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PHYLLIS BARRY
ADMINISTRATIVE CODE EDITOR

KATHLEEN BATES
DEPUTY EDITOR

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INSTRUCTIONS

FOR

Updating Iowa Administrative Code
with Biweekly Supplement

NOTE: Please review the "Preface" for both the Iowa Administrative Code and Biweekly Supplement and follow carefully the updating instructions.

The boldface entries in the left-hand column of the updating instructions correspond to the tab sections in the IAC Binders.

Obsolete pages of IAC are listed in the column headed "Remove Old Pages." New and replacement pages in this Supplement are listed in the column headed "Insert New Pages." It is important to follow instructions in both columns.

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[Previous Supplement dated 7/5/95]

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of applications, methodology of fees, grant payment, matching requirements, all application, report and evaluation forms, and criteria standards for review of applications, required specializations and evaluation.

2.3(2) All arts division programs shall be conducted according to published guidelines which outline the goals of the programs, eligibility requirements, review criteria, adjudication processes and recipient requirements.

2.3(3) All direct grant programs shall require formal application and review prior to the award or denial of any grant funds. The application, review, and award process will vary with the nature and design of each direct grant program.

2.3(4) Applicants to arts division granting programs shall be notified of the results of the grant application within 120 days following the advisory panel meeting.

2.3(5) The arts division shall support only those organizations which are nonprofit and federally tax-exempt. An applicant's Internal Revenue Service tax determination letter and federal identification number shall be filed with the arts division prior to review of any grant application.

2.3(6) Applicant organizations shall have been in active service to the Iowa public for at least one year prior to the date of application. The one-year requirement may be waived by the administrator.

2.3(7) Nonprofit organizations that have not yet achieved federal tax-exempt status may apply through a fiscal agent.

2.3(8) Tax-exempt, nonprofit organizations located in states bordering Iowa shall be eligible to apply to the arts division for projects which serve Iowa audiences. Tax-exempt, nonprofit organizations located in bordering states are not eligible to apply to the arts division for general operating support.

2.3(9) Individuals applying for and receiving grant funds shall be legal residents of the United States, or be in the process of becoming legal residents as evidenced by certified documentation and be 18 years of age or older unless otherwise noted in program guidelines.

2.3(10) Artists applying to participate in arts division programs shall be subject to review. Final approval authority rests with the administrator. Criteria and review procedures shall be established by each program.

2.3(11) Requirements for all individuals applying to qualify for arts division programs include excellence as an artist, experience in program area and sensitivity to the audience to be served. Applications are reviewed by panels, staff, and the administrator.

2.3(12) Preference in all arts division programs shall be given to Iowa artists. Each program shall establish its own procedures and criteria to give preference to Iowa artists.

2.3(13) Applications shall not be considered unless submitted on proper forms with support materials as required. The standard application form shall be used except where noted under program guidelines.

2.3(14) Applications submitted to the arts division shall be for projects which occur during the period July 1 through June 30.

2.3(15) Applications shall be reviewed as received and deadlines shall be strictly enforced. Applications shall be postmarked or hand-delivered on or before the stated deadline date unless otherwise noted in program guidelines. An official U.S. Postal Service cancellation mark shall serve as the postmark date for deadline determinations. If the official deadline falls on a weekend or holiday, the first state working day after the published deadline becomes the official deadline. The use of facsimile machines to send applications is prohibited.

2.3(16) Arts division staff shall not be responsible for the correction or amendment of incomplete or erroneous applications after receipt in the arts division office.

2.3(17) For all granting programs designated as requiring matching funds, the grant awards shall not exceed one-half (50%) of the total project. In these instances, the grant recipient shall supply cash match at least equal to the amount of the grant.

2.3(18) The arts division shall reserve the right to question the financial need of applicants who fail to recognize the earned income and cash match potential of ticket sales or participant fees. Exceptions may include, but are not limited to: events which are difficult to ticket or against an applicant's board-stated admissions policies, financial hardships for attendees, or promotional activities to develop new audiences.

2.3(19) The arts division shall issue a service contract for all grants awarded unless otherwise noted in program guidelines.

2.3(20) No portion of arts division or other department funds shall be used by recipients to meet the recipient's or applicant's obligation to match other arts division or department grants or programs.

2.3(21) The arts division strongly endorses the advisory panel review process and utilizes this process in programs that, through their intent and scope, warrant this review procedure.

2.3(22) Review criteria scores shall be the official written record of the proceedings of an advisory panel meeting. Arts division staff shall, upon request, provide applicants with a written record of these scores. Scores shall be maintained within HOBIE.

2.3(23) Advisory panel members, or contractors (in areas outside the contracting authority) shall not serve as spokesperson or an official representative of the arts division without written authorization from the administrator. Violations of this rule may result in the removal of the individual from the panel. This determination shall rest with the administrator in consultation with appropriate council members or arts division staff.

2.3(24) Advisory panel members who are not able to meet their obligations to panels for application review, meetings, to gather advice, or by taking on a reasonable share of on-site audits for evaluation, prescreening or qualitative review shall be relieved of further duty by the administrator. This determination shall rest with the administrator in consultation with appropriate council members or arts division staff.

2.3(25) Council members, staff members, advisory panel members or contractors who have an affiliated interest in any grant application failing to absent themselves from all discussion and voting on such an application shall be recommended for resignation to the appointing authority. Affiliated interests shall be interpreted to include employee, board or trustee relationship with the applicant, but shall not be extended to include the spouse of the participant.

2.3(26) For all arts division programs that utilize the panel review process, a summary report shall be submitted to the council prior to meeting for their review and vote during their regular business session. The focus of the council review shall include:

- a. Review criteria scores, advisory panel comments, evaluations or rankings;
- b. Statewide geographic distribution of the program in review in relation to all arts division programs and projects; and
- c. The availability of arts division funds.

2.3(27) The arts division shall place a strong emphasis on artistic quality in evaluating applications.

2.3(28) Programs supported to any extent by the arts division shall be open to the public.

2.3(29) The arts division shall not permit recipients to become dependent on the arts division for a majority portion of their operating budgets.

2.3(30) The arts division shall not consider applications for funding a previous year's deficit or projects excluding the general public except where special guidelines are in effect.

2.3(31) College or university-based projects shall demonstrate community participation in planning, implementation and evaluation. Projects for which college credit is given to participants are not eligible for funding from the arts division. Projects which afford the college or university recruitment opportunities shall be considered a lower priority for funding.

2.3(32) Recipients of arts division grants shall not utilize funds to influence any state or federal legislation or appropriations.

2.3(33) Unless otherwise contracted for in writing prior to surrender, any and all patents, copyrights, or other legal interest of relevance to programs or projects supported by the arts division shall be the sole and exclusive property of the artist or the artist's designee.

2.3(34) Recipients shall comply with Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 and the National Fair Labor Standards Act.

2.3(35) Recipients of arts division grants shall credit the arts division in all promotion, publicity, advertising, and in any printed materials relating to the grants-supported projects with the following credit line or a reasonable facsimile: "This program is supported in part by the Iowa Arts Council." Noncompliance with this guideline shall jeopardize future funding of the recipient by the arts division.

2.3(36) The arts division shall require a formal final report to be submitted by all grant recipients 30 days following the completion date of the project for which funds were awarded.

2.3(37) No arts division funds shall be released to any recipient until all final reports and contract-mandated requirements from previous awards are correctly submitted and approved by arts division staff. Recipients who fail to return signed contracts or related materials within 60 days of the funding notification or June 30, whichever comes first, shall risk cancellation of the pledge of funds from the arts division.

2.3(38) Recipients of arts division support in any form who are shown to be delinquent regarding final reports for past financial awards, negligent concerning statements of facts necessary to attain and maintain arts division funds, or substandard regarding compliance with contract-mandated guidelines, thereby rendering current or future arts division supported projects impractical, shall be placed on formal agencywide funding moratorium by the administrator. The funding moratorium shall remain in effect until the necessary reports are submitted and approved, or until grant funds are returned to the arts division by the recipient.

2.3(39) Grant recipients shall comply with all federal and state laws and regulations that relate to their grant. Arts division grantees receiving \$25,000 or more in federal funds shall submit an audit report in accordance with OMB circular A-110 and A-128 for the year in which arts division grant funds are received and spent.

2.3(40) To ensure that state and federal grants are spent in full compliance with all state and federal guidelines and requirements, the administrator shall formulate and maintain a system of periodic on-site audits (financial, managerial, artistic, and physical) of recipients of grants and program funds, and make reports concerning these audits to the appropriate authorities.

2.3(41) All arts division contracts not successfully completed by the recipient in terms of concept within arts division guidelines may be required to return all or part of the arts division funds, such determination to be made at the sole discretion of the administrator in consultation with arts division staff.

2.3(42) Extensions to the contracted period of all arts division grants and programs may be requested in writing, addressed to the administrator and may be approved at the administrator's sole discretion in consultation with arts division staff. Generally, agency funding shall not be extended beyond September 30. Extensions shall not be approved when the new project timeline is eligible for support under the next program deadline. Projects that are eligible for the next program deadline shall be resubmitted by the applicant for reconsideration with the applicant adhering to all program guidelines then in effect.

2.3(43) Informal appeals. An informal appeals process shall be made available only to applicants whose applications were declined on procedural impropriety or error as evidenced by one or more of the following reasons:

a. Application declined on the basis of review criteria other than those appearing in the relevant guidelines,

b. Application declined based on influence of the advisory panel or council member(s) willfully or unwillingly failing to disclose conflicts of interest, and

c. Application declined based on highly erroneous information provided by staff, panelists, or council members at the time of review despite the fact that the applicant provided the arts division staff with accurate and complete information on regulation forms as part of the standard application process. Incomplete applications are specifically denied any appeals process. Substantially revised applications may be recognized as new applications, or may be declared ineligible if constraints of time preclude accurate information being made available to panelists. All requests for appeals shall be made in writing and shall be postmarked or received in the arts division office within 30 days of notification of the decision. A successful appeal shall be determined at the sole discretion of the administrator, whose discretions may include full or partial funding of the aggrieved application which shall then be funded at the next earliest occasion.

d. The administrator shall have the authority to appoint an appeals committee to assist in the review of any request from applicants whose applications were denied funding. The appeals committee shall have representation from the discipline of the aggrieved.

2.3(44) Formal appeals. Reserved.

These rules are intended to implement Iowa Code sections 303.87 and 303.88.

[Filed 8/30/91, Notice 6/26/91—published 9/18/91, effective 10/9/91]

[Filed 8/26/94, Notice 7/20/94—published 9/14/94, effective 10/19/94]

[Filed 6/28/95, Notice 3/15/95—published 7/19/95, effective 8/23/95]

CHAPTER 3 Reserved

CHAPTER 4
PROJECT SUPPORT FOR ORGANIZATIONS

222—4.1(303) Project support for organizations. The project support for organizations program provides incentives for nonprofit organizations to develop and maintain arts projects that meet the needs of Iowans.

222—4.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter.

222—4.3(303) Eligibility requirements. The criteria used by the arts division to determine eligibility as outlined in 222—subrules 2.3(5) to 2.3(8) are adopted for this program.

222—4.4(303) Restrictions. The restrictions used by the arts division as outlined in 222—subrules 2.3(13), 2.3(18), 2.3(20), 2.3(29) to 2.3(35), 2.3(37) to 2.3(42) are adopted for this program with the following additions:

4.4(1) The project support program generally will not fund conservation of art works or projects which take place outside of Iowa.

4.4(2) The project support program shall not permit grantees to become dependent on it for continued funding of recurring projects. These projects shall be considered a lower priority after successive years of project support unless circumstances encourage continued financial assistance.

4.4(3) The project support program shall not consider applications for capital improvement or construction projects, existing administrative salaries, purchase of permanent equipment, funding a previous year's deficit, requests to travel out-of-state, tuition assistance for academic study, reception expenses, indirect costs, or projects excluding the general public.

4.4(4) The project support grants program requires college or university-based projects to feature community participation and outreach.

222—4.5(303) Review criteria. The advisory panels shall review applications to the project grants program based on the following criteria:

4.5(1) Artistic excellence, innovation significance and feasibility of the project—40 points.

4.5(2) Qualifications of participants—30 points.

4.5(3) Projects which meet funding priorities—10 points.

4.5(4) Community involvement/accessibility—20 points.

222—4.6(303) Application procedures. Applicants shall submit the official project support application form as noted in 222—subrule 2.3(13). Applicants shall be limited to the submission of two applications per fiscal year. Those applicants also requesting funds through the operational support grant program for midsize organizations shall be limited to one application per fiscal year.

222—4.7(303) Deadline. Applications shall be due on an annual basis with the specific date to be published in annual guidelines available upon request from the arts division.

222—4.8(303) Review process. Applications are reviewed by the appropriate advisory panel in accordance with 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26).

222—4.9(303) Awards. Awards shall be made in accordance with the procedures outlined in 222—subrules 2.3(37) to 2.3(42).

222—4.10(303) Notification. Notification shall be made in accordance with procedures outlined in 222—subrule 2.3(4).

222—4.11(303) Contract. A contract shall be issued in accordance with procedures outlined in 222—subrule 2.3(19).

222—4.12(303) Reporting. All grantees shall submit a final report in accordance with procedures outlined in 222—subrule 2.3(36).

222—4.13(303) Audit procedures and requirements. The audit procedures and requirements for grantees as outlined in 222—subrule 2.3(40) shall be in effect for this program.

222—4.14(303) Appeals. Applicants who were denied funding may appeal the decision in accordance with procedures as outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 5 MINIGRANTS

222—5.1(303) Minigrants. The arts division shall grant funds through the minigrant program for artists, arts educators and organizations/schools for project support, marketing and promotional activities, professional development opportunities, artist apprenticeships, and technical assistance on a monthly basis.

222—5.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter.

222—5.3(303) Eligibility. Applications may be submitted throughout the year for the minigrant program by eligible applicants as outlined in 222—subrules 2.3(5) to 2.3(8).

222—5.4(303) Grant amount. The grant amount for minigrants shall be up to \$1,000.

222—5.5(303) Categories. Minigrant requests may be submitted in the following categories:

1. Project grants for artists.
2. Project grants for organizations.
3. Project grants for arts education activities.
4. Marketing and promotional activities.
5. Professional development opportunities.
6. Artist apprenticeships.
7. Technical assistance.

Category guidelines shall be published annually in program guidelines.

222—5.6(303) Application procedures. To apply for a minigrant, the applicant shall complete the official application form available from the arts division office.

222—5.7(303) Deadlines. Applications to the minigrant program shall be received by the arts division no less than 30 calendar days prior to the beginning date of the grant activity.

222—5.8(303) Restrictions. Minigrant funds shall not be spent on the following items:

5.8(1) Activities eligible for support or not funded through arts division and other department grant programs.

5.8(2) Administrative salaries except for substitute teacher expenses for arts education related events.

5.8(3) Projects in which artists are not adequately compensated for their artistic services.

5.8(4) General operating expenses of the applicant or participating organizations.

5.8(5) Nonspecific funding requests.

5.8(6) Permanent equipment—items costing more than \$300 with a useful life of more than one year.

5.8(7) Capital expenditures, including renovation of existing facilities.

5.8(8) Tuition assistance for college or university courses or correspondence courses.

5.8(9) Ongoing programs, projects, art work or activities of artists or organizations.

222—5.9(303) Review criteria. Minigrant applications shall be reviewed using the following criteria:

5.9(1) Exemplary qualities, qualifications, significance, and feasibility of the proposed project.

5.9(2) Partnerships and benefit of project to participating organizations and individuals.

222—5.10(303) Review process. Minigrants shall be reviewed monthly by the arts division staff within the first five working days of each month.

222—5.11(303) Award process. Awards shall be made in accordance with the procedures outlined in 222—subrules 2.3(37) to 2.3(42).

222—5.12(303) Notification. Notification shall be made in accordance with procedures outlined in 222—subrule 2.3(4).

222—5.13(303) Service contract. A service contract shall be issued to recipients in accordance with procedures outlined in 222—subrule 2.3(19).

222—5.14(303) Reporting. All recipients shall submit a final report in accordance with procedures outlined in 222—subrule 2.3(36).

222—5.15(303) Audit procedures and requirements. The audit procedures and requirements for recipients as outlined in 222—subrule 2.3(40) shall be in effect for the minigrant program.

222—5.16(303) Appeals. Applicants who were denied funding may appeal the decision in accordance with procedures as outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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*Suspended by Governor Branstad 8/24/93 pursuant to Iowa Code section 29C.6(6) for grants in process to the extent that these provisions limit emergency funding to an amount not to exceed \$500 and require a 60-day advance deadline. These exemptions shall apply only to requests for funding necessary to respond to the emergency disaster which has been declared as of this date. Grants subsequent to application cycles must adhere to rule 222—5.6(303).

CHAPTER 6

OPERATIONAL SUPPORT GRANTS TO MAJOR ARTS ORGANIZATIONS

222—6.1(303) Operational support grants to major arts organizations. The arts division awards a limited number of grants for unspecified operational support to arts organizations providing cultural and managerial excellence on a continuing basis.

222—6.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following terms shall apply:

“*Funding cycle*” means the two-year granting cycle.

“*Project year*” means July 1 through June 30 and shall coincide with the state of Iowa’s fiscal year.

“*Year one*” means the first fiscal year of the funding cycle.

“*Year two*” means the second fiscal year of the funding cycle.

222—6.3(303) Eligibility. Operational support grants to major arts organizations are limited to arts organizations incorporated in Iowa and holding federal tax-exempt status. The program shall be limited to arts organizations with established annual cash operating budgets of at least \$150,000. Applicants shall be arts organizations whereby exhibitions are organized, concerts are performed, productions are mounted or programs sponsored by the applicant. Applicants shall operate year-round, have organized plans for artistic and economic stability, and shall not be an educational institution, or be connected to any educational institution. Student or youth organizations shall not be eligible.

222—6.4(303) Cash match requirements. Cash match requirements shall be met automatically when an applicant’s operating budget contains nonfederal and nondepartmental funds in excess of the grant award.

222—6.5(303) Funding cycle. The operational support grant program for major arts organizations shall operate on a two-year funding cycle. All applicants shall undergo a formal review process in year one of the funding cycle and shall be required to submit an interim program report in year two of the funding cycle.

222—6.6(303) Formal application process. Formal applications submitted in year one of the funding cycle shall be made on an official arts division operational support grant application form available at the arts division office. A letter of intent shall be due prior to year one of the funding cycle. The deadline for this letter of intent shall be published in the program guidelines. Applications shall be due in accordance with a deadline published in program guidelines.

222—6.7(303) Year two interim program report. An interim program report shall be submitted to the arts division prior to year two of the funding cycle. The deadline shall be published in program guidelines. The interim program report shall be available upon request from the arts division office.

222—6.8(303) Review criteria. The following criteria shall be used by the advisory panel in year one of the funding cycle to review applications to the operational support grants to major arts organizations program:

6.8(1) Artistic—35 points.

- a. Development and support of Iowa artists.
- b. Artistic growth.
- c. Excellence of product or programs.

6.8(2) Management—30 points.

- a. Planning.
- b. Evaluation.
- c. Fund-raising.

6.8(3) Education/outreach—15 points.

- a. Audience and artistic educational opportunities.
- b. Volunteer network development.
- c. Involvement of community and schools.

6.8(4) Accessibility—20 points. Service to special populations.

222—6.9(303) Year one review process. Formal applications submitted in year one of the funding cycle are reviewed by the appropriate advisory panel in accordance with 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26).

222—6.10(303) Year two review process. Interim program reports submitted during year two of the funding cycle are subject to approval by the administrator of the arts division in consultation with arts division staff.

222—6.11(303) Awards. Awards shall be made in accordance with the procedures outlined in 222—subrules 2.3(37) to 2.3(42). The grant award allocated to the applicant in year one of the funding cycle shall be maintained during year two except in the case of a significant shift in the arts division's annual state or federal appropriations.

222—6.12(303) Notification. Notification of operational support grants shall be made annually in accordance with procedures as outlined in 222—subrule 2.3(4).

222—6.13(303) Contract. A contract shall be issued annually to recipients of operational support grants as outlined in 222—subrule 2.3(19).

222—6.14(303) Reporting. All recipients shall submit a final report in year two of the funding cycle in accordance with procedures outlined in 222—subrule 2.3(36).

222—6.15(303) Appeals. Applicants who were denied funding in the operational support grant program may file an appeal using procedures outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 7
ARTS TO GO ARTIST ROSTER

222—7.1(303) Arts to go artist roster. The arts division maintains a roster of professional artists and companies for use by Iowa nonprofit organizations who wish to present high quality performing arts events or literary readings in their community with funding assistance from the arts division.

222—7.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, as used throughout this chapter:

“*Artist*” means an individual professional performing or literary artist who is a legal resident of Iowa.

“*Company*” means an Iowa-based professional performing arts company.

“*Literary artist*” means a professional poet, fiction writer or storyteller.

“*Presenter*” means a legal applicant to the arts to go presenter program as defined in IAC 222—Chapter 8.

222—7.3(303) Eligibility. Professional artists applying for inclusion on the Arts to Go Artist Roster shall be legal residents of Iowa in accordance with 222—subrule 2.3(9). Performing arts companies shall be based in Iowa in order to be eligible. High school students/companies are not eligible. College or university-based graduate students, or companies composed primarily of graduate students, may be approved for the Arts to Go Artist Roster if they demonstrate exemplary artistic quality. Companies or ensembles affiliated with colleges or universities shall not be formal faculty-led ensembles offered by the college or the university on an annual basis and shall receive no financial support from their respective institution to defray touring performance costs.

222—7.4(303) Application procedures. All applications shall be submitted on an official arts to go artist/company application form available from the arts division office.

222—7.5(303) Deadline. Applications shall be due from artists or companies not previously approved for the roster on March 1 of each year. Deadline for applications for renewal of approval on the roster shall be biennially on March 1 from date of placement on roster.

222—7.6(303) Support materials. Support materials shall be required to be submitted with the official application and shall be listed on program guidelines published annually.

7.6(1) to 7.6(5) Rescinded IAB 7/19/95, effective 8/23/95.

222—7.7(303) Review process. Applications shall be reviewed by the appropriate advisory panel in accordance with 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26).

222—7.8(303) Review criteria. The advisory panel shall review each application based upon the following review criteria:

7.8(1) Artistic quality of the individual artist or company — 25 points.

- 7.8(2) Quality of promotional materials—15 points.
- 7.8(3) Scope of marketing efforts—5 points.
- 7.8(4) Strength of touring history—5 points.

222—7.9(303) Notification process. Notification shall be made in accordance with procedures outlined in 222—subrule 2.3(4).

222—7.10(303) Appeals. Applicants who are denied inclusion to the Arts to Go Artist Roster may file an appeal as outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 8
ARTS TO GO PRESENTER PROGRAM

222—8.1(303) Arts to go presenter program. The arts division awards a limited number of grants to nonprofit, tax-exempt organizations for the purpose of booking arts division-approved artists as defined in 222—Chapter 7 for performances or readings in Iowa communities.

222—8.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, as used in this chapter:

“*Artists*” means those individuals and companies approved for inclusion on the Arts to Go Artist Roster as outlined in 222—Chapter 7.

“*Book*” means to schedule a performance or reading date with an approved artist.

“*Performance*” means a presentation to the general public by a performing or literary artist.

“*Presenter*” means the nonprofit organization requesting funding assistance from the arts division for the arts to go presenter program.

“*Roster*” means the complete listing of artists and companies approved for performances or readings through the arts to go program.

222—8.3(303) Eligibility. The criteria used by the arts division to determine eligibility as outlined in 222—subrules 2.3(5) to 2.3(8) are adopted for this program.

222—8.4(303) Restrictions. The following restrictions are adopted for this program:

8.4(1) Rescinded IAB 7/19/95, effective 8/23/95.

8.4(2) The arts division limits the amount of fee support per performance or reading to no more than 50 percent of the negotiated artist fee or \$3,000, whichever is less. Additional services or travel, meal and lodging expenses incurred by the artist in conjunction with the performance or reading shall be eligible for arts division support up to \$750 per event.

222—8.5(303) Application procedures. Organizations shall apply on an official application form available from the arts division office.

222—8.6(303) Deadlines. Presenters shall submit the application under four deadlines per year as published in annual guidelines.

8.6(1) and 8.6(2) Rescinded IAB 7/19/95, effective 8/23/95.

222—8.7(303) Review process. Arts to go applications shall be approved by the administrator.

222—8.8(303) Review criteria. Applications shall be reviewed based upon the following criteria and points:

8.8(1) *Quality of program concept.* Presenters shall be evaluated on their ability to present high quality arts events within their community.

8.8(2) *Financial need.* Presenters shall be evaluated on the appropriateness of their admission policies and the variety of the revenue sources. A higher priority shall be placed on those activities which offset part of the cost by charging admission or workshop fees.

8.8(3) Audience development. Presenters shall be evaluated on their ability to involve the entire community, especially underserved audiences, through planning, promotion and educational efforts.

8.8(4) Ability to manage the program. Presenters shall be evaluated on their ability to plan and implement the program within the time and resources available.

8.8(5) Provisions for evaluation. Rescinded IAB 7/19/95, effective 8/23/95.

222—8.9(303) Awards process. Awards shall be made in accordance with procedures outlined in 222—subrules 2.3(37) to 2.3(42).

222—8.10(303) Notification. Notification shall be made in accordance with procedures outlined in 222—subrule 2.3(4).

222—8.11(303) Contract. A contract shall be issued to the recipient in accordance with procedures outlined in 222—subrule 2.3(19).

222—8.12(303) Reporting. All recipients shall submit a final report in accordance with procedures outlined in 222—subrule 2.3(36).

222—8.13(303) Audit requirements and procedures. The audit procedures and requirements for recipients outlined in 222—subrule 2.3(40) shall be in effect for the arts to go program.

222—8.14(303) Appeals. Applicants who were denied funding may appeal the decision in accordance with procedures as outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 9
IOWA SCHOLARSHIP FOR THE ARTS
Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 10
YOUTH ARTS OPPORTUNITIES RESIDENCY PROGRAM

222—10.1(303) Youth arts opportunities residency program (YAO). YAO is designed to provide professional, endorsed Iowa artists for residencies in alternative settings and schools to work with youth at risk. The goals of the program are to focus on problems of low self-esteem or image, promote creative thinking, and to identify constructive means for self-expression.

222—10.2(303) Definitions. The definitions listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“Alternative setting” means sponsoring sites that are other than public and private schools. Examples of these sites include, but are not limited to, alternative schools, youth detention centers, and youth runaway, family abuse, or other shelter facilities.

“Designated youth arts opportunities artist” means an arts division endorsed artist who has been specially trained to work with youth at risk and provide a positive role model for youth.

“YAO” means the youth arts opportunities residency program.

“Youth at risk” means children of school age (grade levels prekindergarten through 12) who have been identified as being at risk of not completing their education, as defined in the Iowa Administrative Code, 281—subrule 12.5(13).

222—10.3(303) Eligibility. Eligible applicants shall be an alternative setting, public or private school located in Iowa and the proposed participating administrators, teachers, and youth shall be legal Iowa residents. For school eligibility, the YAO residency implementation shall be separate and unique from the daily educational curriculum and schedule.

222—10.4(303) Application procedures. Applicants shall submit the official youth arts opportunities residency program application form available from the arts division.

222—10.5(303) Deadlines. YAO shall have a deadline as published annually in program guidelines.

222—10.6(303) Review process. YAO applications shall be reviewed by an advisory panel and arts division staff in accordance with procedures outlined in 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26).

222—10.7(303) Selection of designated YAO artists. Designated artists shall be selected by the arts division based on the following criteria:

1. Artistic quality.
2. Experience and knowledge in arts education.
3. Expertise and experience in working with youth at risk.

222—10.8(303) Contract. The arts division shall enter into a contract with designated artists for a specified number of residency days.

222—10.9(303) Review criteria. The following review criteria shall be used in awarding youth arts opportunities funds:

Target audience is recognized as youth at risk—4 points

Overall quality of residency objectives—4 points

Ability of the proposed residency to meet the objectives—4 points

Support or enhancement of existing activities or curricula—4 points

Extent of ultimate impact on youth—4 points
Provisions for residency evaluation—4 points

222—10.10(303) Appeals. Applicants who were denied funding may appeal the decision in accordance with procedures as outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 11
ARTISTS IN SCHOOLS/COMMUNITIES RESIDENCY ROSTER

222—11.1(303) Artists in schools/communities residency roster. The arts division maintains and publishes a roster of professional artists and companies approved for use in the artists in schools/communities program. Applicants to this program shall choose as the provider of services one or more of the rostered artists. The roster is maintained to provide high quality professional artists to serve in residency settings in schools and communities.

222—11.2(303) Definitions. The definitions listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“*Artist*” means the artist(s) or company applying for inclusion on the roster.

“*Residency*” means a period of time lasting from 5 days to 12 months where an artist or artists work within a given school or community.

“*Roster*” means the artists in schools/communities roster.

222—11.3(303) Eligibility. Professional artists who are legal residents of Iowa shall have priority in selection for inclusion on the residency roster. When artists from outside Iowa are approved, specific reasons shall be sufficient to balance the loss of support to Iowa artists. Applicants shall be 18 years of age or older.

222—11.4(303) Categories. Categories for application include:

11.4(1) Dance: ballet, ethnic/jazz/folk-inspired, modern.

11.4(2) Music: band, chamber-one musician to a part, choral, new/experimental/electronic, ethnic/folk-inspired, jazz, popular/rock, solo/recital, orchestral/symphonic/chamber orchestra.

11.4(3) Opera/Music: opera and musical theatre.

11.4(4) Theatre: theatre-general/classic, contemporary/experimental, mime, puppet, theatre for young audiences.

11.4(5) Visual Arts: experimental art/conceptual/new media/new approaches, graphic/printmaking/book arts, painting/watercolor, sculpture.

11.4(6) Design Arts: architecture, fashion, graphic, industrial, interior, landscape architecture, urban/metropolitan.

11.4(7) Crafts: clay, fiber, glass, leather, metal, paper, plastic, wood, mixed media.

11.4(8) Photography/Holography.

11.4(9) Media Art: film/audio/radio/sound installations, video.

11.4(10) Literature: fiction, nonfiction, playwriting, poetry.

11.4(11) Interdisciplinary/Collaborations/Performance Art: art forms/artworks that integrate more than one arts discipline to form a single art form or artwork.

11.4(12) Folk Arts/Traditional: dance, music, theatre, storytelling, architecture, visual arts or crafts.

222—11.5(303) Program categories. An artist seeking to be approved in more than one category shall submit an application in each of the categories.

222—11.6(303) Application procedures. Applications shall be submitted on an official artists in schools/communities roster form obtained from the arts division. A personal interview is required for all new artists applying for inclusion on the roster.

222—11.7(303) Deadlines. The deadline for applications from artists not previously approved for the roster shall be published annually in the program guidelines.

222—11.8(303) Support materials. Support materials shall be prepared using methods outlined in rule 222—19.11(303) and shall be listed in current program guidelines.

222—11.9(303) Review criteria. Applications shall be evaluated on the basis of the following criteria:

11.9(1) Artistic excellence taking into consideration: excellence of the artist's past work, as evidenced by training/experience/mastery in art form, record of the artist's professional activity and achievement as they relate to the application, evidence of continuing professional growth within the stated art form—6 points.

11.9(2) Instructional expertise taking into consideration: ability and experience working with art form in an instructional setting, ability of the artist to organize, plan, schedule, implement and evaluate residencies in a professional and efficient manner, overall excellence and innovation of the proposed residency, ability of the artist to articulate the role of the professional artist in arts education, enthusiasm, desire and ability to stimulate creativity and awareness of the arts in others, evidence of ability to organize, plan and implement residencies that reach minorities, special education classes, and individuals who have physical or mental disabilities—6 points.

11.9(3) Professionalism taking into consideration: evidence of the ability and experience in working effectively and responsibly with residency sponsors, participants and, if applicable, the arts division, evidence of the ability and willingness to serve as a positive representative for the arts, arts education, and the arts division, caliber of application materials and support documents—6 points.

222—11.10(303) Review process. All applications shall be reviewed by an advisory panel as specified in 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26). The arts division staff shall assemble an interview team of not less than three persons and no more than five persons to conduct the interview. All advisory panel and interview team recommendations are reviewed and final determinations shall be made by the administrator.

222—11.11(303) Notification process. The administrator shall notify the applicants of their approval by letter within 120 days of the application deadline date. Upon receiving notification of approval to the residency roster, each artist shall submit an official artist commitment form available from the arts division agreeing to uphold the goals of the programs and to provide residency services within the guidelines of the artists in schools and communities program. Failure to uphold any or all of the stated agreement shall result in the artist being evaluated by the agency staff or a committee assigned by the administrator and may result in the artist being suspended or removed from the roster.

222—11.12(303) Appeals. Applicants who are denied inclusion on the residency roster may appeal the decision in accordance with procedures outlined in 222—subrule 2.3(43).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 12
ARTISTS IN SCHOOLS/COMMUNITIES RESIDENCY PROGRAM

222—12.1(303) Artists in schools/communities. The artists in schools/communities program places professional artists in educational settings to enhance or expand the existing arts education program.

222—12.2(303) Definitions. The definitions listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following definitions shall apply:

"AIS/C" means the artists in schools/communities program.

"Arts as basic" means the acceptance of the arts as a vital and necessary part of the ongoing educational curriculum.

"Community-based setting" means any program where the principal goal of programmatic content is the education of the participants in the arts and the majority of residency activities take place outside of regular school hours or at a facility other than a school.

"Follow-up plans" are those activities influenced by the residency which shall continue once the artist leaves.

"Project" means the residency as planned by the applicant.

"Project objectives" means the specific outcomes projected for the participants during the residency.

"Provider of service" means the artist(s) contracted with to present the residency.

"School-based setting" means any program where the principal goal of programmatic content is the education of the participants in the arts and the majority of residency activities occur primarily during regular school hours at a school facility.

222—12.3(303) Eligibility. All applicants shall meet the requirements specified in 222—subrules 2.3(5) to 2.3(8). The following restrictions shall be in effect for the AIS/C program: The applicant organization may apply for funds for the standard artist fee, artist travel, and subsistence, costs of the planning day, and supplies for the residency.

222—12.4(303) Match requirements. Applicants shall match the AIS/C grant request with an amount of cash appropriate to their funding category as published annually.

222—12.5(303) Application procedures. All applications shall be submitted on official AIS/C application forms obtained from the arts division office.

222—12.6(303) Deadline. Applications shall be reviewed annually. The deadline for applications is February 1 of each year.

222—12.7(303) Review process. Applications shall be reviewed by the appropriate advisory panel in accordance with 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26).

222—12.8(303) Review criteria.

12.8(1) School-based projects shall be evaluated on the basis of the following criteria:

- a. Project objectives/format of the residency—25 points.
- b. Appropriate integration of residency objectives with existing curricula—20 points.
- c. Preresidency, evaluation and follow-up activities—25 points.
- d. Efforts to appropriately integrate minorities, special education classes and experiences with students who have physical or mental disabilities—15 points.
- e. Involvement of family and community—15 points.

12.8(2) Community-based projects. Projects shall be evaluated on the basis of the following criteria:

- a. Project objectives/format—25 points.
- b. Support of organization's program mission and ability to meet an identified need—20 points.
- c. Preresidency, evaluation and follow-up activities—25 points.
- d. Efforts to appropriately integrate traditionally unserved and underserved populations—15 points.
- e. Efforts to ensure community involvement in the residency—15 points.

222—12.9(303) Awards process. Awards shall be granted in accordance with procedures outlined in 222—subrules 2.3(37) to 2.3(42). The arts division shall supply to the recipient the final report form and the provider of services evaluation form.

222—12.10(303) Notification. Notification shall be made to all applicants as outlined in 222—subrule 2.3(4).

222—12.11(303) Reporting. Final reports shall be submitted by the recipient as outlined in 222—subrule 2.3(36).

222—12.12(303) Audit procedures and requirements. The audit procedures and requirements for recipients as outlined in 222—subrule 2.3(40) shall be in effect for the artist in schools/communities program.

222—12.13(303) Appeals. Applicants who were denied funding may appeal the decision in accordance with procedures as outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 13
AREA EDUCATION AGENCIES

222—13.1(303) Area education agencies (AEA). The AEA program provides funding for programs designed to provide quality arts education experiences, professional staff development, and in-service training for teachers and administrators within counties represented by an AEA.

222—13.2(303) Definitions. The definitions listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“AEA” means area education agency, a designated regional educational center serving a number of counties and school districts as assigned by the Iowa department of education.

“In-service training” means an opportunity provided to educators or administrators that provides a participatory experience designed to significantly enhance or improve instructional knowledge or skills.

“Professional staff development” means a program designed to significantly improve or enhance an educator’s or administrator’s instructional knowledge or skills.

222—13.3(303) Eligibility. Eligible applicants shall be limited to Iowa’s designated AEAs. Projects for which funding is requested shall be accessible to all school districts served by an AEA. Projects shall be focused on a specific administrative or instructional audience, such as all art teachers in the AEA. Expenses eligible for funding include:

1. Provider of services honoraria.
2. Travel and subsistence costs for provider of services.
3. Materials needed to conduct the program.

222—13.4(303) Application procedures. All applications shall be submitted on the official application form obtained from the arts division office.

222—13.5(303) Deadline. Applications shall be due a minimum of six weeks in advance of the project.

222—13.6(303) Review criteria. Project applications shall be evaluated on the basis of the following criteria:

- 13.6(1) Overall quality of project objectives developed by the applicant—up to 4 points.
- 13.6(2) Support or enhancement of existing education activities or curricula in area schools—up to 4 points.
- 13.6(3) Extent of ultimate impact on arts programs in area schools—up to 4 points.
- 13.6(4) Provisions for evaluation—up to 4 points.
- 13.6(5) Extent to which the intended project fills an identified need for professional development within the geographic area of the area education agency—up to 4 points.
- 13.6(6) Evidence of involvement and ongoing commitment to unserved and underserved populations—up to 4 points.

222—13.7(303) Review process. Applications shall be reviewed by arts division staff and recommendations made to the administrator. Final determinations shall be made by the administrator the first week of the month following receipt of the application.

222—13.8(303) Awards process. Grant awards shall be made on the basis of full or partial funding as recommended by the arts division staff and determined by the administrator. Upon granting the award, the arts division shall issue the official service contract to the recipient. Upon approval of a grant award, the arts division shall supply the recipient with the final report form and the provider of services evaluation form.

222—13.9(303) Reporting. The recipient shall submit to the arts division a final report in accordance with 222—subrule 2.3(36).

222—13.10(303) Audit procedures and requirements. The audit procedures and requirements for recipients as outlined in 222—subrule 2.3(40) shall be in effect for the AEA program.

222—13.11(303) Appeals. Applicants who were denied funding may appeal the decision in accordance with procedures as outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 14
PROFESSIONAL DEVELOPMENT RESIDENCY PROGRAM

222—14.1(303) Professional development residency program (PDRP). PDRP is designed to provide individualized professional staff development of arts specialists through residencies with professional artist/educators. The ultimate goal of the program is to improve the quality of the arts within individual school arts programs.

222—14.2(303) Definitions. The definitions listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“Arts specialist” means a teacher in the local school system that is in an identified teaching position of art, music, dance or theatre.

“Consultant” means the art or music professional artist/educator that will conduct the residencies in the schools.

“Effective teaching” means the knowledge base and level of skill or technique which allows an individual to produce the desired response.

“Environment” means the conditions surrounding the arts program that have a direct effect on that program.

“Participating administrator” means the principal or superintendent from the local school system that will be working in cooperation with the participating teachers during the project.

“PDRP” means the professional development residency program.

“Professional staff development” means a program designed to significantly improve or enhance an educator’s instructional and artistic knowledge or skills.

“Program specific goal” means those outcomes that are desired based on the partnership planning by and between the consultant, arts specialist, and participating administrator.

222—14.3(303) Eligibility. Eligible applicants shall be a public or private school located in Iowa and the proposed participating teachers shall be legal Iowa residents employed as full-time art specialists.

222—14.4(303) Categories. Applications shall be submitted in one of the following two categories:

1. Effective teaching.
2. Implementation of curriculum content.

222—14.5(303) Application procedures. Applicants shall submit the official professional development residency program application form available from the arts division.

222—14.6(303) Deadlines. Applications shall be published annually.

222—14.7(303) Review process. Professional development residency program applications shall be reviewed by an advisory panel in accordance with procedures outlined in 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26).

222—14.8(303) Selection of consultants. Consultants shall be selected by the arts division based on the following criteria:

1. Artistic quality.

- 2. Experience and knowledge in arts education.
- 3. Expertise and experience in supervision of teachers.

222—14.9(303) Contract. The arts division shall enter into a contract with selected consultants for a specified number of planning days and residency days.

222—14.10(303) Review criteria. The following review criteria shall be used in awarding professional development residency program funds:

14.10(1) Overall quality of project narratives as developed by school’s participating teacher and administrator—4 points.

14.10(2) Evidence of administrative and faculty support for the program and activities—4 points.

14.10(3) Extent to which the project will assist in making the arts an essential component of education in Iowa’s schools—4 points.

14.10(4) Ability of applicant to show need and perceived long-term improvement of arts programs in the school due to professional development residency program involvement—4 points.

222—14.11(303) Notification. Notification shall be made in accordance with procedures outlined in 222—subrule 2.3(4).

222—14.12(303) Reporting. The program consultants shall provide the arts division with an interim written report in narrative format within 30 days of the completion of each residency. The consultants shall provide the arts division with a final written report in narrative format within 60 days of the end of the fiscal year.

222—14.13(303) Audit procedures and requirements. The audit procedures and requirements for grantees as outlined in 222—subrule 2.3(40) shall be in effect for the PDRP program.

222—14.14(303) Appeals. Applicants who were denied funding may appeal the decision in accordance with procedures outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 15

ARTS TO SHARE PROGRAM

Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 16

TOURING ARTS TEAM

Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 17

SPECIAL CONSTITUENCIES PROGRAM

Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 18
ARTIST DIRECTORY

222—18.1(303) Artist directory. The artist directory is a resource that arts professionals, organizations, and the public may use to identify Iowa artists. The directory is designed to help promote the work of Iowa artists, recognize the significant contributions Iowa artists make to the cultural heritage of Iowa, and foster a better understanding of the work produced by Iowa artists.

222—18.2(303) Definitions. The definitions listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“Artist group or company” means an organized group of artists who regularly work together.

“Artist member of an artist group or company” means an individual artist who is a member of an artist group or company.

“Arts educator” means an artist who teaches the arts in grades kindergarten through 12 or at colleges or universities.

“Individual artist” means an artist who primarily works independently and not regularly with an artist group or company.

222—18.3(303) Eligibility. Applicants shall be, at the time of registration, 18 years of age or older, be a legal resident of the United States and the state of Iowa, and shall not be a student in the discipline in which they register.

222—18.4(303) Registration procedures. All registrations shall be submitted on official forms provided by the arts division.

18.4(1) Deadlines. Registration forms may be submitted to the arts division office at any time during normal office hours.

18.4(2) Resource materials. In addition to the registration form, registrants have the option of providing the following materials:

- a. One registrant resume' on one sheet of 8 1/2"×11" white paper.
- b. Exactly five 35mm slides of work that has been created, produced, presented, or proposed by the registrant, and two copies of each slide.
- c. Three copies of each video or audio cassette tape, compact disc, or publication submitted representing work that has been created, produced, presented, published, or proposed by the registrant.
- d. Resource material descriptions. Registrants shall describe all materials on forms provided by the arts division.

222—18.5(303) Return of material. Materials removed from the resource shall be archived and shall not be returned to registrant.

222—18.6(303) Registrant requirements. Registrants shall be required to notify the arts division of any changes in the computer data of the artist directory, verify computer data annually, and update registration forms and materials every two years. Registrants not responding within 90 days after an update notice has been mailed shall have their materials removed from the resource and archived.

222—18.7(303) Fees to be included in artist directory. The arts division shall charge a fee of \$10 to registrants who have submitted materials to the artist library. Registrants shall be informed of any proposed fees the arts division may charge registrants at least 90 days prior to the date the fees are imposed in order to allow the registrant time to be removed from the resource.

222—18.8(303) Appeals. Registrants denied inclusion in the Iowa artist directory may appeal the decision in accordance with procedures as outlined in subrule 2.3(43).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 19
IOWA TOWN SQUARES PROGRAM
Rescinded IAB 9/14/94, effective 10/19/94

CHAPTER 20
ARTSAFE PROGRAM

222—20.1(304A) Artsafe. The artsafe program implements Iowa Code sections 304A.21 to 304A.29 authorizing the arts division to provide state of Iowa indemnification to eligible non-profit Iowa organizations against loss or damage during the exchange, transportation, or exhibition of eligible art and artifacts.

222—20.2(304A) Definitions. The definitions of terms listed in Iowa Code sections 17A.2 and 304A.21 and 222—Chapter 1 shall apply for these terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“*Board of regents*” means the Iowa board of regents.

“*Indemnity agreement*” means an agreement authorized by Iowa Code section 304A.22.

222—20.3(304A) Program administration. The program shall be administered by the arts division in cooperation with the department of general services.

222—20.4(304A) Organizational eligibility. Eligible organizations shall be those outlined in 222—subrules 2.3(5) to 2.3(8).

222—20.5(304A) Item eligibility. The following items shall be eligible for inclusion in an indemnity agreement by an eligible applicant if they are of educational, cultural, artistic, historic, or scientific significance and constitute a portion of a special exhibition having an estimated total fair market value of at least \$250,000:

20.5(1) Works of art, including tapestries, paintings, sculptures, folk art, graphics, and craft art.

20.5(2) Manuscripts, rare documents, books, and other printed or published material.

20.5(3) Photographs, motion pictures, videotapes, and audiotapes.

20.5(4) Other artifacts.

222—20.6(304A) Eligibility restrictions. Items which are covered under the U.S. Art and Artifacts Indemnity Act shall not be eligible for coverage under the artsafe program.

222—20.7(304A) Coverage limitations. Coverage of this program shall be limited to the following:

20.7(1) The time an object leaves the premises of the lender or place designated in writing by the lender until the time such object is returned to the place designated in writing by the lender.

20.7(2) The state shall provide indemnity coverage for up to 12 consecutive months. The state may indemnify items which travel to several sites, all within the state.

20.7(3) Coverage is extended only to the loss or damage in excess of the first \$2,000 but not exceeding \$5,000,000 in connection with any single exhibition or for any one location.

222—20.8(304A) Application procedures. Applications shall be submitted on official artsafe program forms obtained from the arts division.

222—20.9(304A) Deadlines. The application deadline shall be the first Monday of February, July and October of each year.

222—20.10(304A) Review criteria. The following review criteria shall be used in reviewing artsafe program applications:

20.10(1) Physical security of exhibition facilities.

20.10(2) Safety of items during transit.

20.10(3) Experience and qualifications of personnel connected with the exhibit.

20.10(4) Eligibility of the applicant's exhibition facilities for commercial insurance coverage of art objects and artifacts exhibited there.

20.10(5) Availability of proper equipment to protect art objects and artifacts from damage from extremes of temperature or humidity or exposure to glare, sun, dust, or corrosion.

20.10(6) Record of damage or loss to art or artifacts in the care of participating organizations.

20.10(7) Eligibility of items in the exhibition.

20.10(8) Value of the exhibition and indemnified objects.

20.10(9) Accuracy of the assigned value for items in the application. If the stated value of an object to be indemnified is questioned, the administrator may order an appraisal by an independent appraiser at the expense of the applicant.

222—20.11(304A) Review process. Review procedures as outlined in 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26) shall be used for the artsafe program. In addition, the administrator, in consultation with the department of general services, shall consult with an advisory panel in reviewing the qualifications of the applicant, items, and value of the items in the exhibit. Panel recommendations shall be reviewed by the council and the department of general services. Final decisions are made by the administrator, after approval of the council and the department of general services.

222—20.12(304A) Indemnity notification. Notification shall be made in accordance with procedures outlined in 222—subrule 2.3(4).

222—20.13(304A) Indemnity agreement. Recipients of artsafe funds shall sign an indemnity agreement agreeing to all conditions specified in the legislation, program guidelines and administrative rules. The recipients shall notify the arts division by telephone and in writing within 24 hours of any changes in the approved application form.

222—20.14(304A) Notification of claim. Applicants shall use the following procedures when notifying the arts division of a claim:

20.14(1) The applicant shall notify the arts division within 24 hours from when the applicant has knowledge of loss or damage to an indemnified item. Any delay in notifying the arts division may reduce the recovery under the agreement to the extent that such delay has contributed to the increase of the loss.

20.14(2) The applicant shall report the following information when reporting any loss or damage:

a. Applicant name and address, project director or curator, title of the exhibition and title of object, type and description of loss or damage, date and time when loss or damage occurred, location where loss or damage occurred, and action applicant has taken to prevent further loss or damage;

b. The applicant is required to take all action necessary to protect the indemnified object or objects from further loss or damage after the initial loss or damage has occurred.

222—20.15(304A) Final report. All indemnity recipients shall submit a final report in accordance with procedures outlined in 222—subrule 2.3(36).

222—20.16(304A) Submission of claims. Claims shall be submitted no later than 30 days after the closing date of the agreement. Claims shall be sent to the Director, Department of General Services, Capitol Complex, Des Moines, Iowa 50319. The following procedures shall be used regarding claims:

20.16(1) All claims shall be reviewed by the department of general services. If the department of general services determines that the loss is covered by the agreement, the department of general services shall certify the validity of the claim and authorize payment, less any deductible portion, to the lender.

20.16(2) The department of general services may obtain expert advice from outside sources in order to properly review and, if necessary, adjust any claim submitted to the department of general services.

20.16(3) The department of general services shall, in all cases, consult the administrator before making final decisions on the disposition of any claim.

20.16(4) The value of any indemnified object or objects which is subject to any claim procedures shall not be assessed a greater value than stated in the approved application. If the value of the object or objects in the approved application is higher than the current fair market value, the payment under this indemnification shall be based upon the lower fair market value of the object or objects.

These rules are intended to implement Iowa Code sections 304A.21 to 304A.30.

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CHAPTER 21
ARTIST PROJECT GRANT PROGRAM

222—21.1(303) Artist project grant program. The artist project grant program provides grants to Iowa artists to support artist initiated and managed projects that meet their specific needs.

222—21.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter.

222—21.3(303) Eligibility requirements. The following eligibility requirements shall be in effect:

21.3(1) Applicant artists shall be 18 years of age and legal residents of the United States and Iowa at the time of application.

21.3(2) Applicant artists shall work in one of the following arts disciplines: crafts, dance, design arts, folk arts/traditional, interdisciplinary/collaborations/performance art, literature, media arts, multidisciplinary, music, opera/music theatre, photography/holography, theatre, visual arts.

222—21.4(303) Eligibility restrictions. Students pursuing degrees in the arts discipline in which they are applying are not eligible.

222—21.5(303) Awards. Awards shall be made in accordance with the procedures outlined in 222—subrules 2.3(37) to 2.3(42). Award amounts shall be between \$501 and \$5,000.

222—21.6(303) Funding priorities.

21.6(1) The following items shall receive higher priority for funding:

a. Exemplary sesquicentennial artist projects that take place during the Iowa sesquicentennial celebration (December 28, 1995, through December 28, 1996). Artists are encouraged to develop project proposals in consultation with local county sesquicentennial commissions prior to submitting an application to the arts division;

b. Creation of an exemplary new work or the completion of work-in-progress of the applicant;

c. Collaborations or partnerships between artists and organizations throughout all phases of a project;

d. New applicants, or applicants who have not received previous artist project grants;

e. Projects in which participating organizations financially support the project;

f. Projects which target or involve special or underserved populations.

21.6(2) The following types of project activities or expense shall receive lower priority for funding:

a. Projects in which potential earned income or revenue is not included in the budget (e.g., fees charged to organizations, sale of tickets to an event, workshop fees to participants);

b. Permanent equipment expenses or out-of-state expenses which represent a significant portion of the budget;

c. Projects lacking a confirmed commitment from participating artists or organizations;

d. Lack of cash support from organizations benefiting from the project.

222—21.7(303) Restrictions. The following restrictions shall be in effect for artist grant applications:

21.7(1) The artist project grant program shall usually decline to fund the following:

a. Publishing projects without a recognized publisher or projects without a comprehensive marketing or distribution plan;

b. Exhibition catalogs, posters and exhibit announcements.
c. Attendance at annual conferences; regrants from artists who are employed by organizations, public schools, colleges and universities to attend conferences relating to their employment.

21.7(2) The artist grant program shall not fund the following:

- a. Projects eligible for support through the arts division's arts education or partnership programs, or department of cultural affairs granting programs;
- b. Capital improvements or construction projects;
- c. General operating expenses;
- d. Applications from several artists to participate in or support the same project or event;
- e. Nonspecific funding requests;
- f. Projects that are not funded through other arts division or department granting programs;
- g. Projects that do not benefit Iowans;
- h. Reoccurring projects;
- i. Repeated attendance at conferences and workshops (applies to minigrant requests);
- j. Support of ongoing work;
- k. Projects supported through films in the cities regional film and video grant program and inter media arts diverse visions grant program (except artist minigrant program).

222—21.8(303) **Application.** Applicants shall submit an official arts division application form as noted in 222—subrule 2.3(13). The application form shall be available from the arts division office.

222—21.9(303) **Deadline.** Applications shall be due each year on the second Friday of January to be eligible for consideration.

222—21.10(303) **Applicant package.** Applications shall include the following:

21.10(1) *Application form.* Submit one original application form (cover page and budget page) with an original signature that is signed in ink, and ten collated copies.

21.10(2) *Application narrative.* Submit one set of answers to the application narrative questions, and ten collated copies.

21.10(3) *Required support material.* Submit four collated sets of required support materials and a completed support materials description form.

222—21.11(303) **Support material.** Applications shall include the following support material:

21.11(1) Resumés and biographical information on individuals directing and managing the project by which managerial excellence can be judged.

21.11(2) Resumés and biographical information, 35mm slides, video or audio cassette tapes and other materials by which artistic excellence of all artists under review shall be judged.

21.11(3) Specific examples of proposed new artwork or artwork-in-progress, or examples of existing artwork that is characteristic of the proposed artwork.

21.11(4) If participating artist(s) or organizations have not been selected at the time of application, the applicant shall describe the selection process and the qualifications of those who are selecting the artist(s) or organization.

222—21.12(303) **Advisory panel.** Applications shall be reviewed by the artist project advisory panel which is a multidisciplinary panel of arts professionals.

222—21.13(303) **Review process.** Applications shall be reviewed by the appropriate advisory panel in accordance with 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26).

222—21.14(303) Review criteria. The advisory panel shall review applications to the artist project grant program based on the following criteria:

- 21.14(1)** Exemplary qualities, significance, and feasibility of the proposed project, up to 30 points.
- 21.14(2)** Qualifications of participants, up to 25 points.
- 21.14(3)** Partnership, up to 15 points.
- 21.14(4)** Benefit to participants and public, up to 10 points.
- 21.14(5)** IAC priorities, up to 25 points.

222—21.15(303) Notification. Notification shall be made in accordance with procedures outlined in 222—subrule 2.3(4).

222—21.16(303) Service contract. A service contract shall be issued in accordance with procedures outlined in 222—subrule 2.3(19).

222—21.17(303) Reporting. All grantees shall submit a final report in accordance with procedures outlined in 222—subrule 2.3(36).

222—21.18(303) Audit procedures and requirements. The audit procedures and requirements for grantees as outlined in 222—subrule 2.3(40) shall be in effect for the individual artist project grants program.

222—21.19(303) Appeals. Applicants who were denied funding may appeal the decision in accordance with procedures as outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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CHAPTER 22
ARTIST MINIGRANT PROGRAM
Rescinded IAB 7/19/95, effective 8/23/95.

CHAPTER 23
ART IN STATE BUILDINGS PROGRAM

222—23.1(304A) Art in state buildings program (AISB). The AISB program implements Iowa Code sections 304A.8 to 304A.14 requiring state agencies and departments to reserve one-half of one percent of the total cost of state construction projects for the acquisition of fine arts in state buildings.

222—23.2(304A) Definitions. The definitions of terms listed in Iowa Code sections 17A.2 and 304A.8 to 304A.14 and 222—Chapter 1 shall apply for these terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“*AISB*” means the art in state buildings program.

“*Artist*” means an individual applying to the AISB program for consideration of fine artwork for purchase or commission.

“*Board of regents*” means the Iowa board of regents.

“*Program advisory committee*” means members of an advisory committee appointed by the administrator.

“*Project*” means a construction or renovation project.

“*Project advisory committee*” means the members of an advisory committee appointed by the principal user.

“*Site*” means an actual building(s) under construction or renovation.

“*Slide bank*” means a resource of the arts division containing visual and printed materials on artists working in the following disciplines: visual arts, design arts, crafts, folk arts/traditional, photography, interdisciplinary, collaborations, multidisciplinary.

222—23.3(304A) Administration. The AISB program shall be administered by the following:

23.3(1) Arts division. The AISB program is administered by the arts division in consultation with state agencies and departments which review state construction projects governed by Iowa Code sections 304A.8 to 304A.14.

23.3(2) Board of regents. Board of regents projects shall be administered by the board of regents which shall plan and implement projects in consultation with the arts division.

222—23.4(304A) Advisory committees. Advisory committees shall be formed to provide advice and counsel to the arts division and principal users. Advisory committees shall include the following:

23.4(1) AISB program advisory committee. The AISB program advisory committee shall be appointed by the administrator to advise the arts division and other state agencies on the overall operation of the AISB program. The committee shall meet at the discretion of the administrator. Committee members shall include representatives of the departments of general services, human services, natural resources and transportation, the board of regents, the Iowa legislature, Iowa museum association, Iowa chapter of the American institute of architects, professional artists, public arts and design arts professionals and private citizens.

23.4(2) AISB project advisory committee. The administrator, in consultation with the principal user, shall appoint an AISB project advisory committee for each AISB project who shall be charged with the responsibility of determining the type of purchase program appropriate for the building and budget, method of selecting the artist or artwork, placement of the artwork in the building, and selection of artwork to purchase or selection of the artist for commission. The AISB project advisory committee shall act only as an advisor with final decisions made by the state agency, in consultation with the arts division.

23.4(3) Board of regents AISB project advisory committees shall be appointed by the board of regents.

222—23.5(304A) Eligibility. The following shall be eligible to participate in the AISB program:

23.5(1) State agencies, departments and the board of regents. The AISB program shall apply only to constructed or substantially renovated state-owned buildings, regardless of the method of finance.

23.5(2) Artists, 18 years of age or older, are eligible to be considered for AISB projects with the following exceptions:

- a. Project architect or planner or employees of the architect's or planner's firm,
- b. Independent contractors or consultants of the architect's or planner's firm,
- c. AISB program or project advisory committee members,
- d. Arts division staff,
- e. Council members,
- f. Others excluded by policies or state law.

222—23.6(304A) Application. The following application procedures shall be used:

23.6(1) *State agencies, departments and the board of regents.* State agencies and departments and the board of regents shall contact the arts division at the time of engaging an architect or planner to develop plans and specifications.

23.6(2) *Artists.* Application procedures shall be developed by each project advisory committee and vary with each project. The arts division encourages AISB project advisory committees to use the artist directory and library as outlined in 222—Chapter 18 to facilitate application to AISB projects.

222—23.7(304A) Artist selection process. Whenever possible, project advisory committees shall use a competitive process to select artists, artwork and designs. Project advisory committees may use, but not be limited to, the following selection processes:

23.7(1) *Open competition.* An open competition shall be open to all artists meeting eligibility requirements as determined by the AISB project advisory committee. A minimum of two artists shall be considered by the AISB project advisory committee.

23.7(2) *Limited competition.* A limited competition shall be open to artists invited by the project advisory committee. A minimum of two artists shall be considered by the AISB project advisory committee.

23.7(3) *Public art consultant.* When deemed in the interests of the state, AISB selection committees may contract with a qualified public arts consultant to provide the committee advice and counsel in planning projects and selecting artists and fine arts for state buildings.

222—23.8(304A) Artist review criteria. AISB project advisory committees shall adopt review criteria for each project. Review criteria may include, but not be limited to, the following:

23.8(1) Excellence of the artist's past work.

23.8(2) Record of the artist's professional activity and achievement.

23.8(3) Appropriateness of the artist's work for the project.

23.8(4) Excellence and innovation of the work or proposed design as it relates to the site and the project's philosophy, goals and objectives.

23.8(5) The artist's ability to successfully complete the project as proposed with funds allocated for the project.

23.8(6) Completeness of the proposed budget.

23.8(7) Conservation and maintenance requirements.

222—23.9(304A) Reporting. AISB projects shall require the following reports:

23.9(1) Project advisory committees shall write official minutes of all meetings and submit a copy to the arts division.

23.9(2) The principal user shall document each project and each work acquired through the AISB program by providing the arts division the following documentation:

a. A completed project history form provided by the arts division documenting each project and each work,

b. One original reproduction-quality color 35mm slide,

c. One reproduction quality 8-inch by 10-inch glossy black and white photographic print.

These rules are intended to implement Iowa Code sections 304A.8 to 304A.14.

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CHAPTER 24
ARTIST LOCATOR PROGRAM

222—24.1(304A) Artist locator program. The artist locator program is designed to help arts professionals, organizations, schools, and the public identify Iowa artists for special projects, programs and initiatives. The program promotes the work of Iowa artists, recognizes the significant contributions Iowa artists make to the cultural heritage of Iowa, and fosters a better understanding of the work produced by Iowa artists and the services they provide communities.

222—24.2(304A) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for these terms as they are used throughout this chapter. In addition, the following definitions shall apply:

“Artist directory” means a computer data base containing information on individual artists, artist groups and companies, and artists who are members of artist groups and companies.

“Artist library” means reference materials on Iowa artists such as 35mm slides, books, video and audio tapes, compact discs, resumé’s.

“Arts to Go Artist Roster” means a printed publication containing information on artists, artist groups and companies who are eligible for support through the arts to go presenting grant program.

“Artists in Schools/Communities Residency Roster” means a printed publication containing information on artists, artist groups and companies who are eligible for support through arts education granting programs.

222—24.3(304A) Eligibility. Any individual, organization or business may use the resources represented in the artist locator program.

222—24.4(304A) Resources. The artist locator program contains the following resources:

1. Artist directory;
2. Artist library;
3. Artists in Schools/Communities Residency Roster;
4. Arts to Go Artist Roster.

222—24.5(304A) Scheduling. Individuals and organizations shall use the following procedures to use the resources of the artist locator program:

24.5(1) Arts to Go and Artists in Schools/Communities Residency Rosters. Copies are available at the arts division office during normal office hours. Copies shall be mailed to the public upon request.

24.5(2) Artist directory. A copy of the artist directory is available for review by appointment at the arts division office Monday through Friday between the hours of 9 a.m. and 4 p.m., except state holidays. All requests for printed reports of the artist directory shall be submitted on forms provided by the arts division.

24.5(3) Artist library. Materials in the artist library are available for review by appointment at the arts division office Monday through Friday between the hours of 9 a.m. and 4 p.m., except state holidays. The artist library may be borrowed by the public and reviewed away from the arts division office. All requests to review the artist library shall be submitted on forms provided by the arts division.

222—24.6(304A) User fees. The arts division shall charge the following user fees:

24.6(1) Arts to Go Artist Roster. No fee shall be charged.

24.6(2) Artists in Schools/Communities Residency Roster. No fee shall be charged.

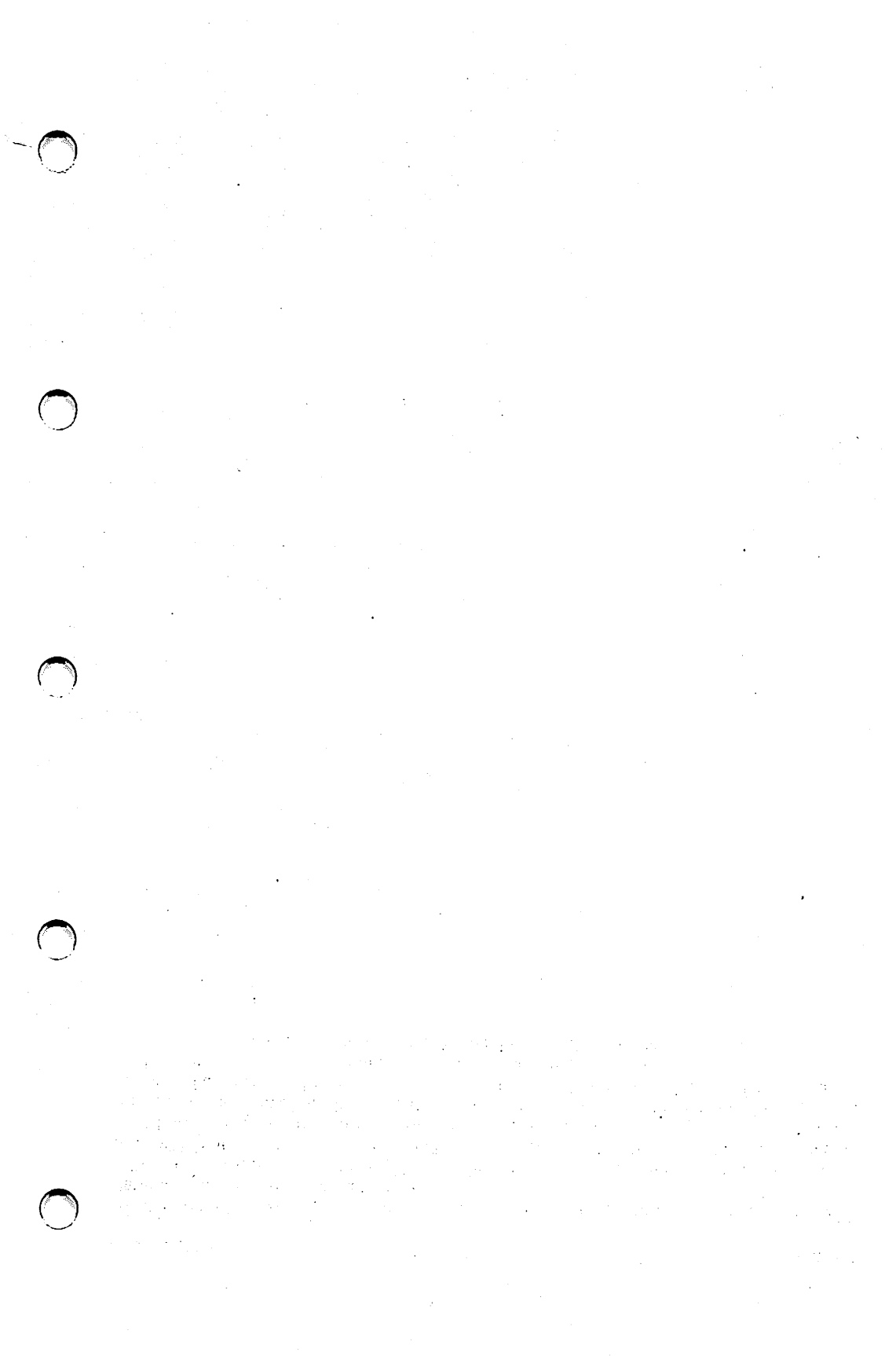
24.6(3) Artist directory. No fee shall be charged when reviewing the artist directory at the

arts division office. A fee of \$.10 per page shall be charged for printed or copying reports, with a minimum fee of \$10 charged to all users.

24.6(4) Artist library. A fee of \$10 shall be charged for reviewing the artist library at the arts division office. A fee of \$25 plus mailing or travel costs shall be charged for reviewing the artist library away from the arts division office. Users shall be required to return the artist library to the arts division within five days of the review date, pay all return mailing expenses, and pay a late payment fee of \$10 for each day the artist library is held past the return date.

These rules are intended to implement Iowa Code section 303.88.

[Filed 6/28/95, Notice 3/15/95—published 7/19/95, effective 8/23/95]



CHAPTER 25
OPERATIONAL SUPPORT GRANTS FOR MIDSIZE ARTS ORGANIZATIONS

222—25.1(303) Operational support grants for midsize arts organizations. The arts division awards a limited number of grants for unspecified operational support to midsize arts organizations providing cultural and managerial excellence on a continuing basis.

222—25.2(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for terms as they are used throughout this chapter.

222—25.3(303) Eligibility. Operational support grants to midsize arts organizations are intended for arts organizations incorporated in Iowa and holding federal tax-exempt status. The program shall be limited to arts organizations with established annual cash operating budgets of at least \$50,000 and no more than \$250,000. Applicants shall be arts organizations whereby exhibitions are organized, concerts are performed, productions are mounted or programs sponsored by the applicant. Applicants shall operate year-round, have organized plans for artistic and economic stability, and shall not be an educational institution, or be connected to any educational institution. Student or youth organizations are not eligible to apply.

222—25.4(303) Cash match requirements. Applicants may request up to \$10,000 annually. Applicants shall be required to show evidence of their ability to match the requested grant amount in cash. Cash match requirements shall be met automatically when an applicant's operating budget contains nonfederal funds and nondepartmental funds in excess of the grant award.

222—25.5(303) Restrictions. Applicants shall be restricted from submitting more than one application to the project support for organizations granting program of the arts division in the same fiscal year that they are applying for operational support.

222—25.6(303) Application process. The project year runs from July 1 to June 30. Applications shall be made on an official arts division operational support grant application form available at the arts division office. A letter of intent shall be due in accordance with an annual deadline which shall be published in the program guidelines. Applications shall be due in accordance with an annual deadline which shall be published in the program guidelines.

222—25.7(303) Review criteria. The following criteria shall be used by the advisory panel to review applications to the operational support grant program:

25.7(1) Artistic—25 points.

- a. Development and support of Iowa artists.
- b. Artistic growth.
- c. Excellence of product or programs.

25.7(2) Management—30 points.

- a. Planning.
- b. Evaluation.
- c. Fundraising.

25.7(3) Education/outreach—15 points.

- a. Audience and artistic educational opportunities.
- b. Volunteer network development.
- c. Involvement of community and schools.

25.7(4) Accessibility—20 points. Service to special populations.

222—25.8(303) Review process. Applications shall be reviewed by the appropriate advisory panel in accordance with 222—subrules 2.2(7) to 2.2(9) and subrules 2.3(21) to 2.3(26).

222—25.9(303) Awards. Awards shall be made in accordance with the procedures outlined in 222—subrules 2.3(37) to 2.3(42).

222—25.10(303) Notification. Notification of operational support grants shall be made in accordance with procedures as outlined in 222—subrule 2.3(4).

222—25.11(303) Contract. A contract shall be issued to recipients of operational support grants as outlined in 222—subrule 2.3(19).

222—25.12(303) Reporting. All recipients shall submit a final report in accordance with procedures outlined in 222—subrule 2.3(36).

222—25.13(303) Appeals. Applicants who were denied funding in the operational support grant program may file an appeal using procedures outlined in 222—subrules 2.3(43) and 2.3(44).

These rules are intended to implement Iowa Code section 303.88.

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[Filed 6/28/95, Notice 3/15/95—published 7/19/95, effective 8/23/95]

**CHAPTER 26
RURAL ARTS INITIATIVES PROGRAM
Rescinded IAB 9/14/94, effective 10/19/94**

**CHAPTER 27
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**CHAPTER 28
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Rescinded IAB 9/14/94, effective 10/19/94**

**CHAPTER 29
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Rescinded IAB 9/14/94, effective 10/19/94**

**CHAPTER 30
ARTS EDUCATION MINIGRANTS FOR ORGANIZATIONS
Rescinded IAB 7/19/95, effective 8/23/95**

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

(FORMERLY IOWA DEVELOPMENT COMMISSION[520]
AND OFFICE FOR PLANNING AND PROGRAMMING[630])

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ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

[Created by 1986 Iowa Acts, chapter 1245]

[Prior to 1/14/87, see Iowa Development Commission[520] and Planning and Programming[630]]

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PART I
DEPARTMENT STRUCTURE AND PROCEDURES

CHAPTER 1
ORGANIZATION

261—1.1(15) Mission. The department of economic development was created by 1986 Iowa Acts, chapter 1245, effective July 1, 1986. The authority delegated to the department had previously been delegated to the Iowa development commission and the office for planning and programming. The mission of the Iowa department of economic development is to enhance the economic development of the state and provide for job creation and increased prosperity and opportunities for the citizens of the state by providing direct financial and technical assistance and training to businesses and individuals and by coordinating other state, local and federal economic development programs. The department's primary responsibilities are in the areas of finance, marketing, local government and service coordination, exporting, tourism, job training and entrepreneurial assistance, and small business.

261—1.2(15) Definitions. As used in these rules, unless the context otherwise requires:
"Board" or "IDED board" means the Iowa economic development board created by Iowa Code chapter 15.
"Department" or "IDED" means the Iowa department of economic development authorized by Iowa Code chapter 15.
"Director" means the director of the department of economic development or the director's designee.

261—1.3(15) Department of economic development board.

1.3(1) Composition. The board consists of 11 voting members appointed by the governor and 7 ex officio nonvoting members. The ex officio nonvoting members are 4 legislative members, one president, or the president's designee, of the university of northern Iowa, university of Iowa, or Iowa state university of science and technology designated by the state board of regents on a rotating basis, and one president, or the president's designee, of a private college or university appointed by the Iowa association of independent colleges and universities, and one superintendent, or the superintendent's designee, of a merged area school, appointed by the Iowa association of community college presidents.

1.3(2) Meetings. The board shall meet in May of each year for the purpose of electing one of its voting members as chairperson and one of its voting members as vice chairperson. The chairperson and the vice chairperson shall not be from the same political party. The board shall meet at the call of the chairperson or when any six members of the board file a written request with the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the board. A majority of the voting members constitutes a quorum.

1.3(3) Duties. The board shall perform the duties as outlined in Iowa Code section 15.104, and other functions as necessary and proper to carry out its responsibilities.

261—1.4(15) Department structure.

1.4(1) General. The department's organizational structure consists of the director, deputy director, and six administrative divisions.

1.4(2) Director. The department of economic development is administered by a director appointed by the governor, who serves at the pleasure of the governor, and is subject to confirmation by the senate. The director is the chief administrative officer of the department and in that capacity administers the programs and services of the department in compliance with applicable federal and state laws and regulations. The duties of the director include:

preparing a budget subject to board approval, establishing an internal administrative structure and employing personnel, reviewing and submitting to the board legislative proposals, recommending rules to the board, reporting to the board on grants and contracts awarded by the department, and other actions to administer and direct the programs of the department.

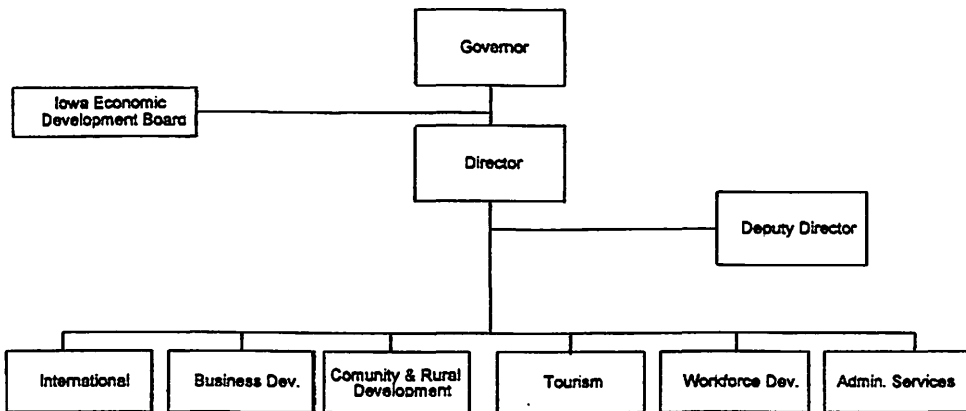
The administrators of the six divisions and the deputy director report to the director.

1.4(3) Deputy director. The deputy director, appointed by the director, directs and administers the department in the director's absence. The deputy director also serves as the division administrator for the division of administration.

1.4(4) Divisions. The director has established the following administrative divisions within the department in order to most efficiently and effectively carry out the department's responsibilities:

1. Division of administration;
2. Division of work force development;
3. Division of business development;
4. Division for community and rural development;
5. Division of tourism; and
6. International division.

1.4(5) Table of organization.



1.4(6) Attachment for administrative purposes. The following entities are attached to the Iowa department of economic development for organizational and administrative purposes only: Iowa finance authority and the city development board. These organizations possess rule-making authority independent of the Iowa department of economic development and their administrative rules are located elsewhere in the Iowa Administrative Code.

261—1.5(15) Information. The general public may obtain information about the department of economic development by contacting the Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; (515) 242-4700.

These rules are intended to implement Iowa Code chapter 15 and section 17A.3.

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[Filed emergency 6/10/88—published 6/29/88, effective 7/1/88]

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**CHAPTER 2
PETITION FOR RULE MAKING
Renumbered 261—Ch 102, IAB 7/19/95**

**CHAPTER 3
PETITION FOR DECLARATORY RULING
Renumbered 261—Ch 103, IAB 7/19/95**

PART II
DIVISION OF WORK FORCE DEVELOPMENT

CHAPTER 4
DIVISION RESPONSIBILITIES

261—4.1(15) Mission. The division's mission is to enhance the quality of Iowa's work force in order to meet the changing demands of the workplace in an increasingly competitive economy.

261—4.2(15) Structure. The division is divided into three bureaus: the bureau of federal programs, the bureau of state programs, and the bureau of administrative support.

4.2(1) Bureau of federal programs. The bureau of federal programs is responsible for the administration of the federal Job Training Partnership Act (JTPA). JTPA is a federal program to prepare low-income youth and unskilled adults for entry into the labor force and to help workers who lose their jobs through layoffs or plant closings to reenter the work force. The state's dislocated worker unit for the federal Worker Adjustment and Retraining Notification (WARN) Act is located within this bureau. WARN requires certain employers to provide advance notice of impending layoffs so state and local officials can provide early assistance to the affected workers. The bureau also administers training programs designed to enable more Iowans to reenter the work force.

4.2(2) Bureau of state programs. The bureau of state programs administers the Iowa jobs training program which is designed to provide training assistance to businesses that reinvest in retooling and, therefore, need to retrain existing workers. Oversight responsibilities for the Iowa industrial new jobs training program are part of this bureau. Operated by the community colleges, the Industrial new jobs training program provides funding for training costs for companies that create new jobs in the state. The bureau also administers a variety of youth employment programs which provide part-time and summer job opportunities for Iowa youth. In addition, the labor-management cooperation program is operated by the bureau of state programs.

4.2(3) Bureau of administrative support. The bureau of administrative support conducts research and analysis on JTPA, helps market the JTPA program on a statewide level, maintains an automated management information system, provides financial management functions, and prepares the annual report on JTPA. This bureau provides administrative support for the state job training coordinating council (SJTCC).

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[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

status. Any such right or power may be exercised at any time required and as often as may be deemed expedient.

7.25(6) Unless required by these rules, neither the community college, department, nor attorney general is required to provide written or other notice to the business regarding any circumstance related to and including a declaration of an event of default.

7.25(7) In the event any requirement of the Act, these rules, or the training agreement, relating to a default, should be breached by either party and then waived by the other party, such waiver shall be limited to the specific breach being waived and shall have no bearing on any subsequent breach.

261—7.26(260F) Penalties of default specific to forgivable loans and grants. One or more of the following provisions may apply:

7.26(1) Businesses which fail to complete the training project within the agreed period of time shall be required to repay 20 percent of total project funds expended by the community college and the business.

7.26(2) Businesses which fail to train the agreed number of employees shall be required to repay a proportionate amount of total project funds expended by the community college and the business. The proportion shall be based on the number of employees not trained compared to the number of employees to have been trained.

7.26(3) If both 7.25(1) and 7.25(2) occur, both penalties shall apply.

261—7.27(260F) Assignment. All final agreements between the community college and the business written on or after July 1, 1992, shall contain language authorizing the community college to assign full responsibility for the project to the department in the event of a default.

261—7.28(260F) Return of unused funds. The community college shall return all unused funds to the department within 45 days of project completion or within 45 days after being notified by the department that a project is in default.

261—7.29(260F) Open records. Information submitted to the department is subject to Iowa Code chapter 22, the public records law. Applications for training funds submitted to the department are generally available for public examination. Information which the business believes contains trade secrets recognized and protected by such a law, or the release of which would give an advantage to competitors and serves no public purpose or which meets other provisions for confidential treatment as authorized in Iowa Code section 22.7 shall be kept confidential.

The department has adopted, with certain exceptions described in 261—Chapter 100, the uniform rules of agency procedure relating to public records and fair information practices. The uniform rules are printed in the first Volume of the Iowa Administrative Code. Uniform rule X.5 describes how a person may request a record to be treated as confidential and withheld from public examination. Businesses requesting confidential treatment of certain information submitted to the department shall follow the procedures described in the uniform rule. The department will process such requests as outlined in uniform rule X.5 and 261—Chapter 100.

261—7.30(260F) Required forms. Use of the following forms by the community college is required:

1. Application for Assistance, Form 280C-1;
2. Application for Assistance (short form), Form 280C-1A;
3. Application for Assistance: Grant, Form 280C-1B;
4. Resolution Approving New Job Training or Job Retraining Agreement and Application for Funds, Form 280C-2;
5. Annual Report, Form 280C-3;
6. Notice of Possible Default, Form 280C-4;
7. Declaration of Default, Form 280C-5;
8. Final Performance Report, Form 280C-6.

These rules are intended to implement Iowa Code chapter 260F.

[Filed emergency 7/26/85—published 8/14/85, effective 7/26/85]

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]

[Filed 9/30/88, Notice 7/27/88—published 10/19/88, effective 11/23/88]

[Filed 11/22/89, Notice 10/18/89—published 12/13/89, effective 1/17/90]

[Filed 11/20/90, Notice 9/5/90—published 12/12/90, effective 1/16/91]

[Filed 12/21/90, Notice 10/17/90—published 1/9/91, effective 2/13/91]

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[Filed emergency 6/19/92—published 7/8/92, effective 7/1/92]

[Filed 9/23/92, Notice 7/8/92—published 10/14/92, effective 11/18/92]

CHAPTER 8

SELF-EMPLOYMENT LOAN PROGRAM

Renumbered as 261—Ch 51, IAB 7/19/95

CHAPTER 9

SELF-EMPLOYMENT BUSINESS ASSISTANCE

Renumbered as 261—Ch 52, IAB 7/19/95

261—10.6(99E) Grant period and amount of grants.

10.6(1) The maximum grant award for the 1987-88 program year for areawide labor-management committees and industry-specific labor-management committees is \$25,000 per committee. The maximum amount for in-plant committees is \$5,000 per committee. In subsequent program years the grant award limitations for each category shall be stated in the request for proposal.

10.6(2) For the first program year, funding will terminate on June 30, 1988. A grant may be extended beyond June 30, 1988, depending upon satisfactory performance by the grantee and conditioned upon continued state appropriations for the program. Future projects will operate on a 12-month program year beginning July 1 and ending June 30. All funded projects shall submit an application package annually for funding consideration. Funded projects are not automatically guaranteed future funding.

261—10.7(99E) Match requirements.

10.7(1) A newly formed labor-management committee shall provide at least 10 percent of the total program's operating costs.

10.7(2) For an existing labor-management committee, the committee shall provide 25 percent of the total program's operating costs.

10.7(3) Matching funds may include cash contributions or in-kind services such as donated office space, clerical support, equipment, postage, etc. Matching funds may come from state or local government sources or private sector contributions. Funds generated by labor-management grant program funds are considered "project income" and may not be used for matching purposes. Preference will be given to proposals that include cash contributions.

10.7(4) It is the intent of the state labor management council that the committees funded through this program become self-sufficient within a three-year period.

261—10.8(99E) Reporting requirements. A committee receiving funding under the labor-management program shall submit to the IDED a quarterly report outlining the goals and objectives which have been achieved by the committee during the previous quarter. This report shall specify if the major milestones identified by the committee in its application package are being met according to the timetable provided. An explanation shall be included in the report if these milestones are not being met as outlined in the grantee's proposal.

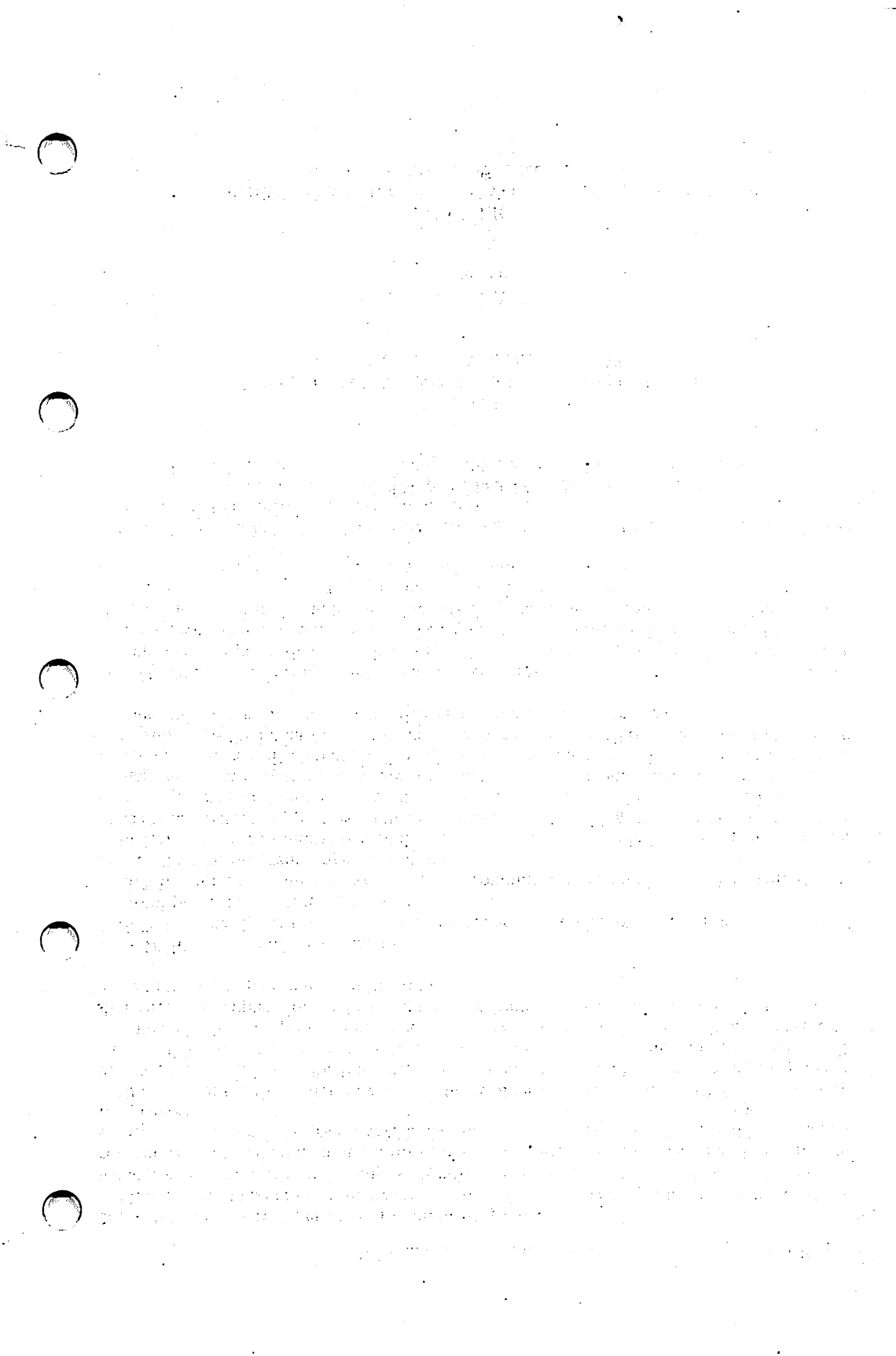
261—10.9(99E) Monitoring. The IDED reserves the right to monitor and evaluate the activities of any committee receiving funding under this program.

[Filed emergency 12/18/87—published 1/13/88, effective 12/18/87]
[Filed 5/27/88, Notice 1/13/88—published 6/15/88, effective 7/20/88]

CHAPTER 11
PRODUCTIVITY AND QUALITY ENHANCEMENT
Rescinded IAB 7/19/95; effective 8/23/95

CHAPTER 12
Reserved

CHAPTER 13
IOWA BUSINESS-INDUSTRY INFORMATION AND TRAINING NETWORK
Rescinded IAB 7/19/95; effective 8/23/95



CHAPTER 17
HIGH TECHNOLOGY APPRENTICESHIP PROGRAM

261—17.1(76GA, HF512) Purpose. The program is a work-based learning concept designed to help develop Iowa's skilled work force and serve as one part of a broader effort to improve the transition from school to work. Because the development of a skilled work force is a critical element of Iowa's overall economic development efforts, the department of economic development board shall determine how annual funds are allocated for these programs. The program will support multistate coordination to accomplish these goals. High technology skills are emphasized to help ensure that individuals are adequately prepared for the high skilled jobs today and in the future. Apprenticeship programs ensure a level of uniformity to the training that individuals receive, which provides an indirect protective measure to the public who utilizes the structures, products, and services that apprentices and graduates build, make, and provide.

261—17.2(76GA, HF512) Definitions. For purposes of this chapter, the following definitions apply:

"Apprenticeship program," "apprenticeship sponsor," "apprenticeable occupation," and "apprentice" are as defined in Iowa Code section 260C.44.

"Currently existing program" means a program that existed during the 1994 fiscal year as identified by the department of education.

"High technology" means skills that are clearly identified and recognized throughout the industry as technologically up-to-date for the particular occupation.

"IDED" means the Iowa department of economic development.

261—17.3(76GA, HF512) Fund distribution process. Funds will be made available to the community colleges with existing high technology apprenticeship programs based on contact hours as provided to IDED by the Iowa department of education, division of community colleges.

261—17.4(76GA, HF512) Monitoring. IDED may perform any review or field inspections it deems necessary to ensure compliance with the program purpose.

17.4(1) Noncompliance. When problems are noted, IDED shall have the authority to require that corrective action will be taken. If a recipient of program funds fails to respond to a notice of noncompliance, IDED shall have the authority to require remedial action as provided in subrule 17.4(2).

17.4(2) Remedies for noncompliance. At any time before project closeout, IDED has the authority to determine that a program operator is not in compliance with the requirements of this program. In the event of a determination of noncompliance, IDED has the authority to take the following remedial actions:

a. Issue a warning letter which states that further failure to comply with program requirements within a stated period of time will result in a more serious sanction.

b. Condition a future grant.

c. Direct the program operator to stop the incurring costs with said funds.

d. Require that some or all of the funds be remitted to the state.

e. Reduce the level of funds the recipient would otherwise be entitled to receive.

f. Elect not to provide future high skilled apprenticeship program funds to the recipient until appropriate actions are taken to ensure compliance.

17.4(3) Reasons for finding of noncompliance include, but are not limited to, the following: The program does not comply with applicable state or federal rules or regulations, or the program operator's use of program funds for activities is not approved by the Federal Bureau of Apprenticeship and Training.

These rules are intended to implement 1995 Iowa Acts, House File 512, section 1(6)"c."

[Filed emergency 7/25/94—published 8/17/94, effective 7/25/94]

[Filed emergency 6/26/95—published 7/19/95, effective 6/26/95]

PART III
DIVISION OF COMMUNITY AND RURAL DEVELOPMENT

CHAPTER 21
DIVISION RESPONSIBILITIES

261—21.1(15) Purpose. The purpose of the division of community and rural development is to provide technical assistance, training and financial resources to assist communities in responding to change, capitalizing on opportunities and building organizational/physical infrastructure relating to community and economic development.

261—21.2(15) Structure. The division consists of two bureaus and the rural development program.

21.2(1) Bureau of community financing. The bureau of community financing is responsible for the following federal programs: Community Development Block Grant Nonentitlement Program (CDBG); Home Investment Partnership Program (HOME); Public Facilities Set-Aside (PFSA); and Emergency Shelter Grants Program (ESGP). The bureau administers available federal funds for housing through the housing fund and is also responsible for developing a consolidated state plan for infrastructure and housing.

21.2(2) Bureau of community assistance. The bureau assists communities through training, grants and technical assistance to address industrial, commercial and community development issues. The programs include community outreach, the Iowa community betterment program, and main street. The city development board, which deals with corporate boundary changes, is also staffed by this bureau.

21.2(3) Rural development. This program provides technical assistance and grants to rural communities and clusters of rural communities to help them address community and economic development initiatives including industrial, commercial, housing, leadership, local government, and tourism challenges. The programs include the rural enterprise fund, governmental services sharing program, rural leadership, and rural action.

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]
[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

CHAPTER 22
COMMUNITY ECONOMIC BETTERMENT PROGRAM
Renumbered as 261—Ch 53, IAB 7/19/95

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261—25.12(15) Flood recovery supplemental appropriation program guidelines.

1. Supplemental flood disaster recovery allocations received from the Department of Housing and Urban Development by the state will be used for all eligible activities of the HOME program.

2. Eligible applicants are those listed in rule 25.3(15). Priority will be given those applicants directly impacted by damage caused by flooding.

3. Any funds received through this supplemental appropriation will be distributed through the Housing Fund through the application process prescribed by IDED. IDED will provide application forms and instructional materials upon request to potential applicants.

4. All program requirements listed herein shall apply to projects funded with supplemental flood recovery funds, except those specifically waived by HUD. IDED will provide a list of any changes in program requirements to eligible applicants upon request.

These rules are intended to implement Iowa Code section 15.108 and the HOME Investment Partnership Act, National Affordable Housing Act of 1990.

[Filed emergency 5/22/92 after Notice 3/18/92—published 6/10/92, effective 5/22/92]

[Filed 12/18/92, Notice 10/14/92—published 1/6/93, effective 2/10/93]

[Filed emergency 2/26/93—published 3/17/93, effective 2/26/93]

[Filed emergency 8/20/93—published 9/15/93, effective 8/20/93]

[Filed emergency 10/22/93 after Notice 8/18/93—published 11/10/93, effective 10/22/93]

CHAPTER 26
IOWA RENTAL REHABILITATION PROGRAM
Rescinded IAB 7/19/95, effective 8/23/95

CHAPTER 27
TARGETED SMALL BUSINESS FINANCIAL ASSISTANCE PROGRAM
Renumbered as 261—Ch 55, IAB 7/19/95

CHAPTER 28
RURAL COMMUNITY 2000 PROGRAM
Rescinded IAB 7/19/95, effective 8/23/95

CHAPTER 29
VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES
FINANCIAL ASSISTANCE PROGRAM (VAAPFAP)
Renumbered as 261—Ch 57, IAB 7/19/95

CHAPTER 30
ENTREPRENEURS WITH DISABILITIES PROGRAM
Renumbered as 261—Ch 56, IAB 7/19/95

CHAPTERS 31 to 35
Reserved

CHAPTER 36
DIVISION RESPONSIBILITIES
Rescinded IAB 7/19/95, effective 8/23/95

CHAPTER 37
CITY DEVELOPMENT BOARD
[Prior to 1/14/87; Planning and Programming(630), ch 7]

261—37.1(368) Expenses, annual report and rules. The Iowa department of economic development shall provide office space, staff assistance, and shall budget funds to cover expenses and compensation of the city development board and committees.

37.1(1) Pursuant to Iowa Code section 368.10, the city development board shall conduct studies of city development, and shall submit an annual report to the governor and the general assembly.

37.1(2) Pursuant to Iowa Code section 368.10, the city development board may establish rules for the performance of its duties and the conduct of proceedings before it.

a. The board's rules are subject to chapter 17A, as applicable.

b. Parties interested in a text of the rules promulgated by the city development board may obtain a text of "A Practical Guide for City Development Actions," from the Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309. Phone: (515) 281-3864.

261—37.2(17A) Forms. An explanation and copy of all forms that need to be completed as required by the city development board can be found in the document entitled "A Practical Guide for City Development Actions," available from the address noted under 7.1(2) "b."

[Filed July 15, 1975]

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]

261—39.10(75GA,ch1201) Noncompliance. If the department finds that a grantee is not in compliance with the requirements under this program, the grantee will be required to refund to the state all disallowed costs. Reasons for a finding of noncompliance include, but are not limited to, a finding that the grantee is using program funds for unauthorized activities, has failed to complete approved activities in a timely manner, has failed to comply with applicable laws and regulations or the grant agreement, or the grantee lacks the capacity to carry out the purposes of the program.

261—39.11(75GA,ch1201) Forms. The following forms will be used by the administering agency for the main street program.

1. Application form for the Iowa main street program (Form 1).
2. Performance reports for monitoring the performance of each grantee (Form 2).

This chapter is intended to implement 1994 Iowa Acts, chapter 1201.

[Filed emergency 12/13/85—published 1/1/86, effective 12/13/85]

[Filed 4/30/86, Notice 1/1/86—published 5/21/86, effective 6/25/86]

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]

[Filed 10/27/89, Notice 9/6/89—published 11/15/89, effective 12/20/89]*

[Filed 11/20/90, Notice 8/8/90—published 12/12/90, effective 1/16/91]

[Filed 12/16/94, Notice 11/9/94—published 1/4/95, effective 2/22/95]

CHAPTER 40
REGIONAL ECONOMIC DEVELOPMENT COORDINATION PLANS
Rescinded IAB 7/19/95; effective 8/23/95

CHAPTER 41
SATELLITE CENTERS
Rescinded IAB 7/19/95; effective 8/23/95

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261—44.11(99E) Noncompliance. If the department finds that the grantee is not in compliance with the requirements of these rules or grant agreement, the grantee may be required to refund to the state all disallowed costs. Reasons for a finding of noncompliance include, but are not limited to, a finding that the grant funds were used for unauthorized activities, the grantee has failed to complete approved activities in a timely manner, the grantee has failed to comply with applicable laws and regulations of the grant agreement, or they lack the capacity to carry out the purposes of the program.

261—44.12(99E) Grant closeouts. Upon completion of the time period covered by the grant agreement, the department shall initiate grant closeout.

261—44.13(99E) Compliance with state laws and regulations. The grantee must comply with any provisions of the Iowa Code governing activities performed with funds awarded under these rules.

These rules are intended to implement Iowa Code section 99E.32, subsection 3, as amended by 1989 Iowa Acts, chapter 314, section 4(3)“d”(3).

[Filed 11/22/89, Notice 10/18/89—published 12/13/89, effective 1/17/90]

CHAPTER 45
Reserved

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CHAPTER 46
RURAL ENTERPRISE FUND
[Prior to 7/19/95, see 261—Ch 67]

261—46.1(15) Purpose. The purpose of this program is to provide grants for rural communities or consortia of communities in their community and economic development planning and implementation activities. Guidelines for the project encourage: pooling of resources within and outside the communities; cooperation among communities, counties, and regions; stronger linkages with existing service providers; and innovative models for rural economic development planning.

261—46.2(15) Program eligibility. Eligible applicants include: rural communities; rural counties; and councils of government and educational institutions, including public and private universities and colleges and merged area schools, applying on behalf of rural communities and counties. Applicants must be able to demonstrate a match which equals 25 percent of the grant amount requested in the form of cash, capital investment, or in-kind services.

46.2(1) Eligible projects shall target specific rural population areas including, but not limited to:

- a. Individual communities of 5,000 or less in population.
- b. Consortia of communities where each community is 5,000 or less.
- c. Consortia of communities where each community is 5,000 or less plus a community which is 20,000 or less.
- d. Counties which are 25,000 or less.
- e. Regions where the majority of participating units, communities or counties are rural as defined in 46.2(1) "a" to "d."

46.2(2) Eligible projects. Examples of eligible projects include, but are not limited to the following:

a. Develop or support multicommunity economic development organizations or regional associations to: formulate a rural development plan, or (2) implement a rural development plan, or (3) formulate and implement a rural development plan which focuses on specific business/economic development opportunities, local services or community efforts to improve quality of life.

b. Stimulate the development of new economic opportunities or associations of groups which have not previously been involved in the mainstream of economic development (youth, elderly, small and home-based businesses, disadvantaged).

c. Develop coalitions among local industries and the community organizations to enhance marketing of products or create shared services.

261—46.3(15) General policies for application.

46.3(1) The maximum award for a single project is \$50,000.

46.3(2) Applications shall include a letter of endorsement by a local service provider such as the community college, satellite center, private college or university, regional coordinating council, ISU extension county or area office, regional planning commission or other appropriate service provider who agrees to assist in the project. The letter of endorsement should specify service and support to be provided by the local service provider.

46.3(3) If a consortium of communities applies, one community or a county shall be designated as the recipient of funds. An official of that legal entity shall sign the application accepting responsibility for the funds.

46.3(4) Program implementation timetables shall not exceed 24 months.

46.3(5) The department will disseminate a request for proposals to appropriate entities.

261—46.4(15) Application procedures. Applications shall be submitted to the Rural Development Coordinator, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309. Application forms and instructions are available at this address or by calling (515)242-4840.

261—46.5(15) Application contents. Required contents of the application include:

46.5(1) A summary sheet including title and project summary statement; name, address, and telephone number of one person who will serve as the contact for the application; the geographic area to be served; and total program budget including applicant match.

46.5(2) A current community/economic development plan, if available, and a status report on development planning activity proceeding in the community.

46.5(3) A narrative on the applicant's inherent strengths and capacities that can be built upon to further the development of the community/area.

46.5(4) A description of the type of technical assistance that would be helpful in building upon these strengths and capacities and would meet local needs that otherwise might not be met.

46.5(5) A description of objectives and activities which would be undertaken by the program participants.

46.5(6) A narrative on the type of support that would be contributed locally, including cash, capital investments, in-kind services and volunteer time commitment.

261—46.6(15) Review process. Each eligible application will be reviewed by a committee within the department. Applications that score fewer than 300 points under subrule 46.6(2) will not be recommended for funding. Applicants may be interviewed further to: explore the potential for providing technical assistance, gain additional information concerning the proposal, and negotiate the project's work plan.

46.6(1) Ranking. The committee will rank the applications based on the following criteria:

a. Appropriateness and effectiveness of the project or model in addressing the issues or problems identified within the community or area.

b. Networking and cooperation with existing service providers, local organizations, and other communities. Leadership involvement from the community or area is a vital component.

c. Need for the project in this community/area (unemployment, remoteness, low population density, business closings, accessibility to services, low level of new business start-ups, traditional barriers such as historical community rivalries, lack of leadership, etc.).

d. Viability of objectives and work plan and impact of project on community/communities (for example, potential for future job creation, development of stronger alliances among community planning groups and service providers, development of better community image).

e. Local effort by community or consortium of communities (cash, office space, in-kind contributions, volunteer hours, etc.).

46.6(2) Scoring. The scoring system has a maximum of 500 points.

- a.* Appropriateness of the project to the issues/problems 100 points possible
- b.* Networking or cooperative efforts among participating units and service providers 100 points possible
- c.* Need for the project 50 points possible
- d.* Viability of objectives and work plan 125 points possible
 - Impact of project
 - (200 total points) 75 points possible
- e.* Local effort 50 points possible

261—46.7(15) Award process. Recommendations by the committee for funding will be forwarded to the director of the department for final decisions. Applicants will be notified in writing after the final decisions on grants are made. Successful applicants will enter into an agreement with the department which clarifies their responsibilities as a grantee for oversight of the project and reporting to the department.

261—46.8(15) Eligible and ineligible expenses.

46.8(1) Expenses eligible for reimbursement may include, but are not limited to, the following:

a. Travel expenses, office, meeting expenses, and office equipment pertaining to specific goals of the project.

b. Coordinating staff for the community or county or development group.

c. Feasibility studies or implementation of an existing study or plan.

d. Educational/training materials.

46.8(2) Expenses ineligible for reimbursement may include, but are not limited to, the following:

a. Purchase of land or buildings or improvements thereon.

b. Expenses for development or purchase of recreational sites and facilities.

c. Expenses for renovation of historical/cultural attractions.

261—46.9(15) Program management.

46.9(1) Record keeping. Financial records, supporting documents, statistical records and all other records pertinent to the project shall be retained by the grantee.

46.9(2) A contract will be negotiated with the successful applicants to define the terms for disbursement of funds and responsibilities.

46.9(3) Representatives of the department and state auditors shall have access to all books, accounts and documents belonging to or in use by the grantee pertaining to the receipt of assistance under this program.

46.9(4) All contracts under this program are subject to audit.

261—46.10(15) Performance reviews.

46.10(1) Applicants will be required to submit a quarterly performance report to the department. The report will assess progress on the goals and project activities.

46.10(2) The department may perform field visits as deemed necessary.

These rules are intended to implement Iowa Code section 99E.32(3).

[Filed 12/22/89, Notice 11/15/89—published 1/10/90, effective 2/14/90]

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CHAPTER 47
RURAL LEADERSHIP DEVELOPMENT PROGRAM

[Prior to 7/19/95, see 261—Ch 68]

261—47.1(15) Purpose. The purpose of this program is to provide grants to conduct a rural leadership development program (RLDP). Goals of the leadership program are to: develop individual leadership and team building skills, expand representation of existing development organizations by integrating new leaders into established organizations, encourage multicompany economic development initiatives relating to identified needs, and assist groups to develop a framework for continued delivery of leadership development programs.

261—47.2(15) Eligible applicants. Iowa cities or counties may apply for the program on behalf of a development organization(s) which represents a consortium of communities. A minimum of three communities must comprise a consortium.

47.2(1) Geographic proximity. Only a consortium of communities which represents an area no larger than two counties will be considered for funding.

47.2(2) Population guideline. A consortium of rural cities or counties, or both, may apply for the competitive program where the majority of rural communities represented have a population of under 5,000.

261—47.3(15) Project awards. An applicant may receive an award of up to \$6,000 to conduct a two-year (two graduating classes) rural leadership development program. Only applications for a two-year program will be accepted. A maximum of \$4,000 of the grant will be awarded for delivery of the program in year one and a maximum of \$2,000 will be awarded for delivery of the program in year two. Local fundraising is expected to fill the financial gap for year two.

261—47.4(15) Match requirements of applicants.

47.4(1) A minimum of 25 percent local cash match is required for the program.

47.4(2) A minimum of 15 participants per graduating class is required.

47.4(3) The applicant must have all match, including participant fees, documented in the application. A commitment by members of the advisory committee as established in subrule 47.5(1) to recruit class participants will serve as documentation for participant fees. Subsidies for scholarships from local public and private sources will also be considered acceptable match.

47.4(4) The applicant shall collect fees of no less than \$50 per participant. These fees are due upon program implementation.

47.4(5) Office space and equipment provided by the applicant, development organization(s) or consortium of communities will be allowed as in-kind match.

47.4(6) Teaching and consulting services provided by educational institutions such as Iowa State University (ISU) extension, community colleges, and independent colleges and universities will be allowed as in-kind match.

47.4(7) Eligible expenses. Expenses eligible for reimbursement under the program may include, but are not limited to, the following:

a. Honorarium and travel of guest speakers from outside the project area (upon approval from the department of economic development (department)).

b. Staff time and office expenses (such as telephone, postage and photocopy expenses) associated with curriculum refinement and program delivery. The intent for staffing expenses is to provide local coordination for the program.

c. Printing or purchase of education/training materials associated with the delivery of the program.

d. Tools such as personality inventories used in program delivery.

47.4(8) Ineligible expenses. Expenses ineligible for reimbursement under the program include, but are not limited to, the following:

- a. Travel and meal expenses of program participants.
- b. Office equipment or office rental.
- c. Meeting expenses (e.g., room rental).
- d. Application preparation.
- e. Administrative costs.

261—47.5(15) General guidelines for applications.

47.5(1) Advisory committee. A local leadership advisory committee must be formed. Responsibilities of the advisory committee include development and refinement of the curriculum, identification and recruitment of participants, and monitoring the delivery of the program. Applications shall include a listing of advisory committee members, addresses, and their corresponding organization affiliation. Potential members should represent a balanced geographic dispersion within the consortium area and could include, but are not limited to, representatives from development organizations, businesses, agricultural organizations, chambers of commerce, elected local officials, and educational institutions.

47.5(2) Letters of endorsement.

a. Applications shall include letters from advisory committee members pledging participation from at least 15 participants. Each pledge letter should also include a statement that the advisory committee member agrees to serve on the advisory committee a minimum of two years.

b. Applications shall include letters of cooperation from any public or private educational institution agreeing to provide financial or staff assistance to the program. A description of services must also be included.

c. Applications shall include letters from community and economic development organizations, local governments, and other local groups and organizations planning to integrate graduates into existing leadership structures, committees, or task forces.

47.5(3) Timetable and curriculum.

a. Applications for the RLDP shall specify a timetable and curriculum. The program shall not exceed ten months from the initial session (per graduating class). Total participant contact time of at least 18 hours per graduating class is required.

b. The following components must be present in either curriculum: developing leadership skills; identification of leadership styles; examination of local community issues, development issues (e.g., business, tourism, housing) and resources; and a mentoring activity linking program participants with development organizations within the community.

c. Other possible program components could include, but are not limited to: offering an overview of local government functions, presenting a status of business activity, identification of cultural assets, history, and uniqueness of local communities, local demographics, community tours, and an alumni profile document made available to local volunteer organizations.

47.5(4) Request for proposals. The department shall disseminate a request for proposals to appropriate entities.

47.5(5) Applicant submission. Applications shall be submitted to the Rural Development Project Manager, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309. Application forms and instructions are available at this address.

47.5(6) Application contents. Required contents of the application include:

a. A brief statement of existing needs and issues in the area that creates a potential for future community development projects and requires more local leadership capabilities.

b. Curriculum, timetable and budget.

c. A summary sheet containing applicant name; project contact person; funding request; listing of advisory committee members, addresses, and their corresponding organizational affiliation; and estimate of the population of the affected area.

d. A description of the cash and in-kind resource match the applicant will bring to the program.

- e. An explanation of how program participants will be integrated into the respective communities' leadership structures and how newly trained community leaders would be used to foster multicomunity development.
- f. A plan for leadership program continuance (sponsorship and funding) after the grant period ends.
- g. Letters of endorsement as specified in subrule 47.5(2).

261—47.6(15) Review and award process.

47.6(1) Review committee. Each eligible application shall be reviewed by a committee made up of the following: two representatives of the department; one representative selected from an existing multicomunity development organization; one representative appointed by ISU extension; the designated representative of the Iowa Association of Independent Colleges and Universities and the designated representative of the Iowa Association of Community College Presidents who serve as ex officio members of the Iowa economic development board. Applicants that score fewer than 300 points under subrule 47.6(3) shall not be eligible for funding. Applicants may be interviewed further to gain additional information about the proposal or to negotiate the proposed plan of work. Recommendations of the committee will be forwarded to the director of the department for final decisions.

47.6(2) Scoring. The scoring system has a maximum of 500 points.

- a. Appropriateness and effectiveness of the curriculum in addressing the stated issues or opportunities within the area. 200 points.
- b. The level of financial and volunteer commitment by local organizations and governments in the organization and delivery of the program. 125 points.
- c. The commitment of the area's leaders to utilize trained participants in leadership roles. 100 points.
- d. The plan for program continuance after the grant period. 75 points.

261—47.7(15) Program management.

47.7(1) Record keeping. Financial records, supporting documents, statistical records and all other records pertinent to the project shall be retained by the recipient of funds for a period of three years after the contract expiration date.

47.7(2) Contract. A contract will be negotiated with the successful applicants to define the terms for disbursement of funds and responsibilities.

47.7(3) Access to records. Representatives of the department and state auditor's office shall have access to all books, accounts and documents belonging to or in use by the recipient pertaining to the receipt of assistance under this program.

47.7(4) Monitoring. The department may perform any review or field inspections it deems necessary to ensure program compliance.

- a. The applicant must make available to the department all records pertaining to all matters related to this program. Any costs determined by the department to be unallowable costs shall be repaid to the department.

- b. Applicants will be required to submit a quarterly progress report to the department. The report will assess progress toward the goals of the program and the activities taking place during each session. The department may perform field visits as deemed necessary.

These rules are intended to implement Iowa Code chapter 15.

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[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

CHAPTER 48
RURAL ACTION TRAINING PROGRAM
[Prior to 7/19/95, see 261—Ch 69]

261—48.1(15) Purpose. The purpose of this program is to provide grants to conduct a rural action training program. Goals of the training program are to: built coalitions among agricultural producers, economic development organizations and communities; assist agricultural producers in identifying and implementing ag-based development strategies; and create an arena to sustain these coalitions and their activities over time.

261—48.2(15) Eligible applicants. Iowa State University (ISU) extension county offices may apply on behalf of a consortium of rural constituents including, but not limited to, agricultural producers, businesses, economic development organizations, chambers of commerce, community representatives, and locally elected officials.

48.2(1) Geographic proximity. Only a consortium of communities and rural areas which represent an area no larger than two contiguous counties will be considered for funding.

48.2(2) Population guideline. Any consortium of rural cities or counties, or both, may apply for the competitive program where the majority of rural communities represented have a population of under 5,000.

261—48.3(15) Project awards. An applicant may receive an award of up to \$4,500 to conduct the rural action program.

261—48.4(15) Program delivery. Each recipient shall work with Iowa State University and the Iowa department of economic development (department) to deliver the program. Iowa State University will provide training, materials, and technical expertise (community and agriculture) for the program. The department will provide additional business development assistance to each project. Coordination of projects will be a joint effort between the department and Iowa State University.

261—48.5(15) Match requirements of applicants.

48.5(1) A minimum of 25 percent cash and in-kind match is required.

48.5(2) Office space and equipment for the local coordination staff will be allowed as in-kind match.

48.5(3) Participant fees are optional but will be considered as cash match.

48.5(4) The applicant must have all match, including participant fees if charged, documented in the application. A commitment by members of the advisory committee established in subrule 48.7(1) to recruit class participants will serve as documentation for participant fees. Subsidies for scholarships from local public and private sources will also be considered acceptable match.

48.5(5) Expenses incurred in taking ag-related tours (travel, meals, and related expenses) will be allowed as in-kind match.

48.5(6) Teaching and consulting services provided by educational institutions or private businesses will be allowed as in-kind match.

261—48.6(15) Eligible and ineligible expenses.

48.6(1) Eligible expenses. Expenses eligible for reimbursement may include, but are not limited to, the following:

a. Local coordination staff to assist in the organization of the program.

b. Honorarium and travel of guest speakers from outside the project area (upon approval from the department).

c. Purchase of education/training services associated with the delivery of the program (excluding services performed by ISU).

48.6(2) Ineligible expenses. Expenses ineligible for reimbursement under the program include, but are not limited to, the following:

- a. Travel and meal expenses of program participants.
- b. Office equipment or office rental.
- c. Meeting expenses (e.g., room rental).
- d. Application preparation.
- e. Administrative costs.

261—48.7(15) General guidelines for applications.

48.7(1) Advisory committee. A local leadership advisory committee must be formed. Responsibilities of the advisory committee include application development, refinement of the curriculum, identification and recruitment of participants, and monitoring the delivery of the program. Applications shall include a listing of advisory committee members, addresses, and their corresponding organization affiliation. Advisory committee membership should be representative of the geographic area, as well as of development groups, agricultural/farm groups, and businesses located within the consortium area.

48.7(2) Letters of endorsement.

- a. Applications shall include letters from advisory committee members pledging participation from at least 15 participants.
- b. Applications shall include letters of endorsement from (1) an ISU extension county or area field staff person in the program area; (2) the area extension director who services the communities named in the application; and (3) any public or private institutions agreeing to provide financial or staff assistance to the program. A description of services must be included.
- c. Applications shall include letters from community and economic development organizations specifying the role they will have in program delivery and participant integration.

48.7(3) Timetable and curriculum.

- a. Applications shall specify a timetable and curriculum set out by the advisory committee and ISU.
- b. The following components must be present in the curriculum: examination of local development issues and resources, a community-based analysis, and a feasibility study/activity associated with an agricultural development project(s).

48.7(4) Request for proposals. The department shall disseminate a request for proposals to appropriate entities.

48.7(5) Applicant submission. Applications shall be submitted to the Rural Development Project Manager, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309. Application forms and instructions are available at this address.

48.7(6) Application contents. Required contents of the application include:

- a. A brief statement of existing needs and issues in the area that create a potential for future agricultural development initiatives and require more local leadership capabilities.
- b. Curriculum, timetable and budget.
- c. A summary sheet containing (1) applicant name; (2) contact person; (3) funding request; (4) a listing of advisory committee members, addresses and their corresponding organization affiliation; and (5) an estimate of the population of the affected area.
- d. A description of the cash and in-kind match the applicant will bring to the program.
- e. A plan for involvement of local organizations (e.g., who will attend meetings, provide technical expertise, conduct fundraising activities, provide meeting sites, and related activities).
- f. A plan to involve participants in existing development organizations at the conclusion of the program (e.g., to work on committees, join existing development organizations, create new committees within development groups, and related activities).
- g. Letters of endorsement as specified in subrule 48.7(2).

261—48.8(15) Review and award process.

48.8(1) Review committee. Each eligible application shall be reviewed by a committee made up of the following: two representatives of the department, one representative selected from an existing multicommunity development organization, and two representatives appointed by ISU. Applicants that score fewer than 300 points under subrule 48.8(2) shall not be eligible for funding. Applicants may be interviewed further to gain additional information about the proposal or to negotiate the proposed plan of work. Recommendations of the committee will be forwarded to the director of the department for final decisions.

48.8(2) Scoring. The scoring system has a maximum of 500 points.

a. Appropriateness and effectiveness of the program in addressing stated issues or opportunities within the area. 150 points.

b. The level of cash and in-kind commitment by local organizations. 100 points.

c. The degree of representation on the advisory committee: geographic, development and agricultural organizations, and businesses. 50 points.

d. The level of commitment of organizations to the planning and delivery of the program as evidenced by the plan of involvement of local organizations. 100 points.

e. The plan to involve participants in existing development organizations at the conclusion of the program. 100 points.

261—48.9(15) Program management.

48.9(1) Record keeping. Financial records, supporting documents, statistical records and all other records pertinent to the project shall be retained by the recipient of funds for a period of three years after the contract expiration date.

48.9(2) Contract. A contract will be negotiated with the successful applicants to define the terms for disbursement of funds and responsibilities.

48.9(3) Access to records. Representatives of the department and state auditor's office shall have access to all books, accounts and documents belonging to or in use by the recipient pertaining to the receipt of assistance under this program.

48.9(4) Monitoring. The department may perform any review or field inspections it deems necessary to ensure program compliance.

a. The applicant must make available to the department all records pertaining to all matters related to this program. Any costs determined by the department to be unallowable costs shall be repaid to the department.

b. Applicants will be required to submit a quarterly progress report to the department. The report will assess progress toward the goals of the program and the activities taking place during each session. The department may perform field visits as deemed necessary.

These rules are intended to implement Iowa Code chapter 15.

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[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

PART IV
DIVISION OF BUSINESS DEVELOPMENTCHAPTER 50
DIVISION RESPONSIBILITIES

261—50.1(15) Mission. The division's mission is to enhance the state's economy by providing site location and expansion assistance, financial assistance, and entrepreneurial assistance to businesses that will lead to the diversification of the economy and the creation of quality jobs for Iowans.

261—50.2(15) Structure. The division is divided into three segments: the marketing and business expansion bureau, bureau of business finance, and the small business resource office.

50.2(1) Marketing and business expansion bureau. The bureau has two sections: marketing and promotion and business expansion. It also includes the department's procurement outreach office.

a. The marketing and promotion section is responsible for promoting Iowa as a location for business site expansion. The section is responsible for implementation of the bureau's five-year marketing plan which includes marketing strategies for advertising, public relations, direct mail, trade shows, conference/seminars, and other programs aimed at recruiting new businesses and encouraging existing businesses to expand in the state.

b. The business expansion section works one-on-one with business expansion clients to identify sites, buildings and communities which meet the client's location or expansion criteria. Once communities have been identified, IDED's site location managers work with the communities to prepare customized proposals for the client.

c. Procurement outreach office. This office is responsible for identifying federal procurement opportunities for Iowa businesses.

50.2(2) Bureau of business finance. The bureau provides financial assistance to businesses expanding in the state of Iowa, as well as to new business start-ups and business relocations to the state. The bureau administers the community economic betterment account (CEBA) which provides financial assistance to businesses and industries that require assistance in order to create new job opportunities or retain existing jobs which are in jeopardy. Other financial assistance programs administered by the bureau include: the economic development set-aside (EDSA) program which is designed to encourage economic growth by providing financial assistance to businesses in communities of less than 50,000 in population and is aimed at providing employment opportunities for individuals from low- and moderate-income households; the value-added agricultural products and processes financial assistance program (VAAPFAP); the self-employment loan program (SELP) which is designed to encourage self-employment for disadvantaged individuals; and the targeted small business financial assistance program (TSBFAP) which fosters the entrepreneurial spirit of women and minority owners by assisting with start-ups or expansions.

50.2(3) Small business resource office (SBRO). The SBRO's mission is to facilitate the growth of emerging small businesses in the state by providing entrepreneurial assistance, networking opportunities, and education programs. The SBRO's activities focus on the following:

a. *Small business forums program.* This program is the core of the SBRO's small business activities in entrepreneurial development and education. The forums program organizes quarterly entrepreneurial education round tables at multiple sites throughout Iowa, develops education programs for emerging small businesses, and forms entrepreneurial networking groups.

b. *Small business advocacy program.* The advocate works with small businesses both on a case managed basis and as a referral service. The program identifies small business service

providers including sources of financial assistance for emerging businesses, regulatory information including licensing and permits, management assistance sources, and other small business service providers.

c. Management assistance program. The management assistance program is responsible for identifying and developing networks of sources of managerial talent including establishing an entrepreneurial mentor program utilizing middle management volunteers, members of SCORE and other retired management executives, and other successful entrepreneurs.

d. Targeted small business program. This program promotes the growth and development of small businesses owned and operated by minorities and women. It works with state purchasing officials to increase the number of contracts awarded to targeted small businesses (TSBs), and it identifies procurement opportunities for TSBs in both public and private sectors.

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]
[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

CHAPTER 51
SELF-EMPLOYMENT LOAN PROGRAM

[Prior to 7/19/95, see 261—Ch 8]
[Former Ch 51. "Speculative Building Loans," rescinded IAB 7/19/95, effective 8/23/95]

261—51.1(15) Purpose. The department of economic development administers the self-employment loan program (SELP) in coordination with the job training partnership program (261—Chapter 19) and the entrepreneurship training program administered under Iowa Code section 15.108, subsection 6, paragraph "c." The purpose of the SELP is to provide loans to low-income persons and persons with a disability to establish or expand small business ventures.

261—51.2(15) Definitions. As used in this chapter, unless the context otherwise requires:

"Applicant" means an individual proprietorship, partnership, limited liability company or corporation engaged in a single business, or related businesses wherein overlapping ownership interests exceed 50 percent.

"Department" or *"IDED"* means the Iowa department of economic development.

"Family income (annualized)" means all income actually received from all sources by all household members of the family during the six months immediately prior to application multiplied by two. When computing family income, income of a spouse and other family members shall be counted for the portion of the income determination period that the person was actually a part of the family unit of the applicant.

"Fixed assets" means those items used to manufacture a product, provide a service, or to sell, store or deliver merchandise. These items will not be sold in the normal course of business, but will be used and worn out or consumed over time, usually longer than a year, as the business is conducted.

"Initial working capital" means those items that are required as part of the base of the business and includes, but is not limited to, deposits for utilities, rent, down payments for insurance and lease purchases, purchase of office supplies and incidentals and petty cash.

"Local sponsor" means a representative from a local organization willing to offer assistance and guidance to applicants. Appropriate local sponsors will be identified in the application materials provided by the IDED and may include the SBDC, JTPA, local chamber of commerce, or other organizations approved by IDED.

"Low income" means annualized family income that is 70 percent of the most current lower living standard income level (LLSIL).

"Persons with a disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

"Disability" does not include any of the following:

1. Homosexuality or bisexuality.
2. Transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders.
3. Compulsive gambling, kleptomania, or pyromania.
4. Psychoactive substance abuse disorders resulting from current illegal use of drugs.

"Major life activity" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, breathing, learning, or working.

261—51.3(15) Eligibility requirements.

51.3(1) Residence. An applicant must be a resident of Iowa to be eligible to apply for a loan.

51.3(2) Age. An applicant must be 18 years of age or older at the time of application.

51.3(3) Income. To qualify to apply for a loan an applicant must have annualized household family income that is no more than 70 percent of the lower living standard income. For purposes of calculating family income, exclusions are:

- a. Food stamps
- b. Compensation received in the form of food or housing
- c. Other noncash income
- d. Public assistance payment
- e. Federal, state, local, or private unemployment benefits
- f. Payment, other than on-the-job training wages, made to participants while enrolled in employment and training programs
- g. Capital gains and losses
- h. Scholarship and fellowship grants
- i. Accident, health, and casualty insurance proceeds
- j. Disability and death insurance payments
- k. Awards and gifts
- l. Inheritances
- m. Workers' compensation
- n. Terminal leave
- o. Pay or allowances previously received by any veteran while serving on active duty in the U.S. armed forces
- p. Educational assistance and compensation payments to veterans and other eligible persons under the following chapters of Title 38 of the U.S. Code:
 - Chapter 11—Compensation for service-connected disability or death
 - Chapter 13—Dependency and indemnity compensation for service-connected deaths
 - Chapter 31—Training and rehabilitation for veterans with service-connected disabilities
 - Chapter 32—Post-Vietnam era veterans' educational assistance
 - Chapter 34—Veterans' educational assistance
 - Chapter 35—Survivors' and dependents' educational assistance
 - Chapter 36—Administration of educational benefits
- q. Payments received under the Trade Act of 1974
- r. Payments received on behalf of foster children
- s. Child support payments
- t. Cash payments received pursuant to a state plan approved under the Social Security Act:
 - Title II—disability insurance payments
 - Title IV—aid to families with dependent children
 - Title XVI—supplemental security income for the aged, blind, and disabled
- u. Payments received under the Black Lung Benefits Reform Act of 1977 (Public Law 95-239)
- v. Assets drawn down as withdrawals from a bank
- w. Proceeds from the sale of property, a house, or car
- x. Tax refunds
- y. Other one-time and limited unearned income.

51.3(4) Reserved.

51.3(5) *Local sponsor.* Each applicant must secure participation from a local sponsor.

51.3(6) *Automatic eligibility.* Cash welfare recipients (AFDC, general assistance, refugee assistance, etc.), applicants who are JTPA eligible or applicants who are certified as having a disability under the standards promulgated by the Iowa department of education, division of vocational rehabilitation, are automatically eligible to apply for a SELP loan.

51.3(7) *Experience.* An applicant must have successfully completed a business training program including, but not limited to, programs such as SEID, WEDGE, Drake's Minority Business Venture, and Kirkwood Community College's Rural Development Center; or be able to demonstrate a basic knowledge of business strategy and planning documented by previous successful business management or ownership; or be willing to enroll in a business training program; or agree in writing to accept and utilize ongoing technical assistance.

51.3(8) Loan limitations.

a. Maximum amount. The maximum loan amount available to any one applicant is \$10,000.

b. Use of loan funds. The first \$5,000 can be used for the purchase of land, buildings, machinery, equipment, furniture, fixtures, inventory, tools of the trade, vehicles used in the business and initial operating capital. Any amount over \$5,000 can only be used for the purchase of fixed assets or to leverage other project funds on a one-to-one basis.

c. Follow-on funding. The department may accept applications for additional funding from current or former SELP loan recipients. No applicant may receive cumulatively more than \$10,000 under the program. For example, a loan recipient who was awarded \$5,000 in prior years may request an additional \$5,000 for the business. In determining whether to fund a request for follow-on funding, the department will consider, in addition to the evaluation criteria in subrule 8.4(3), factors including, but not limited to, the applicant's credit history with the department in repayment of the prior SELP loan; the solvency of the business; and the business's need for funding. Any application for follow-on funding will be subject to the restrictions outlined in paragraph 8.3(8)"*b.*"

d. Draw downs. The department reserves the right to restrict the timing of the draw down of funds. As a general rule, the initial draw down of funds may not include more than \$1,500 of initial working capital.

e. SELP—comprehensive management assistance.

(1) Eligibility. Comprehensive management assistance is limited to eligible applicants or recipients of the SELP program.

(2) Use of funds. Assistance is available only in the form of technical or professional services provided by department-contracted providers. Assistance may include, but shall not be limited to: consulting, training, and apprenticeship, professional services; assistance in furnishing information about available financial or technical assistance; evaluating small business venture proposals; assistance in the completion of viable start-up or expansion plans; and assistance in the completion of applications for financial or technical assistance under programs administered by the department.

(3) Disbursement. Each eligible business may receive up to \$2,500 for management assistance per year. All funds under the comprehensive management assistance program will be paid directly to the service provider. No funds will be given directly to the business.

261—51.4(15) Application procedure. Application materials are available from the IDED division of marketing and business development.

51.4(1) Submittal. Completed applications shall be submitted to: SELP, Division of Marketing and Business Development, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309.

51.4(2) Review. Applications will initially be reviewed by the IDED staff. IDED staff may request additional information from the applicant prior to committee review. A review committee will score each application. The scores will be averaged and the applications receiving an average score of 10 points or more out of a total of 19 will be considered by the committee for recommendation for funding. The committee's recommendation for funding will include the amount of the loan (not to exceed \$10,000), the interest rate to be charged (not to exceed 5 percent), and other terms and conditions. The IDED director will review the recommendation and make a final decision based on various factors including geographical distribution, economic impact, etc.

51.4(3) Evaluation factors. Applications will be reviewed and evaluated using a 19-point system, based upon the follow criteria:

a. Background of applicant 0-5 points

Does the applicant have education or work experience that is relevant to the proposed business? Does the application document previous business training or management experience?

b. Business plan—financial 0-5 points

Does the application contain a comprehensive two-year cash flow projection? Has the applicant provided sufficient documentation to support/justify the cash flow assumptions (i.e., third-party documentation regarding market size, annual sales, and competition)?

c. Business plan—marketing 0-5 points

Does the application contain sufficient information to ascertain that the applicant fully understands who their customers will be and how to reach them?

d. Need of applicant 0-3 points

Consideration will be given to an applicant's: inability to secure a loan from conventional sources (e.g., bank, savings and loan, credit union, etc.) for the business venture; personal debt level; and lack of personal financial resources to adequately fund the business venture.

e. Creditworthiness 0-1 point

Does the applicant have outstanding debt to the state? Can the business, as proposed, provide enough income to meet the applicant's minimum monthly income requirement, including service for outstanding debt?

261—51.5(15) Loan agreement. Upon award of a loan the IDED staff will prepare a loan agreement which will include loan conditions, a repayment schedule, and default provisions.

261—51.6(15) Monitoring and reporting.

51.6(1) Monitoring. The IDED reserves the right to monitor the recipient's records to ensure compliance with the terms of the loan. IDED staff will contact the loan recipient within 90 days of the award and as frequently as conditions may warrant during the life of the loan.

51.6(2) Reporting. Loan recipients shall submit to the IDED reports in the format requested by the department. The department retains the authority to request information on the condition of the business on a more frequent basis at any time during the life of the loan.

261—51.7(15) Default procedures.

51.7(1) Delinquency on a loan begins on the tenth day after the due date of the first missed payment not later made. A loan is in default when a borrower exceeds 90 days of delinquency.

51.7(2) If a payment is not made in a timely manner, the department will send written notices of delinquency or collection letters to the last known address of the borrower. The notice will notify the borrower of the amount past due and request prompt payment of that amount.

51.7(3) If there is no response to written notices of delinquency or collection letters or if payment is not made, the department will send a Notice to Cure to the borrower. The Notice to Cure identifies the terms and conditions necessary to cure the delinquency and allows 20 days for the account to be resolved. The notice will notify the borrower that if the delinquency is not cured and results in default, the department may report the default to a credit reporting bureau and may bring suit against the borrower to compel repayment of the loan.

51.7(4) In the event the borrower does not comply with the Notice to Cure, a Final Demand letter will be sent to the borrower and a separate Final Demand letter will be sent to the cosigner.

51.7(5) Once a loan is in default and an account remains unresolved after the time period stated in the Final Demand letter, the department will refer the matter to the Iowa attorney general's office for appropriate action.

These rules are intended to implement Iowa Code sections 15.102 and 15.241.

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CHAPTER 52
SELF-EMPLOYMENT BUSINESS ASSISTANCE

[Prior to 7/19/95, see 261—Ch 9]

[Former Ch 52, "Business Incubator/Technical Assistance Center Program," rescinded IAB 7/19/95, effective 8/23/95]

261—52.1(72GA, HF2416) Purpose. The department of economic development administers the case management program in coordination with the job training partnership program, the self-employment loan program, and other state or federal programs providing financial or technical assistance administered by the department.

261—52.2(72GA, HF2416) Definitions. As used in this chapter, unless the context otherwise requires:

"Client" means a low-income person eligible for assistance under the self-employment loan program, established in Iowa Code section 15.241, who is establishing or expanding a small business venture. Priority will be given to clients that meet the definition of a targeted small business as defined in Iowa Code section 15.102(5).

"Department" or *"IDED"* means the Iowa department of economic development.

"Family income (annualized)" means all income actually received from all sources by all members of the family during the six months immediately prior to application multiplied by two. When computing family income, income of a spouse and other family members shall be counted for the portion of the income determination period that the person was actually a part of the family unit of the applicant.

"Low income" means annualized family income that is 70 percent of the most current lower living standard income level (LLSIL).

"Self-employment business assistance" means assisting clients seeking to establish or expand small business ventures. Appropriate technical assistance may include, but shall not be limited to: consulting, training and apprenticeship, professional services; assistance in furnishing information about available financial or technical assistance; evaluating small business venture proposals; assistance in the completion of viable start-up or expansion plans; and assistance in the completion of applications for financial or technical assistance under the programs administered by the department.

"Service provider" means any entity such as a state agency, a private for-profit or not-for-profit corporation or other association or organization that contracts with the department to provide or offer case management assistance. Service providers may include, but are not limited to: community colleges, universities, Iowa state extension service, small business development centers, service corps of retired executives, the institute for social and economic development, women's economic development group enterprises, chambers of commerce and local economic development groups.

261—52.3(72GA, HF2416) Eligibility requirements. An individual must be a low-income person eligible for assistance under the self-employment loan program established in Iowa Code section 15.241 and actively seeking or awarded financial assistance from state support programs such as the self-employment loan program, the targeted small business financial assistance program, the Iowa linked deposit program for targeted small business. Priority will be given to clients that meet the definition of a targeted small business as defined in Iowa Code section 15.102(5).

52.3(1) Residence. An applicant must be a resident of Iowa to be eligible for self-employment business assistance.

52.3(2) Age. An applicant must be 18 years of age or older.

52.3(3) Income. To qualify for assistance an applicant must have annualized family income that is no more than 70 percent of the lower living standard income level. For purposes of calculating family income, exclusions are:

- a. Food stamps
- b. Compensation received in the form of food or housing

- c. Other noncash income
- d. Public assistance payment
- e. Federal, state, local or private unemployment benefits
- f. Payment, other than on-the-job training wages, made to participants while enrolled in employment and training programs
- g. Capital gains and losses
- h. Scholarship and fellowship grants
- i. Accident, health, and casualty insurance proceeds
- j. Disability and death insurance payments
- k. Awards and gifts
- l. Inheritances
- m. Workers' compensation
- n. Terminal leave
- o. Pay or allowances previously received by any veteran while serving on active duty in the U.S. armed forces
- p. Educational assistance and compensation payments to veterans and other eligible persons under the following chapters of Title 38 of the U.S. Code:
 - Chapter 11—Compensation for service-connected disability or death
 - Chapter 13—Dependency and indemnity compensation for service-connected deaths
 - Chapter 31—Training and rehabilitation for veterans with service-connected disabilities
 - Chapter 32—Post-Vietnam era veterans' educational assistance
 - Chapter 34—Veterans' educational assistance
 - Chapter 35—Survivors' and dependents' educational assistance
 - Chapter 36—Administration of educational benefits
- q. Payments received under the Trade Act of 1974
- r. Payments received on behalf of foster children
- s. Child support payments
- t. Cash payments received pursuant to a state plan approved under the Social Security Act:
 - Title II—disability insurance payments
 - Title IV—aid to families with dependent children
 - Title XVI—supplemental security income for the aged, blind, and disabled
- u. Payments received under the Black Lung Benefits Reform Act of 1977 (Public Law 95-239)
- v. Assets drawn down as withdrawals from a bank
- w. Proceeds from the sale of property, a house, or car
- x. Tax refunds
- y. Other one-time and limited unearned income.

52.3(4) Automatic income eligibility. Cash welfare recipients (AFDC, general assistance, refugee assistance, etc.), food stamp recipients or applicants which are JTPA eligible qualify as income eligible for self-employment business assistance.

261—52.4(72GA, HF2416) Evaluation procedure. The department will release a request for proposal to determine service provider(s). Proposals will be submitted and reviewed by the department. The IDED director will review recommendations and make a final decision.

261—52.5(72GA, HF2416) Evaluation factors. The department will evaluate proposals based on such factors as: experience or demonstrated ability in providing assistance to small businesses in such areas as completing and evaluating viable business start-up or expansion plans and completing applications for financial and technical assistance; ability to effectively administer state programs; fiscal management and record-keeping capabilities; and ability to provide on-going technical assistance to clients.

261—52.6(72GA, HF2416) Contract. The department will contract with designated service providers. Statements for reimbursement will be submitted to the department based on the number of hours of self-employment business assistance provided per client. Self-employment business assistance funds shall only be used for activities which are in addition to those which would otherwise be available in the area in the absence of self-employment business assistance funds.

261—52.7(72GA, HF2416) Monitoring and reporting.

52.7(1) Monitoring. The IDED reserves the right to monitor the service provider's records to ensure compliance with the terms of the contract.

52.7(2) Reporting. Service providers shall submit to the IDED reports in the format requested by the department. The department retains the authority to request information on a more frequent basis.

These rules are intended to implement 1988 Iowa Acts, House File 2416.

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CHAPTER 53
COMMUNITY ECONOMIC BETTERMENT PROGRAM

[Prior to 1/14/87, Iowa Development Commission[520], Ch 8]

[Prior to 7/19/95, see 261—Ch 22]

[Former Ch 53, "Economic and Research and Development Grants," rescinded IAB 7/19/95, effective 8/23/95]

261—53.1(15) Purpose. The purpose of the community economic betterment program is to assist communities and rural areas of the state with their economic development efforts and to increase employment opportunities for Iowans by increasing the level of economic activity and development within the state. The program structure provides financial assistance to businesses and industries which require assistance in order to create new job opportunities or retain existing jobs which are in jeopardy. Also, the program may provide comprehensive management assistance to businesses involved with the CEBA program. Assistance may be provided to encourage:

1. New business start-ups in Iowa;
2. Expansion of existing businesses in Iowa; or
3. The recruitment of out-of-state businesses into Iowa.

261—53.2(15) Definitions.

"Agreement expiration date" means the date the CEBA agreement expires. In the case of a forgivable loan, the expiration date is the date of final loan repayment, usually five years from the date of award.

"Applicant" means a city, county, or merged area school which requests state financial assistance on behalf of a business or a local development organization.

"Average county wage scale" means the average the department calculates using the most current four quarters of wage and employment information as provided in the Quarterly Covered Wage and Employment Data report as provided by the Iowa department of employment services, audit and analysis section. Agricultural/mining and governmental employment categories are deleted in compiling the wage information.

"Base economic activities" means those business activities which result in a net increase in the production of goods or services within the state. This would occur if a majority of the company's products or services were new, were sold outside the state, or were sold within the state in place of items previously purchased outside the state.

"Board" means the department of economic development board established under Iowa Code section 15.103.

"Business" means a sole proprietorship, partnership or corporation organized for profit or not-for-profit under the laws of the state of Iowa or another state, under federal statutes, or under the laws of another country.

"Business start-up" means a business which has not been in operation for more than two years prior to the date of the CEBA application.

"Buydown" means participation by the state in a conventional loan to an assisted business by lowering either the effective principal or interest of the loan.

"CEBA" refers to the community economic betterment account funded by Iowa Code section 15.32(2).

"Committee" means the community economic betterment review committee described in rule 53.3(15).

"Community base employment" means the total number of full-time equivalent jobs the business employs at the time of application for CEBA funds.

"Community builder program" means the community builder program as defined in 261—Chapter 80.

"Comprehensive management assistance" means provision of technical business assistance through the use of department staff or professional business services provided by a public or private organization.

“*Department*” means the Iowa department of economic development created by Iowa Code section 15.105.

“*Direct job*” means a job created or retained by the business receiving CEBA funds and reflected on its employment payroll records.

“*Director*” means the director of the Iowa department of economic development.

“*Entrepreneurial development*” means the promotion of small business ownership through the provision of technical management expertise.

“*Equity-like investment*” means the provision of assistance in such a manner that the potential return on investment to the provider varies according to the profitability of the company assisted. This includes but is not limited to: royalty arrangements; warrant arrangements; or other similar forms of investments.

“*Full-time equivalent job*” means the equivalent of employment of one person for 8 hours per day for a 5-day, 40-hour workweek for 52 weeks per year.

“*Grant*” means an award of assistance with the expectation that, with the fulfillment of the conditions of the award, repayment of funds is not required.

“*Job attainment goal*” means the total number of jobs created and job retention pledged by the recipient in addition to the business’s community base employment.

“*Job creation*” means new permanent full-time equivalent (FTE) positions added to a business’s normal operations, over and above the number of FTE positions the business had at the time of application for CEBA funds.

“*Job retention*” means existing full-time equivalent permanent positions, at the time of application, kept in continuous employment by the business as a direct result of CEBA assistance.

“*Loan*” means an award of assistance with the requirement that the award be repaid with term, interest rate, and other conditions specified as part of the award. A deferred loan is one for which the payment for principal, interest, or both, is not required for some specified period. A forgivable loan is one for which repayment is eliminated in part or entirely if the borrower satisfies specified conditions.

“*Loan guarantee*” means a guarantee of all or part of a loan made by a commercial lender. Payment of all or a portion of the loan guarantee would occur if the business defaults on its repayment of the loan, provided the lender has exhausted standard legal remedies in an attempt to secure repayment from the borrower.

“*New business opportunity*” means an economic activity performed by a start-up or recruited business that meets the definition of subrule 53.9(1).

“*New product development*” means an economic activity performed by an existing Iowa business through expansion or diversification and meets the definition of subrule 53.9(1).

“*Project*” means the activity, or set of activities proposed by the recipient, resulting in accomplishing the goals of the CEBA program, and which will require state assistance to accomplish.

“*Project expiration date*” means the date when the recipient must complete all project expenditures and have fulfilled the job attainment goal. In the case of small business gap financing projects, it is two years from the date of award. In the case of new business opportunities or new product development projects, it could be up to five years.

“*Recipient*” means a business which receives assistance through the CEBA program and in return agrees to provide a specified number of new direct jobs, or retain a specified number of direct jobs within the state, or receives assistance through CEBA’s comprehensive management assistance.

“*Retail business*” means a business whose operation consists predominantly of the purchase of a product for sale to the final user or consumer who would not be purchasing for resale.

“*Service business*” means a business which produces and sells a thing of value which is not a tangible product.

"Small business" refers to a business which meets the size criteria for a small business as defined by the U.S. Small Business Administration and as published from time to time in the Federal Register.

"Twenty-Eight E (28E) agreement" means an intergovernmental agreement formed according to Iowa Code chapter 28E.

261—53.3(15) Board and committee. The chairperson of the board shall appoint a five-member project review committee to review applications requesting CEBA funding. The committee shall be composed of five board members, one of whom shall be either the board chairperson or the vice chairperson. The director shall be a nonvoting ex officio member of an active committee. A quorum of three committee members is necessary for taking action and at least three members shall concur before making recommendations to the board.

261—53.4(15) Eligible applicants. Only cities, counties, and merged area schools are eligible to apply to the department for funding under this program. Applicants which are awarded funds will pass those funds on to the recipient or approved recipient's vendor.

261—53.5(15) Provision of assistance.

53.5(1) Eligible projects. Projects eligible for CEBA funding include, but are not limited to, the following:

1. Building construction or reconstruction;
2. Acquisition of land;
3. Equipment purchases;
4. Operating and maintenance expenses;
5. Clearance, demolition and removal of buildings to develop sites;
6. Infrastructure improvements directly related to new employment;
7. Road construction projects directly supporting and assisting economic development;
8. Funds for guaranteeing business loans made by commercial lenders; and
9. Technical management assistance for businesses that are applying for or have received CEBA funding.

53.5(2) Forms of assistance. Assistance for projects may be provided in any of the following forms:

1. Principal buy-downs to reduce the principal of a business loan;
2. Interest buy-downs to reduce the interest on a business loan;
3. Forgivable loans;
4. Loans and loan guarantees;
5. Equity-like investments;
6. Cost reimbursement for technical/professional management services.

261—53.6(15) Application for assistance.

53.6(1) General policies.

a. An applicant may submit as many different applications as it wishes at any time. However, if the department is reviewing two or more applications from the same applicant at the same time, it may ask the applicant to rank them in the order preferred by the applicant;

b. Only one applicant may apply for any given project;

c. No single project may be awarded more than \$1 million unless at least two-thirds of the members of the board approve the award. However, this restriction will not apply after the first \$10 million has been credited to the CEBA program in any given year;

d. No single project may be awarded more than \$500,000 unless all other applicable CEBA requirements and each of the following criteria are met:

(1) The business has not closed or substantially reduced its operation in one area of the state and relocated substantially the same operation in the community. This requirement does

not prohibit a business from expanding its operation in the community if existing operations of a similar nature in the state are not closed or substantially reduced.

(2) The business must provide and pay at least 80 percent of the cost of a standard medical and dental insurance plan for all full-time employees working at the facility in which the new investment occurred.

(3) The business shall agree to pay a median wage for new full-time jobs of at least 130 percent of the average wage in the county in which the community is located.

e. No more than \$100,000 may be awarded to a business start-up unless that business's average wage is greater than 85 percent of the county average and over 50 percent of the business's employees' wages are at or above the 85 percent level.

f. To be eligible for assistance the business shall provide for a preference for hiring residents of the state or the economic development area, except for out-of-state employees offered a transfer to Iowa or the economic development area.

g. All applicants for financial assistance shall comply with the requirements of 261—Chapter 80.

h. Applicants shall meet the following wage threshold requirements:

(1) Project positions must have an average starting wage of at least 85 percent of the average county wage scale or \$9, whichever is lower.

(2) Fifty percent or more of the jobs to be created or retained must have an average starting wage of at least 85 percent of the average county wage scale or \$9, whichever is lower.

(3) If the applicant is a business start-up, project positions must have an average starting wage of at least 75 percent of the average county wage scale.

(4) The \$9 wage scale referenced in this rule shall be adjusted annually by calculating the percent increase or decrease in average Iowa hourly earnings level for all production and non-production workers in the private sector from the month of June of the previous year to June of the current year. This report is compiled by the Iowa department of employment services.

i. A business receiving moneys from the department for the purpose of job creation shall make available 10 percent of the new jobs created for PROMISE JOBS program participants.

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.

53.6(2) Ineligible applications. The department will not rate and rank ineligible applications. An application may be ruled ineligible if:

a. It is submitted by an ineligible applicant, or

b. The project consists of a business relocation from within the state unless unusual circumstances exist which make the relocation necessary for the business's viability, or

c. CEBA funds comprise more than 50 percent of the project's financing, or

d. The CEBA application is not properly signed by the applicant and the business, or

e. The project fails to meet the wage threshold requirements under paragraph 53.6(1)"h," or

f. The business has a record of violations of the law over a period of time that tends to show a consistent pattern. The business shall provide the department with a report detailing violations of law within the most recent consecutive three-year period prior to application. Consistent with Iowa Code section 15A.1(3), violations of environmental protection statutes, regulations or rules shall be reported for the most recent consecutive five-year period prior to application. If the department finds that a business has a record of violations of the law that tends to show a consistent pattern, the business shall not be eligible under this program. Violations of law include, but are not limited to, environmental and worker safety statutes, rules and regulations. A business shall not be ineligible if the department finds that the violations did not seriously affect the public health or safety, or the environment, or if they did, that there were mitigating circumstances.

53.6(3) Procedures.

a. Applications may be submitted at any time.

b. Applications should be submitted to: Division of Business Development, Department of Economic Development, CEBA Program, 200 East Grand Avenue, Des Moines, Iowa 50309. Application forms and instructions are available at this address or by calling (515)242-4819.

c. Application contents. Required contents of application will be described within the application package itself.

d. Each eligible application will be reviewed by the department. The department may request additional information from the applicant or the proposed recipient, or perform other activities to obtain needed information.

e. The department will rate and rank applications according to the criteria in rule 53.7(15). Additionally, for Small Business Gap Financing applications the department will use rule 53.8(15), or for New Business Opportunities or New Product Development applications the department will use rule 53.9(15). The department will present its recommendations on rating and ranking to the committee. The committee will present its recommendations to the board. The board will have final authority in the rating and ranking of applications. The board will also make the final decision to approve, reject, table, defer, or refer an application to another funding program. The department may negotiate with the applicant or proposed recipient concerning dollar amounts, terms, or any other elements of the application package. The board may offer an award in a lesser amount or structured in a manner different than requested.

53.6(4) Emergency applications. Applications are sometimes made for projects which require an immediate decision on CEBA assistance in order to be successful. In the event evidence is presented to the department that this situation exists, the board may hold a telephonic meeting or otherwise process the application in an accelerated manner. If approved, the project must commence within 45 days of the date of approval; failure to begin within 45 days may be grounds for the termination of the award.

261—53.7(15) Selection criteria. In ranking applications for funding, at least the following criteria shall be considered:

53.7(1) Relating to local/business involvement:

a. The proportion of local match to be provided as compared to the local resources.

b. The proportion of private contribution to be provided, including the involvement of financial institutions.

c. The need of the business for financial assistance from governmental sources. More points shall be awarded to a business for which the department determines that governmental assistance is most necessary to the success of the project.

d. The level of need of the political subdivision.

e. The impact of the proposed project on the economy of the political subdivision and the state.

f. The certification of a community builder program for the community.

g. The expected recapture of these funds.

53.7(2) Relating to job creation/retention:

a. The total number of jobs to be created or retained. When rating a project, the department shall only consider those positions which meet the wage threshold requirements defined in paragraph 53.6(1)"h."

b. The quality of jobs to be created. In rating the quality of the jobs, the department shall award more points to those jobs that have a higher wage scale, a lower turnover rate, are full-time, career-type positions, or have other related factors. Those applications that have average wage scales which are 15 percent or more below that of the average county wage scale shall be given an overall score of zero. Business start-ups shall be given a score of zero only if their wage scales are 25 percent or more below that of the average county wage scale.

53.7(3) Relating to business activity:

a. The size of the business receiving assistance. The department shall award more points

to small businesses as defined by the U.S. Small Business Administration.

- b.* The potential for future growth in the industry represented by the business being considered for assistance.
- c.* The impact of the proposed project on competitors of the business.
- d.* The capacity of the proposed project to create products by adding value to agricultural commodities.
- e.* The degree to which the proposed project relies upon agricultural or value-added research conducted at a college or university, including a regents institution, community college, or a private university or college.

261—53.8(15) Small business gap financing.

53.8(1) Additional criteria. Applications under this component shall be for businesses that meet the SBA definition of a small business. All geographic locations of the business will be used to determine the total number of employees. The criteria in rule 53.7(15) will be used for evaluating applications under this component.

53.8(2) Application form. Applicants applying for assistance under this component shall use the general business financial assistance application form provided by the department. The department may, at its option, transfer requests to a different financial assistance program, including but not limited to:

- a.* The new business opportunities or new product development components of CEBA;
- b.* EDSA (economic development set-aside program);
- c.* BDFC (business development finance corporation program); or
- d.* PFSA (public facilities set-aside program).

53.8(3) Scoring. The criteria noted in rule 53.7(15) are incorporated into the scoring system as follows:

a. Local effort compared with local resources. Maximum — 20 points. This includes assistance from the city, county, community college, chambers of commerce, economic development groups, utilities, or other local sources, compared to the resources reasonably available from those sources. Up to a maximum of 25 percent of the assistance from Iowa Code chapter 260E or 260F or tax abatements issued under Iowa Code chapters 404 and 427B and 100 percent of the local dollars committed to a RISE project will be considered local effort. The form of local assistance compared to the form of CEBA assistance requested will be considered (e.g., in-kind, grant, loan, forgivable loan, job training, tax abatement, tax increment financing, etc.). The dollar amount of local effort and the timing of the local effort participation as compared to the dollar amount and timing of the requested CEBA participation will also be considered. Conventional financing, inadequately documented in-kind financing, and local infrastructure projects not specifically directed at the business are not considered local effort.

b. Community need. Maximum — 10 points. This includes considerations such as unemployment rates, per capita income, major closings and layoffs, declining tax base, etc.

c. Private contribution compared with CEBA request. Maximum — 30 points. The greater the contribution by the assisted business, the higher the score. Conventional financing will be considered a private contribution. Contribution in the form of “new cash equity” by the business owner will result in a higher score.

d. Certified community builder community. Maximum — 10 points. A community will receive 10 points upon completion and subsequent certification by the department of a plan prepared in accordance with 261—Chapter 80.

e. Extra points if small business, as defined by SBA. Maximum — 10 points.

f. Project impact on the state and local economy.

(1) Cost/benefit analysis. Maximum — 40 points. This factor compares the amount requested to the number of jobs to be created or retained as defined in paragraph 53.7(2)“a”

and the projected increase in state and local tax revenues. Also considered here is the form of assistance (e.g., a forgivable loan will receive a lower score than a loan).

(2) Quality of jobs to be created. Maximum — 40 points. Higher points to be awarded for:

- Higher wage rates;
- Lower turnover rates;
- Full-time, career-type positions;
- Relative safety of the new jobs;
- Health insurance benefits;
- Fringe benefits;
- Other related factors.

(3) Economic impact. Maximum — 40 points. Higher points to be awarded for base economic activities, e.g.:

- Greater percentage of sales out of state, or import substitution;
- Higher proportion of in-state suppliers;
- Greater diversification of state economy;
- Fewer in-state competitors;
- Potential for future growth of industry;

Consistency with the state strategic plan for economic development prepared in compliance with Iowa Code section 15.104(2);

Increased value to agricultural commodities;

Degree of utilization of agricultural or value-added technology research from an Iowa educational institution;

A project which is not a retail operation.

Maximum preliminary points for project impact — 120 points.

(4) Final impact score. Maximum — 120 points. Equal to preliminary impact score multiplied by a reliability factor (as a percent).

(NOTE OF EXPLANATION — Rating factors in 53.8(3)“f”(1) to (3) attempt to measure the expected impact of the project, if all predictions and projections in the application turn out to be accurate. Up to that point in the rating system, no attempt has been made to judge the feasibility of the business venture, the reliability of the job creation and financial estimates, the likelihood of success, the creditworthiness of the business, and whether the project would occur without state assistance. An attempt to analyze projects against these factors is also important. In order to incorporate this judgment into the rating system, the Preliminary Impact Score (Maximum of 120 points) is multiplied by a “reliability and feasibility factor” to obtain a final impact score, 53.8(3)“f”(4). This factor will range from 0 to 100 percent, depending upon the department’s judgment as to the likelihood of the projections turning out as planned. If, in the department’s judgment, the project would proceed whether it was funded or not, it will be assigned a zero percent on the reliability and feasibility factor and the final impact score will be zero. This is consistent with the intent of the program to use funds only where state assistance will make a difference.)

The maximum total score possible is 200 points.

Projects that score less than 120 points in rule 53.8(15) will not be recommended for funding by the staff to the committee.

53.8(4) Project period. Projects funded under rule 53.8(15) are considered to have a project period of two years for meeting job attainment goal and other related performance goals.

Forgivable loans require that the recipient achieve the pledged jobs at the project expiration date and upon the agreement expiration date or be subject to penalties as set out in rule 53.13(15).

The recipient shall maintain the pledged jobs for 90 days beyond the project expiration date or will be subject to penalties as provided for in rule 53.13(15).

261—53.9(15) New business opportunities and new product development components.

53.9(1) Additional criteria and targeting. The criteria in rule 53.7(15) will be used for

evaluating applications under these components. Applications for these components must be for businesses that show the following characteristics:

- a. The industry is one targeted within the state's strategic plan; or
- b. The resulting economic activity is underrepresented in the state's overall economic mix; and
- c. The project offers a quality economic opportunity to Iowans.

53.9(2) Applications. Applicants applying for assistance under these components shall use the general business financial assistance application form provided by the department. The department may, at its option, transfer requests to a different financial assistance program, including but not limited to:

- a. Small business gap financing component of CEBA;
- b. EDSA (economic development set-aside program);
- c. BDFC (business development finance corporation program); or
- d. PFSA (public facilities set-aside program).

53.9(3) Rating system. The rating system for proposed projects will be as follows:

- a. Local effort (as defined in 53.8(3)"a"). Maximum — 20 points;
- b. Private contributions as compared to CEBA request (as defined in 53.8(3)"c"). Maximum — 20 points;
- c. Certified community builder community (as defined in 53.8(3)"c"). Maximum — 10 points;
- d. Extra points if small business, as defined by the SBA. Maximum — 10 points;
- e. Project impact, as defined in 53.8(3)"f" and 53.8(4). Maximum — 120 points;
- f. Potential for future expansion of the industry in general. Maximum — 20 points. This factor awards additional points for those projects that tend to show a greater potential for expansion of that industry within Iowa.

The maximum total score possible is 200 points.

Projects that score less than 120 points in rule 53.9(15) will not be recommended for funding by the staff to the committee.

53.9(4) Project period. Projects funded under rule 53.9(15) are considered to have up to a maximum five-year project period.

Forgivable loans require that the recipient achieve the pledged jobs at the project expiration date and upon the agreement expiration date or be subject to penalties set out in rule 53.13(15).

The recipient shall maintain the pledged jobs for 90 days beyond the project expiration date or will be subject to penalties as provided for in rule 53.13(15).

261—53.10(15) Comprehensive management assistance and entrepreneurial development.

53.10(1) Eligible applicants. Application for comprehensive management assistance is limited to:

- a. Businesses that have either previously received a CEBA award or have a CEBA application under current review by the department; or
- b. Businesses requesting assistance in meeting the regulatory requirements of other government agencies.

53.10(2) Use of funds. Assistance is available only in the form of technical or professional assistance. This may be accomplished by use of department staff or department-contracted professional services in assisting the business to develop:

- a. Entrepreneurial management skills;
- b. Employment hiring, recruiting, or personnel assistance;
- c. Inventory controls;
- d. Financial controls;
- e. Marketing plans; or
- f. Other related business assistance.

53.10(3) Determination of assistance. The administrator for the department's division of financial assistance shall have the authority to approve contracts for management assistance for up to \$25,000. Board approval shall be required to approve any contract(s) for assistance which exceeds \$25,000 for any one business in any fiscal year.

261—53.11(15) Award process. Every applicant will be notified in writing of the disposition of their application within two weeks of final department action on it. Successful applicants will be required to sign an agreement, along with the recipient, with the department which clarifies the applicant's responsibility to provide funds to the recipient in return for the jobs created by the recipient. Applicants may be requested to obtain mortgages, liens, or other security from the recipient in return for the provision of funds. The agreement will also define the applicant's responsibilities for oversight of the project, reporting to the department, and other responsibilities. Certain other activities may be required of applicants or recipients before funds may be obtained from the department. Requirements will be specified in the agreement between the department, applicant, and recipient.

Prior to the release of funds by the department all known required environmental permits must be granted and regulations met. Also, if the recipient has, within three years of application for assistance, acquired or merged with an Iowa corporation or company, the recipient shall make a good faith effort to hire the workers of the merged or acquired company.

The applicant and the recipient must execute the CEBA agreement within 180 days from the date of award. If the agreement is not signed by that date the department may recommend to the board that the award be rescinded and the funds deobligated, unless the applicant or recipient has received prior written permission from the department to exceed the time frame for an agreed upon time period.

261—53.12(15) Administration of projects—financial management.

53.12(1) Audits. All contracts made under the CEBA program are subject to audit in accordance with applicable state and federal laws. Recipients shall be responsible for the procurement of audit services and for the payment of audit costs. Audits may be performed by the state auditor's office or by a qualified independent auditor.

53.12(2) Program income.

a. Applicants and recipients may be required to return to the department any interest earned on awarded funds.

b. The recipients shall record the receipt and expenditure of revenues related to the program (such as taxes, special assessments, levies, fines, etc.) as part of the CEBA program expenditures.

53.12(3) Record-keeping and retention requirements.

a. Financial records, supporting documents, statistical records, and all other records pertinent to the grant or loan program shall be retained by the applicant. All records shall be retained for three years beyond the grant or loan or longer if any litigation is begun or if a claim is initiated involving the loan or grant covered by the record. In these instances, the records will be retained until the litigation claim has been resolved.

b. Representatives of the department and the state auditor's office shall have access to all books, accounts, documents, records, and other property belonging to or in use by the applicant or recipient pertaining to the receipt of assistance under these rules.

53.12(4) Performance reports and reviews.

a. Recipients will be required to submit semiannual performance reports to the department. The reports will assess the use of funds in accordance with program objectives, the progress of program activities, and compliance with the certifications made in the agreement with the department. Each report must be accompanied by the business's most recent quarterly "Employer's Contribution and Payroll Report," and the business may also be required to submit actual payroll records as part of that report.

b. The department may perform any reviews or field inspections it deems necessary to ensure program compliance, including reviews of recipient performance reports. When problems of compliance are noted, the department may require remedial actions to be taken.

53.12(5) Rescinded, IAB 7/11/90, effective 8/15/90.

261—53.13(15) Default.

53.13(1) At any time prior to or after the project expiration date, the department may, for cause, determine that a recipient is in default under the terms of their agreement. The department may determine that the recipient is in default if any of the following occur:

- a. Any material representation or warranty made by the recipient in connection with the application that was incorrect in any material respect when made.
- b. There is a material change in the business ownership or structure that occurs without prior written disclosure and the permission of the department.
- c. There is a relocation or abandonment of the business or jobs created or retained through the project.
- d. Expending CEBA funds for purposes not described in the application or authorized in the agreement.
- e. Failure of the recipient to make timely payments under the terms of the agreement, note or other obligation.
- f. Failure of the recipient to fulfill its job attainment obligation.
- g. Failure to perform or comply with the terms and conditions of the agreement.
- h. Failure to comply with any applicable state rules or regulations.

53.13(2) Agency actions upon default.

- a. The department will take prompt, appropriate, and aggressive debt collection action to recover any funds misspent by recipients.
- b. If the department determines that the recipient is in default, the department may seek recovery of all program funds plus interest, assess penalties, negotiate alternative repayment schedules, suspend or discontinue collection efforts, and take other appropriate action as the department deems necessary.

53.13(3) Penalties for failure to meet job attainment goals.

a. Forgivable loans, grants, buy-downs, and interest subsidy awards. If the recipient receives this type of award and at the project expiration date does not provide 100 percent of the pledged FTE jobs, the department may require repayment of program funds using the following criteria:

(1) If the recipient fails to achieve at least 50 percent of the job attainment goal, 100 percent of the award will be due as a loan at an annual interest rate as determined periodically by the board. Interest due will be calculated from the date CEBA funds were disbursed to the recipient.

(2) If the recipient achieves more than 50 percent of the job attainment goal, the award will be prorated between the percentage of jobs attained and the percentage of shortfall. The pro rata amount of the award associated with the percentage of shortfall will be amortized over the remaining term of the forgivable loan, or in the case of a grant, buydown, or interest subsidy, three years (beginning at the agreement expiration date) at an annual interest rate as determined periodically by the board. Interest will be charged beginning with the date the recipient received the funds; interest due from the date funds are received to the closeout date will be due immediately.

b. Loan awards. If the recipient receives a loan at a rate that is below the annual interest rate for noncompliance as set periodically by the board, the remaining principal amount of the loan will be prorated between the percentage of jobs attained and the percentage of shortfall. The shortfall principal portion will be amortized over the remaining term of the loan, beginning at the agreement expiration date, at an annual interest rate that is determined periodically by the board. Interest will be charged beginning with the date the recipient received the funds; interest due from the date funds are received to the closeout date will be due immediately. Finally, the pro rata portion of the loan associated with the percentage of jobs attained will be left at the original rate and term.

c. Loan awards that have a deferred payment period. If the recipient receives a loan at a rate that is below the annual interest rate for noncompliance as set periodically by the board,

the remaining principal amount of the loan will be prorated between the percentage of jobs attained and the percentage of shortfall. The shortfall principal portion will be amortized beginning at the agreement expiration date at an annual interest rate that is determined periodically by the board. Interest will be charged beginning with the date the recipient received the funds; interest due from the date funds are received to the closeout date will be due immediately. Finally, the accomplished portion of the loan will be left at the original rate and term.

53.13(4) Determination of appropriate repayment plan. Upon determination that the recipient has not met the job attainment goals, the department will notify the recipient of the amount to be repaid to the department. If the enforcement of such penalties would endanger the viability of the recipient, the department may extend the term of the loan to ensure payback, stability, and survival of the recipient. The committee will be notified of penalties imposed in either of these manners.

In certain instances, additional flexibility in a repayment plan may be necessary to ensure payback, stability, and survival of the recipient. Flexibility in a repayment plan may include, but is not limited to, deferring principal payments or collecting monthly payments below the amortized amount. In these cases, committee review and approval is necessary before the department may finalize the repayment plan.

261—53.14(15) Standards for negotiated settlements or discontinuance of collection efforts.

53.14(1) The committee may approve negotiated settlements or the discontinuance of collection efforts if it determines that any of the following conditions exist:

- a. The cost of collection would exceed the amount that would be recovered.
- b. The claim is not legally feasible e.g., the claim cannot be substantiated by the evidence, a statute of limitations has run, there is little likelihood of prevailing in a legal proceeding, the claim has been discharged in bankruptcy.
- c. Other conditions exist that would not allow the recovery of funds.

53.14(2) Board notification. Before collection efforts may be discontinued or a negotiated settlement accepted, the department will first report to the committee the reasons for recommending the acceptance of a negotiated settlement or the discontinuance of collection efforts. The committee will report periodically to the board those projects for which it has approved negotiated settlements or has determined that collection efforts should be suspended or ceased.

261—53.15(15) Miscellaneous.

53.15(1) *Amendments.* Any substantive change to a funded CEBA program will be considered a contract amendment. Changes could include contract time extensions, budget revisions, and significant alterations of existing activities or beneficiaries. The amendment must be requested in writing. No amendment will be valid until approved by the department.

53.15(2) *Annual report.* The department shall submit to the governor and the general assembly an annual report setting forth the details of the operation of the program. The report shall cover the operations of the program on a fiscal year basis, from July 1 through June 30.

53.15(3) *Appeals.* Appeals will be accepted in instances where it is alleged that either staff or board members participated in a decision which was unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to the agency. Appeals should be addressed to the board chairperson, either directly or through the department.

53.15(4) *Extension requests for project expiration date.* Extension requests may be approved only when the following conditions apply:

- a. The delay in achievement of proposed job attainment goal was caused by events over which the recipient had no control and could not have reasonably predicted; and
- b. If the extension is approved, there is a reasonable probability that the originally proposed job attainment goal can be achieved;

c. Projects which do not fit under the above two conditions, and where special consideration can be obtained from the recipient which appear appropriate to the department, may be brought to the committee for disposition.

d. In no case would the accumulative extensions approved on any project exceed 12 months.

53.15(5) *Extensions based on actual performance.* If the recipient achieves the job attainment goal within 90 days after the project expiration date, the department may consider providing up to a 90-day extension to the project expiration date without committee approval.

53.15(6) *Forms.* The following forms will be used by the department in the administration of the CEBA program:

1. Application for business financial assistance;
2. Application for comprehensive management assistance;
3. Loan agreement;
4. Loan subsidy (buy-down) agreement;
5. Loan guarantee agreement;
6. Equity-like agreement;
7. Forgivable loan agreement;
8. Comprehensive management assistance agreement;
9. Applicant program budget and schedule;
10. Applicant semiannual performance report;
11. Applicant request for release of funds; and
12. Applicant final expenditure report.

These rules are intended to implement Iowa Code sections 15.315 to 15.320.

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CHAPTER 55
TARGETED SMALL BUSINESS FINANCIAL ASSISTANCE PROGRAM

[Prior to 7/19/95, sec 261—Ch 27]

261—55.1(15) Targeted small business financial assistance program (TSBFAP) The purpose of the targeted small business financial assistance program is to assist in the creation and expansion of women- and minority-owned small businesses within the state of Iowa.

261—55.2(15) Definitions. As used in connection with the targeted small business financial assistance program, the following terms have the meanings indicated:

“Annual gross income” means total sales, before deducting returns and allowances but after deducting corrections and trade discounts, sales taxes and excise taxes based on sales, as determined in accordance with generally accepted accounting principles.

“Department” or *“IDED”* means Iowa department of economic development.

“Participating lender” means a financial institution participating in a project assisted by the targeted small business financial assistance program.

“Persons with a disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual. *“Disability”* does not include any of the following:

1. Homosexuality or bisexuality.

2. Transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders.

3. Compulsive gambling, kleptomania, or pyromania.

4. Psychoactive substance abuse disorders resulting from current illegal use of drugs.

“Major life activity” includes functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, breathing, learning, or working.

“Small business” means any enterprise which is located in this state, which is operated for profit and has an average annual gross income of less than \$3 million. The average annual gross income of the business is based on the prior three years.

“Targeted small business (TSB)” means a small business as defined in this rule, which is 51 percent or more owned, operated, and actively managed by one or more women, minority persons, or persons with a disability. As used in this definition, *“minority person”* means an individual who is a Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native.

261—55.3(15) Eligibility requirements.

55.3(1) Residence. An applicant must be a resident of Iowa to be eligible to apply for assistance. Applicants may be asked to provide necessary documentation to prove legal residency.

55.3(2) Business location. The business, or proposed business, must be located in the state of Iowa.

55.3(3) Targeted small business. An applicant may apply only on behalf of a business which meets the targeted small business definition. A business must be certified as a *“targeted small business”* by the department of inspections and appeals prior to application for financial assistance under this program.

55.3(4) Who may apply. Only persons who are owners (i.e., at least 51 percent owners and operators) of a targeted small business are eligible to apply. (This restriction does not prevent such individuals from receiving help in preparing an application from a city, county,

areawide planning organization, community college, small business development centers, private sector service providers or other similar agencies.)

55.3(5) *Other program requirements.* All applicants for financial assistance shall comply with the requirements of 261—Chapter 80.

261—55.4(15) Loan and grant program.

55.4(1) *Application procedures.* Application materials may be obtained from the IDED business finance bureau or any small business development center (SBDC).

55.4(2) *Maximum funding levels.* In no case shall an award exceed \$25,000, nor in the case of a loan shall the interest rate charged exceed 5 percent per annum or be less than 0 percent per annum. Under no circumstances shall the targeted small business financial assistance program fund 100 percent of a project.

55.4(3) *Forms of financial assistance available.* The following types of financial assistance may be awarded under this program:

a. Direct loan. The term of loan shall not exceed five years; the interest rate shall not exceed 5 percent per annum.

b. Grant. Grant funds shall only be awarded in instances where the grant will leverage a significant amount of other financing, such as conventional or SBA financing packages. Leveraged financing shall be considered significant when at least two dollars of leveraged funds are provided for every one dollar in grant funds. The applicant must be able to demonstrate a cash investment of at least 10 percent in the project.

55.4(4) Eligible uses of funds. Awards of funds under this program shall be used for legitimate business expenses, including, but not limited to, the following purposes: purchase of equipment and furnishings, inventory, purchase of and improvements to land and buildings and specific operating expenses.

55.4(5) Ineligible uses of funds. Targeted small business financial assistance funds shall not be used to refinance existing debt. Existing debt in the context of this rule does not include interim financing for allowable program purposes intended as a bridge loan obtained after the date of the targeted small business award. Neither shall the department award funds to facilitate financing of a project which would consist solely of relocation of an existing business within Iowa. IDEED may waive this limitation if the business demonstrates to IDEED that it faces unusual circumstances which make the relocation necessary for the business's continued viability.

55.4(6) Threshold criteria. Applicants for funds under the targeted small business financial assistance program must meet the following minimum criteria before their application will be considered complete and eligible for ranking:

a. The business must be certified as a "targeted small business" by the department of inspections and appeals before applying for funding. In order to be certified as a targeted small business, a business owner must be a woman, a targeted minority, or a person with a disability and have established at least 51 percent ownership of the business, and be actively involved in the day-to-day management of the business. (The targeted business owner must have the expertise or related experience in order to be considered actively involved in the day-to-day management of the business.)

b. After the TSB has been awarded a loan or grant, the TSB must continue to be a certified TSB for the life of the loan or grant. Failure to meet this requirement may result in the loan or grant being called and due within 30 days. This will include all principal, interest and any penalties that have been assessed. If recertification occurs within 30 days of the date of the notice, the original terms will be reinstated.

55.4(7) Submittal process. All applications and related informational materials shall be submitted on forms prescribed by IDEED. Completed applications shall be submitted to: Targeted Small Business Financial Assistance Program, Bureau of Business Finance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309.

55.4(8) Review process. All completed TSB applications are reviewed by the program manager on an ongoing basis. Applications are reviewed for completeness. If additional information is required, the program manager shall send the applicant notice to submit additional information. The applicant shall then have three weeks from the date of the IDEED letter to submit the requested information.

Application requests are initially rated for funding by IDEED staff. They are then reviewed on a monthly basis by a loan review committee. The loan review committee is an advisory committee established by these rules to assist the department in the evaluation of applications. The committee is comprised of private sector representatives experienced in small business management and operation. The loan review committee membership shall consist of five private sector representatives. A quorum is three members. It requires the vote of at least three committee members to recommend action on an application to the director. If less than a quorum of the advisory committee is present at a meeting, an application will be forwarded to the director without a recommendation from the advisory committee. Recommendations by the committee are submitted to the director of the department of economic development for final approval, denial or deferral. The committee may recommend to approve, deny, or defer an application.

55.4(9) Rating factors. Applicants must score a minimum of 60 out of a possible 100 points in order to be recommended for funding. Points are awarded based on the information contained in the application according to the following criteria:

a. Business plan (20 points possible). Factors considered include: Does the application contain significant information regarding the product or service to be offered? Has the applicant provided sufficient documentation to support/justify the cash flow assumptions, e.g., third-party documentation regarding market size, annual sales and competition?

b. Financial plan (20 points possible). Factors considered include: Does the application contain comprehensive two-year cash flow projections which show the viability of the business? Does the application provide completed personal financial information and information on other funding sources?

c. Financial need (20 points possible). Factors considered include: The applicant's personal liquid assets and the applicant's ability or inability to secure a loan from conventional sources (i.e., bank, savings and loan, credit union, SBA).

d. Marketing plan (5 points possible). Factors considered include: Does the application contain sufficient information to ascertain that the applicant fully understands who the customers are and how to effectively reach them?

e. Management expertise and related experience (20 points possible). Factors considered include: Does the applicant have education or work experience that is relevant to the proposed business? Does the application document previous business training or management experience?

f. Loan repayment (10 points possible). Factors considered include: Does the application document the business's ability to service its debt?

g. Nontraditional (5 points possible). Factors considered include: Is the proposed business category one in which TSBs have traditionally been underrepresented as owners?

55.4(10) Negotiations of funds awarded.

a. The department reserves the right to negotiate the amount, term, interest rate, and other conditions of the loan or grant prior to award.

b. The department may decline to award funds to a business if there is a negative credit report (e.g., bankruptcy, foreclosure, tax liens).

55.4(11) Award process. Upon approval by the director, the applicant business will receive an award letter which shall state the amount of award, conditions of the award, any security agreements, and the amount of monthly loan repayments.

55.4(12) Contract. Following notification of award, contracts are prepared for execution between the business owner and IDED. After execution of the contract, the business owner may request disbursement of funds, on the form prescribed by IDED. The time frame between final award date and disbursement of funds will generally be one to two months.

55.4(13) Deferral process. Applications may be deferred only one time by the loan review committee. If all additional information requested is received within the three-week time frame, the application will be considered on the following month's agenda. If information is not received in a timely manner, second consideration will be delayed by 30 days. No application will be held for over 60 days. If the request for additional information is not answered, the application will be denied.

55.4(14) Reapplication. Upon denial by the director, an applicant cannot resubmit an application for funding under the targeted small business financial assistance program for 90 days (3 months) from the date of IDED's denial letter.

55.4(15) Default. When a loan is in default for a period of 60 days, the IDED shall notify the office of the attorney general and request appropriate action.

55.4(16) Misuse of funds. A person receiving funds under the TSB financial assistance loan program may be subject to criminal penalties under Iowa Code section 15A.3 if it is determined that the person knowingly made a false statement in writing to procure economic development assistance from the state.

55.4(17) Comprehensive management assistance and entrepreneurial development.

a. Limitation. Comprehensive management assistance and entrepreneurial development is limited to businesses or individuals that have been awarded TSB funding.

b. Use of funds. Assistance is available only in the form of technical or professional assistance. This may be accomplished by use of department staff or department-contracted professional services in assisting the business to develop:

1. Management skills;
2. Inventory controls;
3. Financial controls;
4. Marketing plans;
5. Personnel assistance; or
6. Other related business assistance.

c. Determination of assistance. The administrator for the division of business development shall have the authority to approve contracts for management assistance. The maximum of case management assistance shall not exceed \$2,500 per business or individual.

261—55.5(15) Loan guarantee program.

55.5(1) Loan guarantee program description. This program is intended to allow a targeted small business to obtain a loan guarantee from a local lender for eligible uses in an amount not to exceed \$40,000. Following the department's approval of the application, the targeted small business loan guarantee program will guarantee the financial institution up to 75 percent of the loan amount.

Applicants must meet the credit evaluation of the lending institution. The lending institution shall make credit risk evaluations and otherwise make the decision, based on sound lending practices, of whether or not to extend credit to the business.

After the decision to extend credit has been made by the participating lender, the lender shall forward the application to IDDED. The department will review and rank the loan applications and, for approved applications, enter into a loan guarantee agreement with the participating lender guaranteeing payment to the lender in the event the project goes into default.

55.5(2) Application procedure. Eligible applicants for targeted small business loan guarantees must apply directly to participating lenders using the application form available from IDDED.

Each application shall include, at a minimum, the following: name(s) and address(es) of the applicant and participating lender, amount of loan, amount of loan guarantee requested, and certification of compliance with state law and lending practices.

55.5(3) Loan criteria.

a. Evaluation. It is the lender's responsibility to make a sound and fair evaluation of a project and creditworthiness. The participating lender shall evaluate each application for a targeted small business loan guarantee to ensure that the following criteria are met:

(1) The applicant shall show evidence that it is able to operate the business successfully. This shall include an overall business management plan including, but not limited to, the following:

- New business.
 1. A generalized projection of revenues and expenses for the three-year period beginning the month of anticipated loan closing;
 2. Capital formation plans, if any, other than from the targeted small business loan guarantee program;
 3. To the extent possible, identification and analysis of risks;
 4. Plans for record keeping, personnel and financial management;
 5. Plans for marketing; and
 6. Personal financial information/history.

- Existing business.

1. Record-keeping process in place at time of application;
2. Tax returns for three prior years (personal and business);
3. Quarterly financial statements (balance sheet and income); and
4. Annual personal financial statements.

(2) IDED shall have the authority to obtain access to the financial records, ownership identity, and other information it may deem necessary regarding the business.

(3) The applicant shall have enough capital in the business so that, with assistance from the targeted small business loan guarantee program, the applicant will be able to operate the business on a financially sound basis. The applicant shall provide the participating lender, and IDED, access to its financial records including, but not limited to, information concerning the identity of all persons having an ownership interest in the small business, its capital structure, and its present and projected debt structure.

(4) The loan shall be so secured or of sound value as to reasonably ensure repayment. The participating lender may require any collateral, security or mortgage documents or other filings or protection as are reasonably necessary to insure security subject to the limitations of 55.5(3)"b."

(5) The business's past earnings record and future prospects shall indicate an ability to repay the loan out of income from the business. The applicant shall provide a summary of past earnings and future earnings prospects for the business and allow the participating lender reasonable access to its books and records.

b. Guarantee amount and term. No guarantee shall exceed the lesser of 75 percent or \$40,000 of the principal of a loan made to a targeted small business. The term of the guarantee is the lesser of the length of the loan or five years. The term may be extended for an additional year upon a showing of good cause. The lender shall not acquire any preferential security, surety, or insurance to protect the unguaranteed interest in a loan.

55.5(4) Minority and women contractors. Businesses awarded funds under this program shall, to the fullest extent possible, attempt to utilize minority and women contractors, suppliers, and professionals in performance of any project funded by a loan guaranteed under the targeted small business finance program.

55.5(5) Loan eligibility and purposes. A targeted small business loan guarantee shall be used for legitimate business expenses, including, but not limited to, purchase of and improvement to land and buildings, equipment and furnishings, working capital, inventory, supplies, or operating expenses.

55.5(6) Ineligible uses. The department shall not issue a loan guarantee to facilitate refinancing of existing debt. Existing debt in the context of this rule does not include interim financing obtained after the date of a targeted small business loan guarantee award. The department shall not issue a loan guarantee to facilitate financing of a project which would consist of relocation of an existing business within Iowa.

55.5(7) Lender responsibilities. Participating lenders shall take affirmative action to encourage certified targeted small businesses to apply for loans which would be guaranteed under the targeted small business finance program. Lenders shall assist applicants in preparation of loan applications and supporting documentation and in determination of financial feasibility of proposed targeted small business ventures. Lenders shall prepare the targeted small business loan guarantee applications and shall submit them for consideration and action to the department. Lenders shall perform all necessary and standard loan servicing activities for each loan secured by a targeted small business loan guarantee.

55.5(8) Administration of loans. Participating lenders shall hold the loan instrument and shall receive all payments of principal and interest. The participating lender (noteholder) shall not, without prior consent of the department:

a. Make or consent to any substantial changes in the terms of any loan instrument;
b. Make or consent to releases of security or collateral on the loan;
c. Accelerate the maturity of the note;
d. Sue upon any loan instrument;
e. Waive any claim against any borrower, cosigner, guarantor, obligor, or standby creditor arising from any of the loan documents. All loan servicing actions shall be the responsibility of the participating lender, who shall follow accepted standards of loan servicing employed by prudent lenders.

55.5(9) *Events of default.* After a loan is in default for a period of 60 days, the lender shall within 10 days notify IDED of the default and recommend a course of action.

55.5(10) *Default and eligibility for payment.* A default is not eligible for payment until the lender has satisfied all administrative and legal remedies for settlement of the loan and the loan has been reduced to judgment by the lender. After the default has been reduced to judgment and the guarantee paid from the loan reserve account, the department is entitled to an assignment of the judgment. The attorney general may take all appropriate action to enforce the judgment or may enter into an agreement with the lender or the department to provide for enforcement. Upon collection of the amount guaranteed, any excess collected shall be applied first to principal and then to interest and be paid to the lender or to the department as their respective interests may appear.

55.5(11) *Costs of collection.* The participating lender is responsible for all costs and fees, including, but not limited to, attorney's fees associated with the collection of loans and reducing any default to judgment.

55.5(12) *Sharing of repayment proceeds and collateral.* All repayments, security or guarantee of any nature, including without limitation, rights of setoff and counterclaim, which the lender or the department jointly or severally may at any time recover from any course whatsoever or have the right to recover on any guaranteed loan, shall repay and secure the interest of the lender and the department in the same proportion as such interest bears respectively to the guaranteed loan.

55.5(13) *Reserve account.* The department shall establish a loan reserve account from funds provided for this program, from which any default on a guaranteed loan shall be paid. In administering the program, the department shall not guarantee loan values in excess of the amount credited to the reserve account and only money set aside in the loan reserve account may be used for the payment of a default. Each time a loan guarantee is approved by the department, the amount of value of the loan guarantee will be transferred into the loan reserve account set up for that purpose. As funds in the reserve account become unencumbered due to the repayment of loans, the department may transfer money between the reserve and the TSBFAP account. The reserve account shall at all times be actuarially sound.

55.5(14) *Waiver.* The department may waive or vary particular provisions of these rules to conform to requirements of the federal government in connection with a small business loan with respect to which federal assistance, insurance, or guaranty is sought, provided the waiver does not conflict with applicable state laws.

261—55.6(15) **Award agreement.** Upon approval of an award, IDED staff shall prepare an agreement between IDED and the business which at a minimum shall include the conditions of the award, the responsibilities of both parties, and potential actions in instances of non-compliance.

261—55.7(15) **Monitoring and reporting for loan, grant, and loan guarantee programs.**

27.7(1) *Monitoring.* IDED reserves the right to monitor the recipient's records to ensure compliance with the terms of the award. The department retains the authority to request in-

formation on the condition of the business at any time during the life of the loan to determine the status of the project. IDEED staff will contact the loan or grant recipient within 90 days of the award and as frequently as conditions may warrant during the life of the loan or grant.

55.7(2) *Management assistance.* The department may require a program recipient to consult with designated small business service providers for assistance with various aspects of the management and operation of the business.

These rules are intended to implement Iowa Code sections 15.102 and 15.247.

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CHAPTER 56
ENTREPRENEURS WITH DISABILITIES PROGRAM
[Prior to 7/19/95, sec 261—Ch 30]

261—56.1(75GA,ch1199) Purpose. The department of economic development works in collaboration with the department of education, division of vocational rehabilitation, and the Iowa department for the blind to administer the entrepreneurs with disabilities program. The purpose of the entrepreneurs with disabilities program is to provide technical assistance, business development grants, and financial assistance grants to qualified Iowans with disabilities.

261—56.2(75GA,ch1199) Definitions. As used in this chapter, unless the context otherwise requires:

“*Business plan*” means a written document which includes the following components: (1) a description of the business, (2) an organization plan including information regarding legal form of business and owner/operator qualifications, (3) a marketing plan which includes information regarding competition, location, targeted markets, product/service description, market need, promotional plan, and sales/marketing methods, (4) a financial plan including information relative to fixed assets owned or needed, working capital needs, a two-year cash flow projection, a two-year projected profit and loss statement, and a personal budget, and (5) other information deemed necessary by the IDED for a clearer understanding of the business plan.

“*Client*” means an individual who is an active client of the department of education, division of vocational rehabilitation, or the Iowa department for the blind.

“*Consultant*” means a person or organization providing specific business technical assistance.

“*Counselor*” means a designated case counselor working for the department of education, division of vocational rehabilitation, or the Iowa department for the blind.

“*DVR/IDB*” means the Iowa department of education, division of vocational rehabilitation, and the Iowa department for the blind.

“*Financial assistance grant*” means moneys awarded to an applicant based upon a sources and uses statement form. These moneys may be used for, but are not limited to, equipment purchases and working capital. Working capital may include, but is not limited to, design and printing of marketing materials, advertising, rent (up to six months), direct mail postage costs, raw materials, inventory, insurance, and other start-up, expansion or acquisition costs. Financial assistance grants shall not exceed 50 percent of the financial package (up to \$15,000) required to start up, expand or acquire a business. The administrator of the DVR or IDB will reserve the authority to waive the 50 percent or \$15,000 criteria in individual circumstances.

“*Follow-up technical assistance*” means grant moneys provided on behalf of an applicant to hire consultant(s) for a specified number of hours to provide business technical assistance subsequent to the start-up, expansion or acquisition of business.

“*IDED*” means the Iowa department of economic development.

“*Program manager*” means the designated manager of the entrepreneurs with disabilities program for the Iowa department of economic development.

“*Project plan and budget form*” means a form that identifies specific steps in the business planning process, the consultant(s) who will provide such service, budgetary guidelines, and a timeline. Project plan and budget forms are provided to an applicant by IDED following evaluation and scoring of an application for the entrepreneurs with disabilities program.

“*Sources and uses statement forms*” means a form that defines the specific financial needs for business start-up, expansion, or acquisition. Sources and uses statement forms are provided to an applicant by IDED following evaluation and scoring of an application for the entrepreneurs with disabilities program and the submission and review by IDED of a business plan.

"Technical assistance grant" means moneys awarded on behalf of an applicant to hire consultants to assist an applicant with specialized technical assistance such as an introductory business orientation workshop, market analysis, marketing plans, engineering, legal, computer services, financial packaging, or follow-up technical assistance. These moneys may not be used to subsidize business operations and are based upon the project plan and budget form. Technical assistance grants shall not exceed \$10,000 per client unless authorized by the administrator of the DVR or IDB.

261—56.3(75GA,ch1199) Eligibility requirements. Clients of the division of vocational rehabilitation services or department for the blind may apply for the entrepreneurs with disabilities program.

261—56.4(75GA,ch1199) Application procedure.

56.4(1) Application. Application materials for the entrepreneurs with disabilities program are available from the division of vocational rehabilitation, Iowa department for the blind, and Iowa department of economic development.

56.4(2) Submittal. Completed applications shall be submitted to the DVR or the IDB counselor.

56.4(3) Review. Applications will be forwarded to the IDED program manager for review. Applications receiving a minimum score of 60 points out of a total of 100 points will be eligible to pursue a technical assistance grant or a financial assistance grant. If the application is for financial assistance only, a business plan will be required at the time of submission of the application. Business plans receiving a minimum score of 75 points out of a total of 100 points will be eligible to pursue a financial assistance grant. Approval of a technical assistance grant is based upon acceptance of a project plan and budget form. Approval of a financial assistance grant is based upon acceptance of a business plan and a sources and uses statement form. A decision on all applications and forms will generally be issued within 30 days of submission with notification by letter to the applicant and the DVR or the IDB counselor.

56.4(4) Applications for technical assistance—evaluation factors. Applications for the entrepreneurs with disabilities program will be reviewed and evaluated using a 100-point system, based upon the following criteria:

a. Descriptive and organization information 0–30 points. Does the applicant have education, skills, and work experience relevant to the proposed business venture? Does the applicant document previous management or accounting experience? Is the applicant clear as to the nature of the business?

b. Market information 0–30 points. Does the application indicate a clear understanding of potential customer groups and how to reach them? Does the application show sufficient knowledge of products/services, competition, and marketing methods? Does the applicant understand the critical issue of location?

c. Financial information 0–30 points. Does the application demonstrate an understanding of how to estimate sales potential? Does the applicant indicate knowledge of estimated capital requirements for business start-up, expansion or acquisition?

d. Creditworthiness 0–10 points. Does the applicant's past credit history demonstrate responsible behavior? Awards may not be made if the applicant has a credit history showing delinquent credit obligations including, but not limited to, unpaid income tax, delinquent child support obligations, or defaulted student loans.

56.4(5) Applications for financial assistance—evaluation factors for business plans. Applications for financial assistance from the entrepreneurs with disabilities program will be reviewed and evaluated using a 100-point system, based upon the following criteria:

a. Feasibility 0–25 points possible. Feasibility will be considered based upon the overall business plan. Rating factors for this criterion include, but are not limited to: market analysis, financial projections, initial capitalization, management, and historic data relative to sim-

ilar businesses. A minimum of 15 points is required for this rating factor.

b. *Market plan* 0–25 points possible. Does the business plan contain sufficient information to demonstrate that the applicant fully understands who its customers will be and how to reach them? Is there adequate information about competition, market need, location, sales/marketing methods and a product/service description? Is a promotional plan included in the business plan? A minimum of 15 points is required for this rating factor.

c. *Financial plan* 0–25 points possible. Does the business plan contain a two-year cash flow projection and profit and loss projection? Is there an itemized listing of fixed asset, working capital and other start-up, expansion or acquisition needs, including detailed descriptions of equipment to be purchased? Is there a clear statement regarding the composition of the anticipated financial package? Has the applicant provided a personal financial statement along with a detailed personal monthly budget? A minimum of 15 points is required for this rating factor.

d. *Organizational information* 0–25 points possible. Does the business plan document sufficient education and work experience relevant to the proposed business? Does the business plan demonstrate adequate management experience by the principal party(ies)? A minimum of 15 points is required for this rating factor.

56.4(6) Appeal of application evaluation. If an application is denied based upon the assignment of inadequate evaluation score, an applicant may appeal the decision to the department of education, division of vocational rehabilitation, or the Iowa department for the blind. An appeal shall be consistent with the department of education, division of vocational rehabilitation, and Iowa department for the blind appeal processes.

261—56.5(75GA,ch1199) Award of technical assistance grants.

56.5(1) Awards. Technical assistance grants may be awarded up to \$10,000 per applicant. Technical assistance grants shall be used for specialized technical assistance provided by a qualified consultant. Specialized technical assistance may include, but is not limited to, market analysis, marketing plans, engineering, legal, computer services, preliminary business plan development, financial packaging, and follow-up technical assistance following business start-up, expansion, or acquisition. Technical assistance grant applicants will be eligible for an additional 10 to 20 consulting hours of follow-up technical assistance when the business is started, expanded, or acquired.

56.5(2) Award process. Upon approval of the application by the IDED program manager, generally within 30 days, an applicant will receive notification of eligibility to pursue technical or financial assistance. The letter will request submission of a project plan and budget if the applicant is pursuing technical assistance or submission of a sources and uses statement if the applicant is pursuing financial assistance, to be returned to the program manager.

56.5(3) Approval of project plan and budget. A project plan and budget form will accompany notification letters. The project plan and budget form will require an applicant to identify specific steps in the business planning process, who will be involved in each step of the process, budgetary guidelines, and a timeline. The completed project plan and budget form must be signed by the applicant and submitted to the IDED program manager for approval. Upon approval, copies will be forwarded to the DVR or the IDB counselor for ratification.

56.5(4) Technical assistance grant contracts. IDED shall negotiate contracts with qualified business consultants for delivery of services to an applicant. The contracts shall state hourly fees for services, type of service to be provided and a timeline for delivery of services. Authorization for payment will be made by the DVR or the IDB counselor based upon the negotiated rate as noted in the project plan and budget form.

56.5(5) Consultants. Applicants will be provided a list of qualified business consultants by the IDED program manager. The selection of consultant(s) shall be the responsibility of the applicant.

56.5(6) Case management. The IDED program manager will commit a specific number of hours of direct consultation to each applicant to ensure the delivery of quality services from the selected consultant and the development of a comprehensive business plan.

261—56.6(75GA,ch1199) Financial assistance grants.

56.6(1) Grant awards. Financial assistance grants may be awarded for up to 50 percent (not to exceed \$15,000) of the equipment or working capital needed to start, expand, or acquire a business as defined in the sources and uses statement form. The remaining 50 percent of equipment or working capital needed to start, expand, or acquire a business shall be provided by an applicant through conventional financing or other sources. Working capital may include, but is not limited to, design and printing of marketing materials, advertising, rent (up to six months), direct mail postage, raw materials, inventory, insurance (up to six months), and other start-up, expansion, or acquisition costs. It is a goal of the program that program funds assist an applicant in also securing financing from a commercial or private source.

56.6(2) Approval of sources and uses form. The sources and uses form will define specific financial needs for business start-up, expansion, or acquisition. Sources and uses forms shall be provided to an applicant by the IDED program manager following evaluation of the application for the entrepreneurs with disabilities program and the submission and review of a business plan. Completed sources and uses forms shall be submitted to the IDED program manager and the DVR or the IDB counselor. The IDED program manager, the DVR or the IDB counselor, and client will meet to review the sources and uses form. Generally, this process shall be completed within 30 days from submission. Upon approval by the IDED program manager, copies will be forwarded to the DVR or the IDB counselor for ratification.

56.6(3) Award process. Upon approval of the sources and uses statement form by the IDED program manager, an applicant shall be sent a notification letter from the program manager which shall state the amount and conditions of the award.

56.6(4) Financial assistance grant contracts. Contracts for financial assistance grants shall be the responsibility of the division of vocational rehabilitation or Iowa department for the blind and will be consistent with authorized use of Title I vocational rehabilitation funds.

261—56.7(75GA,ch1199) Monitoring. The program manager reserves the right to monitor the consultants' records to ensure compliance with the terms of the contract.

These rules are intended to implement 1994 Iowa Acts, chapter 1199, section 28.

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CHAPTER 57
VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES
FINANCIAL ASSISTANCE PROGRAM (VAAPFAP)

[Prior to 7/19/95, see 261—Ch 29]

261—57.1(15E) Purpose. The purpose of this program is to encourage the increased utilization of agricultural commodities produced in this state. The program shall assist in efforts to revitalize rural regions of this state by committing resources to provide financial assistance to new or existing value-added production facilities.

261—57.2(15E) Definitions.

“Agricultural products advisory council” means the council composed of five members appointed by the secretary of agriculture and five members appointed by the director of the department of economic development who are experienced in marketing or exporting agricultural commodities or products, financing the export of agricultural commodities or products, or adding value to and the processing of agricultural products as further described in Iowa Code section 15.203.

“Agriculture” means the science, art, and business of cultivating the soil, producing crops and raising livestock.

“Committee” means the renewable fuels and coproducts advisory committee established pursuant to Iowa Code section 159A.4.

“Coordinator” means the administrative head of the office of renewable fuels and coproducts appointed by 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 *“IDED”* means the Iowa department of economic development.

“Farming” means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. Farming shall not include the production of timber, forest products, nursery products, or sod; and farming shall not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm services.

“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.

“Livestock production operations” means the production, feeding and marketing of livestock, poultry and aquaculture. This includes, but is not limited to, beef and dairy cattle, swine, sheep, goat, poultry, turkey and equine operations. It also includes nontraditional agricultural operations such as ostrich, fallow deer, rabbit, fish and other aquaculture.

“Office” means the office of renewable fuels and coproducts created pursuant to Iowa Code section 159A.3.

“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.

“Renewable fuels and coproducts activities” means either of the following:

1. The research, development, production, promotion, marketing, or consumption of renewable fuels and coproducts.

2. The research, development, transfer, or use of technologies which directly or indirectly increases the supply or demand of renewable fuels and coproducts.

"Rural region" means any geographic area which is predominantly rural in nature, that is, having a relatively low population density and where agriculture is the predominant economic activity.

"Soydiesel fuel" means a fuel made of processed soybean oil which is mixed with diesel fuel, the mixture being a minimum of 20 percent processed soybean oil.

"VAAPFAP" means the value-added agricultural products and processes financial assistance program.

"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.

261—57.3(15E) General eligibility. A person is eligible to apply for assistance under this program if the following requirements are met:

1. The existing or proposed facility is located in this state.

2. The person applies to the department of economic development in a manner and according to procedures required by the department.

3. The person submits a business plan which demonstrates managerial and technical expertise.

261—57.4(15E) Program components and eligibility requirements.

57.4(1) Program components. There will be two components to the VAAPFAP program. The first component relates to operations which are involved in the development of new and innovative products or processes related to agriculture and is referred to as the "Innovative Agricultural Products and Processes Component." The second component relates to renewable fuel production facilities and is referred to as the "Renewable Fuel Component." Available funds will be allocated to the two components on a 50/50 basis until the end of the third quarter of the state fiscal year and then may become available for other eligible projects.

57.4(2) Innovative agricultural products and processes component. An application based on this component shall be considered if either of the following apply:

a. The business will produce a product derived from an agricultural commodity, if the product is not commonly produced in Iowa from an agricultural commodity; or

b. The business will utilize a process to produce a product derived from an agricultural commodity, if the process is not commonly used in Iowa to produce the product.

c. For purposes of this section, a product is "not commonly produced" and a process is "not commonly used" if the product or process is not usually, generally, or ordinarily produced or processed in Iowa.

57.4(3) Renewable fuel component. Applications for renewable fuel and ethanol production shall be considered by the department for funding. Applications based on ethanol fuel production must meet the following criteria to be considered for funding:

a. All fermentation, distillation, and dehydration of the ethanol occurs at the proposed facility.

b. The ethanol produced at the proposed facility is at least 190 proof and is denatured. However, if the facility markets the ethanol for further refining, the facility must demonstrate that the refiner produces at least 190 proof ethanol from the ethanol purchased from the facility.

57.4(4) Project development assistance. The department, at its discretion, may also provide funding for project development related to proposed projects under this program. Project development assistance could be for the purpose of assisting in departmental evaluation of proposals, or could be one of the proposed activities in a funding request whose further project

development could reasonably be expected to lead to a VAAPFAP-eligible commercial enterprise. Feasibility studies and basic research are not eligible for assistance under this program.

261—57.5(15E) Ineligible projects.

57.5(1) The department shall not provide financial assistance to support a value-added production facility if the facility or a person owning a controlling interest in the facility has demonstrated, within the most recent consecutive three-year period prior to application, a continuous and flagrant disregard for the health and safety of its employees or the quality of the environment. Violations of environmental protection statutes, rules or regulations shall be reported for the most recent five-year period prior to application. Evidence of such disregard shall include a history of serious or uncorrected violations of state or federal law protecting occupational health and safety or the environment, including but not limited to serious or uncorrected violations of occupational safety and health standards enforced by the division of labor services of the department of employment services pursuant to Iowa Code chapter 84A, or rules enforced by the environmental protection division of the department of natural resources pursuant to Iowa Code chapter 455B.

57.5(2) The department shall not approve an application for assistance under this program to refinance an existing loan.

57.5(3) The department shall not directly award financial assistance to support an activity directly related to farming as defined in Iowa Code section 9H.1, including the establishment or operation of a livestock production operation, regardless of whether the activity is related to a renewable fuel production facility.

57.5(4) An applicant may not receive more than one award under this program for a single project. However, previously funded projects may receive an additional award(s) if the applicant demonstrates that the funding is to be used for a significant expansion of the project, a new project, or a project which results from previous project development assistance.

261—57.6(15E) Awards.

57.6(1) Form. Financial assistance awarded under this program may be in the form of a loan, grant, production incentive payment, or a combination thereof. The department shall not award more than 25 percent of the amount allocated to the value-added agricultural products and processes financial assistance fund during any state fiscal year to support a single person. The department may finance any size of facility. However, the department shall reserve up to 50 percent of the total amount allocated to the fund, for purposes of assisting persons requiring \$100,000 or less in financial assistance. The amount shall be reserved until the end of the third quarter of the state fiscal year and may then become available for other projects.

57.6(2) Amount.

a. Grants and loans shall generally be awarded on the basis of the following chart:

Total Amount of Award	Minimum Loan %	Maximum Grant %
\$0-100,000	None	100%
\$100,001-200,000	10%	90%
\$200,001-300,000	20%	80%
\$300,001-400,000	30%	70%
\$400,001-500,000	40%	60%
\$500,001-600,000	50%	50%
\$600,001-700,000	60%	40%
\$700,001-800,000	70%	30%
\$800,001-900,000	80%	20%

b. The department reserves the right to provide any project a higher percentage of loan than indicated above. A higher percentage of grant may be provided only with a waiver of the rules by the department director upon a finding that the company being assisted would not be viable without such extra consideration.

57.6(3) *Loan rate and terms.* The interest rate to be applied to the loans shall be equal to the current "prime rate" on the day of the award, as published in the Wall Street Journal under "prime rate" as established by large commercial lending institutions. The department may, at its discretion, amortize loans up to 15 years. However, a balloon payment shall be required by the fifth year. The initial repayment may be deferred no longer than six months from the date of the award, or three months after drawdown of funds, whichever is later.

261—57.7(15E) *Application procedure.* Application materials may be obtained from the IDED Bureau of Business Finance, 200 East Grand Avenue, Des Moines, Iowa 50309, telephone (515)242-4819. A comprehensive business plan must accompany the application and shall include at least the following:

1. Marketing plan for the project;
2. Project budget and status of alternative financing (if applicable);
3. Production operations;
4. Management structure;
5. Personnel needs;
6. Description of product, process or practice;
7. Status of product/service development; and
8. Patent status (if applicable).

261—57.8(15E) *Review process.* Subject to availability of funds, applications are reviewed and rated by IDED staff on an ongoing basis. Applications will be reviewed by staff for completeness and eligibility. If additional information is required, the applicant shall be provided with notice, in writing, to submit additional information. The department may refer an application to the coordinator for further feasibility studies if deemed necessary, if the applicant had previously consulted with the coordinator in completion of the application. Notice of such referral shall simultaneously be mailed to the applicant. The IDED staff may refer viable applications for project development assistance. The applicant shall then have three weeks from the date of the IDED letter to submit the requested information. Applications will also be reviewed by the agricultural products advisory council on a regular basis. Recommendations from the IDED staff will be submitted to the director of the department for final approval, denial or deferral. Applicants shall be notified in writing within one week following the department's final action.

The department reserves the right to informally consult with external resources to assist in the evaluation of projects or to contract with outside consultants for the same purpose in an amount not to exceed \$20,000 per project.

261—57.9(15E) *Deferral process.* If all additional information requested is received within the three-week time frame, the application will be considered as soon as practicable thereafter. If information is not received in a timely manner, consideration will be delayed. If the department's request for additional information is not answered within 60 days of the date of the request, the application will be denied.

261—57.10(15E) *Evaluation and rating criteria.* The IDED staff shall evaluate and rank applications based on the following criteria:

57.10(1) *For the innovative products and processes component:*

a. Feasibility. The feasibility of the existing or proposed facility, process, or operation to remain a viable enterprise (0-25 pts.). Rating factors for this criterion include, but are not limited to, the following: initial capitalization, project budget, financial projections, marketing analysis, marketing plan, management team, and production plan. In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

b. New or innovative. The degree to which the proposed product or process is new and innovative. This includes, but is not limited to, consideration of the degree to which the product or process is commonly produced or commonly used within the state (0-25 pts.). In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

c. Utilization. The degree to which the facility will add value to and increase the utilization of agricultural commodities produced in this state (0-25 pts.). In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

d. The extent to which the existing or proposed facility is located in a rural region of the state (0-10 pts.).

e. The proportion of local match to be contributed to the project (0-5 pts.).

f. The level of need of the region where the existing facility is or the proposed facility is to be located (0-5 pts.). More points are awarded to those projects which exhibit greater need as measured by factors including, but not limited to, the following: regional unemployment rate, poverty level, or other measures of regional fiscal distress.

g. The degree to which the facility produces a coproduct which is marketed in the same locality as the facility (0-5 pts.).

A minimum score of 65 points is needed for a project to be recommended for funding.

57.10(2) For the renewable fuels component:

a. The department shall give priority to supporting proposed renewable fuel production facilities which directly support livestock production operations. The highest priority shall be provided to a renewable fuel production facility which produces coproducts which are used to produce livestock raised in the same locality as the production facility.

b. All renewable fuels projects will be rated based on the following:

- (1) Feasibility (0-35 pts.).
- (2) Increased utilization (0-35 pts.).
- (3) Coproduct local market (0-10 pts.).
- (4) Level of need (0-10 pts.).
- (5) Rural region (0-5 pts.).
- (6) Local match (0-5 pts.).

All those projects scoring 65 points or higher will be recommended for funding if sufficient funds are available. If insufficient funds are available, those projects rating 65 or higher and qualifying as "highest priority" projects under paragraph "a" of this subrule will be recommended prior to those which do not qualify as "highest priority" projects.

c. If the department has two or more proposals which are otherwise equal, a preference shall be given to those proposals in which the livestock operation:

(1) Is located in an agricultural area as provided in Iowa Code chapter 352, and

(2) Is located in close proximity to and is an integral part of the renewable fuel production facility. However, the owner of the facility is not required to hold an interest in the land on which the livestock are produced. The livestock may be produced under the terms of a contract, in which a person regularly engaged in livestock production provides for the care and feeding of the livestock on behalf of the facility's owner.

In ranking projects according to this paragraph "c," subparagraphs (1) and (2) above, first preference will be given to projects which meet both subparagraphs. Second preference will be given to projects that meet either subparagraph (1) or (2), and third preference will be given to those projects meeting neither criteria.

261—57.11(15E) Negotiation and award. The department reserves the right to negotiate the amount, term, interest rate, and other conditions of the loan or grant prior to the award, subject to rule 261—57.6(15E).

261—57.12(15E) Award process. Upon approval by the director, the applicant business will receive an award letter which shall state the amount of award, conditions of the award, any security agreements, and the amount of monthly loan repayments, if applicable.

261—57.13(15E) Contract. Following notification of award, a contract will be prepared for execution between the applicant business owner and IDED. Business owners are subject to credit checks at this time. If judgments, federal tax liens, or state liens are found and not remedied within the time period required by the department, funding may be denied. After execution of the contract, the business owner may request disbursement of funds on the form(s) prescribed by IDED.

261—57.14(15E) Administration.

57.14(1) Access to records. The department, at any and all reasonable times, during the term of the agreement with the business may enter the business during the course of, or following, the completion of the project for any purpose arising from the performance of the contracted project. The business shall make all books, papers, records and accounts of the company open and available for inspection and audit by the department or its representatives at any and all reasonable times.

57.14(2) Waiver. The department may waive or vary particular provisions of these rules to conform to requirements of the federal government in connection with a loan with respect to which federal assistance, insurance, or guaranty is sought, provided the waiver does not conflict with applicable state laws.

57.14(3) Repayment of loans. Payments are due on the first day of each month that payments are due. Late fees may be charged for payments received after the tenth day following the due date.

261—57.15(15E) Default. When a loan is in default for a period of 60 days, the department may notify the office of the attorney general and recommend appropriate action or refer the account to other collection procedures deemed appropriate by the department.

These rules are intended to implement Iowa Code sections 15E.111 and 15E.112.

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CHAPTER 58
NEW JOBS AND INCOME PROGRAM

[Prior to 7/19/95, see 261—Ch 62]

261—58.1(15) Purpose. The purpose of the new jobs and income program is to encourage relationships between state government and business by supporting mutual development objectives. The program is designed to encourage sustained profitability for eligible businesses that invest and operate in the state in return for the desired state outcomes of new jobs and higher income.

261—58.2(15) Definitions.

“*Board*” means the Iowa department of economic development board.

“*Community*” means a city, county, or an entity established pursuant to Iowa Code chapter 28E that is a certified participant under Iowa Code section 15.308 (community builder program) or has established a comprehensive plan approved by the department.

“*Department*” means the Iowa department of economic development.

“*Director*” means the director of the Iowa department of economic development.

“*DRF*” means the Iowa department of revenue and finance.

“*Full-time*” or “*full-time equivalent job*” means the equivalent of employment of one person for 8 hours per day for a 5-day, 40-hour workweek for 52 weeks per year.

“*Group of businesses*” means two or more businesses that each provide a necessary component in the completion of an overall project.

“*Program*” means the new jobs and income program.

261—58.3(15) Agreement prerequisites. Before the department and a business enter into an agreement for program benefits, the following steps must be completed:

58.3(1) The business submits an application in compliance with the provisions of these rules.

58.3(2) The department determines that the business or group of businesses has met the threshold requirements for program participation.

58.3(3) The board approves the application and authorizes the department to execute an agreement with the business or group of businesses.

261—58.4(15) Program benefits. The following benefits are available to an eligible business:

58.4(1) *New jobs supplemental credit.* A supplemental new jobs credit from withholding in an amount equal to 1½ percent of the gross wages paid by the business. The supplemental new jobs credit available under this program is in addition to and not in lieu of the program and withholding credit of 1½ percent authorized under Iowa Code chapter 260E. Approval and administration of the supplemental new jobs credit shall follow existing procedures established under Iowa Code chapter 260E.

58.4(2) *Value-added property tax exemption.* A value-added property tax exemption of all or a portion of the actual value added by improvements to real property directly related to new jobs created by the location or expansion of the business and used in the operation of the business. For purposes of this subrule “improvements” includes new construction and

rehabilitation of and additions to existing structures. The exemption may be allowed by a community for a period of up to 20 years beginning the year the improvements are first assessed for taxation in that community. The community shall provide to the department a copy of the resolution adopted by its governing body which indicates the estimated value and duration of the exemption authorized. The community shall provide the assessor with a copy of the resolution establishing the exemption.

58.4(3) *Investment tax credit.* A corporate tax credit may be claimed of up to a maximum of 10 percent of the new investment which is directly related to new jobs created by the location or expansion of the business. If the business is a partnership, subchapter S corporation, limited liability company, or an estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. Any credit in excess of tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs first.

58.4(4) *Property tax exemption.* An exemption from taxation for machinery, equipment, and computers for a period of up to 20 years. A business may claim as exempt from taxation all or a portion of the value of the property directly related to new jobs created by the location or expansion of a business under the program and used by the business. Property eligible for this exemption shall be acquired or initially leased by the business or relocated by the business to the facility from a facility outside the state of Iowa. Property "directly related" includes the property the new employees will operate, repair, or maintain.

58.4(5) *Research activities credit.* A corporate tax credit for increasing research activities in this state during the period the business is participating in the program. This credit equals six and one-half percent of the state's apportioned share of the qualifying expenditures for increasing research activities. The state's apportioned share of the qualifying expenditures for increasing research activities is a percent equal to the ratio of qualified research expenditures in this state to total qualified research expenditures. This credit is in addition to the credit authorized in Iowa Code section 422.33. If the business is a partnership, subchapter S corporation, limited liability company, or an estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed.

261—58.5(15) *Limitation on incentives.* An eligible business may receive other applicable federal, state, and local incentives and credits in addition to those provided under this program. However, a business which participates in this program shall not receive funds for the same project from the community economic development account under the community economic betterment program described in 261—Chapter 22.

261—58.6(15) *Application.* To request participation in the program, a business shall submit application to the department. A business may submit an application individually or as a part of a group of businesses. Requests for an application should be directed to the Iowa Department of Economic Development, Division of Business Development, 200 East Grand Avenue, Des Moines, Iowa 50309.

261—58.7(15) *Eligibility requirements.* Retail business shall not be eligible to receive benefits under this program. To be eligible for program participation a business shall meet all of the threshold requirements of subrule 58.7(1) and at least three of the elements listed in subrule 58.7(2). If an application is submitted by a group of businesses, the group must meet the \$10 million capital investment requirement and the job creation requirement of at least 75 full-time positions. Each business within the group shall individually meet the other eligibility criteria.

58.7(1) *Mandatory six elements.* A business shall meet all of the following requirements in order to be eligible for program benefits:

a. The community has approved by ordinance or resolution the start-up, location, or expansion of the business for the purpose of receiving program benefits.

b. The business has not closed or substantially reduced its operation in one area of the state and relocated substantially the same operation in the community. This requirements does not prohibit a business from expanding its operation in the community if existing operations of a similar nature in the state are not closed or substantially reduced.

c. The business must provide and pay at least 80 percent of the cost of a standard medical and dental insurance plan for all full-time employees working at the facility in which the new investment occurred.

d. The business shall agree to pay a median wage for new full-time hourly nonmanagement production jobs of at least \$11 per hour indexed to 1993 dollars based on the gross national product implicit price deflator published by the bureau of economic analysis of the United States Department of Commerce or 130 percent of the average wage in the county in which the community is located, whichever is higher. The business shall compute its median wage for all new full-time employees to include compensation in the form of hourly wages, salaries, bonuses, commissions and overtime pay.

e. The business will make a capital investment of at least \$10,000,000 indexed to 1993 dollars based on the gross national product implicit price deflator published by the bureau of economic analysis of the United States Department of Commerce. If the business is occupying a vacant building suitable for industrial use, the fair market value of the building shall be counted toward the capital investment threshold.

f. The business shall agree to create at least 50, or the group of businesses at least 75, full-time positions at a facility located in Iowa or expanded under the program for a specified period which will be negotiated with the department and the community, but which shall be a minimum of five years. The jobs must be created within five years of the application approval date and the jobs must be maintained for a period of at least five years from the date the business first meets its job creation obligation.

58.7(2) Additional required elements. To be eligible for incentives under the program, a business or group of businesses shall do at least three of the following:

a. Offer a pension or profit-sharing plan to full-time employees.

b. Produce or manufacture high value-added goods or services or be in one of the following industries:

(1) Value-added agricultural products.

(2) Insurance and financial services.

(3) Plastics.

(4) Metals.

(5) Printing paper or packaging products.

(6) Drugs and pharmaceuticals.

(7) Software development.

(8) Instruments and measuring devices and medical instruments.

(9) Recycling and waste management.

(10) Telecommunications.

c. Make day care services available to its employees.

d. Invest annually no less than 1 percent of pretax profits from the facility located to Iowa or expanded under the program in research and development in Iowa.

e. Invest annually no less than 1 percent of pretax profits from the facility located to Iowa or expanded under the program in worker training and skills enhancement.

f. Have an active productivity and safety improvement program involving the management and worker participation and cooperation with benchmarks for gauging compliance.

g. Occupy an existing facility at least one of the buildings of which shall be vacant and shall contain at least 20,000 square feet.

58.7(3) Further evaluation factors. After a business has certified compliance with the threshold requirements of subrules 58.7(1) and 58.7(2), the board will consider a variety of additional factors in determining the eligibility of a business to participate in the program including, but not limited to, the following:

a. The quality of jobs to be created. The department shall place greater emphasis on those jobs that have a higher wage scale, have a lower turnover rate, are full-time or career-type positions, provide comprehensive health benefits, or have related factors which could be considered to be higher in quality than to other jobs. Businesses that have wage scales substantially below that of existing Iowa businesses in that area will be considered as providing the lowest quality of jobs and will be given the lowest consideration in determining program eligibility.

b. The impact of the proposed project on other businesses in competition with the business being considered for program participation. The department shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for program incentives. The department shall also make a good faith effort to determine the probability that the proposed financial assistance will displace employees of existing businesses. In determining the impact on businesses in competition with the business seeking program benefits, jobs created as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created.

c. The impact to the state of the proposed project. In measuring the economic impact the department shall place greater emphasis on projects which have greater consistency with the state strategic plan than other projects. Greater consistency may include any or all of the following:

- (1) A business with a greater percentage of sales out-of-state or of import substitution.
- (2) A business with a higher proportion of in-state suppliers.
- (3) A project which would provide greater diversification of the state economy.
- (4) A business with fewer in-state competitors.
- (5) A potential for future job growth.
- (6) A project which is not a retail operation.

d. If the business has, within three years of application for program participation, acquired or merged with an Iowa corporation or company, whether the business has made a good faith effort to hire the workers of the acquired or merged company.

e. Whether a business provides a preference for hiring residents of the state or of the economic development area, except for out-of-state employees offered a transfer to Iowa or to the economic development area.

f. Whether all known required environmental permits have been issued and regulations met.

261—58.8(15) Ineligibility. If the department finds that a business has a record of violations of the law over a three-year period that tends to show a consistent pattern, the business shall not qualify for benefits under this program. The time period that will be reviewed for violations of a federal or state environmental protection statute, regulation or rule is the previous five years as required by Iowa Code section 15A.1(3)"a." Violations of law include, but are not limited to, environmental and worker safety statutes, rules, and regulations. A business shall not be ineligible for program participation if the department finds that the violations did not seriously affect the public health or safety, or the environment, or if they did, that there were mitigating circumstances.

261—58.9(15) Application contents. The application to request program benefits shall include, but not be limited to, the following:

58.9(1) A description of the proposed project.

58.9(2) Documentation that the business meets each of the threshold requirements of subrule

58.7(1) including a copy of the ordinance or resolution of the community approving the start-up, location, or expansion of the business.

58.9(3) A description of how the business will meet the requirements of subrule 58.7(2).

58.9(4) A description of the quality of jobs to be created which includes information on wage scale, turnover rate, type of job (e.g., full-time, part-time, career-type), health benefits, and other factors impacting the quality of the jobs.

58.9(5) An identification of the business's competitors.

58.9(6) A description of the impact to the state of the proposed project in terms of consistency with the state strategic plan, diversification of the economy, and job growth potential.

58.9(7) An indication of whether within the three years prior to application the business has acquired or merged with an Iowa corporation or company. If yes, a description of the good faith efforts made to hire the workers of the acquired or merged company.

58.9(8) An indication of whether the business provides a preference for hiring residents of the state or of the economic development area.

58.9(9) A statement that all known environmental permits have been issued and regulations met or a time frame within which the permits will be issued and the regulations will be satisfied.

58.9(10) A description of any violations of law in the preceding three years including, but not limited to, environmental and worker safety statutes, rules and regulations. The description must include violations of a federal or state environmental protection statute, regulation or rule within the previous five years. If the violations seriously affected the public health or safety, or the environment, the business shall provide an explanation of any mitigating circumstances. If requested by the department, the business shall provide copies of materials documenting the type of violation(s), any fees or penalties assessed, court filings, final disposition of any findings and any other information which would assist the department in assessing the nature of any violation(s).

58.9(11) A certification by the business that the information provided in the application is true and accurate to the best of its knowledge.

58.9(12) A release of information to permit the department to reasonably evaluate the business's application.

261—58.10(15) Department and board action. The division of business development will review all completed applications to determine compliance with the threshold requirements of subrules 58.7(1) and 58.7(2). The division will prepare a report for the board which includes a summary of the application. The board will review applications from eligible businesses meeting the threshold requirements and consider the additional factors listed in subrule 58.7(3) in making its final decision. The board may approve, deny or defer a request for program participation. If an application is approved, the board shall authorize the department to enter into an agreement with the eligible business, or group of businesses, for program benefits. The department will provide DRF and the assessor with notice of the board's approval of an application and a copy of the agreement executed between the department and the business.

261—58.11(15) Agreement. The department shall prepare an agreement which includes, but is not limited to, a description of the project to be completed by the business, the number of jobs to be created, length of the project period, the program benefits available, and the repayment requirements of the business in the event the business does not fulfill its obligations. The department shall consult with the community during negotiations relating to the agreement.

261—58.12(15) Valuation of incentives. For purposes of calculating the value of a program benefit received, authority for determining such value is assigned as follows:

58.12(1) Supplemental new jobs credit. The value of the supplemental new jobs credit will be determined following procedures established under Iowa Code chapter 260E.

58.12(2) Value-added property tax. Prior to the execution of an agreement between the business and the department, the taxing authority of the community will certify by local resolution to the department the estimated value of the value-added property tax benefit.

58.12(3) Property tax exemption. Prior to the execution of an agreement between the business and the department, the taxing authority of the community will certify to the department the estimated value of the taxation exemption for machinery, equipment and computers.

58.12(4) Investment tax credit. DRF will determine the estimated value of the investment tax credit.

58.12(5) Research activities credit. The value of the credit allowed for research activities will be determined by DRF. The business shall supply DRF with sufficient information to assist it in the computation of the value of the credit.

261—58.13(15) Compliance monitoring; notice of noncompliance.

58.13(1) Compliance monitoring. The department will conduct an annual review of the business, or group of businesses, to monitor compliance with the agreement executed under this program.

58.13(2) Notice of noncompliance. The department will notify the community and DRF of a business's or group of businesses unremedied noncompliance under the agreement.

58.13(3) Authority to recover. Following notice of noncompliance from the department, the taxing authority of the community shall have the authority to take action to recover the value of taxes not collected as a result of the exemption provided by the community to the business or group of businesses. DRF shall have the authority to recover the value of state taxes or incentives provided under the program. The value of state incentives provided under the program includes applicable interest and penalties.

261—58.14(15) Repayment.

58.14(1) Failure to meet requirements. If a business or group of businesses fails to meet any of its requirements under the agreement, the business or group of businesses shall repay to the local taxing authority and DRF the total value of the incentives received. The community or DRF may exercise forbearance in connection with collection of the amounts owed to the community or DRF and elect to grant the business or group of businesses a one-year period to meet its requirements under the agreement.

58.14(2) Failure to meet job creation requirements.

a. Repayment of property tax exemption. If a business or group of businesses has not met more than 90 percent of the job creation requirements of subrule 58.7(1), paragraph "f," it shall pay a percentage of the value of the incentive received for exemption from taxation for machinery, equipment and computers.

b. Repayment of investment tax credit. If a business or group of businesses has not met more than 90 percent of the job creation requirements of subrule 58.7(1), paragraph "f," and did not receive the exemption from taxation for machinery, equipment and computers incentive, it shall repay a percentage of the value of the exemption received.

c. Calculation of repayment percentage. Repayment of the property tax exemption or the investment tax credit shall be calculated as follows:

(1) Fifty percent or less of job creation. If the business or group of businesses has met 50 percent or less of the requirement, the business or group of businesses shall pay the same percentage in benefits as the business or group of businesses failed to create in jobs.

(2) More than 50 percent, less than 75 percent. If the business or group of businesses has met more than 50 percent but not more than 75 percent of the requirement, the business or

group of businesses shall pay one-half of the percentage in benefits as the business or group of businesses failed to create in jobs.

(3) More than 75 percent, less than 90 percent. If the business or group of businesses has met more than 75 percent but not more than 90 percent of the requirement, the business or group of businesses shall pay one-quarter of the percentage in benefits as the business or group of businesses failed to create in jobs.

58.14(3) Failure to meet other requirements. If the business or group of businesses fails to meet the wage requirement of subrule 58.7(1), paragraph "d," or any of the three criteria selected under subrule 58.7(2) in any one year, it must meet that requirement in the following year or forfeit the incentives for that year in which the business was not in compliance.

These rules are intended to implement Iowa Code chapter 15.

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CHAPTER 59
SMALL BUSINESS INNOVATION RESEARCH GRANT
ASSISTANCE PROGRAM
Rescinded IAB 7/19/95; effective 8/23/95

CHAPTER 60
TOURISM PROMOTION—LICENSING PROGRAM
Renumbered as 261—Chapter 64, IAB 7/19/95

CHAPTER 61
IOWA EXPORT TRADE ASSISTANCE PROGRAM
Renumbered as 261—Chapter 68, IAB 7/19/95

PART V
DIVISION OF TOURISM

CHAPTER 62
DIVISION RESPONSIBILITIES

261—62.1(15) Mission. The mission of the division of tourism is to assist in diversifying Iowa's economy by supporting and promoting the Iowa hospitality industry and by enhancing the image of Iowa as a place to travel and live.

261—62.2(15) Activities. To carry out its mission, the division administers and develops the following programs: advertising, special events, publications, public relations, group travel, welcome centers, community assistance, education and training, licensing and sales, research and tourism regions.

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CHAPTER 63
WELCOME CENTER PROGRAM

[Prior to 7/19/95, see 261 — Ch 58]

261—63.1(72GA, HF540) Purpose. The primary goal of a statewide program for welcome centers is to provide to travelers high quality, accurate, and interesting information about the following: travel in the state; national, statewide, and local attractions; lodging, medical service, food service, vehicle service, and other kinds of necessities; general information about the state; and needed and convenient services such as restrooms, lodging information, and event reservation services. Settings for the welcome centers will convey a sense of being welcomed to the state through hospitable attitudes of personnel; high quality of site landscape architecture, architectural theme, and interior design of the buildings; special events that occur at the centers; and high level of maintenance.

261—63.2(72GA, HF540) Long-range plan. Reserved.

261—63.3(72GA, HF540) Definitions. Reserved.

261—63.4(72GA, HF540) Pilot projects. The department is authorized by 1987 Iowa Acts, House File 540, to establish site locations for a welcome center pilot project.

63.4(1) Site categories. A welcome center may be located in any of the following sites for the pilot project:

- a. In proximity to interstate highways,
- b. In proximity to primary highways,
- c. In or near communities with populations of 5000 or less.

63.4(2) Eligible applicant. An applicant must either be an Iowa resident, a political subdivision of the state, or a business authorized to do business within the state to be eligible to apply under the pilot project.

63.4(3) Project eligibility. Eligible projects are those which expand the state's economy through the provision of facilities and programs where travelers can:

- a. Obtain information about travel and hospitality services, tourism attractions, park and recreation opportunities, cultural and natural resources, lodging and other support information.
- b. Have access to needed and convenient services, such as: restrooms; lodging information and event reservation services; souvenirs, crafts, arts, and food products originating in the state; food and beverages; and fishing, hunting, and other permits and licenses needed for recreation.
- c. Be welcomed to the state in a high quality manner that presents a positive, lasting image of the state of Iowa.

63.4(4) Assistance.

a. Assistance amount. Assistance will be available not to exceed 50 percent of the total project cost. Projects with local matches greater than 50 percent will receive priority, other things being equal.

b. Assistance match. The local match may take the form of, but is not limited to: funds; donations; private foundation grants; any federal or state grant not administered by the department of economic development, the department of natural resources, the department of cultural affairs, or the department of transportation; land, buildings, and other types of in-kind services, such as long-term operation and maintenance costs, including personnel, management or other related supports. Assistance applicants shall provide evidence of local match sources and document all in-kind services. The department maintains the authority to verify the value of all forms of local matches, including independent, approved real estate appraisals.

63.4(5) Application submission.

a. Applications shall be on the forms provided by the department and contain the information specified in the application materials.

b. Applications shall be received by the date and time specified by the department in the application materials. Late applications will not be reviewed by the department.

c. All application materials submitted shall be deemed to be sealed bids.

d. The department will not, directly or indirectly or in any manner whatsoever, at any time other than as provided in the pilot project application materials, open any sealed bid or convey or divulge to any person any part of the contents of a sealed bid.

e. After submission of a completed application, applicants may be requested to present their project proposal to the project review committee.

f. Two or more eligible applicants may submit a joint proposal. One of the coapplicants must be designated as the lead applicant.

63.4(6) *Project review and selection.*

a. Review committee. The role of the review committee will be to evaluate, by site category, applications that are submitted based on information provided and make recommendations to the director of the department of economic development. The director will make recommendations to the IDED board who will approve the final selection decision. The review committee will consist of representatives from the department of economic development, the department of natural resources, the department of cultural affairs, the department of transportation, the Iowa chapter of the American Institute of Architects, the Iowa chapter of the American Society of Landscape Architects and the Iowa travel council.

b. Consideration withheld. The committee will not consider any application which is not complete upon submission and for which additional information was requested and not received, or which was not presented in an interview session as requested by the committee.

c. Rating criteria. Rating of the applications will be based upon the following criteria and total points:

1. Project/program cost and budget 80 points
Evaluation of project/program cost and budget items includes development costs, operation costs, source of funding, and potential for self-sufficiency over time.

2. Project/program economic impact 200 points
Evaluation of project/program economic impact includes job creation; the local, regional, and state level economic benefits; current project visitation; increased visitation; impact of new center upon existing center; types and presentation of information provided; types of service provided; and electronic data telecommunication systems.

3. Project/program feasibility 200 points
Evaluation of project/program feasibility includes marketing and promotion, ownership, operation, average daily traffic, infrastructure availability, and project timing.

4. Project/program image quality 200 points
Evaluation of project/program image quality includes concept plans, project/program image, plans for quality, potential for success, natural features, visual quality, and provision of a planning team.

63.4(7) *Project contract.*

a. Selected pilot projects shall be required to enter into a contract with the department. Terms and conditions will be as negotiated with the department.

b. Following the negotiation of a contract, applicants selected for assistance shall commence project planning within 30 days and commence construction within 12 months after the signing of the contract.

c. In the event there are funds remaining after the initial pilot projects are selected; or if the site(s) selected fail to sign a contract with the department; or if a contract is terminated before all contract funds are expended, the department reserves the right to negotiate a site contract with the next highest ranked applicant in that category that meets the established criteria.

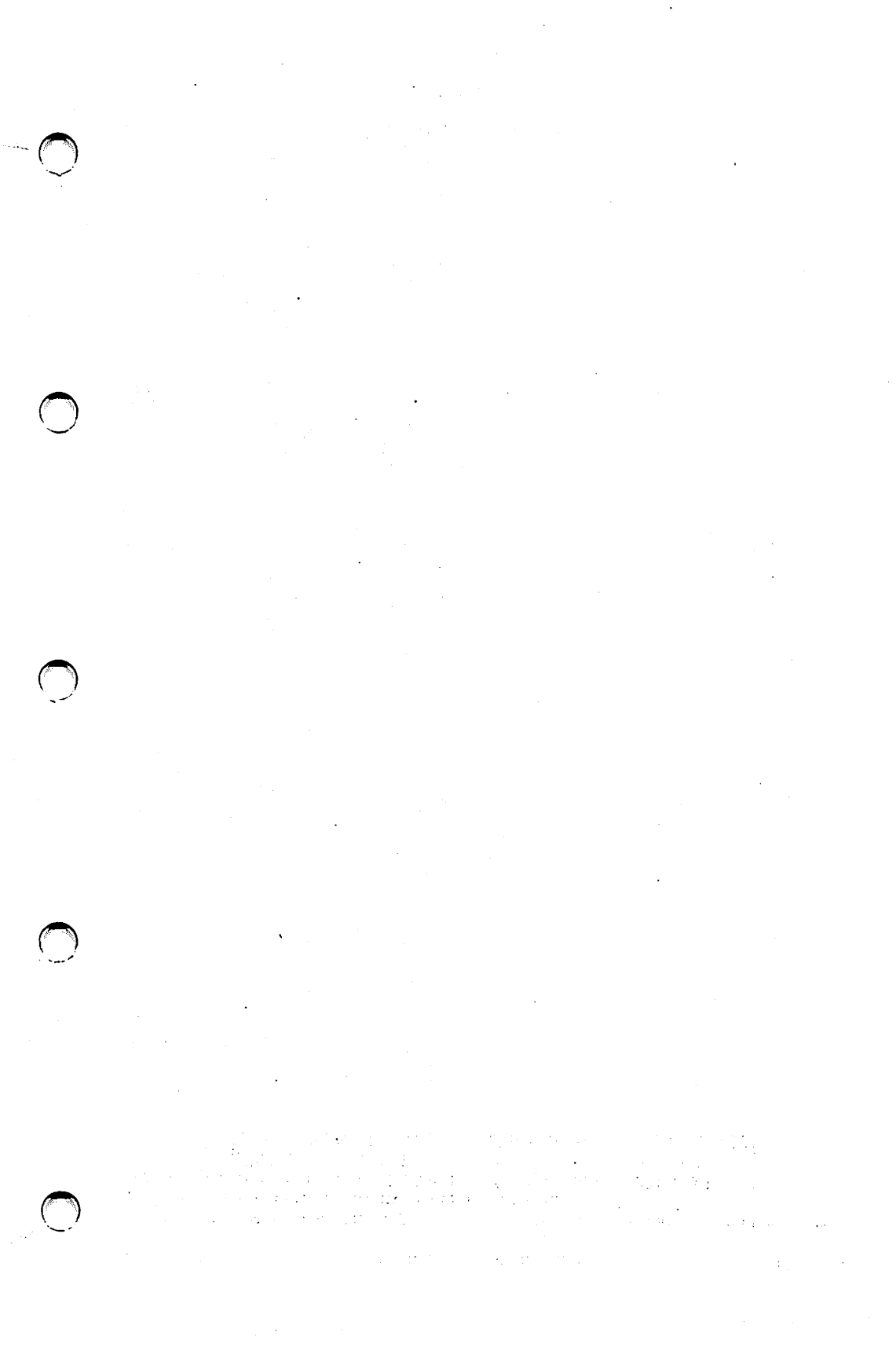
63.4(8) *Record keeping.* Recipients of financial assistance shall keep adequate records relating to the welcome center project. These records are subject to audit by the department or the auditor of state.

63.4(9) *Project reviews.* The department may monitor and inspect the funded welcome center projects as deemed necessary by the department.

These rules are intended to implement Iowa Code sections 15.271 and 15.272.

[Filed emergency 8/14/87—published 9/9/87, effective 8/14/87]

[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]



CHAPTER 64
TOURISM PROMOTION—LICENSING PROGRAM

[Prior to 7/19/95, see 261—Ch 60]

261—64.1(15) Purpose. The purpose of the licensing program is to generate revenue and to aid in the promotion and marketing of Iowa tourism and special events. The department may issue licenses for use of its logos and other creative materials. Licensing agreements will be awarded to qualified vendors who shall produce merchandise bearing specified registered marks of the department.

261—64.2(15) Definitions.

“IDED” or *“department”* means the Iowa department of economic development.

“Licensee” means the entity receiving the licensing agreement to use the mark on their good(s).

“Licensor” means IDED.

“Mark” means a registered trademark or service mark of the department.

“Officially licensed product” means the article(s) of merchandise or product(s) that has been licensed by the IDED to the licensee.

261—64.3(15) Licensing eligibility criteria. An applicant shall meet each of the following criteria to be eligible to be a licensed vendor to produce items bearing the mark as agreed upon in the licensing agreement.

1. The applicant shall have been in operation for at least one year.
2. The applicant shall have a credible reputation as confirmed by the applicant’s financial institution, local chamber of commerce, the better business bureau, or a local economic development group. The department may also contact the consumer protection or other appropriate division of the Iowa attorney general’s office or other state or federal agencies for information about the applicant.
3. The applicant’s product shall be manufactured, processed or originate in the United States of America.
4. The applicant shall not have had a license issued under these rules terminated.
5. The applicant shall demonstrate financial responsibility.
6. The applicant shall not have knowingly made a false statement to the department.
7. If the applicant is a non-Iowa corporation, the applicant shall be registered with the secretary of state.
8. The applicant shall furnish a signed and completed application form provided by the department. The application shall include, but not be limited to, the following:
 - Documentation confirming the applicant has been in operation for at least one year.
 - Documentation confirming the applicant has a credible reputation.
 - Documentation confirming that the applicant’s product is manufactured, processed or originates in the United States of America.
 - A description of one sample (at no charge to IDED) of the product to be licensed.
 - Warranty or guarantee statements covering the product, if available.
 - Copies of promotional literature or brochures, if available.
 - Any other information about the product or applicant as requested by the department.

261—64.4(15) Review and approval of applications.

64.4(1) Application review. Applications shall be reviewed by IDED staff to determine that the applicant meets the eligibility criteria and these rules. IDED staff may use a project review committee to assist in reviewing applications. IDED staff shall make final recommendations for approval by the director of IDED.

64.4(2) Application submission.

a. Applications shall be on the forms provided by the department and contain the information specified in the application materials.

b. After submission of a completed application, applicants may be requested to present their application to IDEED staff or the project review committee.

64.4(3) Evaluation criteria. The department may issue a license to use a mark owned by IDEED to any applicant who meets the eligibility requirements established by these rules. In deciding whether to grant a license to an eligible applicant, the department shall consider the following factors:

- a. Background and reputation of the applicant for credibility and integrity;
- b. Financial responsibility of the applicant;
- c. To ensure compatibility with the dignity of the state, general welfare of the people, and goals and objectives of IDEED's marketing and promotional efforts, the type of business owned and product on which the mark would be used;
- d. The volume of expected sales and revenue potential;
- e. The accuracy of the information supplied in the application for the license;
- f. Distribution channel and current retail list;
- g. The characteristics of the product such as product appeal, environmental awareness, etc.;
- h. Any other criteria or information relevant to deciding whether to grant the license.

261—64.5(15) Licensing agreement.

64.5(1) Agreement provisions. Selected licensing applicants shall be required to enter into a licensing agreement with the department. The licensing agreement shall include, but not be limited to, provisions regarding royalties, record retention, use of mark, license term, indemnification, insurance, and termination.

64.5(2) Period of performance. Licensees shall be granted permission to place the mark on their product for up to one year. IDEED shall retain the option to renew the licensing agreement on an annual basis for a maximum of five years.

64.5(3) Use of mark. Licensee shall use the mark only as stated in the licensing agreement. The licensing agreement shall state specific mark, product, and product description.

64.5(4) Financial terms.

- a. Applicant shall submit a nonrefundable advance against royalties of \$100.
- b. Licensee shall pay IDEED a royalty fee of 1 percent to 15 percent for each item licensed, as negotiated and outlined in the licensing agreement.
- c. Licensee shall provide sales reports as stated in the licensing agreement.
- d. Advance against royalties, royalties and sales reports shall be sent to: Division of Tourism, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309.

64.5(5) Advertising and promotional requirements.

- a. Licensee shall be allowed to use the term "Officially Licensed Product of the Iowa Division of Tourism" in promoting the licensed product.
- b. Licensee shall be required to tag or mark the merchandise with IDEED "Officially Licensed Product" mark label.
- c. IDEED shall provide camera-ready art work and design guides to produce "Officially Licensed Product" mark.
- d. Licensee shall follow the graphic standards as outlined in IDEED graphic standards manual for producing licensed products.
- e. Licensee shall not imply an endorsement or sponsorship by IDEED, division of tourism, or the state of Iowa concerning their licensed product or any other product.

261—64.6(15) Requests for information. Information about the licensing program may be obtained by contacting: Division of Tourism, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309.

These rules are intended to implement Iowa Code section 15.108(5)"o."

[Filed 12/17/93, Notice 10/13/93—published 1/5/94, effective 2/9/94]

[Filed emergency 9/23/94 after Notice 8/17/94—published 10/12/94, effective 9/23/94]

[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

CHAPTER 65
DIVISION RESPONSIBILITIES
Rescinded IAB 7/19/95; effective 8/23/95

CHAPTER 66
RURAL DEVELOPMENT PROJECTS
Rescinded IAB 7/19/95; effective 8/23/95

PART VI
INTERNATIONAL DIVISION

CHAPTER 67
DIVISION RESPONSIBILITIES

261—67.1(15) Mission. The mission of the division is to promote Iowa goods and services internationally and to favorably position Iowa as a location for foreign development.

261—67.2(15) Activities. The international division provides services in the following areas:

67.2(1) Strategic counsel and management support on critical initiatives for Iowa's international business community. Through broad-based programs in trade promotion, investment attraction and technical assistance, the division provides assistance to Iowa companies.

67.2(2) Trade promotion programs. The division coordinates a range of trade promotion programs targeted to Iowa exporters. The programs provide enough flexibility that new-to-market companies as well as experienced exporters are able to access programs to assist them in developing their presence in international markets.

67.2(3) Technical assistance and educational programming. The division provides businesses with access to educational programs directed toward business development. Representative topics include business practices in different countries, assistance in documentation, and international finance issues. In-house counseling sessions that are tailored to meet the unique requirements of an individual company are also provided by the division.

67.2(4) Investment attraction. The division is actively involved in foreign investment attraction in targeted markets. The department's foreign office directors are Iowa's contact people for networking with prospective investors.

[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]



CHAPTER 68
IOWA EXPORT TRADE ASSISTANCE PROGRAM

[Prior to 11/15/89, see 261—Chapter 56]
[Prior to 7/19/95, see 261—Ch 61]

261—68.1(75GA,ch1201) Purpose. The purpose of the Iowa export trade assistance program is to promote the development of international trade activities and opportunities for exporters in the state of Iowa through encouraging increased participation in overseas trade shows and trade missions by providing financial assistance to successful applicants.

261—68.2(75GA,ch1201) Definitions.

“Department” means Iowa department of economic development.

“Division” means the international division of the department.

“Sales agent” means a contracted representative of an Iowa firm with the authority to consummate a sales transaction.

“Trade mission” means a mission event led by the department of economic development, U.S. Department of Commerce, U.S. Department of Agriculture, or the Iowa department of agriculture and land stewardship. Qualified trade missions must include all of the following:

- Advanced operational and logistical planning.
- Advanced scheduling of individualized appointments with prequalified prospects interested in participants’ product or service being offered.
- Background information on individual prospects prior to appointments.
- In-depth briefings on market requirements and business practices for targeted country.
- Interpreter services.
- Development of a trade mission directory prior to the event containing individual company data regarding the Iowa company and the products being offered.
- In addition to the above criteria, some missions may also include technical seminars delivered by the mission participants specifically designed to promote sales of advanced technology, products or services in targeted markets.

261—68.3(75GA,ch1201) Eligible applicants. The export trade assistance program is available to Iowa firms producing products or providing services in the state of Iowa. To be eligible to receive trade assistance, applicants must meet all three of the following criteria:

- *1. Be an entity employing fewer than 500 individuals, 75 percent or more of whom are employed within the state of Iowa.
2. Exhibit products or services or samples of Iowa manufactured, processed or value-added products or agricultural commodities in conjunction with a foreign trade show or trade mission (catalog exhibits are permitted if they are used in conjunction with the exhibit of a product or service or in association with the firm’s participation in a trade mission), and
3. Have at least one full-time employee or sales agent attend the trade show or participate in the trade mission.

261—68.4(75GA,ch1201) Eligible reimbursements. The department’s reimbursement to approved applicants for assistance shall not exceed 75 percent of the expenses directly attributed to the applicant’s cost of participation in a trade show or trade mission. Total reimbursement shall not exceed \$4000 per event. Payments will be made by the department on a reimbursement basis upon submission of proper documentation and approval by the department of paid receipts to the bureau. Reimbursement is limited to the following types of expenses:

- 68.4(1) Trade shows.**
- a. Space rental.
 - b. Booth construction at show site.
 - c. Booth equipment or furniture rental.

d. Freight costs associated with shipment of equipment or exhibit materials to the participant's booth and return.

e. Booth utility costs.

f. Per diem (lodging and meals) for the day immediately before the opening day of the trade show through the day immediately after the closing day of the trade show; per diem is calculated at 50 percent of the rate schedules provided by the U.S. Department of State for travel in foreign areas; and per diem will be paid for only one employee.

68.4(2) Trade mission.

a. Mission participation fee,

b. Per diem (lodging and meals) for each day identified in the official mission itinerary. Per diem is calculated at 50 percent of the rate schedules provided by the U.S. Department of State for travel in foreign areas and will be paid for only one employee.

261—68.5(75GA,ch1201) **Applications for assistance.** To access the export trade assistance program, the applicant shall:

68.5(1) Complete the export trade assistance program's application form and return it to the division prior to trade event participation. Successful applicants will be required to enter into a contract for reimbursement with the department prior to trade event participation.

68.5(2) Exhibit products or services or samples of Iowa products in conjunction with a foreign trade show or trade mission (catalog exhibits are permitted if they are used in conjunction with the exhibit of a product or service or in association with the firm's participation in a trade mission).

68.5(3) Have in attendance at the trade show or trade mission at least one full-time employee or sales agent of the applicant.

68.5(4) Pay all expenses related to participation in the trade event and submit for reimbursement from the department for eligible, documented expenses.

68.5(5) Complete the final report form and return it to the division before final reimbursement can be made.

261—68.6(75GA,ch1201) **Selection process.** Applications will be reviewed in the order received by the division. Successful applicants will be funded on a first-come, first-served basis to the extent funds are available. When all funds have been committed, applications shall be held in the order they are received. In the event that committed funds are subsequently available, the applications shall be processed in the order they were received for events that have not yet occurred.

261—68.7(75GA,ch1201) **Limitations.** A participant in the export trade assistance program shall not utilize the program's benefits more than three times during the state's fiscal year, during the same fiscal year. Participants shall not utilize export trade assistance program funds for participation in the same trade show during two consecutive state fiscal years, or for participation in the same trade show more than two times. Participants shall not utilize export trade assistance program funds for participation in multiple trade shows in the same country during the same state fiscal year. Participant's utilization of export trade assistance program funds will be limited to two trade shows during a state fiscal year.

261—68.8(75GA,ch1201) **Forms.** The following forms are available from the department and will be used by the department in the administration of the export trade assistance program:

1. ETAP application form,
2. ETAP final report form,
3. Reimbursement agreement.

These rules are intended to implement 1994 Iowa Acts, chapter 1201, section 1, subsection 4, paragraph "c."

[Filed emergency 7/1/88—published 7/27/88, effective 7/1/88]

[Filed emergency 8/19/88—published 9/7/88, effective 8/19/88]

[Filed 1/20/89, Notice 7/27/88—published 2/8/89, effective 3/15/89]

[Filed 1/18/91, Notice 12/12/90—published 2/6/91, effective 3/13/91]

[Filed emergency 7/19/91—published 8/7/91, effective 7/19/91]

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[Filed 3/25/93, Notice 1/6/93—published 4/14/93, effective 5/19/93]

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[Filed emergency 5/19/95—published 6/7/95, effective 7/1/95]

[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

CHAPTER 69
RURAL ACTION TRAINING PROGRAM
Renumbered as 261—Ch 48, IAB 7/19/95

CHAPTER 70
Reserved



At its meeting held February 3, 1992, the Administrative Rules Review Committee voted to object to the amendments to rule 261 IAC 61.3“1” on the grounds those amendments are unreasonable. This rule originally appeared as part of ARC 2215A, published in IAB Vol. XIV No. 3 (08-07-91). The previous rule provided export trade assistance to Iowa residents on entities with corporate offices in Iowa. The amendment will provide the assistance to out-of-state entities, as long as they employ fewer than 500 people and 75 percent of those people are employed in Iowa. This rule has now been repromulgated as ARC 2763A, but the language of concern to the Committee remains unchanged, and for that reason the objection remains in place.

The Committee believes this amendment is unreasonable because it believes there are ample numbers of Iowa-based corporations that desire to participate in this program and that it is unnecessary to use Iowa-generated revenue to benefit out-of-state corporations.

*Renumbered 68.3“1,” IAB 7/19/95.

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PART VII
DIVISION OF ADMINISTRATION

CHAPTER 71
DIVISION RESPONSIBILITIES

261—71.1(15) Mission. The division's mission is to enhance the capacity of the department and staff to proactively address issues affecting economic development in Iowa and be responsive to customers, and to properly administer the resources available to the department for program operations.

261—71.2(15) Structure. The division is comprised of the director's office, the bureau of communications and technology, the bureau of general administration and the Iowa film office.

71.2(1) Director's office. The office of the director provides overall oversight and management of all operations and programs administered by the department as well as providing for the development of strategic and economic development plans for the department and the state of Iowa. The office is the department's primary liaison with other agencies of state government.

71.2(2) Communications and technology bureau. The bureau provides support services for the entire department including the application of technology and communications equipment to the functions and responsibilities of each division. The bureau provides for the coordination and preparation of printed materials published by the department. The bureau also is responsible for communications with the public and news media and supports the department's efforts to maintain and utilize information about the state which is relevant to the agency's economic development mission.

71.2(3) Bureau of general administration. The bureau provided for the necessary functions associated with the oversight and accounting of state and federal programs administered by the department. The bureau also is responsible for the management of human resources in the department.

71.2(4) Iowa film office. The primary functions of the Iowa film office are to market the state of Iowa as a location for the production of entertainment programs, to assist producers and location managers with the logistics associated with production activities in Iowa, to help Iowa communities capitalize on opportunities created by entertainment productions, and to support and encourage the development of entertainment professionals in Iowa.

[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]



CHAPTER 72
USE OF MARKETING LOGO
[Prior to 7/19/95, see 261—Ch 55]

261—72.1(15) Purpose and limitation.

72.1(1) Purpose. The purpose of the marketing logo program is to aid in the promotion and marketing of Iowa products and services. The IDEED board approved on September 28, 1989, the following logo for the marketing logo program: Pride in Quality.

72.2(2) Limitation. By authorizing eligible applicants to use the marketing logo, the department, the IDEED board and the state do not provide any guarantee or warranty regarding the product or service or its quality. Businesses who use the marketing logo expressly agree not to represent that the logo suggests any department, IDEED board or state approval of the product or service.

261—72.2(15) Guidelines. The following guidelines are established for use of the label or trademark identifying Iowa products and services, hereinafter referred to as the marketing logo or logo:

72.2(1) Eligible applicants. Eligible applicants are those:

a. Companies whose products are manufactured, processed or originate within the state of Iowa; or

b. Service-oriented firms including, but not limited to, financial, wholesalers and distribution centers, if the company's headquarters or a regional office is located within Iowa.

72.2(2) Criteria. An applicant shall meet the following criteria to be eligible to use the marketing logo in conjunction with a designated product or service:

a. The company shall have been in operation for at least one year. In companies new to Iowa, the company shall have been in operation for at least one year at another location prior to locating in Iowa.

b. The company shall have a credible reputation as confirmed by the local chamber of commerce, the better business bureau, the regional coordinating council, or a local economic development group. The department may also contact the consumer protection, farm or other appropriate division of the Iowa attorney general's office or other state or federal agencies for information about the company.

c. The applicant's product shall be manufactured, processed or originate in Iowa; or the services shall originate or be conducted in Iowa.

d. The company shall furnish a signed and completed application on forms provided by the department. The application shall include, but not be limited to, the following:

(1) A description of the product(s) or service(s) for which the logo is sought.

(2) Information confirming that the applicant's product is manufactured, processed or originates in Iowa; or that the service originates or is conducted in Iowa.

(3) A description of the distribution area for the product or service.

(4) Warranty or guarantee statements covering the product or service, if available.

(5) Copies of promotional literature or brochures, if available.

(6) A statement describing how the logo is to be used and on what product(s) or service(s).

(7) A statement whereby the applicant agrees to hold harmless and indemnify the department, the state of Iowa, its officers or employees, and to indicate that the state is not providing a warranty for the product or service.

(8) An agreement to immediately notify the department of any litigation, product recall, or investigation by a state or federal agency regarding the product or service utilizing the logo.

(9) Any other information about the product or service as requested by the department.

261—72.3(15) Review and approval of applications.

72.3(1) Applications shall be reviewed by department staff to determine that the product or service meets these guidelines. Applicants shall agree to provide, upon request, product samples.

72.3(2) Following review of the application, department staff shall submit recommendations for approval or denial to the director. The director shall make the final decision to approve or deny an application.

72.3(3) Applicants denied the use of the marketing logo may request a hearing as provided in rule 72.6(15).

261—72.4(15) Use of logo. Upon notification of approval, the applicant may use the logo on its product, package or promotional materials until notified by the department to discontinue its use. The department shall furnish the approved applicant with a copy of the “official reproduction sheet” of camera-ready logo copy from which the company can reproduce the logo.

261—72.5(15) Denial or suspension of use of logo.

72.5(1) Denial. The department may deny permission to use the label or trademark if the department believes that the planned use would adversely affect the use of the label or trademark as a marketing tool for Iowa products or its use would be inconsistent with the marketing objectives of the department.

72.5(2) Suspension. The department may suspend permission to use the label or trademark for the same reasons stated in subrule 72.5(1), prior to an evidentiary hearing which shall be held within a reasonable period of time following the denial.

261—72.6(15) Hearing procedure.

72.6(1) Filing deadline. An applicant who is denied permission to use the marketing logo or a company that has received notice of suspension of permission to use the marketing logo may request a hearing concerning the denial or suspension. A request for a hearing shall be filed with the department within 15 days of receipt of the denial or suspension notice. Requests for hearing shall be submitted in writing by personal service or by certified mail, return receipt requested, to: Communications Section, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309.

72.6(2) Contents of request for hearing. A request for a hearing shall contain the following information:

- a. The date of filing of the request;
- b. The names and addresses of the parties involved;
- c. A clear statement of the facts, including the reasons the requesting party believes the denial or suspension of permission to use the marketing logo should be reconsidered; and
- d. The signature of the requesting party.

72.6(3) Informal settlement. Individuals are encouraged to meet informally with agency representatives to resolve issues that might result in a contested case. If settlement is reached, it shall be in writing and is binding on the agency and the individual.

72.6(4) Notice of hearing. Notice of the hearing will be prepared and sent to the parties by certified mail, return receipt requested. The notice shall include the date, time and place of the hearing, a description of the hearing procedure, a brief statement of the issues.

72.6(5) Hearing procedure.

a. **Presiding officer.** For purposes of these rules, the presiding officer means the person assigned to hear and decide the case whether that individual is the agency director, an individual designated by the director, or an administrative law judge appointed according to Iowa Code chapter 17A.

b. **Presentation of testimony and evidence.** Each party shall have the right to present evidence and the testimony of witnesses.

c. **Briefs.** The presiding officer may require the parties to submit briefs on any issues presented in the case.

d. **Failure to appear.** If any party fails to appear at the hearing and no continuance has been granted, the presiding officer may proceed with the hearing and issue a decision in the absence of that party.

261—72.7(15) Decisions.

72.7(1) When the presiding officer is the agency director, the decision is the final decision of the agency. When the presiding officer is a designee of the director or an administrative law judge, the decision issued is a proposed decision.

72.7(2) A proposed decision becomes the final decision of the agency without further action unless a party appeals to the agency or the agency moves to review the proposed decision within 20 days of the issuance of the proposed decision.

72.7(3) If the proposed decision is appealed, the director has all the authority of the presiding officer and may uphold the proposed decision or reverse it, in whole or in part, or remand it to the presiding officer. The director will release a written final decision or order.

72.7(4) A proposed or final decision shall include findings of fact and conclusions of law, separately stated, and specify the action to be taken or the disposition of the case. Proposed and final decisions will be sent to the parties by certified mail, return receipt requested.

261—72.8(15) Judicial review. A party may seek judicial review of a final decision of the agency as provided in Iowa Code section 17A.19.

261—72.9(15) Transition. Businesses that have received authorization to use the logo prior to November 22, 1989, will be required to sign and return an acknowledgement of new guidelines form in order to continue using the marketing logo. Failure to sign and return the acknowledgement form may result in suspension of permission to use the logo.

261—72.10(15) Requests for information. Information about the logo marketing program may be obtained by contacting: Communications Section, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; (515)281-3185.

These rules are intended to implement Iowa Code section 15.108(2)“b.”

[Filed before 7/1/52]

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[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

CHAPTERS 73 to 79

Reserved

CHAPTER 80
ADDITIONAL PROGRAM REQUIREMENTS
DIVISION I
COMMUNITY BUILDER

261—80.1(15) Definitions. As used in this chapter:

“Certified applicant” means any eligible applicant or group of applicants which submits a community builder plan to the department for review and subsequently receives certification.
“Department” means the department of economic development.

261—80.2(15) Purpose. The purpose of the community builder program is to encourage local governments or coalitions of local governments to implement and complete comprehensive planning efforts for community development, business development and economic development. Certified applicants receive bonus points when applying for selected state financial assistance programs. Plans are required for communities which receive funding under these same programs.

261—80.3(15) Eligible participants. Incorporated cities, counties, unincorporated communities, clusters of cities, groups of counties and groups of unincorporated communities may submit community builder plans to the department. Plans from clusters or groups of local governments shall include contiguous jurisdictions to the maximum extent possible. Only the above-noted entities may submit community builder plans to the department for review, although participants may utilize or contract with other parties to prepare the plans. Private businesses may not submit community builder plans and are not eligible for bonus points.

261—80.4(15) Additional consideration for financial assistance. Any certified applicant shall be eligible for bonus points of not less than 5 percent and not more than 20 percent of the total points available when applying for the state financial assistance programs listed below.

80.4(1) The agency responsible for administering the program shall be responsible for assigning bonus points to the applications of certified applicants.

80.4(2) Financial assistance programs affected. The following state financial assistance programs shall assign bonus points to the applications of certified applicants:

- a. The community economic betterment account administered by the department.
- b. The community development block grant program administered by the department.
- c. The rural community 2000 program administered by the department.
- d. The revitalize Iowa’s sound economy program administered by the department of transportation.
- e. The chapter 220 housing program fund administered by the Iowa finance authority.
- f. The recycling projects program under Iowa Code chapter 455D administered by the department of natural resources.
- g. The resource enhancement and protection program administered by the department of natural resources.

261—80.5(15) Contents of community builder plans. At a minimum, each community builder plan shall include the following items:

80.5(1) A cover letter or letters signed by the mayor(s) or the chair(s) of the county board of supervisors from the community, communities, county or counties involved in transmitting the plan to the department. This letter shall designate a principal contact for correspondence

CHAPTER 101
AGENCY PROCEDURE FOR RULE MAKING

The department of economic development incorporates the agency procedure for rule making segment of the Uniform Administrative Rules which is printed in the front of Volume I of the Iowa Administrative Code with the following amendments.

261—101.3(17A) Public rule-making docket.

101.3(2) *Anticipated rule making.* In lieu of the words “(commission, board, council, director)”, insert “board”.

261—101.4(17A) Notice of proposed rule making.

101.4(3) *Notices mailed.* In lieu of the words “(specify time period)”, insert “six months”.

261—101.5(17A) Public participation.

101.5(1) *Written comments.* In lieu of the words “(identify office and address)”, insert “Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309”.

261—101.6(17A) Regulatory flexibility analysis.

101.6(3) *Mailing list.* In lieu of the words “(designate office)”, insert “Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309”.

261—101.11(17A) Concise statement of reasons.

101.11(1) *General.* In lieu of the words “(specify the office and address)”, insert “Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309”.

261—101.13(17A) Agency rule-making record.

101.13(2) *Contents.* *The agency rule-making record shall contain:*

c. In lieu of the words “(agency head)”, insert “director”.

These rules are intended to implement Iowa Code section 17A.4.

[Filed 5/24/90, Notice 2/7/90—published 6/13/90, effective 7/18/90]

CHAPTER 102
PETITION FOR RULE MAKING

[Prior to 7/19/95, see 261—Ch 2]

The Iowa department of economic development has adopted the petition for rule-making provisions of the uniform administrative rules which are printed in the front of Volume I of the Iowa Administrative Code with the following amendments:

261—102.1(17A) Petition for rule making. In lieu of the words “AGENCY HEAD” the heading on the petition should read:

BEFORE THE DIRECTOR
IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT

261—102.3(17A) Inquiries. Inquiries concerning the status of a petition for rule making may be made to the Deputy Director, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309.

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]
[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

CHAPTER 103
PETITION FOR DECLARATORY RULING

[Prior to 7/19/95, see 261—Ch 3]

The Iowa department of economic development has adopted the petition for declaratory ruling provisions of the uniform administrative rules which are printed in the front of Volume I of the Iowa Administrative Code with the following amendments:

261—103.1(17A) Petition for declaratory ruling. In lieu of the words “AGENCY HEAD” the heading on the petition should read:

BEFORE THE DIRECTOR
IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT

261—103.3(17A) Inquiries. Inquiries concerning the status of a petition for declaratory ruling may be made to the Deputy Director, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309.

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]
[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

CHAPTER 10
ELIGIBILITY FOR INSURANCE

591—10.1(455G) Eligibility.

10.1(1) To be eligible for financial responsibility coverage without being required to meet the certification requirements of either subrule 10.1(3) or 10.1(4), owner/operators shall meet the following requirements:

a. Comply with tank technical standards as required under 567—Chapter 135, Iowa Administrative Code.

b. Meet clean site contamination standards as promulgated by the Iowa environmental protection commission on total hydrocarbons in soil, and groundwater levels for benzene, toluene, and xylene. Testing must meet department of natural resources closing standard requirements, or provide equivalent assurance that tank sites are free from or below acceptable standards of contamination using other methods of testing, if testing can be certified. Tightness tests by themselves shall not be acceptable as conclusive evidence. All testing must be independently performed.

c. Meet upgrade requirement dates as established in Iowa Code Supplement chapter 455G.

d. Contaminated sites which are not eligible for remedial benefits may be insured providing the owner/operator signs a financial responsibility affidavit certifying:

(1) Owner/operator will investigate the site contamination and pay for any required remediation or monitoring costs.

(2) Owner/operator will bring the tanks into compliance with new or upgrade standards set forth in IAC 567—Chapter 135, and as specified by Iowa Code section 455G.11.

(3) Owner/operator has the financial resources available to finance the requirements of this paragraph, subparagraphs (1) and (2).

e. Contaminated sites which are eligible for benefits under Iowa Code section 455G.9 may be insured if the existing contamination is the result of tanks for which that section provides benefits. If the existing contamination is in whole or part related to a release for which benefits under 455G.9 are not available, then the owner/operator must comply with paragraph “*d*” or subrule 10.1(3) or 10.1(4), for that portion of the release which is not eligible for benefits, unless the requirements of 11.1(3) “*p*” have been documented.

10.1(2) In addition to the above-mentioned requirements, the following standards shall apply generally to all owner/operators:

a. Sites under remediation shall be eligible for financial responsibility coverage; however, no preexisting contamination shall be paid for through the financial responsibility account.

b. Owner/operators shall be responsible for maintaining their tank systems. Each incident due to a release or spill/overfill, must be reported to the petroleum underground storage tank fund (UST board) or administrator. The deductible shall apply to each incident reported.

c. Sites may be inspected by the UST board or its representative at any time; records, equipment and testing may be required on site, including additional groundwater and soil tests; testing costs shall be borne by owner/operator.

d. For renewal, tank tightness tests may be required, which shall be independently certified and meet established department of natural resources standards.

e. Coverage shall be issued per location. The policy will be issued showing the applicant as the named insured. Additional insureds may be named based on insurable interest.

f. The board may require proof of ability to meet deductible costs prior to issuing a policy.

g. A policy shall not be renewed if a deductible repayment or repayment schedule has not been made prior to effective date of the renewal.

h. Premiums received are transferred to the Iowa comprehensive petroleum underground storage tank insurance account.

i. If there has been a failure to demonstrate financial responsibility coverage or if there has been a lapse in financial responsibility coverage since October 26, 1990, any application for

financial responsibility coverage after December 31, 1995, acceptable to the UST board or its representative, will result in financial responsibility coverage which begins on the date the policy is issued. There shall be no backdating of financial responsibility coverage for such applications.

10.1(3) In those situations where an owner/operator's tanks at a site meet new tank or upgrade standards established pursuant to Iowa Code chapter 455G, but the site does not meet the clean site contamination standards described in 591—10.1(1)"b" and the owner/operator does not qualify for remedial benefits pursuant to Iowa Code section 455G.9, an owner/operator may be eligible for financial responsibility coverage if the owner/operator certifies to the following:

- a. The owner/operator is responsible for the required investigation, monitoring, and remedi-

ation of the existing contamination, and

b. The owner/operator has sufficient financial resources available to pay for the required investigation, monitoring, and remediation of the existing contamination, and

c. All tanks at the site meet either the new tank standards or the upgrade standards of Iowa Code chapter 455G.

10.1(4) In those situations where all or some of an owner/operator's tanks at a site do not meet new tank or upgrade standards established pursuant to Iowa Code chapter 455G and the site does not meet the clean site standards described in 591—10.1(1)"b" and the owner/operator does not qualify for remedial benefits pursuant to Iowa Code section 455G.9, an owner/operator may be eligible for financial responsibility coverage if the owner certifies to the following:

a. The certification requirements of 591—10.1(3)"a" and "b," and

b. The owner/operator will bring all tanks at the site into compliance with either the new tank standards or the upgrade standards of Iowa Code chapter 455G no later than required by Iowa Code chapter 455G and the owner/operator has sufficient financial resources to do so.

10.1(5) Definitions.

"*Administrator*" means the Iowa comprehensive petroleum underground storage tank fund board administrator as provided in Iowa Code section 455G.5.

"*Aggregate*" means the total annual amount that will be paid on all claims or suits seeking damages under a policy issued by the board.

"*Board*" means the Iowa comprehensive petroleum underground storage tank fund board.

"*Certificate of clean*" means a document noting that a level of acceptable cleanup has been achieved and approved by the department and as covered in Iowa Code section 455B.304(15).

"*Deductible*" means the portion of a claim paid by insureds on the policy issued by the board.

"*Department*" means the Iowa department of natural resources (DNR).

"*Governmental action*" means an order to do additional testing or corrective action by a governmental agency after a certificate of clean or a monitoring certificate has been issued to a petroleum underground storage tank site regulated by the department.

"*Governmental agency*" means either the Iowa department of natural resources or the United States Environmental Protection Agency.

"*Monitoring certificate*" means a document noting that an acceptable level of cleanup has occurred and has been approved by the department as covered in Iowa Code section 455B.474(1)"h."

"*Self-insured retention*" means the portion of a claim paid by insureds on a policy issued by the board, and includes the cost of adjusting, legal fees, court costs and any other investigative cost associated with the claim.

10.1(6) Surcharge.

a. Owners who have not complied with upgrade or replacement requirements as noted in 591—Chapter 10 shall pay a surcharge of \$800 per tank per policy year until such time that the tank fully meets upgrade or replacement requirements as noted herein, or the tank has been permanently taken out of service in accordance with rules promulgated by the DNR. The surcharge is fully earned and shall not be refunded, even if an upgrade takes place during the policy term.

b. Owners who certify to the board in writing that all tanks at the insured site will be brought into compliance will not have the surcharge issued on their policy provided:

(1) There is a written contract between the owner and a licensed installer as defined in 591—Chapter 15.

(2) The contract sets forth that the upgrade or replacement will meet all the necessary requirements to meet the standards established in 567—Chapter 135. In addition, site conditions as specified in 591—11.4(455B,455G) as environmentally or not environmentally sensitive shall be stated within the body of the contract.

(3) The contract is binding on both parties and establishes dates of performance, cost and indicates specified information relative to the work to be performed.

(4) That a nonrefundable deposit, to apply toward the cost of the system of at least 5 percent or \$1000, whichever is less, be included within the framework of the contract, acknowledged by both parties.

(5) That the work scheduled be started in time sufficient to have the upgrade completed by January 1, 1995.

c. Failure on the part of the installer to meet the January 1, 1995, upgrade or replacement date will subject the installer to loss of license.

d. Failure to meet the December 22, 1998, upgrade or replacement date will subject the owner/operator to cancellation of insurance coverage.

591—10.2(455G) Deductibles. The following deductibles are established under the Iowa plan:

10.2(1) For locations with three tanks or less, there is a \$5,000 deductible.

10.2(2) For locations with more than three tanks, there is a \$10,000 deductible at minimum.

10.2(3) A \$25,000 deductible may be used if it is determined that the scope of the risk warrants higher retention levels, at the discretion of the board or administrator.

10.2(4) Deductibles may be reduced from \$10,000 to \$5,000 for sites with more than three tanks for an additional premium payment of 50 percent of policy totals with administrative approval. There is no provision to buy down deductibles on sites with \$5,000 or \$25,000 deductibles.

591—10.3(455G) Premiums. Premiums are predetermined by Iowa Code Supplement chapter 455G. In addition, the following standards shall apply:

10.3(1) Premiums for a site shall be the sum of rates specified in Iowa Code subsection 455G.11(4) times the number of upgraded tanks, plus two times those rates for each non-upgraded tank on the site.

10.3(2) Premiums as promulgated under Iowa Code Supplement chapter 455G are applicable from July 1 to June 30. Applications for coverage will pay legislatively mandated premiums for that time frame.

10.3(3) All premiums shall be 100 percent earned upon issuance of insurance coverage. No refunds will be made for any reason after a policy has been issued.

10.3(4) Financial responsibility premiums on new policies shall be due on application for coverage and prior to binding. Premiums shall be made payable to the Iowa UST program. Coverage shall not be bound until premiums are received.

10.3(5) Renewal premiums shall be due prior to the policy's expiration date. Mailing of the premium notice shall be conclusive proof that a billing was received. A ten-day expiration notice will be mailed on any policy for which renewal premiums are not timely received.

10.3(6) Cancellation for nonpayment or misrepresentation shall be effective 10 days after mailing. Cancellation for other reasons will be effective 60 days after mailing.

10.3(7) Premiums for extensions of retroactive coverage shall be equal to 50 percent of the annual premium per policy. Premiums shall be due at the time of the extension request. Nonpayment shall result in immediate termination of coverage, subject to a 10-day nonpayment cancellation notice.

591—10.4(455G) Risk factors. In order to meet scheduled premiums as required by Iowa Code Supplement chapter 455G, all tanks must comply with standards enumerated, or they shall be charged two times the premium indicated. In determining risk related premiums, which are to be actuarially determined, the following factors shall be considered:

10.4(1) The type of installation and equipment including, for example, steel tanks with cathodic protection, fiberglass or double wall construction as part of the risk classification process.

10.5(6) *Claims handling.* Claims presented hereunder shall be individually investigated and settled by the board per the terms and conditions of coverage in effect. The administrator will assign an adjuster for the purposes of this rule and may, subject to board approval, retain expert assistance. The administrator will recommend a resolution of the case to the board. Expense incurred in the adjusting or legal defense process shall be included within the self-insured retention portion of the account, should a self-insured retention policy be issued.

10.5(7) *Deductibles and other conditions.*

- a. The deductible shall be \$10,000.
 - b. An insured may request a reduction in the deductible to \$5000 with the payment of a 50 percent surcharge on the total policy premium. The board is not required to provide this option.
 - c. No retroactive or "tail" insurance shall be offered.
 - d. The board or its representative may audit the base underwriting data provided.
 - e. Cancellation shall be 10 days for nonpayment of premium and 60 days for all other reasons.
- These rules are intended to implement Iowa Code chapter 455G.

[Filed 10/26/90, Notice 3/7/90—published 11/14/90, effective 12/19/90]

[Filed 12/6/91, Notice 10/2/91—published 12/25/91, effective 1/29/92]

[Filed 8/14/92, Notice 2/19/92—published 9/2/92, effective 10/7/92]

[Filed 10/5/93, Notice 8/18/93—published 10/27/93, effective 12/1/93]

[Filed 5/4/95, Notice 3/15/95—published 5/24/95, effective 6/28/95]

[Filed emergency 6/28/95—published 7/19/95, effective 6/28/95]

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c. The preceptor is required to file a six-month progress report of the intern on a board-prescribed form. This form is to be signed by the preceptor and the intern before submission to the board by the end of the seventh month.

d. The preceptor will complete a confidential evaluation of the intern at the end of the internship which must be filed within two weeks of the end of the internship.

e. A preceptor must have completed a training course within five years of accepting an intern. If a director has been certified, but it has been more than five years since completing a training course, the director must be recertified as specified by the board.

f. A preceptor's duties shall include the following:

(1) Along with the intern, communicate with the assigned board member prior to beginning the internship. At the time of this contact, the board member will review what is expected of the intern and preceptor during the internship.

(2) Familiarize the intern in the areas specified by the preceptor training outline.

(3) Read and sign each of the 25 embalming and the 25 funeral directing reports done by the intern.

(4) Complete a written six-month report of the intern on a form provided by the board. This report is to be reviewed with and signed by the intern and submitted to the board before the end of the seventh month.

(5) At the end of the internship, complete a confidential evaluation of the intern on a form provided by the board. This shall be submitted within two weeks of the end of the internship.

g. Failure of a preceptor to fulfill the requirements set forth by the board, including failure to remit the required six-month progress report, as well as the final evaluation, shall result in an investigation of the preceptor by the board.

h. If a preceptor does not serve the entire year, the board will evaluate the situation; and if a certified preceptor is not available, a licensed director may serve with the approval of the board.

645—101.4(147,156) Endorsement rules.

101.4(1) Any person holding a valid license as a funeral director in another state having requirements substantially equal to those in Iowa, may apply for a license to practice in this state by filing an application to practice by endorsement. All applications for endorsement licenses shall be made on the official forms supplied by the Department of Public Health, Lucas Building, Des Moines, Iowa 50319-0075.

101.4(2) All applicants for endorsement licenses will be required to pass the oral and practical examination before this board.

101.4(3) The application form properly filled in, accompanied by:

a. A fee of \$50;

b. The state licensing certificate (or a duplicate copy of same) of the state from which applicant desires to endorse; and

1. The first part of the document discusses the importance of maintaining accurate records of all personnel activities. It emphasizes that such records are essential for ensuring the integrity and security of the organization's operations. The document further states that these records should be maintained in a secure and accessible manner, and that any unauthorized access or tampering should be reported immediately to the appropriate authorities.

2. The second part of the document outlines the specific procedures for handling personnel records. It details the steps for creating, updating, and reviewing these records, and provides guidance on how to ensure that the information is accurate and up-to-date. The document also discusses the importance of maintaining the confidentiality of this information and the potential consequences of a breach.

3. The third part of the document addresses the issue of personnel security. It discusses the various threats to personnel security and provides strategies for mitigating these risks. This includes measures such as background checks, security training, and the implementation of strict security protocols. The document also emphasizes the need for ongoing monitoring and evaluation of personnel security measures to ensure their effectiveness.

4. The final part of the document provides a summary of the key points discussed and offers recommendations for further action. It stresses the importance of a proactive approach to personnel security and the need for continuous improvement in all areas of personnel management. The document concludes by reiterating the organization's commitment to the highest standards of security and integrity.

(2) Documentation of the completion of the curriculum as outlined in 6.5(1)“c”(1) of these rules shall be maintained by the licensed practical nurse.

(3) A licensed practical nurse shall be entitled to supervise as outlined in 6.5(1)“b” of these rules without the educational requirement outlined in 6.5(1)“c” of these rules if the licensed practical nurse is performing in a supervisory role on or before October 6, 1982. The licensed practical nurse being employed in a supervisory role after the enactment of these rules shall complete the curriculum outlined in 6.5(1)“c”(1) of these rules within six months of employment.

(4) A licensed practical nurse shall be entitled to supervise as outlined in paragraph 6.5(1)“b” without the educational requirement outlined in paragraph 6.5(1)“c” if the licensed practical nurse is enrolled full-time in a registered nurse preparation program.

d. A licensed practical nurse under the supervision of a registered nurse may direct the activities of other licensed practical nurses, nurses aides, orderlies, etc. in an acute care setting (primary, secondary, tertiary) in giving care to patients/clients assigned to the licensed practical nurse. The registered nurse must be in the proximate area.

e. A licensed practical nurse found to be performing in a supervisory role not in accordance with these rules shall be subject to appropriate proceedings being initiated by the board to determine if probable cause exists for license revocation, suspension, or probation as defined in the Iowa Administrative Code, Nursing Board [655], Chapter 4, “Disciplinary Proceedings.”

6.5(2) A licensed practical nurse shall be permitted to practice as a diagnostic radiographer while under the supervision of a licensed practitioner provided that appropriate training standards for use of radiation emitting equipment are met as outlined in the Iowa Administrative Code, Public Health Department [641], rule 42.1(136C). A licensed practical nurse found to be using radiation emitting equipment who has not met the appropriate training standards shall be subject to appropriate proceedings being initiated by the board to determine if probable cause exists for license revocation, suspension, or probation as defined in the Iowa Administrative Code, Nursing Board [655], Chapter 4, “Disciplinary Proceedings.”

Rules 6.4 and 6.5 are intended to implement Iowa Code chapters 136C and 152.

655—6.6(152) Specific nursing practice for licensed practical nurses.

6.6(1) The licensed practical nurse shall be permitted to provide supportive and restorative care in the home setting under the supervision of a registered nurse as defined in subrule 6.2(5) or a physician. When the licensed practical nurse provides care under the supervision of the registered nurse, the initial assessment and ongoing application of the nursing process shall be provided by the registered nurse.

6.6(2) The licensed practical nurse shall be permitted to provide supportive and restorative care in a Head Start program under the supervision of a registered nurse as defined in subrule 6.2(5) or a physician if the licensed practical nurse were in this position during 1985 prior to July 1, 1985.

6.6(3) The licensed practical nurse shall be permitted to provide supportive and restorative care in camp settings under the supervision of a registered nurse as defined in subrule 6.2(5) or a physician. When the licensed practical nurse provides care under the supervision of the registered nurse, the initial assessment and ongoing application of the nursing process is performed by the registered nurse. The licensed practical nurse is responsible for requesting registered nurse consultation as needed.

This rule is intended to implement Iowa Code sections 17A.3, 147.76 and 152.1.

655—6.7(152) Specific nursing practice for registered nurses. A registered nurse, while circulating in the operating room, shall provide supervision only to persons in the same operating room.

This rule is intended to implement Iowa Code section 152.1.

[Filed 3/11/81, Notice 12/10/80—published 4/1/81, effective 5/6/81*]

[Filed emergency 12/2/81—published 12/23/81, effective 12/2/81]

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[Filed emergency 7/29/83—published 8/17/83, effective 7/29/83]

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[Filed 1/22/85, Notice 12/5/84—published 2/13/85, effective 3/20/85]

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[Filed emergency 7/29/87—published 8/26/87, effective 7/29/87]

[Filed 4/1/88, Notice 2/24/88—published 4/20/88, effective 5/25/88]

[Filed 9/18/91, Notice 7/24/91—published 10/16/91, effective 11/20/91]

[Filed 12/9/92, Notice 10/14/92—published 1/6/93, effective 2/10/93***]

*Effective date of 5/6/81 delayed seventy days by the administrative rules review committee. [Published IAB 4/29/81].

Effective date of chapter 6 delayed by the administrative rules review committee forty-five days after convening of the next General Assembly pursuant to §17A.8(9). [Published IAB 8/5/81].

**Effective date of 4/21/82 delayed seventy days by the administrative rules review committee [Published IAB 4/28/82]. Delay lifted by committee on June 9, 1982.

†Amendments to 6.3(3), paragraph "g," "h," and 6.6 effective 7/1/85, IAB 8/15/84.

***Effective date delayed until adjournment of the 1993 General Assembly by the Administrative Rules Review Committee at its meeting held February 8, 1993; subrule 6.4(2) nullified by 1993 Iowa Acts, HJR 17, effective April 23, 1993.

NEW COLLEGE BUILDINGS

- 5.700(100) Exits
- 5.701(100) Corridors
- 5.702(100) Doors
- 5.703(100) Stairway enclosures and floor cutoffs
- 5.704(100) Interior finishes
- 5.705(100) Construction
- 5.706(100) Fire alarm systems
- 5.707(100) Electrical wiring
- 5.708(100) Heating equipment
- 5.709(100) Gas piping
- 5.710(100) Fire extinguishers
- 5.711(100) Basement, underground and windowless educational buildings
- 5.712(100) Fire hazard safeguards in new buildings
- 5.713(100) Automatic sprinklers
- 5.714(100) Open plan buildings
- 5.715 to 5.749 Reserved

EXISTING COLLEGE BUILDINGS

- 5.750(100) Exits
- 5.751(100) Corridors
- 5.752(100) Doors
- 5.753(100) Windows
- 5.754(100) Stairway enclosures and floor cutoffs
- 5.755(100) Interior finishes
- 5.756(100) Construction
- 5.757(100) Fire alarm systems
- 5.758(100) Electrical wiring
- 5.759(100) Heating equipment
- 5.760(100) Gas piping
- 5.761(100) Fire extinguishers
- 5.762(100) Basements
- 5.763(100) Fire hazard safeguards in existing buildings
- 5.764(100) Automatic sprinklers
- 5.765(100) Open plan buildings
- 5.766 to 5.799 Reserved

FIRE SAFETY RULES FOR RESIDENTIAL OCCUPANCIES

- 5.800(100) New residential occupancies
 - 5.801(100) Exit facilities
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- EXISTING RESIDENTIAL OCCUPANCIES**
- 5.803(100) Existing residential occupancies
 - 5.804(100) Exit facilities
 - 5.805(100) General provisions
 - 5.806(100) Smoke detectors definition
 - 5.807(100) General requirements
 - 5.808(100) Smoke detectors—notice and certification of installation
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 - 5.810 to 5.849 Reserved

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- 5.852 to 5.899 Reserved

CHAPTER 6**VEHICLE IMPOUNDMENT**

- 6.1(17A,321) Vehicle impoundment
- 6.2(17A,321) Vehicles which may be impounded immediately
- 6.3(17A,321) Vehicles which need not be impounded immediately
- 6.4(17A,321) Impoundment procedure
- 6.5(17A,321) Abandoned vehicles
- 6.6(321) Scope

CHAPTER 7**DEVICES AND METHODS TO TEST BODY FLUIDS FOR ALCOHOL OR DRUG CONTENT**

- 7.1(321J) Approval of devices and methods to test for alcohol or drug concentration
- 7.2(321J) Direct breath testing
- 7.3(321J) Urine collection
- 7.4(321J) Submission of samples for alcohol and drug testing to the department's criminalistics laboratory
- 7.5(321J) Preliminary breath screening test
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- 7.8(321J) Breath alcohol ignition interlock device

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CRIMINAL JUSTICE INFORMATION

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- 8.1(17A) Criminal justice information system
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DIVISION I
I.O.W.A. SYSTEM

661—8.1(17A) Criminal justice information system. The criminal justice information system is administered by the field services bureau. It provides and operates a telecommunicative system between criminal justice agencies for distribution of traffic record and criminal justice information. The criminal justice information system was created by governor's executive orders 6 and 18.

661—8.2(692) Intelligence data. An agency may store intelligence data in a computer system. The system shall not be accessible to persons outside of the agency and access to the information shall be controlled by coded password.

Dissemination of intelligence data by the department will be in compliance with Iowa Code section 692.8. Dissemination of intelligence data by other agencies will be in compliance with Iowa Code section 692.3.

661—8.3(80) Human immunodeficiency virus-related information. An agency may enter human immunodeficiency virus-related (HIV) information into a wanted or missing person file of the Iowa criminal justice information system and the National Crime Information Center operated by the Federal Bureau of Investigation. HIV information shall be kept confidential and may be communicated only in accordance with this rule.

8.3(1) HIV information on an individual entered into the Iowa criminal justice information system or the National Crime Information Center operated by the Federal Bureau of Investigation shall be made available to terminal operators for the purpose of informing individuals who are authorized access pursuant to this rule.

8.3(2) HIV information may be communicated to:

a. Employees and supervisors of employees of a law enforcement agency who have, or are expected to have, direct physical control of an individual reported to be HIV positive.

b. Employees and supervisors of employees subject to the jurisdictional supervision of the Iowa department of corrections who have, or are expected to have, direct physical supervision of an individual reported to be HIV positive.

c. Employees and supervisors of employees of secure facilities for juveniles subject to the jurisdiction of the Iowa department of human services who have, or are expected to have, direct physical supervision of an individual reported to be HIV positive.

d. Employees and supervisors of employees of city and county jails who have, or are expected to have, direct physical supervision of an individual reported to be HIV positive.

8.3(3) HIV information shall not be transmitted over any law enforcement radio broadcasting system, cellular telephone system, radio telephone system, or any other radio-based communications system. This provision shall not apply to the transmission of HIV information in data form to or from mobile digital terminals or mobile digital computers authorized access to the I.O.W.A. criminal justice information system and operated by a law enforcement officer or certified I.O.W.A. System operator in the performance of official duties.

8.3(4) Individuals who receive HIV information pursuant to this rule shall use the information solely for the purpose of the protection of those individuals having or expected to have direct contact with individuals reported to be HIV positive, and for the prevention of the spread of the HIV virus. Information shall be provided only to individuals and their supervisors who have direct physical contact with persons reported to have the HIV virus. Except as provided in subrule 8.3(2), information obtained pursuant to this rule shall not be communicated to any person not employed by the agency or used outside the agency for any purpose.

8.3(5) Individuals who are authorized to receive HIV information pursuant to this rule shall receive training developed and established by the commissioner of public safety, in cooperation with the department of corrections and the department of public health, regarding the

confidentiality standards applicable to HIV information received from the Iowa criminal justice information system or the National Crime Information Center.

This rule is intended to implement Iowa Code section 80.9, subsection 2, paragraph "d," as amended by 1994 Iowa Acts, House File 2149.

661—8.4 to 8.99 Reserved.

661—8.100(692) Communications terminal security. Installation of criminal justice information system terminal access shall be available to criminal justice agencies as defined by section 692.1(10) of the Code.

Before a criminal justice agency will be permitted direct online access to criminal history data, said agency shall meet the following criteria:

8.100(1) All direct access terminals shall be located only within the official offices of authorized criminal justice agencies where appropriate physical security can be maintained.

8.100(2) The immediate terminal area shall be restricted to prevent access by unauthorized individuals.

8.100(3) No person shall operate a terminal who has not received the required training and been authorized to operate the terminal by the criminal justice agency head and approved by the department of public safety.

In addition to certification to operate the terminals by the department, agencies shall complete a background investigation on all applicants for positions that will have access to criminal history data. Agencies shall notify the department of the completion of a background check. The background investigation will be done to ensure the following:

a. That the applicant is 18 years of age or older at the time of appointment to the position.

b. That the applicant is not addicted to drugs or alcohol.

c. That the applicant is of good moral character, has not been convicted of a felony or a crime involving moral turpitude. Moral turpitude is defined as an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rules and duty between person and person. It is conduct that is contrary to justice, honesty or good morals.

8.100(4) Terminals with access to criminal history data shall be manned by authorized personnel.

8.100(5) Where criminal justice information system terminals are not operated on a twenty-four-hour per day basis, said terminals shall be located in a locked, physically secure room when unattended.

8.100(6) The criminal justice department or agency head shall be directly responsible for assuring that personnel receiving data adhere to strict "right to know and need to know principles".

8.100(7) Any agency which may be authorized direct access to criminal history files shall make application to the department. Before authorization is granted, the administrator of the criminal justice agency making the application to operate a terminal shall enter into a written agreement with the department of public safety agreeing to abide by all rules, policies and procedures necessary for system security and discipline. The agreement shall reserve to the department of public safety the right to terminate furnishing criminal history information to the applicant agency if abuses are discovered concerning either the security or dissemination requirements of criminal history data.

8.100(8) Any agency which has had its authorization to direct access to criminal history files terminated by the department may appeal such termination to the commissioner of public safety, in accordance with 661—Chapter 10.

661—8.101(692) Possession of criminal history and intelligence data and civil process. Any agency or individual in possession of criminal history or intelligence data received from the

department that is served with a subpoena, court order, request for production or other legal process in a civil case demanding the production of criminal history or intelligence data, shall notify the department in writing so that the department has an opportunity to make a timely resistance.

661—8.102 to 8.199 Reserved.

DIVISION II

661—8.200 to 8.300 Reserved.

DIVISION III
IOWA SEX OFFENDER REGISTRY

661—8.301(76GA,SF93) Sex offender registry established. The Iowa sex offender registry, as authorized by 1995 Iowa Acts, Senate File 93, is hereby established in the division of criminal investigation.

661—8.302(76GA,SF93) Definitions. The following definitions apply to rules 661—8.301(76GA,SF93) to 661—8.399.

8.302(1) “*Criminal offense against a minor*” means violations of any of the following sections of the Code of Iowa or equivalent laws of the United States or of any other state, if committed against a minor:

a. Kidnapping, except kidnapping in the third degree by a parent: violations of Iowa Code section 710.2, 710.3, or 710.4; also, violations of section 706.1 (Iowa Code, 1975), 706.2 (Iowa Code, 1975), or 706.3 (Iowa Code, 1975).

b. False imprisonment of a minor, except where committed by parent of the minor: violations of Iowa Code section 710.7, except where the offender is a parent of the victim.

c. Any indictable offense involving sexual conduct directed toward a minor:

(1) Any violation of the following Iowa Code sections, subsections, and paragraphs: 709.3(2), 709.4(2)“b,” 709.4(2)“c,” 709.8, 709.12, or 709.14.

(2) Any violation of the following Iowa Code sections with a minor victim: 709.2, 709.3, 709.4, 709.9, 709.15, 709.16, or 726.2; also, violations of section 698.1 (Iowa Code, 1975), 704.1 (Iowa Code, 1975), or 705.2 (Iowa Code, 1975).

d. Solicitation of a minor to engage in an illegal sex act: any violation of Iowa Code section 709A.6.

e. Use of a minor in a sexual performance: any violation of Iowa Code section 728.12(1).

f. Solicitation of a minor to practice prostitution: any violation of Iowa Code section 725.3(2).

g. Dissemination or exhibition of obscene materials to minors:

(1) Any violation of Iowa Code section 728.2 or 728.15.

(2) Any violation of Iowa Code section 728.4 if delivery is to a minor.

h. Admitting minors to premises where obscene material is prohibited: any violation of

Iowa Code section 728.3.

i. An attempt to commit sexual abuse of a minor: any violation of Iowa Code section 709.11; also, violations of section 698.4 (Iowa Code, 1975).

8.302(2) “Offender” means a person who is required to register with the Iowa sex offender registry.

8.302(3) “Registrant” means a person who is currently registered with the Iowa sex offender registry.

661—8.303(76GA,SF93) Forms and procedures. The following forms and procedures are prescribed for use with the Iowa sex offender registry. Supplies of blank forms may be obtained by contacting the Iowa sex offender registry at the division of criminal investigation.

8.303(1) Notification. Form DCI-144, “Notification of Registration Requirement,” which notifies offenders of their responsibility to register with the Iowa sex offender registry shall be provided to persons identified as being required to register. Failure to provide an offender with Form DCI-144 does not relieve the offender of responsibility to register with the Iowa sex offender registry.

8.303(2) Registration. Form DCI-145, “Sex Offender Registration,” shall be completed by persons required to register with the Iowa sex offender registry and submitted to the sheriff of the county in which the person will be residing. A completed copy of Form DCI-145 shall be submitted by the offender to the sheriff of the county of residence each time the offender’s place of residence changes within ten days of the change of residence. The original of each completed Form DCI-145 shall be forwarded to the division of criminal investigation by the registering agency and shall be accompanied by a current photograph and fingerprints of the offender.

8.303(3) Annual verification. Form DCI-146, “Annual Verification of Address,” shall be mailed by the division of criminal investigation to each offender currently registered on the Iowa sex offender registry to the last address known to the registry during the twelfth month after receipt of the latest completed copy of either Form DCI-145 or 146 on record for the offender and shall be returned by the offender to the division of criminal investigation within ten days of receipt. Form DCI-146 shall be mailed to the offender in an envelope clearly stating that it is to be returned to the division of criminal investigation if the addressee no longer resides at the address indicated and that Iowa law prohibits its being forwarded.

EXCEPTION: Registrants who are required to complete Form DCI-147, “Quarterly Verification of Address,” are not required to complete Form DCI-146.

8.303(4) Quarterly verification. Form DCI-147, “Quarterly Verification of Address” shall be mailed by the division of criminal investigation to each offender currently registered on the Iowa sex offender registry, who is a sexually violent predator as defined in Public Law 103-322, to the last address known to the registry during the third month after receipt of the latest completed copy of either Form DCI-145, DCI-146, or DCI-147 on record for the offender. Form DCI-147 shall be returned by the offender to the division of criminal investigation within ten days of receipt. Form DCI-147 shall be mailed to the offender in an envelope clearly stating that it is to be returned to the division of criminal investigation if the addressee no longer resides at the address indicated and that Iowa law prohibits its being forwarded.

8.303(5) Application for determination. Form DCI-148, “Application for Determination,” shall be completed by a registrant to initiate a request that the division of criminal investigation review whether one or more offenses of which the registrant has been convicted require registration with the Iowa sex offender registry or whether the time period during which the registrant is required to register has expired. A registrant who submits a completed copy of form DCI-148 for review shall provide with it copies of any sentencing or adjudicatory orders related to each offense for which a determination of whether registration is required is being requested.

8.303(6) Determination. Form DCI-149, "Decision of Determination," shall be used by the division of criminal investigation to notify a registrant who has submitted a request for determination (Form DCI-148) of the results of that review. A completed Form DCI-149 shall be mailed to any registrant who has filed a completed Form DCI-148 within 90 days of the receipt by the division of criminal investigation of the completed Form DCI-148.

8.303(7) Request for information. Form DCI-150, "Request for Registry Information," shall be used to request information about whether a specific person is registered with the Iowa sex offender registry. A person requesting information about whether a specific individual is registered with the Iowa sex offender registry shall submit a completed copy of Form DCI-150 to a sheriff. A separate form shall be submitted for each person about whom information is being requested.

661—8.304(76GA,SF93) Release of information.

8.304(1) Community notification for public protection. A criminal justice agency wishing to make community notification regarding the identity and location of a specific registrant shall make a request for authorization for community notification to the division of criminal investigation, indicating the name, address, and sex offender registry number of the subject about whom authorization for community notification is being requested, along with a statement of the reasons for requesting such authorization. The request may be sent to the division of criminal investigation by mail or via the Iowa on-line warrants and articles (I.O.W.A.) system. Community notification may be made only after authorization has been received from the division of criminal investigation. The division of criminal investigation may authorize community notification regarding a registrant without having received a request for authorization of community notification from another criminal justice agency.

8.304(2) Release of information in response to individual request. A sheriff who receives a completed Form DCI-150 shall inquire of the division of criminal investigation about whether the person about whom information was requested is registered with the Iowa sex offender registry. If the division of criminal investigation notifies the sheriff that the person about whom inquiry is made is not on the registry, the sheriff shall so notify the person who submitted the request. If the division of criminal investigation notifies the sheriff that the subject about whom inquiry was made is a registrant with the Iowa sex offender registry, the sheriff shall notify the person making the inquiry that the subject about whom the inquiry was made is a registrant and shall provide the requester with the following information: name of registrant, address of registrant, age of registrant, and physical description of registrant. No additional information may be released in response to an individual request for information.

EXCEPTION: The division of criminal investigation may release additional information regarding a registrant to personnel of criminal justice agencies or to personnel of government agencies conducting confidential background investigations.

8.304(3) Confidential records. Completed forms filled out pursuant to rules 8.301(76GA,SF93) to 8.399 are confidential records which may not be released to the public.

EXCEPTION: Completed copies of Form DCI-150 are public records only if so authorized by the person completing the form.

661—8.305 to 8.399 Reserved.

These rules are intended to implement Iowa Code sections 80.9 and 692.10 and 1995 Iowa Acts, Senate File 93.

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SECRETARY OF STATE[721]

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This rule implements Iowa Code sections 43.6, 43.11, 43.16, 43.19, 43.21, 43.23, 43.24, 43.54, 43.56, 43.60, 43.67, 43.76, 43.78, 43.80, 43.88, 43.115, 43.116, 44.3, 44.4, 44.9, 44.16, 45.3, 45.4, 46.20, 47.1, 47.2, 50.30, 50.31, 50.32, 50.33, 50.48, 53.2, 53.8, 53.11, 53.17, 53.21, 53.22, 53.40, 53.45, 54.5, 61.3, 62.5, 69.4, 161A.5, 260C.15, 277.4, 277.5, 376.4, 376.10, 376.11, and 420.130.

721—21.3(49) Voter identification documents.

21.3(1) A precinct election official may require identification from any person whom the official does not know.

21.3(2) Precinct election officials shall require identification under the following circumstances:

a. From any person offering to vote whose name does not appear on the election register as an active voter.

b. From any person offering to vote whose name is not on the election register and who wants to report a change of address from one precinct to another within the same county.

21.3(3) The identification document must currently be valid and must show a color photograph and the signature of the cardholder. Acceptable forms include:

a. Driver's license.

b. Nonoperator's identification card issued by driver services division of the department of transportation.

c. Student identification card.

21.3(4) A person who has been requested to provide identification and does not provide it shall vote only by special ballot pursuant to Iowa Code section 49.81.

This rule is intended to implement Iowa Code section 49.77(3).

721—21.4(49) Changes of address at the polls. An Iowa voter who has moved from one precinct to another in the county where the person is registered to vote may report a change of address at the polls on election day.

21.4(1) To qualify to vote in the election being held that day the voter shall:

a. Go to the polling place for the precinct where the voter lives on election day.

b. Complete a registration by mail form showing the person's current address in the precinct.

c. Present proof of identity as required by rule 21.3(49).

21.4(2) The officials shall require a person who is reporting a change of address at the polls to cast a special ballot if the person's registration in the county cannot be verified. Registration may be verified by:

a. Telephoning the office of the county commissioner of elections, or

b. Consulting a printed list of all registered voters who are qualified to vote in the county for the election being held that day, or

c. Consulting the county's voter registration records by use of a computer.

This rule implements Iowa Code section 49.77(3).

721—21.5 to 21.9 Reserved.

721—21.10(43) Application for status as a political party. A political organization which is not currently qualified as a political party may file an application for determination of political party status with the state commissioner of elections. The application may be filed after the completion of the executive council's canvass of votes for the general election, but not later than one year after the date of the election at which the organization's candidate for President of the United States or governor received at least 2 percent of the vote.

21.10(1) *Application form.* The application shall be in substantially the following form:

STATE OF IOWA
APPLICATION FOR POLITICAL PARTY STATUS

To the State Commissioner of Elections:

At the General Election held on November ____, _____, a candidate of the political organization named below received at least 2 percent of the total number of votes cast for the office of

- President of the United States
- Governor of Iowa

Pursuant to the requirements of Iowa Code section 43.2, we hereby request that the State Commissioner of Elections notify the state registrar of voters, the voter registration commission and the 99 counties of Iowa that the political organization named below qualifies as a political party under Iowa law.

Political organization name: _____

(Please print the party name in the form it should appear on ballots, voter registration forms, and other records.)

Name of candidate for President or Governor: _____

Signed: _____
Candidate

Address: _____

Telephone: _____

Signed: _____
Chairperson of Political Organization

Address: _____

Telephone: _____

Date submitted: _____

Office use only:

Office of President of the United States
 Governor of Iowa

Total number of votes received for office: _____

Number of votes received by applicant: _____

Percentage of total: _____

The application is rejected.
 approved, effective 21 days from date of approval.

Secretary of State and State Commissioner of Elections

Date: _____

21.10(2) *Response.* If the political organization meets the requirements established in Iowa Code section 43.2, the commissioner shall declare that the organization has qualified as a political party, effective 21 days after the application is approved. If the organization does not meet the requirements, the state commissioner shall immediately notify the applicant in writing of the reason for the rejection of the application.

21.10(3) *Disqualification of political party.* If at the close of nominations for the general election a political party has not nominated a candidate for the office of President of the United States, or for governor, as the case may be, the political party shall be disqualified immediately.

If the candidate of a political party for President of the United States or for governor, as the case may be, does not receive 2 percent of the votes cast for that office at a general election, the political party shall be disqualified. The effective date of the disqualification shall be the date of the completion of the state canvass of votes.

When a political party is disqualified, the state commissioner shall immediately notify the chairperson or central committee of the disqualified political party.

21.10(4) *Notice of qualification and disqualification of political parties.* The state commissioner of elections shall immediately notify the state registrar of voters, the voter registration commission, and the county commissioners of elections when a political party is qualified or disqualified. The notice shall include the name of the political party and the date upon which change in political party status becomes effective.

The state commissioner of elections shall also publish notice of the qualification or disqualification of a political party in a newspaper of general circulation in each congressional district. The publication shall be made within 30 days of the approval of an application for qualification or within 30 days of the effective date of a disqualification.

This rule is intended to implement Iowa Code sections 43.2 and 47.1.

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sioner at least 60 days' written notice. Otherwise, the supervisors shall give at least 30 days' written notice. If the commissioner finds that the date selected by the supervisors conflicts with another election to be held that day, the commissioner shall immediately notify the supervisors in writing. The supervisors shall select another date within seven days and notify the commissioner in writing.

21.820(2) Form of ballot for election called by petition. Ballots shall be in substantially the following form:

(Insert letter to be assigned by the commissioner.)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED? YES
NO

Gambling games on an excursion gambling boat in _____ County are approved.

21.820(3) Form of ballot for elections to continue gambling games on excursion boats:
(Insert letter to be assigned by the commissioner.)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED? YES
NO

Summary: Gambling games on an excursion gambling boat in _____ County are approved.

Gambling games, with no wager or loss limits, on excursion gambling boats in _____ County are approved. If approved by a majority of the voters, operation of gambling games with no wager or loss limits may continue until the question is voted upon again at the general election held in 2002. If disapproved by a majority of the voters, the operation of gambling games on excursion boats will end within 60 days of this election. (Iowa Code section 99F.7(10)“c” as amended by 1994 Iowa Acts, House File 2179)

21.820(4) Ballot form to permit gambling games at existing pari-mutuel race tracks:
(Insert letter to be assigned by the commissioner.)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED? YES
NO

The operation of gambling games at (name of pari-mutuel race track) in _____ County is approved.

21.820(5) Canvass of votes. The canvass of votes for a special election regarding excursion boat gambling shall be held on the Monday following the election. A copy of the abstract of votes of the election shall be sent to the state racing and gaming commission.

This rule is intended to implement Iowa Code section 99F.7 as amended by 1994 Iowa Acts, House File 2179, section 17.

721—21.821 to 21.829 Reserved.

721—21.830(357E) **Benefited recreational lake district elections.** Elections for benefited recreational lake districts shall be conducted according to the following procedures.

21.830(1) *Conduct of election.* It is not mandatory for the county commissioner of elections to conduct elections for a benefited recreational lake district. However, if both a public measure and a candidate election will be held on the same day in a benefited recreational lake district, the same person shall be responsible for conducting both elections. All elections must be held on a Tuesday.

21.830(2) *Ballots.* Ballots for benefited recreational lake district trustee elections shall be printed on opaque white paper, 8½ by 11 inches in size. The ballots for the initial election for the office of trustee shall be in substantially the following form:

**OFFICIAL BALLOT
BENEFITED RECREATIONAL LAKE DISTRICT**

Election date

(facsimile signature of person responsible for printing ballots)

FOR TRUSTEE:

To vote: Neatly print the names of at least three people you would like to see elected to the office of Trustee of the Benefited Recreational Lake District. You may vote for as many people as you wish, but you must vote for at least three.

(At the bottom of the ballot a space shall be included for the endorsement of the precinct election official, like this:)

Precinct official's endorsement: _____

21.830(3) *Canvass of votes.* On the Monday following the election, the board of supervisors shall canvass the votes cast at the election. At the initial election the supervisors shall choose three trustees from among the five persons who received the most votes. The results of benefited recreational lake district elections shall be certified to the district board of trustees. This rule is intended to implement Iowa Code section 357E.8.

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[Filed 6/30/95, Notice 5/24/95—published 7/19/95, effective 8/23/95]

CHAPTER 480
ABANDONED VEHICLES

[Prior to 6/3/87, Transportation Department(820)—07,D)Ch 2]

761—480.1(321) Definitions. The definitions in Iowa Code section 321.1 and subsection 321.89(1) apply to this chapter of rules.

761—480.2(321) Location. Information, forms and instructions are available from: Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278, or at its location in Park Fair Mall, 100 Euclid Ave., Des Moines; telephone (515) 237-3058.

761—480.3(321) Report to department. The police authority shall report each abandoned vehicle to the department on Form 411090. The report shall be submitted within 90 days after the sale or disposal whether a profit or loss was sustained.

480.3(1) Documents. The police authority shall submit the following documents with Form 411090:

a. Impound report. The impound report showing the date the vehicle was taken into custody and providing a complete description of the vehicle.

b. Notice. A copy of the notice sent to the owner and lienholder(s) or proof of publication of notice. The department shall not reimburse any loss unless the notice was sent or published within the required 20 days.

480.3(2) Receipts. The police authority shall submit with Form 411090 a receipt showing payment for each expense incurred. Reimbursement shall be limited as follows:

a. Towing—\$50 per vehicle.

b. Notice—actual postage or publication cost.

c. Storage—\$5 per day, not to exceed 45 days per vehicle.

(1) When the department provides storage facilities for use by a police authority, the department shall not charge for storage nor allow reimbursement for other storage costs incurred.

(2) When the vehicle is held for an evidentiary hearing for more than 45 days, the police authority shall submit proof of the evidentiary hearing to obtain reimbursement.

d. Auction—10 percent of the vehicle's sale price or \$10 per vehicle whichever is less.

480.3(3) Reimbursement. The department shall reimburse the police authority only for losses incurred in disposing of a vehicle abandoned on a public highway.

761—480.4(321) Unclaimed profits.

480.4(1) If proceeds from the sale or disposal of a vehicle are not claimed by the owner or lienholder(s) during the specified 90 days, the police authority shall send the proceeds to the department within 10 days after the claiming period expires.

480.4(2) If a mobile home or personal property is disposed of pursuant to Iowa Code section 321.90, the proceeds are exempt from this rule.

These rules are intended to implement Iowa Code sections 321.89 and 321.90.

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MOTOR CARRIERS**CHAPTER 500
INTERSTATE REGISTRATION AND OPERATION OF VEHICLES**

[Prior to 6/3/87, Transportation Department(820)—(07,F)Ch 1]

761—500.1(326) Definitions.

“*Carrier*” includes, where applicable, natural persons, corporations, trusts, unincorporated associations and partnerships.

“*Combined gross weight*” means the gross weight of a motor vehicle plus the gross weight of a trailer or semitrailer to be drawn.

“*Commercial vehicle*” means any vehicle with a gross weight and registered weight in excess of 12,000 pounds, or either a gross weight or registered weight in excess of 12,000 pounds, or such other weight as prescribed by agreement with another jurisdiction, which is operated in interstate commerce or combined intrastate and interstate commerce and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property. In addition, all trucks, truck tractors or road tractors with a gross weight or registered weight of less than 12,000 pounds or such other weight as prescribed by agreement with another jurisdiction but with a combined gross weight or registered weight in excess of 12,000 pounds shall be considered a commercial vehicle.

“*Gross weight*” means the empty weight of a vehicle plus the maximum load to be carried thereon.

“*One-way rental vehicle*” means a truck of less than 26,000 pounds gross vehicle weight which is leased for less than thirty days for the purpose of moving property other than the lessor’s.

*“*Power unit*” means, for registration purposes, a bus, truck, truck tractor, road tractor or tractor.

“*Vehicle allocation*” means a method of paying proportional fees by purchasing one hundred percent licenses for a certain percentage of a fleet, determined by the Iowa mileage.

This rule is intended to implement Iowa Code section 326.1.

***761—500.2(326) General information.**

500.2(1) Location. Applications, forms and information on interstate registration and operation of vehicles are available by mail from the Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; or in person at its location in Park Fair Mall, 100 Euclid Avenue, Des Moines, Iowa; telephone (515) 237-3264.

500.2(2) Organizational data. The office of motor carrier services of the motor vehicle division is authorized, pursuant to Iowa Code chapter 326, to:

a. Administer motor vehicle reciprocal and proratational agreements with other jurisdictions;
b. Compute and collect registration fees due this state under proportional registration agreements; and

c. Issue license plates, stickers, or other identification to vehicles subject to proportional registration, issue reciprocity permits and stickers to qualified carriers, and issue temporary authority and trip permits to qualified carriers.

This rule is intended to implement Iowa Code chapter 326 and section 17A.3.

761—500.3(326) General course and method of operation. The operations of the motor vehicle division relating to reciprocity and prorate registration shall be conducted in the following manner:

***500.3(1) Prorate registration.** If the carrier is qualified for prorate registration, the following procedures are used:

HALFWAY HOUSES (WORK RELEASE)

See also SUBSTANCE ABUSE

Admissions 201—44.1(3), 44.9(1)c

Community programs, inmate placement 201—20.17

Discharge 201—44.7, 44.9(5)

Employment 201—44.8

Finances, residents 201—44.4, 44.9(3)

Fire standards 661—5.607—5.613

Furloughs 201—44.5

Home 201—44.9

Policies 201—44.1

Records 201—44.1(5), 44.9(1)f

Restitution 201—44.3, 44.9(2)

Services 201—44.2

Substance abuse programs 643—3.2, 3.24, 3.25

Violations 201—44.6, 44.9(4)

HANDGUNS

See FIREARMS

HANDICAPPED

See DISABILITIES

HATCH ACT

State employees 581—16.3

HAZARDOUS SUBSTANCES

*See CARRIERS; ENVIRONMENTAL PROTECTION COMMISSION; LABOR SERVICES
DIVISION; PIPELINES*

HEALTH BOARDS

See PUBLIC HEALTH DEPARTMENT

HEALTH CARE FACILITIES

See also CARE FACILITIES; HOSPITALS; NURSING HOME ADMINISTRATORS

Abuse, *see Personnel: Crime/Abuse, Record Checks below; Residents below*

Activities/recreation **441**—81.1, 81.13(8)*d,f*; **481**—57.17(5), 57.23, 57.30(3), 57.33(2), 57.43(8), 57.44, 58.16(5), 58.19(1), 58.26, 58.35(3), 58.36(5), 58.47(8), 58.48, 59.13(1)*f*, 59.20(5), 59.24(14), 59.31, 59.40(3), 59.41(5), 59.52(8), 59.53, 60.3(4)*c*, 60.6(1–5), 60.8, 61.3(3), 61.6(3), 62.9(3)*f–i*, 62.23(18), 63.12(5), 63.21, 63.41(8), 63.42, 64.32(7)*w*, 65.9(3)*d*, 65.13, 65.25(14)

Administrators

See also Managers, Temporary below

Abuse investigations **441**—81.13(7)*c*; **481**—57.39(4), 58.43(9), 59.48(9), 62.23(24), 63.37(4), 64.33, 65.25(4)

Appointment **441**—81.13(19)*d*(2), 82.2(1)*a*(3); **481**—57.9(1,4,5), 58.8(1,4,5), 59.8(2), 59.10(1,4,5), 62.7(1,6), 63.8(1,4,5), 65.7

Assistant **481**—58.8(6), 59.10(6), 62.7(2,3), 65.7(2,3)

Care review committee, *see Committees below*

Change **481**—57.6(5), 58.5(5), 59.5(5), 62.6, 63.5(5), 64.5(5), 65.6(1)*d*

Definitions **441**—81.1; **481**—57.1(2), 58.1(2), 59.1(2), 62.1, 63.1(2)

Duties **441**—81.5; **481**—57.6, 57.9(2), 57.10(2), 57.11(9), 57.19(1)*b*(11), 57.25, 57.35(8)*b*, 58.5, 58.8, 58.9(2), 58.25(1), 58.28(2), 58.39(9)*b*, 59.5, 59.10, 59.11(2), 59.33(2), 59.44(9)*b*, 62.7, 62.8(2), 62.15(5)*b*(8), 63.5, 63.8(5–7), 63.9(9), 63.18(1)*b*(11), 63.20, 63.23(2), 63.33(8), 64.5, 65.8, 65.15(10), *see also Abuse Investigations this subheading above*

Guardianship, *see Residents below*

Hours, duty **481**—57.9(2), 58.8(2,7), 59.10(2,7), 62.7(4), 63.8(2,3)

Licensee **481**—57.9(3), 58.8(3), 59.10(3), 62.7(5), 63.8(3), *see also Licensees, Duties below*

Licensure **645**—chs 141, 142, *see also NURSING HOME ADMINISTRATORS*

Nursing supervision **481**—58.11(2)

Pharmaceutical services committee **481**—59.25(2)

Qualifications **481**—57.4, 57.9(1,3,5), 57.11(9), 57.12, 58.8(1,3,5), 58.11, 59.10(1,3,5), 59.13(1), 62.7, 63.8(1,3,5), 63.9(9), 63.11, 65.7

Substitute/provisional **481**—57.9(4,5), 58.8(4,5), 59.10(4,5), 62.7(6), 63.8(4,5), 65.7(5,6)

Admission **441**—81.3, 81.5(2), 81.13(6,9), 82.2(4)*b*, 82.6; **481**—57.6(1), 57.13, 57.15(2,7), 57.16(1), 57.35(2), 58.1(19), 58.5(1), 58.12, 58.14(2,7), 58.15, 58.39(2), 58.54(4)*a*, 59.5(1), 59.14(1), 59.16(2)*c*, 59.17, 59.19(1,2), 59.22, 59.44(2,3,8), 59.58(4)*a*, 62.6, 62.10, 62.11(1), 62.23(3), 63.5(1), 63.13(1), 63.15(2,7), 63.17, 63.33(2), 64.5(1), 65.1, *see also Contracts below*

Air conditioning **481**—57.27(7), 58.32(7), 59.37(7), 63.25(7), *see also Design/Building Requirements below*

Alarms **481**—60.13(6)*f*, 61.11(3)*l*, 61.12(5), 61.12(10)*e*, *see also Nurses: Call System below*

Animals/birds **481**—57.21(4)*p*, 57.32, 58.24(7)*p*, 58.37, 59.29(7)*p*, 59.42, 62.21(7), 63.19(4)*p*, 63.30, 64.32(7)*p*, 65.23(7)

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Architects **481**—60.3(5)*c*, 61.3(4)*c*

HEALTH CARE FACILITIES(*cont'd*)

- Audiology 441—82.1(1), 82.2(3)b(5)"7"; 481—58.22(2), 59.27(9)
- Audits 441—54.8, 81.14, 82.17, ch 87; 481—5.12(2), ch 22
- Barber/beauty shops 481—60.6(6), 61.6(5)
- Bedrooms, *see Design/Building Requirements below*
- Beds
 - Certificate of need 641—chs 202, 203
 - Linens/blankets 481—57.17(1), 57.26(8), 57.30(4), 57.34, 58.16(1), 58.31(8), 58.35(4), 58.38(1,3), 59.20(1), 59.36(8), 59.40(4), 59.43(1,3), 62.21(1), 63.12(1), 63.24(8), 63.28(4), 63.32(1)
 - Locations 481—57.30(4)g,i,j, 58.35(4)g,i,j, 59.40(4)g,i,j, 60.5(6)j,k,n, 61.5(7)b,k,l, 63.28(4)g,i,j, 65.23(3)i,j
 - Number 481—57.9(2)c, 57.13(1)b-d, 58.4(5), 58.8(2)c, 58.12(1), 59.4(5), 59.10(2), 59.14(1), 60.3(7), 60.5(1,2,5,6,9), 60.7(6), 60.8, 60.9, 61.6(10), 62.7(2), 62.9(3), 62.10, 63.8(2), 63.13(1)b-d; 641—ch 202, 203.5
 - Retention 441—81.10(5)e; 481—57.14(7), 58.13(7), 59.15(7), 62.17(2)j, 63.14(7), 64.17(7), 65.19(3)j, 65.19(4)
 - Specifications 481—57.30(4), 58.35(4), 59.40(4), 63.28(4)
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 - Businesses/activities 481—57.50, 58.55, 59.59, 62.25, 63.49, 64.62, 65.29
 - Capital expenditures 641—ch 202
 - Care review committee, *see Committees below*
 - Certificates of need, *generally* 641—chs 202, 203
 - Certification/provider agreement 441—82.3
 - Charges, *see Fees, Residents below*
 - Children 441—80.2(2)ac; 481—ch 41, 57.13(1)j, 57.31, 58.12(1)j, 58.36(1), 59.14(1)j, 59.41(1), 62.10"9," 63.13(1)j, 63.29(1), 65.10"9"
 - Chronic confusion/dementing illness (CCDI), unit/facility 481—58.54, 59.58
 - Closure 441—81.12, 81.36(4), 81.45, 81.52(4)a(2), 82.16; 481—57.6(4), 58.5(4), 58.15(5), 59.5(4), 59.19(5), 62.18(4), 63.5(4), 63.17(3), 64.5(4), 65.6(1), *see also Sale/Lease below*
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 - Care review 321—ch 9; 481—57.24, 58.27, 59.32, 62.22, 63.22, 64.35, 65.24
 - Utilization review 481—59.24(4)
 - Communication system 481—60.12(5), 61.5(7)o, 61.12(9)
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 - Compliance 441—ch 81 Div. II; 481—63.47(1)a, *see also Investigations below*
 - Construction, *see Design/Building Requirements below*
 - Consultants 441—81.13(16)b,f, 81.13(19)g,h; 481—58.24(2)d,e, 58.24(4), 59.29(2)d,e, 59.29(4), *see also Nurses below*
 - Contracts 441—54.1, 81.4, 82.3, 82.9; 481—57.14, 57.35(7), 57.51(3), 58.13, 58.15(3), 58.24(1), 58.39(8), 58.56(4), 59.15, 59.27(8), 59.29(1), 59.36(22), 59.44(8), 62.17(2), 63.14, 63.33(7), 64.17, 65.19(2-4)
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- Dental services **441**—78.4(10), 81.13(15), 82.2(6)*e–h*; **481**—57.20, 58.15(2)*f, l*, 58.23(1), 59.19(2)*f, l*, 59.28(1), 62.19(6), 63.16, 65.21(7)
- Design/building requirements
- Generally* **481**—57.30(1), 58.35(1), 59.40(1), chs 60, 61, 63.28(1)
 - Air conditioning **481**—60.11(2,3), 60.13(2), 61.11(3), 61.14
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 - Ceilings **481**—60.4(18–20), 61.4(18–20)
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- Corridors **481**—60.4(2), 61.4(2)
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- Disabilities **481**—60.3(7), 60.5(8)*f, j*, 60.6(5), 60.9, 60.13(2), 61.3(3)*e(3)*, 61.3(7), 61.4(4,11,23), 61.5(9), 61.9, 61.14, *see also Disabilities below*
- Doors/exits
- Generally* **481**—60.5(6)*d*, 61.5(7)*j*, 63.28(1)*n*
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* Inspections and Appeals rules do not reflect federal regulations which renamed skilled and intermediate care facilities to nursing facilities

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- Mental retardation, *generally* 441—ch 37, 75.1(6,7), 75.24, 77.30(5)c, 78.10(4)b, 79.1(2), 81.3(3), 81.13(9)f, chs 82, 116, 207; 481—ch 22, 57.4, chs 63, 64, Interpretive Guidelines following 481—ch 64 [483.410(b) et al.]
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