the federal National Voter Registration Act of 1993, and of 1994 Iowa Acts, Senate File 2223.

Any interested person may make written suggestions or comments on these rules on or before Tuesday, October 18, 1994. Any written comments may be sent to the Director of Elections, Second Floor, Hoover State Office Building, Des Moines, Iowa 50319. Facsimile transmissions may be sent to (515)242-5953. Persons who wish to express their comments orally may telephone the director of elections at (515)281-5823.

A public hearing will be held on Tuesday, October 18, 1994, at 1:30 p.m. at the Secretary of State's office, second floor, Hoover State Office Building. Anyone who wishes to appear at the public hearing shall notify the director of elections not later than 4:30 p.m. on Monday, October 17, 1994. At the hearing, all speakers will be

asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

These rules are intended to implement 1994 Iowa Acts, Senate File 2223, section 20, subsection 3.

The following new chapter is proposed.

Rescind **721—Chapter 23** and insert the following **new** chapter in lieu thereof:

CHAPTER 23

VOTER REGISTRATION IN STATE AGENCIES

721—23.1(75GA,SF2223) Definitions.

"Agency" means a voter registration agency as defined in 1994 Iowa Acts, Senate File 2223, section 20.

"Applicant" means a person who is provided an application for services or assistance by a voter registration agency. This includes persons who have been accepted for services or assistance and who are submitting change of address notices or applications for renewal or recertification. The term also includes a person who has submitted an application for services or assistance and whose application has been rejected by the agency.

"Application" means the forms used to request services or assistance from a voter registration agency and which are used to determine eligibility. If no written form is required or used, "application" means the act of requesting services or assistance.

"Recertification" means a process initiated by the agency to reevaluate the applicant's qualifications for services or assistance. This does not include regular reports by applicants to show continuing eligibility or compliance with agency requirements.

"Renewal" means the process of applying to continue to receive services or assistance from an agency after the prescribed time of service has passed.

721—23.2(75GA,SF2223) Registration forms. The use of electronic registration records and combined forms for voter registration and for application for services is encouraged. These forms shall be approved by the voter registration commission. Otherwise, the Iowa mail registration form shall be used. Agencies, such as military recruiting offices, which serve a substantial number of applicants who live outside the state of Iowa shall keep a supply of the Federal Election Commission's national registration form.

721—23.3(75GA,SF2223) Declination forms. The offer of voter registration shall include a declination form as follows:

STATE OF IOWA

Please read this carefully, sign and return it with your application.

If you are not registered to vote where you live now, would you like to apply to register to vote here today?

- Yes, I want to register to vote.
 No, I do not want to register to vote.

If you do not check either box, you will be considered to have decided not to register to vote at this time.

Name: _____ County: _____

Signature: _____ Date: _____

SECRETARY OF STATE[721](cont'd)

Voter Registration Information

STATE OF IOWA

You can apply to register to vote when you apply for assistance. This agency is required to offer you the chance to register to vote.

Registration Rules—You must be registered before you can vote in an election.

You may register to vote in Iowa if you are—

- a citizen of the United States
- a resident of Iowa
- at least 17 1/2 years old (you must be 18 to vote)

You may not register (or vote) if you have been—

- convicted of a felony (unless your rights have been restored)
- judged "mentally incompetent" by a court (unless the order is reversed)

You may not claim the right to vote in more than one place.

When you register to vote at your current address, you give up the right to vote in any other place.

Your Rights

Help: If you would like help in filling out the voter registration form, we will help you.

- The decision whether to seek or accept help is yours.
- You may fill out the application form in private.

Benefits: Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

Privacy: If you do not register to vote, this fact will remain private. If you do register to vote, the fact that you registered at a public assistance office will remain private. It will be used only for voter registration purposes.

Complaints: If you believe that someone has interfered with your right to

- register or to decline to register to vote,
- privacy in deciding whether to register,
- privacy in applying to register to vote,
- choose your own political party or other political preference,

you may file a complaint with:

Voter Registration Commission

Level B

Hoover State Office Building

Des Moines, Iowa 50319

Telephone:

(515) 281-5781

721—23.4(75GA,SF2223) Electronic declination records. The agency may offer the opportunity to register to vote orally and record the applicant's responses electronically. The agency shall ask each applicant the following questions:

"Did you receive a copy of the voter registration information brochure?" If the applicant has not received it, the agency shall provide the applicant with a copy of the brochure and shall review it with the applicant. Then the applicant shall be asked the following question:

"If you are not registered to vote where you live now, would you like to apply to register to vote here today?" (The applicant may answer yes or no. If the applicant

does not answer, the applicant shall be presumed to have declined to register to vote.)

721—23.5(75GA,SF2223) Retention and storage of declination forms. Declination forms shall be retained by the agency receiving them for 22 months after the next general election following receipt of the form. Declination forms signed during the ten days before a general election, when registration is closed, shall be retained for 22 months after the general election to be held in two years. The forms shall be stored in a secure location where the safety and confidentiality of the records can be protected. If the applicant's responses are stored electronically, the declination record shall be retained by the agency for the same period of time required for paper declination forms. The following schedule shall be followed:

| <u>Date declination signed</u> | <u>Election date</u> | <u>Earliest date to destroy</u> |
|--------------------------------|----------------------|---------------------------------|
| 01/01/95 - 10/26/96 | 11/05/96 | 09/05/98 |
| 10/27/96 - 10/24/98 | 11/03/98 | 09/03/00 |
| 10/25/98 - 10/28/00 | 11/07/00 | 09/07/02 |
| 10/29/00 - 10/26/02 | 11/05/02 | 09/05/04 |
| 10/27/02 - 10/23/04 | 11/02/04 | 09/02/06 |
| 10/24/04 - 10/28/06 | 11/07/06 | 09/07/08 |
| 10/29/06 - 10/26/08 | 11/04/08 | 09/04/10 |
| 10/27/08 - 10/23/10 | 11/02/10 | 09/02/12 |

721—23.6(75GA,SF2223) Distribution of voter registration forms. Every person who receives an application for services or assistance from a designated voter registration agency shall be given, along with the application, a voter registration form and the declination form described in rule 23.3(75GA,SF2223).

721—23.7(75GA,SF2223) Applications, recertifications, renewals and changes of address received from applicant representatives. Agencies which permit applicants to be represented by another person shall offer the opportunity to register to vote to each applicant. The declination form and registration form shall be given to the applicant's representative. The applicant shall sign the form. The declination form and registration form shall be returned to the agency.

721—23.8(75GA,SF2223) Recertification and renewal applications. Applicants who apply in person for recertification and renewal of agency services or assistance shall be offered the opportunity to register to vote in the same way the offer is made to applicants making initial applications for services or assistance.

If the agency accepts recertification and renewal applications by telephone or by mail the agency shall mail the applicant the declination form and a voter registration form.

721—23.9(75GA,SF2223) Change of address notices.

23.9(1) In person. The agency shall offer the opportunity to register to vote to each applicant who submits a change of address notice in person. The applicant shall be provided with the declination form and the voter registration form.

23.9(2) By telephone. Applicants who submit changes of address by telephone shall be asked whether the change of address is intended for voter registration purposes. If the applicant says yes, the applicant shall be mailed a voter registration form.

SECRETARY OF STATE[721](cont'd)

23.9(3) By mail. Change of address forms provided by the agency shall include the declination form and a voter registration form. If the change of address is reported without the use of the form, the agency shall provide the applicant with a written verification of the reported change of address which instructs the applicant how to obtain a voter registration form.

721—23.10(75GA,SF2223) Ineligible applicants. The opportunity to register to vote must be offered to every applicant. The applicant, not the agency, is responsible for determining the applicant's eligibility to register to vote. The agency shall accept a registration form even if it is submitted by an applicant the agency believes to be ineligible to register to vote.

Applicants who are not accepted for services or assistance by an agency shall be offered the opportunity to register to vote. Voter registration forms shall be processed as required by 1994 Iowa Acts, Senate File 2223, section 22, even if the applicant will not receive services or assistance from the agency.

These rules are intended to implement 1994 Iowa Acts, Senate File 2223, section 20, subsection 3.

ARC 5126A

SOIL CONSERVATION DIVISION[27]

Notice of Termination

Pursuant to the authority of Iowa Code section 161A.4(1), the Division of Soil Conservation terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on August 3, 1994, as **ARC 4994A**, proposing to adopt a new Chapter 15, "Soil Practices Loan Program," Iowa Administrative Code.

This new chapter was also Adopted and Filed Emergency as **ARC 4995A**. The Notice was published to solicit comments and to provide opportunity for a hearing. Since no comments were received, no one appeared at the hearing, and no changes are required to the emergency adopted rules, there is no further need to proceed with rule making for **ARC 4994A**.

ARC 5101A

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

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 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 130, "Signing Manual," Iowa Administrative Code.

Iowa Code section 321.252 requires the Department to adopt a manual and specifications for a uniform system of traffic control devices to be used on the highways of the state. To comply with this requirement, 761—Chapter 130 currently adopts the 1988 edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD) as published by the Federal Highway Administration.

The National Committee on Uniform Traffic Control Devices in conjunction with the Federal Highway Administration has been working on a new Part VI of the manual for five years. Part VI addresses traffic control for construction, maintenance, utility and incident management operations. This rule making adopts the new Part VI, which is now complete and has been published by the Federal Highway Administration.

The new Part VI is a much improved publication with more typical application diagrams and more emphasis on urban conditions. New devices such as changeable message signs, impact attenuators, temporary signals, rumble strips, screens and Strategic Highway Research Program (SHRP) work zone devices are covered. New sections on pedestrian considerations and worker safety are included. The new Part VI is more comprehensive and will help promote safe and uniform practices in highway work zones.

A copy of the new Part VI has been submitted to the Administrative Rules Coordinator with this Notice. It is also available from the Engineering Division, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

Any person or agency may submit written comments concerning this proposed amendment or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Director's Staff, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639.
5. Be received by the Director's Staff no later than October 18, 1994.

A meeting to hear requested oral presentations is scheduled for Thursday, October 20, 1994, at 10 a.m. in the Commission Room of the Iowa Department of Transportation, 800 Lincoln Way, Ames.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendment may have an impact on small business. The Department has considered the factors listed in Iowa Code subsection 17A.31(4), paragraphs "a" to "l." The following may request the issuance of a regulatory flexibility analysis: the Administrative Rules Review Committee, the Governor, a political subdivision, at least 25 persons signing the request who qualify as a small business, or an organization registered with the Department and representing at least 25 persons. The request must:

1. Include the name, address, and telephone number of the person(s) authoring the request.

TRANSPORTATION DEPARTMENT[761](cont'd)

2. Be submitted in writing to the Director's Staff at the address listed in this Notice.

3. Be delivered to the Director's Staff or postmarked no later than 20 days after publication of this Notice in the Iowa Administrative Bulletin.

The proposed amendment may cause political subdivisions to incur combined additional annual expenditures in excess of \$100,000. A fiscal impact statement accompanies this Notice.

This amendment is intended to implement Iowa Code section 321.252.

Proposed rule-making action:

Amend Chapter 130 as follows:

CHAPTER 130
SIGNING MANUAL

761—130.1(321) Manual. The 1988 edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" (*MUTCD*) prepared by the National Committee on Uniform Traffic Control Devices and published by the U.S. Department of Transportation, Federal Highway Administration, shall constitute the manual and specifications for a uniform system of traffic control devices for use upon the highways of this state.

130.1(1) Copies of the manual are available for examination at the Highway Engineering Division, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

130.1(2) *The following revision to the 1988 edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" is adopted:*

1988 Edition of MUTCD, Revision 3, dated September 3, 1993. This revision replaces Part VI of the manual.

This rule is intended to implement Iowa Code section 321.252.

FISCAL IMPACT STATEMENT
PART VI
MANUAL ON UNIFORM TRAFFIC
CONTROL DEVICES

(Pursuant to Iowa Code section 25B.6)

Introduction

Part VI of the Manual on Uniform Traffic Control Devices (*MUTCD*) covers standards and guidelines for traffic control for street and highway construction, maintenance, utility and incident management areas. A revised Part VI has been expanded from 64 pages and 9 figures or drawings to 101 pages and 44 typical application diagrams. While new concepts, devices, guidelines and drawings have been included, they do not all have a fiscal impact on local jurisdictions. Those which do require an expenditure of funds may be phased over 3-5 years to allow for planning and implementation. The following is an estimate of the fiscal impact on political subdivisions of new requirements in revised Part VI of the *MUTCD* for the first year of implementation.

Traffic Control Plans

Before beginning a project, a Traffic Control Plan (TCP) is required. They vary from very simple sketches to complex drawings. More emphasis is being placed on developing adequate TCPs for all projects. Additional effort will be required by engineers and public works officials to develop TCPs. The estimated cost is as follows.

| | |
|------------------------------------|---------------|
| 100 Cities, 25 Hrs. each @ \$20 = | \$50,000 |
| 75 Counties, 10 Hrs. each @ \$20 = | <u>15,000</u> |
| TOTAL | \$65,000 |

Pedestrian Considerations

The new Part VI has 2 pages of material on how to provide for pedestrians in and around projects. More effort and expense will be required in urban areas to accommodate pedestrians properly. The estimated cost is as follows.

| | |
|----------------------------------|----------|
| 50 Cities, 75 Projects @ \$500 = | \$37,500 |
|----------------------------------|----------|

Worker Safety

The new Part VI has 2 pages of text on how to provide for the safety of workers on projects. It includes training, high visibility clothing, barriers, lighting, etc. The estimated cost for items not previously provided is as follows.

| | |
|-------------------------------------|---------------|
| 100 Cities, 125 Projects @ \$500 = | \$ 62,500 |
| 75 Counties, 100 Projects @ \$500 = | <u>50,000</u> |
| Total | \$112,500 |

New Devices

Several new devices are explained in the new Part VI. They include flashing stop/slow paddles, impact attenuators, rumble strips, opposing lane dividers and screens. These devices would not be applicable to all projects. They are optional on those projects where they may be of benefit. Because they are not required, no fiscal impact is tabulated.

New Signs

Three new signs are included in the new Part VI. They are (1) Shoulder Drop Off, (2) Uneven Lanes and (3) No Center Stripe. The estimated cost to use these new signs for the first construction season is as follows.

| | |
|-------------------------------------------------|---------------|
| 50 Cities, 60 projects 10 signs each @ \$40 = | \$24,000 |
| 50 Counties, 75 projects 15 signs each @ \$40 = | <u>45,000</u> |
| Total | \$69,000 |

Modified Signs

The old Part VI allowed both "Road Construction Ahead" and "Road Work Ahead" signs. The new Part VI will only provide for the latter. Over a 3-5 year time span, the "Road Construction Ahead" signs must be phased out. The estimated annual cost for this transition is as follows.

| | |
|-------------------------------------------|---------------|
| 400 Cities, 10 signs each @ \$40 × 1/5 = | \$32,000 |
| 99 Counties, 20 signs each @ \$40 × 1/5 = | <u>16,000</u> |
| Total | \$48,000 |

Portable Changeable Message Signs (PCMS)

A new device in Part VI is the PCMS to allow more flexibility in displaying custom designed messages on short notice. The units cost approximately \$30,000 each. Use on City and County projects would be an exception and they are completely optional. Therefore, no fiscal impact is being shown.

Drums

Some jurisdictions use drums to guide and channelize traffic through a project. The design in new Part VI calls for a lightweight, flexible and deformable material. In the past, steel drums have been used. These will no longer

TRANSPORTATION DEPARTMENT[761](cont'd)

be allowed and must be phased out for safety reasons. The estimated cost for this change is as follows.

| | |
|-------------------------------------|---------------|
| 40 Cities, 20 drums each @ \$50 = | \$40,000 |
| 20 Counties, 20 drums each @ \$50 = | <u>20,000</u> |
| Total | \$60,000 |

Markings

More emphasis is being placed on timely placement of pavement markings on detours and resurfacing projects to provide motorists with adequate guidance. Both more extensive markings and a shorter time to place are required. The estimated cost of these efforts is as follows.

| | |
|-------------------------------------|---------------|
| 50 Cities, 60 projects @ \$250 = | \$15,000 |
| 50 Counties, 75 projects @ \$1000 = | <u>75,000</u> |
| Total | \$90,000 |

Planning for Incident Management

More emphasis is being placed on anticipating incidents and making plans to safely handle traffic until the site is restored to normal. Required are plans and documents along with the deployment of traffic control devices to be used in the event of an emergency. Because of the variability of situations, this is difficult to estimate. A lump sum per project is used.

| | |
|------------------------------------|---------------|
| 50 Cities, 60 projects @ \$500 = | \$30,000 |
| 50 Counties, 75 projects @ \$500 = | <u>37,500</u> |
| Total | \$67,500 |

Summary of Fiscal Impact

| | |
|---------------------------|---------------|
| Traffic Control Plans | \$ 65,000 |
| Pedestrian Considerations | 37,500 |
| Worker Safety | 112,500 |
| New Devices | Optional |
| New Signs | 69,000 |
| Modified Signs | 48,000 |
| Changeable Message Signs | Optional |
| Drums | 60,000 |
| Markings | 90,000 |
| Incident Management | <u>67,500</u> |
| Total | \$549,500 |

While the total cost for all political subdivisions statewide is substantial, the cost per unit is reasonable. Assuming that 400 Cities and all 99 Counties will have some involvement, the average cost is only \$1,100 each. This is not a burden for most cities and counties and will be a good investment to improve safety for motorists, pedestrians, workers and others involved with construction and maintenance work areas.

ARC 5102A

UTILITIES DIVISION[199]

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 sections 476.1 and 476.2, the Utilities Board (Board) gives notice that on September 1, 1994, the Board issued an order in Docket No. RMU-94-4, In Re: Pipeline Permits and Safety, "Order Commencing Rule Making," to consider the amendment of 199 IAC Chapter 10 and subrules 19.5(2) and 19.8(3).

The purpose of this rule making is to correct deficiencies in the chapter title and definitions, and to improve the procedures for pipeline permitting, notices, and exhibits for intrastate gas and hazardous liquid pipelines, and underground gas storage. In addition, the proposed amendments also update pipeline safety standards adopted by reference since many of the industry standards in the Board's current rules have been superseded by newer editions.

Subrule 10.2(1) is amended to specify the content of eminent domain exhibits and require the filing of only an original petition and one work copy. Subrule 10.2(1) is also amended to set forth the requirements for the submission of maps showing the proposed routing of pipelines. The amendment is consistent with the information requested on the petition form.

Rule 10.3(479) is amended to require informational meetings be held not less than 30 days nor more than two years prior to the filing of a petition for pipeline permit. Although Iowa Code section 479.5 provides the petition for permit cannot be filed prior to 30 days following an informational meeting, no maximum allowable interval between the meeting and petition filing is specified. If the project is delayed, numerous years may pass during which land use may change and property may change ownership. The proposed rule would require a new informational meeting if more than two years elapse without the filing of a petition.

The Board is also proposing to amend rule 10.4(479) regarding notice of pipeline permit hearings. The proposed amendment requires the notice provide interested persons with access to maps since many people have experienced difficulties with interpreting the legal description included in the published notice. In addition, the proposed amendment provides for a more detailed notice provision to landowners or tenants of property over which eminent domain is sought.

For many years, the actual burial depth of pipelines in agricultural lands has typically been 48 inches (4 ft.). Apparently, this has occurred due to both landowner insistence on greater depth and recognition by the utilities that more than 30 inches was necessary. 49 CFR Part 192 requires transmission pipelines be buried with at least 30 inches (2.5 ft.) of soil cover. This is not considered adequate in Iowa farmland, where deep tillage equipment may go nearly that deep, and 30 inches leaves little room for error if continued tillage, soil conservation work, or

UTILITIES DIVISION[199](cont'd)

erosion reshapes land contours. In addition, as towns experience new development, gas distribution systems are spreading to agricultural areas adjacent to towns. Therefore, the Board is proposing subrule 10.12(3) which requires pipelines in tilled agricultural land be installed with a minimum cover of 48 inches. Pipelines in untilled land, such as permanent pasture or timber, urbanized areas, or road ditches, would not require a deeper burial depth.

Additionally, the Board proposes to rescind rule 10.16(479). The Board's current rule 10.16(479) specifies when a permit is not required. The rule has frequently been misunderstood or misinterpreted by the utilities leading to the erroneous conclusion a permit was not necessary. The proposed new rule does not change the current criteria. Rather, it sets forth when a permit is required and advises the utilities that applications of the rule will be resolved by the Board.

Pursuant to Iowa Code section 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendment. The statement must be filed on or before October 18, 1994, by filing an original and ten copies in a form substantially complying with subrule 2.2(2). All communications shall clearly indicate the author's name and address and make specific reference to this docket. All communications shall be directed to the Executive Secretary, Iowa Utilities Board, Lucas State Office Building, Des Moines, Iowa 50319.

An oral presentation is scheduled on November 8, 1994, at 10 a.m. in the First Floor Hearing Room, Lucas State Office Building, Des Moines, Iowa, for the purpose of receiving comments. Pursuant to 199 IAC 3.7(17A,474), all interested persons may participate in this proceeding. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

These amendments are intended to implement Iowa Code chapter 479.

The following amendments are proposed.

ITEM 1. Amend the title to **199—Chapter 10** as follows:

**INTRASTATE NATURAL GAS AND
HAZARDOUS LIQUID PIPELINES,
AND UNDERGROUND GAS STORAGE,
AND LIQUID PIPELINES**

ITEM 2. Amend subrule 10.1(6) as follows:

10.1(6) "Pipeline" shall mean any pipe, pipes, or pipelines used for the *intrastate* transportation or transmission of any solid, liquid, or gaseous substance, except water, ~~but shall not include pipelines used in the interstate transportation of natural gas.~~

ITEM 3. Amend subrule 10.1(7) as follows:

10.1(7) "Pipeline company" shall mean any person, firm, copartnership, association, corporation, or syndicate engaged in or organized for the purpose of owning, operating, or controlling pipelines for the *intrastate* transportation or transmission of any solid, liquid, or gaseous substance, except water, ~~but shall not include pipelines used in the interstate transportation of natural gas.~~

ITEM 4. Rescind subrule 10.1(10) and insert the following **new** subrule in lieu thereof:

10.1(10) Technical terms not defined shall be as defined in the appropriate standard adopted in rule 10.12(479).

ITEM 5. Amend subrule 10.2(1) as follows:

10.2(1) A petition for a permit shall be made to the board upon the form prescribed *and shall include all required exhibits*. The petition shall be considered as filed upon receipt at the office of the board. ~~The petition must be delivered by United States Postal Service or personal service. An original and one copy of the petition and exhibits shall be filed. A typical set of exhibits to such petition are labeled "A," "B," "C," "D," "E," "F," and "G" and are described as follows~~ Required exhibits shall be in the following form:

ITEM 6. Amend subrule 10.2(1), paragraph "b," as follows:

b. Exhibit "B." Maps ~~of showing the proposed routing of the pipeline. Such maps shall have a minimum scale of not less than one inch to one mile.~~ Strip maps will be acceptable. Two copies of such maps shall be filed. *The maps may be to any scale appropriate for the level of detail to be shown, but not smaller than one inch to the mile. The following minimum information shall be provided:*

(1) *The route of the pipeline which is the subject of the petition, including the starting and ending points, and when paralleling a road or railroad, which side it is on. Multiple pipelines on the same right-of-way shall be indicated.*

(2) *The name of the county, county and section lines, and township and range numbers.*

(3) *The location and identity of public roads, railroads, major streams or bodies of water, and other pertinent natural or man-made features influencing the route.*

(4) *The name and corporate limits of cities, and the name and boundaries of any public lands or parks.*

(5) *Other pipelines and the identity of the owner.*

ITEM 7. Amend subrule 10.2(1) by relettering paragraphs "h" and "i" as "i" and "j," respectively, and insert the following **new** paragraph "h" as follows:

h. Exhibit H. This exhibit is required only if the petition requests the right of eminent domain. It shall consist of a map of the route showing the location of each property for which the right of eminent domain is sought and for each such property:

(1) The legal description of the property.

(2) The legal description of the desired easement.

(3) A specific description of the easement rights being sought.

(4) The names and addresses of all persons with an ownership interest in the property, and tenants.

(5) A map drawn to an appropriate scale showing the boundaries of the property, the boundaries and dimensions of the proposed easement, the location of pipelines or pipeline facilities within the proposed easement, the location of and distance to any building within 300 feet of the proposed pipeline, and any other features pertinent to the location of the line to the rights being sought.

ITEM 8. Amend rule 10.3(479), the third sentence of the introductory paragraph, as follows:

Informational meetings shall be held not less than 30 days *nor more than two years* prior to the filing of the petition for pipeline permit and shall comply with the following:

UTILITIES DIVISION[199](cont'd)

ITEM 9. Rescind rule 10.4(479) and insert the following new rule in lieu thereof:

199—10.4(479) Notice of hearing.

10.4(1) When a proper petition for permit is received by the board, it shall be docketed for hearing and the petitioner shall be advised of the time and place of hearing. Petitioner shall also be furnished copies of the official notice of hearing which petitioner shall cause to be published once each week for two consecutive weeks in some newspaper of general circulation in each county in or through which construction is proposed. The second publication shall be not less than 10 nor more than 30 days prior to the date of the hearing. Proof of such publication shall be filed prior to or at such hearing, together with receipts showing that the costs of such publication have been paid by the petitioner.

The published notice shall include a map showing either the pipeline route or the area affected by underground gas storage, or a telephone number and an address through which interested persons can obtain a copy of a map from petitioner at no charge. If a map other than that filed as Exhibit B will be published or provided, a copy shall be filed with the petition.

10.4(2) If a petition for permit seeks the right of eminent domain, petitioner shall, in addition to the published notice of hearing, serve a copy of the notice of hearing to the owners and parties in possession of lands over which eminent domain is sought. A copy of the Exhibit H filed with the board for the affected property shall accompany the notice. Service shall be by certified United States mail, return receipt requested, addressed to their last known address, and this notice shall be mailed not later than the first day of publication of the official notice of hearing on the petition. Not less than five days prior to the date of the hearing, the petitioner shall file with the board the return receipts for the certified articles.

10.4(3) If a petition does not seek the right of eminent domain, but all required interests in private property have not yet been obtained, a copy of the notice of hearing shall be served upon the owners and parties in possession of those lands. Service shall be by ordinary mail, addressed to the last known address, mailed not later than the first day of publication of the official notice. A copy of each letter of notification, or one copy of the letter accompanied by a written statement listing all parties to which it was mailed and the date of mailing, shall be filed with the board not less than five days prior to the hearing.

ITEM 10. Rescind rule 10.12(479) and insert the following new rule in lieu thereof:

199—10.12(479) Standards for construction, operation and maintenance.

10.12(1) All pipelines, underground storage facilities, and equipment used in connection therewith shall be designed, constructed, operated, and maintained in accordance with the following standards:

a. 49 CFR Part 191, "Transportation of Natural and Other Gas By Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through September 1, 1994.

b. 49 CFR Part 192, "Transportation of Natural and Other Gas By Pipeline; Minimum Federal Safety Standards," as amended through September 1, 1994.

c. 49 CFR Part 195, "Transportation of Hazardous Liquids By Pipeline," as amended through September 1, 1994.

d. 49 CFR Part 199, "Drug Testing," as amended through (latest possible date).

e. ASME B31.4—1992, "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols."

f. ASME B31.8—1992, "Gas Transmission and Distribution Piping Systems."

g. ASME B31.11—1989, "Slurry Transportation Piping Systems."

h. 199 IAC 9, "Protection of Underground Improvements and Soil Conservation Structures and Restoration of Agricultural Lands After Pipeline Construction."

Conflicts between these standards, or between the requirements of this rule and other requirements which are shown to exist by appropriate written documentation filed with the board, shall be resolved by the board.

10.12(2) If review of Exhibit C, or inspection of facilities which are the subject of a permit petition, finds noncompliance with the standards adopted in this rule, no final action will be taken by the board on the petition without a satisfactory showing by the petitioner that the noncompliance has been or will be corrected.

10.12(3) Pipelines in tilled agricultural land shall be installed with a minimum cover of 48 inches.

ITEM 11. Rescind rule 10.16(479) and insert the following in lieu thereof:

199—10.16(479) When a permit is required. A pipeline permit shall be required for any pipeline which will be operated at a pressure of 150 pounds per square inch gage or more, or which, regardless of operating pressure, is a transmission line as defined in ASME B31.8 or 49 CFR Part 192. Questions on whether a pipeline requires a permit are to be resolved by the board.

ITEM 12. Amend rule 10.17(479) as follows:

199—10.17(479) Accidents and incidents. Any pipeline incident or accident which is reportable to the U.S. Department of Transportation under 49 CFR Part 191 or Part 195 (~~1989~~) as amended through September 1, ~~1989~~ 1994, shall also be reported to the board, except that the minimum economic threshold of damage required for reporting to the board is ~~\$5,000~~ \$15,000. Duplicate copies of any written accident reports and safety-related condition reports submitted to the U.S. Department of Transportation shall be provided to the board.

ITEM 13. Rescind subrule 19.5(2) and insert the following new subrule in lieu thereof:

19.5(2) Standards incorporated by reference.

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, "Transportation of Natural and Other Gas By Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through September 1, 1994.

(2) 49 CFR Part 192, "Transportation of Natural and Other Gas By Pipeline; Minimum Federal Safety Standards," as amended through September 1, 1994.

(3) 49 CFR Part 193, "Liquefied Natural Gas Facilities: Federal Safety Standards," as amended through September 1, 1994.

(4) 49 CFR Part 199, "Drug Testing," as amended through September 1, 1994.

UTILITIES DIVISION[199](cont'd)

(5) ASME B31.8—1992, "Gas Transmission and Distribution Piping Systems."

(6) ANSI/NFPA No. 59—1992, "Liquefied Petroleum Gases at Utility Gas Plants."

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54—1992, "National Fuel Gas Code."

(2) ANSI A225/NFPA 501A—1992, "Manufactured Home Installations."

ITEM 14. Amend subrule 19.8(3) as follows:

19.8(3) Turning on gas. Each utility upon the installation of a meter and turning on gas or the act of turning on gas alone shall take the necessary steps to assure itself that there exists no flow of gas through the meter which is a warning that the customer's piping or appliances are not safe for gas turn on (Ref: Sec. 4.2 and Appendix D, ANSI Z223.1/NFPA 54—1992 1988.)

ARC 5111A

VOTER REGISTRATION COMMISSION[821]

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 47.7, 47.8, and 1994 Iowa Acts, Senate File 2223, sections 12, 14, 19, 22, 28, 29, 36 and 37, the Voter Registration Commission hereby gives Notice of Intended Action to rescind Chapter 1, "Organization, Purpose, and Procedures," Chapter 2, "Voter Registration Forms and Instructions," Chapter 3, "Voter Registration Lists," Chapter 6, "Criteria for County Data Processing Systems for Voter Registration," and Chapter 7, "State Voter Registration File Update and Maintenance Requirements," Iowa Administrative Code, and to adopt new chapters in lieu thereof. The Voter Registration Commission also gives Notice of Intended Action to amend Chapter 4, "Specifications for Voter Registration Data Processing Services Contracts and Approval Procedure for Such Contracts," and to adopt a new Chapter 8, "Transmission of Electronic Registration Forms by Agencies," Chapter 9, "National Change of Address Program," Chapter 10, "Notice to Voters Without Activity in Four Years in Counties Using NCOA Records; to All Voters in Other Counties," and Chapter 11, Registration Procedure at Driver Services Offices of the Department of Transportation," Iowa Administrative Code.

These proposed rules and amendments contain provisions for the operation of the Voter Registration Commission, definitions for terms used in these rules, standards and specifications for compliance with 1994 Iowa Acts, Senate File 2223, section 39, specifications and require-

ments for data processing systems used to maintain registered voter lists, requirements for voter registration agency application forms processing, standards for counties' actions following matches of voter records with National Change of Address (NCOA) records, notices to voters in counties which do not match NCOA records, certain forms used in the voter registration process, and procedures to be followed by Department of Transportation employees when offering voter registration services.

Any interested person may make written suggestions or comments on the proposed rules and amendments on or before October 18, 1994. Such written materials should be directed to the State Registrar of Voters, Level B, Hoover State Office Building, Des Moines, Iowa 50319-0143, fax (515)281-6137. Persons who wish to express their views orally should contact the Director of Voter Registration at (515)281-5781 or on the B level of the Hoover State Office Building.

Also, there will be a public hearing on October 18, 1994, at 10 a.m. in Conference Rooms 1 and 2, B level, Hoover State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

The following amendments are proposed.

ITEM 1. Rescind **821—Chapter 1** and adopt the following new chapter:

CHAPTER 1

ORGANIZATION, PURPOSE, PROCEDURES AND DEFINITIONS

821—1.1(47) Voter registration commission composition. The commission consists of three members: the state commissioner of elections, and the chairpersons of the two state political parties whose candidates for President of the United States or for governor, as the case may be, in the most recent general election, received the greatest and the second greatest number of votes, or their designees.

821—1.2(47) State registrar of voters. The senior administrator of the applications, systems and programming division of the department of general services is the state registrar of voters. The state registrar is responsible for the regulation of the preservation, preparation and maintenance of voter registration records and the preparation of precinct election registers for all elections administered by any county commissioner of elections. This regulation activity is in accordance with the policies of the voter registration commission.

821—1.3(47) General operating rules.

1.3(1) The chair of the commission shall pass among the members of the commission from one meeting to the next. The current chair shall preside at meetings of the commission.

1.3(2) Any member of the commission, including the chair, may make and second any motion.

1.3(3) To prevail, a motion, declaratory ruling, or ruling in a contested case must receive the votes of at least two voter registration commissioners.

1.3(4) The commission shall meet in regular session on the first Tuesday in January, April, July and October. It shall also meet upon the call of any voter registration commissioner or of the registrar.

VOTER REGISTRATION COMMISSION[821](cont'd)

1.3(5) A designee of a statutory member shall present a letter appointing the designee from the statutory member.

1.3(6) A quorum of the commission is three members. No official action may be taken in the absence of a quorum.

1.3(7) Any member of the public may petition the commission concerning any subject under the commission's authority. Any member of the public may propose new rules or modifications to existing rules of the commission. Petitions or proposed rule changes may be in letter form, filed with the registrar and addressed to the commission. Any such letter must include a discussion of the problem or issue, addressing and supporting rationale for any proposed action by the commission. In addition, any such petition must state the legal authority which petitioner believes confers jurisdiction over the subject matter to the commission. Action on petitions received shall be taken not later than the second regular commission meeting following receipt of the petition. In the event a hearing is held on an issue, the hearing shall be scheduled within 90 days of receipt of the petition.

821—1.4(47) Voter registration staff.

1.4(1) Voter registration system. Under the general direction of the state registrar of voters, the director of voter registration conducts and directs those activities necessary to implement and maintain the statewide voter registration system. The voter registration staff includes clerical and technical personnel temporarily or permanently assigned by the registrar to support the voter registration function.

1.4(2) Intergovernmental relations. The voter registration director and staff are responsible for working with and assisting county commissioners in performing their voter registration duties under the law, including acquisition of voter registration data processing services, preparation of election registers, maintaining voter registration files, processing registration applications and related activities. The director and staff are responsible for communicating with state and federal court officials to arrange for the provision of information from voter registration records to the courts for use in the jury selection process. The director and staff are also responsible for ensuring the transfer of electronic registration data from registration agencies and the department of transportation to the appropriate county commissioner.

1.4(3) Staff support to the commission. The registrar and voter registration staff provide staff support services to the commission as required in the performance of the commission's official duties.

821—1.5(47) Declaratory ruling by voter registration commission. Any member of the commission or the public may petition the commission for a declaratory ruling as to the applicability of any statutory provision, rule or other written statement of law or policy. The petition must be filed with the registrar at least seven days before the regular or special meeting at which the petition is to be considered. The registrar shall provide a copy of the petition to each voter registration commissioner at least four days before the meeting. Declaratory rulings shall be made in writing and placed on file with the registrar.

821—1.6(47) Contested cases.

1.6(1) Hearings. Hearings for contested cases under the authority of the voter registration commission shall be

presided over by the voter registration commission. Notice shall be given, the hearing conducted and the records of the hearing kept in accordance with Iowa Code section 17A.12.

1.6(2) Rules of evidence. Rules of evidence shall be those enumerated under Iowa Code section 17A.14.

821—1.7(47) Definitions. The following terms have the meanings assigned to them by this rule wherever the terms appear in these rules, unless the context of usage clearly requires otherwise.

"Commission" or "voter registration commission" means the voter registration commission as defined in Iowa Code section 47.8.

"Commissioner" or "county commissioner" means the county commissioner of registration as defined in Iowa Code section 48.1.

"NCOA" means National Change of Address, and refers to the collection and distribution of information by the United States Postal Service or its licensed vendors; programs instituted to support that collection and distribution; or the information itself.

"Registrar" or "state registrar" means the state registrar of voters as defined in Iowa Code section 47.7.

"Voter registration agency" means any agency, department, division, or bureau in state government which provides voter registration services pursuant to 1994 Iowa Acts, Senate File 2223, section 19. An agency, department, division, or bureau which merely makes mail-in voter registration applications available to its clients, employees, or general public is not a voter registration agency, nor is the driver services division of the department of transportation.

"Voter registration commissioner" means a member of the voter registration commission.

Rules 1.1(47) to 1.7(47) are intended to implement Iowa Code sections 47.7 and 47.8.

ITEM 2. Rescind **821—Chapter 2** and adopt the following new chapter:

CHAPTER 2

VOTER REGISTRATION APPLICATIONS,
ACCEPTABILITY, REGISTRATION DATES,
AND EFFECTIVE DATES.

821—2.1(75GA,SF2223) Required elements. In addition to the spaces required by 1994 Iowa Acts, Senate File 2223, section 12, every voter registration form shall include room for the county commissioner to make notations indicating such items as the date the form was received, the precinct and school district of the registrant, any other special district or note deemed necessary or appropriate by the commissioner, and the date the registration is effective. The notations may be on the reverse of the form.

821—2.2(75GA,SF2223) Agency code. In addition to the spaces and statements required to be included on registration forms by 1994 Iowa Acts, Senate File 2223, section 12, and rule 2.1(75GA,SF2223), registration forms used by voter registration agencies shall contain a code, to be devised by the registrar, indicating the type of agency. The agency type code shall be on a perforated stub attached to the registration form.

821—2.3(75GA,SF2223) Federal mail-in application. Rules 2.1(75GA,SF2223) and 2.2(75GA,SF2223) do not

VOTER REGISTRATION COMMISSION[821](cont'd)

apply to the mail voter registration form prescribed by the federal election commission, which shall be accepted in accordance with 1994 Iowa Acts, Senate File 2223, section 13, and shall not be used by voter registration agencies.

821—2.4(75GA,SF2223) Paperless (electronic) registration forms. Any voter registration agency and the division of driver services in the department of transportation may devise a system of collecting registration applications without using paper forms, in accordance with the following restrictions:

2.4(1) All information required to be disclosed on a voter registration form shall be collected by the agency and captured electronically. The applicant shall also be asked to disclose the optional information solicited by the form if that information is not captured as a part of the agency's own record-making process.

2.4(2) The applicant shall be shown a list of the eligibility requirements for registering to vote and the penalties for falsely registering, printed in large, easy-to-read type, and shall be advised to read them.

2.4(3) The application to register to vote and the signature of the applicant shall be recorded in digitized form in the agency's computer system and shall be kept permanently by the agency. The system shall ensure that neither the application nor the signature, once captured, can be edited.

2.4(4) The agency shall develop procedures so that the digitized signature can be retrieved and reproduced on paper. Within three working days of receipt of an order from a state or federal court, the agency shall provide a reproduction of the requested application and signature.

2.4(5) The agency shall transmit electronic registration records to the registrar in accordance with 821—Chapter 8.

821—2.5(75GA,SF2223) Acquisition of registration forms. To ensure that forms used by the various registration agencies contain no distinguishing characteristics that could be used to identify the agency from which the form came, all agency forms shall be ordered through the state registrar of voters. The registrar shall negotiate a contract for the procurement of the forms in accordance with all procurement laws and rules.

821—2.6(75GA,SF2223) Production of forms. Any person or organization, except voter registration agencies, may cause the printing and production of the mail-in voter registration application. Applications so produced shall be identical in size, shape, weight and similar in color of paper, type size, and color of ink to those used by voter registration agencies, except that the independently produced applications may not contain an agency type code, may be preaddressed to a particular county commissioner on the reverse of the form, and may contain postage.

821—2.7(75GA,SF2223) Availability of forms. Mail-in registration applications shall be available for purchase, at the cost of production, from the state registrar of voters. Application forms for an individual's personal use shall be available free of charge at the office of the registrar, all voter registration agencies, and offices of the driver services division of the department of transportation.

821—2.8(75GA,SF2223) Incomplete applications acceptable. No commissioner shall refuse to register or accept an application from an applicant unable to specify the

correct ward, precinct, or school district for the applicant's address. The commissioner shall make a determination of the correct political subdivisions from maps, legal descriptions, and other means at the commissioner's disposal.

821—2.9(75GA,SF2223) Optional data not required. No commissioner shall refuse to register or accept an application from an applicant who fails or declines to reveal the applicant's social security number, telephone number or political party affiliation.

821—2.10(75GA,SF2223) Alternate (nonmailable) registration forms. An alternate registration form is authorized for the use of nongovernmental organizations engaging in registration programs and registration drives. The form shall contain spaces for all of the required and optional information solicited by the standard form, a list of the qualifications to register to vote, a statement to be signed by the applicant that the applicant is eligible to register to vote, and a statement of the penalty for submission of a false voter registration form. The form shall be eight inches wide and five inches tall. The face of the form shall contain spaces for all the personal information asked of the applicant, along with the attestation and warning. The reverse of the form shall contain an area where the applicant may draw a sketch of the location of the applicant's residence, may contain the list of qualifications, and may contain space for the county commissioner's notations. The form may be printed as a detachable part of a larger piece, or may be printed by itself. Because registration forms are frequently kept for many years, registration forms shall be printed on paper at least .004 inch thick. This size is heavier than common typing paper, but lighter than a standard postcard.

The intent of this rule is to make available a mechanism for individuals, groups and organizations to conduct registration drives without requiring them to purchase the relatively expensive registration forms used in voter registration agencies. To that end, the state registrar shall make available, without charge, a camera-ready copy of a form meeting the requirements of this rule after the form has received the approval of the voter registration commission, but not later than January 31, 1995.

821—2.11(75GA,SF2223) Registration forms in languages other than English. Notwithstanding any other provision of these rules, any county commissioner may cause production of any approved voter registration application in a language other than English if the commissioner determines that such a form would be of value in the commissioner's county. The registrar shall assist any county commissioner with the translation of voter registration forms upon the request of the county commissioner.

821—2.12(75GA,SF2223) Date of registration. For the purposes of record keeping and determining timeliness of an application to register to vote, the date of registration of an application received from a source other than the United States Postal Service is the date the application is received by the commissioner, or submitted to a voter registration agency, or submitted to the driver services division of the department of transportation, whichever is earlier. The date of registration of an application delivered to the commissioner by the U.S. Postal Service is the postage cancellation date on the application or on the envelope containing the application. If the postage cancella-

VOTER REGISTRATION COMMISSION[821](cont'd)

tion date is missing or illegible, the registration date is the date of the second day preceding the application's receipt in the commissioner's office.

821—2.13(75GA,SF2223) Effective date of registration. Effective dates of registration shall be determined as follows.

2.13(1) If the applicant is at least 18 years of age and registration in the applicant's precinct is not closed due to a pending election, the effective date of registration is the date of registration.

2.13(2) If the applicant is at least 18 years of age and registration is closed in the applicant's precinct due to a pending election, the effective date of registration is the date of the day after the pending election.

2.13(3) If the applicant is less than 18 years of age and registration is not closed in the applicant's precinct due to a pending election, the effective date of registration is the date of the applicant's eighteenth birthday.

2.13(4) If the applicant is less than 18 years of age and registration is closed in the applicant's precinct due to a pending election, the effective date of registration is the date of the day after the pending election, or of the applicant's eighteenth birthday, whichever is later.

These rules are intended to implement 1994 Iowa Acts, Senate File 2223, sections 5(2)"c," 8, 10, 11, and 12(5).

ITEM 3. Rescind **821—Chapter 3** and adopt the following new chapter:

**CHAPTER 3
LISTS OF REGISTERED VOTERS**

821—3.1(75GA,SF2223) List defined. For the purposes of this rule, a "list" of registered voters is any information from one or more voter registration records related to any individual or group of registered voters. Statistical data containing no personally identifiable information is not a "list."

821—3.2(75GA,SF2223) Request for list. A request for a list of registered voters may be made in writing on a Specifications for Voter List form submitted to either a county commissioner or the state registrar. A commissioner or the registrar may accept a request for a list made via telephone provided the commissioner or registrar is confident that both the requester and the commissioner or registrar clearly understand the specifics of the request. If a request is unclear or ambiguous, the commissioner or registrar may require that the request be submitted in writing.

821—3.3(75GA,SF2223) Contents of written request. Each written request for a list of registered voters shall contain all of the following information:

1. The name of the requester.
2. The address of the requester.
3. The telephone number of the requester.
4. A description of the records to be included in the list.
5. A description of the sequence of the records on the list.
6. A description of the output medium for the list.
7. The date of the request.
8. The date the list is desired.
9. The intended use of the list.
10. The following signed statement: "I am aware that information from voter registration records may be used

lawfully only to request a registrant's vote, for a genuine political purpose, for bona fide political research, or for a bona fide official purpose by an elected official. I understand that using the information for any commercial purpose is a serious misdemeanor under Iowa law. I agree to pay the cost of the above ordered list upon delivery."

821—3.4(75GA,SF2223) Contents of telephoned request. When a request for a list of registered voters is made by telephone, the person taking the request shall gather and record on a Specifications for Voter List form all of the information specified in 3.3"1" to 3.3"9." In addition, the taker of the request shall read the statement in subrule 3.3"10" to the requester. The taker of the request shall note, on the signature line of the form, the fact that the requester was read the statement.

821—3.5(75GA,SF2223) Requests received by a county commissioner. A request for a list of registered voters submitted to a county commissioner may be honored by that commissioner, or may be forwarded to the registrar. However, a county commissioner shall adhere to a consistent policy regarding the provision of lists. If a commissioner provides a list to any requester, the commissioner shall likewise provide lists to all requesters, provided the commissioner has the data and software necessary to meet the list request specifications. Similarly, if a commissioner refuses to provide a list for which the commissioner has the necessary data and software to any requester, the commissioner shall refuse all requests for lists of registered voters.

821—3.6(75GA,SF2223) Requests received by the state registrar. Requests for lists of registered voters received by the registrar shall be honored in the order in which they are received, provided that the data necessary for compiling the list is available to the registrar. If provision of a list is delayed due to the absence of data, the registrar shall contact the list requester and explain the circumstances. The requester may choose to modify the request, cancel the request, or wait for the necessary data.

821—3.7(75GA,SF2223) Payment for lists required. Notwithstanding any other provision of these rules, no list shall be provided to a requester who has not paid for all previously requested and completed lists. Payment shall be made at the time the list is delivered, except that payment for lists ordered by political subdivisions of the state may be made within 60 days of delivery. A county commissioner or registrar may require an advance payment of 80 percent of the estimated cost of a list if the estimated cost is \$1000 or more.

821—3.8(75GA,SF2223) Confidential data. Nothing in these rules shall be construed to authorize or require any county commissioner or the registrar to disclose any information made confidential by the National Voter Registration Act of 1993 or any other federal or state law.

821—3.9(75GA,SF2223) List of a person's own voter registration record. Nothing in these rules shall be construed to prohibit any person from viewing that person's own voter registration record, including any confidential data associated with it.

These rules are intended to implement 1994 Iowa Acts, Senate File 2223, section 39.

ITEM 4. Rescind and reserve **4.3(1)"a"(4)**.

ITEM 5. Amend **4.3(1)"a"(6)** to read as follows:

VOTER REGISTRATION COMMISSION[821](cont'd)

(6) Date of last vote. County shall be responsible and vendor shall provide services such that the record of election participation of each elector on the voter registration file shall be ~~updated~~ reported to the state registrar pursuant to ~~4.3(1)"a"~~(3) subrule 7.1(4) within 35 days after the official canvass by the board of supervisors held after each election; or upon completion of recount or contested proceedings, any change in the record of election participation shall be ~~updated~~ reported to the state registrar.

ITEM 6. Amend 821—Chapter 4, implementation clause, to read as follows:

These rules are intended to implement Iowa Code sections section 47.5 and 48.5 and 1994 Iowa Acts, Senate File 2223, sections 38 and 39.

ITEM 7. Rescind 821—Chapter 6 and adopt the following new chapter:

CHAPTER 6

DATA PROCESSING SYSTEM REQUIREMENTS
FOR VOTER REGISTRATION

821—6.1(75GA,SF2223) Voter registration data processing system requirements. Every data processing system used by a county commissioner for the storage, maintenance and retrieval of voter registration records shall be capable of performing all of the following functions:

6.1(1) Create a file of all registered voters in the county, in the format specified by 821—Chapter 7, for delivery to the registrar.

6.1(2) Automatically identify and post all election districts, including school district and director district (if applicable), area college district and director district, municipality or township, and precinct, and any applicable special districts, to every voter registration record which contains a street number and street name in the residence address fields.

6.1(3) Ensure the uniform spelling of street names in all records containing street names, such that the records of all voters whose residence addresses share a street name contain a common spelling of that street name.

6.1(4) Ensure the uniform spelling of city names, such that the records of all voters whose residence addresses share a city name contain a common spelling of that city name.

6.1(5) Prevent duplicate registrations for a given individual. For the purpose of this subrule, a duplicate registration is one which contains the same information in the social security number, social security number suffix, birth date and sex code fields as another record in the same county. A record which is not deleted does not duplicate another if the record(s) containing the duplicate data is deleted.

6.1(6) Ensure the compatibility of election districts manually assigned to records which do not contain street numbers and street names.

6.1(7) Ensure that numeric fields in records contain only numeric data, and that alphabetic fields contain only alphabetic data, except that the field for last name may contain one hyphen.

6.1(8) Ensure that all dates are reasonable, e.g., the birth date shown in the record is at least 17 years earlier than the current date, and the date of registration is not later than the current date.

6.1(9) Ensure that the zip code contained in the record is compatible with the city name.

6.1(10) Assign a number, in lieu of a social security number, to records of voters whose registration forms do not contain a social security number.

6.1(11) Allow the capture, retention and reporting of a mailing address different than the residence address.

6.1(12) Create election registers which contain the names of all voters eligible to vote at a polling place, and no others, for any type of election the commissioner is required to conduct, except annexation and other elections when creation or change of an election district is proposed.

6.1(13) Create election registers which identify those voters who are eligible to vote on an issue or for an office at a polling place when some, but not all, voters are eligible to cast a ballot on that issue or for that office.

6.1(14) Provide maintenance files to the registrar in the form and at the times required by 821—Chapter 5.

6.1(15) Receive maintenance files collected from various agencies by the state registrar.

This rule is intended to implement Iowa Code section 47.7.

ITEM 8. Rescind 821—Chapter 7 and adopt the following new chapter:

CHAPTER 7

COUNTY MAINTENANCE FILE INPUT
SPECIFICATIONS

821—7.1(75GA,SF2223) County commissioner responsible for timely maintenance input to state voter file. Every county commissioner, except those who have contracted with the state registrar for data processing services, shall ensure that voter registration file maintenance is provided to the state registrar in accordance with this chapter.

7.1(1) Maintenance files shall be prepared and sent to the state registrar via the U.S. mail, common carrier or electronic link at least once every two weeks.

7.1(2) Notwithstanding subrule 7.1(1), a maintenance file containing all activity from the most recent maintenance file through the close of registration for a regularly scheduled election shall be sent within five days of the close of registration for that election.

7.1(3) Maintenance data shall contain transactions reflecting all voter registration activity received by the commissioner 48 or more hours before creation of the maintenance file and not included in a previous file.

7.1(4) Notwithstanding subrule 7.1(3), information regarding voters' participation in an election shall be reported within 35 days of the county canvass of the results of that election.

821—7.2(75GA,SF2223) Acceptable media. Maintenance data shall be sent on one of the following electronic media:

7.2(1) One-half inch, nine-track tape, recorded at 1600 or 6250 BPI (bytes per inch), on an IBM standard ten-inch reel, or on an IBM standard cartridge recorded at 38,000 BPI.

a. Tapes may, at the commissioner's option, be recorded in EBCDIC (Extended Binary-Coded Decimal Interchange Code) or in ASCII (American Standard Code for Information Interchange).

b. Each tape shall bear an external label disclosing the encoding characteristics (EBCDIC or ASCII) and the density (1600 or 6250 BPI) of the file.

VOTER REGISTRATION COMMISSION[821](cont'd)

c. Each tape shall bear an external label identifying the name of the county responsible for creation of the file, and the name and address of the organization to which the reel should be returned.

7.2(2) Diskette, MS-DOS formatted, 5.25" diameter, recorded in ASCII, at either 360 KB (kilobytes) or 720 KB.

a. Each diskette shall bear an external label identifying the name of the county responsible for creation of the file.

b. Each diskette shall bear an external label containing the name and address of the organization to which the diskette should be returned or shall be enclosed in a container upon which that information is displayed.

7.2(3) Diskette, MS-DOS formatted, 3.5" diameter, recorded in ASCII, at either 740 KB or 1.44 MB (megabytes).

a. Each diskette shall bear an external label identifying the name of the county responsible for creation of the file.

b. Each diskette shall bear an external label containing the name and address of the organization to which the diskette should be returned or shall be enclosed in a container upon which that information is displayed.

7.2(4) Specifications and protocols for electronic transfer over telephone lines shall be agreed upon by the registrar and the commissioner responsible for sending the data. Specifications and protocols may vary from county to county, as determined by the capabilities and limitations of the transmitting and receiving equipment.

821—7.3(75GA,SF2223) Record format. Maintenance files shall be in the format specified in the document titled "State of Iowa Record Format—Voter Registration—County Input Transactions" available from the state registrar of voters.

These rules are intended to implement Iowa Code section 47.4 and 1994 Iowa Acts, Senate File 2223, section 38.

ITEM 9. Adopt the following new chapters:

CHAPTER 8

TRANSMISSION OF REGISTRATION FORMS BY AGENCIES

821—8.1(75GA,SF2223) Cataloging registration data. Every agency which registers voters in a paperless manner shall daily catalog a file of registration records to the computer system used by the registrar. The file shall contain all voter registration records collected by the agency during the previous working day, except that the file containing registration records collected on the last day of registration for a regularly scheduled election shall be cataloged not later than 8 p.m. of that day.

821—8.2(75GA,SF2223) Data elements of paperless voter registration applications. The file specified in rule 8.1(75GA,SF2223) shall contain the following information:

1. The number of the county in which the applicant lives;
2. The applicant's social security number, if the applicant chooses to provide it;
3. The applicant's date of birth;
4. The applicant's gender;
5. The applicant's full name;
6. The applicant's residence address;

7. The applicant's mailing address, if different from the residence address;

8. The date of the transaction;

9. The applicant's party affiliation, if any;

10. The applicant's telephone number;

11. An identifier of the agency receiving the application;

12. The jurisdiction in which the applicant was previously registered to vote;

13. The name under which the applicant was previously registered to vote;

14. Audit information sufficient to allow the agency to identify the transaction and retrieve and reproduce the application, including the applicant's signature.

821—8.3(75GA,SF2223) File specifications. Technical requirements, including the record format, and the method of file transfer, shall be decided upon and agreed to by the registrar and the agency submitting electronic voter registration data.

821—8.4(75GA,SF2223) Technical requirements for electronic signatures. Agencies which accept and collect paperless voter registration applications shall maintain an electronic "copy" of the document, including the applicant's signature. The design of the system shall be such that no change to the document can be made and the document can be reproduced in hard copy when necessary.

821—8.5(75GA,SF2223) Transmission of paper applications. Applications accepted on paper documents by voter registration agencies shall be sent to the appropriate county commissioner by courier, U.S. mail, or other reliable carrier not later than the Friday of the week in which the document is received by the agency. If a voter registration agency receives applications on the Saturday which is a close of registration date for an election, the voter registration shall forward those registration applications immediately following the end of that business day. Nothing in these rules shall be construed to require a voter registration agency to be open for business on the last day of registration for an election.

These rules are intended to implement 1994 Iowa Acts, Senate File 2223, sections 12(4), 12(5) and 22.

CHAPTER 9

NATIONAL CHANGE OF ADDRESS PROGRAM

821—9.1(75GA,SF2223) State registrar to organize.

9.1(1) The state registrar of voters shall annually offer to every county commissioner the opportunity to participate in the registrar's submittal of voter registration records to a licensed vendor of the United States Postal Service for matching with National Change of Address (NCOA) records.

9.1(2) The vendor used by the registrar shall be selected in accordance with all procurement laws and rules of the state and the department of general services.

9.1(3) The state registrar shall prepare a file of all registered voters in all counties whose commissioners have chosen to participate in the program. The file shall be in the form and format required by the NCOA vendor.

9.1(4) Upon receipt of the NCOA data from the vendor, the state registrar shall promptly prepare a data file for each county, other than those for which the registrar provides data processing services, in the medium used by the county to send updates to the registrar and shall

VOTER REGISTRATION COMMISSION[821](cont'd)

promptly forward the data file to the appropriate commissioner.

821—9.2(75GA,SF2223) Commissioner's responsibility upon receipt of NCOA data.

9.2(1) Commissioner to update county records. Each commissioner shall examine the data provided by the NCOA vendor and shall update the county's registration records on the basis of that data in accordance with 1994 Iowa Acts, Senate File 2223, section 28, subsections (4) and (5).

9.2(2) Each commissioner shall attempt to determine whether information from the NCOA vendor reflects an actual permanent move on the part of the registrant, or is a change only to the registrant's mailing address, or is a temporary move.

a. If a change reported by the NCOA vendor is determined to be a change of mailing address only, the commissioner shall update the mailing address fields of the voter registration record and shall mail a notice advising the registrant of that action to both the former and new mailing addresses. The notice shall include a detachable, postage prepaid, preaddressed card by which the registrant may advise the commissioner that the change was made correctly or in error.

b. If a change reported by the NCOA vendor is determined to be a temporary change, the commissioner shall take no action regarding the registration record.

821—9.3(75GA,SF2223) Independent action authorized. Any commissioner, independent of the actions of any other county or the registrar, or in cooperation with another commissioner or commissioners, may make arrangements with a licensed vendor of NCOA data for the provision of NCOA information pertaining to registered voters of that commissioner's county. NCOA information received shall be processed in the same manner as described in rule 9.2(75GA,SF2223). Arrangements made pursuant to this rule shall be reported to the registrar.

821—9.4(75GA,SF2223) Forms mailed. Information received from NCOA data shall be processed in accordance with 1994 Iowa Acts, Senate File 2223, section 28(4)"a" through "f." Examples of the forms to be mailed are available from the state registrar of voters in a document titled "NCOA Mailings."

821—9.5(75GA,SF2223) Mailing deadlines. All required mailings resulting from NCOA information shall be completed at least 90 days before the primary election in even-numbered years, and not later than May 1 of odd-numbered years.

These rules are intended to implement 1994 Iowa Acts, Senate File 2223, sections 28(4) and 29(2).

CHAPTER 10

NOTICE TO VOTERS WITHOUT ACTIVITY
IN FOUR YEARS IN COUNTIES USING NCOA
RECORDS; TO ALL VOTERS IN OTHER COUNTIES

821—10.1(75GA,SF2223) NCOA county commissioner determines nonactivity; sends notices.

10.1(1) During the first quarter of each calendar year, every commissioner who receives NCOA information shall examine voter registration records to identify those without activity during the four previous calendar years and for which no information has been reported in NCOA

data. For the purpose of this subrule, "activity" means any registration application, including an application which duplicates existing information, a notice of change of name, address, mailing address, party affiliation, a vote in any election, or the mailing of a notice pursuant to subrule 10.1(2).

10.1(2) The commissioner shall send a notice of the type described in 1994 Iowa Acts, Senate File 2223, section 29, to each voter whose record is identified pursuant to subrule 10.1(1).

821—10.2(75GA,SF2223) Non-NCOA county commissioner sends notices. During February of each calendar year, every county commissioner who does not receive NCOA information shall send a notice of the type described in 1994 Iowa Acts, Senate File 2223, section 29(3), to every registered voter in the county.

821—10.3(75GA,SF2223) Voter record not made inactive. The act of mailing the notice required by this chapter does not, in and of itself, make a registration record inactive. A record is made inactive only in accordance with 1994 Iowa Acts, Senate File 2223, section 38(2).

821—10.4(75GA,SF2223) Notice available. The required notice is available from the state registrar of voters in a document titled "Section 48A.28(3) Notice."

These rules are intended to implement 1994 Iowa Acts, Senate File 2223, section 29(2), second unnumbered paragraph, and section 29(3).

CHAPTER 11

REGISTRATION PROCEDURE AT DRIVER
SERVICES OFFICES OF THE DEPARTMENT
OF TRANSPORTATION

821—11.1(75GA,SF2223) Registration status to be checked. The state registrar, in cooperation with officials of the department of transportation (DOT), shall develop a mechanism by which the registration status of an individual seeking to do business with the driver services division of the DOT is automatically checked by computer while other business is being transacted.

821—11.2(75GA,SF2223) Drivers license applicant to be advised of registration status; afforded opportunity to register or make changes to existing registration. The DOT employee serving a client shall advise the client of the client's current voter registration status, as appropriate, based on the result of the computer search done pursuant to rule 11.1(75GA,SF 2223).

11.2(1) Unregistered clients. If the computer search shows that the client is not a registered voter, the DOT employee shall say, "According to records available to me, you are not a registered voter in Iowa. Would you like to apply to register here today?"

a. If the client's reply to the query is negative, the DOT employee shall not pursue the matter further.

b. If the client's reply to the query is positive, the DOT employee shall ask, "In what county do you live?" "What is your telephone number?" and "Would you like to declare a political party affiliation?" making appropriate entries as the client replies. The DOT employee shall then ask, "Have you ever been registered to vote before?" If the reply is positive, the DOT employee shall ask, "Where were you last registered, and what was your name then?" entering the replies.

VOTER REGISTRATION COMMISSION[821](cont'd)

11.2(2) Registered clients. If the computer search shows that the client is currently registered to vote, the DOT employee shall say, "Records available to me show (name of client from voter record) is registered to vote in (name of county) at (address, including city), and your telephone number is (phone number or 'blank'). Are there any corrections to this information?"

a. If the client's reply to the query is negative, the DOT employee shall not pursue the matter further.

b. If the client's reply to the query is positive, the DOT employee shall ask, "What changes need to be made?" and make appropriate entries based on the reply.

11.2(3) Signature on attestation required. At the conclusion of the client's business, clients who apply to register, or give information to update an existing registration shall be asked to sign the registration application attestation, either on a paper copy or an electronic version. Any client who fails to sign the attestation shall be deemed to have declined to apply to register to vote.

11.2(4) Electronic applications. Registration applications shall be transmitted electronically to the registrar in accordance with 821—Chapter 8.

These rules are intended to implement 1994 Iowa Acts, Senate File 2223, section 19.

ARC 5109A

AGRICULTURE AND LAND
STEWARDSHIP DEPARTMENT[21]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 159.5 and 159A.8, the Department of Agriculture and Land Stewardship hereby rescinds Chapter 12, "Renewable Fuel," and adopts a new Chapter 12, "Renewable Fuels and Coproducts," and amends Chapter 85, "Weights and Measures," Iowa Administrative Code.

These amendments rescind the old renewable fuels program's rules and adopt procedures required for applicants to receive funds for technical assistance. In addition, the amendments modify requirements for the labeling of motor vehicle fuel pumps dispensing fuel containing renewable fuels.

The Department of Agriculture and Land Stewardship finds that notice and public participation are impracticable as they would delay distribution of funds for technical assistance to assist persons applying for loans and grants under the value-added agricultural products and processes financial assistance program (VAAPFAP). Therefore, these amendments are filed pursuant to Iowa Code section 17A.4(2).

In addition, these amendments are being simultaneously published herein under Notice of Intended Action as ARC 5112A to allow for public comment and participation.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendments should be waived and the amendments be made effective upon filing with the Administrative Rules Coordinator on September 9, 1994. These amendments confer a benefit on the public by providing funds immediately for technical assistance to persons applying for limited VAAPFAP moneys to start new renewable fuel or value-added industries and assist in the promotion of renewable fuels in Iowa.

These amendments are intended to implement Iowa Code section 159A.8.

These amendments became effective September 9, 1994.

The following amendments are adopted.

ITEM 1. Rescind 21—Chapter 12 and adopt the following new chapter:

CHAPTER 12
RENEWABLE FUELS AND COPRODUCTS

21—12.1(159A) Purpose. The purpose of these rules is to further the economic development of Iowa and to encourage production of the renewable fuel and coproduct industry of Iowa by providing specific funding for technical assistance to any person who is located in Iowa or desiring to locate in Iowa.

21—12.2(159A) Definitions.

"Coordinator" means the administrative head of the office of renewable fuels and coproducts appointed by the secretary of the department of agriculture and land stewardship as provided in Iowa Code section 159A.3.

"Coproduct" means a product other than a renewable fuel which at least in part is derived from the processing of agricultural commodities, and which may include corn

gluten feed, distillers grain, solubles, a feed supplement, or can be used as livestock feed.

"Department" or "IDALS" means the Iowa department of agriculture and land stewardship.

"Fund" means the renewable fuels and coproducts fund established pursuant to Iowa Code section 159A.7.

"Innovative" means a new or different agricultural product or a method of processing agricultural products which is an improvement over traditional methods in a new, different, or unusual way.

"Office" means the office of renewable fuels and coproducts created pursuant to Iowa Code section 159A.3 within the Iowa department of agriculture and land stewardship.

"Person" means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

"Renewable fuel" means an energy source at least in part derived from an organic compound, capable of powering machinery, including an engine or power plant. A renewable fuel includes, but is not limited to, ethanol-blended or soydiesel fuel.

"Value-added product" means a product which, through a series of activities or processes, can be sold at a higher price than its original purchase price.

21—12.3(159A) General provisions. Financial support for technical assistance for persons interested in developing renewable fuel or coproduct industries in the state of Iowa.

12.3(1) A person applying for assistance must satisfy both of the following requirements:

a. Be located in Iowa or desiring to be located in Iowa.

b. Submit a completed detailed business plan including a marketing plan for the project, project budget and status of alternative financing (if applicable), production operations, management structure, personnel needs, description of product, process or practice, status of product/service development, and patent status (if applicable).

12.3(2) Assistance available includes:

a. The office may pay fees up to \$1,000 of any technical assistance for a proposed project provided the above criteria are met to the satisfaction of the office.

b. Any amount over \$1,000 shall be payable 50 percent by the office and 50 percent by applicant and shall not exceed \$10,000 for the office's total contribution.

c. Any and all additional costs shall be paid entirely by the applicant.

12.3(3) Applications shall be processed by the coordinator on a first-come, first-served basis, based upon the receipt of all completed documents by the office. Application materials may be obtained from Office of Renewable Fuels and Coproducts, Department of Agriculture and Land Stewardship, Wallace State Office Building, East 9th and Grand Avenue, Des Moines, Iowa 50319, (515)281-6936. Any person may resubmit an application with revisions as long as fees paid by the office remain under the maximum amount.

21—12.4(159A) Renewable fuels motor vehicle fuels decals. All motor vehicle fuel kept, offered or exposed for sale or sold at retail containing over 1 percent of a renewable fuel shall be identified with a decal located on front of the motor vehicle fuel pump and placed between 30" and 50" above the driveway level or in an alternative

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

location approved by the department. The appearance of the decal shall conform to the following standards adopted by the renewable fuels and coproducts advisory committee:

12.4(1) The only two sizes of decals approved are the following:

- a. A design of 1.25" by 4".
- b. A design of 2" by 6".

12.4(2) All labels shall have the word "with" in letters a minimum of .1875" high, and the name of the renewable fuel in letters a minimum of .5" high.

12.4(3) The use of color, design and wording shall be approved by the renewable fuels and coproducts advisory committee. The coordinator may receive input from any party, including the weights and measures bureau of the department, in recommending the color, design, and wording. The advisory committee shall approve the color, design, and wording of the decal to promote the use of renewable fuels.

12.4(4) All black and white fuel pump stickers shall be replaced by approved colorful fuel pump decals effective January 1, 1995.

These rules are intended to implement Iowa Code section 159A.8.

ITEM 2. Rescind subrule 85.48(10) and adopt the following new subrule:

85.48(10) Weights and measures motor vehicle fuels decals. All motor vehicle fuel kept, offered or exposed for sale or sold at retail containing over 1 percent of a renewable fuel shall be identified with a decal located on front of the motor vehicle fuel pump and placed between 30" and 50" above the driveway level or in an alternative location approved by the department. The appearance of the decal shall conform to the following standards adopted by the renewable fuels and coproducts advisory committee:

a. The only two sizes of decals approved are the following:

- (1) A design of 1.25" by 4".
- (2) A design of 2" by 6".

b. All labels shall have the word "with" in letters a minimum of .1875" high, and the name of the renewable fuel in letters a minimum of .5" high.

c. The use of color, design and wording shall be approved by the renewable fuels and coproducts advisory committee. The coordinator may receive input from any party including the weights and measures bureau of the department in recommending the color, design, and wording. The advisory committee shall approve the color, design, and wording to promote the use of renewable fuels.

d. All black and white fuel pump stickers shall be replaced by approved colorful fuel pump decals effective January 1, 1995.

[Filed Emergency 9/9/94, effective 9/9/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5104A

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development adopts an amendment to Chapter 22, "Community Economic Betterment Program," Iowa Administrative Code.

Amended eligibility requirements for the CEBA program [ARC 4926A, IAB 7/6/94] became effective on June 17, 1994. It was the intent of the Department that these revisions be prospective, more closely reflect legislative intent, and not affect pending applications of primary businesses within a quality jobs enterprise zone (QJEZ). This amendment is a narrowly drawn transition provision which provides that applicants within a QJEZ that have submitted applications prior to the effective date of this amendment shall comply with the administrative rules for the CEBA program in effect on the date the Department designated the area as a QJEZ.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are impracticable and contrary to the public interest because the amendment is of limited scope and applicability and does not affect the rights of the general public.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2) that the normal effective date of the amendment, 35 days after publication, should be waived and the amendment be made effective on September 8, 1994, upon filing with the Administrative Rules Coordinator. This amendment removes a restriction on applicants who were engaged in good faith negotiations prior to the June 17, 1994, effective date of the amendments to the rules. The agency is taking the following steps to notify potentially affected parties of the effective date of the amendment: publishing the amendment in the Iowa Administrative Bulletin, providing free copies on request, and having copies available wherever requests for information about the program are likely to be made.

This amendment is intended to implement Iowa Code sections 15.315 to 15.320.

The IDED Board adopted the amendment on September 7, 1994.

This amendment became effective on September 8, 1994.

The following amendment is adopted.

Amend subrule 22.6(1) by adding the following new paragraph "j":

j. Transition provision. Applications submitted on or before September 8, 1994, from a primary business within a quality jobs enterprise zone (QJEZ) designated by the director pursuant to 1994 Iowa Acts, House File 2180, section 17, shall comply with the administrative rules for the CEBA program in effect on the date the department designated the area as a QJEZ.

[Filed Emergency 9/8/94, effective 9/8/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5130A

LABOR SERVICES DIVISION[347]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 88.5, 17A.3(1) and 17A.5(2), the Labor Commissioner adopts an amendment to Chapter 10, "General Industry Safety and Health Rules," Iowa Administrative Code.

The amendment relates to electric power generation, transmission, and distribution; electrical protective equipment, correction, and personal protective equipment for general industry, correction.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 3, 1994, as ARC 4989A.

In compliance with Iowa Code section 88.5(1)"b," a public hearing was scheduled for August 25, 1994. No comments were received.

This amendment is identical to the Notice of Intended Action.

Pursuant to Iowa Code section 17A.5(2)"b"(2) and (3), this amendment shall become effective upon publication on September 28, 1994. The Commissioner finds that this amendment confers a benefit on employees by permitting them to be provided with safety and health equal those found in states under federal OSHA's jurisdiction and is necessary because of the safety and health of employees in this state.

This amendment is intended to implement Iowa Code section 88.5.

The amendment will become effective September 28, 1994.

The following amendment is adopted.

Amend rule 347—10.20(88) by inserting at the end thereof:

59 Fed. Reg. 33661 (June 30, 1994)

59 Fed. Reg. 33910 (July 1, 1994)

[Filed Emergency After Notice 9/9/94, effective 9/28/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5115A

NATURAL RESOURCE
COMMISSION[571]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission, on September 1, 1994, adopted amendments to Chapter 91, "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

Notice of Intended Action was published in the March 2, 1994, Iowa Administrative Bulletin as ARC 4643A.

These amendments give the regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting.

State hunting seasons on migratory birds must be set within frameworks established annually by the Fish and

Wildlife Service, U.S. Department of the Interior. These frameworks specify shooting hours, bag limits and possession limits, as well as season lengths and outside dates. These frameworks will be finalized by the Service on September 1. Therefore, adoption of a final rule by the Department could not take place prior to this time.

The Department finds that these amendments confer a benefit and remove a restriction on a segment of the public by becoming effective immediately, and that the usual effective date of these rules would unnecessarily restrict the public by delaying the opening of the waterfowl and coot seasons. Therefore, these rules shall become effective upon filing with the office of the Administrative Rules Coordinator as provided in Iowa Code section 17A.5(2)"b"(2).

Changes from the Notice of Intended Action are as follows:

(1) Ten additional days were added to the duck and coot seasons in rules 91.1(481A) and 91.2(481A). In the north zone the early dates were changed to September 17 to September 19, and the later portion of the season was changed to October 15 to November 20. To the south zone the early part of the season was changed to October 1 to October 3 and the later portion to October 22 through November 27.

(2) Subrule 91.1(1) was amended to include one canvasback in the daily bag limit.

(3) In rule 91.3(481A) the season on snow geese was changed to run from October 1 through January 10 in both north and south zones.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

These amendments became effective September 9, 1994.

The following amendments are adopted.

ITEM 1. Amend rule 571—91.1(481A), introductory paragraph, and subrule 91.1(1) to read as follows:

571—91.1(481A) Ducks (split season). Open season for hunting ducks shall be ~~October 2~~ *September 17 to October 4* ~~September 19, 1993 1994;~~ *September 17 to November 18 20, 1993 1994,* in that portion of the state lying north of a line beginning on the Nebraska-Iowa border at State Highway 175, southeast to State Highway 37, east to U.S. Highway 59, south to I-80 and along I-80 east to the Iowa-Illinois border; and ~~October 23 1 to October 29 3, 1993 1994, November 6~~ *October 22 to November 28 27, 1993 1994,* in that portion of the state lying south of a line beginning on the Nebraska-Iowa border at State Highway 175, southeast to State Highway 37, east to U.S. Highway 59, south to I-80 and along I-80 east to the Iowa-Illinois border. Shooting hours are one-half hour before sunrise to sunset each day.

91.1(1) Bag limit. The daily bag limit of ducks is three, and may include no more than two mallards (no more than one of which may be a female), one black duck, two wood ducks, one pintail, ~~and one redhead~~ *and one canvasback.* ~~The season on canvasback is closed.~~ The daily bag limit of mergansers is five, only one of which may be a hooded merganser.

ITEM 2. Amend rule 571—91.2(481A), introductory paragraph, to read as follows:

571—91.2(481A) Coots (split season). Open season for hunting coots shall be ~~October 2~~ *September 17 to October 4* ~~September 19, 1993 1994,~~ *September 17 to October 23 15 to*

NATURAL RESOURCE COMMISSION[571](cont'd)

November 18 20, 1993 1994, in that portion of the state lying north of a line beginning on the Nebraska-Iowa border at State Highway 175, southeast to State Highway 37, east to U.S. Highway 59, south to I-80 and along I-80 east to the Iowa-Illinois border; and October 23 1 to October 29 3, 1993 1994; ~~November 6~~ October 22 to November 28 27, 1993 1994, in that portion of the state lying south of a line beginning on the Nebraska-Iowa border at State Highway 175, southeast to State Highway 37, east to U.S. Highway 59, south to I-80 and along I-80 east to the Iowa-Illinois border. Shooting hours are one-half hour before sunrise to sunset each day.

ITEM 3. Amend rule 571—91.3(481A), introductory paragraph, to read as follows:

571—91.3(481A) Geese. The open season for hunting Canada and white-fronted geese and brant shall be from October 9 8 to December 2 1, 1993 1994, and snow geese shall be from October 9 1 to ~~December 27~~ January 10, 1993 1995, except for the south Iowa goose hunting zone, which is that part of the state lying south of a line beginning on the Nebraska-Iowa border at State Highway 175, southeast to State Highway 37, east to U.S. Highway 59, south to I-80 and along I-80 east to the Iowa-Illinois border. In the south Iowa goose hunting zone the season shall be October 23 22 to December 16 15, 1993 1994, for Canada and white-fronted geese and brant, October 23 1, 1993 1994, to January 10, 1994 1995, for snow geese. Shooting hours are one-half hour before sunrise to sunset each day.

ITEM 4. Amend subrule 91.4(2) by adding new paragraphs "n" and "o" as follows:

n. Area fourteen. Portions of Bremer County bounded as follows: Beginning at the northeast corner of section 4, township 93 north, range 11 west; thence south 16 miles, then east one-half mile, then south one mile along Bremer County Road V56; thence west 4½ miles along a county road right-of-way to Bremer County Road V49; thence north 4 miles along Bremer County Road V49 to Iowa Highway 3; thence west 2 miles along Iowa Highway 3 to Bremer County Road V43; thence north 4 miles along Bremer County Road V43 to Bremer County Road C33; thence west 4 miles along Bremer County Road C33 to U.S. Highway 63; thence north 9 miles along U.S. Highway 63 to the Bremer-Chickasaw County line; thence east 10 miles along the Bremer-Chickasaw County line to the point of beginning.

o. Area fifteen. Portions of Butler County bounded as follows: Beginning at the junction of Highway 3 and County Road T16, thence south 8 miles on County Road T16 to its intersection with County Road C55, thence east 9 miles on County Road C55 to its intersection with Highway 14, thence north 8 miles on Highway 14 to its intersection with Highway 3, thence west 9 miles on Highway 3 to the point of beginning; but, excluding those lands within this bounded area managed by the Iowa department of natural resources as the Big Marsh Management Area.

[Filed Emergency After Notice 9/9/94, effective 9/9/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5114A

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission, on September 1, 1994, adopted amendments to Chapter 96, "Pheasant, Quail and Gray (Hungarian) Partridge Hunting Seasons," Iowa Administrative Code.

Notice of Intended Action was published in the March 2, 1994, Iowa Administrative Bulletin as **ARC 4645A**.

These rules give the regulations for hunting pheasants, quail and gray partridges and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting.

The Department gave notice and provided for public participation as required by Iowa Code section 17A.4. Due to the timing of the Commission meeting and the early opening dates of pheasant, quail and gray partridge, it is imperative that the amendments be filed under the emergency provisions of the Iowa Administrative Procedure Act.

The Department conducts its upland wildlife surveys during the first two weeks of August and the population status of pheasant, quail and gray partridge is not known until results of these surveys are analyzed. In order to provide wildlife management on a biological basis the Commission cannot take final action on the seasons until the survey information is available in late August.

The Department furthermore finds that these amendments confer a benefit and remove a restriction on a segment of the public by becoming effective immediately, and that the usual effective date of these amendments would unnecessarily restrict the public by delaying the opening of the pheasant, quail and gray partridge seasons. Therefore, these amendments shall become effective upon filing with the office of the Administrative Rules Coordinator as provided in Iowa Code section 17A.5(2)"b"(2).

There are no changes from the Notice of Intended Action.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

These amendments became effective September 9, 1994.

The following amendments are adopted.

ITEM 1. Amend subrule 96.1(1) to read as follows:

96.1(1) Open season. Open season for hunting pheasants shall be October 30 29, 1993 1994, through January 10, 1994 1995. Bag limit 3 cock birds daily; possession limit 12 cock birds. Shooting hours shall be from 8 a.m. to 4:30 p.m. Entire state open.

ITEM 2. Amend rule 571—96.2(481A) to read as follows:

571—96.2(481A) Gray (Hungarian) partridge season. Open season for hunting gray partridge shall be October 9 8, 1993 1994, through January 31, 1994 1995. Bag limit 8 birds daily; possession limit 16 birds. Shooting hours shall be from 8 a.m. to 4:30 p.m. Entire state open.

NATURAL RESOURCE COMMISSION[571](cont'd)

ITEM 3. Amend rule 571—96.3(481A) to read as follows:

571—96.3(481A) Quail season. Open season for hunting quail shall be October 30 29, 1993 1994, through January 31, 1994 1995. Bag limit 8 birds daily; possession limit 16 birds. Shooting hours shall be from 8 a.m. to 4:30 p.m. Entire state open.

[Filed Emergency After Notice 9/9/94, effective 9/9/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5118A**NATURAL RESOURCE
COMMISSION[571]****Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission on September 1, 1994, adopted amendments to Chapter 105, "Deer Population Management Areas," Iowa Administrative Code.

Notice of Intended Action was published in the July 6, 1994, Iowa Administrative Bulletin as **ARC 4932A**.

These amendments:

1. Establish a deer management unit in the Cedar Falls/Waterloo area.
2. Establish the Iowa Army Ammunitions Plant as a deer management unit.
3. Provide special restrictions and conditions on hunting in the two new areas.

The bow season for deer will open October 1, 1994, prior to the time this rule would become effective and, therefore, archers would not be allowed to participate in the early part of the archery season. This would be counter to the purpose of these amendments.

The Department finds that these amendments confer a benefit and remove a restriction on a segment of the public by becoming effective immediately, and that the usual effective date of these amendments would unnecessarily restrict the public by delaying the opening of the early archery season. Therefore, these amendments shall become effective upon filing with the office of the Administrative Rules Coordinator on September 9, 1994, as provided in Iowa Code section 17A.5(2)"b"(2).

There were two changes from the Notice of Intended Action as follows:

(1) In response to public comments, wording was added in 105.4(2)"f" to require a bow hunter safety course.

(2) In 105.4(2)"g," the area in George Wyth Recreation Area that is open to bow hunting was modified.

These amendments are intended to implement Iowa Code sections 481A.5, 481A.6, 481A.7, 481A.39, and 461A.3.

These amendments became effective September 9, 1994.

The following amendments are adopted.

ITEM 1. Amend 571—Chapter 105 by striking "(109)" and inserting "(481A)" wherever it appears.

ITEM 2. Amend 571—Chapter 105 by striking "(111)" and inserting "(461A)" wherever it appears.

ITEM 3. Amend 571—105.2(481A) as follows:

571—105.2(481A) Definitions.

"Area" means recreation areas as designated in 571—61.2(461A).

"Department" means department of natural resources.

"Special deer management unit" means defined units of public and private land.

ITEM 4. Amend 571—105.3(481A) by adding the following new subrules:

105.3(2) Cedar Falls/Waterloo Deer Management Unit.

105.3(3) Iowa Army Ammunition Plant Deer Management Unit.

ITEM 5. Amend 571—105.4(481A) by adding the following new subrules:

105.4(2) Cedar Falls/Waterloo Deer Management Unit.

a. Defined as public and private land within the area beginning at the intersection of U.S. Highway 63 and Dunkerton Road; west on Dunkerton Road to Waverly Road; north on said road to West Cedar Wapsie Road; west on said road to Union Road; south on said road to U.S. Highway 20; east on said road to Iowa Highway 58; south on said road to Shaulis Road; east on said road to U.S. Highway 63; north on said road to U.S. Highway 20; east on said road to the Cedar River; north and west along the Cedar River to U.S. Highway 63; north on said road to Dunkerton Road.

b. A maximum of 100 antlerless-archery licenses to be issued by the conservation officer and Cedar Falls and Waterloo city police departments on a first-come, first-served basis.

c. Every hunter must have in possession a current paid special antlerless-archery-only deer license for the Cedar Falls/Waterloo Deer Management Unit only.

d. Special antlerless-archery-only deer license for Cedar Falls/Waterloo shall cost \$25, shall be limited to one person, and shall be issued to Iowa residents only.

e. All state archery regulations as provided in 571—106.3(1) and 571—106.7(1) shall apply, except deer hunting season in George Wyth Recreation Area shall be November 1 through December 2, 1994, and December 19, 1994, through January 10, 1995.

f. All bow hunters must demonstrate archery proficiency, complete a bow hunter safety education course, and be approved by the appropriate police department and conservation officer.

g. Hunting in George Wyth State Park shall be limited to areas south of the main park road to the west end of Fisher Lake and all areas west of the main park road west of Fisher Lake but not within 25 yards of any roads, parking lots, trailways, campground, rental lodge or as otherwise posted by the department.

105.4(3) Iowa Army Ammunition Plant (IAAP) Deer Management Unit.

a. Defined as all federal land administered by the IAAP.

b. A maximum of 500 antlerless licenses to be issued by the IAAP on a first-come, first-served basis.

NATURAL RESOURCE COMMISSION[571](cont'd)

c. Every hunter must have in possession a current paid special antlerless deer license for the IAAP only.

d. Special antlerless deer licenses will be valid for the IAAP only and must comply with all applicable regulations provided in 571—Chapter 106.

e. Special antlerless-only deer licenses for the IAAP deer management unit shall cost \$25, shall be limited to one person and shall be issued to Iowa residents only.

f. All hunters must comply with IAAP requirements.

[Filed Emergency After Notice 9/9/94, effective 9/9/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5127A

SOIL CONSERVATION
DIVISION[27]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 161A.4(1), the Division of Soil Conservation hereby amends Chapter 13, "Organic Nutrient Management Program," Iowa Administrative Code.

These amendments implement changes to the organic nutrient management program enacted in 1994 Iowa Acts, Senate File 2314, sections 14, 33, and 34. Requirements and clarifications addressed include the definition of a "family farm limited liability company," references to the fund and account established for the program, eligibility requirements of participants, and limits on assistance received in any one fiscal year. Existing Chapter 13 program rules are also applied to new funds.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 20, 1994, as ARC 4953A.

The Division adopted these amendments on September 7, 1994, and is requesting emergency implementation pursuant to Iowa Code section 17A.5(2)"b"(2). Emergency implementation of these amendments is beneficial to the public in that funds made available by the General Assembly may be utilized this fall for the installation of needed waste systems and practices.

These amendments are identical to those published under the Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 161C and 1994 Iowa Acts, Senate File 2314, sections 14, 33, and 34.

These amendments became effective September 9, 1994, upon filing with the Administrative Rules Coordinator.

The following amendments are adopted.

ITEM 1. Rule 27—13.10(161C) is amended as follows:

27—13.10(161C) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee in implementing

an organic nutrient management program ~~created in 1993 Iowa Acts, House File 623, section 14.~~ This fund shall be used to establish and administer an organic nutrient management program to provide for the allocation of cost-share moneys as financial incentives to eligible persons applying to participate in the program. It also establishes standards and guidelines to which the soil and water conservation districts shall conform in fulfilling their responsibilities under this program.

ITEM 2. Add the following **new** definition to the list of definitions set forth in rule 27—13.20(161C):

"Family farm limited liability company" means a limited liability company which meets all of the following conditions:

1. The limited liability company is founded for the purpose of farming and the ownership of agricultural land in which the majority of the members are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related.

2. All of the members of the limited liability company are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts.

3. Sixty percent of the gross revenues of the limited liability company over the last consecutive three-year period comes from farming.

ITEM 3. Rule 27—13.40(161C) is amended as follows:

27—13.40(161C) Appropriations. Organic nutrient management funds are appropriated to the division of soil conservation and deposited in the organic nutrient management account. ~~of the water protection fund. The funds are not to be used in conjunction with water protection projects and practices established pursuant to Iowa Code section 161C.2. These funds shall not revert to the general fund.~~

ITEM 4. Subrule 13.63(2) is amended as follows:

13.63(2) Ineligible lands or persons.

a. Organic nutrient management program funds shall not be used to reimburse other units of government for implementing organic nutrient management practices.

b. Privately owned land not used for agricultural production shall not qualify for organic nutrient management program funds.

c. A person is not eligible to participate unless actively engaged in farming or is *an individual family farm*, a family farm corporation, family farm limited partnership, or family farm trust, *or family farm limited liability company*.

d. *A person is not eligible to participate who is a party to a legal or administrative action, including a contested case proceeding under Iowa Code chapter 17A, which relates to an alleged violation of Iowa Code chapter 455B involving the disposal of livestock waste, until the action is resolved.*

e. *A person shall not use moneys allocated to this program for purposes of paying a fine or civil penalty or for remediating or restoring the condition of an area contaminated by livestock waste.*

ITEM 5. Rule 27—13.74(161C) is amended as follows:

27—13.74(161C) Cost-share rates. The following cost-share rates shall apply for the eligible practices designated in 13.72(1). The use of state cost-share funds alone or in

SOIL CONSERVATION DIVISION[27](cont'd)

combination with other public funds shall not exceed the limits established by these rules. The cost-share rate for the practice designated in 13.72(1) shall be 50 percent of the actual or estimated cost of installation, whichever is less, not to exceed \$7500- during any fiscal year. A fiscal year begins on July 1 and ends on June 30. A person who has received financial assistance in a prior fiscal year is eligible to receive financial assistance in a subsequent fiscal year, unless the financial assistance is used to support the establishment of a system previously receiving assistance under this program.

ITEM 6. Amend rule 27—13.80(161C), implementation clause, as follows:

These rules are intended to implement Iowa Code chapter 161C and ~~1993 Iowa Acts, House File 623, section 14, 1993 Iowa Acts, chapter 176, section 14, and 1994 Iowa Acts, Senate File 2314, sections 14, 33 and 34.~~

[Filed Emergency After Notice 9/9/94, effective 9/9/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5123A

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the Iowa State Board of Education hereby adopts an amendment to Chapter 36, "Extracurricular Interscholastic Competition," Iowa Administrative Code.

This amendment is adopted pursuant to a formal written agreement between the Department of Education and the members of the Iowa Wrestling Federation who also coach high school (folkstyle) wrestling. Properly trained coaches will be able to coach small numbers of their own students during the summer, but only for competition in Greco-Roman and freestyle wrestling, under terms agreed to by the Department, the Iowa High School Athletic Association and the affected coaches.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on June 8, 1994, as ARC 4862A. No public comments were received. There were no changes to the Notice of Intended Action.

This amendment was also Adopted and Filed Emergency and was published in the Iowa Administrative Bulletin on June 8, 1994, as ARC 4863A.

This amendment will become effective November 2, 1994, at which time the Adopted and Filed Emergency rules will be rescinded.

This amendment is intended to implement Iowa Code section 280.13.

The following amendment is adopted.

Amend subrule 36.15(6), paragraph "a," as follows:

a. Notwithstanding the above limitations, a school's paid or volunteer coaches of golf, tennis, and swimming may coach that school's student athletes during the summer provided those coaching activities do not conflict with sports in season. *Also notwithstanding the above limitations, a school's paid or volunteer wrestling coach may coach that school's student athletes in freestyle and Greco-Roman style wrestling for summer competition under conditions established by the director in cooperation with the Iowa high school athletic association.*

[Filed 9/9/94, effective 11/2/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

A public hearing was held on July 27, 1994. No written or oral comments were received. The Department of Education adopted this amendment on September 8, 1994.

The amendment defines good cause for which the Department of Education may allow a local education agency to submit a gifted and talented program plan after the November 1 deadline established in Iowa Code section 257.45.

There are no changes as a result of the public hearing and this amendment is identical to that published under Notice of Intended Action.

The amendment is intended to implement Iowa Code section 257.45 as amended by 1994 Iowa Acts, Senate File 2201, section 2(2).

The amendment will become effective November 2, 1994.

The following amendment is adopted.

Amend rule 281--59.3(257) by adding the following new paragraph at the end thereof:

The department of education may upon request allow a local education agency to submit program plans after November 1 for good cause. Good cause shall include illness or death of a local education agency staff member, acts of God, or unforeseeable circumstances which in the opinion of the director of the department of education constitute sufficient cause for allowing submission of program plans after November 1. A local education agency desiring permission to submit a program plan after November 1 shall notify the department of education staff member responsible for receiving applications as soon as possible upon determining that it will not be able to meet the November 1 deadline. When an extension of the submission deadline is allowed, the department of education shall establish a date by which the local education agency shall submit the plan. Permission to submit a program plan after November 1 shall expire upon receipt of the program plan by the department of education, and shall not carry over into subsequent application years.

[Filed 9/9/94, effective 11/2/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5125A

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the Iowa State Board of Education hereby rescinds Chapter 66, "School-Based Youth Services Programs," and adopts a new Chapter 66, "School-Based Youth Services Programs," Iowa Administrative Code.

1994 Iowa Acts, Senate File 2330, section 60, provides appropriations for \$2,800,000 to the Department of Education to be used for support of School-Based Youth Services Programs which shall be awarded for implementation by September 1, 1994. Based on local school budgeting, this will necessitate approvals no later than August 19, 1994, so contracts for staff can be developed. These rules

ARC 5124A

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 257.42, the Iowa State Board of Education hereby adopts and files amendments to Chapter 59, "Gifted and Talented Programs," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 6, 1994, as ARC 4889A.

EDUCATION DEPARTMENT[281](cont'd)

structure implementation of School-Based Youth Services Programs to promote services for children and youth to succeed in school, employment, and the community. These rules also set forth the procedures and conditions under which state funds shall be made available to assist local school districts to implement programs.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 8, 1994, as **ARC 4864A**. No public comments were received. The following sentence was added to subrule 66.7(3) as a result of review by the Administrative Rules Review Committee: "Review criteria and a point system are contained in guidelines for school-based youth services programs."

This chapter was also Adopted and Filed Emergency and was published in the Iowa Administrative Bulletin on June 8, 1994, as **ARC 4865A**.

This chapter will become effective November 2, 1994, at which time the Adopted and Filed Emergency rules are rescinded.

This chapter is intended to implement Iowa Code section 279.51(3).

The following new chapter is adopted.

Rescind 281—Chapter 66 and adopt the following new chapter in lieu thereof:

CHAPTER 66

SCHOOL-BASED YOUTH SERVICES PROGRAMS

281—66.1(279) Scope, purpose and general principles.

66.1(1) Scope. These rules apply to the provision of school-based youth services authorized in Iowa Code section 279.51(3) as amended by 1994 Iowa Acts, Senate File 2330, sections 47 to 49 and 60.

66.1(2) Purpose. The purpose of the school-based youth services education program is to enable children and youth, especially those with problems, to complete their education and to obtain skills that lead to employment, additional education, and to a mentally and physically healthy life.

66.1(3) General principles. School-based youth services programs (SBYSP), at a minimum, may be made available at the elementary school, middle school or high school level, to offer career development services, mental health and family counseling services and preventive and primary health care services in the context of the educational needs of the students. Only school districts or consortiums of districts in cooperation with other service providers may apply for funds to support such programs. The management of the programs may be by a school district or school district consortium or by a nonprofit service organization. All programs must be provided in or near schools to make services accessible to children and youth. Moreover, all programs must be designed for implementation over no less than a four-year period. The inclusion of abortion counseling or the dispensing of contraceptives with these programs is prohibited by Iowa Code section 279.51(3). Budgets for proposed programs will be funded by the state to a maximum of \$200,000 per year. Local contributions of at least 20 percent of the total costs of the program are required.

281—66.2(279) Definitions. For the purpose of this chapter the following definitions apply.

"Children" means those enrolled in any of grades kindergarten through five or those aged five through ten.

"Consortium" means an alliance of two or more school districts.

"Contributions" means in-kind services plus gifts and cash donations from private and public sources that are directed at establishing and maintaining the youth services program.

"In-kind services" means existing person-power, equipment, facilities, materials, tools, and other local resources owned or maintained by a school district or consortium of districts, other service providers, nonprofit service organizations or local private organizations that contribute to carrying out the goals of the youth services program.

"In-school support services" means services provided by the district, area education agency or other education agencies in a contractual arrangement with the school district. These services may include, but are not limited to, speech and language, psychology, social work, school nurse, audiology, academic assistance, individual counseling, occupational therapy, physical therapy and food service.

"Job training and employment services" means preparing and assisting students to enter employment on a competitive or noncompetitive basis including, but not limited to, assessment and exploration of skills, abilities and aptitudes for work; support services to access available vocational classes; work experiences; on-the-job training; assistance in locating and securing employment and follow-up services to ensure continuation in employment.

"Mental health and family counseling" means evaluation and diagnostic services, the development of individual treatment plans, individual and group guidance in and outside the home, parent education on parenting skills, and referral to other legitimate services identified through evaluation, guidance services and training.

"Nonprofit service organization" means a public service organization conducted not for profit nor supported by public tax dollars including, but not limited to, recreational services, job services, human services, civic services, juvenile treatment services, and rehabilitation services.

"Other education agencies" means all in-state as well as out-of-state public or private education agencies not covered in the definition of "school district."

"Other service providers" means all public human and health service providers apart from education including, but not limited to, recreational services; employment services; civic services; juvenile treatment services; mental health services; maternal and child health services; woman, infant and child nutrition services; child health specialty clinic services and substance abuse prevention and treatment services.

"Preventive and primary health care services" means services which include, but are not limited to, physical examinations, immunizations, hearing and vision screening, preventive care, maintenance services, diagnosis, treatment, referral, case management, health supervision, and health teaching. These services shall be delivered by specifically credentialed providers such as licensed physicians, dentists, registered nurses, nutritionists, social workers, psychologists, dental hygienists, physical or occupational therapists, and respiratory therapists. Youth with complex health needs may require referral to specially trained and skilled health care providers.

"School-based youth services" means career development assistance; job training and employment services; human services, including mental health and family counseling; primary health care services; day care; transportation; recreation services; parenting education;

EDUCATION DEPARTMENT[281](cont'd)

rehabilitation services; mentoring; family involvement assistance; and other services designed to assist school-age children to be able to succeed in school and be productive citizens upon leaving school.

"School district" means an Iowa public school district directly supported in whole or in part by tax dollars as defined in Iowa Code section 280.2 and with the power and jurisdiction provided by Iowa Code section 274.1.

"Youth" means adolescents enrolled in school in any of grades 6 to 12 or those aged 11 to 21.

281—66.3(279) Development of a program plan. For the purpose of seeking approval for funding youth service programs, school districts shall submit plans approved by their board of directors to the department of education on a request for proposal (RFP) basis. RFPs will be issued within the limits of available funds during the school year preceding the year for which implementation is planned.

281—66.4(279) Program plan. The following areas shall be included in a program plan developed by a school district in response to an RFP issued by the department of education.

66.4(1) Identifying the need for the program. An explanation shall be provided which identifies the significant children and youth concerns that exist in the district. This explanation may include but not be limited to:

a. High rates of child and youth problems, compared to average state rates, including school dropouts; absenteeism; teen pregnancy; teen parents; juvenile offenders; unemployment; teen suicide; mental health problems; substance use and abuse; other health problems; homelessness; and language, gender and disability barriers.

b. Indications of poverty including such areas as the percentage of parents in the district qualifying for the economic eligibility requirements established under the federal National School Lunch and Child Nutrition Act, 42 U.S.C. Sections 1751-1760, for free or reduced price lunches, and census economic data that can be seen as a proxy for other youth concerns.

c. Percentages of school-age children needing additional assistance to succeed in the elementary school, middle school, and high school education program and for whom appropriate services are not being provided.

d. Comparisons of existing resources and demands for services in mental health, employment, child care, health care, in-school instructional support services and school guidance services.

e. Identification of existing staff needs for training to improve services.

f. Description of problems in existing arrangements to coordinate school and other service providers.

66.4(2) Identifying objectives. The following objectives shall be included in the program plan.

a. The establishment of a youth services education program located in or near an elementary school, middle school or high school that integrates multiple service providers with children or youth in need of services to assist them to succeed in education programs, to complete high school and be productive workers and contributors to the community.

b. Provisions for no less than the minimum education program as defined in Iowa Code section 256.11 and rule 281—12.5(256).

c. Flexibility of the education program to accommodate other community-based services such as mental health counseling, substance abuse treatment, and health care.

d. Career development activities including job training and employment services at the high school level.

e. Mental health and family counseling.

f. Family involvement activities.

g. Preventive and primary health care services.

h. Recreation services.

i. Mentoring.

j. Access to program including before and after school, weekend, and summer activity.

k. Personal skills development.

l. Other educational and noneducational services considered necessary to achieve the program plan.

66.4(3) Identification of the components and development of a schedule for the youth services program. At a minimum, the following shall be included:

a. Description of the career development activities including job training and employment services; mental health and family counseling; family education and involvement services; preventive and primary health care services; recreation; mentoring; and personal skills development in the context of how these services and others will be provided in conjunction with the education program.

b. A schedule or timeline for the operation of the program taking into consideration day and evening accessibility, the number of days per week and the number of months per year the program will operate including 24-hour counseling services.

c. If applicable, descriptions of partnerships between public and private sectors to provide employment and training opportunities.

66.4(4) In-school support services. A description of in-school support services as defined in these rules and offered to students in the youth services program must be provided.

66.4(5) Parent and family involvement. A complete plan of parent-family involvement must be included and shall, at a minimum, contain:

a. The parent communication system to be used which may include letters, checklists, personal contacts by telephone and home visits.

b. In-service provisions for individual and group participation, which may include parent/family counseling, assistance at home, attendance in school affairs, parent training and volunteer assistance.

c. Involvement in the development of program goals, decision-making processes and the evaluation of program services.

66.4(6) Evaluation procedures to be used in monitoring program objectives and student outcomes. A system to monitor and report program implementation and outcomes shall be established to identify:

a. Numbers and characteristics of students served and type and magnitude of services provided.

b. Improved school attendance and performance.

c. Increased potential for placement in employment.

d. Improved health.

e. Improved social interaction and behavior.

f. Increased high school completion rates.

g. Reduced criminal/delinquent behavior.

h. Improved coordination between schools and other service providers.

i. Increased ability of "other service providers" to deliver services.

j. Utilization of economic resources to improve employment and productivity of students leaving school.

EDUCATION DEPARTMENT[281](cont'd)

Evaluation shall coincide with the objectives of the youth services program. The methods that are used to monitor progress shall be identified. Monitoring and testing instruments shall be kept on file within the school district or managing agency.

66.4(7) Record keeping. Each school-based youth services program shall keep records of all requests for assistance from children or youth making use of the program and, where appropriate, maintain a confidential case file for children and youth. Records shall be maintained to enable complete reporting as prescribed by the department of education in cooperation with the departments of human services, employment services, public health, human rights, economic development and institutions of higher learning with applicable programs. Records must yield numbers and characteristics of students served, services provided, indicators of impact/behavior change, indicators of coordination with other service providers, use of economic resources, indicators of parent involvement, and indicators of juvenile crime/delinquent behavior.

66.4(8) Identification of the roles and responsibilities of staff. A list of school and other service provider staff involved in the youth services program and their responsibilities related to services, monitoring and reporting, identification of and referral of students to the program, staff development, family involvement and other program objectives shall be provided.

66.4(9) Qualifications of program personnel. All staff involved in the youth services program shall have preservice or in-service training that is commensurate with their involvement in providing services.

66.4(10) Staff utilization plan. Staff shall be assigned and managed to ensure a quality program by employing the following procedures:

a. A designated school or other service agency person shall be responsible for the overall coordination of the youth services program including coordination between the schools and other service providers.

b. Time shall be made available for youth services program staff and regular school staff to coordinate and carry out professional responsibilities.

c. Time shall be made available to youth services program staff and regular school staff for in-service training.

d. School administration staff and nonprofit agency personnel shall assume some responsibility for coordination, even if another service agency assumes the major responsibility of management of the youth services program.

66.4(11) Specifying staff development plans. A training component must be established to update youth services program staff, school staff, other service provider staff, and the community. At minimum, the following provisions shall be included:

a. Designated number of days (not less than one) for training for youth services program staff.

b. At least one program to orient all school staff or other service provider staff on the youth services program.

c. At least one public relations program to orient community members to the youth services program.

d. A specific budget to support training.

66.4(12) Specifying provisions for ongoing identification of students. Students shall be referred and served in accordance with the following:

a. Services shall be available to in-school as well as out-of-school children and youth.

b. All children and youth will be encouraged to utilize services.

c. School personnel and other service providers may refer children to the program by a counseling approach encouraging free choice.

d. Children and youth involved in juvenile court or delinquent behavior will be specifically targeted and encouraged to participate in school-based youth services.

66.4(13) Facilities. The following information concerning facilities shall be included in the program plan:

a. Identify facilities and equipment to be used. An accessible and attractive center in or near an elementary school, middle school or high school that is most likely to be used by children or youth shall be identified and provided. Grant funds may not be utilized to build a new facility or renovate an existing facility.

b. Equipment and resources used to provide services and used as an in-kind contribution must be listed and prorated using the most recent available figures for fair market value.

c. Assurances that the facilities are accessible and equipment is appropriate for the population to be served shall be provided.

d. Private entrances and offices to protect confidentiality and personal dignity shall be provided.

66.4(14) Measures to ensure nondiscrimination in the provision of services. Specific procedures shall be identified to ensure that children and youth and family members and employees are not discriminated against on the basis of race, religion, national origin, gender, age or disability. At minimum, the following measures shall be followed:

a. Student data (participation and progress) shall be collected, processed and analyzed with regard to age, disability, gender, and race.

b. Specific steps shall be taken to encourage student involvement when discriminatory patterns become apparent, such as a lack of minority and female or male student involvement.

c. The hiring of staff shall be completed giving consideration to the minority makeup of the community and the need for certain role models to promote cultural understanding.

d. The staff hiring process shall be free of discrimination on the basis of race, religion, national origin, gender, age, or disability.

e. Efforts shall be made and documented to implement public relations activities in all parts of the community including homeless populations and minority neighborhoods.

f. Materials utilized for training and public relations shall be screened to ensure freedom from bias.

g. Staff development and training shall include elements to assist staff to implement nondiscriminatory practices.

66.4(15) Budget. School districts shall identify a separate budget for the youth services program and be able to account for all expenditures directly related to the program. The following limits shall apply to the budget:

a. All expenditure items identified in the Uniform Financial Accounting System for Public School Districts and Area Education Agencies are allowable.

b. The maximum grant dollars allowable for a youth services program is \$200,000. The total local budget may exceed \$200,000.

EDUCATION DEPARTMENT[281](cont'd)

c. At least 20 percent of the total costs of the program shall be provided locally using in-kind services and cash contributions.

d. Grant funds may not be used to construct a new facility or renovate an existing facility.

e. All grant funds shall be used to develop new services or to supplement existing services.

f. All grant funds and local contributions shall be used to implement the youth services program.

66.4(16) Advisory council. An advisory council shall be identified and utilized for the youth services program. At a minimum, the membership of the council shall include persons to represent the following:

- a. Private industry council.
- b. Parents of children in the school district.
- c. Teachers.
- d. Health and mental health fields.
- e. Job training and employment training.
- f. Students enrolled in the youth services program or school housing the SBYSF.
- g. Nonprofit service provider.
- h. Juvenile court system.
- i. Community-based substance abuse counseling or treatment providers.
- j. In-school support services providers.

One person may represent more than one of the service areas identified above. A plan of action for the advisory council shall be included in the written application for grant funds. The plan of action shall include the utilization of advisory members on an individual as well as group basis and indicate group meetings no fewer than two times annually.

66.4(17) Letters of support. Letters of support for the youth services program must be provided from:

- a. The local teachers association or, if no organization exists, from representatives of the teaching staff.
- b. Parent-teacher organization.
- c. Nonprofit agencies providing human services (mental health and substance abuse) health services and job services.
- d. Community organizations.
- e. The area private industry council.
- f. The juvenile court system.

66.4(18) Commitment of schools. A written commitment must be provided from the school principal and the board of directors of the school district that the school will work to cooperate and integrate existing school services and activities with the program. As well, there must be a commitment to work continuously toward identifying resources for continuation of services after grant funds are withdrawn.

281—66.5(279) Evaluation of financial support. A specific evaluation of necessary financial support and how it can be generated must be developed at the conclusion of each four-year period.

281—66.6(279) Responsibilities of area education agencies. Area education agencies shall assist school districts in developing program plans and budgets for school-based youth services programs. Assistance may include, but is not limited to, the following:

66.6(1) Providing person power to coordinate planning between districts and other service providers and in writing grants.

66.6(2) Gathering and providing information for completion of program plans.

66.6(3) Identifying staff development resources and organizing staff training.

66.6(4) Identifying resources for establishing at least a 20 percent local contribution.

66.6(5) Participating in the advisory council.

66.6(6) Helping develop and implement recording procedures for evaluation of data and analysis of results.

66.6(7) Providing in-school support services.

66.6(8) Assisting with implementation of nondiscrimination measures.

281—66.7(279) Responsibilities of the department of education. The department of education shall:

66.7(1) Provide guidelines and forms to school districts for submitting program plans.

66.7(2) Provide technical assistance to school districts, other education agencies and service providers in the development of plans.

66.7(3) Organize reviews and approval of written plans in at least three size categories of school districts including those below an enrollment of 1,200; between 1,200 and 4,999; and 5,000 and above. The process will give priority to need and plans that indicate high degrees of active participation by community-based youth organizations and agencies. Review criteria and a point system are contained in guidelines for school-based youth services programs.

66.7(4) Develop and administer a format for evaluation. An annual evaluation report shall be filed with the department of education by school districts following the close of each school year.

66.7(5) Provide technical assistance to school districts and other service providers in designing preservice and in-service training.

66.7(6) Consult with the departments of human services, human rights (division of criminal and juvenile justice planning), public health, economic development (division of job training and entrepreneurship assistance) and employment services (division of job services) to develop rules, administer programs, and monitor and evaluate programs.

66.7(7) Establish assistance through the F.I.N.E. Foundation and other foundations and public and private agencies in evaluating programs under this chapter and to provide support to school districts in implementing the funded programs.

These rules are intended to implement Iowa Code chapter 256, Iowa Code section 279.51(3), and 1994 Iowa Acts, Senate File 2330, sections 47 to 49 and 60.

[Filed 9/9/94, effective 11/2/94]

[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5110A

INSURANCE DIVISION[191]

Adopted and Filed

Pursuant to the authority of Iowa Code section 514F.3, the Iowa Division of Insurance adopts an amendment to Chapter 27, "Preferred Provider Arrangements," Iowa Administrative Code.

INSURANCE DIVISION[191](cont'd)

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 13, 1994, as **ARC 4746A**.

This amendment excludes contracts into which the department of human services may enter to provide mental health services for Medicaid recipients from the requirements set forth in this chapter. This amendment was requested by the Department of Human Services.

No comments concerning the proposed amendment were received from the public and the amendment is identical to that published under Notice of Intended Action.

This amendment is intended to implement Iowa Code section 514F.3.

This amendment will become effective November 2, 1994.

The following amendment is adopted.

Amend rule 191—27.3(514F) by adding a new subrule as follows:

27.3(4) Contracts with the department of human services or counties. A contract between the department of human services and an entity agreeing to provide mental health services for individuals eligible for coverage under Title XIX of the Social Security Act, or any other similar contract with a county for mental health services for county residents, is exempt from the requirements of this chapter.

[Filed 9/9/94, effective 11/2/94]
Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ITEM 1. Amend **571—61.2(461A)**, definition of "recreation areas," as follows:

"Recreation areas" means the following areas that have been designated by action of the natural resource commission: Badger Creek Recreation Area, Madison County; Brushy Creek Recreation Area, Webster County; *George Wyth Recreation Area*, Black Hawk County; Lake Darling Recreation Area, Washington County; Mines of Spain Recreation Area, Dubuque County; Pleasant Creek Recreation Area, Linn County; Volga River Recreation Area, Fayette County; and Wilson Island Recreation Area, Harrison County.

ITEM 2. Amend **571—61.6(461A)** by adding a new subrule as follows:

61.6(5) George Wyth Recreation Area, Black Hawk County. Except for use of bow and arrow for the taking of deer as provided in **571—Chapter 105**, all conditions and limitations on use, hours and prohibited acts set forth in Iowa Code chapter 461A and elsewhere in this chapter shall apply to George Wyth Recreation Area. During the dates of deer hunting provided for in **571—105.4(2)"f"**, persons engaged in deer hunting shall use only the area open to deer hunting as described in **571—105.4(2)"h"**.

[Filed 9/9/94, effective 11/2/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5107A

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, on September 7, 1994, adopted an amendment to Chapter 511, "Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight," Iowa Administrative Code.

This amendment was previously Adopted and Filed Emergency and published in the August 3, 1994, Iowa Administrative Bulletin as **ARC 4972A**. A Notice of Intended Action for this amendment was published in the August 3, 1994, Iowa Administrative Bulletin as **ARC 4973A**.

1994 Iowa Acts, Senate File 2080, amended Iowa Code section 321E.11 to permit vehicles and loads of specified dimensions to travel after sunset on the designated highway system. Senate File 2080 also authorized the Department to require additional safety lighting and escorts when necessary for public safety. This amendment specifies the safety lighting requirements for continuous movement of overdimensional vehicles and loads between the hours of sunset and sunrise. Because the designated highway system no longer exists, the amendment also specifies the roadway widths necessary to eliminate the possibility of loads endangering the public by protruding into oncoming traffic.

ARC 5116A

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby adopts the following amendments to Chapter 61, "State Parks and Recreation Areas," Iowa Administrative Code.

The amendments:

1. Establish George Wyth as a recreation area.
2. Provide special restrictions and conditions for the hunting of deer with bow and arrow in George Wyth Recreation Area.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 6, 1994, as **ARC 4933A**.

A public hearing was held on August 11, 1994. A summary of the comments may be obtained from the Wildlife Bureau; telephone (515)281-6156.

There are no changes from the Notice of Intended Action.

These amendments are intended to implement Iowa Code sections 455A.4, 461A.3, 461A.35, 461A.38, 461A.43, 461A.45 to 461A.51 and 461A.57.

These amendments will become effective November 2, 1994.

The following amendments are adopted.

TRANSPORTATION DEPARTMENT[761](cont'd)

This amendment is identical to the one published under Notice.

This amendment is intended to implement Iowa Code chapter 321E.

This amendment will become effective November 2, 1994, at which time the Adopted and Filed Emergency amendment is rescinded.

The following amendment is adopted.

Amend 761—Chapter 511, "Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight," by adding new subrule 511.3(7) as follows:

511.3(7) Continuous moves. Vehicles and loads may travel by permit between sunset and sunrise if, in addition to the general provisions and general requirements specified by the permit, the following conditions are met.

a. Dimensions shall not exceed:

- (1) Width. 11 feet.
- (2) Height. 14 feet, 4 inches.
- (3) Length. 100 feet.
- (4) Weight. Legal axle limits.

b. Travel must be on roadways with a minimum width of 22 feet and minimum lane width of 11 feet.

c. Safety lighting shall be provided at the widest part of a load. The lamps may be placed at the outer ends of the load itself or on appurtenances which are equal in width to the widest part of the load and positioned at both the extreme front and rear of the vehicle or trailer as follows:

(1) One lighted red lamp on each side at the rear of the load.

(2) One lighted yellow or amber lamp on each side at the front of the load.

[Filed 9/8/94, effective 11/2/94]
[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5106A

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, on September 7, 1994, adopted amendments to Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the August 3, 1994, Iowa Administrative Bulletin as **ARC 4974A**.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations promulgated under United States Code, Title 49, and found in 49 Code of Federal Regulations (CFR) parts 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations promulgated un-

der United States Code, Title 49, and found in 49 CFR parts 107, 171 to 173, 177, 178 and 180. To ensure the consistency required by statute, the Department annually adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

Commercial vehicles transporting goods in interstate commerce are subject to the Federal Motor Carrier Safety Regulations on the effective dates specified in the Federal Register. Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the Federal Hazardous Materials Regulations on the effective dates specified in the Federal Register. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

Proposed federal regulations are published in the Federal Register to allow a period for public comment, and, after adoption, the final regulations are again published in the Federal Register. Each year a revised edition of 49 CFR is published incorporating all of the final regulations adopted during the year. Although revised editions of 49 CFR are usually dated October or November, the publication is not actually available in Iowa for several months after that date.

The significant additions, deletions and amendments to the Federal Motor Carrier Safety Regulations which have become final and effective since the 1992 edition are as follows:

Part 390 was amended and Part 394 was deleted to eliminate the requirement that motor carriers submit accident reports and notices of fatal accidents to the Federal Highway Administration.

Part 391 was amended to accept waiver applications from insulin-using diabetic drivers until April 30, 1994. The waivers would be valid for three years unless revoked for the driver's failure to comply with waiver conditions or until current rule-making action is completed, whichever comes first.

Parts 390, 391 and 395 were amended to provide technical corrections that remove the descriptions for recording total daily mileage, home terminal address, and origin and destination, and to update the references to driver qualification and accident reporting requirements.

The significant additions, deletions and amendments to the Federal Hazardous Materials Regulations which have become final and effective since the 1992 edition are as follows:

Part 107 was amended to revise the registration program to comply with a correction in the Pipeline Safety Improvement Act of 1992, to permit payment of registration and processing fees by personal check, and to remove a record-keeping requirement for documents showing payment of these fees.

Part 107 was amended by an interim rule concerning the registration requirements for inspectors and design engineers who certify cargo tank motor vehicles.

Parts 107 and 171 were amended to provide further notice that persons who transport hazardous materials must register annually with the U.S. Department of Transportation.

Parts 107, 171, 178 and 180 were amended by removing the hazardous materials designation from oils which had not been so designated before February 2, 1993; requiring response plans for oil shipments in bulk packages in a quantity greater than 42,000 gallons; and requiring

TRANSPORTATION DEPARTMENT[761](cont'd)

less detailed response plans for petroleum oil shipments in bulk packaging of 3,500 gallons or more.

Part 171 was amended by listing and regulating materials identified as marine pollutants for all transportation modes. This amendment increases safety by improving awareness of the presence of hazardous materials and establishing packaging requirements. Several corrections to these amendments were made in a later rule making, including the definition of nonbulk packaging, the hazardous materials table, a domestic exception for Class 9 placards and revisions to the segregation table.

Part 171 was amended to include changes in the International Maritime Dangerous Goods Code (IMDG). This rule also implements the International Civil Aviation Organization's (ICAO) Technical Instructions. The changes facilitate the continued transportation of hazardous material in international commerce by vessel and aircraft.

Part 171 was also amended to specify minimum standards for the safe transportation of oil that is currently unregulated and to require the preparation of plans for preventing and responding to an oil discharge.

Parts 171 through 177 were amended to formally interpret the registration requirements for offerers and transporters of hazardous materials and to describe activities which subject them to the registration requirements.

Parts 171, 177 and 178 were also amended by updating the regulations and relaxing certain regulatory requirements to reduce unnecessary economic burdens on industry without adversely affecting safety. A one-year delay was granted to comply with insulation requirements for poison inhalation hazard materials and to clarify that the exception applies to corrosion that would adversely affect tank integrity. A final rule eliminates the four-foot separation distance in all directions for most hazardous materials. Changes were also made to 19 of the materials in the hazardous materials table.

Part 172 was amended to bring requirements for loading and handling hazardous materials aboard aircraft into compliance with the International Civil Aviation Organization's technical instructions.

Parts 172 and 173 were amended to provide regulatory relief for materials that are hazardous when transported at elevated temperatures. The amendments offer exceptions from packaging requirements for asphalt kettles and authorize continued use of certain current packaging for transporting elevated temperature materials.

Parts 172 and 177 were amended to extend the dates for awareness and familiarization of hazardous materials requirements to October 1, 1993.

Parts 173, 178 and 180 were amended to extend to April 21, 1994, the period during which cargo tank vehicles could continue to be constructed to MC306, MC307, MC312, MC331, and MC338 specifications. The additional time was needed by the Research and Special Projects Administration to resolve certain technical issues in cargo tank manufacture under recently adopted DOT specifications and to resolve concerns about structural integrity calculations in the MC331 and MC338 specifications.

Additional amendments to the hazardous materials regulations were editorial and technical corrections, including the following: changing the hazardous materials table in section 172.101 for packaging group III, instead of 111; and clarifying that violations and prior offenses are interchangeable terms.

The regulations were published in the following issues of the Federal Register:

| | |
|--------------------|--------------------|
| October 28, 1992 | page 48739 |
| November 5, 1992 | page 52930 |
| December 15, 1992 | page 59308 |
| December 22, 1992 | page 60738 |
| January 8, 1993 | page 3344 |
| January 22, 1993 | page 5850 |
| February 2, 1993 | pages 6864, 6726 |
| February 17, 1993 | page 8820 |
| February 23, 1993 | page 10985 |
| March 5, 1993 | page 12543 |
| March 8, 1993 | page 12904 |
| June 16, 1993 | page 33302 |
| June 21, 1993 | page 33775 |
| July 29, 1993 | page 40690 |
| September 3, 1993 | page 46872 |
| September 24, 1993 | page 50224 |
| September 27, 1993 | pages 50492, 50496 |

These amendments are identical to the ones published under Notice.

These amendments are intended to implement Iowa Code chapter 321.

These amendments will become effective November 2, 1994.

The following amendments are adopted.

Amend subrule 520.1(1), paragraphs "a" and "b," as follows:

a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 390-399 (October 1, 1992 1993). 49 CFR Sections 391.109 and 391.111 concerning random drug testing shall not apply to intrastate operations.

b. Hazardous materials regulations. The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, 1992 1993). The regulations in the October 1, 1990, edition of Title 49 CFR shall remain in full force and effect in accordance with the transition provisions of 49 CFR Section 171.14 (December 31, 1991).

[Filed 9/8/94, effective 11/2/94]

[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5108A

**TRANSPORTATION
DEPARTMENT[761]**

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, on September 7, 1994, rescinded Chapter 900, "Contracts Set Aside for Disadvantaged Business Enterprise," and amended Chapter 920, "State Transit Assistance," and

TRANSPORTATION DEPARTMENT[761](cont'd)

Chapter 923, "Capital Match Revolving Loan Fund," Iowa Administrative Code.

A Notice of Intended Action for these amendments was published in the July 20, 1994, Iowa Administrative Bulletin as **ARC 4938A**.

Chapter 900, "Contracts Set Aside for Disadvantaged Business Enterprises," is being rescinded because the disadvantaged business enterprise participation goals which are established in federal funding grants are passed through to subrecipients as provided in Chapter 922, "Federal Transit Assistance."

Chapter 920, "State Transit Assistance," is being amended to clarify actual practice in state transit funding for the past ten years. The performance measurement requirement has applied to special projects, but has not been applied to the formula funding projects (termed "programmed project assistance" in the rule).

Chapter 923, "Capital Match Revolving Loan Fund," is also being amended to clarify actual practice and to update the title of a federal agency. The amendment will allow staff approval of a loan for any portion of the required match on a federal transit capital assistance project that has been programmed by the Transportation Commission. The Department does not submit individual loans for Transportation Commission approval if the federal transit capital assistance project being matched has been programmed by the Commission. Commission action on an individual loan will continue to be required for projects not previously approved by the Commission. The Urban Mass Transportation Administration is now known as the Federal Transit Administration. One amendment also specifies that one project benefit shall be energy conservation since that is a goal of the petroleum overcharge settlement from which this funding is derived.

These amendments are identical to the ones published under Notice.

These amendments are intended to implement Iowa Code chapter 324A and 1985 Iowa Acts, chapter 265.

These amendments will become effective November 2, 1994.

The following amendments are adopted:

ITEM 1. Rescind and reserve **761—Chapter 900**.

ITEM 2. Amend subrule **920.5(2)**, paragraph "a," as follows:

a. Each *special* project shall have a preestablished basis for determining success using a specified means of performance measurement, and a detailed budget of the resources available and the assistance necessary for implementation.

ITEM 3. Amend subrule **923.4(1)**, by relettering paragraph "d" as paragraph "e" and adding a **new** paragraph "d" as follows:

d. It is part of a statewide program of transit projects which has been adopted by the transportation commission.

ITEM 4. Amend subrule 923.5(1) as follows:

923.5(1) Federal funding request. The public transit system shall submit an application for federal funding approval of the proposed project to either the air and transit division or to the *Federal Transit* ~~federal Urban Mass Transportation~~ Administration, as required by the type of funding requested.

ITEM 5. Amend subrule **923.5(2)**, paragraph "b," as follows:

b. An explanation of the benefits, *including projected energy conservation benefits*, to be gained from the project.

ITEM 6. Amend subrule 923.5(3), introductory paragraph, as follows:

923.5(3) Criteria for selection. The air and transit division shall review each loan request and shall *evaluate* ~~select~~ the projects ~~to be recommended~~ for funding. Based on the following criteria (not listed in order of preference), preference shall be given to projects that:

ITEM 7. Amend subrule 923.5(4) as follows:

923.5(4) Approval. Based on available funds, the air and transit division shall *approve loans for projects meeting the criteria in subrule 923.4(1)* or shall submit recommended loan projects *meeting the criteria in subrule 923.4(2)* to the transportation commission for approval. Submission may be on an annual or an individual basis.

[Filed 9/8/94, effective 11/2/94]

[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

ARC 5105A

**TRANSPORTATION
DEPARTMENT[761]**

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, on September 7, 1994, adopted amendments to Chapter 910, "Coordination of Public Transit Services," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the July 20, 1994, Iowa Administrative Bulletin as **ARC 4959A**.

Items 2 and 4 delete the requirement that vehicles providing publicly funded passenger transportation services be insured or self-insured for one million dollars of coverage per accident for liability attributable to uninsured or underinsured third parties. There is no change in the requirement for one million dollars of coverage per accident for liabilities attributable to the transit provider or its agents. Items 1, 3 and 5 amend the information requested as part of the certification application. These changes are in response to comments from some of the agencies that have participated in the review process and have been recommended by the Iowa Transportation Coordination Advisory Council.

These amendments are identical to the ones published under Notice.

These amendments are intended to implement Iowa Code chapter 324A.

These amendments will become effective November 2, 1994.

The following amendments are adopted.

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 1. Amend rule 910.1(324A), the definition of "Provider," as follows:

"Provider" means any recipient of direct or indirect, state, federal or local funds, ~~exclusive of the~~ including a public transit systems system, that provides or contracts for public transit services.

ITEM 2. Amend subrule 910.4(1) as follows:

910.4(1) Requirement for certification. All providers are required to request a certification of compliance with the transportation coordination mandate of Iowa Code chapter 324A by submitting the certification application form in the Appendix to this rule plus a copy of a certificate of insurance or documentation of self-insurance. Agencies that provide a mixture of public transit service and other service shall request certification based on that part of their overall operation which is public transit service.

ITEM 3. Amend the catchwords of subrule 910.4(3) and paragraph 910.4(3)"a" as follows:

910.4(3) Submission of request ~~form forms~~.

a. Recipients of state funds shall submit the both the certification application and the certificate of insurance form forms annually as part of the funding request process to the funding agency.

ITEM 4. Amend subrule 910.5(1) as follows:

910.5(1) All vehicles used for the public transit services it provides or contracts for are insured for \$1 million per accident for all hazards, ~~including \$1 million for uninsured or underinsured motorist liability~~, or the provider maintains a self-insurance fund adequate to provide equivalent protection.

ITEM 5. Amend the forms as shown in the Appendix to rule 761—910.4(324A).

III. AGENCY OPERATED VEHICLE FLEET:

| Year/Model | Seats/ Wheel- chairs | Special Equipment* | % Used for Passengers | Average Monthly Ridership | Average Monthly Vehicle Miles | Owned/ Leased |
|------------|----------------------------|-----------------------|--------------------------|---------------------------------|----------------------------------------|------------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

* Two-way radio, wheelchair lift, ramp, etc.

TRANSPORTATION DEPARTMENT[761](cont'd)

IV. FUNDING SOURCES USED FOR SUPPORT OF TRANSPORTATION:

Total \$ _____

| Source | Federal | State | Local | Annual Total |
|--------|---------|-------|-------|--------------|
| 1. | | | | \$ |
| 2. | | | | \$ |
| 3. | | | | \$ |
| 4. | | | | \$ |
| 5. | | | | \$ |
| 6. | | | | \$ |
| Total | ----- | ----- | ----- | \$ |

V. PURCHASE OF SERVICE (Contracts and Vendor Agreements):

Total \$ _____

| | Average Monthly Ridership | Average Monthly Vehicle Miles | Projected Annual Expenditures |
|-------------------------------|---------------------------|-------------------------------|-------------------------------|
| Taxi | | | \$ |
| Intracity bus | | | \$ |
| Regional/Urban Transit System | | | \$ |
| Other - specify | | | \$ |
| Total | ----- | ----- | \$ |

VI. OPERATION OF OWN TRANSPORTATION SERVICE:

Total \$ _____

| STAFF | Number | % of Time | Projected Annual Expenditures |
|--------------------------|--------|-----------|-------------------------------|
| Administrative | | | \$ |
| Drivers | | | \$ |
| Maintenance | | | \$ |
| Professional | | | \$ |
| Escorts | | | \$ |
| Volunteers reimbursement | | \$ /mile | \$ |
| Other - specify | | | \$ |
| Subtotal | ----- | ----- | \$ |

| VEHICLE OPERATING COSTS | Projected Annual Expenditures |
|--------------------------------------|-------------------------------|
| Fuel and oil | \$ |
| Maintenance and repair | \$ |
| Insurance | \$ |
| Licenses and fees | \$ |
| Staff mileage reimbursement \$ /mile | \$ |
| Indirect cost or overhead | \$ |
| Other - specify | \$ |
| Subtotal | \$ |

TRANSPORTATION DEPARTMENT[761](cont'd)

PURCHASE OR LEASE OF VEHICLES AND SPECIAL EQUIPMENT

| Vehicle Type | No. to be Leased | No. to be Purchased | No. for Replacement | No. for Expansion | Special Equipment | Projected Annual Cost |
|--------------|------------------|---------------------|---------------------|-------------------|-------------------|-----------------------|
| | | | | | | \$ |
| | | | | | | \$ |
| | | | | | | \$ |
| Subtotal | ----- | ----- | ----- | ----- | ----- | \$ |

Note: The total funding in Section IV must equal the total expenditures in Section V plus Section VI.

[Filed 9/8/94, effective 11/2/94]

[Published 9/28/94]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/28/94.

*** SUMMARY OF THE OPINIONS OF THE ATTORNEY GENERAL****BONNIE J. CAMPBELL**

July and August, 1994

CHILD ABUSE INFORMATION

Sealing and expunging by agents; redissemination to other states. Iowa Code §§ 235A.13, 235A.15(2)(e)(4) and 235A.18 (1993). All information maintained by child protective centers as agents for the Department of Human Services is child abuse information and subject to the provisions of section 235A.18. Medical records generated by a contracting physician at the request of the centers and maintained in the physician's files are not child abuse information. All information contained in founded and undetermined child abuse files of the Department is legally accessible to child protection agencies in other states. (Miller-Todd to Palmer, Director, Iowa Department of Human Services, 8-1-94) #94-8-1(L)

CITY OFFICERS AND EMPLOYEES

Interest in public contracts. Iowa Code §§ 331.342, 362.2(15), 362.5 (1993). The general prohibition in Iowa Code section 362.5 (1993) against city officers or employees having a direct or indirect interest in a contract with a city applies even if they abstain from awarding the contract. City officers or employees have an "indirect interest" in contracts between their unemancipated minor children and the city. Persons on city boards and commissions serving other than fixed terms, but having all the other attributes of "officers," should comply with section 362.5. (Kempkes to Ritchie, Buena Vista County Attorney, 7-12-94) #94-7-4

COUNTY MEDICAL EXAMINERS

Status as county officers; insurance coverage; fees and expenses; signature on death certificates. Iowa Code §§ 97B.41(8)(b)(3), 144.28, 331.301(11), 331.801, 331.802, 331.803, 670.8 (1993). County medical examiners are not "employees" who may receive State retirement benefits, but are "officers" the county must defend in tort cases involving their official duties; counties may purchase insurance coverage for their medical examiners in lieu of defending and indemnifying them against losses from tort claims; county medical examiners may, under certain circumstances, charge a fee for certifying the cause of death even though they forgo viewing the deceased; the county in which a death occurred does not necessarily become responsible for its medical examiner's fee and expenses incurred in conducting a preliminary investigation or performing an autopsy; and physicians other than county medical examiners may sign a death certificate only if the death does not affect the public interest. (Kempkes to Welsh, State Senator, 8-23-94) #94-8-3(L)

ELECTIONS; GAMBLING

Special Elections; Gambling Games. Iowa Code § 99F.7(10) (Supp. 1993); 1994 Iowa Acts, ch. ___ (House File 2179, § 17). There is no statutory basis in House File 2179 to impose a time limitation for scheduling a second special election on the question of conducting gambling games at the Waterloo Greyhound Park. The board of supervisors of a county in which a qualified licensee of a pari-mutuel racetrack requests a license to operate gambling games is required to submit to the county electorate a proposition to approve or disapprove the operation of gambling games at pari-mutual racetracks at a special election "at the earliest practicable time," even though the electorate recently disapproved the same proposition. (Pottorff to Lind, State Senator; Harper, State Representative; and Shoultz, State Representative, 7-1-94) #94-7-1

Special Elections; Excursion Boat Gambling. Iowa Code § 99F.7(10) (Supp. 1993); 1994 Iowa Acts, ch. _____ (House File 2179), § 17. Iowa Code section 99F.7(10)(c), as amended by 1994 Iowa Acts, ch. ___ (House File 2179), § 17, requires the supervisors of a county which has approved excursion boat gambling to submit the question of approval of excursion boat gambling to the electorate of the county even if there is currently no excursion boat licensed to operate in the county. Action must be taken by the supervisors to call the election as quickly as the election process will allow. (Scase to Baxter, Secretary of State, 8-29-94) #94-8-6(L)

ELECTIONS; MUNICIPALITIES

City offices. Iowa Const. art. III, § 38A; Iowa Code § 372.4 (1993). A city ordinance providing for the election of municipal officials, unless specifically authorized by statute, would be preempted by the state's election laws. In its regulation of elections, the legislature has enacted a broad and detailed scheme which would preclude local regulation in this area. (Walding to Baxter, Secretary of State, 8-23-94) #94-8-4

MUNICIPALITIES

Conflicts of interest; residency requirement. Iowa Code §§ 47.4, 69.2(3) and 384.51 (1993). An engineer whose partnership will be awarded a contract to design and supervise construction of a street has a common law conflict of interests which disqualifies the engineer as a city council member from voting on the project. A city council member who owns property in an area to be specially assessed for a public improvement may participate in the project proceedings pursuant to Iowa Code section 384.51. The council member may not, however, become involved on behalf of the city in negotiations to purchase the property for the improvement. A vacancy is created on the city council if a council member ceases to be a resident of the ward represented. (Ferree to Tinsman, State Senator, 8-1-94) #94-8-2

STATE JUDICIAL NOMINATING COMMISSION

Use of former congressional districts for achieving area representation on commission. Iowa Code §§ 46.1, 46.2 (1993). The federal constitutional requirement of "one person, one vote" does not apply to the process concerning appointments to the Supreme Court of Iowa. No constitutional violation thus results if the State Judicial Nominating Commission continues to be based upon Iowa's former congressional districts and not upon its current ones. (Kempkes to Neuhauser, State Representative, 7-1-94) #94-7-2(L)

STATE OFFICERS AND DEPARTMENTS

Disposition of unclaimed, seized, and forfeited property. Iowa Code §§ 80.39, 809.5, 809.13 (1993). Section 80.39 allows the Department of Public safety to dispose of unclaimed property in any lawful way. Section 809.5 allows a state agency to dispose of seized property in any reasonable manner. Section 809.13 allows a state agency or local law enforcement agency to use forfeited property to enhance enforcement of the criminal laws and does not allow either agency to give it to private organizations. (Kempkes to Baker, State Representative, 7-12-94) #94-7-3(L)

TAXATION

Sales of Homesteads to Collect Taxes. Iowa Code §§ 422.26 and 561.16 (1993). Section 422.26 is a "special declaration of statute to the contrary" under section 561.16 so that the Iowa Department of Revenue and Finance is authorized to seek the sale of homesteads to effect collection of any taxes collected pursuant to section 422.26. (Hardy to Bair, Director of Revenue, 8-23-94) #94-8-5(L)

1993 IOWA CODE

46.1
46.2
47.4
69.2(3)
80.39
97B.41(8)(b)(3)
144.28
235A.13
235A.15(2)
235A.18
331.301(11)
331.342
331.801
331.802
331.803
362.2(15)
362.5
372.4
384.51
422.26
561.16
670.8
809.5
809.13

OPINION

#94-7-2(L)
#94-7-2(L)
#94-8-2
#94-8-2
#94-7-3(L)
#94-8-3(L)
#94-8-3(L)
#94-8-1(L)
#94-8-1(L)
#94-8-1(L)
#94-8-3(L)
#94-7-4
#94-8-3(L)
#94-8-3(L)
#94-8-3(L)
#94-7-4
#94-7-4
#94-8-4
#94-8-2
#94-8-5(L)
#94-8-5(L)
#94-8-3(L)
#94-7-3(L)
#94-7-3(L)

1993 IOWA CODE SUPPLEMENT

99F.7(10)

OPINION

#94-7-1
#94-8-6(L)

IOWA CONSTITUTION

Art. III, § 38A

OPINION

#94-8-4

1994 IOWA ACTS

H.F. 2179, § 17

OPINION

#94-7-1
#94-8-6(L)

IOWA ADMINISTRATIVE BULLETIN

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

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

FROM
STATE OF IOWA
PRINTING/MAIL/RECORDS MANAGEMENT
GRIMES STATE OFFICE BUILDING
Des Moines, Iowa 50319

STATE LAW LIBRARY 9CR 3S 3B
CAPITOL
LOCAL